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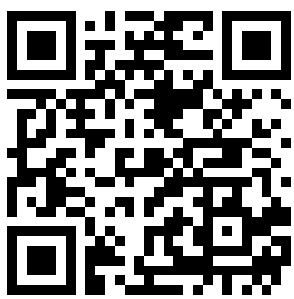

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CONGRESSIONAL GLOBE

FOR THE

SECOND SESSION THIRTY-NINTH CONGRESS.

PART III, AND APPENDIX.

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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF

THE SECOND SESSION

OF

THE THIRTY-NINTH CONGRESS.

BY F. & J. RIVES.

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intimated that he is acting in disrespect to an opinion which Congress had a right to express. If Congress sees fit to abolish the office, that is one thing; but so long as the office continues I think he holds it by right and by law.

Mr. HOWE. I do not dispute that while that office exists Mr. Harvey is entitled to hold the office. For my part, I shall not quarrel with him if he continues to hold it. If he is content to do the work and do it for nothing it is his legal right to do so. The Senator from Connecticut suggests that we may rightfully abolish the office. His argument seems to be that Mr. Harvey has a vested right in the salary of the office, but no vested right in the office itself. So far as his vested rights are concerned, the effect upon Mr. Harvey would be the same whether we terminated the office or refused the appropriation. He gets no money; he is obliged to do no work in either case. The honor he will have as long as he stays there, whatever honor there is in being the representative of a country which will not pay him a dime for his services. That he has a vested right in as long as the President sees fit to continue it to him, I suppose. But I think the Senator, if he takes time to consider the question, will not deliberately affirm that Congress has not the right to withhold appropriations for the payment of this or any other representative we have abroad or at home.

Now, as to the question of dignity, if it be the deliberate opinion of the Senator from Connecticut that Mr. Harvey is behaving with any peculiar dignity, I do not know that I feel called upon to controvert that opinion. If I did, I should certainly say I had a different opinion. I do not precisely see the dignity of holding on to an office which calls upon him to represent a country whose representation that country repudiates. If it were conceded, if it could be claimed by Mr. Harvey or by his peculiar friends, that he could better judge of the value of his services to his country than the country itself, or than the representatives of that country in Congress, then it might be held up as an act of magnanimity, of great generosity, and of even forbearance on the part of Mr. Harvey to continue in the service of the country notwithstanding its Legislature repudiated his work. But I think a modest man, standing in the place of Mr. Harvey, would be bound to concede that the Congress of the United States knew what his services were worth as well as he could know himself, and ought to know whether it was worth their while to continue those services as well as he could judge of the matter himself; and I think a modest man would accept such a declaration as we put upon the statutes last year as a very plain intimation that the country did not require his services at that Court, and would acquiesce in that judgment. Certainly, if the single individual who holds the place of President, only one man of the millions belonging to the Government of the United States, should convey an intimation that he did not want his services there any longer, and should select another man for the place, Mr. Harvey would not be tolerated in questioning that intimation. I do not know why the opinion of Congress, expressed not upon the question of continuing him there, over which we are not called upon or allowed to express an opinion, but expressed upon the question of paying him for staying there, is not entitled to just as much respect with Mr. Harvey as the opinion of the President expressed in the other way and in the other direction.

Mr. DIXON. A single word in reply to the Senator from Wisconsin. I am not unwilling to admit that there might be circumstances in which a modest man would decline to hold an office when the Legislature of his country had by solemn statutes provided that he should not be paid; but althou h it may seem improper in me to reflect on th conduct of Congress, and I do not wish to do so, I am under the necessity of calling attention to the peculiar circumstances of this case. I think a minister abroad has a right to inquire what was his offense. The people have a right to inquire what was the offense. If Congress see fit to provide by law that a given minister shall not receive his salary, he has a right to ask "Why? what was my crime?" And when they say to him, "Your crime was writing a private, friendly letter to the Secretary of State with no intention of its publication, what amounted to a private conversation which you did not intend to have made public, and for that you are condemned," then he has a right to say, and it is not inconsistent with his dignity to say, "I shall continue to hold my office so long as the law gives me the right and the power to do so."

Now, sir, that is a very different case from the general idea that a man is unfit for the office because Congress has so expressed an opinion. Congress has expressed no such opinion. Congress has barely said, "Mr. Harvey wrote a private letter to the Secretary of State, which appeared without his knowledge or consent in the newspapers, and therefore his salary shall cease." I say, under these circumstances, Mr. Harvey is justified in my judgment—I may be wrong—in saying that he will retain the office. As to his right to the salary, I did not intend to go into that question, and do not now. It is immaterial to my argument. I did not rise for the purpose of saying a word about it. I have no very great wish about it one way or the other.

Mr. FESSENDEN. Then I wish you would omit it, because we want to take a vote.

Mr. DIXON. I was not addressing myself particularly to the Senator from Maine, and I do not recognize his right to express a wish on that subject as to whether I shall speak or not.

Mr. FESSENDEN. You said you had no wish about it.

Mr. DIXON. I am addressing the Senate. On page 31 of Brightley's Digest the law will be found:

"That embassadors, envoys extraordinary, and ministers plenipotentiary, ministers resident, commissioners, chargé d'affaires, and secretaries of legation appointed to the countries hereinafter named in schedule A shall be entitled to compensation for their services respectively at the rates per annum hereinafter specified."

Then a list is given. Schedule A is as follows:

"Great Britain and France, $17,500; Russia, Spain, Austria, Prussia, Brazil, Mexico, and China each, $12,000; all other countries each, $10,000."

Now, sir, the law says they "shall be entitled" to compensation. When they take the office and are legally appointed, unless I am very greatly mistaken, the right vests to the salary so long as they hold the office by law. It is very true Congress has the power to refuse an appropriation. So it has power to refuse an appropriation for anything, under any circumstances; but that, I take it, does not cut off the legal right. Whether there is any tribunal which would enforce the payment, or any tribunal that could do it, is another question which I am not now raising; but I say that the law entitles the minister while he holds the office to the salary, and that right is not destroyed or in any way affected by the neglect of Congress to make an appropriation.

If the Senator says that the provision of the law which provides that he shall not be paid the salary is a repeal of that act so far forth as he is concerned, that is another consideration. It may be so. Perhaps that may be considered as virtually an abolition of the office; but that is not the way in which it strikes me. Still, as that is a point upon which I do not wish to dilate, I will drop the subject. It is to me a matter of indifference whether Mr. Harvey is paid or not. The Senate will do as they please with regard to that. But, sir, attention ought not to be called away from the reason of the failure to make the appropriation, and when his honor is assailed, then I think somebody ought to stand here and say a word in his behalf. Mr. Harvey is a gentleman of character. He held a high position in this country. He was sufficiently respected to be appointed by Abraham Lincoln minister-resident to Portugal and to be confirmed by the Senate. I was going to say unanimously confirmed; but perhaps there was opposition. At any rate he was confirmed. He committed the offense of writing a private letter. For that, and for that alone, the appropriation is refused. Now, sir, it is enough to refuse the appropriation, to deprive him of the compensation to which I think the law entitles him; but at least his honor ought not to be assailed. That I think we ought to respect.

Mr. FESSENDEN. Acording to the doctrine expressed by the honorable Senator from Connecticut, if we should have a minister abroad a drunkard, a debauchee, a reviler of his country, a man who had no sense of decency and no character, and the President chose to continue him in office, Congress would have no right to refuse to pay him. The doctrine of the English constitution is, that the great safety of the country depends upon the power of the representatives of the people over the public purse; that they can say when money shall be paid and when it shall not. That is the great protection which the people have; and those who made the Constitution of the United States took care that that power over the public purse and the appropriation of money should remain in the hands of the people, to be exercised by their representatives; but according to the Senator, when the law has provided that an office shall exist, if the President chooses to retain a man there, all that Congress has to do is to pay him. Sir, it is a slavish, miserable doctrine that the people of this country will never assent to; and although I have nothing to say about Mr. Harvey or this particular case, I enter my dissent *in toto* to any such idea.

Mr. DIXON. I understand the position of the Senator from Maine to be this: that if a man holds an office in this country to which a salary is attached by law, he has no vested right to that salary; but that it may depend on the question of his character, or whether he is a debauchee or a drunkard. I deny that doctrine. I say that while any man holds an office in this country to which a salary is affixed by law, he is legally entitled to that salary so long as he holds the office. He may be unfit for the office. If he is unfit for the office, there is a mode of reaching him. I believe all civil officers can be reached. If he is a drunkard, if he is a debauchee, he can be reached. At any rate, while he holds the office, the question is not and cannot be raised, in my judgment, with deference to the Senator from Maine, what is is his character. A good man or a bad man is alike entitled to the salary while the office is in his possession.

But, sir, I do not take the ground that the Senator claims that Congress has not the power to refuse to make appropriations. I know perfectly well that Congress holds the purse-strings. I know that not a single officer of the General Government from the President down can receive his salary without an appropriation from Congress. He never can draw a dollar of his pay under any circumstances until that appropriation is made. But take the case of the highest officer of the Government, the President of the United States. He holds that office; he is entitled to that salary; Congress may refuse an appropriation and he fail to receive his salary; but still he has a right to the salary so long as he holds the office. He would be entitled to claim the salary up to the end of his official term; and I do not know but that the Court of Claims would give a judgment in his favor. Whether they would or not is not the question now, but that is the position I take.

Now, sir, I think the Senator from Maine is mistaken. He says my doctrine is slavish. He says that under it the President can keep any one in office as long as he pleases, and Congress is bound to make an appropriation to pay him. I say no such thing. Congress is not bound to make an appropriation for any purpose, not even for our pay. Congress has entire discretion over the subject of appropri-

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ations, but still the right of the officer under it is not affected. He has a moral right, and perhaps a legal right, to his pay notwithstanding. That I think is a doctrine that can be maintained.

Mr. HOWE. I understand the position of the Senator from Connecticut to be this: that the minister has a legal right to his pay, but that Congress has a legal right not to pay him.

Mr. DIXON. Is that a very inconsistent statement? Let us look at that for a single moment. Here is an act of Congress which provides that he shall be entitled to his salary.

Mr. FESSENDEN. And a subsequent act of Congress saying that he shall not have it. Will not that repeal the other?

Mr. DIXON. As I said before, if the Senator takes the ground that that is a repeal of the other law, then I have nothing to say upon it.

Mr. FESSENDEN. That is the ground that has been taken all through.

Mr. DIXON. I have no further controversy upon that point if that is the ground he takes. When we come to legal rights against the Government of the United States, that is a somewhat difficult point to meet. I perhaps may have said "legal right." I should have somewhat modified that. I say that the officer has a right to his salary so long as he holds the office. The Senator from Wisconsin has a right to his salary as a Senator, and still I say that Congress has full and entire power over the question of appropriations to meet that salary. That is the position I take.

Mr. SUMNER obtained the floor.

Mr. McDOUGALL. I desire to ask a question.

Mr. SUMNER. I hope the Senator will pardon me; I would rather not give way.

Mr. McDOUGALL. I only want to ask one question, and probably the Senator from Massachusetts can answer it quite as well as any one: the distinction exactly between right and power.

Mr. SUMNER. Mr. President, I regret that this question has been presented to the Senate. I wish that the bill had come from our committee as it came from the House. As it is now, the question is raised by the committee. I am sorry for it; but it is here, and we are obliged to meet it. I shall feel constrained to vote against the committee; but when I say that, I am not going to be led even by the eloquent and pertinacious Senator from Connecticut into any discussion of the original offense of Mr. Harvey. He has introduced again on this floor a letter. Very well. I shall not follow him with regard to that letter. I content myself with reminding you of the action of Congress at the last session. That is enough. I will not now discuss whether Congress was then right or wrong. Suffice it to say, it eliminated from its appropriation bill all appropriation for a mission to Portugal, and then positively forbade any payment to the actual minister-resident there. If that was the action of Congress at the last session, does any one doubt that we had the power?

The Senator from Connecticut tells us that the minister there had a vested right in his office. He uses technical terms. I doubt whether any reading of law would sustain him in that. Our ministers abroad are appointed by virtue of two different statutes. One is the original diplomatic act of 1856, which says that we shall have a minister-resident at Portugal, and to that extent creates a mission at Portugal, and the other is the annual appropriation bill. The office stands, if I may so express myself, on those two legs: the original statute creating the office, and the annual appropriation bill supplying the means. Congress may, as the Senator from Connecticut argues, repeal the original diplomatic act, and in that way, if I may so express myself, sink the whole ship under a minister or all our ministers in Europe, or it may refuse all appropriation for an individual mission. That has been done constantly in our history. Every year the question is whether we shall have a mission here or there, in one place or in another place, and it is determined by the appropriation bill. Last year by that bill it was determined in the first place that we should have no mission in Portugal, and in the second place that the actual minister there should receive no compensation or salary out of any fund whatever.

Mr. McDOUGALL. Will the Senator allow me a word?

Mr. SUMNER. The Senator will excuse me, I shall not be long.

Mr. McDOUGALL. I only wish to ask a question.

Mr. SUMNER. I beg the Senator's pardon. I am determined to finish what I have to say briefly.

I was saying that by the appropriation bill of the last session this question was definitively settled; at least so far as the minister-resident there was concerned. You may call it a repeal to that extent of the original diplomatic act, or a refusal to supply means for his salary; but in one way or the other, or in both ways, the same conclusion was reached. There was no basis for that minister to stand upon.

And now I am brought to the question which the Senator from Connecticut has argued so constantly, as to the power of Congress to deal with this case without repealing the original act creating the office, as he expresses it. I think he is entirely mistaken in his argument. I am sure that the Senator from Maine answered him positively and completely. I know that the Senator from Connecticut put cases, and asked whether the same principle would apply to those cases. I decline to follow him there. He asked whether we could repeal the act creating the salary of the Chief Justice. I shall not undertake to answer that question. The time has not come for us to answer that question. When it does, should it ever come in this Chamber, I shall be ready to meet it. The only question before us now is whether we can, so far as this minister is concerned, refuse all appropriations. There I believe the rule is clear and absolutely beyond question. If it were not clear and absolutely beyond question, I think that Congress would be shorn of one of its best powers. It is no answer to say that it is a power that in our history has been rarely exercised, for the occasion for its exercise happily has been very rare; but Congress has exercised it now, and I submit that it is a power beyond question. It was a power, as the Senator from Maine has reminded you, recognized in English history. It was perfectly familiar to the framers of the Constitution of the United States, for it had been proclaimed in a work of authority which had been read at that time by all of our fathers. I hold in my hand the work of Delolme on the British Constitution, from which, with your permission, I will read a few words, for they seem to settle this constitutional question. I read as follows:

"The King of England, therefore, has the prerogative of commanding armies and equipping fleets, but without the concurrence of his Parliament he cannot maintain them."

Just the same as our President has the power of commanding armies and of equipping fleets; but what can he do without the power of Congress? Delolme then goes on:

"He can bestow places and employments."

So can the President.

"But without his Parliament he cannot pay the salaries attending on them."

Is not the position of Congress in this regard at least as high as that of the British Parliament?

"In a word, the royal prerogative, destitute as it is of the power of imposing taxes, is like a vast body which cannot of itself accomplish its motion, or, if you please, it is like a ship completely equipped, but from which the Parliament can at pleasure draw off the water and leave it aground, and also set it afloat again by granting subsidies."

Now, all that Congress proposes to do at this moment, so far as I understand, is, according to the language of this writer, to draw off the water and leave the ship aground. Perhaps the time may come when, again adopting the language of this writer, Congress may set the ship afloat again. That time has not yet arrived.

Mr. DIXON and Mr. McDOUGALL addressed the Chair.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The Senator from Connecticut.

Mr. DAVIS. I submit that the Senator from California is entitled to the floor from the number of times that the Senator from Connecticut has spoken on this subject. The rule is express that will give him the right to the floor.

The PRESIDING OFFICER. The Chair recognized the Senator from Connecticut first.

Mr. McDOUGALL. I addressed the Chair first.

Mr. DAVIS. When a Senator has spoken twice on the same subject, he is not entitled to the floor against another Senator who has not spoken at all.

The PRESIDING OFFICER. Such is the rule, but it has never been observed in the Senate. If the Senator from Kentucky makes that point it will be the duty of the Chair to enforce the rule.

Mr. DAVIS. I do not want to make any point, but I should like to see the rules administered.

The PRESIDING OFFICER. It never has been the custom, the Chair understands, to enforce that rule.

Mr. DAVIS. But when a Senator persists in claiming his right, as the Senator from California has done, it seems to me the Chair has but one course to pursue, and that is to yield the floor to him under the positive rule of the Senate.

The PRESIDING OFFICER. If the Senator from California claims the floor, no Senator having a right to speak twice on the same subject until other Senators have spoken, he is undoubtedly entitled to it under the rule.

Mr. McDOUGALL. I claim the floor, but I yield it in courtesy to the Senator from Connecticut, but shall claim it again.

Mr. DIXON. With the consent of the Senator from California, I desire to say a word or two further. The question has been raised here by the Senator from Massachusetts in his last remarks as to whether an officer holding a position has a right to his salary, or whether it is wholly dependent upon an appropriation by Congress. I wish to be understood as admitting that it is fully in the power of Congress to withhold the appropriation. Whether it is right to do so is another question; but the fact that Congress has the power to appropriate shows that Congress has the power to fail to appropriate. Nobody doubts that.

But Senators have seemed to be shocked because I stated that an officer holding an office, an office which was vested in him, was entitled to his compensation during the term of that office. If the Senator from Maine will pay me the compliment of listening to what I will read from the statutes I shall be very much obliged to him. I do not wish to dwell upon this question of Mr. Harvey's salary; I wish to vindicate my own position if I can do so. If I cannot do it I am willing to admit that I was wrong. If the Senator will look to the eighth section of the act of 1856 he will find this language:

"That no person appointed after this act shall take effect to any such office as is mentioned in the first, second, third, sixth, or seventh sections of this act."

That is, ministers resident, chargés, secretaries of legation, the ministers to Great Britain, France, Russia, Spain, and Austria; the very offices of which we are now speaking—

"Shall be entitled to compensation for his services therein except from the time when he shall reach his post and enter upon his official duties to the time when he shall cease to hold such office, and for such time as shall be actually and necessarily occupied in receiving his instructions."

He shall be paid from the time he takes the office up to the period when he ceases to hold the office. That is the express legislation on this subject.

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Mr. FESSENDEN. That is not as the Senator read it.

Mr. DIXON. I say that is the meaning. I am now giving the meaning. I was not professing to read it. The Senator must have known I was not professing to read it, because I had already read it and was giving a paraphrase of it. It was not, therefore, necessary for the Senator to caution the Senate against any deception being practiced by me on that subject. I had read the statute, and I was then paraphrasing it. I was giving its meaning. The statute says:

"That no person appointed after this act shall take effect to any such office as is mentioned in the first, second, third, sixth, or seventh sections of this act, shall be entitled to compensation for his services therein except from the time when he shall reach his post and enter upon his official duties, to the time when he shall cease to hold such office."

Now, I say when you take that in connection with the previous portion of the statute, that embassadors, ministers, &c., "shall be entitled to compensation for their services, respectively, at the rates per annum hereinafter specified," and it is then provided that they shall not receive it except from the period of the commencement to the end of their term, the fair intent and meaning of that is, that they shall be entitled to it during that period. That, I think, is clear. Why, sir, what is the marginal note? "During what period salaries to be payable." And then the section provides that they shall not be payable—

"Except from the time when he shall reach his post and enter upon his official duties, to the time when he shall cease to hold such office, and for such time as shall be actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the transit between the place of his residence when appointed, and his post of duty at the commencement and termination of the period of his official service, for which he shall in all cases"—

If the Senator had been patient he would have heard another expression—

"For which he shall in all cases be allowed and paid, except as hereinafter mentioned, and no person shall be deemed to hold any such office after his successor shall be appointed and actually enter upon the duties of his office at his post of duty, nor after his official residence at such post shall have terminated, if not so relieved."

Now, sir, there is an express law of the land providing that the officer shall receive his pay during the period for which he is appointed and while he holds the office, and no longer. If the Senator says that this law has been repealed, if that is the ground he takes, of course I should have no controversy with him on that subject. If the effect of the act of Congress last year is to repeal that law so far forth as the minister-resident at Portugal is concerned, then of course my argument falls to the ground. But what was the act of last year?

"And the compensation of the consul at Hankow is established at $3,000 annually, and no money shall be paid to the present minister-resident at Portugal out of any fund whatever on account of further services in his office."

That is the language. If it repeals the former act of 1856, then there is no law for his payment. If it does not repeal it, then the amount of it only is that the appropriation is withheld, and that the minister has still a right under the existing law of the land to the compensation which the law gave him.

Mr. McDOUGALL. The law that gives the right to our representative at Portugal to receive a salary does not depend entirely upon the statute law. By authority of this Government we sent him abroad, gave him full authority to represent our Government in one of the States of Europe. There was both an express and an implied obligation that the Government of the United States would subsist him abroad. The statute law furnishing the provision for his pay is only an adjunct to the obligations existing from the necessity of our being a Government and having relations to other Governments in the civilized world. The denial of the pay of the minister to Portugal is perhaps the grossest outrage that has been perpetrated during the existence of our Government since 1787. I do not know who he is. I take no interest in him except as I take interest in other persons who are in offices of the Government and citizens of the United States. I could not have conceived it possible ten years ago that we could have sent a minister abroad, regularly commissioned to represent us at a foreign Court, and while he was there, away from home, with the faith of the Government pledged by sending him there, deny him his supplies and attempt to starve him into subjection to the rule of those who call themselves now a culminating majority. That this is cruelty is within the conception of any man. Perchance he may be a man of wealth, able to maintain himself abroad independent of what the Government is bound to concede to him. I trust he may be a man of wealth, able to maintain himself abroad independent of what is denied to him as a matter of right and as a matter of law; for it is a matter of right when we sent him abroad that he should be maintained abroad according to the laws that then existed.

I am pleased that the Committee on Finance of this body have chosen to place Portugal again in the list of missions. It should have been there last year. I am pleased that it has been done; but I am astonished at the chairman of the Committee on Foreign Relations denying (for he professes to understand all these questions of our relations abroad) to the minister to Portugal the compensation that may be necessary for his personal expenses, while he is still the minister of the United States, with the right to have his flag flying and to protect our citizens, and whose duty it is to maintain our interests at that Court. It seems to me like malice. I never was able to induce myself to the study of what malice meant; yet I have seen the word, and I have oftentimes felt on the outmost surfaces of my thought this thing of maliciousness. I cannot understand why or wherefore, except it be for malice, we can deny to one of our ministers abroad, whom we have sent abroad ourselves, and who represents our flag abroad, the means whereby he can maintain himself at a foreign Court. It is not for him; it is for our nation. Our honor is involved. He represents us there, and he has a right to maintain himself with proper respect and proper surroundings. This is understood by the Finance Committee in reporting this matter; but I do not understand how the chairman of the Committee on Foreign Relations, who should know those things and understand them well, can undertake to have our flag dishonored at the Court of Portugal. I cannot understand why he, learned in languages, master of things abroad, acquainted with foreign States, will allow our representation at a Court yet important, once one of the first Courts of the world, to be degraded by not giving the proper concessions that belong to our representative by law and upon principle. We are a Government. We have our representatives at Copenhagen, at Stockholm, at Berlin, at Florence, and at the Courts of France and England. We subsist them; that is, we give them such salary as the law permits, and deny it to the minister at Portugal. For what? For writing an unconsidered letter; that is all. I did not like the taste of that letter when I heard it read myself; it did not meet with my full approbation; but what of that? He said what he did think, and probably said what he felt. It was in the power of this Government to have withdrawn him from the Court of Portugal; but while remaining there it belongs to our own honor, it belongs to the dignity of our Government, to sustain him there until he is legally withdrawn.

I say these things for the purpose of expressing a sentiment, most particularly for the reason that I am filled with astonishment, and have been before filled with astonishment at the chairman of the Committee on Foreign Relations, who is a minister of State so far as we are concerned, endeavoring to behead a man who is on the other side of the Atlantic, to deprive him of his means of subsistence, to deny him the rights he has upon principle and by law. The proposition, I affirm, is an outrage upon principle if Governments be maintained. If we send a minister to the Fejee Islands, among the cannibals, with a law to pay him, he would have a right to his pay. Upon what principle of right could you deny it? Upon the circumstance that he had written a letter here that the Senator from Massachusetts does not exactly approve? If legislation is thus to be conducted in this Republic we had better change our system and find new masters and another rule. Rather than be subjected to such accidents and such wrongs I would place myself in the hands of a dictator.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Finance.

Mr. JOHNSON. I ask that it be reported.

The Secretary read the amendment, which was in line eleven, in the clause providing for the salaries of envoys extraordinary, ministers, and commissioners, after "Peru" to insert "Portugal."

Mr. JOHNSON. That I suppose is a mere appropriation for a mission to Portugal. It has nothing to do with the past. The question is, whether we will, or will not now have a mission to Portugal, and continue our friendly relations with that Government. I should suppose the Senate would have no objection, therefore, to that amendment. It does not affect Mr. Harvey, as I understand it, in any way. My own opinion in relation to the treatment which the Senate felt itself bound to extend toward Mr. Harvey has been already expressed. My own conviction is, that he ought to be paid the salary during the whole of the period that it has been denied him; but that is not a question, as I understand it, which is involved in this appropriation. The single proposition in the appropriation is whether we will or will not have friendly diplomatic relations with the Kingdom of Portugal, and looking to the past I can hardly imagine that there should be any ground of objection at all to coming to such a result as that.

Mr. WILSON called for the yeas and nays on the amendment, and they were ordered; and being taken, resulted—yeas 19, nays 14, as follows:

YEAS—Messrs. Anthony, Davis, Dixon, Doolittle, Fessenden, Hendricks, Johnson, Kirkwood, McDougall, Morgan, Poland, Riddle, Ross, Saulsbury, Van Winkle, Wade, Willey, Williams, and Yates—19.

NAYS—Messrs. Brown, Chandler, Conness, Cragin, Creswell, Fogg, Fowler, Frelinghuysen, Howard, Howe, Morrill, Sumner, Trumbull, and Wilson—14.

ABSENT—Messrs. Buckalew, Cattell, Cowan, Edmunds, Foster, Grimes, Guthrie, Harris, Henderson, Lane, Nesmith, Norton, Nye, Patterson, Pomeroy, Ramsey, Sherman, Sprague, and Stewart—19.

So the amendment was agreed to.

The next amendment of the committee was on page 4, line seventy-one, in the list of "consulates, schedule B," after "Kanagawa," to insert "Kingston, Jamaica."

The amendment was agreed to.

The next amendment was on page 6, line one hundred and thirty, to strike out the word "commissioners" and to insert "ministers-resident;" so that the clause will read:

For salaries of ministers-resident and consular general to Hayti and Liberia, $11,500.

The amendment was agreed to.

The next amendment was on page 7, line one hundred and forty-four, after the word "dollars" to strike out the following proviso:

Provided, That when this sum shall be exhausted, no further expenditures shall be made or authorized.

So that the clause will read:

For expenses of the commission to run and mark the boundary line between the United States and the British Possessions bounding on Washington Territory, $28,070.

The amendment was agreed to.

The next amendment was on page 7, after line one hundred and forty-six, to insert:

For defraying the expenses which may be incurred by dispatches over the Atlantic cable, $30,000.

The amendment was agreed to.

The PRESIDING OFFICER. That com-

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pletes the amendments reported by the Committee on Finance.

Mr. CHANDLER. I am directed by the Committee on Commerce to offer an amendment on page 6, after line one hundred and fourteen to insert the following:

For salary of United States consul at Chemnitz, Saxony, $2,000, which consulate is hereby established.

I hold in my hand letters from the consul-general of Saxony, likewise the Saxon consul at New York, and from the Secretary of State, all recommending that this consulate be established. I will not trouble the Senate with reading them. The committee were unanimous in recommending it.

Mr. FESSENDEN. The amendment does not state exactly when the salary is to begin, or anything about it.

Mr. CHANDLER. There is no consul there now, and of course the salary would not commence until the consul was appointed and confirmed.

Mr. FESSENDEN. I suggest to the Senator, instead of the amendment that he proposes, that he insert "Chemnitz" in the list of consulates on page 4, and then add so much to the whole sum appropriated.

Mr. CHANDLER. Very well; it is immaterial to me where it is put.

Mr. FESSENDEN. I will ask the Senator why he puts the salary at $2,000. Is not that more than the other consuls receive?

Mr. CHANDLER. That is the amount recommended by the Secretary of State.

Mr. FESSENDEN. The salaries of the three new consulates we have established at Rome, Quebec, and Spezzia are fixed at $1,500.

Mr. CHANDLER. I know, but this is deemed to be the proper amount by the Department.

Mr. FESSENDEN. Then the Clerk can insert "Chemnitz" after "Canton," in line sixty-seven, page 4, and after the word "Zurich," in line eighty-six, insert "and the salary of the consul at Chemnitz shall be $2,000 per annum;" and on page 5, lines one hundred and six and one hundred and seven the sum appropriated should be $431,000 instead of $429,000, adding $2,000 to the amount. That will make it right.

The PRESIDING OFFICER. Does the Senator from Michigan accept the amendment suggested by the Senator from Maine in lieu of his own proposition?

Mr. CHANDLER. Yes, sir.

The amendment, as modified, was agreed to.

Mr. WILSON. I offer the following amendment as an additional section to the bill:

And be it further enacted, That the envoy extraordinary and minister plenipotentiary of the United States to Spain shall be accredited as such to the Government of Portugal; and it shall be the duty of the said envoy to divide his time between the capitals of Spain and Portugal as the interests of the United States shall require; and for the additional duties and expenses imposed by this act said envoy shall receive an annual compensation of $5,000 in addition to his present salary; and the salary of the secretary of legation to Portugal shall be $2,500.

This makes the mission to Spain one of the highest-class missions. By uniting the two countries it adds to the standing and dignity of the Spanish mission and costs the Government no more. It adds $5,000 to the salary of the minister to Spain, and allows $2,500 for a secretary of legation. It settles this whole controversy about Mr. Harvey.

Mr. FESSENDEN. I hope this amendment will not be adopted. I do not think we have sufficient information on the subject. It seems to come from the honorable Senator from Massachusetts; I do not know on what grounds; I suppose on his own mere motion. We certainly cannot change the character of our missions without some more information than we have on this subject on a mere motion here. It may be that these missions could be united, but Spain has a minister here, and Portugal also has a minister here.

Mr. SUMNER. Not now.

Mr. FESSENDEN. That is because the minister is dead and his successor has not yet been appointed. I do not know but that this might be done, but it ought to be done on consideration by a committee. I do not think the Senate is in a condition, on the motion of the Senator, to abolish the mission to one country and give a united mission to two countries to one individual. It may be all right; it may be done; or it may be not very proper or wise. My complaint about it is that we have not sufficient information on the subject. I suppose it is a contrivance to give our old friend who is minister to Spain some more salary. I know he has been calling for it very loudly; but with all our regard for him, I think it is hardly worth while—I do not remember what he gets now——

Mr. SUMNER. Twelve thousand dollars.

Mr. FESSENDEN. It is hardly worth while to give him an additional mission and an additional secretary of legation, for he must have one in each place, and probably he would have no duties to perform in addition of any sort of consequence, and thus raise the mission in that way. I think the Senate would be acting hastily and unwisely on a mere motion of this sort to take a step that may be a step of consequence. I hope it will not be done. At any rate, a question of this character ought to be submitted to a committee who could inquire about it, get the necessary information on the subject, and decide understandingly.

Mr. FOGG. I hope this amendment will be adopted by the Senate, not as a favor to the present incumbent of the Spanish mission, but because I believe the principle to be right. Those two countries of Spain and Portugal occupy one peninsula, and the diplomatic business there is not large. My own impression is, and I believe that will ultimately be the impression of Congress when they have investigated the subject, that we should consolidate a great portion of our smaller missions, and I had intended to introduce a bill for that purpose. In Europe it is the most common thing in the world for missions to be thus united. For instance, the Spanish minister to Switzerland is also accredited to the King of Bavaria, to the King of Würtemberg, to the Grand Duke of Baden, and I think one or two others of the German Powers. Brazil is represented in the same way. A great number of the ministers in Europe, at every Court or nearly every Court, except perhaps the first-class Courts, are thus accredited to different Courts. I do not think the ministers to Paris and London are ever accredited to any other place.

Mr. FESSENDEN. Spain is a first-class Power.

Mr. FOGG. Certainly it is. But take our small missions in South America. There is no reason in the world why one man should not represent us just as well at two or three Courts, where they are accessible, not far apart, as one man at each. It would be a great saving. It would be a great saving to us pecuniarily, and it would enable us to employ better men, men of more experience and more ability than the men we now have there. It is a very general complaint that our foreign ministers are not well paid. In some cases it is a just complaint; in some cases I do not think it is just. In some cases they are very well paid. But there should be a general reform of our diplomatic system. For instance, I would accredit one minister to Brussels and the Hague; I would accredit one minister to Stockholm and to Copenhagen; I would accredit one minister to Switzerland and to the same small Powers in Germany to which the Spanish minister is accredited.

I think there is great propriety in the proposition now presented to us. The present salary of the minister at Madrid is clearly not sufficient. He is paid $12,000. The cost of living at Madrid, for rents, for provisions, for servants, for carriages, for everything is higher than at almost any other Court in Europe. There is more ceremony there than at almost any other Court in Europe. A man is less able to control himself there. No gentleman of position can walk in the streets of Madrid, much less any lady; and no lady can ride in the streets of Madrid unless she rides with an old duenna. She cannot ride with her own father, and she cannot walk at all. It is therefore very expensive living in Madrid. But that is not the principal reason. The principal reason is that our diplomatic relations are not very extensive with either of these Powers, and one man can represent us at both Courts just as well as two can. I hope that the amendment will be adopted.

Mr. SUMNER. I take it that there is but one objection to the theory of the Senator from New Hampshire. He proposes to consolidate certain missions—the missions to Spain and Portugal, and then the missions to Brussels and the Hague. I say that I take it there is but one objection to that, and it is purely a political one. We shall not have the same number of offices then to bestow upon political aspirants. Public economy probably would be consulted by the idea of the Senator from New Hampshire, and I do not believe that the public interests would suffer. And now with that remark I am brought directly to the proposition before us.

Mr. FESSENDEN. I will ask the Senator how much is saved in an economical point of view? We now pay our minister to Portugal $7,500.

Mr. FOGG. We do not pay him anything.

Mr. FESSENDEN. I mean ministers of that class. This amendment proposes to pay the minister to Spain $5,000 additional, with a secretary of legation at Portugal at $2,500. If the Senator can figure it out how much is saved by that operation I shall be glad to be informed.

Mr. SUMNER. My remark was general with regard to the principle of consolidation.

Mr. FESSENDEN. I do not see the economy of the thing at all.

Mr. SUMNER. Take for instance the case of the missions to Brussels and the Hague. Unless you increase the salary—and I do not suppose that was the intention of the Senator from New Hampshire when he made the suggestion—you would save a whole salary if those two missions were consolidated. However, it seems to me, whether there is a saving of salary or not, the only objection to it is the political one: you will not have the same number of offices for political aspirants. I do not doubt that in those places that have been named the public interests would be advanced at least as well by one as they now are by two ministers. I do not doubt that one representative of the United States can do all that is required both at Madrid and at Lisbon.

Mr. FESSENDEN. Can he do it better than two? The same amount of money is involved.

Mr. SUMNER. I am sure he can do it as well. Now I am brought to the proposition itself. It was introduced without any knowledge on my part that it was to be introduced. The Senator from Maine very properly says that it has not engaged the consideration of a committee. Agreed. We are left therefore to meet it as it is. We have got to vote upon it. I am to vote upon it. I wish that it had been introduced in such a way that it could have been considered by the appropriate committee. I should have liked, for myself, the opportunity of considering it in advance; but I am ready to vote on it with such light as I have. I see no practical objection to it. I see no way in which the public interests can suffer from its adoption; and I do see that it is a settlement of an unhappy controversy, where there has been contumacy on one side and an assertion of prerogative on the other. I think it would be for the advantage of the country to have that question settled, to have it eliminated from our debates, and, if I may so say, from our statutes. This proposition of my colleague would accomplish that purpose without any public detriment.

Mr. DIXON. I wish to ask the Senator from Massachusetts, the chairman of the Com-

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mittee on Foreign Relations, a question. I desire to know whether it is in the constitutional power of Congress to vest in the minister at Spain the duties of minister-resident at Portugal; whether he can be appointed to that office by act of Congress—for that is virtually the amount of this amendment. It seems to me there is a question whether he can be appointed a foreign minister to Portugal by act of Congress.

Mr. SUMNER. I do not doubt that it is in the power of Congress to declare that the envoy extraordinary at Madrid shall hold the same office at Lisbon also. I have no doubt of it.

Mr. FESSENDEN. As no money is to be saved by this proposition, I do not see why we may not as well have the services of two men as one? The same amount of money is involved. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 20; as follows:

YEAS—Messrs. Brown, Chandler, Cragin, Creswell, Fogg, Fowler, Howard, Lane, Morrill, Poland, Sumner, Trumbull, Wade, Wilson, and Yates—15.
NAYS—Messrs. Anthony, Buckalew, Conness, Davis, Dixon, Doolittle, Fessenden, Foster, Harris, Hendricks, Kirkwood, McDougall, Morgan, Patterson, Riddle, Ross, Sherman, Van Winkle, Willey, and Williams—20.
ABSENT—Messrs. Cattell, Cowan, Edmunds, Frelinghuysen, Grimes, Guthrie, Henderson, Howe, Johnson, Nesmith, Norton, Nye, Pomeroy, Ramsey, Saulsbury, Sprague, and Stewart—17.

So the amendment was rejected.

Mr. WILSON. I now offer the same amendment, somewhat modified, reducing the sum to be allowed to the minister at Madrid for this service from $5,000 to $3,000, which will save $2,000. It is to insert as an additional section, the following:

And be it further enacted, That the envoy extraordinary and minister plenipotentiary of the United States to Spain, shall be accredited as such to the Government of Portugal; and it shall be the duty of the said envoy to divide his time between the capitals of Spain and Portugal, as the interests of the United States shall require; and for the additional duties and expenses imposed by this act, said envoy shall receive an annual compensation of $3,000 in addition to his present salary; and the salary of the secretary of legation to Portugal shall be $2,500.

This will increase the importance of the Spanish mission, make our minister there an important officer, and unite the two missions. Communication between them is perfectly easy, as easy as it is to go from here to Philadelphia, and is done in less time or about the same time. The amendment will save $2,000 a year, and will settle this controversy between the two Houses of Congress in regard to Mr. Harvey. I hope the amendment will be adopted.

Mr. SUMNER called for the yeas and nays on the amendment, and they were ordered; and being taken, resulted—yeas 12, nays 20; as follows:

YEAS—Messrs. Chandler, Creswell, Fogg, Fowler, Howard, Lane, Morrill, Poland, Sumner, Wade, Wilson, and Yates—12.
NAYS—Messrs. Anthony, Buckalew, Davis, Dixon, Doolittle, Fessenden, Foster, Harris, Henderson, Hendricks, Kirkwood, McDougall, Morgan, Patterson, Riddle, Ross, Sherman, Van Winkle, Willey, and Williams—20.
ABSENT—Messrs. Brown, Cattell, Conness, Cowan, Cragin, Edmunds, Frelinghuysen, Grimes, Guthrie, Howe, Johnson, Nesmith, Norton, Nye, Pomeroy, Ramsey, Saulsbury, Sprague, Stewart, and Trumbull—20.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

PROPOSED RECESS.

Mr. WILSON obtained the floor.

Mr. FESSENDEN. With the permission of the Senator, I should like to move that at half past four o'clock the Senate take a recess until seven o'clock.

Mr. SHERMAN. Let us go into executive session in the meanwhile.

Mr. WILSON. I yield for that motion.

The PRESIDING OFFICER. It is moved that at half past four o'clock the Senate take a recess until seven o'clock.

The motion was agreed to.

ASSAY OFFICES IN OREGON AND IDAHO.

Mr. SHERMAN. I move that the Senate now proceed to the consideration of executive business.

Mr. MORGAN. I hope the Senator will give way for one moment, to enable me to call up a bill reported from the Committee on Finance, which will not occupy long. It is House bill No. 674, to establish additional offices for the assay of gold and silver, and for other purposes.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his motion?

Mr. MORGAN. If the Senator will simply allow me to take up the bill, I shall not then object to going into executive session.

Mr. SHERMAN. I withdraw it for that purpose, with that understanding.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York, to take up the bill indicated by him.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHERMAN. As the Senator's bill is now before the Senate, I renew the motion that we proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened at half past four o'clock, and the Senate took a recess until seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at seven o'clock p. m.

ASSAY OFFICES IN OREGON AND IDAHO.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The consideration of the bill which was before the Senate at the time of the recess will now be resumed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 674) to establish additional offices for the assay of gold and silver, and for other purposes.

The bill directs the Secretary of the Treasury to establish assay offices of the United States, for the receipt and for the melting, assaying, and stamping of gold and silver at Portland, Oregon, and at Boisé City, in the Territory of Idaho, and appropriates the sum of $50,000 for carrying its provisions into effect. For each of these assay offices, as soon as the public interest shall require their service, the President is to appoint, by and with the advice and consent of the Senate, one superintendent, one assayer, and one melter; and the superintendent is to employ as many clerks, subordinate workmen, and laborers, under the direction of the Secretary of the Treasury, as may be required. The salaries of the officers and clerks are to be fixed by the Secretary of the Treasury, upon the recommendation of the Director of the Mint; and to the subordinate workmen and laborers such wages are to be paid as may be determined by the Superintendent of the Mint, and approved by the Secretary of the Treasury; but such salaries and compensation are not to exceed that allowed for corresponding services under existing laws relating to the Mint of the United States and its branches.

The bill also repeals the act entitled "An act to establish a branch mint of the United States at Dalles City, in the State of Oregon," approved July 4, 1864. It further directs the Secretary of the Treasury to dispose of or remove the property, buildings, and machinery belonging to the United States and erected for the purposes of a branch mint at Charlotte, in North Carolina, and Dahlonega, in Georgia.

The PRESIDING OFFICER. The Committee on Finance have reported the bill with an amendment, which will be read.

Mr. CONNESS. Before the amendment is read I desire to ask the Senator who has this bill in charge why it does not make provision for an assay office in Montana Territory, where unquestionably it is of more importance to the public than even in Idaho, as the production of the former Territory is greater than that of the latter. I have been in communication with gentlemen from that Territory of the highest character, and I may say that I have much knowledge in regard to it, because it is populated largely by citizens of California, experienced miners of California. They are constantly in correspondence with myself. My attention has been called to the need of an assay office there, and I am a little astonished that this bill does not provide for it. I desire to know of the Senator from New York whether inquiries and investigations were made in that direction.

Mr. MORGAN. I do not understand that there ever has been any application for an assay office in Montana. This bill passed the House of Representatives at the last session. The committee have simply reported to strike out the ninth section, which is now unnecessary, as provision was made in the legislative appropriation bill last year for disposing of the public property at Charlotte, in the State of North Carolina, and at Dahlonega, in the State of Georgia. I have never before heard that there was any application for an assay office in Montana. It is competent for the Senator to move an amendment providing for Montana, if he insists upon it.

Mr. CONNESS. I can assure the Senator an assay office is even more needed in Montana than it is in Idaho, because Idaho has direct connection with Oregon and California. Boisé City, in Idaho, is within four days' staging of Virginia City, in Nevada, which is within a few hours of California; while Montana is still further inland, and is inaccessible, except at enormous expense, to those who produce gold there. There is no doubt in the world but that an assay office at Helena, which is the central point and a considerable town in Montana, is a public necessity. I do not know exactly the form of amendment that would be necessary; but I will examine and see, while Senators are directing their attention to it.

Mr. WADE. There have been a great many applications for an assay office in Montana sent to the Committee on Territories; but we supposed it did not belong to us to initiate any such measure, and we directed those who came to us that the Finance Committee was the proper committee having that subject in charge; but, from all I have heard about it, it seemed to me to be as necessary that there should be an assay office there as in any other Territory. From all the facts that I can gather on the subject, I believe that Montana is the great mineral Territory of all our Territories; I think the richest of any. Probably more gold will be taken out of that Territory than any other. Its communication with other parts of the country is less facile than that of almost any other Territory. I am strongly inclined to the belief that if an office of this kind is to be established in Idaho, there are like or stronger reasons for the establishment of a similar office in Montana also. I am glad that the amendment is moved. I think there is a bill pending on the subject.

Mr. CONNESS. Let the committee's amendment be acted upon, and then I shall be ready to move the proper amendment.

Mr. WADE. Very well.

The PRESIDING OFFICER. The question is on the amendment reported by the Finance Committee, to strike out the ninth section of the bill, which will be read.

The Secretary read it, as follows:

SEC. 9. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to dispose of or remove, wholly or in part, the property, buildings, and machinery belonging to the United States, and erected for the purposes of a branch mint at the town of Charlotte, in the State of North Carolina, and also the property, buildings, and machinery used for like purposes at Dahlonega, in the State of Georgia, upon such terms and conditions as he may deem advisable. And he may authorize the retention of such portion of said property, buildings, and machinery, at either of said places, as may be necessary for the purpose of assaying metals as provided by this act,

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if, in his judgment, such office or offices are necessary.

Mr. MORGAN. That is stricken out because a similar provision was inserted in the legislative appropriation bill last year. I have the law before me.

The amendment was agreed to.

Mr. CONNESS. I move to amend the bill by inserting in section one, line six, after the word "Oregon" the words "at Helena, in Montana Territory;" so as to read:

That the Secretary of the Treasury is hereby authorized and required to establish assay offices of the United States for the receipt and for the melting, assaying and stamping of gold and silver at Portland, Oregon, at Helena, in Montana Territory, and at Boisé City, in the Territory of Idaho.

Mr. MORGAN. If the Senator from California really deems it necessary, as I suppose he does from the statement he has made here——

Mr. CONNESS. There is no doubt of it.

Mr. MORGAN. And if the Committee on Territories have had applications on this subject, and they also concur in the propriety of this amendment, I shall make no objection to it.

Mr. WADE. Perhaps I am misunderstood. I do not say that the Committee on Territories have acted on the subject. I say applications have frequently been made, and so far as we considered them we thought favorably of them; but we did not act definitely on the subject.

The amendment was agreed to.

Mr. CONNESS. I now move in section one, line seven, to strike out the word "fifty" and to insert "seventy-five;" so as to read:

And that the sum of $75,000 be appropriated for carrying the provisions of this section into effect.

The amendment was agreed to.

Mr. HENDERSON. I move to amend the first section of the bill by inserting after the word "silver," in the sixth line, the words "at St. Louis, Missouri."

Mr. FESSENDEN. I should like to know of the Senator what is the necessity for an assay office there.

Mr. HENDERSON. I was not aware that this bill was coming up, and have not had time to have any conversation with the committees on the subject; but for the last year I have been urged by the business men and merchants of St. Louis to have an assay office established there. I am not prepared at this moment to say how far the necessity for the establishment of an assay office there will be removed by the establishment of the office at Helena, in Montana, and Boisé City, in Idaho; but I am prepared to say that for the last couple of years a very large quantity of gold has been brought to St. Louis, the gold as it is mined, and we have suffered very considerable inconvenience there in consequence of the want of some standard, some measure of the gold. I am inclined to think that an assay office ought to be established there. It is in the knowledge of Senators that we have now a line of packets, several lines, indeed, between St. Louis and Fort Benton, on the Missouri river; and the entire business of Montana Territory and a large portion of the business of Idaho is done at St. Louis; that is, the merchants lay in their stocks of goods, groceries, dry goods, &c., at St. Louis, and large payments are made in St. Louis. Heretofore those payments have been made in the mineral as it was mined. Large quantities are brought there and shipped down the Missouri on packets, and very great inconvenience has been sustained.

My attention has been called to this matter by many of our business men in St. Louis during the present winter; but owing to engagements of another sort I have neglected it, and really was not aware this bill was coming up at the present time. I had intended for the last two or three weeks to prepare a bill, and to offer it; but finding a bill now pending on this subject, I move the amendment; but at the same time that I do it I am not prepared to say how far the offices to be established under the bill will remove the necessity.

Mr. MORGAN. It seems to me that we ought to have some information before we act on this amendment. The Senator from Missouri will bear in mind that if the amendment be adopted it will not be discretionary with the Secretary of the Treasury to establish an assay office at St. Louis if there is a public necessity for it. By referring to the third and fourth lines of the bill he will see that the Secretary is "authorized and required" to establish assay offices at the places named; and it seems to me before we require him to establish an assay office at St. Louis the necessity for it should be shown.

Mr. HENDERSON. As to the necessity, I have stated all I know in reference to it. I cannot speak, and do not intend to speak, on my personal knowledge, because I never make statements here that I am not perfectly aware of. I can only state what the business men of St. Louis have written to me on the subject. The Merchants' Exchange there took action on the subject last winter and have also done so this winter, recommending and urging this proposition, and the papers of the city, I believe without exception, of all parties are urging it as an absolute necessity. However, if it is thought improper to urge it at this point of the bill, I will withdraw it and offer it as an independent section, authorizing the Secretary of the Treasury, if he shall become satisfied of the necessity of it, to establish an assay office at St. Louis, so as not to require it to be done.

Mr. CONNESS. The necessity of an assay office at St. Louis is a subject upon which I would say nothing, for I know little; but I know that New Orleans is not far off, where assaying may be done. But what I rose to suggest to the Senator was this: that if an assay office should be required at St. Louis, become a necessity there, it would require quite a formidable institution, not such a one as is provided by this bill in the Territories, for they are of inconsiderable magnitude. What St. Louis would require, if it requires one at all, would be something corresponding to the institution at New York, and one that ought to have due inquiry and facts developed before it is attempted. I make that suggestion to the Senator because I have no doubt that is the case.

Mr. FESSENDEN. According to the Senator's own statement, the establishment of these assay offices in Oregon and Idaho, and especially in Montana, will do away with the necessity for one at St. Louis.

Mr. HENDERSON. I am not prepared to say that that is not the case. Under the circumstances I will withdraw the amendment until I can get further information on the subject.

The PRESIDING OFFICER. The Senator from Missouri withdraws his amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

It was read the third time.

Mr. WILLIAMS. Some days ago I presented to the Senate a joint resolution of the Legislative Assembly of the State of Oregon protesting against the passage of this bill, notwithstanding it proposes to establish an assay office at Portland, in Oregon. Three years ago Congress passed a law establishing a branch mint in the State of Oregon and appropriating $100,000 for its construction, and since I have been here I have made diligent efforts to have that money expended according to the requirement of the law. It has not been done, and one reason and another has been assigned by the Secretary of the Treasury, the chief one being that there was no necessity for a branch mint in Oregon, assuming, as it seemed to me, by that decision to revise and correct the decision which Congress had made on the subject. My efforts in that direction have been wholly unavailing. During the last session a bill was introduced into the other branch of Congress by the Representative from Oregon to remove the branch mint from Dalles, where it was located by the original act, to Portland, where it ought to have been located in the first place; but the House, instead of adopting the bill which he proposed, passed the bill now before the Senate, repealing the law that established a branch mint in Oregon and substituting in place of it an assay office at Portland.

I presented to the Committee on Finance, who reported back this bill and recommended its passage, with such considerations as occurred to me to induce an unfavorable report and to maintain the law which establishes a branch mint in Oregon; but the committee were unanimously in favor of reporting this bill and repealing the law of 1864, and providing for an assay office at Portland. I do not propose under such circumstances, and I hardly suppose it is necessary, as the whole subject was at one time thoroughly discussed before the Senate, to go over the arguments that were then offered in favor of this branch mint which this bill proposes to repeal. I think there is quite as much necessity for a branch mint in Oregon, and it is not difficult to show, I think, that there is more necessity for a branch mint in Oregon than there is for one in Colorado or even in Nevada, because Portland is the point to which a very large proportion of the gold that is made in Idaho is brought. The commercial intercourse between Portland in Oregon and the Territory of Idaho is very intimate, and the business transactions are very large. Much of the dust that is obtained in Idaho is brought to Portland. If there was a branch mint there it would do a very large business, and I have no doubt would be of advantage to the Government and to the people of the country. But the amendment which has been proposed by the honorable Senator from California will probably produce the same effect upon this bill that a vote against it will in the Senate, so far as this session is concerned. I presume that the bill will be referred in the House to a committee to examine into the necessity of this amendment; and if it be so referred, of course it will not be reported back and passed at this session of Congress. I can only, under the instructions I have received from the Legislative Assembly of my State, protest against the passage of this bill. If it be the pleasure of the Senate to overrule my objections and to adopt the report of the committee, of course I shall be compelled to acquiesce, and so will the people of Oregon.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 234) to incorporate the National Capital Insurance Company, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. E. C. INGERSOLL, of Illinois, Mr. ULYSSES MERCUR, of Pennsylvania, and Mr. J. W. CHANLER, of New York, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 347) to change certain collection districts in Maryland and Virginia;

A bill (S. No. 399) relative to collection districts in North Carolina;

A bill (S. No. 605) to amend the twenty-first section of an act entitled "An act further to prevent smuggling, and for other purposes," approved July 18, 1867; and

A joint resolution (S. R. No. 159) authorizing the Secretary of the Treasury to permit the owner of the yacht Mayflower to change the name of the same to that of Silvie, and to issue an American register to the steam yacht Glance.

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RECONSTRUCTION OF LOUISIANA.

Mr. SUMNER. Mr. President, I gave notice that at the first opportunity I should move to proceed to the consideration of the Louisiana bill, but seeing how the Senate is—["Let us take it up now."] Very well. I was going to move to take up one or two little bills before that; but I agree with Senators about me that everything else should be postponed for that. I therefore move that the Senate proceed to the consideration of the House bill known as the Louisiana bill.

Mr. BUCKALEW. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

BUSINESS OF MILITARY COMMITTEE.

Mr. WILSON. Before the vote is taken on that subject I should like to make a motion to set apart to-morrow evening for the consideration of some ten or a dozen little bills from the Committee on Military Affairs.

Mr. BROWN. If you will give me half an hour for my committee I shall not object.

Mr. WILSON. Certainly.

The PRESIDING OFFICER. The motion can only be entertained by unanimous consent, there being another motion pending.

Mr. WILSON. I move that by common consent to-morrow evening be set apart for the consideration of certain bills from the Committee on Military Affairs.

Mr. BROWN. And the Committee on Public Buildings and Grounds.

Mr. DOOLITTLE. I will ask that Wednesday evening be set apart——

Mr. WILSON. That is set apart now.

Mr. DOOLITTLE. Then that Thursday evening be assigned for the consideration of the bill pending between the House and the Senate in reference to Indian affairs.

The PRESIDING OFFICER. The Chair is informed that Wednesday evening has been set apart for the consideration of the business of the Committee on Patents and the Patent Office.

Mr. CONNESS. I desire to suggest to the Senator from Wisconsin that the bill referred to by him, at least in my opinion, ought not to be considered at night. It should be considered in a full Senate. It is a very important question indeed as to what shall be done with Indian affairs. I hope the Senator will call up that bill in the daytime. I will vote with him to get a vote upon it.

Mr. McDOUGALL. I desire to make a suggestion to the Senator from Massachusetts, [Mr. SUMNER.] In his hot haste, I hope he may bring up the question of Louisiana. I do not care for long delay. I hope he may be able to bring it up and I will give him my support that it shall come on the tapis now.

Mr. WILSON. I should like to have the question put on my motion.

Mr. CHANDLER. I understood this morning that the Niagara ship-canal bill was to come up immediately after the passage of one or two appropriation bills that would take time. It has been understood that this was the next bill to be considered. I consider it as important as any other bill before us. I hope the Senate will not take up any other bill until this Niagara ship-canal bill is passed.

The PRESIDING OFFICER. The question before the Senate, by unanimous consent, is the motion of the Senator from Massachusetts, [Mr WILSON,] that to-morrow evening be assigned for the consideration of bills reported from the Committee on Military Affairs.

The motion was agreed to.

RECONSTRUCTION OF LOUISIANA.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Massachusetts [Mr. SUMNER] to proceed to the consideration of the Louisiana bill, and upon this question the yeas and nays are ordered.

Mr. SUMNER. Before the vote is taken I wish to say that I feel that it is the duty of the Senate to proceed with the consideration of that bill. I will not undertake to foretell the decision of the Senate upon it; but it should be considered. It is a bill of too much magnitude, and bearing too extensively upon the great interests of the country and on the chances of peace and security, to be postponed. We ought to consider it; and so far as I can exercise any influence here I must insist that the Senate shall proceed with that, and for a time put aside other business. My friend from Michigan knows very well that I am with him on his bill. I have always voted for it; but he, too, must be in favor of a just reconstruction in Louisiana. He knows how these poor people there are suffering at this moment for the want of such a system. I look to him to help to establish such a system. There ought to be no delay, no postponement.

Mr. McDOUGALL. I am disposed to meet the demon at the threshold. If the Senator from Massachusetts desires to thrust upon us the consideration of the Louisiana question I would as soon meet it to-night as on any adjourned day. Let it be met, disposed of, determined for good or evil. There is a style about the gentleman who represents the extreme opinions on the other side that looks like—I will not denominate the word; it will be found in some good dictionary. If he desires the rencontre that is involved in that, the sooner the better. I would rather it should be determined this night or at this midnight or in the morning light of to-morrow than adjourn it to a subsequent day. I am willing to meet the question. I speak not for others, but only for myself. I am willing to meet it at the moment.

Mr. WILSON. I hope we shall take up this bill now for consideration. I was among those who thought we ought to take it up in preference to the military bill. I voted for the military government bill, but I should have preferred to take up the Louisiana bill and amend it so as to extend its provisions to all of these States. I think it would be a good thing to pass the Louisiana bill, amended in some respects, certainly in the fifth section so as to extend the suffrage. I think that we can take up the bill and amend it so as to make it equal and just, and pass it, and then we shall have the bill passed at the last session of the Senate, if it is supported by the House of Representatives, and we shall have this Louisiana bill going to the root of the matter; and these rebels who are in power will see that if they do not take the one they must come to the other. I think these rebels who are in power ought to be dispossessed of that power at the earliest possible moment. Sir, the great charge that the country has made against the President of the United States, the great wrong that he has done the country, is, that when we had conquered the rebellion; when, by his own confession, there was no authority in these States; when the rebels were all out of power; when these States were without civil governments; when they were completely under the government of the nation, he, without consulting Congress and without the authority of law, by his own will put these ten States into the hands of the traitors. Sir, I believe that the President, in doing that act, was guilty of as great a wrong against the country as General Grant would have been had he surrendered his army at Appomattox Court-House to General Lee after General Lee's army was driven out of Richmond. Had General Grant surrendered the Army of the Potomac on that field to General Lee's shattered army I do not think he would have done a greater wrong to the country than the President has done in putting these ten States back into the hands of traitors. The first duty we owe to the country, and it is a duty that has been too long neglected, is to remove these traitors from power in the rebel States. I do not raise the question whether they are States or Territories. These rebels have no right in power whether they are States or Territories. Offices held by rebels should be immediately vacated. Justice to loyal men, protection to life, liberty, and property, duty to the country, demand that rebels should vacate offices held by them.

I have this evening read a letter from the editor of the Savannah Republican. I will give his name, as objection was made by the Senator from Kentucky [Mr. DAVIS] that we did not give the names of the writers of letters quoted there. I give the name of Mr. Hayes, the editor of the Savannah Republican. He was put in possession of the old Savannah Republican by General Sherman's positive order when General Sherman entered Savannah; Mr Hayes came North, begged money, obtained subscriptions, bought new type, the old being nearly worthless, and went on with the paper; and the first thing he knows the old owner comes back with an autograph letter from the President demanding him to give it up, and not only claiming the paper, but the new type. Mr. Hayes, editing a loyal paper, and a paper that has supported the country, has just been tried for saying that Mr. Cohen, who has been elected to Congress in that district, and who was a postmaster when the war commenced, and turned over the assets of his office to the rebel government, was a defaulter; and for saying that Cohen was a defaulter he has just been tried before a rebel jury, under a rebel judge, and convicted of a libel. For saying that a postmaster who turned over the Government property to the rebellion was a defaulter to his country, he has been sent for one year to the common jail and fined $1,000. That is the justice that is meted out to loyal men in that part of the country.

Sir, these rebels have no right to be in office. They have no right to hold these offices. Here is a bill that dispossesses them in one State; a State where they had, I will not call it a riot, for it was made a massacre, where a large number of men were murdered without cause, and many others wounded without cause; a State where we have a strong, earnest, and devoted class of Union men. This bill proposes to try the experiment there. It turns these men out of power and provides that the President, with the consent of the Senate, shall appoint a provisional governor for that State. I think it will produce order there; that it will place men in power who, if not entirely loyal, are earnest men and will do justice. Then these rebels will see that if they do not conform to the requirements of the act passed at the last session of the Senate, if it shall become a law, they will be put out of power, Governors will be appointed and means taken to put the government into the hands of loyal men, where it ought to be; and then our military act will come to the support of a loyal Governor and loyal authority. The loyal Governor and loyal council will be supported by the military power of the country. They will be in harmony, and justice will come to all. By the present system the rebels are in power, and if the Army, clothed with the authority we have given in the bill passed yesterday, is able to mete out justice to Union men and to protect them, it must do it in conflict to the rebel authorities, who deny that justice. I want to try the experiment during the next few months in a State where we have a loyal Governor and where the rebels are out of power. I believe that if this Louisiana bill, modified so as to extend suffrage to the mass of the people in that State, can be passed and become a law, it will be of incalculable value to the cause of the Union, the cause of liberty, and the cause of justice in the country.

CONSULAR AND DIPLOMATIC BILL.

Mr. MORRILL. With the permission of the Senator from Massachusetts, [Mr SUMNER,] I desire to submit a motion in regard to the consular and diplomatic appropriation bill which passed the Senate this afternoon, in order to correct an error which inadvertently happened in that measure.

The PRESIDING OFFICER. The motion can be entertained only by general consent, there being another motion before the Senate. Is there any objection?

Mr. GRIMES. I prefer that there shall be a motion to reconsider.

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Mr. MORRILL. I make that motion with a view of submitting an amendment to the bill.

The PRESIDING OFFICER. It is moved to reconsider the vote by which the bill (H. R. No. 904) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1868, and for other purposes, was passed.

The motion was agreed to.

Mr. MORRILL. I now move to reconsider the vote by which the bill was ordered to a third reading.

The motion was agreed to.

Mr. MORRILL. I now move to amend the bill on page 4, line eighty-six, by inserting after the word "Quebec" the word "Munich," so as to transfer that consulate, which is in schedule B, the effect of which would be to take it out of the consularships with a salary of $1,000, and place it among those that are paid $1,500. I was instructed by the Committee on Commerce to move this amendment.

The amendment was agreed to.

Mr. MORRILL. I move further to amend the bill on page 5, line one hundred and seven, by adding $500 to the gross sum appropriated in that clause, so as to make it $429,500.

The amendment was agreed to.

Mr. GRIMES. In the thirty-second line of the first section I move to strike out the words "sixty-five" and to insert "thirty;" so that the clause will read:

For contingent expenses of foreign intercourse, $30,000.

Before the war the amount appropriated and the amount appropriated in 1860 for this purpose was $20,000. It was payable in gold, and it is payable in gold now. I propose to reduce it from $65,000 to a sum fifty per cent. more than we paid before the war, $30,000.

Mr. TRUMBULL. We reduced it last year somewhat.

Mr. GRIMES. It was $80,000. During the war it was necessary that an extra amount should be appropriated for this purpose. It may be that the condition of our diplomacy is such as to require more than was appropriated six years ago. In order to obviate any trouble that might arise from cutting it down to the amount that was thus allowed, I propose to allow fifty per cent. more than was allowed in 1860, namely, $30,000, as against $20,000 allowed at that time.

Mr. FESSENDEN. It is, as the Senator says, that before the war there was only about twenty thousand dollars appropriated for this purpose. After the war had commenced it was increased to $80,000 from the necessity of the case, and afterward to $100,000. Last year $80,000 was asked for again, if I recollect aright, and the Committee on Finance struck it down to $50,000; but the State Department, on looking into it, stated that they could not get along with the necessary expenditures for contingent expenses with less than $65,000, and it was put at $65,000. I do not know but what we struck it down to $40,000 at first. I believe we did. I am not very sure of the accuracy of my recollection in that particular.

Mr. TRUMBULL. It was struck down in the Senate, and then raised I think afterward.

Mr. FESSENDEN. We reported a less sum from the Committee on Finance, and finally fixed it at $65,000 after consultation with the State Department, that being supposed to be the sum that was absolutely necessary. I do not know, I am not permitted to know, at least I have never made application to know, and I really do not know anything about the details of the expenditure of this fund for contingent expenses. I cannot tell, therefore, from my own observation, how much or how little is necessary. I was of opinion last year that the amount which we had been in the habit of appropriating for two or three years previous should be reduced. I am unable to say how much is needed for this purpose. I only know that we fixed it last year, after consultation had been had with the State Department, and the assurance given that $65,000 was requisite. We have appropriated for something in the nature of contingent expenses at this session in one act the sum of $250,000 to the State Department, being satisfied that they needed it for a special purpose. How much of it has been used, or how much of it will be necessary for the particular purposes to which it was appropriated, I am unable to say. No communication has been had with the State Department on that subject. I presume it would not be used for any of the purposes covered by this particular appropriation. I am really unable to state anything about this matter. We are obliged to take many of these things on the faith of the Departments. I believe that money in the State Department has been very economically expended always. I think there has been no occasion for complaint in that particular.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. GRIMES. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIMES. I have simply to say that this amendment will leave to the Secretary for this specific purpose fifty per cent. more than he had before the war. In addition to that, since this session of Congress convened, we have placed in his hands $250,000 beside. I think that ought to be ample for him to conduct the affairs of the Government in our foreign relations.

Mr. SUMNER. It does not belong to me to vindicate this appropriation. I have no instructions with regard to it from any quarter, neither from the committee I have the honor to represent here nor from any other person; and I have had no communication on the subject, but I have reason to believe that this was not inserted in the bill originally in the House, from which it came, without authority.

Mr. GRIMES. "Authority!"

Mr. SUMNER. Without authority, I say. I presume that the committee of the House had evidence before them as to the amount required. I thought it very possible also that the Finance Committee of the Senate might have had evidence; but the chairman of that committee tells us he has no particular information on the subject. I presume, therefore, that he like myself takes it on the authority of the House and of the House committee. I presume that the House committee would not report such a sum unless they had before them the data which would justify such an appropriation; and in the absence of any counter evidence, it seems to me it would be rash on our part to undertake to set their judgment aside. I certainly am no stickler for such an appropriation. I am very anxious to bring every Department of this Government to a just accountability, and I do not except the Department of State from that desire; but I have no evidence before me, and I see none before the Senate, that can justify us in interfering with this appropriation. If the Senator from Iowa has the evidence, let him produce it, as I understand he simply announces that there was a certain appropriation made before the war. Then he jumps to the conclusion *argal* no appropriation now should be made larger than that which was made before the war.

Mr. GRIMES. This is one half larger.

Mr. SUMNER. The Senator says this is one half larger. That does not alter the case. The question is, whether the committee of the House when they introduced it into the appropriation bill had data to justify the appropriation to this extent. I know no reason to the contrary, and in the absence of any reason to the contrary the Senator from Iowa must excuse me if I cannot embark with him on his fearless speculation. I know he is a bold naval officer, but I do not see how we can venture to follow him now.

Mr. CONNESS. Foreign affairs as managed and carried on are very mysterious. Mystery seems to be a material part of the system. Certainly it may be said with truth that there are a great many who are uninitiated, and among those I think may be classed Senators now and hereafter. The honorable chairman of the Finance Committee says he had no figures and never had any, but he has no reason to believe but that the moneys have always been economically expended by the State Department. The chairman of the Committee on Foreign Affairs says he knows nothing about it at all, but draws upon his faith in the House committee and the authority referred to by which that committee was instructed. It seems, indeed, to me to be rather a queer proceeding and a loose handling of money. I incline to think that if we asked for an appropriation here for some great improvement or commercial advancement in connection with the Pacific States involving thirty or sixty thousand dollars, there would be a very close inquiry at once directed as to where the money was to go; what we were to get in return. And finally, in the process of investigation, the Senator from Iowa is challenged and asked to prove that the money is not well spent, and if he cannot prove a negative it is supposed he has lost the case.

Well, Mr. President, I am like all the other Senators: I know nothing about it. It does appear to me that committees ought to be able to enlighten us in regard to these things. Already it has been stated that a minister representing us at a foreign country, who was prohibited from payment by law, had received his compensation. It was guessed, as it must necessarily be if he did receive it, that that compensation came from a contingent fund connected with the State Department. I do not think that anything beyond what may be called the secret service money of the Government is beyond investigation. I know there is another contingent fund of $50,000, but as I have observed, there are no expenditures that are made by this Government in connection with its foreign affairs that are beyond investigation but those involved in what is called the secret service fund. As to all other expenditures we ought to know, and ought not to be called upon to prove a negative. I feel very much inclined in this state of the case to vote with the honorable Senator from Iowa.

Mr. WILLIAMS. I do not know what evidence it is necessary to submit to the Senate in order to justify an appropriation of this kind. I believe that this bill proceeds upon the same ground as other appropriation bills. Whenever an estimate is made by a Department, that estimate is submitted to the committees, and, if it is a customary estimate, I believe it is the practice of the Committees on Finance to adopt the estimates that are submitted and report them to Congress, and it is most usual for the committees to be furnished with the evidence of the necessity of the appropriation, or to accompany the report with evidence to the body that there is a necessity for that appropriation.

Mr. CONNESS. I wish to ask the Senator whether these estimates are not itemized. I think they are always itemized.

Mr. WILLIAMS. I think not. There are only certain estimates that are itemized; but where an estimate is made for the contingent expenses of any particular Department of the Government, or where it is desired by any department that a certain sum should be appropriated for a certain purpose, it is not customary to state the particular items for which the money is to be expended; and in a case of this description it would, I suppose, be impossible to submit any items, because the money is to be used as the emergencies of the Department may require. There are no specific purposes, as I understand, to which this money is to be applied, but it is a fund which is placed in the hands of the Secretary to use somewhat at his discretion, to promote the interests of the country; and this estimate, as it was submitted to the committee, was $65,000, and it was reduced by the committee last year. I do not know that there is any evidence, I do not know that any can be procured unless an

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application is made to the proper Department. I suppose the Secretary of State may be required at any time by resolution of Congress to show in what manner he expends the money placed at his disposal, and it would not be difficult for Congress to ascertain whether it is or is not properly expended. I think the objection which lies to this appropriation would lie to very many others, and it seems to me not tenable.

Mr. GRIMES. I am very much gratified to get the information that I do from the Senator from Oregon. I have never been able to succeed before in penetrating into the mysteries of the Finance Committee of the Senate and knowing what was the basis on which they acted in reporting for or against appropriations. I had fancied that when they reported an appropriation bill they knew specifically what the requirements of the Department were, and what the necessities of the case were that made the demand for each particular appropriation. It seems, however, from the statement of the Senator from Oregon, that the committee accept the estimates as final and complete upon their judgment, and that they report them to the Senate whatever they may be. When, however, we, who are the representatives of particular departments, propose an amendment upon any given bill, we are not only required by the Finance Committee to prove that the Department asks for the appropriation, but we have to go on and convince the judgment of the Finance Committee that the public interests require that that appropriation shall be made.

Mr. WILLIAMS. I ask the Senator if that is true of the usual appropriations.

Mr. SUMNER. I think I must ask the Senator now to proceed——

Mr. FESSENDEN. Let us finish this bill.

Mr. SUMNER. This was taken up informally.

Mr. FESSENDEN. It is up, and let us finish it.

Mr. SUMNER. I want to have the Louisiana bill taken up.

Mr. FESSENDEN. Wait till we get through with this.

Mr. GRIMES. Now, Mr. President, with regard to this particular appropriation, by a reference to the estimates of last year it will be observed that the State Department estimated for $80,000, which was the amount we had appropriated the year before. We cut the appropriation down to $65,000, and this year they do not estimate for $80,000, as they did last year; but they estimate for $65,000, precisely the same sum which we fixed here arbitrarily in the Senate as the proper amount they should have. Now, if we can cut it down to $30,000 this year, their estimate for this purpose next year will be $30,000, the amount we fix it at, neither more nor less. They will just take up the appropriation bill of the preceding year and direct a clerk to copy it off, specifying the amounts that were voted the year before. That seems to be their rule.

I think it is hardly fair that the Senator from Massachusetts should call on me to prove a negative to show that this money is not required. It is for the affirmative side to show that it is required. I show that in a like condition of the country, when we were at peace, $20,000 for this purpose was enough. It is therefore incumbent on them, I think, to show that in a like condition of the country a greater amount is required than was given them, and yet I am content to allow them fifty per cent. more than we gave them in 1860.

Mr. DAVIS. I believe I shall vote against the motion of my honorable friend from Iowa. I ordinarily have very great confidence in any proposition that he may make, and I usually have as much distrust of anything that is supported by the Senator from Massachusetts; but I really believe to-night those Senators somehow or other have swapped seats. I think the Senator from Iowa has got upon the wrong side, and by a very great chance the Senator from Massachusetts has got upon the right side.

But, in addition to that, I am a strong convert to the ability and vigilance and fidelity of the Secretary of State. It is true that I was a long time coming to any such faith and confidence as that; but for the last year or two the honorable Secretary has been behaving so very well in his office, with so much patriotism and with such a fidelity, not only to the duties of his place, but to the demands of the Constitution and of proper policy in the administration of the Government generally, that he has won very greatly indeed upon my feelings. I never doubted the ability of the Secretary of State. He proved that many years ago in his early manhood, when he was Governor of the great State of New York, and he assumed the heretical position that where a man was indicted as a criminal in one State and he fled to another State and was demanded in conformity to the Constitution by the Governor of the State from whence he fled he could not be surrendered to be tried upon an indictment in the State from whence he came unless the act which he was charged to have committed was an offense in the State to which he fled. I considered that a very dangerous position. I recollect when that principle was enunciated by the Governor, Mr. Granger, who was then a member of the House of Representatives from the State of New York, responded to it in about this way: "That is a very grave error, I conceive, of the Governor of my State, because it would operate against some of the great interests of the State of New York. She has a great canal, a great internal channel of commerce. In that canal are most magnificent and expensive locks. It is made a felony by the laws of New York for any man to destroy one of those locks. Now, according to the principle laid down by the Governor of New York, if a man who had committed the crime of blowing up the locks of the great Erie canal should become a fugitive from justice by betaking himself to the State of Kentucky, that State having no canals, consequently no canal locks, and consequently no laws making the destruction of a canal lock a felony, according to the principle enunciated by the Governor, if he himself was to demand this fugitive from the State of Kentucky, the Governor of that State would not surrender him to the justice of the laws and courts of New York, because the destruction of a canal lock was not a felony by the laws of Kentucky." But, Mr. President, that question has become among the things that were. Most States now have canals and canal locks, and they have made the destruction of those locks a felony punishable by confinement in the penitentiary.

This is rather a digression I admit from the matter that is under consideration; but I could not forbear to get up and express my full concurrence with the position and remarks of the Senator from Massachusetts, and however painful and unpleasant it is me to dissent so essentially and distinctly from my honorable friend who represents the State of Iowa, I feel that I am constrained by a just consideration of the subject to give my vote with the generally heretical Senator from Massachusetts, and against the generally sound and correct statesman who represents in part the State of Iowa. I shall therefore vote against the motion of my honorable friend from Iowa.

Mr. BUCKALEW. I believe the appropriation last year for this object was reduced on my motion some $20,000. I have had no information since last session on this subject. It seems to me we are voting very much in the dark upon it. Our committees do not seem to have investigated it. The chairmen of the Committees on Foreign Relations and on Finance both avow their ignorance on the subject. I think under such circumstances it is rather perilous to reduce this appropriation, or at least to reduce it so largely as from sixty-five to thirty thousand dollars. I would not object very much to voting for some reduction—not so great however—trusting that the committee of conference, which of course will be held on this bill, will have more information than we have, and fix it about right. But as the Senator from Iowa moves to reduce it so very much I am constrained to vote against his particular proposition.

Mr. SAULSBURY. Mr. President, I will not in this instance, as I believe I have never done, vote against any appropriation which is deemed by the head of a Department necessary for properly carrying on the functions of that Department. But I cannot sit quietly in my seat and hear a eulogy pronounced by my friend from Kentucky upon the present Secretary of State of the United States. Sir, he "tinkled that little bell," and the people of the State that I represent suffered too much from his touching that little bell for me to remain quietly, silently in my seat when a eulogy is pronounced upon any such man. Sir, I regard him as the Mephistopheles of the age—a man who for twenty years had been preaching doctrines which led to the dissolution of the Federal Union. When an encomium, a eulogy is pronounced upon any such man as that, in sorrow and in sadness I rise in my place, while voting for the bill, to protest against the eulogy.

Sir, great complaints are made against Andrew Johnson, President of the United States, my present friend, as I am his. But what can he do? With William H. Seward on one hand and Edwin M. Stanton on the other, what could you expect any man to do? He has fulfilled, as far as he could, the office of patriotism, and discharged with patriotic fidelity every obligation that he owed to the Constitution of his country; but surrounded by such men he could do nothing more. Discarding them when he took his stand upon the platform of constitutional American liberty he would have commanded the respect of the civilized world. With them as his advisers he has done the best he could; but they are dragging him down to-night in the face of the civilized world, and trying to make a compromise with the Senate and House of Representatives. I hope he will regard the great behests of the Constitution, and by the eternal God, whom he adores, discard the counsels of such men—discard them from his Cabinet, get them out of his councils—and then the American people will rally to Andrew Johnson, as all the patriotic hearts now beat in unison with his purposes, his hopes, his objects.

Mr. BUCKALEW. I find, Mr. President, that at the last session I submitted a motion for reducing this item in the appropriation bill from $80,000 to $50,000. Subsequently, and after debate, on motion of the Senator from Illinois, [Mr. TRUMBULL,] the amount was fixed at $40,000. What was done subsequent to that in the committee of conference I am not aware. I believe the amount was increased. I should be willing now to vote to fix this sum at the amount which was settled in the Senate after debate last session—$40,000.

Mr. DAVIS. Mr. President, I had no expectation when I pronounced what my friend from Delaware called a eulogy on the Secretary of State, of bringing down upon myself, "like a thousand of brick," the torrent of his indignant eloquence. I know that my honorable friend has a Christian and magnanimous heart, and I ask him if he does not feel that there is a *locus pœnitentiæ* for any man, even for the vilest political sinner? I conceded in my remarks that the Secretary of State, in his former life, according to my judgment, had been a very considerable political sinner, and that I dissented very essentially from his principles and practices; but since radicalism has assumed so malignant a type, and has become so powerful and so threatening of mischief and ruin to our constitutional form of Government and to the Union, I think the honorable Secretary of State has behaved very well, ably, patriotically, and that if this administration of his Department for the last eighteen months or two years could be measured by the principles of the Constitution it would be found to square essentially very well with them. Certainly the foreign relations of our Government, under his administration, have been managed with very signal tact, judgment, ability, and statesman-

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ship. He has, with the skill of an experienced and able mariner, steered the ship of state from many a breaker and over the stormy waves on which it was threatened to be dashed to pieces. In respect to his general administration of the foreign relations of our country, I have no essential exception to make, but I have a great deal to admire and to approve; and I am deeply convinced that the country has received benefit and averted the dangers and horrors of foreign war by his skillful and statesmanlike administration of our foreign affairs. I believe that if there had been a less skillful pilot at the helm we should have been involved in war with two of the most formidable European Powers; and such a contest as that would have been disastrous, coming on at a time when the great civil war, the internal strife that had rent the confederacy almost in twain, and with earthquake force was uprising and heaving one half against the other, was so terrible and at the same time so doubtful that the wisest and most sagacious man could not foretell into which scale the victory would eventually fall. For the Secretary of State to have carried triumphantly, ably, with perfect preservation of the interests and honor of the nation, the ship of state through these dangers, I think was a signal service, for which he deserves the commendation, and if my friend please, the eulogy of every American patriot.

Now, in relation to his administration of his Department more immediately in connection with our own Government and the internal affairs of the country, that portion of it that transpired mostly under the inspiration of Mr. Lincoln, I admit did not receive my approval; but since the present President of the United States has been in office, and Mr. Seward has been his Premier, I do not now remember any essential point, any great question of policy, upon which I have materially dissented from the Secretary of State.

Well, Mr. President, when an American statesman who had wandered so far from the school in which I was educated in politics, who had maintained for so long a period principles to which I was utterly and irreconcilably opposed, which I believed unconstitutional and unjust to the people of a large number of the States and destructive of the harmony of these States and this people, has changed the tack upon which he was steering the ship of state and has brought it to these safe waters and soundings in which the honorable Secretary of State has been sailing that noble vessel the last two years, I cannot withhold my approbation from his administration within that time. I therefore pronounce upon it in very unqualified terms that approbation.

Mr. SAULSBURY. I did not intend to engage in any debate on this question; but as I entered the Senate Chamber I heard words of eulogy pronounced, and I could not remain silent under them. I have been provoked to this controversy by that eulogy. I always dislike in this body very much to say a word against a man who is not present to defend himself; but for years I served in this body with the present Secretary of State, and what did I hear? When great truths and soul-stirring thoughts were considered by the statesmen of America Mr. Seward was silent. When the fate of this nation hung upon him, when he had it in his power to save this Union, in this Senate he uttered unmeaning things in unmeaning words. Then I did not believe that he meant to save my country—to save it to me, to save it to my children, and to save it to posterity. He allowed the occasion to pass by. He had it in his power to save it. One blast from his bugle-horn would have averted this whole calamitous civil war in which we have been engaged and from the discussions of the great questions in which we have been involved. But, sir, no! Party was his law, not country. I now charge upon the Secretary of State distinctly that after the war commenced he summoned to his presence an ex-Governor of my State, who had been for some time sojourning in Europe, and commanded him—it was an invitation, but that Governor considered it as a command—to be and appear in the city of Washington, and then and there he demanded of him to sit as vice president at a Republican meeting of which a renegade Breckinridge Democrat was to be president, and he then and there told him that they had given to their friends in Maryland $200,000 to carry the election; and their friends in Delaware could have "aid" if they would do the same. Sir, I will not sit quietly in my seat and hear a eulogy pronounced upon such a man, who, as I said, is the Mephistopheles of the age, without uttering my solemn protest against it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 16, nays 15; as follows:

YEAS—Messrs. Brown, Chandler, Conness, Creswell, Fogg, Grimes, Howard, Howe, Lane, Morrill, Patterson, Ramsey, Ross, Stewart, Wade, and Wilson—16.

NAYS—Messrs. Anthony, Buckalew, Davis, Dixon, Doolittle, Fessenden, Hendricks, Johnson, Morgan, Saulsbury, Sherman, Sumner, Van Winkle, Willey, and Williams—15.

ABSENT—Messrs. Cattell, Cowan, Cragin, Edmunds, Foster, Fowler, Frelinghuysen, Guthrie, Harris, Henderson, Kirkwood, McDougall, Nesmith, Norton, Nye, Poland, Pomeroy, Riddle, Sprague, Trumbull, and Yates—21.

So the amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TENURE OF OFFICE.

Mr. WILLIAMS. Mr. President——

Mr. SUMNER. The question now comes back on my motion to proceed with the consideration of the Louisiana bill.

The PRESIDING OFFICER. That was the question before the Senate which was laid aside informally.

Mr. SUMNER. And the yeas and nays were ordered on that motion.

Mr. WILLIAMS. I wish to make a report from a committee of conference.

Mr. SUMNER. When the bill is taken up the Senator can make his report.

Mr. WILLIAMS. It may be some time before the bill is taken up, and I wish to have the bill on which I desire to make a report enrolled so that it may go to the President.

Mr. BUCKALEW. I called for the yeas and nays on this motion.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BUCKALEW. I understand that it is the object of the Senator from Massachusetts to proceed with the consideration of the Louisiana bill this evening. He does not propose to take it up for the purpose of assigning some particular time to-morrow or at some other regular session; but he proposes, if his motion shall prevail, to go on with the consideration of the bill and act upon it finally this evening. Now, sir, I desire to submit some reasons why this bill ought not to be acted upon to-night; but I understand that the Senator from Oregon desires to make a report from a committee of conference; and, for the present, I will give way to him for that purpose.

Mr. SUMNER. Let the question be taken now on taking up the bill.

Mr. WILLIAMS. I ask leave to make a report from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 453) regulating the tenure of certain civil offices.

The PRESIDING OFFICER. The report will be received and read.

Mr. SUMNER. I must object to that unless the Louisiana bill is laid by informally with the understanding that we shall proceed with it when this report is disposed of.

The PRESIDING OFFICER. The report of a committee of conference, as the Chair understands, has always been a privileged question. Of course the motion of the Senator from Massachusetts is only laid aside informally while this report is being considered. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 453) regulating the tenure of certain civil offices, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the first amendment of the House, with an amendment, as follows: at the end of section one of said bill insert the following words:

Provided, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

And the House agree to the same.

That the Senate recede from their disagreement to the second amendment of the House and agree to the same.

GEORGE H. WILLIAMS,
JOHN SHERMAN,
Managers on the part of the Senate.
ROBERT C. SCHENCK,
THOMAS WILLIAMS,
JAMES F. WILSON,
Managers on the part of the House.

Mr. BUCKALEW. I found myself unable to agree with the majority of the committee of conference in recommending the particular arrangement which is reported. I am persuaded in my own mind that if the Senate should adhere to its position upon this bill the House of Representatives would eventually concede a concurrence with the Senate amendments. At this time of night, and with business pressing upon us, I shall of course decline entering upon an argument against the limitation proposed in the report of the committee upon the tenure of these particular officers. It is a novel proposition and deserves more consideration than it can receive at this time. It is an entire departure from anything which appears in the bill. We had no provision in the bill in regard to the tenure of these particular officers, and I think the committee strained a point in order to reach the conclusion at which they have arrived.

These officers from the foundation of the Government have held their offices at the pleasure of the President; they have been removable at will. Now, however, they are to have a duration assigned to their office similar to that which is assigned by the Constitution to the President himself. If appointed by an incoming Chief Executive they are to hold their offices for a period of four years, unless they shall be sooner removed by and with the advice and consent of the Senate. And then, sir, they are to hold their offices for one calendar month after the term of the President has expired, and during all that interesting period in the history of a new Administration they are to have control of the several Executive Departments, and a new President coming into office is to be fettered with a former Cabinet for this whole period of time while he is making all the necessary arrangements for his Administration, and is to be precluded from calling the men he intends to select to his aid. I see no utility in an arrangement of this kind, no good to be accomplished by it, no reason why we should depart from past practice upon this subject. I am therefore indisposed to do it.

Now, sir, one other thought, and I shall leave the subject. The point upon which gentlemen of the House of Representatives proceeded on this particular subject of the tenure of office by the heads of Departments was that those officers should be considered as independent of the President of the United States; that they were not to be considered as his agents, as his officers, hardly as his assistants, in carrying on the business of that branch of the Government. All the time we have been told that these officers should be separated as far as possible from the President of the United States; that they should in their high offices act independent of him; that they should have no dependence upon him; that they should be, to sum it up in one word, independent, or as independent as possible. Now, the proposition which is submitted to us as a concession to the House

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is to tie these officers to the President; they are to continue in office as long as he does; they are to go along with him during his term, and then they are to vacate their office in thirty days afterward. Thus, sir, the reasoning upon which we were asked by the House of Representatives, or by gentlemen of that House, to proceed upon this particular point involved in the bill is utterly abandoned in the arrangement that is made. These appointments are to be connected with a particular President and to continue during his term, and their tenure to depend upon the existence of his; and they are to go out of office very nearly at the same time. The whole reasoning on which on this particular point we were asked to concede our disagreement to the House amendment is departed from entirely in the arrangement which has been made by the committee.

I might go on and point out other inconveniences besides those which I suggested before on this subject, but I will not do so. I will content myself with recording my vote against the report of the committee, assuring the Senate that my conviction is that if they reject this report an agreement can without particular difficulty be obtained in a different manner.

Mr. HOWARD. I should like to have the amendment of the committee of conference again reported, and I should like very much if some member of that committee would explain the effect of it briefly, so that we can all understand it. It is a very important provision, and ought not be acted upon without a full understanding.

The Secretary again read the report of the committee of conference.

Mr. WILLIAMS. I think there is no difficulty in understanding this report, as it amounts to the adoption of the amendment proposed by the House of Representatives, with certain qualifications. It will be remembered that the House put the heads of Departments on the same footing with other civil officers, and provided that they should not at any time be removed without the advice and consent of the Senate. Objection was made to that, because it was said that when a new President came into office he might be compelled to have a Cabinet not of his own selection. This amendment provides that when the term of office of the President expires the offices of the members of the Cabinet shall also expire, with a provision that they may continue in office for one month, so as to enable the incoming President to arrange his new Cabinet. If it was provided that the members of the Cabinet should go out of office when the President went out the new President would be entirely without a Cabinet till he and the Senate could agree upon a new set of Cabinet ministers; but this enables him to have the advice and assistance of the old Cabinet till he can nominate and secure the appointment of a new Cabinet. The report of the committee is intended to put the heads of Departments upon the same footing with all the other officers named in the bill, with this exception, that their terms shall expire when the term of office of the President by whom they were appointed expires. That is the effect of the provision.

Mr. HOWARD. I think it an improvement upon the bill as it originally passed the Senate; but I wish to call the attention of the Senator to this point: the amendment of the committee of conference declares that the Cabinet officers shall hold their office for and during the term of the President, by whom they are appointed, and then proceeds to say that they shall hold over for one month after the expiration of that term. Of course their new successors cannot be appointed by the new President at the commencement of his term, and hence it would be impossible for the Cabinet officers to hold their offices strictly and literally during the term of the President. Is there not a little ambiguity in the language? May there not arise a controversy respecting the actual legal term during which they are authorized by this law to hold their offices? I merely throw out the query for an explanation.

Mr. WILLIAMS. I think not. They are to hold during the term of the President by whom they are appointed, and one month thereafter, so that to the term of the presidential office is added one month within which to enable the new President to arrange his new Cabinet. Of course it is to be presumed that the Senate will perform its duty; that when a new President during that month nominates his new Cabinet the Senate will confirm them; and as soon as the new Cabinet ministers are nominated by the President and confirmed by the Senate, the old Cabinet ministers go out of office. They go out of office at any time when the President nominates new men and they are confirmed by the Senate. Thus the President is not bound, if the Senate sees proper so to agree, to have a Cabinet minister any longer than when he desires; but when he undertakes to remove a Cabinet officer the Senate must consent to that removal.

I will add that I have from the beginning of this controversy regarded this as quite an immaterial matter, notwithstanding the fact that the two Houses have been very tenacious in the respective positions they have taken, for I have no doubt that any Cabinet minister who has a particle of self-respect—and we can hardly suppose that any man would occupy so responsible an office without having that feeling—would decline to remain in the Cabinet after the President had signified to him that his presence was no longer needed. As a matter of course the effect of this provision will amount to very little one way or the other; for I presume that whenever the President sees proper to rid himself of an offensive or disagreeable Cabinet minister he will only have to signify that desire and the minister will retire and a new appointment be made; but it was considered by the committee of conference that this report was in accordance with the spirit of the bill, and the only one upon which we could agree. So far as I was concerned, I would rather have receded entirely from the position taken by the Senate than to have lost this bill, for I consider the bill of very great value and I am very anxious to see it pass.

Mr. HOWARD. I have no doubt that the practical interpretation of the bill will be such as the honorable Senator from Oregon has suggested, and I shall vote for this amendment with a great deal of pleasure, and I hope the Senate will concur in it.

Mr. SHERMAN. I agreed to the report of the conference committee with a good deal of reluctance. The Senate had by two deliberate votes declared its purpose not to make the duration of the Cabinet officers fixed by any time, but that they should hold their offices at the pleasure of the President; and that was the original design in the creation of their offices; but the general purpose of this bill is so very important, it establishes so salutary a reform, that I thought it ought not to be endangered by a dispute on a collateral question. The House conferees and the House by two votes were very tenacious upon the subject, and there seemed to be a probability that the bill would be lost upon a question that was collateral and unimportant. I take it that no case can arise or is likely to arise where a Cabinet minister will attempt to hold on to his office after his chief desires his removal. I can scarcely conceive of such a case. I think that no gentleman, no man with any sense of honor, would hold a position as a Cabinet officer after his chief desired his removal, and therefore the slightest intimation on the part of the President would always secure the resignation of a Cabinet officer. For this reason I do not wish to jeopard this bill by an unimportant and collateral question.

The proposition now submitted by the conference committee is that a Cabinet minister shall hold his office during the life or the term of the President who appointed him. If the President dies the Cabinet goes out; if the President is removed for cause by impeachment the Cabinet goes out; at the expiration of the term of the President's office the Cabinet goes out; so that the Government will not be embarrassed by an attempt by a Cabinet officer to hold on to his office despite the wish of the President or a change in the Presidency. The great danger that might have arisen from the bill as it stood amended by the House is relieved by this amendment, and I think it is much better for us to agree to this modification rather than endanger the passage of the bill. I therefore signed the report of the conference committee, though with some reluctance. I think, under the circumstances, the Senate had better agree to it. If it shall be found to work badly at any time it will be very easy by a law or joint resolution to change it.

Mr. FOGG. I should like to ask the Senator one question. Suppose the President should die during the session of the Senate, would the Cabinet still go out without their successors being nominated to the Senate and confirmed?

Mr. SHERMAN. The Cabinet would continue for one month to enable the new President to arrange a Cabinet.

Mr. FOGG. But would they go out at the end of that month, though the Senate was in session?

Mr. SHERMAN. The appointment of a new Cabinet might be made immediately, and they would take their offices at the end of the month. I think the provision is a very wise one.

Mr. FOGG. The question which I wished to ask and have answered is whether at the end of that month the Cabinet must go out though the Senate were in session? Would that Cabinet go out till the new Cabinet had been confirmed by the Senate?

Mr. SHERMAN. Oh, yes. The confirmation may precede the commencement of the office. It is very often the case that a nomination is confirmed where the office does not commence for a month or two afterward. An appointment may now be made for an office to take effect the 1st of July next. There is no practical difficulty in that respect.

Mr. HENDRICKS. I shall not vote for this report. I do not think the committee were justified in presenting it. Two votes of the Senate decided that it was not the pleasure of the Senate to have this provision in the bill. I think they were emphatic votes on the part of this body. The result of the conference is simply that two or three gentlemen legislate contrary to the will of the Senate. I do not myself believe that this is such an important bill as that we should pass it with the most important feature in it perhaps contrary to the will of the Senate. That is the result of it. The Senate has said twice that this is a disagreeable feature of the bill. Now we yield that in regard to the officers next to the President and make them independent of his will. Senators say that of course members of the Cabinet will not remain if it be the pleasure of the President that they should resign. There are two objections to that excuse for this legislation. The first is that this seems to establish a new proposition, and a mean person getting into the Cabinet would say, if the President desired him to leave, "Congress has said I may stay; therefore I will stay." The very person who ought to be turned out is the very person who will stay in. A gentleman of course would not, but a man who would have purposes to accomplish independent of the good of the country would stay. He is the very person that would.

Mr. WILLIAMS. I ask the honorable Senator if the Senate would not consent to the removal of such a man?

Mr. HENDRICKS. That would depend on circumstances; it is a question of doubt. I am not prepared to say. I have a great respect for this body, but I am not prepared to answer the question in the affirmative. But suppose the Senate would, can the President of the United States bring before the Senate all the considerations that make it disagreeable for one of his Cabinet ministers to remain? I think

there is a radical evil in this bill. It is that removals cannot be made from important offices except with the consent of the Senate for cause stated and shown. Each one of us knows that officers oftentimes prove themselves unfit for the office, and yet you cannot prove it against them. You are frequently more satisfied that a man ought to be turned out against whom you cannot bring a case by proof showing the fact than a man against whom the proof may be stronger. You know it by his manner, the way he conducts the business, his disagreeable style toward the people with whom he has to transact business for the Government. A great many things may satisfy the President or a head of a Department that for the good of the country a man ought to be turned out, and yet where a case against him could not be made before the Senate.

I think the whole bill is vicious, and I will not vote for this report of the conference committee. I do not much like this way of legislating through committees of conference; there is too much of it. I do not choose to discuss that on this occasion. I say this report will keep in a Cabinet the very man who ought to be out. A decent man, a gentleman would not wait till he was turned out; but a dirty fellow who had no respect for himself or the high office would hold on under this bill.

Mr. DOOLITTLE. Mr. President, in my opinion it is wrong on the part of Congress to attempt to prevent the President of the United States from having the choice of his own Secretaries, who are substantially his clerks in a confidential relation to him in the administration of affairs, who are to meet with him daily and weekly in consultation, whose personal relations with him as a matter of course should be of such a kind that the President could consult with them in daily intercourse, and for whose removal a President might not be able to give any particular cause. We know that in the course of the Administration of the late lamented Mr. Lincoln a crisis arose when it was found by him necessary for the proper administration of the public affairs that certain gentlemen of his Cabinet should go out. It was not that those gentlemen were not men of great ability; it was not that those gentlemen did not agree with him upon the great questions of policy; but we know that particular relations arose between the President and certain members of his Cabinet, so that it became incompatible with the relations which were necessarily imposed upon gentlemen holding such a position that they should continue to go on together, and the President could assign no other or better reason perhaps why a member of his Cabinet should go out.

But, sir, without going into that, I desire to look into this most marvelous production of this committee of conference, which has utterly failed to accomplish the very thing which they design by the terms of the bill and the language which is used. I suppose it is aimed at the present head of the executive department, to bind him to keep certain members of his Cabinet, for it was openly avowed in the discussion of this bill when it was up before that it would be intolerable to allow the present Executive Magistrate to have the power of removal over certain members of the Cabinet, mentioned by name. Now, this project does not reach those members at all. The terms of this provision are:

> That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month longer.

Now, let us look at the facts. The Secretary of War was appointed by Mr. Lincoln during his first term; he never has been appointed since; he has never received any appointment since. Mr. Lincoln gave him no appointment during his second term, but he held over. Mr. Johnson has given him no appointment, but he has held over. So of the Secretary of the Navy, and so of the Secretary of State. The Secretary of the Interior, to be sure, and the Postmaster General and the Attorney General have been appointed by Mr. Johnson since the presidential office devolved on him; and by the terms of this law the Secretary of the Interior, the Postmaster General, and the Attorney General must remain during Mr. Johnson's term; but the Secretary of State, the Secretary of War, and the Secretary of the Navy, according to the terms of this provision, may be removed by him to-morrow.

I am a little surprised at this proposition. It is a perfect abandonment of the principle upon which the Senate stood in voting twice that, although they would not allow the removal of other officers in the Government without the consent of the Senate, yet as to members of the Cabinet, from their confidential relation to the President, from their being his Secretaries, with whom he must hold daily constant intercourse, Congress should not undertake to proceed so far as to take from the President his power of removal over them. It is substantially an encroachment to that extent upon the power of the Executive as I deem the whole bill to be an encroachment upon the powers of the Executive as they have been established by the uniform construction of the Government from the beginning of its organization down to the present time. I admit that as an original question, had it been submitted to me, looking alone to the language of the Constitution, I might not have given the same construction which was originally given; but that construction having been given by the men who made the Constitution, and having been continued for seventy years, it seems to me if anything can be settled by construction this question has been already settled. But I do not propose to go into that; I simply call the attention of the Senate to the principle upon which they stood.

This attempt to legislate for personal reasons, because there is a personal feeling toward a particular individual who may hold an office, always misleads. The time may come when some of my friends around me here may be President themselves, and they may want to choose their own Cabinet, but they may find a Senate politically opposed to them. Then, under this bill, a Senate politically opposed to the incoming President would have it in their power to compel him to keep in his Cabinet his political opponents. I say it is an outrage upon the Constitution to propose a thing of that sort.

Mr. WILLIAMS. The Senator has not given the correct construction of the amendment. They go out with the President, but may continue for one month afterward; and that provision is to enable a new President to have time to form his Cabinet, so that the President when he commences his duties on the 4th of March, shall not be entirely without a Cabinet, but shall have the old Cabinet till he appoints new Cabinet ministers. When he makes an appointment, the Senate, of course, will consent.

Mr. DOOLITTLE. It forces him to keep them for a month.

Mr. WILLIAMS. It does not force him to do any such thing.

Mr. DOOLITTLE. He cannot turn them out without the consent of the Senate, and the Senate may be politically opposed to him. Again, take the case of a President and Vice President elected together and the President, as in the case of General Harrison, dies at the end of one month, and the Vice President becomes President: he cannot change that Cabinet; he cannot choose a Cabinet of his own without the consent of the Senate. I think this is suffering ourselves, in the heat of this excitement and feeling, to do injustice to ourselves and injustice to the Departments of the Government. The Senate ought not to yield; it ought to stand by the principle which was adopted in the first bill; certainly not go beyond it.

Mr. SHERMAN. I do not understand the logic of the Senator from Wisconsin. He first attributes a purpose to the committee of conference which I say is not true. I say that the Senate have not legislated with a view to any persons or to any President, and therefore he commences by asserting what is not true. We do not legislate in order to keep in the Secretary of War, the Secretary of the Navy, or the Secretary of State.

Mr. DOOLITTLE. I referred not to the committee of conference, but I referred to the debate on the original bill when it was pending, in which debate it was openly stated by some friends of this restriction on the President's power over the Secretaries that it was not to be tolerated that the present Chief Magistrate should have the power to remove the Secretary of War by name.

Mr. SHERMAN. Some Senator may have had that purpose.

Mr. DOOLITTLE. I heard it in debate; I speak not of what may have been the views of individual Senators not expressed on the floor of the Senate. I allude to what was openly stated in debate.

Mr. SHERMAN. That the Senate had no such purpose is shown by its vote twice to make this exception. That this provision does not apply to the present case is shown by the fact that its language is so framed as not to apply to the present President. The Senator shows that himself, and argues truly that it would not prevent the present President from removing the Secretary of War, the Secretary of the Navy, and the Secretary of State. And if I supposed that either of these gentlemen was so wanting in manhood, in honor, as to hold his place after the politest intimation by the President of the United States that his services were no longer needed, I certainly, as a Senator, would consent to his removal at any time, and so would we all.

But this is the position of affairs: the Congress of the United States now intend to assert the power of the Senate to prevent removals from office. We have seen within the last year the spectacle of the whole revenue service upturned. Why? To reward partisans to betray a party. That was the purpose; everybody knows it. Last fall certain executive officers entered the shambles and removed by wholesale persons appointed to collect revenue, the most unpolitical office in the world, for the purpose of controlling the elections of members of Congress, thus deranging our financial system. The evil of this course became so palpable that men of all parties desired some change. When we came to examine the Constitution of the United States we found that the framers of the Government contemplated a control over the power of removal; that the true construction of the Constitution required that the Senate shall take part in the removal of an officer as well as in his appointment; and we now by law assert the principle that the President of the United States shall not, without the assent of the Senate, remove an officer appointed with the consent of the Senate, except in certain cases. The correctness of that principle the Senator himself concedes, for he says that if he looked to the Constitution alone he would say that was right, but he thinks a different construction has prevailed. The whole history of that construction has been debated in the Senate; and we now propose to go back to the true interpretation of the Constitution, and say that the power of removal ought not to exist in any man unless it is restrained by the power of the Senate. That is the true constitutional rule.

In framing this bill the committee who drafted it said there were certain offices which ought to be excepted from this rule. The committee declared that this rule should apply to all the officers of the Government except the Cabinet ministers. I think the Cabinet ministers ought to be within the power of the President. I do not think any Cabinet minister should hold his office against the wish of the President. I think the President's power over the Cabinet should be ample, sole, and exclusive. But the House of Representatives are of a different opinion; they say this exception is not founded on a good reason; they approve of the general principle of the bill, but not of the exception; and

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they ask us to modify the exception. Here is a case of disagreement between the two Houses. A committee of conference is appointed. Must we, according to the idea of the Senator from Indiana, stand by the action of the Senate? If so, there is the end of the bill; there is the end of all agreement. A committee of conference is appointed for the purpose of enabling the positions of the two Houses to be, if possible, brought in harmony, and to present the question again before each House with a view to a compromise or an adjustment. Very rarely on committees of conference does one House abandon its position and the other House triumph entirely: there is usually an adjustment on a reasonable basis. In this case the committee of conference—I agreed to it, I confess, with some reluctance—came to the conclusion to qualify to some extent the power of removal over a Cabinet minister. We provide that a Cabinet minister shall hold his office, not for a fixed term, not until the Senate shall consent to his removal, but as long as the power that appoints him holds office. If the principal office is vacated the Cabinet minister goes out. The reason why the provision was made for his continuance one month beyond that time was to enable the new President to arrange his Cabinet. Perhaps one month is longer than is necessary; but I take it that practically there will be no difficulty, because when a new President comes in upon his suggestion the old Cabinet will retire, and the field will then be clear.

It seems to me, on the whole, that the adjustment is a reasonable and fair one, no departure from principle, but simply a modification of the exception which the Senate deemed to be wise.

Mr. HOWE. Mr. President, I took as much interest perhaps in the discussion of this question when it was before the Senate as any one member, and it is therefore proper, perhaps, that I should say now that I will vote to adopt this report of the committee of conference, though I do not like it. I liked the proposition of the House of Representatives, and I wished the Senate to agree to that, but the Senate declined to do so. I am induced to agree to this report, not because it secures any practical good beyond the mere assertion of a sound constitutional principle. During the last session of this Congress both Houses were vehemently importuned to take from the President of the United States this power of removal, which it was said then, and has been repeated again during the pendency of this bill, existed in him by virtue of statutes and not by virtue of the Constitution. Both Houses obstinately refused to take the power away from him; and I desire to say now, by way of reminder, to the Senator from Ohio, that it was because of that obstinate refusal to legislate at the last session, instead of the present session, that these great revolutionary upturnings to which he has alluded have taken place in the country, and that you have seen the whole revenue service of the country demoralized.

When it seemed to be conceded by the great majority in both Houses that that power did vest in the President by reason of statutory enactments and not by virtue of anything in the Constitution, I asked the attention of the Senate to the fact that his power over a Cabinet officer—I called him so because others called him so, but it is a term not known to the Constitution, and, so far as I know, not known to law—was derived from precisely the same source that his power over a postmaster was, and when we saw fit to take from him the power to remove a postmaster I thought for the same reason we should take from him the power to remove any officer. Others thought we had better make an exception of these officers, and that opinion prevailed in the Senate. I regretted it profoundly. I regretted then and I regret now to hear these declarations that the President ought to have ample plenary control over these Secretaries. I insist upon it that the Constitution never designed it; I insist upon it that whatever statute confers it does a wrong to the public service; and I dissent for myself altogether to the proposition submitted by the Senator from Indiana, and which I understand the Senator from Ohio substantially to agree to, that the head of an executive Department who should remain in office after receiving from the President the slightest intimation that his services were not acceptable, would deserve to be expelled from his office. I hold that when the head of an executive Department is placed there by the joint action of the President and the Senate, if he shall presume to leave that post of public duty at the intimation or at the command of the President, unless by statute you clothe the President with the power to issue such command, deserts the posts of duty and is derelict to his duty or is amenable to public censure, and he ought to be held up to public censure. That is my judgment.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

Mr. JOHNSON. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HENDRICKS. Before the vote is taken I wish to say one additional word, which, I think, I ought to say because of what has been said by the Senator from Ohio and the Senator from Wisconsin. I think some questions of fact ought to be regarded as settled at some time. A month ago I was not surprised that Senators should speak about the entire official service of the country having been changed during the last year; but now, when the facts are known to the Senator from Ohio and the Senator from Wisconsin, I am surprised at the general terms which they use.

Mr. SHERMAN. I spoke of the revenue service.

Mr. HENDRICKS. Out of two thousand four hundred and fifty presidential appointments I believe the present Chief Magistrate has changed four hundred and forty; and the Senator from Wisconsin speaks of that as a revolution, and thinks he is justified upon the facts in thus speaking of it. In regard to the statement of the Senator from Ohio touching the revenue service, my observation is that there has been no demoralization of that service. The information I have upon the subject is that the gentlemen who have been appointed during the last year, in some instances at least, have by their care and diligence added largely to the revenue. I think I could name two districts in the State of Indiana in which that is the case, where, because of care and diligence, thousands were added to the revenue in each of those districts. I do not admit that the persons who were appointed during the last year were at all inferior in fidelity or capacity as public officers to the men they succeeded.

Mr. SHERMAN. I said that the whole internal revenue system was disturbed, the whole machinery of a system that yields us $311,000,000. I cannot now recall a single collector or assessor in the State of Ohio that did not change his politics who was not removed; and so it was in the State so ably represented by the two Senators from Indiana, because I have passed on a great many of these nominations for assessor and collector.

Mr. HENDRICKS. You are mistaken as to Indiana.

Mr. SHERMAN. I know it was the case in Michigan, also, and generally throughout all the western and middle States: nearly every assessor and collector who did not conform to a certain line of policy was removed. I think it must have been so in Indiana to a great extent.

Mr. HENDRICKS. I should think now, without counting them, about half the officers there were changed.

Mr. LANE. I should think a much larger proportion than that. With the exception of the tenth district, I do not know a single district where either the assessor or collector has not been removed, and generally both. In the tenth district I believe there have been no removals: that is Mr. McCulloch's district.

Mr. HENDRICKS. In the first, second, and fourth districts but one officer has been removed in each; so in the eighth; in the tenth both remain. So I might go over the list; but I will not go into that sort of examination. What I wanted to say in reply to the Senator from Ohio was that there was no demoralization of the service so far as my observation had extended.

Mr. WILLIAMS. I will ask the Senator if he knows of any assessor or collector who has not been removed who openly supported the policy of Congress. Did not those who have been left in office silently acquiesce in or support the policy of the President? Have not all the assessors and collectors, so far as his knowledge extends, who openly advocated and voted for the policy of Congress been removed?

Mr. HENDRICKS. I dislike to speak in the Senate upon a question that I do not have personal knowledge about; I like to speak rather accurately here. My opinion had been that the gentlemen who were left in office in the State of myself and my worthy colleague who were not removed were supporters of Congress, as it is called. I know nothing to the contrary. I never heard of their taking any ground in support of the President, at least several of them. That has been my impression. I do not have much information about them, for, to tell the truth, I have not run that question down with a great deal of zeal.

Mr. HOWE. Since we are posting accounts, I think it proper to remark on the experience of Wisconsin during the late recess of Congress. There are six congressional districts in that State. In the first district both the assessor and collector were removed; in the second district both the collector and assessor were removed; in the third district the assessor was removed; the collector was not; in the fourth district both the assessor and collector were removed; in the fifth district both the assessor and collector were removed; in the sixth district only one of those officers was removed. Out of twelve revenue officers ten have fallen. Two yet live.

Mr. SHERMAN. What are their politics?

Mr. HOWE. Extremely doubtful. [Laughter.]

Mr. McDOUGALL. It is about time to inquire what was meant by the term "President of the United States." It was thought when he was clothed with office that he should stand as the Chief Executive, having the responsibilities of the administration of the executive functions in himself in the first place, and through those whom he should appoint. It was thought in the organization of this Republic that it was necessary that there should be such a person to make our institutions harmonious and to make them effective. These are the first days when it has been undertaken to make him who is constitutionally and by right the Chief Executive of the nation, a man shorn of authority, a mere puppet, not even with the authority of the Queen of England, not with any authority, except the privilege of the action of the day and the right to live in the Executive Mansion.

This may be well if our institutions are to be upturned from their foundations until there shall be a perfect demolition of the past and of the ideas of the past, and some of the wise and able men, the large thinkers, the great constructers of the day, shall build up for us new institutions, better, nobler, deeper founded, more broadly founded, and better constructed than the foundations of 1787. Sir, the pride that aims at such attempts is a pride that must have its fall, and fall it will.

It may be that Senators and Representatives do not think that the present Executive is exercising his legitimate and constitutional power in the most discreet manner; and for the temporary evil of the hour they propose to strike at institutions, at systems, and overturn what was intended to be established as law resting upon great principles. The Exec-

utive of the United States has his functions, just as the House of Representatives, just as the Senate of the United States, just as the judiciary, each in its place to be maintained. It is a strange and wild thought, it seems to me, and bold as well, that the Chief Executive, authorized to have his counselors about him appointed by himself, for his own advice, for his own service, should not have the privilege of selecting them; that his Secretaries as they are denominated in the Constitution, should not be his Secretaries, but the Secretaries of the popular voice or of Congress, not advisers selected by himself to give him information on questions of public law, or of foreign relations, or of the condition of our Navy, of the condition of our Army, or of our internal relations, not persons whom he can call upon to advise him, but men who are thrust upon him, or forced upon him, or held upon him without or against his consent.

If this policy be inaugurated absolutely, then farewell to the systems established by those who, having studied all histories, undertook to found the Republic of the United States of North America. It is a simple task, and the task of the barbarian, to pull down and destroy an edifice both strong and beautiful. I see nothing here of building up, of edifying, constructing, or beautifying anything. The tendency now is to tear down institutions that have gone through three generations, which have been admired by the civilized world until they commanded their respect, and do to-day, except as now we are beginning to lose their respect, because they begin to think that after all the American people, who have been a nation in the past, are incapable of conducting a Government when they see that that people appear to imagine that all power can rest in one. The Senate wants to usurp the President's office, and Congress wants to usurp all the powers of the Government and the judicial office; and that is the patent proposition of the majority here.

I do not fear that it will triumph; if I did, I should lose all hope for my country. I know that there is a latent, and will soon be a potent power in the American people, understanding the truths that belong to our system, that will not permit to remain in force these dogmas of the anarchs who seek disorder instead of order, or who never knew what order was. Who would be so low as to be the Chief Executive of this Republic, if cabined, cribbed, confined, circumscribed, as this report would make the President of the United States, President in name? He should be no kin of mine—a man shorn of all authority, seated in his place like the Grand Llama, who could nod his head with the wool upon it and yet shorn of even the wool. [Laughter.]

Mr. President, these are no jesting observations of mine. These are dealings with great things, with high considerations, that belong, not only to to-day, but belong to the ages, and men trifle with these things, dare to trifle. It seems somewhat strange to me that men dare to undertake to occupy themselves about the destruction and demolition of institutions most magnificently framed, without any idea of architecture, who know not what a structure is, who understand not anything of the forms of art, who understand simply demolition, and know nothing about construction or edification. I, for my part, would not dare, I am too much of a coward to dare, to do these things which so many dare, to do with a thoughtless eye and an unattending ear, not thinking that their conduct involves the condition of millions, the condition of our nation and its perpetuity. We are not yet a century old. May the good God who reigns in heaven permit us to fill out our century; but I fear we are threatened by a non-continuance.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference, and on this question the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 22, nays 10; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Conness, Fogg, Fowler, Henderson, Howard, Howe, Lane, Morgan, Morrill, Ramsey, Ross, Sherman, Stewart, Sumner, Trumbull, Wade, Williams, Wilson, and Yates—22.

NAYS—Messrs. Buckalew, Davis, Dixon, Doolittle, Hendricks, Johnson, McDougall, Patterson, Van Winkle, and Willey—10.

ABSENT—Messrs. Cattell, Cowan, Cragin, Creswell, Edmunds, Fessenden, Foster, Frelinghuysen, Grimes, Guthrie, Harris, Kirkwood, Nesmith, Norton, Nye, Poland, Pomeroy, Riddle, Saulsbury, and Sprague—20.

So the report was concurred in.

RECONSTRUCTION OF LOUISIANA.

Mr. SUMNER. I now ask that the Senate proceed with the consideration of my motion to take up the Louisiana bill.

The PRESIDING OFFICER. That motion is now before the Senate, having been displaced by the report of the committee of conference, which was regarded as a privileged question.

Mr. BUCKALEW. I gave way when this motion was pending earlier in the evening for the purpose of having the report of the committee of conference considered. This afternoon I voted for an evening session for the direct object of considering the appropriation bill which was then pending. A measure of this sort ought to be fixed beforehand, if it is to be considered at a special session. A great many members do not come out at sessions ordered in the evening unless they have notice of some measure which will provoke discussion, upon which the polling of a full vote is important. No notice was given when we ordered this evening session that a bill of this description, a general bill, a political bill, would be called up or a vote demanded upon it. This of itself is a sufficient reason why this measure ought not to be taken up and considered at this time. It ought to be taken up at some regular session during the day, when a full Senate can have its attention called to the subject.

Mr. STEWART. Will the Senator from Pennsylvania give way to a motion to adjourn?

Mr. BUCKALEW. I am content to yield to the motion, but I am not particular about an adjournment on my own account.

Mr. STEWART. I move that the Senate do now adjourn.

Mr. CONNESS. I trust the Senator will change his motion to one, that we proceed to the consideration of executive business.

Several SENATORS. Not now; it is ten o'clock.

Mr. SUMNER called for the yeas and nays, and they were ordered; and being taken resulted—yeas 18, nays 15; as follows:

YEAS—Messrs. Buckalew, Conness, Davis, Dixon, Doolittle, Fogg, Foster, Hendricks, Johnson, Lane, McDougall, Patterson, Sherman, Stewart, Trumbull, Van Winkle, Willey, and Williams—18.

NAYS—Messrs. Anthony, Brown, Chandler, Fessenden, Harris, Henderson, Howard, Howe, Morgan, Morrill, Ross, Sumner, Wade, Wilson, and Yates—15.

ABSENT—Messrs. Cattell, Cowan, Cragin, Creswell, Edmunds, Fowler, Frelinghuysen, Grimes, Guthrie, Kirkwood, Nesmith, Norton, Nye, Poland, Pomeroy, Ramsey, Riddle, Saulsbury, and Sprague—19.

So the motion was agreed to; and the Senate (at ten o'clock and five minutes p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 23, 1867.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

On motion of Mr. STEVENS, the reading of the Journal was dispensed with.

ORDERING OF EVENING SESSION.

On motion of Mr. KELLEY, it was

Ordered, That the House take a recess this day from half past four to half past seven p. m.

LAND-GRANT RAILROAD.

Mr. PRICE. I ask unanimous consent that the House proceed to the consideration of the bill (H. R. No. 439) granting land to aid in the construction of a railroad and telegraph line from Puget Sound or Admiralty inlet, in Washington Territory, to the Columbia river. This is a bill very important to the interests of Washington Territory.

Mr. SPALDING. I object.

RECORDING A VOTE.

Mr. GARFIELD. I ask unanimous consent to record my vote on the bill passed on Thursday last, entitled "A bill to provide ways and means for the payment of compound-interest notes."

There being no objection, leave was granted.

Mr. GARFIELD. I vote against the bill as passed.

ORDER OF BUSINESS.

The SPEAKER announced as the first business in order the bill (H. R. No. 859) to declare valid and conclusive certain proclamations of the President, and acts done in pursuance thereof, or of his orders, in the suppression of the late rebellion against the United States.

Mr. STEVENS. As the gentleman from Iowa [Mr. WILSON] who has charge of that bill is not here now, I move that by unanimous consent it be postponed, and that the House resolve itself into the Committee of the Whole on the state of the Union, to proceed to the consideration of the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes.

There being no objection, the motion was agreed to.

MISCELLANEOUS APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. THAYER in the chair) and proceeded to the consideration of the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes.

On motion of Mr. STEVENS, by unanimous consent, the first reading of the bill was dispensed with, and the bill was read by clauses for amendment.

Mr. PRICE. I move to amend by inserting at the end of line twenty-two "Rock Island bridge, $250,000." I desire to say that the commission appointed by the Secretary of War to examine this matter has reported in favor of an appropriation of $1,000,000 for this object; but I have thought proper to ask an appopriation of only one fourth of this amount. The reason why this work has not been included in the estimates is that the report of this commission had not then been made. The Secretary of War, with whom I have spoken on this subject, will, in a few hours, send in a letter recommending this appropriation.

Mr. STEVENS. I suggest to the gentleman whether he had not better withdraw the amendment and allow it to be added in the Senate. The report on the subject will, I suppose, be here by that time.

Mr. PRICE. If it be right that the amendment should be made at all, it ought to be made now.

Mr. STEVENS. I only suggest that the matter be postponed till we can have more information.

Mr. PRICE. I hold in my hand a document accessible to every member—the report of the commission on this subject. It has come in very lately, and that is the reason why this work has not been included in the estimates, in which case it would doubtless have been in the appropriation bill as reported. As I have before stated, the amendment I have offered is for only one fourth of the amount reported by the commission appointed under the law of Congress.

The amendment of Mr. PRICE was not agreed to.

Mr. HIGBY. I move to amend by inserting after line one hundred and ninety-five "for the establishment of a light-house at Point Reyes, $15,000." An appropriation for this work was included in the estimates of the Department; but the committee did not report it in the bill, because the information which they desired was not before them. If any information is now

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desired I am ready to give it. I have here a letter on the subject.

Mr. STEVENS. It is possible that after examining this subject the committee might be in favor of this amendment. We added an appropriation for one light-house on that coast which had not been estimated for at all. Several others which we considered, the committee thought might be dispensed with.

Mr. HIGBY. My recollection goes further than that. I was appointed by the committee to make inquiry at the Department, and it is not likely any action would be taken during my absence.

Mr. McRUER. I desire to say to the committee there is no point upon the whole of our western coast which requires a light-house more than Point Reyes. During the last eighteen months there has been property destroyed at that point from the want of a light-house equal to four or five hundred thousand dollars. It is a very prominent point, round which the commerce from the Northern Pacific approaches San Francisco. There is an imperative necessity to protect that commerce from danger at that point. Therefore I hope the amendment will be adopted.

Mr. HIGBY. I ask the Clerk to read a letter from the Treasury Department.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
WASHINGTON, *February* 22, 1867.

SIR: It is perceived from the light-house bill reported from the Committee on Appropriations of the House that certain items recommended by this board are omitted. They are, [see printed estimates:]

Point Reyes, California	$15,000
Point Arenas	65,000
Cape Blanco, Oregon	75,000
Cape Fear	120,000
Southwest Pass	108,600

It is also noticed that the bill appropriates $100,000 for reëstablishing lights on the southern coast, instead of $200,000, as estimated by this board.

These items are all regarded as of primary importance, and if possible the board would be glad to see them inserted when the bill comes before the House. If, however, all that is asked for cannot be given, and any item must be stricken out, it is thought that the item for Cape Fear, of $120,000, can best be spared, and in that case might with least injury to commercial interests be thrown out.

Very respectfully,

ANDREW A. HARWOOD,
Naval Secretary.

Hon. T. D. ELIOT.

Mr. HIGBY's amendment was agreed to.

Mr. HIGBY. I move the following:

For establishment of a light-house at Point Arenas, $65,000.

Mr. STEVENS. I think California has been very well treated in this bill, and I hope she will not be allowed more than her share.

Mr. HIGBY. That is a novel way of opposing an amendment.

The amendment was disagreed to.

Mr. LONGYEAR. I move the following amendment:

For a light-house at Trowbridge Point, in Mundee bay, Michigan, $10,000.

Mr. ELIOT. That amendment is recommended by the Committee on Commerce.

The amendment was agreed to.

Mr. LONGYEAR. I have sent up a number of amendments by direction of the Committee on Commerce. They are to cover the cases provided for in the bill reported from that committee which has passed this House. There are no other cases whatever. They have been estimated for by the Light-House Board. I offer them altogether.

For a light house at Mendota, on Lake Superior, Michigan, $10,000.

For a light-house at or near Braddock's Point, Georgia, in place of Caliboque light-vessel, $15,000.

For a light-house to mark Combahee bank, Georgia, in place of Combahee light-vessel, $15,000.

For a light-house to mark Tybee Island Knoll, Georgia, in place of light-vessel, $15,000.

For range lights on Morris Island, as guides in crossing Charleston bar, South Carolina, $15,000.

For rebuilding a light-house at Deep Water Shoals in James river, Virginia, $16,281 73.

For rebuilding a light-house, tower, and keeper's dwelling at St. Simons, Georgia, $45,000.

For rebuilding Wolf Island beacon lights and buildings connected therewith, $14,000.

For rebuilding Sapelo light-house and beacons, Georgia, $15,000.

For building three light-houses and buoy steamtenders, $100,000.

The committee divided; and there were—ayes twenty-eight; noes not counted.

The CHAIRMAN ordered tellers; and appointed Mr. LONGYEAR and Mr. SCOFIELD.

The committee again divided; and the tellers reported—ayes 73, noes 22.

The CHAIRMAN voted in the affirmative.

So the amendment was agreed to.

The Clerk read as follows:

For continuing the work on the Capitol extension, $250,000.

Mr. SCOFIELD. I move to strike that out, for the purpose of inquiring of the chairman of the committee why something is not done with this money which we appropriate from year to year. It ought to say for protracting this work. As we come here session after session, except with the aid of a glass we cannot tell there has been any change in this building, and still we make an appropriation of a quarter of a million for "continuing" it. I ask why this is not completed?

Mr. STEVENS. The reason is that it is a larger work than those of us who are accustomed to small things can realize, and therefore it is found that it takes a longer time to build a Capitol, which is superior to any in the world, than it does to build a saw-mill. I have known a saw-mill to be built in a year; this Capitol you could not build in less than twenty years. Every year when I come here I see some progress made. There may be workmen employed who are lazy, though I do not know it. I always see them busy as I pass. I know there are more wanting work than can get it, and very possibly there may have been some unjust discriminations made. I believe there have been some mistakes made by the architect. For instance, this end of the Capitol in which we are is supplied with air which is first made putrid below. All outside air is excluded, and, if it would not cost so much, it would be well to alter the construction of this Hall so that we could breathe some purer air. But, then, if it is better ventilated, perhaps our prospective successors may complain because of our longer lives. [Laughter.] If any of the money that has been expended upon the building has been thrown away, that is a matter for the consideration of the Committee on Accounts. They ought to look out for that. I am not aware that any of the money last appropriated has been thrown away more than usual. The gentleman asks how much more money it is going to take. If he will ask my successor some years hence perhaps he will find out. [Laughter.]

Mr. SCOFIELD. The answer of the chairman of the committee is more witty than satisfactory. What he says about persons being accustomed to small outlays I suppose is designed as wit.

Mr. STEVENS. That is my case.

Mr. SCOFIELD. I do not care anything about it, but I do care something about these wasteful expenditures from year to year, when everybody can see that the policy is to protract this work and do just as little as possible with the large appropriations, so as to make it, as the gentleman says, a twenty-year job. Now, I have no idea that this Capitol is to remain at Washington. The action of the last session of Congress upon the mileage question looks to the removal of it westward. Whenever the people of the extreme West cannot make a fortune on mileage in coming here they will demand that the Capitol shall go that way, as it ought to go. It is not likely to remain on the Potomac, with one little, crooked, irregular line of railroad for the vast North and Northwest leading to it. Such is the policy of the legislation around us that they are not likely to allow any other mode of reaching here. The single monopoly line between here and Baltimore is to be the only railroad by which anybody is ever to reach this place. Now, these two things operating together will result in the removal of this Capitol. In that view I want the workmen to get what little marble work they have here cut, so as to make the freight as little as possible when we come to move the Capitol to the West. I withdraw the amendment.

Mr. McKEE. I move to insert the following:

For repairs of the marine hospital at Louisville, Kentucky, $10,000.

I will only say that there was an original paragraph in for that purpose, that this hospital is very much in need of repairs, and it is the only one on our side of the river from Cairo up.

Mr. SCOFIELD. I ask the gentleman from Kentucky if this is not the same appropriation that we voted down last year?

Mr. McKEE. I understand it is.

Mr. SCOFIELD. We voted it down upon full discussion.

Mr. McKEE. It is an appropriation of $10,000 for the only marine hospital on the Kentucky side from Cairo up, the one at Paducah having been burned down during the war and discontinued.

Mr. SPALDING. We voted this down simply because the member from Kentucky from that district was not here to defend it. I recollect it very well; the appropriation ought to be in.

Mr. KASSON. I only wish to say that the information received from the architect of the Department, as well as from the gentleman's colleague, went even further than the gentleman from Kentucky now on the floor [Mr. McKEE] states. The information is that the building is in a condition that renders it unfit for patients to be placed in, on account of the miasmas that arise from want of draining, the drain being a cesspool right by the building. This is recommended by the Department, and I believe by the committee, to be absolutely necessary.

The amendment was agreed to.

Mr. BIDWELL. I have an amendment to offer, but before offering it I wish to ask the chairman of the Committee on Appropriations why payment for the census marshals has been excluded from the paragraph contained between lines two hundred and twenty-one and two hundred and twenty-three?

The CHAIRMAN. The Chair would remind the gentleman that no amendment is pending.

Mr. BIDWELL. Then I offer the following amendment, to come in at the end of line two hundred and twenty-four:

For payment of the amount of balances due to census marshals for taking the eighth census in California, $9,460 48.

I now ask that the letter which I send to the Clerk's desk may be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., *February* 5, 1867.

SIR: The Secretary of the Interior requests me to acknowledge the receipt of your letter of the 4th instant, asking to be informed in relation to the amounts due to the census marshals in the State of California—1860, and payment thereof.

No appropriation having been made looking to the payment of the eighth census marshals and their assistants, and the fund for that purpose being exhausted, the Department is not prepared to liquidate said claims, but awaiting the action of Congress, where, in the House Committee on Appropriations, the Secretary has submitted, by States, the total amount due, with the recommendation that provision may be made therefor. California is represented in the sum of $9,460 48.

As soon as funds are provided, the marshals in your State will be fully notified without any delay.

Very respectfully, your obedient servant,

JOHN C. COX, *Chief Clerk.*

Hon. J. BIDWELL, *House of Representatives.*

Mr. STEVENS. There was a communication from the Department laid before the committee asking a large amount to pay all the marshals, loyal and disloyal. The committee thought fit to separate the two classes, and to insert in the deficiency bill only the loyal ones, among whom are those of California.

Mr. BIDWELL. That being the case I withdraw the amendment.

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Mr. KUYKENDALL. I move to insert the following:

For wharf and barge office at Cairo, Illinois, $10,000.

The amendment was disagreed to.

Mr. CHANLER. I would like to ask the chairman what is the object of this provision for the establishment of a custom-house at Newport, Vermont. What is the necessity for a custom-house there?

The CHAIRMAN. The Chair will inform the gentleman that debate is out of order, as there is no amendment pending.

Mr. CHANLER. I move, then, to strike out the lines two hundred and twenty-five and two hundred and twenty-six, as follows:

For a custom-house in Newport, Vermont, $10,000.

Mr. STEVENS. If the gentleman will examine the tonnage returns he will find that Vermont, inland as she is and with few ports, has more registered tonnage than the State of Virginia ever had.

Mr. CHANLER. That is a very good point, and I am much obliged to the gentleman for mentioning it; but the necessity for a custom-house does not necessarily arise because there is a certain amount of tonnage. The Erie canal has a great deal of tonnage, and upon this principle we should therefore establish custom-houses all along that canal. I want to know what is the necessity for this custom-house?

Mr. STEVENS. It is necessary for the commerce between that section of the country and Canada. Lake Memphremagog, upon which this town is situated, has its outlet into the St. Lawrence, and thus communicates with Canada.

Mr. CHANLER. Then I withdraw the amendment.

Mr. ELIOT. I move to insert after line two hundred and twenty-six, the following:

To provide additional station-houses, life-boats, and other appliances for the better preservation of life and property from shipwreck along the coast of Massachusetts, $20,000; said sum to be paid to the treasurer of the Massachusetts Humane Society for the uses aforesaid.

Mr. Chairman, I do not feel willing to ask the action of the House in favor of this amendment without stating the grounds upon which it rests. I will say, in the first place, that the amendment has been communicated to the Committee on Appropriations, and that it meets with their concurrence.

The Humane Society of Massachusetts has had the whole care of the coasts of that State ever since the incorporation of the society, about the year 1791. They have now something like eighty life-stations at different points along the coast. The officers of the society devote themselves to the work without any compensation, and although the funds necessary for the establishment and support of their life-stations are provided by private means, Congress has, from time to time, given them a helping hand.

All along the coast of New Jersey and along the coast of Long Island life-stations have been established, and from time to time Congress has passed appropriations for those stations, at an annual expense to the Treasury of very many thousand dollars. There is no claim of that kind made here for the coast of Massachusetts.

There has not been one dollar allowed by the Government to this Humane Society for the last ten years, during which time appropriations have been necessary to pay the expenses of officers all along the coasts of Long Island and New Jersey and the expenses of keeping up those life-stations. The existence of this station saves annually to the Treasury of the United States a large amount of money. It is only from time to time that this society find that their private funds are all exhausted and are obliged to ask some aid from Congress. It is now found that the means of the association have been exhausted, and that it is necessary in order to keep up the establishments which are now maintained upon the coast that the society shall have this assistance from the Government.

Mr. SPALDING. I move to amend by adding the following:

And a like sum of $20,000, to be expended under the direction of the Secretary of the Treasury, for the safety of life upon the northwestern lakes.

There is as much need for an appropriation for this purpose as for that named in the original amendment.

Mr. STEVENS. I think that this had better not be introduced here.

Mr. SCOFIELD. I would like to inquire of the chairman of the Committee on Appropriations whether the amendment offered by the gentleman from Massachusetts [Mr. ELIOT] has been before the committee, and whether it is approved by that committee?

Mr. ELIOT. I conferred with the chairman of the Committee on Appropriations before I offered it.

Mr. SCOFIELD. The chairman of the committee is not the whole committee. I want to know whether the matter has been before the committee.

Mr. ELIOT. I really cannot say. I do not know that it has.

Mr. SCOFIELD. I hope the amendment offered by the gentleman from Ohio [Mr. SPALDING] will be adopted. Certainly if we are going into these benevolent operations up in Massachusetts we ought to do the same thing in the West.

Mr. ELIOT. I do not want this put upon the ground of benevolence. I say that this Humane Society saves annually to the Treasury of the United States a large amount of money. But for its exertions and outlays it would be necessary to have life-stations established all along the coast of Massachusetts, and to make annual appropriations as is now done for the coasts of Long Island and New Jersey. All this is saved because this association has taken the work into its own hands, appropriating its own money, applying its own resources, charging nothing for the services of its officers, and only coming here from time to time in order that a portion of the expense, all of which would otherwise have to be borne by the United States, shall be appropriated for by Congress.

Mr. SCOFIELD. Why is not the proposition presented on the recommendation of one of the Departments and through the report of the Committee on Appropriations, instead of being brought here in this way?

Mr. SPALDING. I desire to say that I do not object to the appropriation for this Humane Society in Massachusetts; nor to the appropriations for the coasts of New Jersey and Long Island. But I say that we have a thousand miles of lake coast; and all I ask is that the Secretary of the Treasury may be able now and then to give us a life-boat to assist in protecting life on our coast.

Mr. HILL. I desire to ask the gentleman from Massachusetts whether he regards it as a correct principle of legislation to recognize the claims of these benevolent societies and appropriate money for their support, rather than maintain by the direct action of the Government whatever means may be necessary?

Mr. ELIOT. If the same work can be better done at a cost of not less than twenty-five per cent. I certainly should think it advisable.

Mr. HILL. I would inquire how we are to ascertain whether in point of fact this work is done cheaper and better by this society than it would be by the Government?

Mr. ELIOT. We know perfectly well that for the last two years there has not been appropriated by the Government one dollar for this society, yet the society has been going on saving vessel after vessel loaded with passengers, saving some eighty vessels during the last quarter of a century. During the last year there have been at least two cases where service has been rendered, the effect of which was to save the lives of the crews of the vessels under very peculiar circumstances, at no cost at all to the Government.

Mr. HILL. All I desire to say is that this humane society is undoubtedly a very good thing, a very humane thing; but what I object to is the principle of appropriating money for the support of any purely voluntary association in no way connected with the Government. The society may have been doing good service for years past without compensation; but that shows no reason why it could not do the same thing hereafter. Yet it seems that the society now comes here and asks for some support from the Government; at least so I understand the gentleman from Massachusetts, [Mr. ELIOT,] who moves it. Now I object to the principle upon which this appropriation is asked. We have no information upon this subject except what the gentleman from Massachusetts [Mr. ELIOT] gives us; and of course I have the highest possible regard for his word. But we have no sufficient information upon this subject, and from the nature of the subject we necessarily never can have. I object to making this Government a merely charitable institution.

Mr. CONKLING. I would inquire if the original amendment is for $10,000 or $20,000?

Mr. SPALDING. For $20,000.

Mr. CONKLING. The amendment to the amendment may be very proper; but I have not as much information about it as I have about the original proposition. I do not see, however, why it should be offered as an amendment to the original amendment. I suggest to the gentleman from Ohio [Mr. SPALDING] to let a vote be taken upon the original amendment and then offer his proposition by itself, to the end that each proposition may have the benefit of its own strength.

I understand the proposition coming from the acting chairman of the Committee on Commerce [Mr. ELIOT] to be no such proposition as the gentleman from Indiana [Mr. HILL] seems to suppose. It is not at all a proposition to appropriate money to be devoted to charitable purposes. It is a proposition to appropriate a certain sum of money for a use of paramount importance: a proper use, not at all a charitable use in the sense in which the gentleman from Indiana uses that term. It is proposed as the most economical and judicious mode of applying that money to put it in the hands of an association existing, respectable, recognized, and which has demonstrated its ability wisely to use funds for that purpose. That is all there is of it as I understand it. This is not giving money for charitable purposes at all.

Now, when the gentleman inquires as he does how it is to be known that this is a useful way to apply this money, or how we are to know anything about it, I will say to him that we will know precisely as and a little better than we ordinarily have information in such cases. Here is a society which for a number of years has been engaged in doing a certain thing. The composition of that society, its regulations and its success, assure it in the estimation of the two committees which concur in recommending this appropriation. The purpose of the appropriation and of the society is a good one, and there is no more uncertainty about the proper use of this appropriation than enters into all appropriations for purposes of this kind.

Mr. HILL. The gentleman from New York [Mr. CONKLING] says this appropriation is not for charitable purposes. Yet it is proposed that this money shall be expended under the direction of this humane society. He says that the point I make is that we cannot know how this money may be expended. Now, I ask the gentleman to say by what means we shall be able to get before this House or before any subsequent Congress a report from this charitable institution showing how they may have expended this money?

The amendment is simply an appropriation of a certain sum of money to be expended under the direction of this society. Now, if that does not mean that society shall have the disposal of every dollar of that money as they

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may please without any responsibility to this House or any other authority in the world, I confess I do not understand it at all.

Mr. CONKLING. I understand the gentleman's point if he will let me answer it before I forget it.

Mr. HILL. Very well.

Mr. CONKLING. His proposition I submit puts together things which have nothing on earth to do with each other. The gentleman says it is the province of charity, in the sense in which he uses that word, to provide against the loss of life upon the coast, and that is his first proposition. The preservation of the lives of human beings by means of light-boats is not a gratuitous charity on the part of the Government. We know it is not, and I will not stop to answer that.

In the next place, assuming this is a proper purpose for which to appropriate money, we know from what has heretofore taken place the integrity of this society can be firmly relied upon. More than that, it presents to the Treasury Department regular accounts which are regularly audited. If the amendment is not sufficiently guarded in that respect, then let the gentleman move an amendment that the society shall present accounts and vouchers to the Treasury Department for its guidance, and that will remove the last vestige of his objection.

Mr. HILL. I have no objection to the object, none to the character of the society; but I do object there is no relation between the Government and this society by which we can compel the society to show how they have expended this money.

Mr. CONKLING. I ask the gentleman from Massachusetts, who is now looking up the previous law on this subject, to amend so as to provide this benevolent society shall present annually to the Treasury Department its vouchers and accounts in the regular way.

Mr. SCOFIELD. The gentleman has said this appropriation was indorsed by two committees of this House. When the amendment was first proposed by the gentleman from Massachusetts I asked why he did not refer it to the proper committee and have it brought before us with some sort of recommendation, and he answered he had spoken to the chairman of the Committee on Appropriations, who he thought approved it. Now, the gentleman from New York says two committees of the House have approved it. I wish to know what committees, and where is their report?

Mr. CONKLING. The gentleman is not quite accurate in what he reports me to have said; yet he is as accurate in what he reports of me as of the acting chairman of the Committee on Commerce. The chairman said he offered the amendment on behalf of that committee. There is one certainly; and he also said he had submitted it to the chairman of the Committee on Appropriations, who appeared to approve it.

Mr. SCOFIELD. No.

Mr. ELIOT. What I said was I had conferred with the chairman of the Committee on Appropriations, although I did not know it had been brought formally before that committee. I thought from what occurred that it met his approval. I ask my amendment be read.

The amendment was again read.

Mr. ELIOT. That follows the language of the act of 1857.

The committee divided; and there were—ayes 38, noes 46; no quorum voting.

Mr. SPALDING demanded tellers.

Tellers were ordered; and Mr. SPALDING and Mr. ELIOT were appointed.

The committee again divided on the amendment to the amendment; and the tellers reported—ayes sixty-three; noes not counted.

So the amendment to the amendment was agreed to.

The question then recurred on the amendment as amended.

Mr. STEVENS. I hope that will be voted down. We are loading this bill with things which have no business here.

The amendment was disagreed to.

The Clerk read as follows:

For constructing fire-proof appraisers' stores, Philadelphia, Pennsylvania, $50,000.

Mr. O'NEILL. I move after "stores" to insert "on the Pennsylvania Bank building lot belonging to the Government."

The Government now owns this property, which it purchased for $110,000, and it is the location the Department recommends, I understand, for these stores. I know we made an appropriation at the last session, but it was not sufficient to cover the object.

Mr. SCOFIELD. If we do not put them there, half of this appropriation will be exhausted in buying another place.

The committee divided; and there were—ayes 37, noes 32; no quorum voting.

Mr. O'NEILL demanded tellers.

Tellers were ordered; and Mr. O'NEILL and Mr. RADFORD were appointed.

The committee again divided; and the tellers reported—ayes 51, noes 47.

So the amendment was agreed to.

Mr. PRICE. I move to amend by inserting the following:

For a beacon light on Mattawan Point, Raritan bay, New Jersey, $5,000.

The amendment was disagreed to.

Mr. PRICE. I move the following amendment:

For construction of bridge over the Mississippi river at Rock Island arsenal, $250,000.

On the 27th of June last we passed a law directing a certain bridge now there to be torn down as an obstruction to navigation.

Mr. SPALDING. I rise to a question of order. We voted this down this morning.

The CHAIRMAN. The Chair does not understand it is the same which was offered before.

Mr. SPALDING. It was $250,000 before, and I would like to know what the difference is in the phraseology.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SPALDING. I ask the gentleman on his veracity if it is not the same he offered before.

Mr. PRICE. It is the same amount.

Mr. SPALDING. I insist that it should be reduced to writing, so that we may know if it is the same.

Mr. PRICE. It was not written before at all; it is now. As I was saying, at the last session a law was passed directing that a certain bridge should be torn down because it was an obstruction to navigation, and that another should be built there in such a manner as the Secretary of War should think safe for the navigation. Under that law a commission was appointed; and that commission has examined the island upon which this arsenal is built. The Government has already appropriated a good many hundred thousand dollars for it, and yet it cannot be reached without a bridge except by a ferry. That commission has reported upon the subject; the report came to the Senate on the 14th of February, and was printed on the 17th. Copies have not yet been received here, but I have one in my hand from which, I will read an extract or two:

"The recommendation of the commission respecting the kind and character of bridge to be erected are approved, and the reasons given for recommending a draw-bridge instead of a high are concurred in."

In another part of the report the commissioners say:

"After hearing the parties in interest, and after full and mature deliberation, the board suggests that the location of the railroad across the island be changed to the lower extremity of the island, as laid down in the plans of the Ordnance department; and that the company be granted a permanent right of way across the island of such width, not exceeding one hundred feet, as may be necessary for a double track.

"For its suggestion as to the kind of wagon-road that should be established, and the amount and kind of aid that should be fairly and equitably granted toward effecting these objects, the board adopts and recommends the following proposition of the Chicago, Rock Island, and Pacific Railroad Company, hereunto attached, with the additional condition that the United States shall have the right to connect with the track of the company such side-tracks as may be desired for the use of the United States, and at such points as the Ordnance department may select."

This report is made under the direction of the Secretary of War, in accordance with the law of last session. It meets the approval of the chief of Ordnance, General Dyer, who signs this recommendation; also of the Secretary of War. And now it is only a question whether you will have expended one or two million dollars on Rock Island for public purposes and leave no way of getting to it.

Mr. SPALDING. Is not this a railroad bridge?

Mr. PRICE. It is a railroad and wagon bridge. The wagon-road is for the benefit of the Government exclusively.

Mr. SPALDING. And the railroad bridge is to be changed to another part of the island.

Mr. PRICE. Under a law of Congress it is to be torn down and robuilt.

Mr. SPALDING. How much will the bridge cost?

Mr. PRICE. That I cannot say, except so far as this: that the recommendation of the Ordnance department is that this appropriation shall be $1,000,000 (I have only asked for one quarter of the amount recommended in this report) on condition that the railroad should pay half the cost of the superstructure.

Mr. SPALDING. I think we had better make it a million.

Mr. PRICE. Well, now, if the gentleman from Ohio is sincere in saying that we ought to have $1,000,000—and a member of his standing would not give utterance to sentiments on this floor as a legislator unless he was sincere and candid in it—if he is sincere, and that does not admit of a doubt, then he certainly cannot oppose an appropriation of one fourth of that amount. This whole thing is in accordance with a law passed by ourselves.

Mr. RADFORD. I want to ask the gentleman whether this appropriation has been considered by the Committee on Appropriations?

Mr. PRICE. It has not been considered by the Committee on Appropriations, and I want to tell the gentleman why. This report only came to the Senate on the 14th of February; it was not printed for three days, making it the 17th before it was in print. It only came here within the last two days. The Committee on Appropriations have been advised of this matter, and some of the members of that committee have told me that if it had come in in time this appropriation would have been in the bill. But it did not come in time, and therefore I offer the amendment. It is only a question of time. This work has to be done, or else we shall have to abandon all that we have done already on Rock Island. If gentlemen understood the question there could be but one opinion about it.

Mr. SPALDING. I would ask the gentleman who will own the bridge after the Government has paid $250,000, or perhaps $1,000,000. The railroad company?

Mr. PRICE. No, sir; that is not the fact. The railroad company are to have the privilege of crossing on the bridge, but the Government controls the island; because it owns the whole of it, including the arsenal buildings and the bridge, and it only allows the railroad company the right of way across the bridge. These are the facts of the case.

Mr. SPALDING. I want to say to the gentleman that I advocated in the Committee on Appropriations an appropriation of $500,000 for this very purpose.

Mr. PRICE. That was for the arsenal buildings.

Mr. SPALDING. I understand that, and for buying lands and everything else; but I do not think that we ought to bury ourselves up with appropriations for Rock Island at one session of Congress.

Mr. PRICE. Admitting that to be true, will the gentleman from Ohio say that, having appropriated money at the last session of Congress to be expended on this island, we should

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abandon the whole of it merely for the want of a bridge to get to and from the island?

Mr. SPALDING. I say that the railroad company had better go on and do something toward building the bridge, and then they can obtain help hereafter.

Mr. RICE. I say to the gentleman, on my veracity, that the railroad company are not asking this appropriation.

MESSAGE FROM THE SENATE.

The committee here rose informally, and the Speaker having resumed the chair,

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed, without amendment, bill of the House No. 685, for the relief of Captain John J. Young, of the United States Navy.

The message further informed the House that the Senate had passed a bill and joint resolutions of the following titles, in which he was directed to ask the concurrence of the House:

A bill (S. No. 603) to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands; and

Joint resolution (S. R. No. 164) supplementary to the joint resolution to enable the people of the United States to participate in the advantages of the Universal Exhibition in Paris, in 1867.

MISCELLANEOUS APPROPRIATION BILL—AGAIN.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. PRICE. I was answering the gentleman from Ohio [Mr. SPALDING] in reference to the point who owns this bridge when the committee rose. I say to him that the Government controls all this property, and the railroad company have only the right of way across the bridge.

The railroad company are not here asking for this. They want to be let alone. They have a bridge already, but it is an obstruction to the navigation of the Mississippi river, which has to be removed under a law passed at the last session of Congress. It is not the railroad company who ask this. If you consult them they will say that they are well enough off now. This is for the benefit of the government of the country, and of the commerce of the Mississippi river. That is the fact about it.

Mr. RADFORD. I rise to oppose this appropriation. In the first place, we have no report from a committee in regard to it, and then, I think, that it is too late in the session to consider an appropriation of this kind. A new Congress is to assemble when this one expires, and I think it would be well to postpone action on this matter until the next Congress. For that reason I shall vote against the amendment.

Mr. SCOFIELD. This seems to be a very vague provision. It does not provide who is to construct this bridge, who is to own it when constructed, or whether it is to be constructed by the Secretary of War, the Secretary of the Treasury, or the gentleman from Iowa. It simply makes an appropriation for a bridge across the Mississippi river.

Mr. PRICE. The suggestion of the gentleman from Pennsylvania [Mr. SCOFIELD] is a good one, and I will add to my amendment the words "to be expended under the control of the Secretary of War."

Mr. SCOFIELD. Then I will add to my remark that if we go into partnership with this railroad company the company will be sure to own us. The gentleman says we can do as we please in connection with this company. Sir, we cannot do it. Why, sir, this little road from Washington to Baltimore has controlled this Government now for a great many years. Congress has tried, all the departments of the Government have tried for a great many years to get us another outlet from this city to the North. But this company says, "No; you shall have no ingress to or egress from the capital of the nation except over our road, for which we will charge just what we please." The Government cannot compete with a railroad company, and I am in favor of steering clear of all partnership with them.

Mr. STEVENS. I move that the committee now rise for the purpose of closing debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. THAYER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the Union generally, and particularly the special order, being House bill No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, and had directed him to report that they had come to no resolution thereon.

Mr. STEVENS. I move that when this House again resolve itself into the Committee of the Whole upon the special order all general debate be closed in five minutes.

The motion was agreed to.

Mr. STEVENS. I move that the rules be suspended, and that the House now resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. THAYER in the chair,) and resumed the consideration of the special order, being House bill No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes.

The CHAIRMAN. All general debate upon this bill is, by order of the House, to be closed in five minutes.

The pending question was upon the amendment of Mr. PRICE.

Mr. PRICE. I desire to answer the gentleman from Pennsylvania, [Mr. SCOFIELD,] and I do so the more cheerfully because I know him to be one of the most candid men in this House, in my estimation.

I appreciate the strength of the objections which the gentleman has raised; that we cannot go into a partnership with a railroad company, and that railroad companies will always control us if possible. It was for the purpose of avoiding that very trouble that we passed the law of last session. The railroad company there was not only controlling that region of country, but also the interests of the Government; and on the 27th of June last we passed a law so that it should no longer control them. If there is any partnership in the matter, we went into it then, but we hold, so to speak, two thirds of the stock and can control the directorship of the concern.

Mr. WILSON, of Iowa. Will my colleague [Mr. PRICE] yield to me for a moment?

Mr. PRICE. Certainly.

Mr. WILSON, of Iowa. I desire to say that unless the Government provides for the construction of this bridge, in accordance with the proposition of my colleague, which is to have it constructed in connection with the railroad company, the company bearing its proportion of the expense, the Government will be compelled either to build this bridge at its own expense or to keep up a ferry at its own expense. Now, it seems to me, that it is not difficult to see that it will be cheaper for the Government to build the bridge in connection with this company, exercising control over it, than to build it at its own expense, or to keep up a perpetual ferry, one of which it will be obliged to do.

An armory is now being constructed by the Government for its own use on the island at this point. It is necessary that the Government shall have some means of communication between that island and both sides of the river; and the cheapest mode of securing this communication is the construction of this bridge in connection with this railroad company.

Mr. PRICE. I have neglected to say that it is provided that the railroad company shall pay half of the expense of this bridge.

Mr. BROMWELL. It is not mentioned where this bridge is to cross the river.

Mr. PRICE. I will answer the gentleman; this bridge is to go from the Iowa shore of the river to the island, of which the railroad company is to pay half the expense. The bridge from the island to the Illinois shore is to be built by the railroad company without any expense whatever to the Government. This is a clear saving to the Government in securing access to its property upon this island.

Mr. HARDING, of Illinois. I move to amend the amendment by adding the following:

Said bridge to be free to public travel, and the railroad to pay at least one half the cost of the superstructure.

Mr. PRICE. I have no objection to that; I accept it as a modification of my amendment.

Mr. GRINNELL. The proposition now before us presents the simple question whether the Government shall receive any advantage from this property or not. Without a bridge it is worth nothing.

Mr. HARDING, of Illinois. As the gentleman from Iowa [Mr. PRICE] accepts my amendment I have nothing to say, except that this bridge is as much needed by the Government and the public as it is by the railroad company; and if it be built jointly, there will be a saving of at least one half to the Government.

The amendment of Mr. PRICE, as modified, was agreed to.

The Clerk read the following:

For repairs and preservation of custom-houses and other public buildings, $25,000.

Mr. TABER. I move to amend by adding after the clause just read, the following:

And for the erection, under the direction of the Light-House Board, of an iron spindle on Success Rock, Long Island Sound, $500, or so much thereof as shall be necessary.

The amendment was agreed to.

The Clerk read as follows:

For repairs of the building used as the custom-house and post office at Middletown, Connecticut, $6,000.

For the payment of fixtures and furniture furnished to said office, $600.

Mr. KASSON. I move to amend by striking out in the clause just read the words "for the payment of fixtures and furniture furnished to said office, $600." This matter is already provided for by law.

Mr. WARNER. The gentleman is altogether mistaken. A special appropriation is necessary.

Mr. KASSON. The mistake, I believe, is with my friend from Connecticut, [Mr. WARNER.] I have learned from an officer in charge of this work that the necessary amount can be paid out of another fund.

Mr. WARNER. I ask the gentleman to withdraw the amendment. I think he will find that he has been misinformed.

Mr. KASSON. Very well; I will withdraw.

The Clerk read as follows:

For United States court-house and post office at Des Moines, Iowa, $85,000.

Mr. BERGEN. I move to amend by inserting after the clause just read the following:

For a site for United States court-house and post office at Brooklyn, New York, $100,000.

Mr. Chairman, although Brooklyn is in point of population the third city in the Union, yet the Government owns no public buildings within its boundaries. The Government is now obliged to rent the buildings occupied by the United States court and post office in Brooklyn. In almost every city of any considerable size the buildings occupied for these purposes are owned by the Government. We have just passed an appropriation for a court-house and post office in a village with a population of only sixty-five hundred. Under these circumstances, I cannot see why the Government should not own buildings of this character in a city so considerable in size and population as Brooklyn. That city claims this as a matter

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of justice. I do not see how the propriety of the claim can be denied.

Mr. STEVENS. I hope this amendment will not be adopted. We have had no communication, no estimates, nothing whatever on which a large amount like this ought to be appropriated, especially as it will lay the foundation for other large appropriations to be made hereafter. I trust that this bill will not be further loaded down.

Mr. BERGEN. For the sake of saying a word in addition, I move to amend my amendment by striking out the last word.

Let me say to the House that it is a matter of economy for the Government to own in any locality the buildings which it needs for public purposes. And if it be a matter of economy in villages of sixty-five hundred inhabitants, it certainly must be a matter of economy in a city like Brooklyn, with a population of nearly four hundred thousand.

The Government have lately within a short period paid or agreed to pay the sum of $500,000 for the site for a post office and court-house in the city of New York. I say it is a matter of economy to make this appropriation. I withdraw my amendment to the amendment.

Mr. HARDING, of Illinois. I move the following amendment to the amendment:

And for a custom-house, internal revenue office, and post office at Quincy, Illinois, $50,000.

Mr. RADFORD. Is this offered as an amendment or as a substitute?

Mr. HARDING, of Illinois. As an amendment to the amendment.

Mr. Chairman, we appropriate in this bill $6,000 for the repair of a building used as a custom-house at Middletown, Connecticut; far up the Connecticut river. Why, then, if this and other small places are to be taken care of, should not this appropriation in my amendment be made for Quincy, Illinois? It is economy for the Government to have its own buildings. We have there now no public buildings at all. It has a large population and no post office building. It is a port of entry, and yet has no custom-house. It has no building of its own where Government officers can do business. It has to rent buildings for that purpose.

I think if we can vote $85,000 for Des Moines, which is a much smaller place, we can afford to appropriate the amount I have proposed for a place three times as large. Quincy is a port of entry and Des Moines is not that I have ever heard of.

Mr. KASSON. Congress authorized the work at Des Moines as well as at Springfield at the last session.

Mr. HARDING, of Illinois. I present the question to the House. I believe it will be economy for the Government to have its own buildings at Quincy, instead of hiring buildings for public purposes.

The amendment to the amendment was disagreed to.

The question then recurred on the amendment.

Mr. BERGEN called for tellers.

Tellers were ordered; and Mr. BERGEN and Mr. KASSON were appointed.

The committee divided; and the tellers reported—ayes sixteen; noes not counted.

So the amendment was disagreed to.

Mr. JENCKES. I submit the following amendment.

Insert:

For the removal of sunken wrecks in the channel of Providence river, off Pawtuxet bar, and widening the channel at the "Crook," so-called, $25,000.

For removal of obstructions in the channel of the Pawtucket river, $17,000.

I ask the Clerk to read a communication from the Secretary of the Treasury recommending this appropriation.

The Clerk read as follows:

TREASURY DEPARTMENT, *January* 9, 1867.

SIR: The petitions of Ambrose E. Burnside and others, for an appropriation for removal of sunken vessels in Providence river, and petition of citizens of Pawtucket and North Providence for an appropriation for improvement of the navigation of Pawtucket river, submitted by you to this Department, having been referred to the Superintendent of the Coast Survey for report, I have the honor to transmit herewith in reply, copy of a letter from J. E. Hilgard, Esq., assistant in charge of the Coast Survey, inclosing report of Assistant F. P. Webber, who was detailed to inquire into the question relating to proposed improvements in the navigation of the river referred to, with accompanying map, which has my concurrence.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

HON. THADDEUS STEVENS, *Chairman Committee on Appropriations, House of Representatives.*

Mr. SCOFIELD. I move to add to that amendment:

For the improvement of the Alleghany river, $20,000.

Mr. Chairman, in my district the member of Congress for a great many years has been elected by pledging himself to get an appropriation for the improvement of the Alleghany river, but after the Republican party came into power in that country they concluded that was a humbug, and it was not required of me. It is barely possible I may be a candidate at some future time, and this would be a great help to me if I should be. I hope, therefore, the House will give me this small appropriation for my district. [Laughter.]

Mr. JENCKES. The gentleman's amendment has not the recommendation of the Treasury Department, as mine has.

Mr. LE BLOND. The gentleman need not have that humbug to be reëlected, as he has a bigger one; he has reconstruction on the brain. [Laughter.]

Mr. SCOFIELD. Perhaps they may not run me again, as I have been here longer than usual, and this may help me. [Laughter.]

The amendment to the amendment was rejected.

Mr. HOGAN. I move to add to the amendment:

For the removal of wrecks in the Mississippi river, $40,000.

Mr. Chairman, within the last four months vessels of the late confederate States sunk in the Mississippi river have been the means of the destruction of three of the finest boats on that river, causing a loss of some eight hundred thousand dollars. These vessels were sunk in time of war and they have remained there, constituting a permanent obstruction to navigation. It is impossible to avoid them, and the only remedy is to remove them. I think it devolves upon this Government to take the obstructions from that great river of this Republic. I do not know that $40,000 will remove them, but it will do something toward it. We have suffered in consequence of those wrecks not only the loss of property to the amount of $800,000, but the loss of fifty or sixty lives of American citizens. I hope the amendment will be adopted.

Mr. JENCKES. I hope the gentleman will withdraw his amendment. I agree with him that the removal of these wrecks, if practicable, is a proper thing to be done by the Government of the United States; but there has not been done in that case what has been done in the case which I have presented to the House, namely, a survey of the river by a proper officer of the Government, an accurate estimate made of the probable expenses of removing the obstructions, and a recommendation of the Treasury Department upon the report of that officer. When the gentleman comes before the House with these credentials I shall probably vote with him, but I hope he will not encumber this amendment by his own when he admits that he does not know that the sum asked will be sufficient to remove the obstructions of which he complains, and does not state how far it will go toward their removal.

Mr. HOGAN. One word in reply. I think my proposition is germane to that of the gentleman from Rhode Island. If our river, which has properly been characterized as an inland sea, were a sea-board it could get these estimates for removals of obstructions. But our river, although floating a commerce greater than all our foreign commerce, seems hitherto to have been ignored by nearly all the gentlemen connected with this service.

Mr. STEVENS. May I ask the gentleman if we did not appropriate a considerable sum last year for snag-boats to be used for that purpose.

Mr. HOGAN. That was the first recognition for a long time, but the amount appropriated last year will be almost exhausted in the preparation of the boats, and I now want something for the boats to work on when they are ready for work. I hope the committee will not make any objection to this small appropriation, merely to show our people that this great Government is looking somewhat to the advancement of the interest of the West.

Mr. SCOFIELD. I suggest to the gentleman to extend his proposition so as to include the tributaries of the Mississippi, then it will take in the Alleghany river.

The CHAIRMAN. No further debate is in order.

The amendment to the amendment was agreed to—ayes sixty-nine; noes not counted.

The question recurred upon the amendment of Mr. JENCKES, as amended; and being put, no quorum voted.

The Chair ordered tellers; and Messrs. HOGAN and SCOFIELD were appointed.

The committee divided; and the tellers reported—ayes 70, noes 88.

So the amendment was agreed to.

The Clerk read as follows:

Public Buildings and Grounds:

For care, support, and medical treatment of sixty transient paupers, medical and surgical patients, in some proper medical institution in the city of Washington, under a contract to be formed with such institution by the Commissioner of Public Buildings, $12,000, or so much thereof as may be necessary.

Mr. SCHENCK. I move to amend by adding the following:

Provided, That in the expenditure of this and the succeeding items in this section, to be disbursed by or under the supervision of said Commissioner of Public Buildings, no portion of the fund so appropriated shall be reserved to pay for his services as poet-laureate of the Administration.

[Laughter.]

I observe in the paragraph preceding this a provision for the completion of "approaches" to the "Treasury!" Then follow some four or five pages taken up with items relative to the disbursements to be made under the supervision of or by the Commissioner of Public Buildings, which open, it appears to me, some very easy and wide approaches to the Treasury. I have been familiar with Washington for some twenty-five years, and I undertake to say that, for some reason perhaps known to others but which I do not pretend to understand, our public buildings and the public squares exhibit a more dilapidated condition than I have known them ever to exhibit before. Everything seems to be more or less slip-shod. Among the many things here again provided for are appropriations for laborers and electricians and watchmen to be employed, whose compensations will be from $900 to $1,200 apiece, which will be patronage exercised by the Commissioner of Public Buildings.

Now, sir, I doubt whether the Commissioner, owing to his other engagements, has time to attend to all these matters, and I want to call the attention of the House to that difficulty.

The Commissioner is a gentleman whom I have known for a great many years; first, as an assistant clerk in this House; then as Chief Clerk; then as Commissioner of Public Buildings under Pierce; next as the clerk of the Committee of Claims in a Republican Congress; then as Commissioner of Public Buildings under the last Administration; and now in the same position under the present one. Being a gentleman belonging to the class who are always in office, he has necessarily had, and must continue to have, a great deal to do for himself and his friends. Therefore it is that I express my anxiety lest he should be prevented by these other matters from properly attending to his duties as poet-laureate of this or any succeeding Administration; and in order to show what is required of him in that capacity, I

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ask to have read the extracts from one of his poems which I now send to the Clerk's desk.

The Clerk read as follows:

"Where Jackson stood now doth another stand—
The favored ruler of our favored land.
With heart as pure and patriotism as great,
A second Andrew steers the ship of state.
He stands unmoved upon her noble deck,
Nor heeds the mutineers who seek her wreck!
'Still let the old flag float' is his decree,
'No star struck from the glorious galaxy.'
Assailed, abused, railed at in every form,
He'll bring the ship in safety through the storm,
For that vast crew, *the people*, will defend
Their noble pilot 'till the voyage shall end;
And the old ship, her starry flag unstruck,
Shall ride at peace, entire from keel to truck."

* * * * * * *

"Our second Andrew, who all hearts had won,
Stood at the helm, and the old ship sailed on!
What were his acts? such as the world approved,
Such, as to kindness, the *whole* nation moved,
Had not base envy striven to rule the hour.
All now were *one* in *Union, feeling, power!*
To thwart his policy, destroy his rule,
Is the small work of many a supple tool
Of a determined clique, who rant and rave,
'*Divide and ruin!*'—not 'unite and save.'"

* * * * * * *

"The end approaches—that sublime event,
The people rallying to their President."

* * * * * * *

"And when in years long hence the immortal scroll
Of men beloved time's herald shall unroll,
Entwined in laurel wreaths two names shall be
Together joined as champions of the free—
The name of Andrew Jackson men shall find
With that of Andrew Johnson closely twined;
And while the race of men on earth is seen,
The people's hearts shall keep their memory green.
"*June* 1, 1866. B. B. FRENCH."

[Laughter.]

Mr. HOGAN. That is first-rate.

Mr. KELLEY. If the gentleman from Ohio will yield to me a moment, I want to say that I think he is doing injustice to the Commissioner of Public Buildings. I do not think the Commissioner is the author of that production; for, meeting him soon after I had seen it, I told him that some scoundrel had appended his name to that stuff, and he seemed very much confused, and certainly he did not claim the paternity of it. [Laughter.] I left him, therefore, under the impression that he had been vilely slandered by the person who had put his name to it.

Mr. SCHENCK. I do not wonder at the confusion of a man who takes care of all Administrations in succession and manages to stay in office under them all. Such a man must of course be somewhat confused occasionally, and undetermined at certain critical times as to whether he is or is not the author of a given production. This is dated June 1, 1866, a time when there may have been some indications of the people "rallying to their President;" but the people do not rally to the President now as much as they used to. [Laughter.]

[Here the hammer fell.]

Mr. SCHENCK. I was just going to send to the Clerk's desk the poetry written by the gentleman under Mr. Lincoln's Administration. [Laughter.]

Mr. GRINNELL. I move, *pro formâ*, to amend the amendment. I understand that there is a much better specimen of the Commissioner's poetry yet to be read.

Mr. DAVIS. I rise to a point of order; that this discussion and reading are not at all germane to the subject before the House.

Mr. SCHENCK. They are germane to my amendment.

The CHAIRMAN. The Chair overrules the point of order. It is too late to raise that point.

Mr. GRINNELL. I submit that we have not yet heard the best of the poetry. I ask the Clerk to read what I now send to his desk.

[Cries of "read!" "read!"]

The Clerk read as follows:

Orgies in Hell, over Secession.

"Hark! hark! to the Fiend—'ha! ha! ha! ha! ha ha!'
And all Hell, overjoyed, returned a 'huzza.'
'Let us drink to the plot that on earth is laid bare,'
And clink go the cups to the toast from the chair!

"Up rises old Satan—'My friends and my peers,
I give you my thanks for your voices and cheers—
Well may we rejoice in our victory, when
It will people our regions with myriads of men.'"

Mr. RANDALL, of Pennsylvania. I rise to a point of order. I submit that at this period in the session time is too valuable to be wasted in this way.

The CHAIRMAN. The Chair is of opinion that that is not a point of order.

Mr. RADFORD. I rise to a point of order; that this is not germane to the question before the House.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk proceeded with the reading, as follows:

"'My efforts, alas! were all fruitless and vain;
All my will and my strength could not sever the chain
That bound in one people that Union so grand,
Hailed all over the earth as a God-chosen land!
Till at last our dear children 'down South,' as they say,
In a State where we rule o'er the rulers—where play
All the passions of hell—sought by pretext and lies
To undo the great work of the God-like and wise.
We breathed fire in the soul of a demon called Rhett;
We whispered one Yancey; one Pickens beset,
Till they coaxed on the crowd to disunion and shame,
And an edict of wra'h was the fruit of the flame.
How we gloried, my peers, to see the fire spread,
Till a hell on the earth was up, raging and red,
And a cordon of States from their sphere madly hurled,
Gained the love of our heart—the contempt of the world.

"'We glory in ruin; war peoples our realm.
Let us force on the issue these fools to o'erwhelm,
For that North that we hate, and that West we despise,
Are sure in their wrath and their fury to rise,
And they'll crush down disunion, secession they'll kill.
We shall have Davis wanting some place here to fill;
And Stephens and Pickens and Yancey and Rhett
Will make capital hell-hounds. We must not forget
That half-nigger Toombs, with his terrible *holler*,
Which can beat our dog Cerberus out of his collar!
Indeed, all our friends, the secessionists, soon
Will knock at our door, and will crave, as a boon,
All the offices here. 'Twill excite all our mirth;
For they shan't rule in hell as they triod to on earth:
And when these grand knaves we torment in our wrath,
With thousands of others whom they've led the false path,
Though hateful to us, the old Union again
Will be bound in a lasting—a fraternal chain;
For Heaven has decreed that the Union shall be;
Through all time, the abode of a people that's free;
And all we shall gain by our purposes fell
Is peopling with scoundrels the purlieus of hell!'

"As Satan sat down, many rounds of applause
Attested Hell's love of the disunion cause;
And a brave little devil jumped up in a chair,
And yelled out this toast with a triumphant air—
'Here's a welcome to Davis and Stephens and Rhett,
And to thousands of others whose names we forget:
We shall have them; on earth they cannot be forgiven,
And the love of our lies is their forfeit of heaven.'
Then he waved a small flag—seven dim stars in its field,
And a sort of a thing 'twixt a tree and a shield;
'Twas a cotton concern, and in waving it came,
Somehow, loosed from the staff, and was burned in hell's flame!

"Satan rose in his place at this ominous turn,
That ended in ashes the cotton concern,
Took a gulp of hot liquor, bade good night to each friend,
And declared both the *meeting* and *flag* at an end!
"*April*, 1861. B. B. FRENCH."

Mr. PAINE. I move to strike out the words "under a contract to be formed with such institution by the Commissioner of Public Buildings." I cannot see any good reason why the Commissioner of Public Buildings, whether he be a poet or not, should have the power, under this provision, to make arrangements with the medical institutions in this city for the support of transient paupers, and the disbursement of this $12,000. I prefer to intrust this power to some other person.

Mr. STEVENS. Ever since this appropriation has been made of $12,000 for this purpose the same language has been used year after year, and it would hardly do now to change it. The money has always been well appropriated and faithfully administered. In truth, the Commissioner of Public Buildings has very little to do with the matter.

Mr. SLOAN. I would ask the gentleman from Pennsylvania [Mr. STEVENS] if there have been every year just sixty transient paupers to be taken care of by this city?

Mr. STEVENS. There have been three or four times that number provided for in these institutions; but the Government pays for the support of but sixty of them.

Mr. KASSON. I would say to the gentleman from Pennsylvania [Mr. STEVENS] that it would perhaps be well to provide that this money shall be expended by the Secretary of the Interior instead of the Commissioner of Public Buildings.

Mr. STEVENS. I do not like, without some good reason, to cast a stigma upon any one. Ever since this appropriation was first commenced this has been the language used in regard to it. And although I have no very high opinion of a great many men about here, I see no reason for changing the form of this appropriation at this time.

Mr. PAINE. The gentleman from Pennsylvania [Mr. STEVENS] has informed the House that this money has always been well expended. Now, I have no positive information or knowledge that the money in this case or in any other case which has been placed at the disposal of this gentleman has not been well expended. But yet I venture to ask the gentleman whether he has ever examined the accounts in this case so as to know that the money has been well expended, or what information he has upon the subject.

Mr. STEVENS. The committee have always examined the accounts of the Commissioner of Public Buildings, and they have never reported against him. I have never examined the accounts myself, for I am not a very good arithmetician. [Laughter.]

Mr. PAINE. Does the gentleman mean the Committee on Appropriations?

Mr. STEVENS. No, sir; I think it was the Committee on Accounts.

Mr. DAWES. I see present a member of the Committee on Accounts; I would like to inquire of him about that.

Mr. BROOMALL. Nothing of that sort has been before the Committee on Accounts that I am aware of.

Mr. STEVENS. I may have been mistaken; at all events the proper accounting officer of the Treasury has passed upon those accounts.

The CHAIRMAN. Debate upon the pending amendment has closed.

Mr. SLOAN. I move to amend the amendment by striking out the last word for the purpose of saying that I have had occasion to examine one of the accounts presented from the Commissioner of Public Buildings for improvements upon the streets and avenues of this city. The law provides that the Government of the United States shall pay for the improvements in front of its reservations and public grounds. The Commissioner of Public Buildings has construed the law to mean that every avenue is a reservation for a public square, and that hence the Government of the United States must pave all the avenues, make all the sewers, lay all the sidewalks, ornament them with trees, in short that the Government must take the whole care and expense of the public avenues of the city, under the law which provides that the Government shall pay the expense of improvements in front of the public squares and reservations. Now, if the Commissioner of Public Buildings should expend this appropriation of $12,000 for transient purposes under a construction as liberal as that, not only paupers but any other class whom he may see fit to favor may be brought by construction within the provisions of this appropriation.

I now withdraw my amendment to the amendment.

The question recurred on the amendment of Mr. PAINE; and upon a division there were —ayes twenty-seven, noes not counted.

So the amendment was not agreed to.

Mr. ROGERS. I move to amend by inserting the following after the paragraph now under consideration:

To clear out and make the Passaic river, in the State of New Jersey, navigable to the city of Paterson in said State, $20,000.

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The Passaic river is navigable for about half the distance between New York and Paterson. The city of Paterson is the largest city in my district, containing a population of about forty thousand; and is the largest manufacturing town but one in the State of New Jersey; and it is very important that navigation should be opened between the city of New York and the city of Paterson. Paterson Falls, where Sam Patch jumped off, are there. [Laughter.] I believe Sam Patch afterward jumped off some other falls and was killed.

I hope the gentleman will not neglect the State of New Jersey, as I believe this Congress has never made an appropriation for any river in that State. Twenty thousand dollars will be sufficient to clear out that river and make it navigable to the city of Paterson; and this will be of incalculable advantage to the community.

The amendment was not agreed to.

The Clerk read the following:

For repairs of Pennsylvania avenue, and sprinkling the same, and keeping it clean and free from dirt, $10,000.

Mr. SCHENCK. I should like to be informed by some member of the Committee on Appropriations, what was the amount appropriated last year for keeping Pennsylvania avenue "clean and free from dirt?"

Mr. STEVENS. I believe that this item was the same in the bill of last year.

Mr. SCHENCK. Well, sir, if anybody wants a commentary upon the words "clean and free from dirt," let him go along Pennsylvania avenue, or any other avenue under the care of Congress, the streets being taken care of, nominally at least, by the city corporation. I think, sir, that our very talented poet-laureate must be too busy to attend to the expenditure of so much money. I therefore move to amend this item by striking out "ten" and inserting "two," so as to reduce the appropriation to $2,000. I offer this for the purpose of eliciting from the Committee on Appropriations some sort of assurance, if they can give us any, that under the administration of the present Commissioner of Public Buildings the purposes for which we appropriate this money will be carried out.

The amendment was agreed to.

The Clerk read as follows:

For renewing the heating apparatus at the President's House, $8,000.

Mr. GRINNELL. I move to amend by striking out in the item just read the word "eight" and inserting "five," so as to reduce the appropriation to $5,000. I make the motion because I know that this amount is sufficient.

Mr. LE BLOND. I should like to learn from the gentleman who has made this motion or from the chairman of the Committee on Appropriations what has been the appropriation for this purpose in former years. The gentleman from Iowa says that $5,000 is sufficient. I should like to know upon what data he speaks.

Mr. GRINNELL. I have some acquaintance with gentlemen in that business; and I give my opinion founded upon the opinion of others who ought to know and who say that $5,000 would be ample for this work. I would cheerfully vote for $8,000 if I thought it necessary.

Mr. STEVENS. The amount named in the bill is what was contained in the estimates. The committee have no reason to suppose that the expense was overestimated. I hope that the amendment will not be agreed to.

The amendment was not agreed to.

The Clerk read as follows:

For laying a new pipe from the K street main to the Capitol, in order to supply the building at all times with a full flow of water, $5,000.

Mr. RICE, of Maine. I move to amend by inserting after the paragraph just read the following:

To enable the Commissioner of Public Buildings to put in thorough repair the conservatory recently injured by fire at the President's Mansion, $10,000.

This matter has been examined by the Committee on Public Buildings and Grounds; estimates have been obtained; and we are satisfied that this amount, or very nearly this much, will be required to put the conservatory in repair. It is absolutely necessary that the work should be done. I hope there will be no objection to the amendment.

Mr. RADFORD. Will the gentleman from Maine state the precise amount of the estimate? I think it was two or three thousand dollars less than the sum named in the amendment.

Mr. RICE, of Maine. The destruction by fire, including the loss of plants, was very much more than ten thousand dollars. I am satisfied from my own examination and from the examination of others much more competent to judge that $10,000 will be necessary to put this conservatory in decent repair.

Mr. RADFORD. I want to know what was the precise amount of the estimate.

Mr. RICE, of Maine. Ten thousand dollars.

Mr. FARQUHAR. I am in favor of making this appropriation on the condition that those who are to have charge of the proposed improvement shall select some other place than the present location, or build some other kind of a building than the one which was damaged by fire. I think, sir, that the improvement which has been made by removing the old stable from the east side of the Presidential Mansion should be an admonition to those having charge of the matter to select for the new conservatory another location than that which has been occupied for that purpose heretofore.

If we put up any building at all it ought not only to be substantial but ornamental, and a credit rather than a discredit to this Government.

Mr. KELLEY. I move to strike out the last word.

Mr. Chairman, I think the estimate is an extravagant one. As a member of the joint Committee on the Library I have seen plans for a conservatory far more elegant than this one which were accompanied by estimates. It was in reference to a matter connected with the Government Botanical Garden. The estimates were much under those indicated here.

If we are to do this work at all I think $5,000 is enough; and as we will have to erect a new Presidential Mansion, and as the conservatory is an eye-sore where it is now, I think it would be well to leave this to the next Congress.

Mr. RICE, of Maine. I oppose the amendment of the gentleman. Of course it would cost much more to build a conservatory that would do credit to the country. As has been stated by gentlemen who have been upon the floor, before many years we must have a new Presidential Mansion. This is, however, required for the present.

Mr. KELLEY, by unanimous consent, withdrew his amendment to the amendment.

Mr. NIBLACK demanded tellers on Mr. RICE's amendment.

Tellers were ordered; and Mr. RICE, of Maine, and Mr. KELLEY were appointed.

The committee divided; and the tellers reported—ayes 59, noes 44.

So the amendment was agreed to.

The Clerk read as follows:

For compensation of laborer to take care of the heating apparatus of the Library of Congress, $1,000.
For compensation to three watchmen on the Dome of the Capitol, $2,700.

Mr. SCHENCK. I move to strike out those paragraphs.

Mr. Chairman, I desire not to be misunderstood in regard to this. I have always been in favor of and voted for liberal appropriations for this Capitol, for its public buildings, and for all that tends to make it a credit to the nation and an ornament of our country, but it is time the issue were made whether we will go on expending under an inefficient Commissioner of Public Buildings and Grounds large amounts of the public money that may be used we know not how.

So far as these two items are concerned, we propose first to authorize him to employ a laborer at $1,000 a year. I do not know whether this is a new office to be created or not. It would seem we never had such a person employed before as a laborer from the manner it is introduced here. Then there are to be three watchmen for the Dome at a salary of $900 per year. These are large sums to be paid for such light services, and they are services not heretofore thought to be required. We propose to create these new employments for persons to perform light duty at high prices, and to give the appointment to a man who will confer them upon such persons who, like himself, are subservient to anybody who may for the time happen to be in power.

Mr. UPSON. I would like to ask the gentleman from Ohio whether he intends to be understood that a like character of poets are also to be appointed to these new positions?

Mr. SCHENCK. I have the utmost respect for the poetry of the Commissioner of Public Buildings and Grounds, and I do not think anything can be more melodious except it were he should sing it himself. But I wish to keep the two things distinct. His time is so much taken up in writing these odes on every occasion, he does not seem to be able to attend to his duties here.

As to the objection of my bringing this matter up here, I will only answer we have no other way of reaching him except in an appropriation bill. I think we ought to reach him just in this direction. So far as trusting him to make the appointments of these new appointees at such high prices for performing such light services—and they are new appointments so far as I know, and have not heretofore been deemed necessary—I for one am unwilling to consent to it.

Mr. HARDING, of Illinois. Is his writing poetry a new thing?

Mr. SCHENCK. This incumbent has been singing—if not from his earliest youth—certainly ever since I have known him.

Mr. KASSON. The committee have ascertained this employment is necessary only during the months in which the heating goes on, and therefore the amount might be reduced to $600. I make that amendment.

Mr. SCHENCK. Then I have accomplished something, for I have succeeded in cutting this appropriation down from $1,000 to $600; still the gentleman does not answer my question.

Mr. KASSON. I did not understand——

Mr. SCHENCK. Why should we provide for a new laborer to be added to the number already provided for?

Mr. KASSON. I did not understand the gentleman to ask that question. My answer is that this man has been employed several years on the furnaces of the Capitol; a change has been made in the heating apparatus, which results in the need of employing only a portion of the time. That fact is a new one, and it is for that reason that I moved to reduce the amount, as the same employé is not necessary during the period when the heating is not going on.

Mr. SCHENCK. I withdraw the amendment to the amendment, but I still insist upon the amendment to strike out the item.

The amendment of Mr. KASSON to reduce the sum to $600 was agreed to.

The question recurred on the motion of Mr. SCHENCK to strike out the clause as amended.

Mr. STEVENS. I want to say that since the completion of the Dome in its present shape it becomes necessary to employ these watchmen. I suppose there is no doubt about that. Watchmen are now employed as a matter of necessity, and we are now authorizing it. If it is not the pleasure of Congress to have the Dome kept open and lighted, of course this item will be stricken out.

Mr. SCHENCK. Lest my motion to strike out might not prevail, I will move to amend the paragraph by inserting after the word "laborer" the words "to be employed by the President of the Senate and Speaker of

the House of Representatives;" so that whoever is employed and at whatever compensation, our presiding officers shall have control of him. And I will make the same proposition in regard to the next paragraph, to insert the same words after the word "watchmen."

The question being taken on the amendment, to insert after the word "laborer" the words stated above, it was agreed to.

The question recurred on the motion to strike out the paragraph, as amended, and no quorum voted.

The Chair ordered tellers; and Messrs. SCHENCK and ROSS were appointed.

The committee divided; and the tellers reported—ayes 45, noes 51.

So the paragraph was not stricken out.

Mr. STEVENS. If gentlemen do not like the Commissioner of Public Buildings let them by resolution say he shall have nothing to do with the public buildings; but at every little appropriation of this kind, of $500 or $600, for gentlemen to express their dislike to the man seems to me below the dignity of this body. What has the Speaker of the House to do with taking care of $600 employés? I do not like this reducing a man's pay to $600 a year who takes care of the dome of the Capitol, unless gentlemen intend it to be another Andersonville in which to starve soldiers.

Mr. SCHENCK. I trust there is no particular want of dignity in proposing that the presiding officers of the two Houses shall attend to the appointment of these persons who are to take charge of that which immediately concerns our comfort in the care of the building we occupy. It has not been thought beneath his dignity to assign seats to the various persons who are permitted to report our proceedings here as the reporters of the different newspapers. It has been devolved upon the Speaker to determine who shall occupy the restaurant below to sell glasses of beer and crackers to those who may be thirsty or hungry. It has not been considered beneath the dignity of the Presiding Officer even of the Senate to undertake the task of determining who shall occupy hucksters' stands in the building. If, therefore, the filling of these appointments, that are supposed to be worth $1,000 a year, is below their dignity, perhaps it may be proper to take away the appointment of all these other officers who do not rise to quite the dignity required.

My idea is, while we thus exercise a proper economy and secure the right persons, we will be enabled to employ these very faithful soldiers to whom the gentleman so feelingly refers, which we will be more certain to do if we give the appointment to our presiding officers rather than to this gentleman whose laudation in prose or verse of those who may happen to be in power seems to be his principal employment.

The question being put on the amendment of Mr. SCHENCK, to insert after the word "watchmen" the words "to be employed by the President of the Senate and Speaker of the House of Representatives," there were—ayes 31, noes 40; no quorum voting.

The Chair ordered tellers; and Messrs. SCHENCK and ORTH were appointed.

The committee divided; and the tellers reported—ayes 53, noes 45.

So the amendment was agreed to.

The question recurred on striking out the paragraph as amended.

Mr. SCHENCK. I withdraw that.

The Clerk read as follows:

For additional compensation of $100 a year to each of the three watchmen as above, $300.

Mr. SCHENCK. I move to strike out that paragraph. It seems to be adding $100 more to each of the other salaries, increasing them from $900 to $1,000.

The amendment was agreed to.

The Clerk read as follows:

For enabling the Commissioner to employ a suitable electrician to take care of and operate the lighting apparatus of the dome of the Capitol, $1,200.

Mr. SCHENCK. I move the same amendment as before, to insert the words "to be employed by the President of the Senate and Speaker of the House of Representatives."

Mr. RICE, of Maine. I hope the gentleman will not insist upon that.

Mr. SCHENCK. Very well; I withdraw it.

Mr. FARQUHAR. I move to amend by inserting at the end of the last paragraph the following:

And that no further salary shall be paid to the Commissioner of Public Buildings until the iron railings of the old House of Representatives are altered as ordered by this House at its first session.

I simply desire to call the attention of the House to the fact that early in the last session we ordered that those railings should be cut down and made lower. I have waited patiently and looked anxiously to see that change made. I have frequently noticed in passing through the old Hall gentlemen stooping down or standing on tip-toe to look at the statuary which is filling up those apartments, and I have had to do the same myself. It is a great inconvenience. The House ordered the change, and the friends of the Commissioner of Public Buildings represented from time to time that it would be made very shortly; and yet it is not done.

Mr. STEVENS. I move that the committee rise, for the purpose of closing debate. We will never get through at this rate.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* [Mr. DAWES] having resumed the chair, Mr. THAYER reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed a joint resolution of the House No. 222, prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression, with amendments, in which the concurrence of the House was requested.

The message further announced that the Senate had passed a bill (S. No. 614) authorizing the Secretary of the Navy to transfer the United States iron-clad Onondago to George Quintard, of New York.

Also, a joint resolution (S. R. No. 181) concerning the right of way for the survey and construction of an inter-oceanic ship-canal through the Isthmus of Darien, in which the concurrence of the House was requested.

MISCELLANEOUS APPROPRIATION BILL.

Mr. STEVENS. I now move that when the House resolves itself again into the Committee of the Whole on the state of the Union all debate on the pending section be terminated in five minutes.

Mr. SCHENCK. I would inquire of the Chair how much is embraced in the pending section?

The SPEAKER. The Chair understands it ends on page 22.

The motion to close debate was agreed to.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. THAYER in the chair,) and resumed the consideration of the special order, being bill of the House No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, the pending question being on the amendment offered by Mr. FARQUHAR.

Mr. RICE, of Maine. I desire to oppose that amendment. If there is any fault in this matter it is not the fault of the Commissioner of Public Buildings, and he should not be held in the least responsible for it. The gentleman from Indiana (Mr. FARQUHAR) is in error in regard to the facts. There was an amendment in regard to removing this railing or fence offered at the last session by the gentleman from Ohio, (Mr. SCHENCK.) I stated that the present architect of the Capitol extension was desirous of removing that fence, that he would do so, and that no further appropriation was necessary therefor. That was my error; there was no appropriation to take down the fence.

Now, I hope the gentleman will withdraw his amendment and allow me to move one to appropriate $1,000 to remove this fence and put up a proper one in its stead.

Mr. FARQUHAR. Having offered my amendment under a misapprehension, I will withdraw it.

Mr. SCHENCK. I move to amend by inserting the following:

For removing the unsightly iron fence or inclosure which has been put up in the old Hall of Representatives in the Capitol, $100.

Mr. RICE, of Maine. I hope the gentleman will make it $1,000.

Mr. SCHENCK. For taking down that fence?

Mr. RICE, of Maine. And putting up a proper one.

Mr. SCHENCK.. No; I prefer my amendment as it is.

The amendment of Mr. SCHENCK was then agreed to.

The Clerk resumed the reading of the bill.

Mr. GRINNELL. I move to strike out the clause just read by the Clerk, as follows:

For flagging the areas around the Executive Mansion where mouldy brick pavements are now, $10,000.

Mr. MAYNARD. I move to amend the clause proposed to be stricken out by striking out the word "mouldy." I do not think that word is necessary there.

Mr. MAYNARD'S amendment was agreed to.

The question recurred upon the motion of Mr. GRINNELL, to strike out the entire clause.

The motion was agreed to.

The committee rose informally, and the Speaker resumed the Chair.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Colonel WILLIAM G. MOORE, his Secretary.

MISCELLANEOUS APPROPRIATION BILL.

The House resumed in Committee of the Whole (Mr. THAYER in the chair) the consideration of the miscellaneous appropriation bill.

The Clerk resumed the reading of the bill, and read as follows:

For top-dressing for public grounds and cartage of same, $1,500.

For purchase of tools for public grounds, $500.

Mr. WILLIAMS. I find in previous portions of the bill the following appropriations:

For hauling manure for top-dressing the public grounds, $500.

For purchase and repair of tools used in the public grounds, $400.

Now, the portion just read by the Clerk seems to be a reduplication of these items.

Mr. STEVENS. They were intended to be reduplicated; they relate to a different portion of the public grounds.

Mr. WILLIAMS. It does not say so in the bill. I move to strike out the portion read by the Clerk.

The question was taken; and upon a division, there were—ayes twenty-seven; noes not counted.

So the motion was not agreed to.

The Clerk resumed the reading of the bill. When he had read the following:

For further improvement of the Circle on Pennsylvania avenue, $600.

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Mr. BENJAMIN said: I find that we have already "swung around the circle" to the extent of $1,000 in a previous portion of the bill, as will be seen by the following clause:

For taking care of the Circle on Pennsylvania avenue, $1,000.

I therefore move to strike out the clause just read.

The question was taken; and upon a division, there were—ayes 20, noes 80; no quorum voting.

Tellers were ordered; and Mr. BENJAMIN and Mr. RICE, of Maine, were appointed.

The committee again divided; and the tellers reported that there were—ayes seven; noes not counted.

So the motion to strike out was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For painting the iron fences around La Fayette square, in front of the War and Navy Departments, in front of the Executive Mansion, and the Government portion of the fence around Judiciary square, $30,000.

Mr. GRINNELL. I move to reduce the appropriation in this clause to $5,000. I understand the Committee on Appropriations consent to that.

The motion was agreed to.

The Clerk read as follows:

For new crossings on Pennsylvania avenue, $10,000.

Mr. GRINNELL. I move to amend by striking out "$10,000" and inserting "$5,000."

The question was taken; and upon a division, there were—ayes 27, noes 80; no quorum voting.

Tellers were ordered; and Mr. GRINNELL and Mr. FARNSWORTH were appointed.

The committee again divided; but Mr. FARNSWORTH reported that the tellers could not agree.

Other tellers were ordered; and Mr. LAWRENCE, of Pennsylvania, and Mr. COOPER were appointed.

The committee again divided; and the tellers reported that there were—ayes forty-nine; noes not counted.

So the amendment was agreed to.

The Clerk resumed the reading of the bill.

Mr. HAYES. I move to strike out the following:

For the purpose of having portraits of ex-Presidents of the United States, which have been executed under contract with the joint Committee of the Library of Congress, properly framed, $900, to be expended under direction of the Secretary of the Interior.

There is a fund already provided for that purpose.

The motion to strike out was agreed to.

The Clerk read as follows:

To enable the register of deeds of the District of Columbia to pay for books of record furnished, and fitting necessary shelving in his office, $600.

Mr. UPSON. I move to amend by striking out the paragraph just read.

The amendment was not agreed to.

Mr. SLOAN. I move to amend by inserting the following as a new paragraph.

That the Senate of the United States shall elect a Superintendent of Public Buildings, who shall hold his office for the term of four years and until his successor is elected, and shall perform all the duties now required to be performed by the Commissioner of Public Buildings; and the office of the Commissioner of Public Buildings is hereby abolished.

The amendment was agreed to.

The Clerk read as follows:

Smithsonian Institution:

For the preservation of the collections of the exploring and surveying expeditions of the Government, $1,000.

Mr. PATTERSON. I move to amend the paragraph just read by striking out the word "four," and inserting in lieu thereof "ten;" so as to increase the appropriation to $10,000.

The amendment was agreed to.

The Clerk read as follows:

Patent Office:

For expenses of receiving, arranging, and taking care of copyright books, charts, and other copyright matter, $1,800.

For preparing illustrations and descriptions for the report of the Commissioner of Patents, $10,000.

Mr. RICE, of Maine. I desire to inquire of the chairman of the committee why these two appropriations should not be paid out of the Patent Office fund?

Mr. STEVENS. They always are.

Mr. RICE, of Maine. Will they be unless we so specify?

Mr. STEVENS. Perhaps it may be well to add a provision to that effect.

Mr. RICE, of Maine. I move, then, to amend by inserting after the word "dollars" in each of these two appropriations the words "to be paid out of the Patent Office fund."

The amendment was agreed to.

The Clerk read as follows:

Columbian Institution for the Deaf and Dumb:

For the support of the institution, including $1,000 for books and illustrative apparatus, $25,000: *Provided*, That deaf mutes residing in the several States and Territories of the United States, applying for admission to the collegiate department of the institution, shall be received on the same terms and conditions as those prescribed by law for residents of the District of Columbia, at the discretion of the president.

Mr. STEVENS. I move to amend by adding at the end of the paragraph just read the words "of the institution."

The amendment was agreed to.

The Clerk read as follows:

For surveying the public lands in Dakota Territory, at rates not exceeding ten dollars per lineal mile for standard lines, seven dollars for township and six dollars for section lines, $10,000.

Mr. JULIAN. I move to amend the paragraph just read by striking out "ten" and inserting "fifteen," so as to increase the appropriation to $15,000.

Mr. KASSON. I move as an amendment to the amendment to insert after the word "Territory" the words "including the lands on the Red River of the North."

Mr. JULIAN. I accept that amendment as a modification of my amendment.

The amendment, as modified, was agreed to.

The Clerk read as follows:

For surveying the public lands in Nebraska Territory, at rates not exceeding ten dollars per lineal mile for standard lines, six dollars for township and five dollars for section lines, $15,000.

Mr. ASHLEY, of Ohio. I move to amend by striking out in the paragraph just read the word "Territory."

The amendment was agreed to.

The Clerk read as follows:

For surveying the public lands in Colorado Territory, at rates not exceeding fifteen dollars per lineal mile for standard lines, eight dollars for township and seven dollars for section lines, $15,000.

Mr. ASHLEY, of Ohio. I move to amend by striking out in this paragraph the word "Territory."

The amendment was agreed to.

The Clerk read as follows:

For the survey of the forty-second parallel of north latitude, so far as it constitutes the common boundary between the States of California and Oregon, estimated two hundred and twenty miles, at not exceeding sixty dollars per mile, $13,847.

Mr. ASHLEY, of Ohio. I move to amend by inserting after the paragraph just read the following:

For the survey of boundary line between the State of Oregon and the Territory of Idaho, commencing at the northern boundary of the State of Nevada and running north to its intersection at Snake river, estimated one hundred and sixty miles, at not exceeding sixty dollars per mile, $9,600.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. *And be it further enacted*, That the Light-House Board be authorized to apply any unexpended balance which may remain after the completion of a light-house work on the Pacific coast to the construction of any other similar work upon the same coast, which may have been authorized by Congress, but for which the amount appropriated may prove insufficient.

Mr. STEVENS. I move to amend by adding at the end of the paragraph just read the following:

Provided, That no superintendent of lights whose compensation as collector of customs exceeds $3,000 per annum shall receive any compensation as disbursing agent for the Light-House Establishment, whether the sums disbursed by him be for articles to be used or services rendered within or without the limits of his superintendency or collection districts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. *And be it further enacted*, That the privilege of receiving and sending free, under proper frank, all official communications be granted to the chairman and secretaries of the Light-House Board.

Mr. KASSON. I move to amend by striking out the section just read. It is, perhaps, a little broader than it ought to be, and would, I think, in some form be more properly included in some Post Office appropriation bill.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. *And be it further enacted*, That the salary of the general appraiser in the city of New York shall be the same as that of the appraiser general of Boston.

Mr. MYERS. I move to amend by adding after the section just read the following:

To enable the joint Committee on the Library of Congress to purchase the bust of Pulaski, now in the old Hall of the House of Representatives, executed by the late Henry D. Saunders, $2,500.

Mr. Chairman, I intended to move this amendment on page 17, that being its proper place; and if it be adopted, as I hope it will, I trust it will find its proper position on that page.

The propriety of this appropriation can be explained in a very few words. In 1856 Henry D. Saunders, a celebrated sculptor, whose father was the intimate friend of Pulaski, and who afterward lost his life in the defense of his native Poland, executed, at the request of the joint Committee on the Library, a bust of Kosciusko, which was purchased by Congress for the Capitol. He was also asked to execute a bust of Pulaski, and to this end was given the possession of a room in this Capitol. The paintings from which he took his model were imported from Europe, and the busts themselves were executed from the very finest Carrara marble. The marble for the bust of Pulaski cost him $500. After he had executed his work he went to Europe and up to the time of his death frequently wrote for payment, but there was no appropriation for that purpose. His administrator now makes a similar request on behalf of his heirs, who really need the money. This bust stands in the old Hall of the House. I am not versed in these matters, but to my unartistic eye it seems that the sculptor has done his work in the most exquisite manner, and such seems to be the universal opinion. If for no other reason we ought not to fail in the possession of this bust, because it is that of one of the bravest defenders of this Government in its earliest days—the Polish patriot who lost his life in our cause before Savannah during our revolutionary struggle. The matter has been submitted to the joint Committee on the Library, and the petition and affidavit was referred some time since to the Committee on Appropriations, who do not deny the justice of the claim.

Mr. HOOPER, of Massachusetts. I ask the gentleman from Pennsylvania to withdraw his amendment for the present so that I may move one which comes before it.

Mr. MYERS. I withdraw it for that purpose.

Mr. HOOPER, of Massachusetts. I move at the end of section five to add as follows:

And the salaries of assistant appraisers at Boston, Philadelphia, Baltimore, New Orleans, and San Francisco shall be $2,500 per annum.

The CHAIRMAN. This section is rendered necessary to remedy a defect in the law passed last year.

Mr. ROSS. Is this an increase?

Mr. HOOPER, of Massachusetts. It adds $500 to their compensation. We added to all the other officers last year except to these, who were accidentally omitted.

The amendment was agreed to.

Mr. MYERS. I now renew my amendment for the payment of the bust of Pulaski.

Mr. CHANLER. I ask the gentleman from Pennsylvania what he supposes to be the value of this bust. It strikes me $2,500 is a very high price to pay for it.

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Mr. MYERS. The Carrara marble itself cost $500. The bust was executed under the direction of Senator Pearce, of Maryland, and Job R. Tyson, of Philadelphia, members of the joint Committee on the Library in 1857, as a companion bust to that of Kosciusko. It was made double the life size at their request, and exhibits exquisite workmanship, as the gentleman from New York who has an artistic taste will discover when he examines it. The work itself is of far greater value than the price we now propose to pay for it. It will be a most appropriate ornament for this Capitol as the bust of one of our country's most gallant defenders, worthy to be placed beside that of Kosciusko. In honoring the memory of these heroes the country does itself honor. I hope the amendment will prevail.

The amendment was adopted.

Mr. NIBLACK. I am directed by the Committee on Appropriations to move the following amendment:

That the clerk of pardons in the Department of State be placed on the same footing in regard to compensation for extra services under the amnesty proclamation of the 29th of May, 1866, as the principal clerk of pardons in the Attorney General's office; and any money in the Treasury not otherwise appropriated is hereby appropriated for this purpose.

At the last session of Congress, after hearing all the evidence on the subject, and being satisfied of its propriety, we recommended there should be $2,000 for extra compensation.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. *And be it further enacted*, That it shall be the duty of the Clerk of the House of Representatives to select in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas one or more newspapers, not exceeding in number the number of Representatives to which they would have severally been entitled by the apportionment based upon the census of 1860, in which treaties hereafter proclaimed and the laws passed at this and at each subsequent session of the Congress, and such advertisements as may be ordered by either Executive Department of the Government, according to law, or by any officer of the courts of the United States, for publication therein shall be published, the compensation for which, and other terms of publication, shall be fixed by said Clerk, at a rate not exceeding one dollar per square of eight lines of space, the accounts for which shall be adjusted by the proper accounting officers and paid in the manner now authorized by law in the like cases; and said Clerk shall, as soon as practicable after the passage of this act, notify each head of the Executive Departments of the papers selected by him in accordance with the foregoing provisions; and thereupon and thereafter it shall be the duty of the several executive officers charged therewith to furnish to each of said papers an authentic copy of the publications to be made as aforesaid; and no money hereby or otherwise appropriated shall be hereafter paid for any publications or advertisements to be made as aforesaid otherwise than as herein provided.

Mr. KASSON. I rise for the purpose of moving to perfect the section. I move to strike out all after the word "sixty," in line eight, down to and including the words "published," in line thirteen, as follows:

In which treaties hereafter proclaimed and the laws passed at this and at each subsequent session of the Congress, and such advertisements as may be ordered by either executive department of the Government, according to law, or by any officer of the courts of the United States, for publication therein shall be published.

And to insert in lieu thereof the following:

In which such treaties and laws of the United States as may be ordered for publication in newspapers according to law shall be published, and in some one or more of which so selected, all such advertisements as may be ordered for publication in said districts by any United States court or judge thereof, or by any officer of such court or by any executive officer of the United States shall be published.

That amendment will make the section more perfect by requiring that all laws or treaties, even if heretofore passed or proclaimed respectively, shall be published as provided. The object sought to be accomplished is different to that expressed in the bill only to this extent, that if laws heretofore passed or treaties heretofore proclaimed shall be published they shall be published, in these papers, as well as those hereafter passed and proclaimed.

Mr. UPSON. What is the meaning of the word "districts?"

Mr. KASSON. Simply because it refers to the judges of courts, and they are assigned to districts. It is a mere geographical description.

The amendment was adopted.

Mr. KASSON. I move to insert in line twenty before the words "executive department" the word "several."

The amendment was agreed to.

Mr. KASSON. I move to insert in the same line, after the word "department" the words "and each judge of a United States court therein."

The amendment was agreed to.

Mr. KASSON. I move to amend in line twenty-three by striking out the words "each of said" before the word "papers," and insert in lieu thereof "such selected."

The amendment was agreed to.

Mr. KASSON. I move to amend in line twenty-seven by striking out the words "as aforesaid," and inserting in lieu thereof "in said districts."

These amendments are merely designed to perfect the section and make it consistent.

The amendment was agreed to.

Mr. NIBLACK. I move to strike out the whole section.

Mr. HILL. Before the question is taken on striking out, I move to amend the section by inserting after the word "in," in line three, as follows, "the several States, including;" and after the word "which," in line six, as follows: "those now represented in Congress are entitled and those unrepresented," and strike out the word "they" immediately following; so that it will read:

That it shall be the duty of the Clerk of the House of Representatives to select in the several States, including Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, one or more newspapers, not exceeding in number the number of Representatives to which those now represented in Congress are entitled, and those unrepresented would have severally been entitled, by the apportionment based upon the census of 1860.

The object of my amendment is to make the publication of the laws uniform throughout the United States. The bill, as it now stands, authorizes the Clerk of the House of Representatives to designate in certain States the newspapers in which the laws shall be published. I can see no reason why the same authority should not be vested in the Clerk in regard to other States as well as in these. Under my amendment the Clerk will be authorized to designate in all the States the newspapers in which the laws shall be published.

Mr. KASSON. I could not hear very distinctly the proposition of the gentleman from Indiana; but I understand its object to be to embrace other States than those provided for in the bill.

Mr. HILL. It embraces all the States.

Mr. KASSON. To that the Committee on Appropriations determined to object in order to confine the question to those States which have no representation on this floor. There are Representatives here from the other States, and probably in two years from now there will be Representatives here from these States who will be able to regulate these matters in the usual mode.

I trust, sir, we shall not change the system as it regards the loyal States. There is no demand for such a change, no call for it.

Mr. GRINNELL. I would ask my colleague why he proposes by this amendment to have the laws published in nine papers in Virginia when they are only published in two papers in Iowa?

Mr. KASSON. I think the answer to that question is very plain. In the first place, this amendment does not provide that the laws shall be published in all the districts, but simply that they shall be published in such papers, not exceeding the number of districts, as the Clerk of the House may prescribe.

A second reason is that the loyal papers in the South are struggling for life to-day; they are struggling to carry Union sentiment into the South, and as we are in the habit of publishing the laws in more than two papers in other States, we ought to extend the same privilege to the papers of these States, under a selection to be made by the Clerk of the House.

Let me say further that there is no rebel State which has a paper in each district known to be loyal and adhering to the Union in the sense which was understood during the war and since the war. We provide, therefore, that the laws of the United States shall be published in papers in these States to be selected by the Clerk, not exceeding the number of representative districts.

[Here the hammer fell.]

Mr. HILL. I move to amend the amendment by striking out the last word, and I do it for the purpose of replying to the gentleman from Iowa, [Mr. KASSON.] I appreciate the motives of the gentleman, and I am as anxious to encourage the publication of these advertisements in the loyal papers of the South as he can be; but while that is true, I understand the object of this provision to be to take the appointing power in this matter from where it now exists, and where it is used to crush out loyal sentiment in the northern States—in the States that have put down the rebellion—and to foster in the southern and disloyal States disloyal sentiment, and to give it to an officer of this House, who will use it in such a way as to develop the loyal sentiment in the South, if such exist.

Now, I think that that is a worthy object; but it is no more worthy than to encourage the loyal sentiment in those States where loyalty has been the predominating element, where the Administration for which we are unfortunately responsible, and which we put in power, has turned upon us and is using its influence to crush us out; and by no means can it do it more effectually than by this means which we now propose to deprive it of.

Now, Mr. Chairman, if the principle is a correct one, that the Clerk of this House should distribute this patronage, then I insist upon making a clean sweep of it. Let us put this patronage for the whole country in the hands of a man who will stand by the Congress of the United States, instead of the Administration that has turned traitor to it.

Mr. CHANLER. The amendment offerod by the gentleman from Indiana opens a very fair field of inquiry on this side of the House as to what he means. The proposition is a very plain statement on the part of this Congress through the voice of its majority, that the distribution of patronage to the press of this country is not now to their liking. The amendment of the gentleman is intended to strike at those presses of the northern States which do not happen to utter the opinions peculiar to his party.

Now, sir, it is a matter of great indifference to the Democratic party of this country how the Secretary of State distributes his patronage. So far as I understand it, it cannot hurt any of the papers which represent pure Democratic sentiment at the North; but unless gentlemen intend to inaugurate a system similar to that established in Europe of regulating public opinion by inspecting the opinions of the press before they are issued to the country, they had better stop here and leave the press that freedom which it has enjoyed, at least at the North, except under the tinkling of the bell of the Secretary of State.

As a matter of revenge, the northern press, which has felt the hand of this gentleman, may be grateful for this amendment; but the effect of such a policy as this amendment inaugurates would be fatal to the very party to which the gentleman belongs, which assumes to be the special party of freedom in every department of life, in every section of the country, and among all colors. Certainly, sir, the chairman of the Committee on Appropriations [Mr. STEVENS] cannot sustain any such amendment, and if gentlemen intend to carry on this assault upon the freedom of the press, North and South, if they intend to inaugurate this principle of suppressing the right to express opinions

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through the press, let us have it in some other form than this. Do not let it appear in the venal form of patronage, but advance upon the press upon some principle which will be worthy in itself, and which will not expose you to the charge of seeking to return yourselves to Congress by controlling the local press in each congressional district, through the Clerk of the House of Representatives, so as to make this body a perpetual organization.

Mr. HILL. If the gentleman will yield to me long enough, I will withdraw my amendment.

Mr. CHANLER. No, sir. I will not yield. I am very glad that I have produced so much impression on the minds of members on the other side of the House.

[Here the hammer fell.]

Mr. HILL. I withdraw my amendment, as I see it creates so much opposition on the other side of the House.

Mr. KASSON. I desire but a single moment to say all that I have to say upon this question, and for that purpose I renew the amendment of the gentleman from Indiana, [Mr. HILL.] I wish to say that the object of the Committee on Appropriations in this respect has not been a partisan object. The committee were informed that in the South papers notoriously adverse to Congress, and which are still filled with expressions of rebellious sentiments, have received this patronage under the present Administration. The object of the committee has been not to promote an increase of party patronage in the North as between loyal papers of diverse political opinions, but to insist that in the South the patronage of the Government, in all its branches, shall be used for the maintenance of loyal papers there, and not for the benefit of papers which have been through the war, and which still are, disloyal to the Union of the States and to all measures of reconstruction and reconciliation. That is the object of the recommendation of the committee, which I hope will not be loaded down with amendments but passed as it now stands.

Mr. STEVENS. I move that the committee rise for the purpose of closing debate on this bill.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. THAYER reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes; and had directed him to report that they had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 682) for the relief of Captain John J. Young, of the United States Navy;

An act (H. R. No. 820) for the relief of Henry S. Davis; and

An act (S. No. 467) to amend the act entitled "An act further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes," approved July 25, 1866.

IMPORTATION OF WINE.

The SPEAKER laid before the House a message from the President of the United States, transmitting a communication from the Secretary of State in relation to the importation of wines from Cadiz, Spain. The message was as follows:

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 14th instant, a report from the Secretary of State of this date. ANDREW JOHNSON.

WASHINGTON, *February* 21, 1867.

The message and accompanying documents were referred to the Committee on Foreign Affairs, and ordered to be printed.

BILLS BECOME LAWS.

The SPEAKER also laid before the House the following communication from the Secretary of State:

DEPARTMENT OF STATE,
WASHINGTON, *February* 22, 1867.

SIR: I have the honor to inform you that the President has this day transmitted to this Department and directed to be filed two acts of Congress which had been presented to him for his approval, and which, not having been returned by him to the House of Congress, in which they originated within the time prescribed by the committee, have become laws without his approval. The titles of those laws are as follows:

An act to regulate the duties of the Clerk of the House of Representatives in preparing for the organization of the House, and for other purposes; and

An act to declare the sense of an act entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the Army of the United States."

Both of these acts are indorsed by the President as having been received on the 9th of February, 1867. They became laws, therefore, on the 19th of February, 1867, and will accordingly be officially promulgated as such.

I am, very respectfully, your obedient servant,
WILLIAM H. SEWARD.

Hon. SCHUYLER COLFAX, *Speaker House of Representatives.*

Mr. WILSON, of Iowa. I move that this communication be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

INCREASED PAY OF ARMY OFFICERS.

On motion of Mr. SCHENCK, by unanimous consent, the bill of the Senate No. 592, to provide for a temporary increase of the pay of officers in the Army of the United States, and for other purposes, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

MISCELLANEOUS APPROPRIATION BILL.

Mr. STEVENS. I move that when the House again resolve itself into the Committee of the Whole on the state of the Union on the special order, all debate upon the pending bill be closed in five minutes.

Mr. NIBLACK. I hope the gentleman will make it ten minutes.

Mr. STEVENS. Very well; I will change my motion so as to have debate closed in ten minutes.

The motion was agreed to.

Mr. STEVENS. I now move that the rules be suspended, and that the House again resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. THAYER in the chair,) and resumed the consideration of the special order, being House bill No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes.

The pending question was upon the motion of Mr. NIBLACK, to amend by striking out the sixth section.

Mr. NIBLACK. Mr. Chairman, we have on our statute-books, as has already appeared in this debate, an enactment regulating this matter of publishing the laws of Congress. These laws are to be published, I believe, in two newspapers in each State, to be selected by the Department of State; and for my own part I know of no reason why the same rule which is applied to other States should not apply to the States enumerated in this section. The gentleman from Iowa [Mr. KASSON] intimates that this publication has been made in papers which politically do not stand as they ought in the present emergency. Now, I do not know to what papers the gentleman refers, nor am I advised of the particular facts of the case; but I am satisfied of one thing: that the means at the disposal of the Secretary of State for ascertaining the political status of particular newspapers are as ample as any that may be at the command of the Clerk of the House of Representatives.

This, therefore, I take it, is nothing else than a mere contest as to the distribution of patronage, as to whether this Congress or the Department of State shall have that patronage. Now, sir, if Congress desires to have this patronage at its disposal, I insist that we ought to adopt the proposition of my colleague, [Mr. HILL,] which proposes to take this patronage away from the Secretary of State entirely. If you allow him to select the newspapers in a portion of the States, it appears to me that he should be permitted to select them in the States named in this section. Legislation upon an important question like this should not be regulated according to transient political emergencies and mere personal considerations. This is not the proper policy for a body like the Congress of the United States.

The gentleman from Iowa intimates that certain newspapers of known loyalty ought to have the preference in the distribution of this advertising. Well now, sir, I concede that, all other things being equal, the antecedents and present status of a paper upon the question of loyalty ought to have much weight in this matter; but, sir, there are other questions involved in this matter of publishing the laws; and among these is the amount of circulation of the paper. I understand that the object of publishing the laws is that the people may be informed of the provisions of these laws. I do not care how loyal a paper may be, if it has no circulation it is simply a mockery to publish the laws in that paper. This is a business transaction in which many matters ought to be considered; and I think that the Department of State is just as competent to exercise this authority as any other Department of the Government. This matter being already intrusted to that Department, I see no necessity for this sort of legislation.

The standard of "loyalty," Mr. Chairman, is a flitting standard. During the war every man and every paper that was in favor of enforcing the Constitution and laws and suppressing the rebellion was regarded as loyal. Now, however, that standard is not sufficient. To be regarded as loyal, a man or a newspaper must have advanced from that standard. It is not only necessary to be in favor of sustaining the Government according to a certain definition of what constitutes "sustaining the Government," but it is necessary to be in favor of reorganizing the States lately in rebellion and abolishing all distinction of race and color. If a paper does not come up to this standard, it is no longer regarded as loyal, whatever else it may have done, or whatever else it may advocate in regard to the present political condition of the country. Why, sir, I supposed the Secretary of State during the war was the very pink of loyalty. He insists that he has not changed his position, while gentlemen on the other side insist that he has. This may be an important question for the papers interested in getting this patronage; but I submit that it is not a question of sufficient gravity to engage the serious attention of this body. I insist, therefore, on my motion to strike out the whole section.

Mr. BENJAMIN. I move to amend the section by inserting before the word "Virginia" the words "in the State of Missouri and in;" so that the clause will read:

That it shall be the duty of the Clerk of the House of Representatives to select in the State of Missouri, and in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, one or more newspapers, &c.

All I want to say in regard to this is that this section should apply to the State of Missouri. It is true, most of the disloyal journals of that State are selected as the vehicles by which the laws of Congress are promulgated to the people. Papers are selected whose proprietors have

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fought in the rebel army and been captured as prisoners of war by the United States forces. I trust, therefore, that the State of Missouri shall be included in this bill as one of those to which the provisions of this section shall apply.

Mr. KASSON. I should be glad to extend this patronage to the loyal journals in the States known as loyal States. I admit there are disloyal journals in Missouri as well as in Kentucky, but these States are represented upon this floor, and I thank God if not entirely, yet are in large part, loyally represented here, which shows that the people there are already acquainted with the public laws and proceedings of the United States both in their legislative and executive departments, and that they support their loyal papers already. But in the rebel States, where loyal papers are struggling for existence, these advertisements should only be given to the papers which give a fair representation of the United States Government and advocate Union sentiments. It is an outrage to give them to rebel sheets, hostile to the Union during the war and disloyal still, to the exclusion of the organs of Unionism. The committee, as I think wisely, have desired to steer clear of the question of patronage in the loyal States, but to require the laws and proceedings of the executive and legislative departments of the Government to be published in the papers in the rebel States not dyed all over with the crimson of rebellion. The committee thought it right to go into those rebel States and to require that the advertisements of the Government shall be published only in the papers friendly to it, and which will give a correct exposition of them to the people. I hope, therefore, the amendment of the gentleman from Missouri will not prevail.

There is another reason. It is said that it is proposed to publish all the laws since 1861 in the rebel States, inasmuch as they were not published there pending the war; and it is necessary we should act as promptly and clearly on this subject as possible in order to secure the publication of the laws in the rebel States in thoroughly Union papers.

The committee divided; and there were—ayes 37, noes 69.

So the amendment to the amendment was disagreed to.

Mr. MAYNARD. I move in the twenty-seventh line to insert before the word "otherwise" these words: "nor shall any such publish the advertisements to be ordered by any Department or public officer."

The amendment was agreed to.

The question then recurred on Mr. NIBLACK's amendment; and it was disagreed to.

Mr. NIBLACK. I move in the second line, after "House of Representatives" to insert "and Secretary of the Senate." If Congress is to control this matter both Houses ought to have a hearing.

The amendment was disagreed to.

Mr. LAFLIN. I move the following as an additional section:

SEC. 7. *And be it further enacted*, That all laws, resolutions, advertisements, and notices of every description, (excepting the weekly letter list,) emanating from the President of the United States, Post Office Department, or any other executive department, bureau, or office thereof, whether they have been heretofore authorized by law or are discretionary with said departments, or bureaus, or offices, which shall be published within the District of Columbia, shall be published in the two daily papers of the city of Washington having the largest permanent daily circulation, and in none other, under any pretense whatever, the charges for such publications not to be higher than such as are paid by individuals for advertising in said papers, said circulation to be ascertained annually in the manner provided by section six of "An act making appropriations for the service of the Post Office Department during the fiscal year ending the 30th day of June, 1867, and for other purposes," approved May 18, 1866, and all acts and parts of acts inconsistent with this enactment are hereby repealed. And any officer of the Government who shall, under any pretense or order, pay any claims for compensation in violation of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding $1,000, and imprisoned in the penitentiary for a period of not less than six months and not over three years.

Mr. LE BLOND. I rise to a question of order: that this is new and independent legislation, and is not in order in a general appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ASHLEY, of Ohio. I move the following as an additional section:

And be it further enacted, That the Secretary of the Treasury be, and he is hereby, directed to pay out of any money in the Treasury not otherwise appropriated, to George W. Ashburn the sum of $3,838 37, in full for his equal part of the proceeds of certain property seized and condemned as the property of one Frederick Stuart, in the year 1863, in the State of Tennessee.

Mr. KASSON. I make the point of order that amendment is not in order, as it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ARNELL. I move to amend by inserting in line three of section six, after the word "in" the word "Tennessee."

Mr. STEVENS. It is too late to go back to that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RICE, of Maine. I move to add the following at the end of the last section:

For extra services of Alexander M. Kercher, John K. Vernon, Patrick Kilfoye, Michael Rynders, John McNally, John McCarty, Peter Call, and William McKenzie, at the Executive Mansion during the administration of President Lincoln, $100 each, $800.

I would like to explain this.

The CHAIRMAN. Debate is closed.

Mr. RICE, of Maine. I withdraw it.

Mr. STEVENS. I move that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. THAYER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the Union generally, and particularly the special order, being House bill No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, and had directed him to report the same to the House, with sundry amendments thereto.

ORDER OF BUSINESS.

Mr. STEVENS. Mr. Speaker, I believe it is not the wish of the House to come here for business to-night.

Mr. HOOPER, of Massachusetts. I would like to have the final action on the tax bill.

Mr. STEVENS. I move that the House meet for the purpose of considering for debate only, House bill No. 63, on the subject of confiscation.

Mr. WILSON, of Iowa. I object to anything which will interfere with the order concerning the indemnity bill.

The SPEAKER. That bill must be taken up whenever the House again meets for business.

Mr. GARFIELD. I hope the tariff bill will not be put off.

Mr. SCOFIELD. Mr. Speaker, if a motion to adjourn is now made that will dispose of the evening session, I believe.

The SPEAKER. If that motion is carried before half past four o'clock there will then be no evening session.

Mr. SCOFIELD. Then I move to adjourn.

The SPEAKER. The gentleman's colleague [Mr. STEVENS] has the floor.

Mr. STEVENS. I make the motion to suspend the rules for the purpose of taking up the confiscation bill.

Mr. WILSON, of Iowa. Can the regular order be set aside?

The SPEAKER. Any order can be set aside by suspending the rules.

The question being taken on the motion of Mr. STEVENS, it was not agreed to—ayes 48, noes 58.

Mr. SCOFIELD. I now move that the House adjourn.

The question being put, there were—ayes 55, noes 55.

The SPEAKER. The Chair votes in the negative.

Mr. PIKE. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes fifteen, not one fifth of the members present.

Mr. ANCONA. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and the Chair appointed Messrs. PIKE and ANCONA.

Mr. CONKLING. I desire to ask if the yeas and nays are ordered and the call is not completed when the hour for the recess arrives, whether the House will not take a recess at the close of the call?

The SPEAKER. If the roll-call commences and is in process at half past four o'clock it must then be completed; and if a majority votes to adjourn the House will adjourn.

The House divided; and the tellers reported—ayes twenty-seven.

So the yeas and nays were ordered.

The Clerk called the first name on the roll and received an answer.

Mr. CONKLING. I rise to a privileged motion, that when the House adjourns it adjourns to meet on Tuesday next.

The SPEAKER. That is a privileged motion, but the Clerk informs the Chair that he has commenced the roll-call and received a response.

The question was taken on the motion to adjourn; and it was decided in the negative—yeas 49, nays 77, not voting 64; as follows:

YEAS—Messrs. Ancona, Baker, Benjamin, Bergen, Boyer, Campbell, Chanler, Cobb, Cooper, Defrees, Eggleston, Eldridge, Farquhar, Finck, Glossbrenner, Abner C. Harding, Harris, Hise, Edwin N. Hubbell, Kasson, Kerr, Kuykendall, Le Blond, Leftwich, Marshall, McKee, Mercur, Niblack, Nicholson, Noell, Orth, Pike, Radford, Raymond, Ross, Schenck, Scofield, Shanklin, Sitgreaves, Spalding, Taber, Nathaniel G. Taylor, Francis Thomas, Trimble, Trowbridge, Andrew H. Ward, Whaley, Williams, and Windom—49.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnell, James M. Ashley, Banks, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Brandegee, Broomall, Buckland, Bundy, Conkling, Cullom, Darling, Dawes, Deming, Dixon, Dodge, Donnelly, Eliot, Farnsworth, Ferry, Garfield, Grinnell, Griswold, Hale, Hawkins, Hayes, Higby, Hill, Hooper, Chester D. Hubbard, John H. Hubbard, James R. Hubbell, Jenckes, Julian, Kelley, Ketcham, Koontz, Laflin, Loan, Longyear, Maynard, McClurg, McRuer, Miller, Moorhead, Myers, Newell, O'Neill, Paine, Patterson, Pernam, Price, William H. Randall, Alexander H. Rice, Rollins, Sawyer, Shellabarger, Starr, Stevens, Stokes, Thayer, Upson, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, James F. Wilson, and Woodbridge—77.

NOT VOTING—Messrs. Delos R. Ashley, Baldwin, Barker, Blow, Bromwell, Reader W. Clarke, Sidney Clarke, Cook, Culver, Davis, Dawson, Delano, Denison, Driggs, Dumont, Eckley, Goodyear, Aaron Harding, Hart, Henderson, Hogan, Holmes, Hotchkiss, Asahel W. Hubbard, Demas Hubbard, Hulburd, Humphrey, Hunter, Ingersoll, Jones, Kelso, Latham, George V. Lawrence, William Lawrence, Lynch, Marston, Marvin, McCullough, McIndoe, Morrill, Morris, Moulton, Phelps, Plants, Pomeroy, Samuel J. Randall, John H. Rice, Ritter, Rogers, Rousseau, Sloan, Stilwell, Strouse, Nelson Taylor, John L. Thomas, Thornton, Van Aernam, Burt Van Horn, Robert T. Van Horn, Elihu B. Washburne, Henry D. Washburn, Stephen F. Wilson, Winfield, and Wright—64.

Before the vote was announced,

Mr. NIBLACK asked unanimous consent to make an inquiry of the Chair as to what would be the order of business in the evening.

The SPEAKER. As the House refuses to adjourn, the Chair will state that the first business in order will be the consideration of the amendments made by the Committee of the Whole to the miscellaneous appropriation bill, which has been reported to the House. The next business in order will be the indemnity bill, on which one hour of debate is to be had, and then the vote is to be taken without further debate or dilatory motion. Then comes the morning hour for private bills from the Committee for the District of Columbia. After that comes the consideration of the tax bill in the Committee of the Whole.

The hour of half past four o'clock having arrived during the roll-call, the House took a recess till half past seven o'clock p. m.

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EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. R. No. 90) to provide for the ascertainment and apportionment of the proper quota of the direct tax of 1861 to the State of West Virginia, and for other purposes; when the Speaker signed the same.

MISCELLANEOUS APPROPRIATION BILL.

The SPEAKER. The first business in order is the consideration of House bill No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, which has been reported, with sundry amendments, from the Committee of the Whole.

Mr. STEVENS. I call the previous question on the bill and amendments reported from the Committee of the Whole.

The previous question was seconded and the main question ordered.

Mr. SCOFIELD. I ask for a separate vote upon all amendments which increase appropriations or which make new appropriations.

The Clerk read the amendments.

All the amendments made in the Committee of the Whole were concurred in except the following, upon which separate votes were demanded:

The first amendment on which a separate vote was demanded by Mr. SCOFIELD was to insert on page nine after line one hundred and ninety-five the following:

For a light-house at Trowbridge Point, in Thunder Bay, Michigan, $10,000.

For a light-house at Mendota, on Lake Superior, Michigan, $14,000.

For a light-house at or near Braddock's Point, Georgia, in place of Caliboque light-vessel, $15,000.

For a light-house to mark Combahee Bark, Georgia, in place of Combahee light-house, $15,000.

For a light-house to mark Tybee Knoll, Georgia in place of light-vessel, $15,000.

For a range of lights on Morris Island as guides in crossing Charleston bar, South Carolina, $15,000.

For rebuilding light-house on Deep Water shoals, on James river, Virginia, $16,281 73.

For rebuilding light-house, tower, and keeper's dwelling at St. Simons, Georgia, $45,000.

For rebuilding Wolf Island beacon-lights and buildings connected therewith, $14,000.

For rebuilding Sapelo light-house and beacons, Georgia, $15,000.

For building three light-houses and buoy steamtenders, $100,000.

The question being put on concurring in the above amendment of the Committee of the Whole, there were—ayes 21, noes 25; no quorum voting.

Mr. WILSON, of Iowa. I move a call of the House.

The SPEAKER, having counted the House and reported no quorum present, ruled that a call of the House was in order.

Mr. ALLISON. Will it be in order to pass over these amendments on which a separate vote is demanded and act on the others?

The SPEAKER. The gentleman from Pennsylvania [Mr. SCOFIELD] demands a division.

Mr. SCOFIELD. I will not call for a division on anything except appropriations, which——

The SPEAKER. Debate is not in order.

Mr. SCOFIELD. I thought the Chair appealed to me.

Mr. FINCK. I move that the House adjourn.

The motion was disagreed to—ayes 23, noes 84.

Mr. HOOPER, of Massachusettss. If the call for a division is withdrawn, will it then be in order to proceed to other business?

The SPEAKER. It would be by unanimous consent.

Mr. SCOFIELD. I undertook to state a moment ago that I would be glad to withdraw the call if any other business than the appropriation bill could be taken up. I cannot consent to pass these large appropriations with less than a quorum present.

The SPEAKER. A call of the House is in order.

The motion of Mr. WILSON, of Iowa, that there be a call of the House, was agreed to.

The roll was accordingly called, and the following members failed to answer to their names:

Messrs. Alley, Anderson, Delos R. Ashley, Barker, Bidwell, Blaine, Blow, Boyer, Brandegee, Chanler, Reader W. Clarke, Cobb, Conkling, Culver, Darling, Davis, Delano, Deming, Dennison, Donnelly, Driggs, Dumont, Eckley, Farnsworth, Grinnell, Griswold, Hale, Harris, Hart, Hawkins, Higby, Hogan, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Edwin N. Hubbell, Hulburd, Hunter, Ingersoll, Jones, Kelso, Ketcham, Kuykendall, Laflin, Latham, William Lawrence, Leftwitch, Marshall, Marston, Marvin, McCullough, McIndoe, McKee, Morrill, Myers, Patterson, Phelps, Plants, Pomeroy, Radford, Samuel J. Randall, Raymond, Alexander H. Rice, John H. Rice, Rogers, Ross, Schenck, Stilwell, Strouse, Nathaniel G. Taylor, John L. Thomas, Thornton, Trowbridge, Robert T. Van Horn, Elihu B. Washburne, Henry D. Washburn, Windom, Winfield, Woodbridge, and Wright.

The SPEAKER. More than a quorum has answered to their names.

Mr. WILSON, of Iowa. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. FARQUHAR. Mr. TROWBRIDGE is confined to his room this evening in consequence of indisposition. I ask that he be excused from attendance this evening.

No objection was made.

Mr. FERRY. My colleague, Mr. DRIGGS, is still confined to his bed by illness.

Mr. EGGLESTON. My colleague, Mr. DELANO, is detained at his room by indisposition. I ask that he be excused from attendance this evening.

No objection was made.

Mr. HILL. I ask that my colleague, Mr. DUMONT, be excused from attendance this evening on account of ill health.

No objection was made.

The House resumed the consideration of the amendments of the Committee of the Whole to the miscellaneous appropriation bill.

The pending question was upon the amendment in relation to light-houses, upon which no quorum had voted before the call of the House.

The question was again taken; and the amendment was agreed to.

The next amendment upon which a separate vote had been demanded by Mr. SPALDING, was to insert the following clause:

For construction of a bridge over the Mississippi river at Rock Island arsenal, $25,000, to be expended under the direction of the Secretary of War; said bridge to be free to public travel, and the railroad company to pay at least one half the cost of superstructure.

The question was taken; and upon a division there were—ayes 25, noes 71,

Before the result of the vote was announced,

Mr. PRICE called for tellers.

Tellers were ordered; and Mr. PRICE and Mr. SPALDING were appointed.

The House again divided; and the tellers reported that there were—ayes twenty, noes not counted.

So the amendment was not agreed to.

The next amendment upon which a separate vote had been demanded by Mr. STEVENS was to insert the following:

For the removal of sunken wrecks in the channel of Providence river, off Pawtuxet bar, and widening the channel at the "Crooks" so called, $25,000.

For removal of obstructions in the channel of the Pawtucket river, $17,000.

For the removal of wrecks in the Mississippi river, $40,000.

The question was taken; and upon a division, there were—ayes 26, noes 66; no quorum voting.

Mr. JENCKES called for tellers.

Tellers were ordered; and Mr. JENCKES and Mr. BUNDY were appointed.

The House again divided; and the tellers reported that there were—ayes twenty-seven, noes not counted.

So the amendment was not agreed to.

The next amendment, upon which a separate vote had been demanded by Mr. STEVENS, was to insert the following at the close of line two hundred and fifty-six of the bill:

Provided That in the expenditure of this and the succeeding items in this section, to be disbursed by or under the supervision of said Commissioner of Public Buildings, no portion of the funds so appropriated shall be reserved to pay for his services as poet-laureate of the Administration.

The question was taken; and the amendment was not agreed to.

The next amendment, upon which a separate vote had been demanded by Mr. SCOFIELD, was to insert the following:

To enable the Commissioner of Public Buildings to put in thorough repair the conservatory recently injured by fire at the President's Mansion, $10,000.

The question was taken; and upon a division there were—ayes 55, noes 42.

So the amendment was adopted.

The next amendment, upon which a separate vote had been demanded by Mr. STEVENS, was to add the words "to be employed by the President of the Senate and Speaker of the House of Representatives" to each of the following classes:

For compensation of laborer to take care of the heating apparatus of the Library of Congress, $600.

For compensation to three watchmen on the Dome of the Capitol, $2,700.

Mr. STEVENS. I hope that all this nonsense will be struck out of the bill.

The SPEAKER. Debate is not in order; the House is now acting under the operation of the previous question.

Mr. STEVENS. I mean by that that I have asked for a separate vote on this amendment and hope it will be voted down.

The amendment was not agreed to.

The next amendment, upon which a separate vote had been demanded by Mr. STEVENS, was to insert the following:

For removing the unsightly iron fence or inclosure which has been put up in the old Hall of Representatives in the Capitol, $100.

The amendment was not agreed to.

The next amendment, upon which a separate vote had been demanded by Mr. SCOFIELD, was to insert the following:

To enable the joint Committee on the Library of Congress to purchase the bust of Pulaski, now in the old Hall of the House of Representatives, executed by the late Henry D. Saunders, $2,500.

The question was taken upon agreeing to the amendment; and upon a division, there were—ayes 46, noes 46; no quorum voting.

Tellers were ordered; and Mr. SCOFIELD and Mr. COOPER were appointed.

The House again divided; and the tellers reported that there were—ayes 51, noes 48.

So the amendment was agreed to.

The last amendment, on which a separate vote was demanded by Mr. STEVENS, was at the end of line three hundred and ninety to add the following:

That the Senate of the United States shall elect a Superintendent of Public Buildings, who shall hold his office for the term of four years and until his successor is elected, and shall perform all the duties now required to be performed by the Commissioner of Public Buildings; and the office of Commissioner of Public Buildings is hereby abolished.

On agreeing to the amendment, there were—ayes 70, noes 84.

Mr. GLOSSBRENNER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 76, nays 49, not voting 65; as follows:

YEAS—Messrs. Allison, Ames, Arnell, James M. Ashley, Baker, Baldwin, Beaman, Benjamin, Bidwell, Bingham, Boutwell, Bromwell, Broomall, Buckland, Reader W. Clarke, Cobb, Cook, Cullom, Dawes, Delano, Dixon, Dodge, Donnelly, Eggleston, Farquhar, Ferry, Grinnell, Abner C. Harding, Henderson, Hill, Holmes, Hooper, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Hulburd, Jenckes, Julian, Kelley, Koontz, Kuykendall, George V. Lawrence, Loan, Lynch, Maynard, McClurg, McKee, McRuer, Mercur, Miller, Morris, Moulton, Myers, O'Neill, Paine, Pike, Price, Rollins, Sawyer, Scofield, Shellabarger, Sloan, Starr, Stokes, Thayer, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Williams, James F. Wilson, and Stephen F. Wilson—76.

NAYS—Messrs. Ancona, Banks, Barker, Bergen, Campbell, Chanler, Cooper, Darling, Dawson, Eldridge, Eliot, Finck, Glossbrenner, Goodyear, Aaron Harding, Harris, Higby, Hise, Edwin N. Hubbell, James R. Hubbell, Humphrey, Hunter, Kasson, Kerr, Ketcham, Laflin, Le Blond, Longyear, Marshall,

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Marvin, Newell, Niblack, Nicholson, Noell, Orth, Perham, John H. Rice, Ritter, Shanklin, Sitgreaves, Spalding, Stevens, Stilwell, Strouse, Nelson Taylor, Trimble, Andrew H. Ward, Wentworth, and Whaley—49.

NOT VOTING—Messrs. Alley, Anderson, Delos R. Ashley, Baxter, Blaine, Blow, Boyer, Brandegee, Bundy, Sidney Clarke, Conkling, Culver, Davis, Defrees, Deming, Denison, Driggs, Dumont, Eckley, Farnsworth, Garfield, Griswold, Hale, Hart, Hawkins, Hayes, Hooper, Heinkim, Asahel W. Hubbard, Ingersoll, Jones, Kelso, Latham, William Lawrence, Leftwich, Marston, McCullough, McIndoe, Moorhead, Morrill, Patterson, Phelps, Plants, Pomeroy, Radford, Samuel J. Randall, William H. Randall, Raymond, Alexander H. Rice, Rogers, Ross, Rousseau, Schenck, Teber, Nathaniel G. Taylor, Francis Thomas, John L. Thomas, Thornton, Trowbridge, Robert T. Van Horn, Elihu B. Washburne, Windom, Winfield, Woodbridge, and Wright—65.

So the amendment was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed, without amendment, bills of the following titles:

An act (H. R. No. 590) for the relief of William Mann and Jacob Senneff; and

An act (H. R. No. 1188) for the relief of James Tetlow.

The message also announced that the Senate had passed a bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana, with an amendment, in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 811) for the relief of certain drafted men.

INDEMNITY BILL.

The SPEAKER. The House now agreeably to order resumes, under the operation of the previous question, the consideration of the bill (H. R. No. 859) to declare valid and conclusive certain proclamations of the President, and acts done in pursuance thereof, or of his orders, in the suppression of the late rebellion against the United States. The gentleman from Iowa [Mr. WILSON] is entitled to an hour to close the debate.

Mr. WILSON, of Iowa. Before yielding to the gentleman from Kentucky, [Mr. HISE,] I desire to suggest by the authority of the committee, two or three slight amendments, to which I think there will be no objection.

In line eighteen, after the word "aforesaid" insert the words "or in aid thereof."

In line thirty-two, after the word "pursuance" insert the words "or in aid."

In line thirty-five, after the words "United States" insert the words "or who acted in aid thereof."

The SPEAKER. If there be no objection, these amendments will be agreed to.

There was no objection.

Mr. WILSON, of Iowa. I am now ready to yield to the gentleman from Kentucky, [Mr. HISE.] How much time does he desire?

Mr. HISE. I desire to inquire how much time is to be allowed for discussion.

Mr. WILSON, of Iowa. I have already stated that I propose to allow three quarters of an hour to gentlemen on the other side. I will say to the gentleman from Kentucky that any arrangement which he may have made with his friends will be satisfactory to me. If he has made any arrangement I am ready to yield in accordance with it.

The SPEAKER. How much time does the gentleman from Kentucky desire?

Mr. WILSON, of Iowa. As I do not get any statement with reference to any arrangement among gentlemen on the other side, I will for the present yield fifteen minutes to the gentleman from Kentucky; and if at the end of that time no objection shall be made from that side I will yield further.

Mr. ELDRIDGE. I believe it has been understood, so far as I know, that the gentleman from Kentucky should have half an hour.

Mr. WILSON, of Iowa. Very well, I agree to that.

Mr. HISE. Mr. Speaker, I should not desire to speak at all if I did not have the attention of the House, or of such part as remain in their seats. Besides, I do not desire to occupy the time of the House at all in the discussion of this measure provided there be other gentlemen on this side who wish the whole of the time. I will yield at any time to any gentleman on this side who wishes to occupy any portion of the time.

Mr. McKEE. I should like to have ten minutes.

Mr. HISE. Mr. Speaker, I will state what I understand to be the substance of this bill without taking the time to read it to the House. I understand this bill in substance to provide indemnity for all the violations of law, all the crimes committed, all the murders, imprisonments, burnings, rapes, and plunderings unlawfully committed during the progress of the war, or from the year 1861 to 1865, under the authority of any order of the President of the United States, any proclamation or any act of his, or by his authority, whether done by individuals or through the instrumentality of military tribunals, or courts or commissions constituted for the purpose of trying offenders. Now, sir, if the Congress of the United States possesses the constitutional power to pass a bill of this description then I have to acknowledge that all the principles and views I have entertained and which have been instilled into my mind by the teachings and education, small as it may be, which I have had in our system of jurisprudence, I mean the American system of jurisprudence, will be shocked and unsettled.

I look upon this bill as one of a series of measures that have been passed by Congress heretofore, passed during the last session of Congress, and which have been passed or reported during this Congress, the design of which, taking them as a whole, is in my opinion calculated, if not designed, to subvert constitutional government in this country altogether; calculated, if not designed, to establish a Government in which Congress shall be sovereign and supreme, without restraint or control by the Constitution of the United States. In other words, it is a bill which, in connection with others, if they are all passed and consummated and stand the test of the judgment of the Supreme Court of the United States, will result in the entire subversion of free and constitutional government in this country.

I observed they shocked all the notions and views I have imbibed as the result of my education in the science of jurisprudence. I had reference to American jurisprudence especially, because all our laws are the proceeds and results of the constitutions of government of the States and of the United States; and the doctrine obtains without controversy and is acknowledged by all lawyers who regard their character and reputation, that these constitutions, Federal and State, are the supreme law, the fundamental law, and there is no authority existing in any of the functionaries of government, whether executive, legislative, or judicial, to assume to usurp the exercise of any power in contravention of these constitutions of government. And the necessity of this principle in countries which have Governments created and formed and regulated by constitutions, the necessity of the observance of that principle is shown by the fact that liberty, civil and religious liberty, cannot long exist without.

Not long since a bill was passed by which the power of the executive department of the Government under the Constitution of the United States was partially overthrown; its due power and function partially invaded by depriving the President of his rightful authority in respect to appointments and removals in the Executive Departments. For if the power of the head of the executive government, under our constitutional system over the subject of appointments and removals of subordinate and inferior administrative officers, be hampered and limited improperly by the legislative branch of the Government, the powers of the Government to that extent are crippled. It is clearly in violation of the Constitution of the United States, and contrary to the true design of the Government created by that Constitution.

Not long since another measure was passed by this House called the Army appropriation bill. By the second section of that bill the power and authority of the head of the executive government of the United States over one arm at least of his department under the Constitution of the United States was taken away and destroyed. The second section of that bill, if offered as an amendment, would have been ruled out of order in being tacked upon an appropriation bill, with which it had no reasonable connection. Nevertheless it was reported in the Army appropriation bill, stripping the Executive, as Commander-in-Chief of the Army and Navy of the United States, of all power to issue the necessary orders for the government and action of the military forces of the United States, except through the General of the Army, who, regardless of the will of the President and his paramount authority over him, is to be permanently stationed in Washington.

It is provided by the bill that the President should be deemed guilty of a misdemeanor in office if he should issue an order to any general or subordinate officer holding command of any portion of the Army of the United States. It is provided, moreover, that any officer who would carry instructions or orders from the President to the commander of any portion of the Army should be deemed guilty of a high misdemeanor, if not of a felony, and should be liable to indictment and trial and punishment by fine and imprisonment. These provisions in substance deprive the President of his rightful and constitutional authority as Commander-in-Chief of the Army of the United States; because the General of the Army might, and no doubt would, demur and refuse to execute the orders of the President at his discretion, and thus the inferior would be made the superior in regard to the control of the Army. And no doubt the gentleman who introduced this bill, and the majority of the House who supported it, were advised that the General of the Army and the President of the United States would differ in opinion as to the policy to be pursued with respect to the control and the use to be made of the Army of the United States; so that they intended by this bill to deprive the President of his constitutional power as Commander-in-Chief.

That bill also provides that the General of the Army shall remain in Washington and act, in substance, as Commander-in-Chief, and forbids the President to send him to any other station or upon any service that would require his absence from this city.

Now, sir, when you have crippled the President's power of appointment, and crippled also, nay, taken away, his powers as Commander-in-Chief of the Army of the United States, have you not substantially destroyed the executive department of the Government as constituted, and thus paralyzed this barrier to congressional usurpations?

And when these things are done their effect is not limited to a divestation of the constitutional functions and powers of the present incumbent of the presidential office; nor do the advocates of these destructive measures excuse themselves on the ground merely that they are politically opposed to the existing President. By their support of these measures they stand committed to doctrines of public policy by which the executive department, its independence and its constitutional character and powers are destroyed, regardless of who may at any time hereafter fill the presidential office.

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Now, the Executive was made independent of the legislative department of the Government for most important reasons and purposes; as can be readily seen by any gentleman who will consult the Madison Papers and read the discussions with regard to the objects and motives that the wise framers of the Constitution had in view in separating the powers of Government, and making the different departments of it measurably independent of each other.

Turn to the judicial department, and we find the same relative independence secured to it by the Constitution, and for the same reasons. But we find here the same design on the part of this Congress to destroy that independence and to make themselves supreme, above both the executive and the judiciary departments, and above the Constitution itself.

This same Judiciary Committee have reported a bill by which it is provided that whenever the constitutionality of a law of Congress is brought in question in any case pending before the Supreme Court, or any other court of the United States, such law of Congress shall not be declared to be unconstitutional except by the agreement in that opinion of every judge upon the bench of that court.

By that provision the efficiency and power of the judicial department for all beneficial ends and purposes is destroyed. A court, although composed of more than one judge—composed say of nine judges, as is the Supreme Court of the United States, must nevertheless be regarded and act as a unit, and the opinions of the majority must of necessity be the judgment of the court. A high court of errors and appeals, like our Supreme Court, is properly and wisely composed of nine men or more, in order that the wisdom and learning and experience of several minds may be brought to bear upon the great questions that come before them for decision. But although composed of many members, the court to be efficient must be a unit, and whenever a majority of them pronounce a judgment it must be regarded as the judgment of the court.

It is revolutionary to provide by a law of Congress that the Supreme Court of the United States shall be controlled in its judgment by a minority. The apparent design upon the face of such a law is to give the minority control of and rule over the majority of the court, provided the majority of the court have indicated their opinion in opposition to the policy and measures inaugurated by the legislative branch of the Government. If the majority of the court are opposed upon constitutional grounds to innovations and usurpations on the part of the legislative branch of the Government they are to be controlled by the veto of any one member of the court upon the judgment of the majority.

Thus it will always be in the power of a designing and corrupt Congress, of a Congress that entertain deliberate purpose and plan to overthrow constitutional government and deprive the States of their reserved rights and the people of their civil and religious liberty, to control the judiciary by conspiring with one, two, or three corrupt men upon the bench, who will veto the decisions and opinions of the majority of the court, and give the powers of pronouncing final judgments to the minority of judges.

Now, observe that by the second section of this Army appropriation bill you make it a grave offense for the President to transmit an order through a subordinate officer of the Army to any general commanding any portion of the Army; you make it a penal offense, punishable by fine and imprisonment, for any person to carry or communicate any such order.

Now, suppose a case of that kind was to come up and a prosecution should be instituted against a subordinate officer for carrying an order from the President, as the constitutional Commander-in-Chief of the Army, to a general in the field without communicating it through the General-in-Chief of the Army located here in Washington; suppose a man should be indicted for that; upon the trial of the indictment the question would come up as to the constitutionality of that second section of the Army appropriation bill. That it is grossly and manifestly a violation of the Constitution of the United States no sane man who is a lawyer doubts for a moment. He cannot doubt it, because it deprives the President of his power as Commander-in-Chief of the Army and lodges it substantially in a subordinate General of the Army. When the question comes up for trial, it will be asked where is the law that makes it penal for the President to transmit an order to a general of the Army in the field?

This second section of the Army appropriation bill will be referred to, and the court looking at the section will pronounce it without hesitation to be a nullity, not authorized by the Constitution of the United States, and that the man indicted was merely the messenger through whom the President, as he had the constitutional power to do, transmitted an order to a general of the Army in the field commanding him to perform this, that, or the other military operation. The majority of the court decide that law to be unconstitutional, which is the judgment of the court; but this bill will put it in the power of one judge to condemn that man to prison and inflict a heavy pecuniary penalty upon him against the judgment of the other eight judges, provided there be one judge upon the bench who is a menial, plastic instrument in the hands of a usurping majority in Congress to overthrow constitutional government.

Sir, it is manifest that this Congress are inaugurating and carrying out and passing by a party majority a system of measures to overthrow and subvert our Constitution and form of government. And they do it for what? They do it for the purpose of justifying themselves in instituting a military despotism over ten States of the Union and disfranchising eight or ten million people for the purpose in fact, as it will turn out in the end, of depriving every man of the liberty of speech who differs with them and does not subscribe to their measures and doctrines and go with them for the establishment of a despotic government to be controlled by the radical majority of Congress.

This determined purpose of the majority of Congress to perpetuate their own power was openly confessed by a gentleman from Tennessee and a gentleman from New York in their speeches here. They confessed that their design and purpose was to hold these people of the South under military dominion and rule, not alone until they were obedient to law, but until their souls were enslaved, until the government of those States were put into the hands of the radical Republicans, until not only the officers of the State governments, but the Representatives in Congress, were of the party whose blood and treasure were expended to subdue them. Now, sir, in regard to enslaving the minds of those people that cannot be done. You have dispersed their armies, effectually suppressed the insurrection, and all armed and organized resistance to the authority of the Government of the United States, and the Constitution and laws thereof has been quelled and removed. And because you have hatched up a great variety of false statements in regard to the inefficiency of the judicial tribunals of that portion of the country to suppress the commission of crimes, because occasional offenses are committed there as they are everywhere, you make that a pretext for instituting this military authority over them, which is to be continued, upheld, and maintained until all those States fall into the hands of negroes and Radicals as voters, as officers of the State governments, and as their representatives in both the State and national Legislatures. That is the design and purpose as professed by many gentlemen on the other side of the House.

Now, in order to accomplish that object and purpose, and to keep those States in that unconstitutional condition, it will be necessary for you to get rid of the power and independence of the other two departments of the Government. And how do you propose to do that? The power of the executive department of the Government is to be crippled by taking away from the President the command of the armies of the United States and substantially vesting the control of the Army in the General-in-Chief, whom I suppose you understand to be with you in political opinions.

And the judicial department of the Government is to be crippled by taking away from the Supreme Court of the United States the power which they have always possessed and exercised. You propose to give to a minority of one judge on the supreme bench the power to decide between A and B against the opinion of the majority. And how do you propose to do that? By providing that not less than the whole number of the judges of that court shall have the right to pronounce any act of Congress unconstitutional. Suppose the validity of an act of Congress is involved in the trial of a person charged with crime; and the result of that question of validity is to determine the rights of that person for good or evil, for punishment or discharge, for life or death. The decision of the question must result one way or the other in reference to the party on trial. Suppose he has been indicted for murder under a law of Congress which is clearly unconstitutional. The court below decides that the law is constitutional and that the party should be condemned as guilty. The case is brought up before the Supreme Court of the United States, and there according to the provisions of the bill referred to, one judge may hold that the law is constitutional, and the man is hanged; although eight of the nine judges on the Supreme bench hold that the law is unconstitutional. All that may result provided the question of the validity of an act of Congress shall be involved in the trial of the case.

And these States are to be disfranchised. What an extraordinary thing is it to disfranchise States. A thing unknown to our Constitution, a thing actually prohibited by our theory of government. When a State has been admitted into the Union, and has become a party to the Federal compact between the States, that compact is irrepealable and cannot be broken but by violence. And it was because it could not rightfully be broken by the States which passed ordinances of secession you made war upon them. Otherwise, if they had the right to break the compact by secession, then you had no right to make war upon them for attempting so to do. It was because they attempted to do that which they could not lawfully do, and there arose in consequence an insurrection in those States against the Government of the United States, that the war was justifiable, if at all. On no other ground can the war waged by the Federal authority against those States be justified.

That war has been conducted to a successful issue. The principle has been maintained that when a State has once been admitted into the Federal Union it can never rightfully get out of the Union. It is true that by force of armies in the field for a time the execution of the laws of Congress and the enforcement of the Constitution of the United States may be prevented. For a time they may prevent the collection of the Federal taxes; and the governments of the States may be placed under the control of men who are opposed to the enforcement of the laws of the United States within their borders. But when that opposition is put down, when that resistance is overcome, then the doctrine of *post limine* applies and obtains. The Constitution and laws of the United States then flow over them again, flow of themselves over them. As the resistance diminishes and recedes the Constitution and laws flow up to the resistance, and flow on as it recedes, until when it is finally overcome and disappears the Constitution and laws overspread the whole country again, including all the States. And it is the whole Constitution and all the laws

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which flow over all the country again; requiring them to pay their taxes, obey the revenue and other laws, and send their Representatives to this House, and their Senators to the other branch of Congress. The whole of the Constitution and all the laws are again in force; not only that portion imposing obligations and duties, but that portion also creating and conferring rights upon these States.

The rebellion may be likened to the case of a dam obstructing the flow of water. For a time the flow is obstructed; but remove the dam and the waters again flow over the country as before. And thus when the obstruction to the enforcement of the Constitution and laws of the United States was removed those laws and that Constitution naturally flow over all those States again. They were obligatory, but not executed while the obstruction continued. But when the obstruction was removed they were not only obligatory, but they were enforced. Those laws have been and are now executed, and have not been resisted since the confederates' armies surrendered and were dispersed.

Mr. LOAN. I would be glad to ask the gentleman from Kentucky [Mr. HISE] a single question.

Mr. HISE. I cannot be interrupted, for I have but little time allowed me in which to speak. I do not know, sir, who commits the breach of courtesy, if there be one, when a gentleman is stopped in the midst of his argument by another with an interrogation. It is put in a polite manner, I admit, and it may appear to be uncourteous to refuse to answer; but that game has been practiced upon me in such a manner heretofore as to deprive me of a great portion of my time. Besides, the questions generally amount to nothing, or are such as the speaker is proceeding to answer when interrupted.

Now, sir, all questions coming before the Supreme Court arise upon some case regularly presented. There must be parties litigant. There may be cases between two States. Such cases may involve questions of jurisdiction or of boundary. Such a case may very well arise out of the action of Congress and of the people, as in the case of West Virginia in forming a new State out of the territory of old Virginia, and its admission in the Union. That case will yet come before the Supreme Court at some future period. Cases in which States are the parties litigant necessarily come before that court in the first instances. In reference to such controversies the jurisdiction of that court is primary, not appellate.

Now, sir, it is proposed that in reference to grave questions of this nature coming before that court, involving the constitutionality of laws of Congress, the opinion of a majority of the court that the law in question is in conflict with the Constitution shall be of no avail if one member of the court dissents from that conclusion. Thus a minority of the court are to be allowed to decide questions affecting the rights and interests of the States of this Union. This would be the effect of the assault which the Judiciary Committee are proposing to inflict upon the independence and rightful jurisdiction of the judicial power of the Government.

Again, sir, in pursuance of the same species of legislation we have the bill now before us which proposes at one blow to strike down the whole authority and jurisdiction of the Supreme Court of the United States, and all the State and territorial courts in regard to all the crimes, trespasses, robberies, and murders committed within the jurisdiction of the several States during the last five or six years. Congress proposes to deny to all the courts of the country the jurisdiction over these various crimes. What authority have we to pass such an act? Why sir, the Supreme Court of the United States, much less Congress, which has no judicial power, has no right to assume jurisdiction over cases falling exclusively within the jurisdiction of the State courts. The jurisdiction and authority of the Supreme Court is specially and particularly defined in the Constitution of the United States. All other jurisdiction of every sort and description pertains of course to the local tribunals of the States. Yet, sir, where murder, robbery, arson, rape, or any other depredation such as characterized the conduct of a large portion of the Army of the United States in the southern States has been committed, as such crimes have been in hundreds and thousands of instances, this Congress assumes authority to blot out by a mere stroke of the pen all the jurisdiction rightfully belonging to the State courts to redress the injuries and wrongs which have been committed. Every act which has been done under any order or proclamation or other authority from the President of the United States; everything, however unlawful and criminal, which has been done by any court-martial or military commission during the whole period of time specified in the bill; every petty larceny, theft, highway robbery, arson, or murder committed by the soldiers of the Army of the United States, in any of the States, is to be blotted out. All these crimes are to be effaced and the jurisdiction of the State and Federal courts to grant redress or to impose punishment is to be taken away by a stroke of the pen upon a scrap of paper which this Congress passes through the customary legislative forms and calls a "law."

Now, sir, can such a thing be done? And if it can, ought it to be done? The army of a civilized nation does not do these things. An army whose officers were honorable men and gentlemen, having the training and feelings and principles of gentlemen, and that *esprit du corps* which characterizes the French, or even the British service, an army so officered would never have committed crimes like these. Nay, sir, when we look into our own Articles of War and the rules and regulations of the naval and military forces, we find in them no authority for plundering citizens, for arresting and murdering non-combatants, for committing any of the various depredations and crimes which attended and characterized the march of portions of the Army of the United States. And yet, sir, those depredations and crimes so committed are to be blotted out by the bill now before us.

Sir, a proposition like this, however it may appear to other gentlemen, would seem to me ridiculous, were it not for the greatness and solemnity of the interests involved. But it is in accord with other measures now pending before this Congress. We have now on our files a resolution proposing to declare that the President of the United States has no authority under the Constitution to issue a pardon for an offense before the offender has been indicted, tried, and convicted. Thus, by statutory declaration, it is proposed to contravene and overturn a constitutional provision by which the pardoning power is lodged exclusively in the hands of the President of the United States. That is a power which cannot be lawfully exercised by the Congress of the United States. It has under its control no particle of the pardoning power; it cannot pardon anybody. The power of the legislative department of this Government is exhausted when it passes laws defining misdemeanors and crimes and prescribing the punishments for violations of the laws which it enacts.

The Constitution has provided that the prerogative of mercy, the power of blotting out the penalty for offenses, shall be exercised by the President of the United States alone. That pardoning power of the President is plenary, full, without limitation or restriction; and as I have said, Congress does not possess, even to the smallest extent, this attribute of pardoning offenders. Yet it is gravely proposed by a resolution of this House to restrict the pardoning power confided to the hands of the President by the Constitution of the United States, and to say that that power shall not be exercised with reference to offenders until they shall first have been tried and convicted.

But this power which Congress, in contravention of the Constitution, proposes to deny to the President, it claims for itself; it claims the power to pardon criminals who have neither been tried nor indicted. That is the proposition of the bill before us, that all offenders and criminals who committed trespasses upon property, liberty, and life during the progress of the war, if they did it under pretense of authority from any officer of the United States, shall be pardoned. Why, sir, from what part of the Constitution does this Congress derive a right to exercise the pardoning power in this way?

[Here the hammer fell.]

The SPEAKER. The gentleman from Kentucky has now spoken forty-five minutes. His time has been extended fifteen minutes, as the gentleman from Wisconsin [Mr. ELDRIDGE] informed the Chair during the progress of the gentleman's speech that such an arrangement had been made.

Mr. HENDERSON. I move that the time of the gentleman from Kentucky be extended.

Several MEMBERS objected.

Mr. WILSON, of Iowa. I will now yield five minutes to the gentleman from Kentucky, [Mr. MCKEE.]

Mr. MCKEE. Mr. Speaker, it is not my intention to make any argument on this bill. Of course I could not do that in the time allotted to me. It is similar in some respects to a bill passed by this House and by the other branch of Congress at the last session, called the indemnity bill, in the formation of which I had some part, and if I may use the term, I regard it only as an appendix to that bill to supply some of its omissions and to cure some of its defects. It is an important measure, one necessary to the men who imperiled their lives in the defense of the Government, one eminently proper, one demanded, and one demanded in no part of this land more than in my own State. Now, sir, I have heard talk upon this floor such as I have heard elsewhere. I have heard the Federal Army denounced, and I have seen the men who served under the flag of their country hunted down and persecuted by the civil authorities of the State in which I reside. For these men this bill proposes the needed relief.

It is remarkable to me, it is a matter of astonishment at this day when loyalty has triumphed over treason, when rebellion has been crushed, and when the defenders of the nation's honor should be honored by all, that upon the floor of the nation's Congress a member of this body should rise in his seat and denounce the Army of the Union as thieves, robbers, and murderers, and guilty of all manner of outlawry. I understood my colleague [Mr. HISE] to say, and I did not misunderstand him, that the majority of the men in the Federal Army were guilty of all manner of violations of the law, and I understood his declaration to go even a little further, that in an Army commanded by gentlemen these things never would have occurred. I know this sentiment is common in all that land where treason has prevailed. I know it is the common theory of the men who inaugurated and sustained this rebellion that the loyal people who went forth to fight under the nation's banner were men without honor and without principle. And in these disloyal districts they are endeavoring to carry this idea into practice by fastening a stigma of dishonor upon the men who sustained the nation's flag in the day of its sore peril.

But, sir, I scorn this declaration of my colleague. It is a slander against the brave men who served in the Federal Army. A foul slander which the nation's Congress will repel; and the day will yet come when men guilty of this slander will reach their proper level. For what is this bill but to sustain the fair fame of the soldiers who in hundreds of bloody battlefields prevailed over the mean, devilish attempt to overthrow the free Government of the United States. What, sir, is this but a bill to save the soldiers of our noble armies against the malignant persecutions and prosecutions which threaten them every day and every hour. It is to protect these men, these loyal men, who

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are being driven by hundreds and thousands from the States they would gladly call their own.

The SPEAKER. The gentleman's five minutes have expired.

Mr. WILSON, of Iowa. I will yield the gentleman two minutes more.

Mr. McKEE. I thank the gentleman for his courtesy, and I will make but one single additional remark. Sir, this thing of persecuting Union soldiers has been going on throughout the South and in my own State ever since the war ended and the rebels returned to their homes. The active war rebels and the stay-at-home sneaking ones are now united in this business. Hundreds and thousands of actions have been brought in the civil courts against these loyal men. Some men have hundreds of actions pending against them. No longer than last week, in the town of Danville, in the center of my State, a gallant officer of the Federal Army, famed during the war for distinguished and meritorious services, who, indeed is credited with the honor of having won the battle of Mill Springs, the gallant General Speed S. Fry, has been warned if he will not leave his home immediately death awaits him. If this bill be not passed what will be the result? Why, sir, that these brave men who did glorious battle for the Republic will be compelled to leave their homes. In Kentucky to-day the telegraph informs us two hundred men have been sent to Danville by that noble old hero, General Thomas, to protect the loyal people there against those men who would override all law and all justice and all right. We need this military protection which my colleague so denounces, and we will need it until this rebel tyranny is crushed out in order that loyal men may live in peace at their own firesides. And when this is done we need a law to vindicate the defenders of the Republic for their acts against traitors, and to prevent rebel courts, rebel juries, and men bewailing the "lost cause," by an organized plan through their Legislatures and courts, driving these brave men from a land which, if not now, must be open and free to all.

Mr. FARQUHAR. I have prepared some remarks on this subject, but as there is great anxiety on the part of our friends to get to the internal revenue bill I will waive their delivery, and only ask that they be printed as part of the debates.

Mr. WOODBRIDGE. I make a similar request.

There was no objection, and it was ordered accordingly. [Their speeches will be published in the Appendix.]

Mr. WILSON, of Iowa. I know the House is anxious to proceed to other business, and I do not propose to detain it either by an answer to the gentleman from Kentucky [Mr. HISE,] or by an explanation of the pending measure. The bill itself is a sufficient answer to the remarks addressed against it, and those urged against other measures of course are not pertinent to this discussion. I now ask that the vote be taken.

Mr. COOPER. I ask whether, in the opinion of the chairman of the Committee on the Judiciary, this bill precludes any supervisory authority on the part of the courts over any punishment inflicted heretofore by any military commission?

Mr. WILSON, of Iowa. I answered last night that this bill deprived the civil courts of the country of all jurisdiction relative to past action under the orders of the proclamations of the President of the United States. The second clause of the bill will answer completely the gentleman's question. It is not the purpose of the committee in reporting this bill to leave to the civil courts jurisdiction over these past acts.

Mr. COOPER. The point I desired the gentleman's opinion upon is where the accused——

Mr. WILSON, of Iowa. Will the gentleman give me a case?

Mr. COOPER. Take one similar to the Milligan case.

Mr. WILSON, of Iowa. If the gentleman will read the bill he will see it is intended to provide against just such action as we had in the Milligan case.

Mr. ELDRIDGE. A single question. Does the gentleman think Congress has the power to prevent a State court from taking jurisdiction of any of these cases? The language of the bill is "or of any State court."

Mr. WILSON, of Iowa. The gentleman may be assured if I did not believe Congress had the power to pass this bill I would not have reported it.

Mr. ELDRIDGE. That is a very sensible answer, I suppose. [Laughter.]

The bill was ordered to be engrossed; and being engrossed, it was read the third time.

Mr. FINCK. I demand the yeas and nays on the passage.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 96, nays 27, not voting 67; as follows:

YEAS—Messrs. Allison, Ames, Arnell, James M. Ashley, Baker, Baldwin, Baxter, Beaman, Bidwell, Bingham, Blaine, Bromwell, Broomall, Buckland, Bundy, Reader W. Clarke, Cobb, Conkling, Cook, Cullom, Dawes, Delano, Deming, Dixon, Dodge, Donnelly, Eggleston, Eliot, Farquhar, Garfield, Grinnell, Abner C. Harding, Hawkins, Hayes, Henderson, Higby, Holmes, Hooper, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Jenckes, Julian, Kasson, Kelley, Ketcham, Koontz, Kuykendall, Laflin, George V. Lawrence, Loan, Longyear, Lynch, Marvin, Maynard, McClurg, McKee, McRuer, Mercur, Miller, Moorhead, Morris, Myers, Newell, O'Neill, Orth, Paine, Perham, Price, William H. Randall, John H. Rice, Rollins, Sawyer, Scofield, Shellabarger, Sloan, Spalding, Starr, Stilwell, Stokes, Thayer, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Whaley, Williams, James F. Wilson, Stephen F. Wilson, and Woodbridge—96.

NAYS—Messrs. Ancona, Boyer, Campbell, Chanler, Cooper, Dawson, Eldridge, Finck, Glossbrenner, Aaron Harding, Harris, Hise, Edwin N. Hubbell, Humphrey, Hunter, Kerr, Le Blond, Marshall, McCullough, Nicholson, Samuel J. Randall, Ritter, Shanklin, Sitgreaves, Taber, Trimble, and Andrew H. Ward—27.

NOT VOTING—Messrs. Alley, Anderson, Delos R. Ashley, Banks, Barker, Benjamin, Bergen, Blow, Boutwell, Brandegee, Sidney Clarke, Culver, Darling, Davis, Defrees, Denison, Driggs, Dumont, Eckley, Farnsworth, Ferry, Goodyear, Griswold, Hale, Hart, Hill, Hogan, Hotchkiss, Asahel W. Hubbard, Ingersoll, Jones, Kelso, Latham, William Lawrence, Leftwich, Marston, McIndoe, Morrill, Moulton, Niblack, Noell, Patterson, Phelps, Pike, Plants, Pomeroy, Radford, Raymond, Alexander H. Rice, Rogers, Ross, Rousseau, Schenck, Stevens, Strouse, Nathaniel G. Taylor, Nelson Taylor, Francis Thomas, John L. Thomas, Thornton, Trowbridge, Robert T. Van Horn, Elihu B. Washburne, Wentworth, Windom, Winfield, and Wright—67.

So the bill was passed.

During the roll-call,

Mr. NOELL stated that he was paired with his colleague, Mr. BENJAMIN.

Mr. COBB stated that Mr. MCINDOE was absent on important business, but if present would vote in the affirmative.

Mr. WASHBURN, of Indiana, said that Mr. NIBLACK and Mr. HILL had paired; the former would have voted "no," and the latter "ay."

Mr. ALLISON said that Mr. WENTWORTH had been called home by sickness in his family; he would have voted in the affirmative.

The result having been announced as above recorded,

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

GEORGE W. ASHBURN.

Mr. HOOPER, of Massachusetts, obtained the floor, but yielded to

Mr. ASHLEY, of Ohio, who asked unanimous consent to discharge the Committee of the Whole from the consideration of the bill for the relief of George W. Ashburn, and put it on its passage.

The bill directs the payment of $3,838 37 in full for his equal part of the proceeds of certain property seized and condemned as the property of one Frederick Stewart in the year 1863, in the State of Tennessee.

Mr. ASHLEY, of Ohio. The money has been in the Treasury for some three years and without this authority it cannot be paid.

Mr. COOPER. I object.

TAX BILL.

Mr. HOOPER, of Massachusetts. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the tax bill.

Mr. FINCK. I move that the House do now adjourn.

The question being put, there were—ayes 58, noes 46.

Mr. VAN HORN, of New York. I demand tellers.

Tellers were ordered; and the Chair appointed Messrs. VAN HORN and FINCK.

The House divided; and the tellers reported—ayes 64, noes 44.

Mr. CONKLING. I demand the yeas and nays on the motion to adjourn. I want the country to see who are in favor of letting the tariff bill go over for this session.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 57, nays 56, not voting 77; as follows:

YEAS—Messrs. Ancona, Baker, Beaman, Bergen, Bidwell, Boyer, Buckland, Campbell, Chanler, Reader W. Clarke, Cobb, Cook, Cooper, Cullom, Dawson, Delano, Dixon, Eggleston, Eldridge, Finck, Glossbrenner, Abner C. Harding, Harris, Hayes, Hise, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, Humphrey, Hunter, Julian, Kasson, Kerr, Kuykendall, Le Blond, Marshall, Maynard, McKee, Nicholson, Noell, Orth, Price, Samuel J. Randall, William H. Randall, Sawyer, Scofield, Shanklin, Sitgreaves, Sloan, Spalding, Stokes, Taber, Francis Thomas, Trimble, Andrew H. Ward, Henry D. Washburn, and Williams—57.

NAYS—Messrs. Alley, Allison, Ames, Arnell, James M. Ashley, Baxter, Bingham, Blaine, Broomall, Bundy, Conkling, Dawes, Deming, Dodge, Donnelly, Eliot, Farquhar, Garfield, Grinnell, Hawkins, Higby, Holmes, Hooper, John H. Hubbard, Kelley, Ketcham, Koontz, Laflin, George V. Lawrence, Loan, Longyear, Lynch, Marvin, McClurg, Mercur, Miller, Moorhead, Morris, Myers, Newell, O'Neill, Paine, Perham, Rollins, Shellabarger, Starr, Thayer, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Stephen F. Wilson, and Woodbridge—56.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, Baldwin, Banks, Barker, Benjamin, Blow, Boutwell, Brandegee, Bromwell, Sidney Clarke, Culver, Darling, Davis, Defrees, Denison, Driggs, Dumont, Eckley, Farnsworth, Ferry, Goodyear, Griswold, Hale, Aaron Harding, Hart, Henderson, Hill, Hogan, Hotchkiss, Asahel W. Hubbard, James R. Hubbell, Hulburd, Ingersoll, Jenckes, Jones, Kelso, Latham, William Lawrence, Leftwich, Marston, McCullough, McIndoe, McRuer, Morrill, Moulton, Niblack, Patterson, Phelps, Pike, Plants, Pomeroy, Radford, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Ross, Rousseau, Schenck, Stevens, Stilwell, Strouse, Nathaniel G. Taylor, Nelson Taylor, John L. Thomas, Thornton, Trowbridge, Robert T. Van Horn, Elihu B. Washburne, Wentworth, Whaley, James F. Wilson, Windom, Winfield, and Wright—77.

So the motion was agreed to; and thereupon (at ten o'clock and ten minutes p. m.) the House adjourned till Monday.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ASHLEY, of Ohio: The memorial of Charles B. Comstock and some 300 citizens of Ohio, praying Congress to abolish the present territorial government in Utah, and for the establishment of a military government for said Territory, and for the protection of the lives and property of citizens of the United States residing therein.

By Mr. ELIOT: The petition of Frederick Matthews and others, of Barnstable, Massachusetts, praying for relief to manufacturers of salt.

By Mr. CLARKE, of Kansas: A memorial from the Legislature of the State of Kansas, praying Congress to grant to the St. Joseph and Denver City Railroad Company such an amount of land or other means as will enable such railroad company to complete said road.

Also, a memorial from the Legislature of the State of Kansas, asking Congress to instruct the Secretary of War to set apart and denote to the State of Kansas a portion of the Fort Riley military reservation for the support of an orphan's home for the children of deceased Kansas soldiers.

Also, a memorial from the Legislature of the State of Kansas, praying Congress to grant to the State of Kansas, for school purposes, out of the public lands in the State an equivalent for the sixteenth and thirty-sixth sections of the reservations already disposed of; and that in all treaties hereafter made with the Indian tribes for land, the sixteenth and thirty-sixth sections of said reservations be set apart for the use of common schools.

Also, a petition from the citizens of Terry, in the

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county of Doniphan, in the State of Kansas, against the reduction of the currency.

By Mr. WINDOM: A memorial of Barkley Varner and 34 others, citizens of Sand Creek, Minnesota, asking an appropriation for the improvement of the Minnesota river.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 25, 1867.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

Mr. ALLEY. I move to dispense with the reading of the Journal of Saturday.

Mr. BAKER. I object.

The Journal of Saturday last was then read and approved.

Mr. CONKLING. I demand the regular order of business.

The SPEAKER. The first business in order is the call of the States and Territories for bills and resolutions for reference only, not to be brought back by motions to reconsider.

NATIONAL SCHOOL OF SCIENCES.

Mr. CHANLER introduced a bill to establish a National School of Sciences; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MAJOR JAMES B. THOMPSON.

Mr. MILLER introduced a bill for the relief of Major James B. Thompson; which was read a first and second time, and referred to the Committee on Military Affairs.

IMPROVEMENT OF THE DES MOINES RAPIDS.

Mr. FARNSWORTH presented the following resolutions of the Legislature of the State of Illinois:

Whereas the Des Moines rapids of the Mississippi seriously obstruct the navigation of said river, and it is proposed to overcome those obstructions by a canal, to be located and constructed by and under the authority of Congress: Therefore,

Resolved, That our Senators in Congress and our Representatives be requested by all proper and legitimate means to have such a survey made of both the Iowa and Illinois sides of said river on the Des Moines rapids, before the location of such canal, as to demonstrate clearly on which side of said river a canal can be constructed to the best advantage, taking into consideration the length of the canal, ease and expense of construction, advantages as well as obstructions to the free navigation of the river; that they also endeavor to obtain the location of said canal on this side of the river, if the same can be done at the same expense and will be of equal advantage to navigation as if constructed on the Iowa side of the river.

Resolved, That the Secretary of State forward to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

F. CORWIN,
Speaker of the House of Representatives.
WILLIAM BROSS,
Speaker of the Senate.

The resolutions were referred to the Committee on Commerce, and ordered to be printed.

JURISDICTION OVER ROCK ISLAND.

Mr. HARDING, of Illinois, introduced a joint resolution in reference to jurisdiction over Rock Island, ceded by the State of Illinois to the United States Government; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MISSOURI—CIVIL RIGHTS BILL.

Mr. NOELL introduced a bill to extend the rights and remedies of the civil rights bill to the white citizens of Missouri; which was read a first and second time, and referred to the Committee on the Judiciary.

MICHIGAN HARBOR IMPROVEMENTS.

Mr. BEAMAN presented joint resolutions of the Legislature of the State of Michigan, in regard to harbor improvements; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. FERRY presented joint resolutions of the Legislature of the State of Michigan, asking Congress for appropriations of money for the following purposes, namely:

For the construction of a breakwater and light-house in the harbor of Port Austin;

For the survey of a harbor at the mouth of Pent Water and Pere Marquette rivers; and

For survey of harbor at Alpena, at mouth of Thunder Bay river, and for building a light-house and making other improvements thereat.

The joint resolutions were severally referred to the Committee on Commerce, and ordered to be printed.

CONSTITUTIONAL AMENDMENT.

Mr. PAINE presented joint resolutions of the Legislature of the State of Wisconsin, ratifying article fourteen of the Constitution of the United States; which were referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES SHIPPING INTERESTS.

Mr. LYNCH presented joint resolutions of the Legislature of the State of Maine, relating to the shipping interests of the United States; which were referred to the Committee of Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for bills and joint resolutions on leave, having been concluded, the next business in order during the morning hour is the call, in an inverted order, of States and Territories for House resolutions, commencing with the State of Wisconsin, where the call rested at the expiration of the morning hour of last Monday.

REDEMPTION OF BONDS HELD IN EUROPE.

Mr. BROMWELL. I offer the following resolution, upon which I call the previous question:

Resolved, That the Committee of Ways and Means be, and is hereby, instructed to inquire into and report to this House the expediency of providing by law for the issuing of bonds of the United States to an amount not exceeding $500,000,000, bearing interest at the rate of five per cent. per annum, payable semi-annually, and redeemable twenty years from date of issue; the principal and interest payable at such places in Europe as the Secretary of War may determine, and in the coin of the country where payable: said bonds when issued to be disposed of only in exchange for six per cent. interest-bearing bonds of the United States held in Europe.

The previous question was seconded and the main question ordered.

The question was taken; and upon a division, there were—ayes twenty-seven, noes not counted.

So the resolution was not agreed to.

EIGHT-HOUR SYSTEM OF LABOR.

Mr. CULLOM. I send to the Clerk's desk a resolution to be read, and I ask the attention of the chairman of the Committee on the Judiciary [Mr. WILSON, of Iowa,] to it as it is being read.

The Clerk read as follows:

Resolved, That the Judiciary Committee of this House be instructed to report a bill as early as practicable providing that eight hours shall be a legal day's work for all Government employés within the jurisdiction of the United States.

Mr. WILSON, of Iowa. I desire to state to the gentleman from Illinois [Mr. CULLOM] that that resolution is unnecessary, inasmuch as the Judiciary Committee have instructed me to report a bill of that character, and the House has given me leave to report the bill at any time. I have been holding back the report because it could not be considered by the House in the present stage of its business. As soon as the business of the House is in such condition that the report can be made and considered it will be reported.

Mr. CULLOM. I have had this resolution on my desk for some time, desiring to offer it, and have been waiting on the Judiciary Committee to report. As they had not done so, I proposed to offer it now. But after the statement made by the gentleman from Iowa [Mr. WILSON] I will withdraw it.

The SPEAKER. The Chair will say to the gentlemen from Iowa [Mr. WILSON] that during the last week of the session, although reports of committees authorized to report at any time, or motions to reconsider are highly privileged, it is very difficult to find time when those matters can be considered.

Mr. WILSON, of Iowa. So I understand; I learned that by the experience I acquired in regard to the indemnity bill.

ALLEGED CORRUPTION OF MEMBERS.

Mr. HILL. I submit the following preamble and resolutions, upon which I call the previous question:

Whereas the integrity of members of this House in the discharge of their official duties is of the utmost importance to the public; and whereas charges affecting that integrity ought not to be preferred upon this floor except upon the gravest reason; and whereas the following preamble and resolution were introduced by Hon. JOHN WENTWORTH, a member of this House, on the 16th instant, namely:

"Whereas the President of the United States has been impeached by a member of this House of high crimes and misdemeanors, and the Committee on the Judiciary have been instructed to examine into the facts upon which said impeachment was based, with power to send for persons and papers, and report them to this House in order, if thought warrantable, that the President may be arraigned for trial thereon by the Senate; and whereas while the Committee on the Judiciary are examining witnesses with relation to said high crimes and misdemeanors of which the President has been impeached, with a view of making a report to this House for its disinterested action, it has for some time been rumored and has at last been asserted in public newspapers that certain members of this House, who are bound to act impartially upon the report of said committee when presented, are now holding, and have been for some time holding, private meetings with a view to a corrupt bargain, whereby, in violation of their oaths, they have pledged and are pledging themselves in advance to act adversely to said report if unfavorable to the President, and also to act adversely to certain other measures pending before this House to which they have heretofore been favorable, provided the President himself will do certain things to which he has heretofore declared himself hostile, and refrain from doing certain things to which he has heretofore declared himself favorable: Therefore,

"*Resolved*, That a select committee of three be instructed to inquire whether any such meetings have been held for any such corrupt purposes, what members of this House have attended the same, what persons besides members of Congress have attended them, what persons have carried communications from those members to the President, and from the President to them, and what has been the nature of such communications; and also that said committee report at the earliest practicable day the result of their inquiries, and that they also report such resolutions for the action of the House as they may deem necessary for the preservation of its honor and independence; and that said select committee have power to send for persons and papers and examine witnesses under oath:" Therefore,

Resolved, That the select committee of three appointed under said resolution be instructed to report immediately after the reading of the Journal to-morrow any evidence that may be in possession of said committee, or any member thereof, relating to the corrupt bargain referred to in the preamble to said resolution.

Resolved, further, That Hon. JOHN WENTWORTH be requested at the same time to furnish to this House the newspaper assertions and a statement of the rumors in relation to said corrupt bargain referred to in the preamble to said resolution.

Mr. STEVENS. This is a most extraordinary resolution. I move that it be laid on the table.

The motion was not agreed to; there being—ayes 34, noes 63.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolutions were agreed to.

Mr. HILL moved to reconsider the vote by which the preamble and resolutions were adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUFFRAGE IN DISTRICT OF COLUMBIA.

Mr. NIBLACK. I submit the following resolution, on which I demand the previous question:

Resolved, That the Committee for the District of Columbia be, and is hereby, instructed to report a bill conferring the elective franchise within the said District on all foreign-born male persons over the age of twenty-one years who are entitled to naturalization under existing laws, and who have resided one year within the District and have declared their intention to become citizens of the United States.

Mr. STEVENS. Is this resolution one of inquiry or instruction?

The SPEAKER. It is a resolution of instruction.

Mr. STEVENS. I move that it be laid on the table.

Mr. NIBLACK. On that motion I call for the yeas and nays.

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On ordering the yeas and nays, there were—ayes nineteen, noes not counted.

Mr. FINCK. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. NIBLACK and STEVENS were appointed.

The House divided; and the tellers reported—ayes twenty-six, noes not counted.

So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 47, nays 86, not voting 57; as follows:

YEAS—Messrs. Alley, Ames, Arnell, Baldwin, Banks, Bidwell, Bingham, Boutwell, Broomall, Cook, Dawes, Dodge, Farnsworth, Garfield, Grinnell, Hawkins, Henderson, Holmes, Hooper, John H. Hubbard, Jenckes, Kelley, Kelso, Laffin, Loan, Lynch, Miller, Myers, O'Neill, Perham, Pike, William H. Randall, Raymond, John H. Rice, Rollins, Schenck, Scofield, Spalding, Starr, Stevens, Stokes, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, and Williams—47.

NAYS—Messrs. Allison, Ancona, Anderson, Baker, Beaman, Bergen, Boyer, Bromwell, Buckland, Campbell, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cooper, Cullom, Darling, Davis, Dawson, Defrees, Donnelly, Eggleston, Eldridge, Farquhar, Ferry, Finck, Glossbrenner, Goodyear, Aaron Harding, Abner C. Harding, Harris, Hayes, Higby, Hill, Hise, Hogan, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, Ingersoll, Julian, Kasson, Kerr, Ketcham, Kuykendall, George V. Lawrence, William Lawrence, Le Blond, Leftwich, Longyear, Marshall, Marvin, McIndoe, McKee, McRuer, Moorhead, Newell, Niblack, Nicholson, Noell, Orth, Paine, Plants, Price, Ritter, Sawyer, Shanklin, Shellabarger, Sitgreaves, Sloan, Stilwell, Strouse, Taber, Nelson Taylor, Thayer, John L. Thomas, Trimble, Trowbridge, Upson, Van Aernam, Wentworth, Whaley, James F. Wilson, Windom, Winfield, and Wright—86.

NOT VOTING—Messrs. Delos R. Ashley, James M. Ashley, Barker, Baxter, Benjamin, Blaine, Blow, Brandegee, Bundy, Chanler, Culver, Delano, Deming, Denison, Dixon, Driggs, Dumont, Eckley, Eliot, Griswold, Hale, Hart, Hotchkiss, Asahel W. Hubbard, James R. Hubbell, Hulburd, Humphrey, Hunter, Jones, Koontz, Latham, Marston, Maynard, McClurg, McCullough, Mercur, Morrill, Morris, Moulton, Patterson, Phelps, Pomeroy, Radford, Samuel J. Randall, Alexander H. Rice, Rogers, Ross, Rousseau, Nathaniel G. Taylor, Francis Thomas, Thornton, Robert T. Van Horn, Andrew H. Ward, Elihu B. Washburne, Henry D. Washburn, Stephen F. Wilson, and Woodbridge—57.

So the resolution was not laid on the table.

The question recurred on seconding the previous question.

Mr. CONKLING. Mr. Speaker, if the previous question be not seconded, will it be in order to move to refer the resolution without instructions?

The SPEAKER. It will be.

Mr. CONKLING. Then I hope the previous question will not be seconded.

The previous question was not seconded, there being—ayes 30, noes 77.

Mr. CONKLING. I move to amend the resolution by striking out the words "to report" and inserting in lieu thereof the words "to inquire into the expediency of reporting."

Mr. FARNSWORTH. I rise to debate the resolution.

The SPEAKER. Debate arising, the resolution goes over under the rule.

CLAIMS OF LOYAL TENNESSEEANS.

Mr. TAYLOR, of Tennessee. I offer the following resolution, on which I demand the previous question:

Whereas the Government of the United States cannot, without a violation of the national Constitution, appropriate to public use the property of its citizens without just compensation; and whereas many loyal citizens of Tennessee have been greatly damaged and in some cases impoverished by the military seizures of their property and its use and consumption by the United States forces, and are now greatly suffering by reason of the failure of the Government to compensate them: Therefore,

Resolved, That the Committee of Claims be required to report to this House at an early day a bill establishing a commission to investigate, adjudicate, and settle the claims of the loyal people of Tennessee against the Government of the United States growing out of the operations of the national Army and Navy during the late rebellion; said commission to adjudicate and settle said claims upon principles of equity and justice.

The House divided; and there were—ayes twenty-three, noes not counted.

Mr. TAYLOR, of Tennessee, called for tellers.

Tellers were ordered; and Mr. TAYLOR, of Tennessee, and Mr. ROLLINS were appointed.

The House again divided; and the tellers reported—ayes 33, noes 65.

So the previous question was not seconded.

Mr. ROLLINS rose to debate the resolution, and it went over under the rules.

Mr. TAYLOR, of Tennessee. I ask leave to offer another resolution under this call.

Mr. UPSON. I object.

SOLDIERS AND SAILORS OF THE WAR OF 1812.

Mr. COOPER submitted the following resolution, and demanded the previous question on its adoption:

Resolved, That the surviving soldiers and sailors of the war of 1812-15 ought to be placed upon the pension-rolls of the United States by this Congress.

The House divided; and there were—ayes thirty, noes not counted.

Mr. COOPER called for tellers.

Tellers were ordered; and Mr. COOPER and Mr. WASHBURN, of Massachusetts, were appointed.

The House again divided; and the tellers reported—ayes 59, noes 31.

So the previous question was seconded.

The main question was then ordered to be now put.

The resolution was adopted.

Mr. COOPER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE MONROE DOCTRINE.

Mr. CAMPBELL submitted the following preamble and resolutions, and demanded the previous question on their adoption:

Whereas the announcement and continued promulgation of the Monroe doctrine by the Government of the United States of America have been a powerful support to the republican Government in Mexico: Therefore,

Be it resolved, That humanity, civilization, and Christianity enjoin upon the Government and people of the United States the duty of persistently insisting upon the observance by the belligerent Powers in Mexico of all those wise principles of the international laws of war which have been accepted and observed by all civilized and Christian nations for the mitigation and amelioration of the hardships and horrors of the state of war.

Resolved, That the Congress of the United States of America cannot look with any toleration upon the violation of all the rights of person and property appertaining to neutral, non-combatting foreigners in Mexico, and especially citizens of the United States sojourning in that country.

Resolved, That the President of the United States is hereby requested to communicate copies of this preamble and these resolutions to the several chiefs of the belligerent Powers waging war in Mexico.

The previous question was not seconded; only nineteen voting in the affirmative.

Mr. CULLOM moved that the preamble and resolutions be referred to the Committee on Foreign Affairs; and on that motion demanded the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion was agreed to.

MRS. M. L. BYBEE.

Mr. LEFTWICH submitted the following resolution, on which he demanded the previous question:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the propriety of restoring the name of Mrs. M. L. Bybee, of Memphis, Tennessee, to the pension-roll.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

JOHN H. OSLER.

Mr. BINGHAM. Under this call I introduce a bill for the relief of Lieutenant John H. Osler, and ask it be now put on its passage.

The bill was read a first and second time. The bill directs the payment to John H. Osler, late first lieutenant of the twenty-sixth regiment Ohio volunteer infantry, of pay as first lieutenant of infantry from 9th of December, 1864, to 27th March, 1865, together with three months' extra pay, and pay of first lieutenant from the 1st of July to the 8th of October, 1865.

Mr. FARNSWORTH. That bill ought not to pass without some investigation.

Mr. BINGHAM. This officer is entitled to every dollar of it under the law.

Mr. FARNSWORTH. Why, then, does he not get it?

Mr. BINGHAM. Having been wounded on the field he was unable to take care of his own property, and his trunk and papers were carried off; so he cannot make return of ordnance stores, &c. I hold the certificate of the adjutant general of Ohio in my hand; there is no doubt of the matter. I demand the previous question.

The House divided; and there were—ayes 54, noes 45.

Mr. CONKLING called for tellers.

Tellers were ordered; and Mr. BINGHAM and Mr. CONKLING were appointed.

The House again divided; and the tellers reported—ayes 56, noes 62.

So the previous question was not seconded.

Then, on motion of Mr. BINGHAM, the bill was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CONKLING moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTRACTION OF THE CURRENCY.

Mr. MORRILL obtained the floor, but yielded to

Mr. ROLLINS, who asked unanimous consent to submit the following resolution:

Resolved, That this House cordially concurs in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payment as the business interests of the country will permit; and we hereby pledge coöperative action to this end as speedily as practicable.

Objection was made.

INTERNAL REVENUE FRAUDS.

Mr. DARLING, from the select Committee on Internal Revenue Frauds, authorized to report at any time, submitted a report; which was ordered to be printed.

Mr. DARLING. Mr. Speaker, I rise with no little embarrassment to address myself to a subject which has employed so much of the time and research of the best minds of all countries—the subject of raising revenue by taxation; the tax upon distilled spirits being always regarded as one source from which the largest possible amount of revenue should be derived, as if by the common consent of mankind it has everywhere and in all times been treated as a luxury, or one of those non-essentials, which attaching itself so closely to the passions and appetites of men that no amount of impost could destroy it, has consequently been made the stalking horse to bear the chiefest of national burdens. I do not now call to mind a single people who do not make it the leading subject of taxation. And in this connection it will not be inappropriate or uninteresting to the House or country to examine the statistics connected with its history, not only in our own country, but also that of other countries, and to note the various modes and methods by which it has been treated, to the end that thereby we may gain knowledge to guide us in our legislation on this subject. It should, however, be borne in mind that in a Government like ours the people are averse to those appliances which are the ready resort of despotic or less liberal Governments than our own, and that in selecting a system for ourselves we should not lose sight of our organic constitutions and the principles of free government on which they are founded, not that we lack the power possessed in more centralized forms of government, for with us the supreme will is law, but that our modes and forms of execution have hitherto been of so mild a type, so in consonance with popular convictions, that obedience to law was the willing tribute of the citizen rather than the forced compliance of the subject.

But our necessities, the inexorable demands of our Treasury, a legacy of the great rebellion, has brought us to other times. We have now

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to deal with mighty problems in finance and taxation, and with the practicalities incident to the towering demands of a great indebtedness. The nation must have money and it should get it with as little distress to the people as possible. It should come from those sources least likely to affect the comfort and happiness of the people, who are called upon and must respond to the requirements of the national Treasury.

In executing this demand the Government encounters the craft of the wary, the ingenuity of the avaricious, and the duplicity and unfaithfulness of its ministers. Wearily it plods on, no way discouraged at the difficulties that surround its path, confident of its ability to enforce its demands, and resting on the knowledge of the boundless resources of the nation to collect all its revenue and maintain unimpaired its plighted faith.

The early laws of the United States combined the capacity system and the measurement of the product, and though the returns are said to be far below the real amounts, we find there were reported for the year 1791–92, from foreign materials, 290 distilleries, with a capacity of 204,942½ gallons; from domestic materials, 2,289 distilleries, with a capacity of 174,249½ gallons; and 50 to which no capacity is given, but the aggregate capacity amounts to 385,834 gallons.

From these were returned, as distilled from foreign materials, 4,207,572 gallons; from domestic materials, 963,992 gallons; giving a total of 5,171,564 gallons.

In 1795–96 there were distilled in cities, towns, and villages from foreign materials, 2,211,134¾ gallons; from domestic materials, 85,214¼ gallons; in the country, 1,009,797¼ gallons; giving an aggregate of 3,306,146½ gallons. The tax collected upon this was $424,189, being at the average rate of a fraction over twelve and a half cents per gallon.

There was then, as now, a drawback allowed for exportation, which for that year was $82,820; to which add for leakage $4,641, and for abatement in the county $1,249, for prompt payment $114, and there was left of available tax, $418,183.

The distilleries of four hundred gallons capacity and upward in cities and villages reported as producing in tax from foreign and domestic materials for the year ending—

June 30, 1797	$205,163 64
June 30, 1798	148,592 08
Dec. 31, 1799	157,580 95
Dec. 31, 1801	178,659 21

The country distillers having capacity under four hundred gallons reported for same period from domestic materials in tax as follows:

Year ending June 30, 1797	$296,960 11
Year ending June 30, 1798	371,508 46
Year ending Dec. 31, 1799	349,071 55
Year ending Dec. 32, 1801	257,070 03

In 1800 the gallons produced were—

From foreign materials	1,290,466
From domestic materials	51,625

Upon which the tax was $142,779. Added to this was the license tax, which was rated according to capacity, and produced $372,561; this giving the net tax from this source at $415,340.

In 1801 the system of taxing capacity had been so affected by improvements in the mode of distilling as to cause complaints of the inequality of so much of the system as applied to the capacity. It is reported of Doctor Jeffrey, who was appointed by the English treasury department to investigate this matter, that he saw an improved still of about fifty-three gallons capacity charged and discharged twenty-one times within an hour, and in consequence of further improvements the same still was charged and run off four hundred and eighty-three times within twenty-four hours.

In 1810 the census marshals returned 14,191 distilleries within the United States, and a total product of 25,704,892 gallons.

From 1803 to 1812 the average annual import into the United States was 7,512,415 gallons.

After deducting the export of domestic spirits it was computed that in 1810 there remained 31,929,142 gallons, this giving to each inhabitant about four and a half gallons.

The greatest amount of tax received into the Treasury previous to September 30, 1812, was in the year 1801, when it amounted to $989,553, being forty-four per cent. of the whole internal tax.

In 1814 the whole internal revenue was $3,262,197, of which distilled spirits paid $1,681,086, or fifty-one per cent.

In 1815 the whole internal revenue was $6,242,503, of which spirits paid $3,049,806.

	Gallons.
The census of 1840 shows for that year	41,402,627
The census of 1850 shows for that year	48,634,455
The census of 1860 shows for that year	90,412,581

It is estimated that the present annual consumption is 100,000,000 gallons. Let us compare this great consumption with European nations.

GREAT BRITAIN.

The consumption of spirits in Great Britain is estimated at but fifty-one million gallons. Their revenue for the year 1865 from all sources was $354,000,000, of which distilled spirits paid $53,200,335, and licenses connected with its sale paid $7,155,365. Add to this the receipt from customs, $22,390,900, and we have a total of $115,734,805, or thirty-three per cent. of their entire revenue. So admirable and perfect is their system that this revenue is counted upon with entire certainty. It consists in a rigid inspection of the distillery at every stage of manipulation from raw material to the resulting spirit, and is supervised by men of scientific attainments, who hold office during good behavior and who receive a salary from Government. At death a pension inures to the family of the faithful officer.

RUSSIA.

This Government holds the monopoly of production, taxing it in varied forms in different Provinces, and farming out its production in others, but in all cases exercising proprietary control. For the year 1864 they received from this source 127,000,000 roubles or $95,880,000, or thirty-seven per cent. of the entire internal tax. It is said that illicit distillation does not abound there; and we may credit this in view of the great share of burden it bears.

FRANCE.

The duty here is equal to about sixty-six and a half cents per proof-gallon. The revenues from it have steadily increased since 1859, in which year it yielded about $54,000,000, until 1864, when it yielded $80,000,000.

AUSTRIA.

The tax is estimated for the year 1862 at 13,858,388 florins; 1863 at 15,764,690 florins; 1864 at 14,283,754 florins. The rate is six kreutzers per cent. of a Vienna eimer, and twenty per cent. war tax; under which load distillation is said to be on the decrease.

PRUSSIA.

What is known as the capacity system is here applied, and has been for many years with good results. It is a tax upon the capacity of the mash-tub, based on the assumption of a certain product from given materials. The consumption is variously estimated from thirty million to fifty million gallons.

SWEDEN.

The average consumption here is much greater than in the other countries of Europe owing to the rigor of the climate. I have imperfect details, and therefore give an estimate for 1829. It was computed that the product for that year was thirty million gallons, yielding a tax of $9,434,396. This, with a population of three million, gives a liberal allowance to each.

GERMAN ZOLLVEREIN.

The present tariff dates July 1, 1865—the tax being reduced to six thalers. Although there are thirteen thousand two hundred and eight distilleries, their capacity is generally small and the products used chiefly in the arts or exported.

GRAND DUCHY OF HESSE-DARMSTADT.

The tax is about six cents per gallon, and is little used as a beverage.

GRAND DUCHY OF NASSAU.

The tax is here but eight cents, and yields but little.

GRAND DUCHY OF BADEN.

Here the revenue is but little larger, being for the year 1864 about thirty-two thousand dollars. The tax is easily collected, as the use of spirituous liquors as a beverage is discreditable.

WÜRTEMBERG, BAVARIA, AND FRANKFORT-ON-THE-MAIN.

The small general remark applies to these as to the Grand Duchy of Baden.

BELGIUM.

The revenue for spirits is more considerable. Although the tax is about twenty-five and eight tenths cents per gallon, the receipts for 1863 were 11,657,435 francs.

Let us see for a moment how whisky escapes taxation. To produce it in the eastern States from grain, allowing a yield of three and a half gallons to the bushel, it is estimated to cost about thirty-five cents. Also, that the cost of producing it from molasses yielding sixty per cent. is about eighty-five cents per proof-gallon, being fifty cents more than the cost from grain. Notwithstanding this great difference, most of the spirits now produced in the eastern cities is made from molasses. We can readily understand this when it is known that the apparatus required for molasses distillation is very simple and very economical, occupying but little space and easily concealed—precisely the kind that villainy would employ; for by disposing of the spirits as fast as produced (and such proves to be their course, as revenue officers seldom find any quantity to seize,) there is but a worthless machinery left, of little use to any one, and if sold by the marshal is bought in by some third party for the benefit of the owner, who generally removes it to some other place to try again his career of evasion. A law requiring the destruction of these miserable pretexts for distilleries could not but be salutary. I shall have occasion to recur to this again in describing what I saw on a visit of inspection to what were duly licensed distilleries under the law.

The common methods resorted to by distillers to evade the tax upon their production are all based on the subserviency of the inspector in charge of the establishment. This man, although appointed by the Government and clothed with all authority adequate to protect the interests of the revenue, is made dependent for his compensation upon the pittance of five dollars per day, to be paid by the distiller for every day the distillery is in operation! This in effect makes him but the hireling of his employer, who will give him work whenever and only when such employment will return a profit. If whisky could be sold freely in open market at a fair profit over tax and cost of production, there would be no need for the distiller to tamper with his inspector. If it cannot be sold, and the distiller desires to run his establishment, he must make such terms with his inspector as will allow a portion of his product to escape tax. Failing to make such arrangement, both the employer and employé must remain idle. But neither can afford this. The owner or distiller cannot afford the loss of interest upon his capital invested, and the inspector cannot afford to wait long without receipt of his five dollars per day. The result is soon arrived at. A mutual understanding springs up, resulting in loss to the revenue.

The modes usually resorted to for getting whisky into market in fraud of the tax are by putting brands and gauge-marks upon barrels in apparent compliance with law. They then pass freely provided they can be safely removed. Some more timid than others do not rely upon their adroitness in removing, but go through the formality of entering a portion of their whisky in bond, and then remove it under permit. The branding and gauging of illicit whisky is usually performed by the distiller in the absence of the inspector, the tools and implements being conveniently left within reach of his employer. Care is usually exercised by them to

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use the numbers and marks upon barrels that are placed in bond. To illustrate: a distiller has five packages of whisky, the number five is a mere illustration as any number can be used according to the extent of the business, properly inspected, gauged, branded, and entered in his warehouse. These are numbered serially from one to five, and stand upon the books of the collector and assessor properly indexed, charged to the distiller, and cannot be moved without payment of tax, except to another warehouse, or when withdrawn for redistillation or export. The distiller, however, is not anxious as yet to disturb these five packages. He goes on getting other five packages; marks, brands, and numbers them precisely like those in bond; then gets a permit to remove certain five packages from his warehouse to some other warehouse. This is done by giving bond that on delivery of these five packages within thirty, sixty, or ninety days, or six months, at the warehouse indicated the bond shall be canceled. He then commences, but not on the real five packages. The lot precisely like that is started in one direction, another lot is soon made and started in another direction, and we have the astonishing fact that the same whisky is professedly sent for San Francisco by the Isthmus route, the Cape route, and, what is strangest of all, the overland route, the same permit being used in each case to carry the lot, but of course going only so far on any route as is necessary to find a rectifier who will buy. Finally one lot reaches the proposed destination, and the bond is canceled.

It is apparent from this illustration that the very forms of the law are resorted to as a protection to defraud, for the permit which covers a shipment to California is perfectly good, no matter by what route the shipper sees fit to send his goods. If seizure should be made while in transit the permit is flauntingly produced and there ends the proceeding.

Among the distillers of small capacity the more usual means of evasion are brought to bear in the distillery itself. The whisky is turned off from the indicating cup and passed into the receptacle for low wines, from whence it is abstracted, or, by shutting the cock for high wines and overflowing the cup, thus discharging it into a special receptacle, or by pumping it out of the cistern either through apertures in the ceiling or by siphons. These frauds would be apparent on examining the distiller's register of materials used if this was reliable, but here the fraud begins. He enters there so much and only so much of ingredients as will produce the amount of whisky he expects to report to the collector. He thus keeps up a fair appearance to all who casually drop in, and no one not in constant attendance can question these entries. And this was precisely what was expected of the inspector in charge. It was supposed his constant presence would be an effectual check, and that the entire product would be in his keeping until the tax was paid.

The distiller's book is thus made to cloak the inspector, and whether in complicity or in ignorance it is all the same. It is a cloak, and some of them wear it with astonishing stoicism in the face of the most appalling array of facts.

Persons of wealth, social position, and character, largely engaged in the rectification of distilled spirits, are shown to be large buyers of illicit whisky, this assertion being sustained by the fact that they purchase at prices greatly below the amount of Government tax and from unknown and obscure persons, who act as brokers, the distillers themselves seldom appearing in the market. The law is defective, inasmuch as it does not require them to keep a record of the brands upon the barrels which they buy, but are only required to keep a record of the person from whom they buy. If they were required to keep a record upon their books of the name of all distillers and inspectors whose names appear upon the barrels, and of the fact whether branded tax paid or not, the spirits could always be traced to the fountain head, and immediate detection and punishment of the guilty parties would follow.

Capitalists formerly engaged in distilling find under the present system a much more favorable opportunity for the employment of their capital with less danger of exposure if guilty of fraud, by rectifying spirits than by distilling, as their reputation and means are in less jeopardy, it consequently is not an uncommon thing for them to start small distilleries under names of irresponsible parties who give insufficient or bogus bonds, and then through means and appliances within the reach of all men of means and position corruptly inclined, procure the appointment of inspectors for these distilleries and supply rectifying establishments with the illicit product, sharing the profits with the less fortunate but no less guilty confederate. In fact, a case plainly illustrating this operation has come to my knowledge, although no evidence of fraud or intended fraud has appeared. One of the principal rectifiers in my city, and who it is known buys whisky at less than tax, is bondsmen for the collector of one of the districts. An inspector of a distillery has been appointed by this collector at the request of this rectifier, and the distillery in which he is placed is now running and has not up to this time been molested, notwithstanding the fact which must be apparent to every one that no distiller can honestly pursue his avocation when the product is selling in open market far below the tax imposed upon it; and this fact naturally suggests the inquiries in the minds of every one whether or no the officer in charge can be performing his duty honestly when he permits the continuance of a distillery under such circumstances.

I visited one grain distillery and examined the whole practical operations under the present system. With an accurate capacity of about one thousand gallons *per diem* of twenty-four hours, the proprietors claimed they were making only five hundred gallons per day, and a casual examination of the book which they are required to keep disclosed the fact that they were paying tax on an average of three hundred and fifty gallons only. I found a sufficient number of fermenting tubs to allow a continuous distillation night and day if desired. The receptacle for low wines was an open hogshead, with the spirits exposed to view and accessible to any one. The cup in which the spirit is tested by the hydrometer in its passage from the worm to the receiving cistern was also uncovered, and it was within the province of any one by simply turning a cock to run proof-spirit off and into the hogshead prepared for the reception of low wines. A visit to the cistern-room, which was separated from the open portion of a room by a board partition, and where the inspector was apparently engaged in the discharge of his duties, revealed the fact that the entire contents of the cisterns could be drawn out while the room was under lock and key by means of pipes inserted in the opening at the top of the cisterns through a hole in the floor directly above, which holes were skillfully concealed by plugs.

It was apparent that the inspector must be cognizant of these facts. It will readily be seen that by running the distillery at night during the absence of the inspector the abstracted spirits could be constantly replaced in the cisterns. In another visit to a molasses distillery which I found in full operation, the cistern-room consisted of a small apartment boarded off from one corner of the room where the stills were located, and the "bonded warehouse" was another small apartment boarded off from an opposite corner, with boards nailed in such a manner as to be easily removed from the inside of the still-room. The door under the inspector's lock opened into a yard. The cistern consisted of a large barrel with one head out from which the spirits were being dipped out with buckets and emptied into barrels under the eye of the inspector. The existing arrangement of bonded warehouses in all small distilleries is a complete farce and a gross violation of what I regard as the spirit and intent of the law.

Now, the idea presents itself that something is wrong, and I hesitate not to assert that the system and its ministers are most terribly in fault. Guilty connivance must exist, or frauds of such wholesale character could not be perpetrated. A radical change is demanded, especially in the present system of removal on permits. No such *carte blanche* should be put into the hands of any distiller. This should be confided to some officer, detailed to witness the removal from the distillery, and by whom the permit should be forwarded for cancelation by the collector designated. Over five million gallons are now supposed to be floating about on these permits, and withdrawal bonds, and not accounted for to the Department. If the Government even realizes a tithing of the $10,000,000 tax due thereon it will be more fortunate than its past success warrants it to hope for. Of course this loss of tax involves the fidelity of collectors, not less than of keepers of bonded warehouses; a system as applied to distilleries which has proved worse than a failure. It would almost seem that our present mode of taxing and dealing with distilled spirits had been suggested by designing persons with reference to profit through its thousand and one deficiencies.

As to the penal enactments of the present law, it has come to my knowledge that the mode of enforcing penalties has in numerous instances left the impression on the mind of the tax-payer that the money paid by him in compromise was really hush-money for the pocket of the officer dealing with him. A case will illustrate. Inspector A calls upon B, a whisky manufacturer or cigar dealer, and finding what he charges to be fraud, kindly tells B the whole matter may be settled for $1,000. B objects, but is told that his place will be seized and his business stopped unless a settlement is made. To prevent this he hands over to the officer the money demanded and is told to go about his business. But the case does not close here. Officer A must keep his record clear, and so he goes to the collector and states that B has been guilty of fraud, offers $750 in compromise, and to pay the tax due of $250; thus covering the entire $1,000. Mr. Collector at once advises the Commissioner of Internal Revenue of the case, and advises that the $750 be accepted. This done, an order is soon received distributing to officer A one half as moiety to the informer and the other half goes quietly into the Treasury.

Cases almost without number have been transacted by the same officers, netting them within twenty months the snug sum of $25,000.

Now I do not believe that one man in ten thus compromised with supposes the money so paid by him ever reached the Treasury. I am justified in this opinion by the many instances wherein parties have complained of having paid hush-money, and which on investigation proved to have been disposed of as stated.

A case is related in which a man even signed a confession of judgment, and the name of a leading proctor of New York was affixed to his *cognovit* of the attorney for the injured party, and yet he solemnly affirms that the business was so conducted that he was led to believe and did believe, until shown the copy of a pretended judgment in the office of the Commissioner of Internal Revenue, that he was fleeced by parties who in turn fleeced the Treasury.

That this system is working badly, the system of moieties, is beyond controversy. Upon the question whether any moieties should be allowed, I propose no suggestion, assuming that the practice of nations has settled the correctness of the theory. But, upon the mode of administering this subject, I propose checks and guards for both citizen and officer. I say the Commissioner of Internal Revenue should not be vested with sole control. The proposition to vest the adjudication and compromise

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of every crime except that of murder in one man for the State of Ohio, or one man for the State of New York would be laughed to scorn. Yet the Commissioner is such man for the entire Republic. I also say no case either civil or criminal should be compromised.

And herein I remark that a few vigorous prosecutions and inflictions of criminal remedies would go far to break up the frauds now rampant in all branches of the revenue. It is easy to conceive of a willingness in culprits who have swindled at the rate of thousands per day for a few months to disgorge some insignificant fraction of their colossal thieving if thereby the prison will not close upon them.

As incident to this subject I remark that it is by no means certain that collectors, who by the internal revenue law are specially and solely charged with the duty of prosecuting (in the name of the Government) for violations, have not used this very authority to protect offenders. I charge that in repeated instances wherein a great wrong had been committed, the collector after giving the matter the form of an examination has decided to take no legal steps—whether corruptly or honestly I care not which—thus shielding crime; because his refusal to prosecute is an effectual protection.

I say, therefore, that no such power should be vested anywhere. It is wrong in every aspect we may consider it; but especially wrong in view of the injustice and wrong that may be committed by it, and this through a mere folding of his arms and a complacent statement of the collector, "I see no evidence to convict."

I say let the doors of our courts be open to all; let the complainant have direct access to the proper prosecuting officer, (the district attorney,) and let that officer be authorized to proceed on behalf of the Government on the relation of such complainant. A check of this nature would have at least one salutary effect: it would open the doors of our courts to all.

A common excuse offered by collectors is their responsibility for costs in case of failure to convict. This is a grave defect of the law, for which there should be some saving provision. It is hard, indeed, to compel a man having no personal interest in a prosecution to take the character of prosecutor, more especially as he must rely for witnesses upon informants personally unknown to him; especially hard for him to find on the day of trial that his witnesses have been quietly tampered with and spirited away by his antagonist. Yet the law affords no protection, except an application to the Department for reimbursement, a step usually attended with tedious delays and involving time and annoyance, for which no recompense can be made.

Why, I ask, would not the system now in force in the department of customs be more advantageous? Or why, as I have just now suggested, should not the complaining party or informer be privileged to go direct to the district attorney? Why the circumlocutory process of carrying his discoveries to the collector, who is but a mere marshal, charged with the collection of taxes, and who should have nothing else to do? I must confess myself at a loss to divine what reason influenced the existing enactment in this respect.

Having reached the conclusion that the present system is a failure, I have been led to consider whether it might not be so modified as to meet the desired result, but in this have failed. Its defects seem so radical as to defy any hopes of improvement by any mere trimming or pruning its details. Some other system should be adopted, and that speedily, if we would stop the demoralization which attaches to this branch of the service, and which of necessity must spread through our entire revenue system; for it is idle to expect that men will administer corruptly one subject of taxation and bring purity to all others. There is a poison to unclean gains which, once tasted, gives appetite insatiable for more.

Among the plans suggested, and which have received not a little of my consideration, are the

METRICAL SYSTEM,

which may be applied in one or both of two ways, and the

CAPACITY SYSTEM.

The capacity system varies from the metrical in that it is nothing more or less than a measurement of the entire fermenting capacity of a distillery, and the tax is upon the estimate of what it ought to produce, leaving the responsibility for leakage, breakage, stoppage, and loss of time at the risk of the owner. The only difficulty suggested in this connection is that the grain mash of equal capacity will produce less than the molasses mash. This could measurably be provided for by assessing the distiller every ten or fifteen days upon his sworn statement of the materials he proposed to use. If molasses, he would need no watching. If grain, an occasional visit by the assessor would keep all in check; and such visits should be frequently made in order that he should know of any change in the structure of the distillery by which its capacity could be increased. It is apparent, therefore, that by either the metrical or the capacity system, the only inspection necessary is the assessor or collector, to whom any evasion would be instantly apparent.

THE METRICAL SYSTEM

May be applied by placing a meter at the end of the worm, suitably adjusted to prevent tampering with its index, and so constructed as to indicate the total product; and I have reason to believe that an excellent one has been devised, with adjustment for separating high and low wines and all by automatic action, giving upon the index the unerring data for computing tax. This may also be applied in another form, and one claimed by its advocates to be a compromise between the meter at the end of the worm and the system of measuring the fermenting capacity. It is contended that the beer apart from grains can only be worked to advantage at a certain standard as indicated by the saccharometer. Assuming this standard as the one near which or at which all distillers would seek to work, (for their interest would prompt them to do so,) and it is a very simple process to estimate the amount of tax to levy upon each gallon of the beer, to produce the equivalent of two dollars per proof-gallon of spirit. A little variation either way would only affect the tax, and would operate the same for all distilleries, so that none could gain or lose an advantage to the prejudice of others.

Let me state, in conclusion, that no system will of itself prevent fraud. So long as dishonest avarice is to be contended with, the officers of the law, be they ever so vigilant and their means of prevention ever so perfect, will find wicked men ready to hazard liberty and property in the effort to evade law. Keeping this in view, we act most wisely when we so shape the system as to reduce the chances and means of fraud, or when we create barriers which will so increase the cost of such expense as will measurably defeat the object of evasions. This, we believe, would be accomplished by a vigorous and faithful application of either the metrical or the capacity system. One great advantage of these consists in dispensing with all inspectors of spirits, inspectors on distilleries; also with branding, bonding, and exporting in bond, and bring the distiller in more direct contact with the collector and assessor.

I am not so sanguine as to suppose a perfect system can be devised, or that frauds can be wholly prevented under any system; for so long as any article is taxed its value in market is thereby enhanced, and this very advance in price furnishes an object for the avaricious, and it has proved that however small the tax upon an article there have been found those who would evade. So that although a large tax offers a larger inducement than a small tax, it does not follow that men are more honest under one than the other. Our plain duty, therefore, after ascertaining the amount needed is to impose it, and then try by stringent legislation to thwart the evasions. In taxing spirits, let us not involve the absurdity of treating it as contraband, as a luxury which we do by high imports, and at the same time favor it as if it were a necessity, which we do by the present odious bonding system. Let Government set down its foot firmly and deal with it as if it really were what it is claimed to be, a luxury; such a luxury as should bear largely the national burden. Delay but adds to the difficulty. The unclean money filched as it were from the Treasury by the villainy of distillers, amounting up as it does to millions of dollars, affords a corruption fund of so portentous dimensions that it may ultimately affect the power to legislate upon it.

I cannot close without expressing my conviction that we have much to hope for from the proposed law regulating the tenures of offices. In times past the possession of an office has too often been considered in the light of a legalized opportunity, a sort of recognized right to plunder if done adroitly, thus abusing both Government and people, and filling private purses at the expense of the general Treasury. Too many have acted vigorously upon the doctrine of making hay while the sun shines, and herein is the principal source of all revenue frauds, for of the aggregate number committed, those not with the guilty knowledge of some official, sink to insignificance when compared with those which could not possibly be committed without such complicity.

I now offer the following resolution:

Resolved, That there be printed for the use of the House ten thousand copies of the report of the select Committee on Internal Revenue Frauds with the testimony, and ten thousand copies without the testimony.

The resolution was referred to the Committee on Printing, under the law.

Mr. TRIMBLE. Mr. Speaker, I have not had an opportunity, as a member of the select committee, to examine the testimony, and I should like to have the privilege, if I shall conclude to do it, to present a minority report after examining the report of the majority.

No objection being made, leave was granted.

THOMAS VERSUS ARNELL.

Mr. MAYNARD, by unanimous consent, submitted testimony in the case of Thomas *vs.* Arnell, which was referred to the Committee of Elections.

RECORDING OF VOTES.

Mr. MOULTON. Mr. Speaker, on Saturday night a good many members were absent when the vote was taken on the indemnity bill. I now ask unanimous consent that they now have an opportunity to record their votes.

Mr. PRICE. I do not object if it does not change the result.

Several MEMBERS. It cannot change it.

Mr. GARFIELD. I ask unanimous consent that the same privilege be granted to members who were absent on the final vote on the reconstruction bill.

No objection being made, the following members recorded their votes on the questions named:

On concurrence in the amendment of the Senate to the reconstruction bill as amended by the House: yea, Mr. DIXON and Mr. GARFIELD.

On the final passage of the indemnity bill: yea, Messrs. ANDERSON, DELOS R. ASHLEY, BRANDEGEE, SYDNEY CLARKE, DAVIS, DIXON, FARNSWORTH, GARFIELD, HILL, INGERSOLL, WILLIAM LAWRENCE, MCINDOE, MOULTON, PLANTS, STEVENS, and WINDOM. Nay, Messrs. BERGEN, NIBLACK, STROUSE, THORNTON, and WRIGHT.

MINING STATISTICS.

Mr. LAFLIN, from the Committee on Printing, reported back the following resolution, which was read, considered, and agreed to:

Resolved, That the same number of copies of the letter of the Secretary of the Treasury of February

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18, 1867, with the report of the commissioner for the collection of mining statistics east of the Rocky mountains, be ordered to be printed as that of the report of J. Ross Browne on the mineral resources, &c., and that the same be bound together for the use of the House.

SURVEY OF THE UPPER MISSISSIPPI.

Mr. LAFLIN, from the same committee, reported back the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of the House five thousand extra copies of the report of Major General G. K. Warren, of the survey of the Upper Mississippi river and its tributaries.

Mr. LAFLIN moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TARIFF BILL.

Mr. MORRILL. I desire to make a brief statement in relation to the business of the House. It appears that there are three appropriation bills yet unacted upon by the House. We have a long internal revenue bill not yet quite completed, but which I suppose will unquestionably be finished to-day. We also have the tariff bill based upon the bill passed by the House at the last session of Congress, which was laid over by the Senate and not returned to the House till February. That bill was reported by the Committee of Ways and Means on the 18th of February, but we have now reached a period so near the close of the session that if it shall be acted upon in Committee of the Whole it is utterly impossible that it can be sent to the Senate in time to receive the action of that body. In order, therefore, to facilitate the action of the House, I propose that the committee shall be discharged from the further consideration of the tariff bill, and that we concur in the Senate amendments as proposed to be amended by the Committee of Ways and Means in the bill already before the House. This will be done for the purpose of confining the committee of conference within as narrow limits as possible to give them the least amount of power that can be given under the circumstances of the case. Gentlemen will see that if they yield to this proposition, that when it is subsequently reported back by the committee of conference if it shall not be satisfactory they can then vote against it.

I do not propose, Mr. Speaker, now or at any other time to inflict upon the House a long speech, although gentlemen all know that I have a very considerable one in me. [Laughter.] My object is to facilitate and promote action upon this bill. If I had time I think I could demonstrate to every fair-minded man that it is reasonable now at this time to have an unreasonable tariff, [laughter;] but I do not propose to consume any time upon this subject. And as I do not propose to debate the question I do not feel at liberty to yield for discussion to any other gentleman.

Mr. PIKE. I rise to make a suggestion to the gentleman.

Mr. ELDRIDGE. I rise to a point of order. I desire to know whether these yieldings of the floor come in under the unanimous consent granted to the gentleman from Vermont to speak.

The SPEAKER. The Chair knows of no other rule but the hour rule so far as debate is concerned. The gentleman from Vermont is entitled to the floor for one hour.

Mr. PIKE. It would be more satisfactory to me, and I think to the House, that the bill as it passed the House at the last session should be taken as a basis as the action of the House, and sent to the committee of conference as the House action, and then the Senate bill can be taken as the Senate action, and the committee of conference can take these bills as a basis for the agreement to be made up by them in regard to this proposition. If that be the arrangement, I for one have no objection to the gentleman's proposal. It will be recollected that this bill was fully discussed in the House in all its items, that votes were taken upon those items, and that we had a full expression of the judgment of the House on the subject.

Mr. MORRILL. I do not desire to discuss the matter; but I think I have examined this question as thoroughly, perhaps, as the gentleman from Maine, and I am quite satisfied that the bill as proposed to be amended by the Committee of Ways and Means is a more perfect bill than that which we sent from the House to the Senate. Since the bill was before the House it has received the action of the Finance Committee of the Senate and of the Committee of Ways and Means of this House, and it would be very singular indeed if those committees had not somewhat improved it.

Mr. GARFIELD. It has been suggested by several members on the floor this morning that the proposition of the chairman of the Committee of Ways and Means as now offered, would be more acceptable if it could be so arranged that double the usual number of conferees might be appointed from this House. I do not know that that can be done; but I desire to ask the Chair whether it cannot be so arranged.

Mr. MORRILL. I should have no objection to that, if the House desire it.

Mr. GARFIELD. We can thus have a wider range of interests represented on the committee of conference; and I wish to know if what I suggest can be done under the rules?

The SPEAKER. The Chair will state that never within his recollection has a committee of conference been appointed in either branch of Congress consisting of more than three members. It might be very pleasant to both the Chair and members of the House to have more interests and more sections of the country represented on the committee; but the question is, whether the Senate would agree to the increase that has been suggested. The usual rule is that a conference committee consists of only three members of each House.

Mr. MORRILL. It will be in the power of the House to reject the action of the committee if they choose. The committee will report whatever bill they please, and then the House will pass upon it.

Mr. ALLISON. I desire to ask the chairman of the committee whether there will be any opportunity allowed for debate upon the report of the conference committee after it is submitted to the House, or whether it is his intention merely to allow members to record their votes upon it, yea or nay?

Mr. MORRILL. I propose precisely what the resolution that I have sent to the Clerk's desk, and which I now ask to have read for information, indicates; and I propose that as the only chance of action upon this bill at this session.

The Clerk read the resolution, as follows:

Resolved, That the Committee of the Whole on the state of the Union shall be discharged from the further consideration of House bill No. 718, and that the House concur with the Senate amendments, as amended by the Committee of Ways and Means, and as subsequently modified by them, on books and marble, and that the House ask a conference with the Senate on the disagreeing votes thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed bill of the House No. 1039, making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1868, with amendments, in which he was directed to ask the concurrence of the House.

TARIFF BILL—AGAIN.

Mr. F. THOMAS. I ask the gentleman from Vermont to yield to me for a moment.

Mr. MORRILL. I yield to the gentleman.

Mr. F. THOMAS. Before we yield the vantage-ground which many of us possess in resisting a two-third vote of the House, it would be well for us to understand exactly what is to ensue from that vote. I speak now after consultation with others, for I would not have the immodesty to take the position I do without having done so.

In the first place, it is proper, before we yield this immense power asked for by the Committee of Ways and Means, that the House should take a retrospective view of what has already occurred. Three times during the present Congress a majority of this House have voted to fix a certain duty upon bituminous coal.

Mr. MORRILL. I beg leave to say to the gentleman from Maryland [Mr. F. THOMAS] that I cannot yield to him for a discussion of the whole subject. I am willing he should make a suggestion, as I supposed he desired to do so, in regard to the proposition I submit; but I dislike to yield for any lengthy discussion.

Mr. F. THOMAS. I merely desire to state some facts. As I was saying, three times have the House signified its pleasure upon the subject of a tariff on coal, and the Senate have sent a proposition to the House corresponding to our action in that respect.

Mr. DAWES. I rise to a question of order. The gentleman from Vermont [Mr. MORRILL] asked and obtained unanimous consent in order to make a statement in reference to the condition of business before the House. Now, I ask if it is in order for him to yield that privilege to the gentleman from Maryland, [Mr. F. THOMAS?]

The SPEAKER. The Chair thinks he can. The gentleman from Vermont [Mr. MORRILL] asked unanimous consent to make a statement in regard to the business before the House, and the gentleman can yield, during the hour to which he is entitled——

Mr. DAWES. Well, Mr. Speaker, I do not——

The SPEAKER. The gentleman will allow the Chair to finish upon the point of order the gentleman has raised; unless the gentleman does not desire it.

Mr. DAWES. I do not object to the construction of the Chair if it means this: that the gentleman from Vermont [Mr. MORRILL] can obtain unanimous consent to make a statement himself, and then allow all other members of the House to make statements.

The SPEAKER. If the gentleman will permit, the Chair will now repeat the statement he made, and conclude it as he would have done had he not been interrupted. The gentleman from Vermont [Mr. MORRILL] asked and obtained unanimous consent to make a statement in regard to the business before the House. He stated the business to be the tariff bill, the tax bill, and various appropriation bills not yet acted upon. And in order that the business may be completed he suggested the adoption of a resolution suspending the rules so as to concur in certain amendments and non-concur in certain other amendments of the Senate to the tariff bill, and to ask the appointment of a committee of conference upon the disagreeing votes of the two Houses thereon. The gentleman is entitled under the rules to one hour. And while debate is progressing during that hour, either by the gentleman from Vermont or any other gentleman to whom he may yield for the purpose of explanation of the pending subject, the Chair cannot interrupt the debate.

Mr. DAWES. The House granted a personal privilege to the gentleman from Vermont, [Mr. MORRILL.]

The SPEAKER. It did; and the gentleman can yield to others during the hour to which he is entitled for the purpose of explanation in regard to that subject, but no other.

Mr. HOOPER, of Massachusetts. I would inquire if, under that provision, the tariff bill is before the House?

The SPEAKER. The gentleman from Vermont [Mr. MORRILL] asked unanimous consent to make a statement in regard to the business before the House and the manner of expediting action upon it. Among the subjects of legislation now pending the gentleman named the tariff bill which was passed by the House at the last session, considered by the Senate at this session, and reported back by them to this House with amendments; which

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amendments were referred by the House to the Committee of Ways and Means, and reported back by them to this House with a recommendation to adopt amendments to the amendments to the Senate, and now in Committee of the Whole awaiting the action of this House. Anything relating to that is in order.

Mr. F. THOMAS. I will be as brief as possible. The votes of this House to which I have referred have had no influence apparently upon the determination of the Committee of Ways and Means of this House, for they have reported against the expressed judgment of this House. And the votes of the Senate are a reversal of the determination of the Committee on Finance of that body. Now can we submit those great interests to the final adjudication of a committee of conference, to be composed of members of the Committee of Ways and Means of this House and the Committee on Finance of the Senate without taking some precaution to control their action? Now, if the gentleman from Vermont will accept certain instructions to that committee of conference which I will ask the Clerk to read, I will withdraw all opposition to his proposition. I will conclude with the remark that I do not think the country will suffer much if we wait until the next Congress before we take action upon the tariff.

Mr. MORRILL. I will hear the proposition of the gentleman read.

The Clerk read as follows:

Provided, That the committee on the part of the House shall not consent to change any impost authorized by the bill of the House, and agreed to in the amendments of the Senate.

Mr. MORRILL. I cannot consent to that in so broad a form. If the gentleman will make it what he means, that the committee on the part of the House shall not consent to any lower rate of duty than the specified rate upon coal, I will consent to it.

Mr. HOOPER, of Massachusetts. I shall object to that.

Mr. MORRILL. I yield for a moment to the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCOFIELD. I desire to offer the following amendment, to come in at the end of the resolution of the gentleman from Vermont:

Provided, That the duty on coal shall not be less than $1 50 per ton.

Mr. F. THOMAS. I will agree to that so far as I am concerned.

Mr. SCOFIELD. That corresponds with the provision in the House bill and also in the Senate bill. Both Houses have agreed to that rate of duty.

Mr. MORRILL. I desire to say to the gentleman that I am a little surprised at the rate proposed. The present rate of duty on coal is $1 25. At the last session, after a struggle during which both sides of the House entered fully into the discussion of this subject, the rate of duty was by a very close vote fixed in the House bill at $1 50. I had supposed that the gentleman from Pennsylvania would not propose a higher rate than one dollar. That was conceded to be a basis of compromise at the last session, when quite a number of gentlemen would have assented to it; and certainly I am surprised that the gentleman proposes more than $1 25. At the same time I am quite willing that there shall be a vote of the House upon $1 50, $1 25, or any other sum.

Mr. Speaker, I desire to modify my resolution; and when it shall have been read as modified, I shall ask the previous question.

The SPEAKER. The previous question does not apply to motions to suspend the rules. They are undebatable and unamendable.

Mr. MORRILL. I yield to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. I wish to ask the gentleman from Vermont whether he expects the House by general consent to take this bill out of the Committee of the Whole and refer it to a committee of conference if he first permit special interests to bind and fetter the committee of conference in advance? If the House cannot trust the bill with the committee without trammel, can he expect all the general interests of the country to lie by and see special interests fetter and bind that committee in advance to a particular course in reference to particular interest? Much as I desire this bill to become a law, I cannot consent to any such proceeding. I suggest to the gentleman from Vermont that, if he expects the House by general consent or by a two-thirds vote to take this bill out of the Committee of the Whole he must ask the House to trust it to a committee of conference without trammel as to particular interests.

Mr. MORRILL. I merely desire to say to the House that I have modified my resolution in such a way that I think the gentleman from Pennsylvania [Mr. SCOFIELD] and the gentleman from Maryland [Mr. F. THOMAS] will not insist on my accepting their propositions for amendment. As modified the resolution simply provides that the House non-concur in the Senate amendments, and ask a committee of conference thereon.

Mr. LE BLOND. I ask the gentleman from Vermont to yield to me for a moment.

Mr. MORRILL. I will yield for an inquiry.

Mr. LE BLOND. Mr. Speaker, it would seem by what we see here every moment that this committee of conference is to be trammeled, and certain interests are to be cared for in advance of the reference of the bill to the committee.

Mr. MORRILL. If the gentleman will listen to the resolution in its modified form he will find that it contains no such proposition.

Mr. LE BLOND. I will hear the resolution read.

The SPEAKER. If the gentleman from Vermont offers the resolution now the debate must cease.

Mr. CONKLING. Let it be read for information.

The SPEAKER. It will be read for information if there is no objection.

There was no objection, and the Clerk read as follows:

Resolved, That the rules be suspended, so that the Committee of the Whole on the state of the Union shall be discharged from the further consideration of House bill No. 718; and that the House non-concur with the Senate amendments, and that the House ask a conference with the Senate on the disagreeing votes thereon.

Mr. PIKE. Mr. Speaker, I rise to a question of order. I wish to ask of the Chair, for the information of the House, a question on parliamentary law, and that is in reference to the power of these conferees. The Senate have sent us a substitute for the House tariff bill. Now, can the conferees go beyond the action of the two Houses?

The SPEAKER. The Chair will state, in response to the question of the gentleman from Maine, that when the Senate sent back the House bill it was not as usual with amendments to the different parts of the bill to which they disagreed, but with one amendment, striking out the House bill and substituting another in its place. The Constitution declares the House shall originate all bills raising revenue, but that the Senate may propose or concur with amendments as on other bills. This is a most extensive amendment, but it brings up the question in the House. The conferees will have the whole subject before them if this be referred to them.

Mr. SCOFIELD. I rise to a question of order. The House bill made the duty on coal $1 50, and the Senate substitute makes it $1 50. If the motion of the gentleman from Vermont prevails, would the conferees have the right to make the duty on coal less or more?

The SPEAKER. The Chair would respond that, as the Senate have stricken out the entire bill from the enacting clause and inserted another one, the whole subject in all its details would be referred to the committee of conference as if before the House in the Committee of the Whole on the state of the Union. If the Senate had returned amendments to sections one and two and five and so on, and the disagreeing votes had been referred to the committee of conference, then all the other portions of the bill would have been regarded as adopted.

Mr. F. THOMAS. I ask that my proposition be again read.

Mr. MORRILL. Not now.

Mr. LE BLOND. Mr. Speaker, I do not know whether it is of much consequence to me whether coal is provided for or not in advance; whether the particular interest of Pennsylvania or Maryland is subserved or not. I am here, sir, for a very different purpose than building up the coal interest in Pennsylvania or the coal interest in Maryland, or for the purpose of bringing Nova Scotia coal into the New England States at a low rate. I am here, sir, for the people, and the whole people, on this question of the tariff.

Now, I understand this proposition to be simply this: the bill as sent to the Senate was, all after the enacting clause, stricken out and returned to this House. They sent us to all intents and purposes a new bill, which is now pending before us for our consideration.

Mr. DELANO. I rise to a question of order. The gentleman from Vermont yielded to my colleague for a question, and not to debate this whole subject. There are many here who wish to debate this bill who are now cut out.

Mr. MORRILL. I only yielded for an inquiry.

Mr. LE BLOND. I am simply stating the effect of the pending motion. I hope gentlemen will not cut me off here. I wish the country to understand what will be the effect of this proposition. A new bill has come here from the Senate, and the motion is the House shall disagree to it and turn over the whole subject into the hands of a committee of conference. Now, when it has been referred to the committee of conference under the rules of this House and parliamentary law, that committee may agree to, accept, and report an entirely new bill, divesting us of all power to consider separately any single change in the bill as it originally went from the House. When the conference report comes into the House the only question will be, Will the House concur in the report? There will be no other question. The previous question will be seconded and the main question ordered, and we will have to either adopt or reject the report as a whole. We cannot amend it or go into any consideration of the details of the bill in any shape or form. For one, I am opposed to any such reference. There is no necessity for it. I submit to the chairman of the Committee of Ways and Means we can get along with our present tariff, and that there is no necessity to muzzle the Representatives of the people in this way, to turn ourselves over body and soul to this conference committee for their disposition.

Mr. MORRILL. I desire to say to the gentleman from Ohio that the proposition now before the House is simply that which is always made in regard to disagreeing votes upon bills between the two Houses. It gives the committee as much power and no more than any committee of conference has in relation to questions referred to them.

Mr. LE BLOND. I wish to ask whether we have ever considered this bill at all.

Mr. MORRILL. I desire simply to say further in relation to this matter that unless action can be secured upon this bill in this manner, I shall be constrained to ask the House to sit in continuous session until we can dispose of the bill in Committee of the Whole. It has heretofore had long and patient consideration and action in the House, and I think we should hardly have any new light upon it if we were to spend a fortnight on the bill.

Mr. BOYER. I would inquire of the Chair whether, if this bill is referred to the committee of conference and afterward reported back to the House, there will be any opportunity to amend any of its sections?

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The SPEAKER. There will not; the report must be voted upon as a whole.

Mr. BOYER. Then I shall vote against the motion and leave the responsibility of the failure, if the bill should fail, to those who have left this important measure until so late a day in the session.

The SPEAKER. The Chair doubts whether that is a point of order. [Laughter.]

Mr. RANDALL, of Pennsylvania. It is a pretty good speech though. [Laughter.]

The SPEAKER. Does the gentleman from Vermont allow the resolution of the gentleman from Maryland [Mr. F. THOMAS] to be reported?

Mr. MORRILL. I must object.

Mr. SCOFIELD. I wish to ask the Chair what the rule is in regard to the appointment of the committee of conference in case this motion prevails. The Chair appoints the committee of conference, but will the Chair feel bound by parliamentary law to appoint a committee representing the views of the Committee of Ways and Means who have reported these amendments, or will he appoint a committee representing the sense of the House upon the bill as it passed at the last session?

The SPEAKER. The Chair cannot answer that question; it would not be proper that he should. If a committee of conference is ordered he will appoint it in this case as he appoints them in all cases, in accordance with usage.

Mr. SCOFIELD. I understand there is no parliamentary rule.

The SPEAKER. There is a parliamentary rule in regard to the appointment of committees of conference, but the Chair cannot answer in advance what he will do.

Mr. MORRILL. I decline to yield any further, and move the following resolution:

Resolved, That the rules be suspended, so that the Committee of the Whole on the state of the Union shall be discharged from the further consideration of House bill No. 718, and that the House non-concur with the Senate amendment, and ask a committee of conference with the Senate on the disagreeing votes thereon.

Mr. BROMWELL and Mr. BENJAMIN demanded the yeas and nays.

Mr. RANDALL, of Pennsylvania. I wish to inquire whether there are any non-concurring votes.

The SPEAKER. There are such evidently so stated in the resolution.

Mr. RANDALL, of Pennsylvania. It does not state the facts.

The SPEAKER. The Chair thinks there will be a great many if the House non-concurs.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 85, nays 86, not voting 19; as follows:

YEAS—Messrs. Alley, Ames, James M. Ashley, Baldwin, Banks, Barker, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Brandegee, Broomall, Buckland, Bundy, Reader W. Clarke, Conkling, Darling, Davis, Dawes, Delano, Deming, Dixon, Eliot, Ferry, Garfield, Grinnell, Griswold, Hale, Higby, Holmes, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Jenckes, Kelley, Ketcham, Koontz, Laflin, George V. Lawrence, William Lawrence, Longyear, Lynch, Marvin, McClurg, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Patterson, Perham, Pike, Plants, Pomeroy, Alexander H. Rice, John H. Rice, Rollins, Scofield, Shellabarger, Spalding, Starr, Stevens, Thayer, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, Williams, Stephen F. Wilson, and Woodbridge—85.

NAYS—Messrs. Allison, Ancona, Anderson, Arnell, Delos R. Ashley, Baker, Benjamin, Bergen, Boyer, Bromwell, Campbell, Chanler, Sidney Clarke, Cobb, Cook, Cooper, Cullom, Dawson, Defrees, Dodge, Dumont, Eggleston, Eldridge, Farnsworth, Farquhar, Finck, Glossbrenner, Goodyear, Aaron Harding, Abner C. Harding, Harris, Hawkins, Hayes, Henderson, Hill, Hise, Hogan, Edwin N. Hubbell, Hunter, Ingersoll, Julian, Kasson, Kelso, Kerr, Kuykendall, Le Blond, Leftwich, Loan, Marshall, Maynard, McCullough, Moulton, Niblack, Nicholson, Noell, Orth, Paine, Phelps, Price, Radford, Samuel J. Randall, William H. Randall, Raymond, Ritter, Rousseau, Sawyer, Schenck, Shanklin, Sitgreaves, Sloan, Stilwell, Stokes, Strouse, Taber, Nathaniel G. Taylor, Francis Thomas, John L. Thomas, Thornton, Trimble, Andrew H. Ward, Henry D. Washburn, Whaley, James F. Wilson, Windom, Winfield, and Wright—86.

NOT VOTING—Messrs. Blow, Culver, Denison, Donnelly, Driggs, Eckley, Hart, Hooper, Asahel W. Hubbard, Humphrey, Jones, Latham, Marston, McIndoe, Rogers, Ross, Nelson Taylor, Robert T. Van Horn, and Elihu B. Washburne—19.

So the rules were not suspended.

RESOLUTIONS OF INDIANA.

The SPEAKER, by unanimous consent, laid before the House concurrent resolutions of the State Legislature of Indiana, instructing their Senators and requesting their Representatives in Congress to use their influence to procure the passage of a bill equalizing bounties; which were laid on the table, and ordered to be printed.

CLOSE OF DEBATE.

Mr. MORRILL. I move that all debate in Committee of the Whole on the state of the Union on the forty-sixth and last section of the tax bill and the amendments thereto be closed in ten minutes after the committee shall resume the consideration of the same.

The motion was agreed to.

TAX BILL.

Mr. MORRILL. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOUTWELL in the chair,) and resumed the consideration of the tax bill as the special order.

The section under consideration was the last section of the bill, as follows:

SEC. 46. *And be it further enacted*, That sections sixty and one hundred and fourteen of the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, and sixty-one of the act amendatory thereof, approved July 13, 1866, be, and the same are hereby, repealed.

The CHAIRMAN stated the pending question to be on the motion of Mr. WILLIAMS, to amend the first line of this section by inserting after the word "sixty" the word "ninety-seven."

Mr. WILLIAMS. The question, I believe, is on an amendment moved by me when the committee was last in session, to include in this section the ninety-seventh section of the act of 1864, so as to repeal that section also. It is in itself but an extension to all contracts of the principle overruled on full debate in regard to the tax on gas, and affirmed by the same committee in relation to railroad companies, which is that wherever a value is affected by the legislation of Congress that circumstance gives to Congress an absolute dominion over all contracts that are affected by it. In this form, or nearly so, I have heard the proposition stated in this House.

I must be allowed to say that disguise it as we may it is a monstrous one. I never have heard it successfully defended. I do not think there is any lawyer here who will undertake its championship. Nor do I regard the decision of the committee upon the question so far as it related to railroad companies as indicating any opinion either way, although it may have seemed to overrule the previous decision of the committee in regard to gas companies. I suppose it was a mere question as to the relative power of these two species of corporations, a question between the potency of gas on the one hand, and that of steam on the other, where, of course, the latter element prevailed, as it generally does.

Now, Mr. Chairman, I do not look to particular interests in offering this amendment, as I did not in my votes upon those two questions. I look only to the principle. I affirm that this ninety-seventh section of the act of 1864 is a blot upon our statute-book which ought to be wiped out at once. I believe it to be entirely indefensible.

But if the doctrine be a sound one, that wherever a value is affected by the action of the Legislature, Congress may then interpose in this way to readjust the relations that have been disturbed, where is it to lead us? Most of the legislation here has that effect. Whenever you impose a duty or take one off, you touch every contract connected with the article so burdened or relieved. So it is also whenever you contract or inflate the currency, which is the measure of all values. But every man contracts in view of such contingencies, and no man has a right to expect the Government to interpose for his relief. If it is proper to superadd the tax to price agreed on and charge it over to the consumer, then it would be equally proper, where a duty has been taken off and the value of the article diminished, to reduce the price at the expense of the vender for the benefit of the other party. It is said to be a bad rule that will not work both ways. If it is a good one in the case before us, it is equally good in the opposite direction.

Now, sir, I hope this proposition will not be voted down without consideration. Upon the debate in regard to the gas amendment, at an early stage of this bill, and when the House was fresh and disposed to listen, I thought the argument of the gentlemen who advocated the retention of that feature of the old law was run into the ground. The result was a vote more decisive than any other I recollect to have been ever cast against a recommendation of the Committee of Ways and Means. We all know, from our experience in the progress of this and other bills, that it is sufficient to rally members here in great majorities to say to them, "Follow the committee." In that case, however, they did not; they did not respond to the appeal, and I trust they will not in this case.

This is all I have to say upon this question. I affirm again that as a general principle the section objected to cannot be defended. I do not think any respectable court in the United States would say that it is in the power of Congress to change the terms of existing contracts or to oblige a man to do what he has not contracted to do, and at their own will to shift the burden imposed by the contract upon one party upon the shoulders of the other.

Mr. CONKLING. I hope the Committee of the Whole will have no hesitation in rejecting the proposition of the gentleman from Pennsylvania [Mr. WILLIAMS] to pursue symmetries and theories at the expense of consequences, which the gentleman cannot have contemplated or he would not have presented such a proposition.

Section ninety-seven of the act of July 30, 1864, was put where it is mainly out of regard to the interests of Pennsylvania. There were in that State owners and lessors of coal lands who had stipulated under lease for long terms to their lessees. The rent which they received was a mere pittance, and the proposition to impose a tax upon products and leave it for the lessors to pay was grossly inequitable; therefore, mainly in the interest of these very parties, a provision was introduced which put upon those to whom the profit accrued the burden of the tax.

I differ in fact, although I will not now take time to state my difference, with the proposition of law which the gentleman states. But the practical suggestion which the Committee of the Whole need to bear in mind is that the time has arrived when this object has almost ceased to be practical in the cases which the gentleman wishes to reach, and when the effect of this repeal would be detrimental vastly beyond anything which he seems to suppose.

Let me remind the committee of the case of the manufacture of tobacco, of matches, and many other cases which have been interwoven into the bill now proposed and into the two preceding bills upon this subject. Strike out at one dash the permission given to the producers to charge over to the consumers the tax you impose, and where would you leave

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those producers? You would annihilate completely the manufacture of matches; and in the case of the manufacture of tobacco in many of its forms the same result would follow. And unless the gentleman tells me that contracts made prior to July, 1864, have so far transpired that they would not be seriously affected by his proposition, I contend it would be unjust to offer it; and if they have, then this proposition is *vox et præterea nihil*; sound and nothing else. But if there be any contracts left for his proposition to act upon, as there are in truth, then this repeal would be grossly unjust.

Now, the only way to cure this difficulty of symmetry, (and I frankly admit that there is such a difficulty, though not objectionable to the extent which the gentleman has stated,) the only way to cure it is to revise the entire tax bill, and try to apportion these various taxes so that you can with propriety and safety say that the producer, the person who derives the profit in a large class of cases, and not the consumer, shall pay the tax. I hope the committee will try no such experiment as would be tried if the amendment of the gentleman from Pennsylvania [Mr. WILLIAMS] should prevail.

Mr. WILLIAMS. If a thing is wrong, is unconstitutional, is it to be met by the argument *ab inconvenienti*?

Mr. CONKLING. I do not admit at all that it is unconstitutional. On the contrary, if the gentleman will make to me an argument to show that this section is unconstitutional, I will make to him an argument to show that a dozen other sections of the tax bill are unconstitutional upon precisely the same principle.

Mr. WILLIAMS. Very likely.

Mr. CONKLING. At the proper time I wish to offer as a substitute for this section a very brief section, which will accomplish the very object sought to be accomplished by this section, but which, however, I think it fails to accomplish; and if the time suffices I will state briefly the difficulty with this section. It enumerates certain sections which the Committee of Ways and Means recommend should be repealed. Since that recommendation was made great changes have been made in this bill; and hence if we repeal those sections now by numbers we may leave other complicating sections standing upon the statute-book by omitting sections which we ought to enumerate. I therefore propose an amendment to strike out section forty-six and insert in lieu thereof the following:

And be it further enacted, That all acts and parts of acts inconsistent with this act are hereby repealed; and sections sixty and one hundred and fourteen of an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, are also hereby repealed.

I will state that sections sixty and one hundred and fourteen the committee and the House propose to repeal to carry out the free list.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. CONKLING] to strike out will be in order when the question shall have been taken on the amendment proposing to perfect the text. The pending question is upon the amendment of the gentleman from Pennsylvania, [Mr. WILLIAMS,] to insert in line eleven of the forty-sixth section after "sixty-one" the words "and ninety-seven."

Mr. CONKLING. Would it be in order for the Chairman to state to the committee that the section proposed to be repealed by the amendment of the gentleman from Pennsylvania is that section which enables producers to add to the price of the article the amount of the tax.

The CHAIRMAN. It would not be in order.

Mr. HOOPER, of Massachusetts. Would it be in order to state there is no such section in the law as section ninety-seven? The act contains only seventy-one sections.

The CHAIRMAN. No debate is in order.

The amendment of Mr. WILLIAMS was not agreed to.

Mr. CONKLING. I now offer the following amendment, which I have already indicated:

Strike out section forty-six and insert in lieu thereof the following:

And be it further enacted, That all acts and parts of acts inconsistent with this act are hereby repealed; and sections sixty and one hundred and fourteen of an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, are also hereby repealed.

Mr. ALLISON. What is the effect of that?

The CHAIRMAN. Debate is not in order.

Mr. MORRILL. I offer an amendment, which, as it proposes to perfect the text, takes precedence of the amendment of the gentleman from New York. I move to amend by inserting after "sixty-six," in the last line of section forty-six, the words "together with all acts and parts of acts inconsistent herewith;" so that the section will read thus:

And be it further enacted, That sections sixty and one hundred and fourteen of the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, and sixty-one of the act amendatory thereof, approved July 13, 1866, together with all acts and parts of acts inconsistent herewith, be, and the same are hereby, repealed.

The amendment of Mr. MORRILL was agreed to.

Mr. WARD, of Kentucky. I move to amend the pending section by inserting after "sixty-six," in the last line, the words "and so much of sections seventy-four and one hundred and sixty-four as relate to turnpike roads."

The amendment of Mr. WARD, of Kentucky, was agreed to—ayes eighty-seven, noes not counted.

The CHAIRMAN. The question now recurs upon the amendment of the gentleman from New York, [Mr. CONKLING.]

Mr. CONKLING. In view of the adoption of the amendment of the gentleman from Kentucky, I modify my amendment, so as to read as follows:

Strike out section forty-six, and insert in lieu thereof the following:

And be it further enacted, That all acts and parts of acts inconsistent with this act are hereby repealed; and so much of sections seventy-four and one hundred and sixty-four as relate to turnpike roads, and sections sixty and one hundred and fourteen of an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, are also hereby repealed.

On the amendment of Mr. CONKLING, there were—ayes 40, noes 28; no quorum voting.

Mr. MORRILL called for tellers.

Tellers were ordered; and Messrs. MORRILL and CONKLING were appointed.

The House divided; and the tellers reported—ayes sixty-three, noes not counted.

So the amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

The Committee of the whole rose informally; and the Speaker having resumed the chair, a message in writing from the President of the United States, was delivered to the House through Mr. W. G. MOORE, his Private Secretary.

TAX BILL—AGAIN.

The House again, in Committee of the Whole on the state of the Union, (Mr. BOUTWELL in the chair,) resumed the consideration of the bill (H. R. No. 1161) to amend existing laws relating to internal revenue.

Mr. STEVENS. I move to amend by adding the following as a new section:

And be it further enacted, That whenever fraud has been, or may be alleged by the Government officials to have been, perpetrated by the distillers or rectifiers of distilled spirits, and the person charged denies the same and tenders to the assessor bonds with sufficient sureties, to be approved by said assessor, in double the amount of the alleged fraud, to appear at the district court of the United States for the proper district and answer the charge of fraud, either on indictment or in a civil suit, which the Government is hereby authorized to institute, and if the same be found against him to pay the full amount of said verdict and costs and abide by the sentence of the court, then no further proceedings shall be had by the assessor or collector, but the case shall be returned to said court, to be proceeded in to final judgment as in other cases. Until such decision the defendant shall be permitted the free use of his property.

The amendment was agreed to.

Mr. MILLER. I move to add the following as an additional section:

And be it further enacted, That any inspectors of distilleries appointed under the provisions of this act shall be required to give bond with security, approved by the Secretary of the Treasury or assessor of the district, in a sum of not less than $1,000, conditioned for the faithful discharge of the duties of such inspector.

Mr. SLOAN. I move the following substitute for that amendment:

That the office of inspector of distillery is hereby abolished.

The committee divided on the amendment to the amendment; and there were—ayes twenty-six; noes not counted.

Mr. SLOAN called for tellers.

Tellers were ordered; and Mr. SLOAN and Mr. ALLISON were appointed.

The committee again divided; and the tellers reported—ayes 48, noes 51.

So the amendment to the amendment was disagreed to.

Mr. SLOAN. I move the following amendment to the amendment:

Strike out all after the enacting clause and insert the following:

That all inspectors of spirits and distilleries, and all other inspectors of internal revenue, shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. HOOPER, of Massachusetts. That is already in the bill.

The committee divided; and there were—ayes 23, noes 65.

So the amendment to the amendment was disagreed to.

Mr. DARLING. I move to strike out $1,000 and insert $5,000.

The amendment to the amendment was agreed to.

Mr. MILLER'S amendment, as amended, was agreed to.

Mr. ALLISON made some verbal amendments; which were agreed to.

Mr. LAWRENCE, of Ohio, moved the following as an additional section:

SEC. —. *And be it further enacted*, That so much of any existing act of Congress as authorizes the Secretary of the Treasury to retire from circulation any part of the United States notes in circulation, or now in the Treasury, shall be, and is hereby, repealed, and it shall be the duty of the Secretary of the Treasury to pay out in pursuance of law all such United States notes as may be or may come into the Treasury, retaining in the Treasury only such amounts as the public interests may require.

Mr. MORRILL. I rise to a point of order, that the amendment is not germane to the bill.

The SPEAKER. The Chair sustains the point of order.

Mr. FARQUHAR moved the following as an additional section:

SEC. —. That nothing in this act or the acts of which it is amendatory shall be construed as preventing distillers from making what is known and understood by manufacturers as "Bourbon" whisky.

The committee divided; and there were—ayes 17, noes 49.

So the amendment was disagreed to.

Mr. FARQUHAR. I ask by unanimous consent a vote be allowed on this amendment in the House.

Mr. MORRILL. I object.

Mr. HILL moved the following as an additional section:

SEC. 47. *And be it further enacted*, That section nineteen of the act entited "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved July 13, 1866, be, and the same is hereby, amended by striking out the word "six" wherever it occurs in said section, and inserting in lieu thereof the word "eighteen."

The House divided; and there were—ayes 38, noes 64.

So the amendment was disagreed to.

Mr. RANDALL, of Kentucky, moved the following as an additional section:

And be it further enacted, &c., That the Commissioner of Internal Revenue is hereby authorized, with the

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approval of the Secretary of the Treasury, to exempt distillers of brandy from apples, peaches, or grapes exclusively, from such of the provisions of this act relating to the manufacture of spirits as in his judgment may seem expedient, except as to the payment of the tax.

The committee divided; and there were—ayes 37, noes 71.

So the amendment was disagreed to.

Mr. DEFREES moved to insert the following as an additional section:

SEC. —. *Be it further enacted*, That from and after this date there shall be no tax levied or collected on draft harness and horse collars.

The amendment was disagreed to.

The committee here informally rose.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 811) for the relief of certain drafted men;

And act (H. R. No. 1188) for the relief of James Tetlow; and

An act (H. R. No. 590) for the relief of William Mann and Jacob Senneff.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed joint resolutions and a bill of the House of the following titles, namely:

A joint resolution (H. R. No. 275) to extend the time for the use of certain vessels for quarantine purposes at the port of New York;

A joint resolution (H. R. No. 252) to permit Captain John A. Webster, of the steamer Mahoning, to receive from the Government of Great Britain a gold chronometer; and

An act (H. R. No. 900) to fix the compensation of the officers of the revenue-cutter service, and for other purposes.

TAX BILL—AGAIN.

The committee then resumed its session.

Mr. SHELLABARGER. I offer the following amendment as an additional section:

SEC. —. *And be it further enacted*, That no action or prosecution for the recovery of any claim of the United States arising from alleged violations or frauds upon the revenue laws shall be compromised or discontinued without the assent of the district attorney of the United States for the district in which such proceeding is pending, or of the Attorney General of the United States; and such assent shall in all cases assign the reasons for such compromise or discontinuance, and shall be indorsed upon the papers in the case and shall be preserved in the files of the court.

Mr. SLOAN. I move to amend by striking out all after the word "discontinued."

Mr. HALE. I move to amend the part stricken out by inserting after the words "Attorney General of the United States" the words "and with the approval of the court in which the action is pending."

The amendment of Mr. HALE was agreed to.

The question recurred on the amendment of Mr. SLOAN, and it was disagreed to.

The question recurred on the amendment of Mr. SHELLABARGER, as amended, and it was agreed to.

Mr. DARLING. I move to add the following as a new section:

SEC. —. *And be it further enacted*, That an informer on furnishing satisfactory security to the court for the appearance of himself or his witnesses, and also for the costs and expenses of the proceedings, shall have the right to prosecute in the name of the United States, notwithstanding any refusal or neglect of any collector so to do, and upon furnishing the security as aforesaid the same proceedings shall be had as if the collector had authorized them, but without responsibility to him, and the proceedings shall be thenceforward under the control of the district attorney.

The amendment was agreed to.

Mr. HIGBY. I move the following as an additional section:

SEC. —. *And be it further enacted*, That section three of the act of March 3, 1865, amendatory of the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, be amended by adding at its close as follows: *Provided, also*, That the Secretary of the Treasury may allow, by special instructions, the salary of any assessor, assistant assessor, or other officer of internal revenue, to be paid by the collector of the district, and the amount so paid to be deducted from the full amount of money otherwise required to be paid daily by such collector into the Treasury of the United States.

The amendment was disagreed to.

Mr. LYNCH. I move to add the following as a new section:

SEC. —. *And be it further enacted*, That from and after the passage of this act canned and preserved shell-fish shall be exempt from internal tax.

The amendment was disagreed to.

Mr. ROSS. I move to insert the following as a new section:

SEC. —. *And be it further enacted*, That all incomes exceeding $20,000 shall hereafter be taxed at the rate of ten per cent. per annum, anything in this act or the acts to which this is amendatory to the contrary notwithstanding.

Mr. MORRILL. I raise the question of order, that this amendment has been once offered and voted down.

The CHAIRMAN. The Chair overrules the point of order. This particular amendment has not been before the committee.

The amendment was disagreed to—ayes 39, noes 69.

Mr. HILL. I offer the following amendment as a new section:

SEC. —. *And be it further enacted*, That whenever any claimant shall file, or who has already filed, a claim for the refunding of any tax or duty which has been erroneously or illegally assessed and collected, it shall be the duty of the Commissioner of Internal Revenue to notify by mail said claimants, or his duly appointed attorney, the disposition made of said claim, whether allowed, suspended, or rejected, with the cause of such suspension or rejection.

The amendment was disagreed to—ayes 25, noes 71.

Mr. MILLER. I move to insert the following as a new section:

SEC. —. *And be it further enacted*, That it shall be lawful for any person interested in any instrument of writing to place thereon and cancel the necessary revenue stamps.

The amendment was disagreed to.

Mr. DARLING. I offer the following as an additional section:

Be it further enacted, That any person who shall sell any empty cigar box or boxes, which have been stamped, without first removing such stamp, or shall refill any such cigar-boxes without first removing such stamp shall, on conviction of each offense, be liable to a penalty of $100, or to imprisonment not exceeding sixty days, or both, in the discretion of the court, with the costs of trial; and it shall not be lawful for any inspector or revenue officer to destroy any empty cigar box upon which a cigar stamp shall be found.

The amendment was agreed to.

Mr. LAWRENCE, of Ohio. I move to amend the bill by adding as a new section, the following:

And be it further enacted, That a reduction of twenty per cent. shall be, and is hereby, made upon the salaries and compensation allowed by existing laws to collectors of internal revenue, assessors and assistant assessors.

Upon that amendment I demand tellers.

Tellers were refused; and the amendment was disagreed to.

Mr. NIBLACK. I desire to ask what disposition has been made of the amendment offered a few minutes ago, allowing any person interested in a paper to place a stamp upon it and to cancel the stamp?

The CHAIRMAN. That amendment was rejected.

Mr. NIBLACK. I think the House did not understand that amendment.

The CHAIRMAN. Debate is not in order.

Mr. NIBLACK. I move to reconsider the vote upon that amendment.

The CHAIRMAN. That motion is not now in order in committee.

Mr. DARLING. I move to add the following as a new section:

Be it further enacted, That the dealers of any lotteries shall give bonds in the sum of $2,000 that the person paying such tax shall not sell any ticket or supplementary ticket of any lottery which has not been duly stamped according to law, and that he shall pay the tax imposed by law upon the gross receipts of his sales.

The amendment was agreed to.

Mr. RADFORD. I offer the following as a new section:

Be it further enacted, That all articles placed on the free list shall be taxed one per cent. from and after June 1, 1868.

The amendment was disagreed to.

Mr. TRIMBLE. I offer the following as an additional section:

And be it further enacted, That the tax on distilled spirits shall hereafter be one dollar per gallon; and all laws in conflict with this section are hereby repealed.

Mr. GARFIELD. I rise to a point of order. We have already voted upon that proposition and have voted it down.

The CHAIRMAN. The Chair overrules the point of order. The precise question here presented has not been before the committee.

Mr. HOOPER, of Massachusetts. I rise to a point of order. The committee have already voted that the tax on whisky shall be two dollars per gallon; and therefore this amendment cannot now be offered.

The CHAIRMAN. The Chair overrules the point of order.

Mr. LE BLOND. I suggest that we reserve this question for a vote in the House. [Cries of "Order!" "Order!"]

The question was taken; and there were—ayes 44, noes 79.

So the amendment was disagreed to.

Mr. MORRILL. I move that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BOUTWELL reported that the Committee of the Whole on the state of Union, pursuant to the order of the House, had had under consideration the Union generally, and particularly the special order, being House bill No. 1161, to amend existing laws relating to internal revenue, and had directed him to report the same to the House with sundry amendments thereto.

Mr. LE BLOND. I rise to a question of order. In Committee of the Whole a proposition was pending reducing the rate of tax on whisky to one dollar, a vote was taken upon it, but no quorum voted, the Chairman so announcing. Pending that vote a motion was made and carried that the committee rise and report the bill with the amendments of the Committee of the Whole thereto. Now, I would inquire if that does not bring the question into the House so as to enable us take a vote upon it in the House, the proposition in regard to the tax on whisky being pending and undetermined when the committee arose?

The SPEAKER. If the member from Ohio [Mr. LE BLOND] makes the point of order that less than a quorum reported the bill to the House, then the question would have to be submitted to the House. The Chair, however, cannot take cognizance of what was done in Committee of the Whole beyond what is reported to him by the Chairman.

Mr. LE BLOND. A division by tellers was called for in Committee of the Whole on the proposition to reduce the tax on whisky; but the Chairman did not appear to recognize the call.

Mr. BOUTWELL. I only desire to say that I did not hear any demand for tellers on the last vote.

Mr. MORRILL. Before I call for the previous question I will state that I understand my colleague on the Committee of Ways and Means [Mr. HOOPER] agreed in Committee of the Whole that the gentleman from Ohio [Mr. SCHENCK] should have an opportunity in the House to offer an amendment in relation to the tax on tobacco and cigars. I now yield to him for that purpose.

Mr. SCHENCK. I move to amend the bill as reported by the Committee of Ways and Means by inserting what I send to the Clerk's desk in lieu of the following portion of the bill:

Also, strike out all from the words "cigarettes or small cigars," in the first paragraph relating to cigars, down to and including the words "twenty per cent. *ad valorem* on the market value thereof," in the last

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paragraph relating to cigars, and inserting in lieu thereof the following:

On cigarettes, cigars, and cheroots of all descriptions, made of tobacco or any substitute therefor, the market value of which, including the tax, is not over eight dollars per thousand, a tax of two dollars per thousand; when exceeding eight dollars per thousand in market value, including the tax, a tax of eight dollars per thousand.

The Clerk read as follows:

Insert the following in lieu of the part proposed to be stricken out:

Strike out from the third paragraph of the law relating to cheroots, cigarettes, and cigars, these words, "on all cheroots, cigarettes, and cigars, the market value of which is over twelve dollars per thousand, a tax of four dollars per thousand, and, in addition thereto, twenty per cent. *ad valorem* on the market value thereof," and insert the following: "on all cheroots, cigarettes, and cigars, the market value of which is over twelve dollars per thousand, a tax of four dollars per thousand and, in addition thereto, twenty per cent. *ad valorem* on the excess over twelve dollars of the market value thereof."

Mr. SCHENCK. I merely desire to say that the amendment which I now propose, if adopted, will make the law what the House proposed at the last session it should be.

Mr. DEMING. I do not understand that there was any agreement in Committee of the Whole that this amendment should be offered in the House.

The SPEAKER. It was an agreement between the Committee of Ways and Means and the gentleman from Ohio, [Mr. SCHENCK.]

Mr. ELDRIDGE. Is such an agreement as that binding upon the House?

The SPEAKER. It is not; but the gentleman from Vermont [Mr. MORRILL] can yield to allow the amendment to be offered.

Mr. MORRILL. I desire to say to members that an opportunity will be offered for any gentleman to call a separate vote upon any amendment which he desires to reserve for a separate vote. After these amendments have been indicated I will ask that the other amendments be voted upon in gross.

Mr. ROSS. Will the gentleman from Vermont [Mr. MORRILL] allow a separate vote to be taken upon the question of increasing the tax upon all incomes over $20,000? There are many of us who desire to record our votes on that question.

Mr. MORRILL. That is not in the bill in the shape of an amendment.

Mr. SCHENCK. I desire to state that when I offered my amendment in Committee of the Whole there was a division, and the vote stood —ayes 26, noes 39; no quorum voting. A further vote which might have resulted in showing that there was no quorum present, was not insisted upon on the distinct understanding that I should be allowed to offer my amendment in the House and have a vote upon it. We certainly would not have allowed the question to go against this amendment without such an understanding.

Mr. MYERS. I desire to state my recollection of this matter; but before doing so I will ask the Chair if this amendment of the gentleman from Ohio [Mr. SCHENCK] is adopted, will it not take the place of the five-dollar tax as proposed by me?

Mr. SCHENCK. It will.

Mr. MYERS. When my amendment was offered in Committee of the Whole, a vote was taken by division, and tellers were called for.

The SPEAKER. The Chair will inform the gentleman from Pennsylvania [Mr. MYERS] that it is not material what the vote was in Committee of the Whole, because the gentleman from Vermont [Mr. MORRILL] can yield to any gentleman to offer an amendment, if he sees fit to do so, without regard to any understanding which was had in Committee of the Whole.

Mr. MYERS. As the gentleman from Ohio has been permitted to make a statement, I trust I may be allowed to do the same. When the vote was taken upon my amendment no quorum voted, and the House took a recess. When the House again assembled I stated distinctly that if members would withdraw their objections to my amendment and allow a vote to be taken upon it in the House I would not press the question. That request was refused, the vote was taken, and my amendment was adopted.

The gentleman forced us into that, and the amendment prevailed. I want to say that is my recollection of it.

Mr. MORRILL demanded the previous question.

The SPEAKER. The Chair will state to the gentleman from Ohio [Mr. SCHENCK] and the gentleman from Pennsylvania [Mr. MYERS] that the amendment of the Committee of the Whole on the state of the Union is to strike out, and the amendment of the gentleman from Ohio is to perfect, the section. If the gentleman's amendment be adopted then the question will recur on striking out the paragraph as amended.

The previous question was seconded and the main question ordered.

Mr. MORRILL. Mr. Speaker, in rising to close the debate under the rules I shall not trespass upon the time of the House longer than to explain some of the amendments on which I shall ask for a separate vote.

The first amendment is on page 8 in reference to licenses; on that subject the Committee of the Whole have reduced the amount proposed in the original bill from $500 to $100. I trust it will be the will of the House to restore it to what it was originally when reported from the Committee of Ways and Means. That course will be taken if it is the purpose to use all legitimate means to collect the whisky tax.

The next one on which I shall ask for a separate vote is the seventeenth on page 8. The wit of the gentleman from Ohio [Mr. SCHENCK] is always very good, but I submit to the House that we had better not enact practical jokes. This seems to be a practical joke, to except hominy and sauerkraut, and I hope the amendment will be non-concurred in.

The next amendment is number twenty-five, on page 9, in relation to cigars. Now, Mr. Speaker, the evidence in the possession of the office of the internal revenue at Washington, the evidence of every expert throughout the country and of assessors and collectors is in favor of one uniform rate of tax on cigars, and that unless we have that uniform rate we shall forego more than one half, if not two thirds, of the revenue from this source. I do submit after we have tried the experiment and found that discriminating rates and *ad valorem* rates are a total failure we should adhere to the principle of a single rate. The testimony, as I have said, of all the experts is that discriminating and *ad valorem* rates are a total failure. I do not know of a single one I have ever met having a different opinion on this subject.

The next is the fifty-fifth amendment on page 14. In the clause in reference to water pipe the words "metal excepted" are inserted. It will be found that makes nonsense of the proposition and ought to be excluded.

The fifty-eighth amendment on page 14 is the next, and is in relation to leather. I understand the Committee of the Whole have stricken out the provision by which leather was exempted and inserted in lieu of it "boots and shoes." If the member who made the amendment is really in favor of lessening the cost of boots and shoes he would I think better accomplish his purpose by exempting leather, for two thirds of the cost of boots and shoes consists in the cost of the raw material. Sixty-five or seventy per cent. is included in leather. On boots and shoes a tax of two per cent. now exists, while there is a tax of five per cent. on leather; so that to relieve leather from the tax would lessen the cost of shoes and boots more than to remove it directly from shoes and boots. Beside that, we accomplish a wider and better purpose by exempting leather in order to escape the duplication of taxes. Leather goes into consumption in various forms, in carriages, harness, in belting for machinery, and so on; and it is an inevitable subject of the duplication of taxes everywhere. If we exempt it in the simple form in the raw material then we escape the objection of duplication of tax.

And there is still another reason. The manufacture of leather, the currying and dressing of leather, is a business that pervades the whole country. Perhaps it is the most equally distributed of any business in the United States; whereas the boot and shoe business is confined more to a locality, and to a locality that will regard it as a greater favor to have leather exempted than to have the tax taken off of boots and shoes. We have had heretofore an export trade in boots and shoes, but after we levied a tax on leather without drawback the whole export trade has been cut off root and branch.

The next amendment is the sixty-first on page 14. I start with the fact that we have exempted the manufacture of flax and hemp from any tax. The manufacture of jute is of a lower class than flax and hemp, and if we exempt flax and hemp this inferior article for bagging for grain and other articles should also be exempted. I trust the House will concur in restoring the provision as it stood, and exempt the manufacture of jute.

The next amendment on which I wish to ask a separate vote is the seventy-eighth, on page 15, in relation to cotton. I confess my surprise at this amendment. I cannot believe it was understood in any part of the House. The amount of revenue derived from this article last year was between eighteen and nineteen million dollars. I have no question that another season it will be a very much larger sum. We consume in this country about one fourth part of the usual average crop. Three fourths of it is carried abroad. If this provision is to prevail, all I can say is that we should strike out every other article which we have exempted, for we have gone as far as it is prudent in the amount of our exemptions, and the question arises whether we shall exempt all the articles which we have already included in the bill or this one single article. It is the only article upon which we derive any considerable amount of revenue from the entire southern rebel States. Take, for instance, Mississippi. I believe we get from the tax on income from that State only sixty dollars; and yet our own growers of wool for every dollar's worth which they sell over and above $1,000 have to pay a tax of five per cent.

Mr. LAWRENCE, of Ohio. I would be glad if the chairman of the Committee of Ways and Means would state to the House how much revenue we will derive from the southern States in case the tax is removed from cotton.

Mr. MORRILL. The tax which we derive from those States from all sources including stamp tax and every other, but excluding the tax on cotton, is between four and five million dollars. I think the House fully understands this question—that it is not an oppressive tax. I have no question but what with the provision that we have adopted in relation to drawbacks the southern States themselves, when they shall be restored, will be in favor of the continuance of this tax if they can have a drawback on manufactured goods and yarns when exported. Why, sir, at the present moment there is more enterprise and vigor in starting cotton establishments in the South than in relation to any other industrial employment in the whole country.

And let me state another fact, that this tax, instead of diminishing the amount of our exports, will inevitably increase them. If gentlemen will look at the amount of cotton manufactured by England and sent abroad in the shape of cotton yarn, they will find that it amounts to many hundred million pounds. Now, if this tax shall continue, instead of our sending abroad the present large amount of cotton in its raw unmanufactured state, we shall in a very brief time send a very large portion of it abroad in the shape of cotton yarn and coarse heavy fabrics, and thereby double the amount of the value of our exports of cotton.

Mr. BLAINE. Do they not get a drawback on the whole?

Mr. MORRILL. No, sir; only the amount exported.

Mr. BLAINE. Will the gentleman allow me to ask him whether, according to the present

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construction of the internal revenue department, cotton is taxed as manufactured within the district where it is grown?

Mr. MORRILL. Certainly.

Mr. BLAINE. Is not the tax dependent upon its removal?

Mr. MORRILL. Not at all. I understand all cotton that is manufactured anywhere in this country must pay a tax; but if the manufactured article goes out of the country unmixed with anything else it is allowed the same amount per pound as drawback as was paid on the raw cotton, which will be a loss to the party of about fifteen per cent., the Government deriving the entire amount of duty upon the cotton in its raw unmanufactured state, and paying back only that amount after the loss to which the article is subjected in the process of manufacture.

Mr. BLAINE. That is not my point; but it is whether or not the cotton-mill that is located near the plantation, and to which the cotton has to be removed, pays any tax upon the raw cotton?

Mr. MORRILL. Certainly.

Mr. BLAINE. The law, I understand, is construed differently.

Mr. MORRILL. If the gentleman will read it he can construe it himself.

Mr. BLAINE. I do not construe it that way, but I ask whether the practice is not to construe it thus?

Mr. MORRILL. Not that I am aware of.

Mr. CONKLING. Such a construction would be right in the teeth of the law.

Mr. ROLLINS. I desire to ask the gentleman whether, if the tax is taken off cotton, the whole amount of revenue collected in the southern States will pay the expense of collecting it? I understand it will not; that all the ten States together will not pay as much by a million dollars as the little State of Rhode Island. And while I am up I ask the gentleman's permission to submit the following table, taken from the Commissioner's report, verifying the fact I have stated:

Statement of internal revenue taxes collected in the rebel States for 1866, *as per Commissioner's report.*

States.	Total Tax.	Cotton Tax.	Other sources.
Alabama	$4,101,340 81	$3,733,620 25	$367,720 56
Arkansas	256,137 12	203,073 84	53,063 28
Florida	98,215 22	97,488 24	726 98
Georgia	4,284,918 28	3,554,544 38	730,373 90
Louisiana	6,055,219 75	4,300,150 17	1,755,069 57
Mississippi	781,261 03	756,629 27	24,631 76
North Carolina	413,015 46	211,658 57	201,356 89
South Carolina	986,253 35	731,939 67	254,313 68
Texas	1,571,540 85	1,395,524 17	176,016 68
Virginia	1,151,847 19	168,268 29	983,578 90
Total	19,699,749 05	15,152,896 85	4,546,852 20

So that by the operation of the amendment of the gentleman from Maine the tax of the ten rebel States is reduced to $4,546,852 20, or more than $1,200,000, less than the small State of Rhode Island. This amount distributed through the ten States would hardly pay the expenses of collection, and it would be as well to except those States from the operation of the internal revenue laws. If this amendment is to stand it might be appropriately entitled "An act to increase taxation in the loyal for the benefit of the rebel States."

Mr. MORRILL. All I have to say further upon this subject is that I conceive it better that the bill should fail than that this tax should be stricken out.

The next amendment upon which I ask a separate vote is No. 80, on page 16, in relation to exempting the products of hand-looms. While I sympathize with the manufacturers of two-ply and three-ply carpets, I doubt the propriety of putting in this amendment, especially in its present form. I do not feel authorized to state how far this would go or how much it would exempt; but I certainly think it would exempt very much more than what appears upon the simple face of the amendment. I regret that the old hand-loom and hand-spinning-wheel have gone out of date; that we have no longer the pursuit of the art of what used to be called home manufacture in every house, and that the hand-looms referred to in this amendment are now employed in large establishments where it is found necessary or practicable to use them. For aught I know, the same description of goods may be made by steam-power. I hardly conceive it proper, therefore, for us to make a provision that articles shall be subject to a tax if made in one way, and shall be exempt from it if made in another way.

The amendment on page 8 in relation to taxing gas companies I wish also reserved, and these I believe are all.

Mr. DELANO. I desire a separate vote on the one hundred and twenty-seventh amendment, which provides that where whisky is taken upon giving bonds to the assessor it shall be restored, and the question shall be referred to the courts. It is a new section. The same principle was attempted to be introduced into the bill last winter applying to everything, and it was defeated. It certainly ought not to be applied to this article, for the only way that we can attempt to collect this tax is by the most stringent laws we can enact.

Mr. STEVENS. I hope the gentleman from Vermont will allow me one minute.

Mr. MORRILL. I would be glad to do so; but I am besieged on all sides.

Mr. STEVENS. It is in relation to the tax on cigars. The present law cuts up all our cigar interest. It is just a New England cigar-box. [Laughter.]

Mr. SCHENCK. I understand the gentleman from Vermont to declare himself in favor of a dead-level tax on cigars, as we term it. I ask him whether he proposes to abandon his own bill, which provides for a classification? It is the amendment of the gentleman from Pennsylvania [Mr. MYERS] which proposes a dead-level tax. What I propose is to let the law, which has never been fairly tried, remain as it is, and merely apply a twenty per cent. *ad valorem*.

Mr. MORRILL. I do propose to stand by the bill which we have reported from the Committee of Ways and Means.

Mr. SCHENCK. Then what does the gentleman mean by an argument in favor of a dead-level tax, which is not his bill?

Mr. MORRILL. What I meant was that I was in favor of a dead-level tax but as a compromise with the gentleman from Ohio and others. I was willing that the cigars of the cheapest kind should come in at a very low rate. And in response to the gentleman from Pennsylvania I will say that the information before the Committee of Ways and Means is that frauds are more extensively practiced in the gentleman's district than in any other in the Union.

Mr. STEVENS. All I can say is that in my district the dead-level tax cuts up the whole trade. We lose over a million dollars in my own county by this infamous tax.

Mr. BIDWELL. I ask a separate vote on the amendment in relation to brandy made from grapes, on page 10.

Mr. HOOPER, of Massachusetts. I ask for a separate vote on all the amendments after No. 122, including all the new sections that came in this morning.

Mr. GARFIELD. I ask a separate vote on the amendment on page 15, line sixty-seven, striking out the words "locomotives and marine" before the word "engines."

The rest of the amendments in which separate votes were not demanded were agreed to.

The House then proceeded to vote upon the amendments of the Committee of the Whole, upon which separate votes had been asked.

The first amendment was to strike out the following, in lines forty-five and forty-six of the bill:

In paragraph sixteen, strike out "$100" and insert in lieu thereof "$500."

The question was taken; and upon a division there were—ayes 33, nays 67.

Before the result was announced,

Mr. WARD, of Kentucky, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 67, nays 78, not voting; 45; as follows:

YEAS—Messrs. Ancona, Anderson, Arnell, Delos R. Ashley, Baker, Bergen, Boyer, Bromwell, Buckland, Campbell, Cooper, Dawson, Defrees, Eldridge, Farquhar, Finck, Glossbrenner, Goodyear, Hale, Aaron Harding, Harris, Hawkins, Hise, Hogan, Hooper, Edwin N. Hubbell, Humphrey, Hunter, Ingersoll, Kerr, Koontz, George V. Lawrence, Le Blond, Leftwich, Loan, Marshall, Maynard, McCullough, McKee, Miller, Moorhead, Newell, Niblack, Nicholson, Noell, Orth, Paine, Samuel J. Randall, William H. Randall, Ritter, Rousseau, Shanklin, Spalding, Stevens, Stilwell, Stokes, Strouse, Taber, Nathaniel G. Taylor, Nelson Taylor, Thornton, Trimble, Trowbridge, Andrew H. Ward, Henry D. Washburn, Williams, and Wright—67.

NAYS—Messrs. Allison, Ames, James M. Ashley, Baldwin, Banks, Baxter, Beaman, Bidwell, Blaine, Boutwell, Brandegee, Broomall, Reader W. Clarke, Cobb, Conkling, Cook, Cullom, Darling, Davis, Dawes, Deming, Dixon, Dodge, Eggleston, Eliot, Ferry, Garfield, Grinnell, Griswold, Henderson, Higby, Holmes, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Jenckes, Julian, Kasson, Kelley, Kelso, Ketcham, William Lawrence, Longyear, Marvin, McRuer, Mercur, Morrill, Morris, Moulton, Myers, O'Neill, Patterson, Perham, Pike, Pomeroy, Price, Raymond, Alexander H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Thayer, John L. Thomas, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Wentworth, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—78.

NOT VOTING—Messrs. Alley, Barker, Benjamin, Bingham, Blow, Bundy, Chanler, Sidney Clarke, Culver, Delano, Denison, Donnelly, Driggs, Dumont, Eckley, Farnsworth, Abner C. Harding, Hart, Hayes, Hill, Asahel W. Hubbard, Hulburd, Jones, Kuykendall, Laflin, Latham, Lynch, Marston, McClurg, McIndoe, Phelps, Plants, Radford, John H. Rice, Rogers, Ross, Sitgreaves, Sloan, Starr, Francis Thomas, Robert T. Van Horn, Elihu B. Washburne, Welker, Whaley, and Winfield—45.

So the amendment was not agreed to.

The next amendment was to amend lines forty-eight and forty-nine of the bill, so as to read as follows:

Provided, That no special tax shall be required of any person for the manufacture of hominy, brooms, cider, bread, butter, sausages, sauerkraut, wine, and cheese.

The amendment was not agreed to.

The next amendment was to strike out lines fifty-four, fifty-five, and fifty-six, as follows:

Strike out in the paragraph relating to gas the words "and until the 30th day of April, 1867."

The question was taken; and upon a division there were—ayes 55, noes 41.

Before the result of the vote was announced,

Mr. MORRILL called for tellers.

Mr. EGGLESTON. I call for the yeas and nays on agreeing to this amendment.

Mr. MORRILL. I would ask the Speaker to state to the House the effect of this amendment.

The SPEAKER. The Chair would prefer that the chairman of the Committee of Ways and Means should state the subject of it, as he is probably more familiar with the subject.

Mr. RANDALL, of Pennsylvania. I object. Debate is not in order. I prefer to have the Speaker explain it.

Mr. HALE. I rise to a question of order. I ask if it would be in order for the Chair to state to the House that those who vote "ay" on this amendment will vote for allowing gas companies to continue to charge their tax over to the consumer, while those who vote "no" will vote for preventing them from doing so?

Mr. GARFIELD. The gentleman has stated it exactly opposite to what it really is. [Laughter.]

The SPEAKER. The Chair will state, if gentlemen desire it, especially as tellers and the yeas and nays have both been called, what the effect of this amendment will be, as I understand it. Under the provisions of a previous tax bill gas companies were allowed the privilege of adding the tax paid to the Government in their bills against consumers of the gas, up to the 30th day of April, 1867. This bill, as reported from the Committee of Ways and Means, proposed to strike out that limitation of time, so that hereafter the companies should be allowed to charge that tax over to the consumers without any limit. The Committee of the Whole recommend that that paragraph be

stricken out, the effect of which would be to restore the limitation as existing in the present law. So that an "ay" vote would require the companies to pay the tax themselves, while a "no" vote would allow them to charge it over to their customers.

Mr. SCHENCK. In brief, "ay" is for the people, and "no" for the gas companies.

The question was upon ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 99, nays 52, not voting 39; as follows:

YEAS—Messrs. Alley, Allison, Ancona, Anderson, Delos R. Ashley, Baker, Banks, Baxter, Beaman, Bidwell, Bingham, Boutwell, Boyer, Brandegee, Bromwell, Buckland, Bundy, Campbell, Reader W. Clarke, Cobb, Cook, Cooper, Dawson, Defrees, Deming, Donnelly, Eggleston, Eldridge, Ferry, Finck, Glossbrenner, Goodyear, Grinnell, Aaron Harding, Abner C. Harding, Hawkins, Henderson, Hill, Hise, Hogan, Holmes, Chester D. Hubbard, Edwin N. Hubbell, James R. Hubbell, Humphrey, Hunter, Julian, Kerr, Ketcham, Koontz, George V. Lawrence, William Lawrence, Leftwich, Marshall, Maynard, McKee, McRuer, Miller, Morris, Moulton, Newell, Niblack, Nicholson, Noell, Orth, Patterson, Perham, Phelps, Samuel J. Randall, Ritter, Rollins, Ross, Rousseau, Sawyer, Schenck, Shanklin, Shellabarger, Stevens, Stilwell, Stokes, Strouse, Nathaniel G. Taylor, Nelson Taylor, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Upson, Van Aernam, Burt Van Horn, Andrew H. Ward, Warner, Henry D. Washburn, Welker, Wentworth, Whaley, Williams, and James F. Wilson—99.

NAYS—Messrs. Ames, James M. Ashley, Baldwin, Barker, Bergen, Broomall, Chanler, Conkling, Cullom, Darling, Davis, Dawes, Delano, Dixon, Dodge, Eliot, Garfield, Griswold, Hale, Higby, Demas Hubbard, Ingersoll, Jenckes, Kasson, Kelley, Kelso, Laflin, Loan, Longyear, Marvin, McCullough, Mercur, Moorhead, Morrill, Myers, O'Neill, Pike, Pomeroy, Price, Raymond, Alexander H. Rice, John H. Rice, Scofield, Sitgreaves, Spalding, Starr, Thayer, Hamilton Ward, William B. Washburn, Stephen F. Wilson, Windom, and Woodbridge—52.

NOT VOTING—Messrs. Arnell, Benjamin, Blaine, Blow, Sidney Clarke, Culver, Denison, Driggs, Dumont, Eckley, Farnsworth, Farquhar, Harris, Hart, Hayes, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Jones, Kuykendall, Latham, Le Blond, Lynch, Marston, McClurg, McIndoe, Paine, Plants, Radford, William H. Randall, Rogers, Sloan, Taber, Robert T. Van Horn, Elihu B. Washburne, Winfield, and Wright—39.

So the amendment was agreed to.

Mr. RANDALL, of Pennsylvania, moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL AND JOINT RESOLUTIONS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolutions and a bill of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 275) to extend the time for the use of certain vessels for quarantine purposes at the port of New York;

Joint resolution (H. R. No. 252) to permit Captain John A. Webster, jr., of the steamer Mahoning, to receive from the Government of Great Britain a gold chronometer; and

An act (H. R. No. 900) to fix the compensation of the officers of the revenue-cutter service, and for other purposes.

DIPLOMATIC APPROPRIATION BILL.

Mr. STEVENS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 904) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1868, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate numbered "one," and agree to the same, with an amendment as follows:

Insert in line fourteen after "dollars," *Provided*, That no money shall be paid to the present minister-resident at Portugal out of any fund whatever, and this provision shall continue in force until repealed by Congress.

That the Senate recede from their amendment numbered "two."

THADDEUS STEVENS,
N. P. BANKS,
Managers on the part of the House.
CHARLES SUMNER,
GEORGE G. FOGG,
REVERDY JOHNSON,
Managers on the part of the Senate.

The report was agreed to.

Mr. STEVENS moved to reconsider the vote by which the report was agreed to, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX BILL—AGAIN.

The SPEAKER. The next amendment, on which a separate vote has been demanded, is that in regard to cigars. The amendment reported from the Committee of the Whole on the state of the Union will be read.

The Clerk read as follows:

Strike out the following, beginning after the word "therefor," in line ninety-three, page 9, of the printed bill:

"The market value of which, including the tax, is not over eight dollars per thousand, a tax of two dollars per thousand; when exceeding eight dollars per thousand, in market value, including the tax, a tax of eight dollars per thousand;" and insert in lieu thereof the words "five dollars per thousand;" so that the paragraph will read:

On cigarettes, cigars, and cheroots of all descriptions, made of tobacco or any substitute therefor, five dollars per thousand.

The SPEAKER. This is the amendment adopted in the Committee of the Whole on the state of the Union, on the motion of the gentleman from Pennsylvania, [Mr. MYERS.] In the House the gentleman from Ohio [Mr. SCHENCK] has moved an amendment, which will be read.

The Clerk read as follows:

Strike out the entire paragraph and insert the following:

Strike out from the third paragraph of the law relating to cheroots, cigarettes, and cigars, these words: "On all cheroots, cigarettes, and cigars, the market value of which is over twelve dollars per thousand, a tax of four dollars per thousand, and, in addition thereto, twenty per cent. *ad valorem* on the market value thereof;" and insert in lieu therof the following:

On all cheroots, cigarettes, and cigars, the market value of which is over twelve dollars per thousand, a tax of four dollars per thousand, and, in addition thereto, twenty per cent. *ad valorem* on the excess over twelve dollars of the market value thereof.

The SPEAKER. The first question is upon the amendment reported from the Committee of the Whole on the state of the Union.

Mr. MORRILL. I desire to propound an inquiry to the Chair: if both these amendments should be voted down, would not the bill stand as reported by the Committee of Ways and Means?

The SPEAKER. If both amendments should be rejected, the printed bill would remain in this respect as reported by the Committee of Ways and Means.

Mr. STEVENS. And if the amendment reported from the Committee of the Whole should be adopted, it will still be competent for the House to adopt the amendment of the gentleman from Ohio, [Mr. SCHENCK?]

The SPEAKER. It will.

Mr. STEVENS. Otherwise the New England bill stands. [Laughter.]

On agreeing to the amendment reported from the Committee of the Whole on the state of the Union there were—ayes 72, noes 28.

Mr. ALLISON called for the yeas and nays.

The yeas and nays were not ordered.

So the amendment was agreed to.

The question recurred on the amendment of Mr. SCHENCK.

Mr. SCHENCK called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 66, nays 87, not voting 37; as follows:

YEAS—Messrs. Allison, Ancona, Anderson, Arnell, Baker, Barker, Boyer, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Cooper, Cullom, Dawson, Delano, Eldridge, Finck, Garfield, Glossbrenner, Goodyear, Grinnell, Aaron Harding, Abner C. Harding, Harris, Hawkins, Hill, Hooper, Chester D. Hubbard, James R. Hubbell, Ingersoll, Kerr, Koontz, Kuykendall, George V. Lawrence, William Lawrence, Le Blond, Leftwich, Marshall, Maynard, McClurg, McKee, Miller, Moorhead, Niblack, Paine, Price, Radford, Samuel J. Randall, William H. Randall, Ritter, Ross, Sawyer, Schenck, Shanklin, Shellabarger, Stevens, Stokes, Strouse, Nathaniel G. Taylor, Thornton, Trimble, Andrew H. Ward, Henry D. Washburn, Whaley, and Winfield—66.

NAYS—Messrs. Alley, Ames, Baldwin, Banks, Baxter, Beaman, Bergen, Bidwell, Boutwell, Brandegee, Broomall, Buckland, Campbell, Conkling, Darling, Davis, Dawes, Defrees, Deming, Dixon, Dodge, Donnelly, Eggleston, Eliot, Farquhar, Griswold, Hale, Higby, Holmes, Hotchkiss, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, Humphrey, Hunter, Jenckes, Julian, Kasson, Kelley, Kelso, Ketcham, Laflin, Loan, Longyear, Marvin, McCullough, McRuer, Mercur, Morrill, Morris, Myers, Newell, Nicholson, Noell, O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Raymond, Alexander H. Rice, Rollins, Scofield, Sitgreaves, Spalding, Starr, Taber, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, Windom, Woodbridge, and Wright—87.

NOT VOTING—Messrs. Delos R. Ashley, James M. Ashley, Benjamin, Bingham, Blaine, Blow, Bromwell, Chanler, Culver, Denison, Driggs, Dumont, Eckley, Farnsworth, Ferry, Hart, Hayes, Henderson, Hise, Hogan, Asahel W. Hubbard, Hulburd, Jones, Latham, Lynch, Marston, McIndoe, Moulton, Phelps, Plants, John H. Rice, Rogers, Rousseau, Sloan, Stilwell, Robert T. Van Horn, and Elihu B. Washburne—37.

So the amendment of Mr. SCHENCK was not agreed to.

The next amendment was the following:

Page 14, at the end of line thirty-one insert "metal excepted;" so it will read:

Drain, gas, and water pipe made of wood, iron, cement, or any other material, metal excepted.

The amendment was non-concurred in.

The next amendment was the following:

Strike out the following on page 14:

"Leather of all descriptions, and goat, calf, kid, sheep, horse, hog, and dog skins, tanned or partially tanned, curried, finished, or in the rough;" and in lieu thereof insert the following:

Boots and shoes, shoe-strings, shoe-bindings, and gloves of leather or skin.

The House divided; and there were—ayes 30, noes 73.

Mr. HUMPHREY demanded the yeas and nays.

The yeas and nays were not ordered.

So the amendment was non-concurred in.

The next amendment was the following:

Page 14, line forty-four, strike out the following: Manufactures of jute.

The amendment was disagreed to.

The next amendment was the following:

On page 15 insert the following:

That from and after the 1st day of September, 1867, no tax shall be levied or collected on cotton grown within the United States.

Mr. DAWSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 63, nays 94, not voting 33; as follows:

YEAS—Messrs. Ancona, Anderson, Arnell, Barker, Bergen, Blaine, Boyer, Buckland, Campbell, Chanler, Cooper, Dawson, Dodge, Eggleston, Eldridge, Finck, Glossbrenner, Goodyear, Aaron Harding, Harris, Hawkins, Hise, Hogan, Chester D. Hubbard, Edwin N. Hubbell, James R. Hubbell, Humphrey, Hunter, Kerr, Kuykendall, Le Blond, Leftwich, Marshall, Maynard, McCullough, McRuer, Niblack, Nicholson, Noell, Paine, Phelps, Pomeroy, Radford, Samuel J. Randall, William H. Randall, Ritter, Ross, Rousseau, Shanklin, Sitgreaves, Stokes, Strouse, Taber, Nelson Taylor, John L. Thomas, Thornton, Trimble, Andrew H. Ward, Warner, Henry D. Washburn, Whaley, Winfield, and Wright—63.

NAYS—Messrs. Alley, Allison, Ames, James M. Ashley, Baker, Baldwin, Banks, Baxter, Beaman, Bidwell, Boutwell, Broomall, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Cullom, Darling, Dawes, Defrees, Delano, Deming, Dixon, Donnelly, Eliot, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Higby, Hill, Holmes, Hooper, Hotchkiss, John H. Hubbard, Ingersoll, Jenckes, Julian, Kelley, Kelso, Ketcham, Koontz, Laflin, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marvin, McClurg, McKee, Mercur, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Orth, Patterson, Perham, Pike, Price, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Spalding, Starr, Stevens, Thayer, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, William B. Washburn, Welker, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—94.

NOT VOTING—Messrs. Delos R. Ashley, Benjamin, Bingham, Blow, Brandegee, Bromwell, Culver, Davis, Denison, Driggs, Dumont, Eckley, Farnsworth, Hart, Hayes, Henderson, Asahel W. Hubbard, Demas Hubbard, Hulburd, Jones, Kasson, Latham, Marston, McIndoe, Moulton, Plants, Rogers, Sloan, Stilwell, Nathaniel G. Taylor, Francis Thomas, Robert T. Van Horn, and Elihu B. Washburne—33.

So the amendment was non-concurred in.

During the vote,

Mr. SHELLABARGER stated that his colleague, Mr. PLANTS, was absent on account of business.

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The vote was then announced as above recorded.

Mr. MORRILL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONKLING. I move to reconsider the several votes which have been taken.

Mr. MAYNARD. I ask for a separate vote in reference to the whisky license.

Mr. CONKLING. I move then to reconsider the vote on tobacco and cigars; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

On motion by Mr. STEVENS, by unanimous consent, the amendments of the Senate to the Indian appropriation bill were taken from the Speaker's table, and referred to the Committee on Appropriations.

MILITARY ACADEMY BILL.

Mr. SPALDING submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 912, making apropriations for the support of the Military Academy for the fiscal year ending the 30th of June, 1868, having met after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their third amendment.

That the House recede from their disagreement to the first amendment of the Senate, and agree to the same with an amendment as follows, striking out all of said amendment and inserting in lieu thereof the following as a new section, to come in at the end of the bill:

And be it further enacted, That no part of the moneys appropriated by this or any other act shall be applied to the pay or subsistence of any cadet from any State declared to be in rebellion against the Government of the United States, appointed after the 1st day of January, 1867, until said State shall have been restored to its original relations.

And the Senate agree to the same.

R. P. SPALDING,
JOHN A. KASSON,
C. A. ELDRIDGE,
Managers on the part of the House.

JOHN SHERMAN,
IRA HARRIS,
J. R. DOOLITTLE,
Managers on the part of the Senate.

The report was adopted.

Mr. SPALDING moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRILL moved that the morning session be extended till the tax bill was disposed of.

The motion was disagreed to.

The hour of half past four o'clock p. m. having arrived, the House, in pursuance to previous order, took a recess till half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

TAX BILL.

The SPEAKER stated that the House was still acting under the operation of the previous question on the amendments reported from the Committee of the Whole on the state of the Union to the tax bill, upon which separate votes had been asked.

The next amendment, upon which a separate vote was demanded, was to insert after line seventy-six, on page 16, the following:

Fabrics when the product of hand-looms when not used in penitentiaries or other penal establishments.

The amendment was agreed to.

Mr. KELLEY moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment was to strike out the twenty-second section of the bill, as follows:

SEC. 22. *And be it further enacted*, That the owner, agent, or superintendent of any distillery established as hereinbefore provided, shall erect, in a room or building to be provided and used for that purpose and for no other, two or more receiving cisterns, each to be at least of sufficient capacity to hold the spirits distilled during the day of twenty-four hours, into one of which shall be conveyed each day the spirits manufactured in said distillery during that day; and such cisterns shall be so constructed as to leave an open space of at least three feet between the tops thereof and the floor or roof above, and of not less than eighteen inches between the bottoms thereof and the floor below, and shall be separated in such a manner as will enable the inspector to pass around the same, and shall be connected with the outlet of the stills, boilers, or other vessels used for distilling, by suitable pipes or other apparatus so constructed as always to be exposed to the view of the inspector; such cisterns and the rooms in which they are contained shall be in charge of and under the lock and seal of the inspector; and on the third day after the spirits are conveyed into such cisterns the same shall be drawn off into casks or other packages under the supervision of the inspector, and shall be immediately inspected, gauged, and proved, and the casks or packages marked as herein provided shall be removed directly to the bonded warehouse before mentioned: *Provided*, That the spirits may be drawn off from said cisterns at any time previous to the third day, if so desired by the owner, agent, or superintendent of such distillery; and all locks and seals required by law shall be provided by the Secretary of the Treasury at the expense of the owner of the distillery or warehouse, and the keys shall always be in the custody of the inspector or assistant inspector, or the officer having charge of the distillery or warehouse.

Mr. McKEE demanded tellers.

Tellers were ordered; and Messrs. McKEE and GARFIELD were appointed.

The House divided; and the tellers reported—ayes 86, noes 60.

So the amendment was disagreed to.

The next amendment was to strike out in line one hundred and ten the words "on brandy made of grapes, fifty cents per gallon."

The question was put; and there were—ayes 82, noes 40; no quorum voting.

Mr. BENJAMIN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 91, nays 37, not voting 62; as follows:

YEAS—Messrs. Alley, Allison, Ames, James M. Ashley, Baker, Baxter, Beaman, Benjamin, Bingham, Boutwell, Brandegee, Bromwell, Broomall, Campbell, Sidney Clarke, Cook, Cullom, Davis, Dawes, Dawson, Defrees, Deming, Dixon, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Glossbrenner, Grinnell, Hale, Hawkins, Hill, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, John H. Hubbard, James R. Hubbell, Humphrey, Hunter, Julian, Kelley, Koontz, Kuykendall, William Lawrence, Longyear, Lynch, Marvin, McKee, Mercur, Moorhead, Morrill, Morris, Moulton, Newell, Nicholson, O'Neill, Orth, Paine, Perham, Pike, Price, William H. Randall, John H. Rice, Rollins, Ross, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Spalding, Starr, Stilwell, Stokes, Nelson Taylor, John L. Thomas, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, and Windom—91.

NAYS—Messrs. Ancona, Bergen, Bidwell, Boyer, Buckland, Reader W. Clarke, Cooper, Eggleston, Eldridge, Finck, Griswold, Aaron Harding, Abner C. Harding, Hayes, Higby, Hise, Hogan, Edwin N. Hubbell, Jenckes, Kerr, Ketcham, George V. Lawrence, Le Blond, Leftwich, Loan, Marshall, McClurg, McRuer, Niblack, Noell, Phelps, Ritter, Shanklin, Taber, Trimble, Andrew H. Ward, and Whaley—37.

NOT VOTING—Messrs. Anderson, Arnell, Delos R. Ashley, Baldwin, Banks, Barker, Blaine, Blow, Bundy, Chanler, Cobb, Conkling, Culver, Darling, Delano, Denison, Dodge, Donnelly, Driggs, Dumont, Eckley, Goodyear, Harris, Hart, Henderson, Asahel W. Hubbard, Demas Hubbard, Hulburd, Ingersoll, Jones, Kasson, Kelso, Laflin, Latham, Marston, Maynard, McCullough, McIndoe, Miller, Myers, Patterson, Plants, Pomeroy, Radford, Samuel J. Randall, Raymond, Alexander H. Rice, Rogers, Rousseau, Sitgreaves, Stevens, Strouse, Nathaniel G. Taylor, Thayer, Francis Thomas, Thornton, Robert T. Van Horn, Elihu B. Washburne, Welker, Winfield, Woodbridge, and Wright—62.

So the amendment was agreed to.

Mr. McKEE. I move to reconsider the vote by which the amendment of the Committee of the Whole on the state of the Union on pages 45 and 46 was non-concurred in. It was to strike out the following words:

In paragraph sixteen [of section seventy-nine] strike out $100, and insert in lieu thereof $500.

By striking out the paragraph the tax on distillers will be left at $100, as it is now.

Mr. UPSON. I move to lay the motion to reconsider upon the table.

Mr. MORRILL. Did the gentleman vote with the majority?

The SPEAKER. The gentleman voted with the minority, and therefore he cannot make the motion to reconsider.

Mr. BIDWELL. I voted with the majority, and I make the motion to reconsider the vote by which the amendment was disagreed to.

Mr. MORRILL. I move to lay the motion to reconsider upon the table.

Mr. KOONTZ. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 62, nays 65, not voting 63; as follows:

YEAS—Messrs. Alley, Allison, Ames, James M. Ashley, Baldwin, Baxter, Beaman, Boutwell, Brandegee, Broomall, Sidney Clarke, Cook, Davis, Dawes, Deming, Dixon, Eliot, Garfield, Grinnell, Hill, Holmes, Hotchkiss, John H. Hubbard, James R. Hubbell, Jenckes, Julian, Kelley, Ketcham, William Lawrence, Longyear, Lynch, Marvin, McRuer, Mercur, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Perham, Pike, Pomeroy, Price, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Starr, Upson, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—62.

NAYS—Messrs. Ancona, Baker, Bergen, Bidwell, Boyer, Bromwell, Buckland, Bundy, Campbell, Reader W. Clarke, Cooper, Cullom, Dawson, Defrees, Eggleston, Eldridge, Farnsworth, Farquhar, Finck, Glossbrenner, Hale, Aaron Harding, Hawkins, Hayes, Higby, Hise, Hogan, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, Humphrey, Kerr, Koontz, Kuykendall, Latham, George V. Lawrence, Le Blond, Leftwich, Loan, McClurg, McKee, Newell, Niblack, Nicholson, Noell, Orth, Paine, Phelps, Samuel J. Randall, William H. Randall, Ritter, Ross, Shanklin, Spalding, Stevens, Stilwell, Stokes, Taber, Nelson Taylor, John L. Thomas, Trimble, Andrew H. Ward, Henry D. Washburn, Whaley, and Williams—65.

NOT VOTING—Messrs. Anderson, Arnell, Delos R. Ashley, Banks, Barker, Benjamin, Bingham, Blaine, Blow, Chanler, Cobb, Conkling, Culver, Darling, Delano, Denison, Dodge, Donnelly, Driggs, Dumont, Eckley, Ferry, Goodyear, Griswold, Abner C. Harding, Harris, Hart, Henderson, Hooper, Asahel W. Hubbard, Hulburd, Hunter, Ingersoll, Jones, Kasson, Kelso, Laflin, Marshall, Marston, Maynard, McCullough, McIndoe, Miller, Patterson, Plants, Radford, Raymond, Alexander H. Rice, Rogers, Rousseau, Sitgreaves, Sloan, Strouse, Nathaniel G. Taylor, Thayer, Francis Thomas, Thornton, Trowbridge, Van Aernam, Robert T. Van Horn, Elihu B. Washburne, Winfield, and Wright—63.

So the House refused to lay the motion to reconsider on the table.

The question recurred on the motion to reconsider.

Mr. PRICE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 72, nays 65, not voting 53; as follows:

YEAS—Messrs. Ancona, Baker, Bergen, Bidwell, Bingham, Boyer, Bromwell, Buckland, Campbell, Reader W. Clarke, Cooper, Cullom, Dawson, Defrees, Eldridge, Farquhar, Finck, Glossbrenner, Hale, Aaron Harding, Abner C. Harding, Hawkins, Hayes, Higby, Hise, Hogan, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, James R. Hubbell, Humphrey, Hunter, Kerr, Koontz, Kuykendall, Latham, George V. Lawrence, Leftwich, Loan, McClurg, McKee, Mercur, Newell, Niblack, Nicholson, Noell, Orth, Paine, Phelps, Samuel J. Randall, William H. Randall, Ritter, Ross, Sawyer, Shanklin, Sloan, Spalding, Stevens, Stilwell, Stokes, Taber, Nelson Taylor, Thayer, John L. Thomas, Trimble, Andrew H. Ward, Henry D. Washburn, Whaley, Williams, and Stephen F. Wilson—72.

NAYS—Messrs. Alley, Allison, Ames, James M. Ashley, Baldwin, Baxter, Beaman, Benjamin, Blaine, Boutwell, Brandegee, Broomall, Sidney Clarke, Cobb, Conkling, Cook, Davis, Dawes, Deming, Dixon, Eggleston, Eliot, Ferry, Garfield, Grinnell, Hill, Holmes, John H. Hubbard, Jenckes, Julian, Kelley, Ketcham, Laflin, William Lawrence, Longyear, Lynch, Marvin, McRuer, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Patterson, Perham, Pike, Pomeroy, Price, Alexander H. Rice, Rollins, Schenck, Scofield, Shellabarger, Starr, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Wentworth, James F. Wilson, Windom, and Woodbridge—65.

NOT VOTING—Messrs. Anderson, Arnell, Delos R. Ashley, Banks, Barker, Blow, Bundy, Chanler, Culver, Darling, Delano, Denison, Dodge, Donnelly, Driggs, Dumont, Eckley, Farnsworth, Goodyear, Griswold, Harris, Hart, Henderson, Asahel W. Hubbard, Hulburd, Ingersoll, Jones, Kasson, Kelso, Le Blond, Marshall, Marston, Maynard, McCullough, McIndoe, Miller, Plants, Radford, Raymond, John H. Rice, Rogers, Rousseau, Sitgreaves, Strouse, Nathaniel G. Taylor, Francis Thomas, Thornton, Trowbridge, Robert T. Van Horn, Elihu B. Washburne, Welker, Winfield, and Wright—53.

So the motion to reconsider was agreed to.

The question recurred upon the amendment

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of the Committee of the Whole to strike from the bill the following:

In paragraph sixteen [of section seventy-nine] strike out "$100" and insert in lieu thereof "$500."

Mr. GARFIELD. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 73, nays 63, not voting 54; as follows:

YEAS—Messrs. Ancona, Baker, Barker, Bergen, Bidwell, Boyer, Bromwell, Buckland, Campbell, Reader W. Clarke, Cooper, Cullom, Dawson, Defrees, Eldridge, Farquhar, Finck, Glossbrenner, Hale, Aaron Harding, Hawkins, Hayes, Higby, Hill, Hise, Hogan, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, James R. Hubbell, Humphrey, Hunter, Kerr, Koontz, Kuykendall, Latham, George V. Lawrence, Le Blond, Leftwich, Loan, Maynard, McKee, Mercur, Newell, Niblack, Nicholson, Noell, Orth, Paine, Samuel J. Randall, William H. Randall, Ritter, Ross, Sawyer, Shanklin, Spalding, Stevens, Stilwell, Stokes, Taber, Nelson Taylor, Thayer, John L. Thomas, Thornton, Trimble, Andrew H. Ward, Henry D. Washburn, Whaley, Williams, James F. Wilson, and Stephen F. Wilson—73.

NAYS—Messrs. Alley, Allison, Ames, James M. Ashley, Baldwin, Baxter, Beaman, Benjamin, Bingham, Blaine, Boutwell, Brandegee, Broomall, Sidney Clarke, Cobb, Conkling, Cook, Dawes, Deming, Dixon, Donnelly, Eggleston, Eliot, Ferry, Garfield, Grinnell, Holmes, John H. Hubbard, Jenckes, Julian, Ketcham, Laflin, William Lawrence, Longyear, Lynch, Marvin, McRuer, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Patterson, Perham, Pike, Pomeroy, Price, Alexander H. Rice, Rollins, Scofield, Shellabarger, Starr, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, Windom, and Woodbridge—63.

NOT VOTING—Messrs. Anderson, Arnell, Delos R. Ashley, Banks, Blow, Bundy, Chanler, Culver, Darling, Davis, Delano, Denison, Dodge, Driggs, Dumont, Eckley, Farnsworth, Goodyear, Griswold, Abner C. Harding, Harris, Hart, Henderson, Asahel W. Hubbard, Hulburd, Ingersoll, Jones, Kasson, Kelley, Kelso, Marshall, Marston, McClurg, McCullough, McIndoe, Miller, Phelps, Plants, Radford, Raymond, John H. Rice, Rogers, Rousseau, Schenck, Sitgreaves, Sloan, Strouse, Nathaniel G. Taylor, Francis Thomas, Trowbridge, Robert T. Van Horn, Elihu B. Washburne, Winfield, and Wright—54.

The next amendment was in the clause, in the free list, relating to steam-engines and boilers, to strike out the words "locomotives and marine;" so that the clause will read "steam-engines, including boilers."

The question was taken; and upon a division there were—ayes 32, noes 28; no quorum voting.

Tellers were ordered; and Mr. MORRILL and Mr. HOOPER, of Massachusetts, were appointed.

The House again divided; and the tellers reported that there were—ages 43, noes 61.

So the amendment was not agreed to.

The next amendment was to add the following section:

SEC. — *And be it further enacted*, That whenever fraud has been or may be alleged by the Government officials to have been perpetrated by the distillers or rectifiers of distilled spirits, and the person charged denies the same and tenders to the assessor bonds with sufficient sureties, to be approved by said assessor, in double the amount of the alleged fraud, to appear at the district court of the United States for the proper district and answer the charge of fraud, either on indictment or in a civil suit, which the Government is hereby authorized to institute, and if the same be found against him, to pay the full amount of said verdict and costs, and abide the sentence of the court, then no further proceedings shall be had by the assessor or collector, but the case shall be returned to said court to be proceeded in to final judgment, as in other cases. Until such decision the defendant shall be permitted the free use of his property.

The question was taken; and upon a division there were—ayes thirteen, noes not counted.

So the amendment was not agreed to.

Mr. HOOPER, of Massachusetts. I called for a separate vote on all amendments adding sections to the bill. I now withdraw that call.

The remaining amendments of the Committee of the Whole were then agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. MORRILL. I call the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TROOPS IN UTAH.

Mr. BIDWELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Territories be instructed to inquire into the necessity of having a larger military force stationed in Utah Territory, in order to protect the people against Indian hostilities and other outrages; to preserve order when the civil authority shall fail or prove inadequate to any condition or emergency demanding such aid; and generally to secure the execution of the laws of the United States in said Territory: also what additional number of troops and what legislation, if any, are required to accomplish the objects above named, and meet the wants and condition, present as well as prospective, of said Territory.

Mr. BIDWELL. I have here a communication upon this subject from General W. B. Hazen, of the United States Army, who made a tour of inspection in that Territory last year. I ask that it be referred to the Committee on the Territories, and ordered to be printed.

The motion was agreed to.

Mr. ALLISON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW ORLEANS CUSTOM-HOUSE.

Mr. ELIOT. I am instructed by the select committee to investigate matters in connection with the New Orleans custom-house to make a report and ask to be discharged from the further consideration of the subject. I move that the report be laid on the table and printed.

The motion was agreed to.

Mr. BOYER. As a member of that committee I desire to say that there is one point in which I do not entirely agree with the majority of the committee. I therefore ask the privilege of making a minority report, or, what will answer my purpose as well, three minutes' time to state what I object to in the report.

Mr. ELIOT. I desire to say that it appears in the report, precisely in accordance with what I supposed to be the wish of the gentleman from Pennsylvania, [Mr. BOYER,] that he dissents from one of the conclusions to which the majority of the committee have arrived.

Mr. BOYER. I dissent from the fifth point in the report of the minority in relation to there not having been proper care observed in the selection of persons appointed to positions in the custom-house.

Mr. STEVENS. I hope time will not be consumed in the discussion of this matter.

Mr. ELIOT. I shall want to make a statement if the gentleman from Pennsylvania [Mr. BOYER] makes one.

The SPEAKER. Does the gentleman from Pennsylvania desire to make a minority report?

Mr. BOYER. I do; but only upon that one point.

The SPEAKER. The gentleman from Pennsylvania desires to reserve the right to present a minority report. Is there any objection?

There was no objection.

MOUNT VERNON MANUFACTURING COMPANY.

Mr. WOODBRIDGE. I ask leave to withdraw from the files of the House the memorial and accompanying papers of the Mount Vernon Manufacturing Company.

There being no objection, leave was granted.

TARIFF BILL.

Mr. MORRILL. I desire to give notice that to-morrow morning, immediately after the morning hour, I shall move to take up the tariff bill, and shall endeavor to have the House continue its consideration until the question is disposed of. I shall expect the friends of the measure to be here to support it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a bill (S. No. 578) entitled "An act to extend the provisions of an act entitled 'An act for the final adjustment of private land claims in the States of Florida, Alabama, and Missouri, and for other purposes;'" in which the concurrence of the House was requested.

FORTIFICATION BILL.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, to proceed to the consideration of the special order, the regular appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DONNELLY in the chair,) and proceeded to the consideration of the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868.

On motion of Mr. STEVENS, by unanimous consent, the first reading of the bill was dispensed with, and the bill was read by clauses for amendment.

The Clerk read the following:

For construction of permanent platforms for modern cannon of large caliber in existing fortifications of important harbors, $100,000.

Mr. SCOFIELD. I move to amend by striking out the clause just read.

Mr. STEVENS. I do not know what reason there can be for offering this amendment. When these fortifications are finished—and it is supposed that the appropriations here proposed will finish them—they must have these platforms.

Mr. SCOFIELD. I have made this motion because I wish to economise somewhere. Here is an item proposing to appropriate $100,000 "for construction of permanent platforms for modern cannon of large caliber." We have no war on hand now; we are not likely to have any; and whenever we want anything in that line we can make it in a very short time. Before there will be any occasion to use these works we shall have perhaps some further improvement in cannon, or the whole works will have gone to decay, not to be rebuilt. This appropriation is quite a large amount. The aggregate amount of the appropriations in the bill is very large; and I suppose, sir, though I am not advised on that point, that the bill contains a large portion of the appropriations which were defeated the other day.

Mr. STEVENS. Appropriations to the amount of about three quarters of a million have been omitted in preparing this bill. I will say to my colleague that, after the bill was defeated the other day, we sent for the General in command and asked him to make a statement of the lowest sums with which he could carry on the works already in progress without permanent injury to the public service. He made out a statement of these appropriations as the smallest that would be justified in view of the necessities of the public service.

Mr. SCOFIELD. I am satisfied that there is very little necessity for this appropriation of $100,000; and it is a pretty large sum. I suppose, however, that if we adopt the theory lately adopted by some of our friends here—that we can abolish all taxes by paying for everything in greenbacks—it does not make much difference how much we appropriate.

Mr. ROSS. I move to refer the bill to the Committee on Retrenchment.

The CHAIRMAN. That motion is not in order.

On the amendment of Mr. SCOFIELD there were—ayes 44, noes 40; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers, and appointed Messrs. SCOFIELD and KASSON.

The committee divided; and the tellers reported—ayes 51, noes 49.

So the amendment was agreed to.

The Clerk read as follows:

For survey of northern and northwestern lakes, $155,000.

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Mr. SCOFIELD. I move to strike out "fifty-five." which will leave the appropriation at $100,000.

Mr. Chairman, I wish to say on that motion I am not disposed to make captious opposition to the pending proposition, especially after the reforms that have been introduced into it; but I am satisfied $155,000 is more than ought to be expended for these surveys this year. All these lakes have been surveyed except about one half of Lake Michigan and a portion of Lake Superior, and certainly $100,000 is enough to keep all the force occupied that the Engineer Bureau can spare.

Mr. PAINE. I hope the amendment of the gentleman from Pennsylvania will not prevail. It is very manifest from the statement he makes he has no definite knowledge of the condition of the lake surveys. The complaint he has made against the other appropriations will not apply to this one, for it is designed and is needed for civil purposes. I am satisfied from the examination I have had occasion to make as a western man and a resident upon one of these western lakes, that the appropriation made by the committee in accordance with the recommendation of the War Department is not too great for the protection of the interests of our inland commerce. The necessities of that survey, the necessities not only of the western country, but of the country at large, require this entire sum to be appropriated and expended in making proper survey of our northwestern and northern lakes. I hope, therefore, the House will not be inclined, if disposed to economy in any direction, to be niggardly toward the surveys of our northern and northwestern lakes, so essential to the success of our western commerce and all the interests located along those lakes.

Mr. STEVENS. As we have stricken out the appropriation for platforms for heavy cannon, as gentlemen seem to believe there should be no forts there, and if we do not need any forts, of course these surveys will be unnecessary. But, sir, I judge both this appropriation and the one for platforms are necessary, and I shall ask for a vote in the House on the amendment just adopted. I hope the pending motion will be rejected.

The committee divided; and there were—ayes thirty-one, noes not counted.

Mr. SCOFIELD called for tellers.

Tellers were ordered; and Mr. SCOFIELD and Mr. PAINE were appointed.

The committee again divided; and the tellers reported—ayes 47, noes 50.

So the amendment was disagreed to.

Mr. MAYNARD. I move to add the words "to be expended under the direction of the Coast Survey." It is manifestly the proper policy of this Government to have the surveys of all of its water lines done by the same department.

Mr. STEVENS. The lakes have been excluded from the operations of the Coast Survey Bureau.

Mr. SCOFIELD. The survey of the northern lakes is very nearly completed, as I have before stated, only a part of Lake Michigan and a part of Lake Superior remaining unsurveyed, and all the maps and drawings are in the Bureau of Engineers. If the amendment of the gentleman from Tennessee prevails, it will put the work of the present in one bureau, while the work of the past is left with another bureau in another department.

Mr. MAYNARD. By letting these surveys be closed by the Coast Survey we will have a system of uniform maps for our coasts and for the lakes. At the request of friends, however, I will withdraw my amendment.

Mr. ROSS. Mr. Chairman, I move to strike out the enacting clause of the bill; and on this subject I simply desire to say if my motion shall prevail we will save, in my judgment, without detriment to the public interest $1,300,000.

In looking over this bill I find it is made up almost exclusively of appropriations for repairs, and that exactly $50,000 is required for the repair of each fort. It seems to me that no such expenditure is required for any such purpose. I do not see how it should require $50,000, exactly $50,000, for each one. It seems to me to be wise economy and good policy on our part to strike out the enacting clause of this bill and to save this money to the Treasury. I hope my motion will be agreed to, and that we will go to other measures.

Mr. KASSON. Mr. Chairman, in connection with the motion to strike out the enacting clause of this bill the gentleman from Illinois should also move to disband the Army and dismantle the Navy, to do away at once with all the nation's means of offense and defense. If there be any sound maxim supported by history, acknowledged by all civilized nations, recognized by all civilians and military men, except my friend from Illinois, it is that in in time of peace we should prepare for war.

In order to cultivate as far as possible a practical economy, this House the other day did with the former bill what the gentleman asks may be done with this. The Committee on Appropriations, appreciating the importance of at least preserving these great fortifications, sent again to the War Department, had again an interview with the officer in charge of that branch of the service, and, in accordance with the supposed wishes of the House, they asked him to report the lowest possible estimate of the expense actually necessary for this branch of the service to prevent the decay of existing works commenced, and do those things which are absolutely necessary to preserve in proper condition the works already completed. In accordance with that estimate these items are incorporated in the bill which is now before the House.

Now, is it proper, when a bill has been prepared in this way by an officer who is the most competent to prepare it, prepared for the purpose of meeting all reasonable wishes of the House, for gentlemen on the floor, who know nothing at all, myself included, if I choose to take that ground, of the necessity or the details of our works of defense, to move to abolish the whole of the appropriations and leave the works to go to ruin from utter neglect? I submit this is neither statesman-like nor economical. I therefore hope that neither this motion will be adopted nor any other motion in the direction of indiscriminate and unintelligent reduction of appropriations which, we are informed on the highest authority, are needed for the public service.

Mr. ROSS. I regret that I should have called down the wrath of my distinguished friend from Iowa by having attempted to economise the expenditures of the Government in a slight degree. He says we know nothing about these things. Somebody must have made a very close and accurate calculation of the amount necessary to preserve all these forts to have ascertained that it takes exactly to a cent $50,000 for each one of these works. How happens it that just $50,000 are necessary to preserve each one of these forts that has been built long ago?

A MEMBER. Built a year ago.

Mr. ROSS. The gentleman says built only a year. Well, sir, if it requires that amount to preserve a fort that has been built only a year there must be something wrong. Why, sir, if our houses were to decay at this rate they must be made of very extraordinary material.

Mr. KASSON. I suppose the gentleman could not have failed to observe the other branch of my declaration, that it was to preserve those we had, and also to continue the work on the unfinished ones and keep them in a condition to promote economy and safety. Those works to which the gentleman refers are most of them unfinished.

Mr. ROSS. Looking over the bill I see it is all for preservation. Now the gentleman says, "In time of peace prepare for war." I doubt if that is a correct doctrine under all circumstances.

Mr. BENJAMIN. Will the gentleman allow me to offer an amendment which, if adopted, will, I have no doubt, make the bill perfectly acceptable to him?

Mr. ROSS. My own motion is very acceptable to me, if it is adopted. Nothing can be more acceptable than to strike out the enacting clause.

Mr. BENJAMIN. Will the gentleman allow it to be reported for information?

Mr. ROSS. Not just at present. This doctrine of always preparing for war in time of peace I do not appreciate exactly. I do not think it is necessary that we should burden ourselves with unnecessary taxes year after year for fear somebody is going to whip us. I am not of the opinion that any of the nations of the world desire particularly to have a conflict with this country. I rely upon our resources and our strength in case of emergency to come to the rescue of our Government. That is sufficient for defense. They are not going to attack us. But according to the notion of the gentleman from Iowa we should be armed to the teeth in order to have peace. Carry that notion out to its legitimate result and each man who comes into this Hall ought to arm himself with a pistol and bowie-knife in order to insure peace among ourselves. I do not recognize any such doctrine. There is no necessity for it either in an individual or national point of view. Hence these appropriations, in my judgment, are useless expenditures. Year after year we have squandered the people's money upon these fortifications, which are of no utility or benefit to the country, and the sooner we stop this raid upon the national Treasury the better for us all.

Mr. BENJAMIN. I ask the gentleman from Illinois to permit the amendment which I send to the Chair to be read.

The CHAIRMAN. The Chair is of opinion that no motion to amend is in order at this time until this motion is disposed of.

Mr. BENJAMIN. I only ask to have it read for information.

Mr. GRINNELL. There is no objection to its being read.

Mr. SCOFIELD. I am in favor of the motion made by the gentleman from Illinois. I believe this bill ought not to pass. There may be some few items in it that are needed, but I believe that most of them are wasteful. I would not make the motion again to strike out the enacting clause, having made it the other day, but I will vote for it.

I know that economy is always unpopular in a legislative body, and that prodigality is always popular. The gentleman from Minnesota [Mr. WINDOM] a few days ago, in speaking of a slight effort to save some millions of dollars to the Treasury and to relieve the tax-payers of the country to that extent, called it one of those "spasms of economy" with which, he said, this House was sometimes seized; and I thought at the time that there was some approbation of the remark indicated by members of the House. I wish that gentlemen might be seized with one of those "spasms" now, so that we might vote down the bill; but I suppose that since we learned the other day that we can at any time issue $100,000,000 of legal-tender notes with which to pay our debts, without levying the amount off the people in taxes, the House will not hesitate to vote away almost anything.

I believe, Mr. Chairman, that nearly all of these appropriations if made will be lost to the country. I suppose that some few additions and repairs may be made to the fortifications, but they will be useless. We have outgrown all the old modes of fortification. Since I made the motion to strike out the enacting clause a few days ago, a great many men who know more about these matters than I do, and even more than the gentleman from Iowa, military men, have spoken to me on the subject and have told me that these appropria-

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tions would be so much waste, that these fortifications would all have to be made over again upon some new plan, that the experience and developments of our late war had shown that to be so; and that we ought to make no appropriations either for erection of new fortifications or the repair of old ones until we should be prepared to avail ourselves of the lessons of the last four years.

Mr. DELANO. I have been unable to ascertain exactly the amount that this bill appropriates.

Mr. STEVENS. I will inform the gentleman: $1,365,000.

Mr. DELANO. Now, Mr. Chairman, I recognize the wisdom of the maxim cited by the gentleman from Iowa, [Mr. KASSON.] "In time of peace prepare for war;" and if this is the best way of obeying it, then let us appropriate this money. However, I do not myself know of any better way to prepare a nation for war than to put her finances in a sound and healthy condition, so that when a heavy and sudden draft is made upon her she may be able to meet the exigency. And when a nation is, as ours is, just recovering from the effects of an exhausting war, her wisest policy and her first and most pressing duty is to husband her resources and strive in every way to put her finances in a healthy condition.

Therefore, sir, I do not believe that the true way of putting in practice that wise maxim is by appropriating this money for these fortifications. I do not believe that there is much use in them, or that if war should come upon us they would be of any material service to the country; and I think military men in this House will concur with me in the opinion that these permanent fortifications are really of much less utility than we have hitherto supposed them to be. Our late war taught us that; and, if I am not mistaken, it also demonstrated that an army could in a few hours throw up defenses, in the form of earthworks, much more valuable and effective than those of a permanent and very costly character.

It will be seen, by looking over the list of appropriations in this bill, that there are appropriations for improvements where, if what I have just adverted to be correct, they are totally unnecessary. Now, in view of these things, to which I call the attention of the House, I hope this whole appropropriation bill will be postponed, at least for the present. I think the whole system is one of annual drain upon the Treasury of the United States without any returning benefit equal to that drain. I am satisfied that this annual drain is perhaps more for local purposes, for the benefit of particular localities, than for the common weal. I could say more upon this subject, but I forbear.

Mr. STEVENS. When the former bill, containing appropriations to the amount of nearly two million dollars, was before this House, the enacting clause of the bill was struck out. The Committee on Appropriations then deemed it their duty to get up something new. They accordingly sent for the General in command, and asked him to make out an estimate of the lowest sum that would be necessary to carry on what was already nearly completed, and to preserve what was completed without commencing any new work.

That estimate was made out according to our instructions; and the estimate I now hold in my hand. It leaves out everything that the General thought came within our instructions, and inserts nothing but what he deemed absolutely necessary to carry on works nearly finished without loss to the country. We have copied that estimate word for word in this bill and submitted it to the House.

Now, I do not pretend to know so much about these things as the gentleman from Ohio [Mr. DELANO] or my colleague, [Mr. SCOFIELD.] I do not pretend to know much more about it than the General in command. But those gentlemen do know a great deal more about it than the military authorities of the nation; they know that these things are not necessary; they know that fortifications do not obstruct an enemy. Sir, if that be so, why was it, after the rebels had seized our forts throughout all their territory, that it took us so long and compelled us to construct so enormous a fleet before we could enter their harbors? They held us at bay almost to the end of the war, and kept us out of the harbors by means of these very inefficient works to which the gentlemen refer.

Now, we must do one of two things: abolish your whole system of fortifications, leave your sea-board forever exposed to the inroads of the enemy, make no further efforts to finish, man, and arm those works; or else do not let them sink into decay by degrees, do not let them go down now if you ever mean to perfect them. If you neglect them now you will some time have to appropriate four times as much to rebuild them.

But we shall never get through the appropriation bills if we devote so much time to discussion. I move that the committee rise for the purpose of closing debate.

Mr. SCOFIELD. Will my colleague [Mr. STEVENS] allow me one word in reply?

Mr. STEVENS. The gentleman had eight or ten words in advance.

Mr. SCOFIELD. I want to know if the leader of the House is to get up here and denounce three or four members as knowing nothing, and give us no chance to say one word to show that we are not quite so ignorant as he would represent us to be?

Mr. STEVENS. I call the gentleman to order.

The CHAIRMAN. The motion that the committee rise is not debatable.

The question was taken; and upon a division, there were—ayes 41, noes 38; no quorum voting.

Tellers were ordered; and Mr. KASSON and Mr. SCOFIELD were appointed.

The committee again divided; and the tellers reported that there were—ayes fifty-nine, noes not counted.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DONNELLY reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the Union generally, and particularly the bill of the House No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, and had directed him to report that they had come to no resolution thereon.

Mr. STEVENS. I move that when the House shall again resolve itself into the Committee of the Whole on the fortification appropriation bill, all debate on the bill be closed in one minute.

The motion was agreed to.

Mr. STEVENS. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DONNELLY in the chair,) and resumed the consideration of the fortification appropriation bill as the special order.

The CHAIRMAN stated that under the order of the House debate on the pending bill closed in one minute.

The pending question was on the motion of Mr. ROSS, to strike out the enacting clause of the bill.

The question being taken on the motion of Mr. ROSS, it was agreed to—ayes 61, noes 49.

Mr. SCOFIELD. I move that the Committee rise and report its action to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the Chair, Mr. DONNELLY reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, had directed him to report back the same, with a recommendation that the enacting clause be stricken out.

The SPEAKER. The question is, "Shall the enacting clause be stricken out?"

Mr. STEVENS. I move that the further consideration of that question be postponed until to-morrow.

The SPEAKER. The Chair cannot promise that it will come up to-morrow. It is impossible to say when the bill will be reached if it be postponed.

Mr. STEVENS. I withdraw the motion to postpone and call for the yeas and nays on the question of striking out the enacting clause.

The yeas and nays were ordered.

Mr. HOOPER, of Massachusetts, (at nine o'clock and fifty minutes p. m.) I move that the House adjourn.

The motion was not agreed to, there being—ayes 39, noes 59.

The question recurred on striking out the enacting clause.

Mr. HALE. Is this motion debatable?

The SPEAKER. It is.

Mr. HALE. Mr. Speaker, I sincerely trust that this House will not take so grave a step as to kill this bill at this period of the session, but that a little reflection may be devoted to the consideration of what the necessities of the nation require.

The gentleman from Pennsylvania, [Mr. SCOFIELD,] the gentleman from Ohio, [Mr. DELANO,] and others have expatiated upon the amount of the appropriations involved here, and they insist that this money is absolutely thrown away. I submit to those gentlemen and to this House that if it be true that we need no further appropriations for the defense of this country, for the maintenance of our means of defense, their argument will not stop with this bill. And I will ask those gentlemen how they reconcile the position which they take here upon this bill with the votes which they have given for a permanent military establishment and for our naval appropriations? If it be true that we need no fortifications, it is equally true that we need no Army, and I may say equally true that we need no Navy.

It is idle for gentlemen to say that these fortifications are useless as a means of defense. No man in his senses ever dreamed of such a thing as maintaining anything in the nature of a military power for the defense of the country except by maintaining proper fortifications. If it is true that we do not need these fortifications, we certainly do not need the troops to garrison them. And if this bill shall be defeated by a vote of this House, then I submit that to make ourselves consistent in any degree we ought to go further and repeal what we have done in regard to the organization of the Army and the support of the Navy. Let us disband the Army, disperse the Navy, dismantle the fortifications, trusting to that good time which is coming when we shall have no more wars or rumors of wars.

Mr. ELDRIDGE. Will the gentleman allow me to suggest that the provisions in regard to the Army and Navy have reference to ourselves, while these fortifications have reference to protection against a foreign enemy? Has the gentleman considered that distinction?

Mr. HALE. I have not considered it; and I do not suppose that that is the theory on which any gentleman acts. I suppose, sir, that we are to be a united people henceforth and forever; that we are to present a united front against all foreign enemies, and not to be looking forward to future dissentions among ourselves. I certainly hope that this motion to strike out the enacting clause will not prevail, but that we shall go on and perfect the bill in Committee of the Whole and pass it through the House.

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Mr. ROSS demanded the previous question.

The previous question was seconded and the main question ordered.

The question was taken; and it was decided in the negative—yeas 57, nays 69, not voting 64; as follows:

YEAS—Messrs. Ames, Ancona, Baker, Benjamin, Boyer, Buckland, Campbell, Sidney Clarke, Cook, Dawson, Delano, Deming, Eldridge, Farquhar, Finck, Aaron Harding, Abner C. Harding, Hawkins, Hayes, Hill, Hise, John H. Hubbard, James R. Hubbell, Humphrey, Julian, Kerr, Koontz, Kuykendall, William Lawrence, Leftwich, Maynard, McKee, Mercur, Newell, Nicholson, Noell, Orth, Samuel J. Randall, William H. Randall, Ritter, Ross, Scofield, Shanklin, Shellabarger, Sloan, Stokes, Nelson Taylor, John L. Thomas, Trimble, Van Aernam, Andrew H. Ward, Henry D. Washburn, Welker, Wentworth, Whaley, James F. Wilson, and Stephen F. Wilson—57.

NAYS—Messrs. Alley, Allison, Barker, Baxter, Bergen, Bidwell, Bingham, Blaine, Broomall, Bundy, Chanler, Cobb, Conkling, Cooper, Cullom, Davis, Dawes, Defrees, Dodge, Donnelly, Eliot, Ferry, Garfield, Grinnell, Hale, Henderson, Hogan, Holmes, Hooper, Chester D. Hubbard, Edwin N. Hubbell, Hulburd, Hunter, Jenckes, Kasson, Ketcham, Laflin, Latham, Longyear, Lynch, Marvin, McClurg, McRuer, Moorhead, Morris, Myers, Niblack, O'Neill, Paine, Patterson, Perham, Pike, Pomeroy, Price, Alexander H. Rice, Rollins, Sawyer, Schenck, Spalding, Starr, Stevens, Taber, Thayer, Francis Thomas, Upson, William B. Washburn, Williams, Windom, and Woodbridge—69.

NOT VOTING—Messrs. Anderson, Arnell, Delos R. Ashley, James M. Ashley, Baldwin, Banks, Beaman, Blow, Boutwell, Brandegee, Bromwell, Reader W. Clarke, Culver, Darling, Denison, Dixon, Driggs, Dumont, Eckley, Eggleston, Farnsworth, Glossbrenner, Goodyear, Griswold, Harris, Hart, Higby, Hotchkiss, Asahel W. Hubbard, Demas Hubbard, Ingersoll, Jones, Kelly, Kelso, George V. Lawrence, Le Blond, Loan, Marshall, Marston, McCullough McIndoe, Miller, Morrill, Moulton, Phelps, Plants, Radford, Raymond, John H. Rice, Rogers, Rousseau, Sitgreaves, Stilwell, Strouse, Nathaniel G. Taylor, Thornton, Trowbridge, Burt Van Horn, Robert T. Van Horn, Hamilton Ward, Warner, Elihu B. Washburne, Winfield, and Wright—64.

So the House refused to strike out the enacting clause of the bill.

The SPEAKER. By Rule 123 the bill is recommitted to the Committee of the Whole on the state of the Union without further action or debate.

Mr. STEVENS. I move to suspend the rules for the purpose of discharging the Committee of the Whole from the further consideration of the bill, so that it may be brought into the House for action.

Mr. SCOFIELD. A portion of the bill has not yet been read in committee, and that portion I have marked to strike out. I did not intend to move to strike out any of these surveys.

Mr. STEVENS. I move that the House do now adjourn.

IRON-CLAD CONTRACTORS.

Pending the motion to adjourn,

Mr. DELANO. I move to take up the message from the Senate asking for a conference on the disagreeing votes of the two Houses on the bill for the relief of iron-clad contractors, and that the House agree to the conference asked for.

There was no objection and the motion was agreed to.

The SPEAKER appointed Mr. SLOAN, Mr. DELANO, and Mr. MCKEE managers of said conference on the part of the House.

TENNESSEE AGRICULTURAL COLLEGE.

Mr. MAYNARD, by unanimous consent, moved to take from the Speaker's table the amendment of the Senate to House bill No. 213, to extend the provisions of the act in regard to agricultural colleges to the State of Tennessee.

The motion was agreed to.

The amendment of the Senate was read as follows:

Strike out the following:

Provided, The grant of lands so made by the act to which this refers and is amendatory shall be held by the State of Tennessee subject to this condition: that no person shall ever be employed as a professor or teacher in the said agricultural college for the State of Tennessee who had ever held military or civil office under the so-called confederate government, or under the rebel State government of Tennessee.

Mr. MAYNARD moved to concur.

The motion was agreed to.

PARIS EXPOSITION.

The SPEAKER, by unanimous consent, laid before the House a message from the President of the United States, transmitting the communication of Governor Fairchild, of Wisconsin, with resolutions of the Wisconsin Legislature, in reference to the Paris Exposition; which was ordered to be printed, and referred to the Committee on Foreign Affairs.

Mr. STEVENS's motion was then agreed to.

And thereupon (at ten o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. COBB: The petition of citizens of Point Andrew, Richland county, Wisconsin, for improvement of lines of communication between the Mississippi valley and the Atlantic sea-board.

By Mr. HOGAN: The petition of sundry parties and manufacturers of St. Louis, praying for general reduction of manufacturer's tax.

By Mr. KELLY: The petition of the officers of the Apprentices' Library Company, of Philadelphia, Pennsylvania, praying for the continuation of that provision of the law heretofore existing which allowed the importation duty free, of all books, maps, &c., intended for public libraries, colleges, and other literary institutions.

Also, the petition of the trustees of the Enos Baptist Colored Church of the city of Washington, District of Columbia, praying Congress to grant by act of appropriation, certain lands lying in a triangular form or flat, containing about one-eighth of an acre, lying on Fourth street, South Carolina avenue, and E street. Their present house of worship is a portable one, and owned by the congregation, and now stands on ground which cannot be bought, and for which they are compelled to pay excessively high rent, &c.

Also, the petition of the officers of Wagner Free Institute of Science, praying the continuation of that provision of the law heretofore existing, which allowed the importation, duty free, of all books, maps, &c., intended for public libraries, colleges, and other literary institutions.

By Mr. LYNCH: The petition of George Gwynn, of Portland, for relief.

By Mr. PAINE: The memorial of M. L. Fairservice, of Wisconsin, for an amendment of the act of March 3, 1865, for the benefit of officers commissioned before, but mustered after that date.

Also, the memorial of the Legislature of Wisconsin, for payment for arresting and keeping a certain prisoner of the United States.

By Mr. WELKER: A petition and resolution of Elyria Temple No. 93, of the Independent Order of Good Templars, asking legal enactments rendering any citizen addicted to habitual use of alcoholic stimulants ineligible to any elective or appointive office.

IN SENATE.

TUESDAY, *February* 19, 1867.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. CONNESS, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. SUMNER. I present a memorial from the Union League of Winchester, Virginia, setting forth a resolution, unanimously adopted by them, as follows:

"That the bill for the reorganization of civil government in the State of Louisiana, as introduced by Hon. THOMAS D. ELIOT, of Massachusetts, and passed by the House of Representatives, meets our earnest approval, and we unite in requesting Congress to extend similar terms of reconstruction to the State of Virginia."

I ask that this memorial lie upon the table.

It was so ordered.

Mr. RAMSEY presented a memorial of the Legislature of Minnesota, in favor of the removal of the Chippewa Indians to their own lands; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Legislature of Minnesota, in favor of a grant of land to aid in the construction of the Green Bay and Lake Pepin railroad in Wisconsin; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Minnesota, in favor of an appropriation for the improvement of the navigation of the Minnesota river; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Minnesota, in favor of the establishment of a mail route from Geneva to Freeborn, in that State; which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Legislature of Minnesota, in favor of the establishment of a mail route from Richmond to Chippewa, in that State, via Lake George, Big Grove, Grove Lake, White Bean Lake, Reno City, and Homes City; which was referred to the Committee on Post Offices and Post Roads.

Mr. SUMNER. I present another petition, which I have received since I was on the floor a few moments ago, from colored citizens of the District of Columbia, and late soldiers of the Union army, in which they ask Congress to see that the colored regiments of the regular Army are officered by colored men who did good service and distinguished themselves in the war for the suppression of the rebellion. They add that they do this because they think Congress are their true friends and will no longer countenance any difference on account of race or color. I move the reference of this petition to the Committee on Military Affairs and the Militia.

The motion was agreed to.

Mr. WILLIAMS presented a petition of citizens of Idaho Territory, praying that troops may be sent to that Territory to protect the citizens from Indian depredations, and that a superintendent of Indian affairs may be appointed other than the Governor of that Territory, and recommending Edward W. Taylor for that position; which was referred to the Committee on Indian Affairs.

Mr. POMEROY presented resolutions of the Legislature of Kansas, directing the Governor of that State to turn the State arms now at Topeka over to the General Government and to discontinue the use of the building now used as the State arsenal, and in favor of transportation for the said arms being furnished by the Government; which were referred to the Committee on Military Affairs and the Militia.

Mr. SUMNER. I offer another petition, which I have received also since I was on my feet before, from the Southern Republican Association, whose place of meeting is in Washington. The petition contains a resolution, adopted unanimously, as follows:

That in any action by the Congress of the United States touching the condition of the States lately in rebellion it is essentially necessary to the protection of the lives and property of loyal men, and to the creation of loyal governments in those States, that the present existing governments be abolished, loyal men of all races be enfranchised, and at least a portion of the rebels disfranchised, and the organizing of legitimate State governments confided to loyal hands.

We therefore respectfully but earnestly ask Congress to apply the bill known as the "Louisiana bill," reported by Mr. ELIOT, of the House of Representatives, to all the insurrectionary States not now represented in Congress, and we disapprove the bill now pending before the House of Representatives known as the "military bill," as it passed the Senate of the United States.

THOMAS A. DURANT, *President*.

D. H. BINGHAM, *Secretary*.

As this whole question is now before the Senate, I ask that the petition lie upon the table.

It was so ordered.

Mr. TRUMBULL presented a petition of citizens of McLean county, Illinois, praying for the repeal of the law now in force requiring a reduction of $4,000,000 per month from the circulation of United States Treasury notes; which was referred to the Committee on Finance.

Mr. ROSS presented a resolution of the Legislature of Kansas, in favor of a pension being granted to Eliza Drake, whose son, her only support, was killed by the Indians while in the discharge of his duty as a private in company E, sixteenth regiment Kansas volunteer cavalry; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. POMEROY, it was

Ordered, That the petition of Michael Hennessey, praying for a pension, on the files of the Senate, be referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the Senate (S. No. 453) regulating the tenure of certain civil offices.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred as indicated below.

A bill (H. R. No. 2) to amend the act declaring the officer who shall act as President of the United States in case of vacancies in the office both of President and Vice President, approved March 1, 1792—to the Committee on the Judiciary.

A bill (H. R. No. 607) to amend an act granting the right of way over the military reserve at Fort Gratiot, Michigan—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 1062) relative to the port of Camden, New Jersey—to the Committee on Commerce.

A bill (H. R. No. 1167) to authorize entry and clearance of vessels at the ports of Boothbay and St. George, Maine—to the Committee on Commerce.

NATIONAL CAPITAL INSURANCE COMPANY.

The Senate proceeded to consider its amendments to the bill of the House (H. R. No. 234) to incorporate the National Capital Insurance Company, disagreed to by the House of Representatives, and

On motion by Mr. MORRILL, it was

Resolved, That the Senate insist upon its amendments to the bill disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MORRILL, Mr. HENDERSON, and Mr. PATTERSON.

REPORT OF A COMMITTEE.

Mr. WILLEY, from the Committee on Claims, to whom was referred the bill (H. R. No. 710) to pay and discharge certain debts and expenditures to the corporation of the city of Washington, reported it without amendment.

BILL INTRODUCED.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 178) in relation to national banking associations; which was read twice by its title, and referred to the Committee on Finance.

MINISTER TO PORTUGAL.

Mr. SUMNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, if in his opinion not inconsistent with the public interest, any correspondence between the Department of State and the minister-resident of the United States at Portugal, with reference to his salary or compensation; and also to inform the Senate if such minister has received any salary or compensation on account of service in his office since the act of Congress of July 25, 1866, and if so, out of what fund it has been paid.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. W. G. MOORE, his Secretary, announced that he had approved and signed on the 18th inst., the following bills and joint resolutions:

A bill (S. No. 435) for the relief of Alexander F. Pratt;

A bill (S. No. 491) amendatory of the several acts respecting copyrights;

A bill (S. No. 506) to authorize the trustees of the Foundry Methodist Episcopal Church to sell and convey square No. 235 in the city of Washington;

A bill (S. No. 525) supplementary to an act to prevent smuggling and for other purposes, approved July 18, 1866;

A joint resolution (S. R. No. 99) for the relief of Paul S. Forbes under his contract with the Navy Department for building and furnishing the steam screw sloop-of-war Idaho;

A joint resolution (S. R. No. 146) for the relief of Charles Clark, marshal of the United States for the district of Maine;

A joint resolution (S. R. No. 157) in relation to ocean mail service between San Francisco, in California, and Portland, in Oregon; and

A joint resolution (S. R. No. 163) to provide in certain cases, for the removal of alcohol from bonded warehouses free from internal tax.

LAND TITLES IN SANTA CLARA.

Mr. CONNESS. I ask the consent of the Senate at this time to take up the bill received from the House of Representatives last evening and laid on the table on my motion. It is House bill No. 878, to quiet title to land in the town of Santa Clara in the State of California.

Mr. SUMNER. I should like to ask if that bill will probably take much time.

Mr. CONNESS. It will not. If it does I shall not press its consideration now. The Committee on Public Lands have agreed upon it. It is a matter of importance to my State, but will excite no discussion.

Mr. SUMNER. The only reason I ask the question is that there is a bill of immense political urgency, the Louisiana bill, which I think the Senate ought to act upon at once.

Mr. POMEROY. This bill will take no time. It has received the concurrence of the Committee on Public Lands.

Mr. CONNESS. I hope the Senator from Massachusetts will not shake the gory locks of the Louisiana bill at everything that comes up here. It is a very formidable measure, we know. We may take hold of it directly.

The motion of Mr. CONNESS was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 878) to quiet title to land in the town of Santa Clara, in the State of California. It proposes to relinquish and grant all the right and title of the United States to the land situated within the corporate limits of the town of Santa Clara, in the State of California, as defined in the act of the Legislature of that State incorporating the town, to the corporate authorities of the town and their successors, in trust, for and with authority to convey so much of the land as is in the *bona fide* occupancy of parties upon the passage of this act, by themselves or tenants, to such parties; but this grant is not to extend to any reservation of the United States, nor to prejudice any valid adverse right or claim, if such exist, to the land or any part of it, nor preclude a judicial examination and adjustment of it.

Mr. CONNESS. I will simply say that this is a town of eighteen years of age in our State, the title to which is still in an unsettled condition. I have an amendment to offer which proposes to apply the provisions to two other of our towns in the same condition. The Committee on Public Lands of this body, as I have said, have considered the matter, and I suppose it will excite no discussion. My amendment is in line five after "Santa Clara" to insert "Petaluma and Placerville," and also to strike out the word "town" wherever it occurs in the bill and to insert the word "towns."

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time. It was read the third time, and passed; and its title was amended so as to read: "A bill to quiet title to land in the towns of Santa Clara, Petaluma, and Placerville, in the State of California."

PILOT LAWS.

Mr. MORGAN. I ask the consent of the Senate to take up a bill of a single section, which will occupy but a few moments, in relation to pilots. It is Senate bill No. 467.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 467) to amend the act entitled "An act further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes," approved July 25, 1866.

The bill proposes to amend section nine of the act entitled "An act to amend the act entitled 'An act further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes,'" approved July 25, 1866; so as to read as follows:

SEC. 9 *And be it further enacted*, That all vessels navigating the bays, inlets, rivers, harbors, and other waters of the United States, except vessels subject to the jurisdiction of a foreign Power and engaged in foreign trade, and not owned in whole or in part by a citizen of the United States, shall be subject to the navigation laws of the United States; and all vessels propelled in whole or in part by steam, and navigating as aforesaid, shall also be subject to all rules and regulations consistent therewith, established for the government of steam vessels in passing, as provided in the twenty-ninth section of an act relating to steam vessels, approved the 30th day of August, 1852. And every sea-going steam vessel now subject or hereby made subject to the navigation laws of the United States, and to the rules and regulations aforesaid, shall, when under way, except upon the high seas, be under the control and direction of pilots licensed by the inspectors of steam vessels, vessels of other countries and public vessels of the United States only excepted: *Provided, however*, That nothing in this act, or in the act to which it is amendatory, shall be construed to annul or affect any regulation established by the existing law of any State requiring vessels entering or leaving a port in such State to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of the same port.

Mr. MORGAN. This bill reënacts the ninth section of the act of last year. The only new provision in it is contained in the proviso at the end of the bill exempting from the provisions of the act of last year such States as have pilot laws already that are satisfactory. The bill has received the unanimous approbation of the Committee on Commerce, and there is a written report accompanying it, but unless its reading is called for by some Senator I will not ask to have it read. I believe there is no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUTENANT JOSEPH P. FYFFE.

Mr. SHERMAN. I move that the Senate proceed to consider the bill (H. R. No. 140) to restore Lieutenant Joseph P. Fyffe to his grade in active service of the Navy, which has been reported favorably by the Committee on Naval Affairs.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which authorizes the President of the United States to nominate, and with the advice and consent of the Senate to appoint, Lieutenant Joseph P. Fyffe to the active list of the Navy, and to restore him to the rank to which he may be entitled thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill of the House (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THADDEUS STEVENS of Pennsylvania, Mr. SAMUEL SHELLABARGER of Ohio, and Mr. JAMES G. BLAINE of Maine, managers at the same on its part.

LIEUTENANT COMMANDER S. L. BREESE.

Mr. HENDRICKS. I ask the Senate to take up a little joint resolution, similar to the bill which has just passed, of the same nature precisely, and which was considered by the

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committee at the same time. It will take no time to dispose of it. It is to restore another lieutenant to the active list of the Navy, and was reported along with the bill which has just been acted upon. It is House joint resolution No. 216.

Mr. WILLIAMS. I appeal to the Senator from Indiana to allow me to make a motion with regard to the military government bill which has just been returned from the House of Representatives.

Mr. HENDRICKS. This will only take a minute.

The motion of Mr. HENDRICKS was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 216) for the restoration of Lieutenant Commander S. L. Breese, United States Navy, to the active list from the retired list. It authorizes the President of the United States to nominate, and by and with the advice and consent of the Senate to appoint, Lieutenant Commander S. L. Breese to the active list of the Navy, with the rank to which he may be entitled thereon.

The joint resolution was reported to the Senate without amendment.

Mr. GRIMES. I desire simply to say, lest it might be supposed that I was in favor of the passage of this resolution by my saying nothing, that it does not meet my approval.

The joint resolution was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the bill of the House (H. R. No. 356) fixing the compensation for the bailiffs and criers of the courts of the District of Columbia; and that the House had also agreed to the amendments of the Senate to the bill of the House (H. R. No. 1099) providing for the election of a Congressional Printer.

The message further announced that Mr. R. C. SCHENCK, of Ohio, had been appointed a manager on the committee on conference on the part of the House on the joint resolution of the Senate (S. R. No. 90) to suspend temporarily the collection of the direct tax within the State of West Virginia, in the place of Mr. JAMES A. GARFIELD, of Ohio.

GOVERNMENT OF SOUTHERN STATES.

On motion of Mr. WILLIAMS, the Senate proceeded to consider its amendment to the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States, disagreed to by the House of Representatives, and upon which the House had asked a committee of conference, and had appointed Mr. STEVENS, Mr. SHELLABARGER, and Mr. BLAINE as managers of the conference on the part of the House.

Mr. WILLIAMS. I move that the Senate insist upon its amendment and agree to the conference asked for by the House of Representatives.

Mr. CONNESS. I hope that will not be done. A Senator behind me says, "Oh, yes." Mr. President, this is no ordinary bill. As I think, in its present position, it is a question not to be committed to a conference. We know very well how matters are managed by conference committees. We know what compromises are made, and how little is to be said and how little to be done when their reports come before us. This question, in my judgment, transcends in importance any other that has ever been before the American Congress. Therefore, as I think, it should be considered with the deliberation that its importance demands. I do not deny that conference committees are generally appointed with a view to reflect the opinions of the bodies upon the question on which the conference is asked; but I need not say that of all systems of legislation that which is the result of action in a conference committee is the least satisfactory.

Now, sir, what is the difference between the House of Representatives and the Senate upon this question? I undertake to say that it is a fundamental difference, upon which at this time a conference committee can give us no additional light, cannot aid us in arriving at a correct solution. Besides, Mr. President, I am impressed that—as I shall call it without intending to reflect upon the action of the other branch of the national Legislature—the unfortunate decision arrived at there is in part the result of not the best faith on the part of professed advocates of this great measure. I say this because the importance of the subject, as I have before observed, demands the utmost candor as well as the most serious contemplation.

What will be the result if we commit this measure to a committee of conference? Are they to agree to strike out the provision which requires, as a prerequisite, that the franchise shall be conceded and provisions to guaranty it incorporated in the constitutions of the States proposed to be reorganized in the South? Is that a question to be compromised upon? How shall it be compromised upon? Compromised by the Senate giving way? Why, sir, if they gave way on that point no report of a conference committee, I undertake to say, could be adopted in the other branch of this Legislature at all. Is the Louisiana bill, so called, to be substituted in a conference report for this bill? I object to that course, not because of what the Louisiana bill contains, but because it presents a scheme diametrically differing from the one now before us, and which, if it is to be considered at all, I insist must be considered in open Senate.

I need not say that the result arrived at by the Senate in reference to this bill was after the most mature consideration that was ever given to any proposition that came before this body, resulting in a unanimity, at least on this side of the Chamber, unparalleled in legislative proceedings; a result hailed by the country at large, demanded by the most intelligent and powerful of the American press, alike acceptable to the industrial and commercial interests of the country, which suffer from a continual disorganization of the country affecting its vital industries. And yet it is proposed now to commit the consideration of this great measure to a committee of three of this body, who shall compromise on the one hand by abandoning a material and fundamental condition, or, on the other hand, by attempting to substitute for it a proposition essentially differing and involving the reorganization of the rebel States.

Now, Mr. President, I object. I hope that this proposition will be discussed in open Senate and not in a conclave of conference. I am rather in favor this morning, since the House by whatever means—and I shall have something to say in the further progress of the debate upon the means, so far as they are within my knowledge—since the House, I say, by whatever means, have arrived at the conclusion that they have, I am rather in favor of laying it upon the table in the Senate, and then taking up the Louisiana bill, and so amending that as to make it acceptable to the majority of this body. I desire, Mr. President, in behalf of the portion of the country that I represent and of the industrial interests of the country everywhere, that this question shall receive the most open and serious and full deliberation in open Senate; and I say again, I object to confining its further consideration to the narrow, special embraces of a conference committee of three members of each body.

Mr. STEWART. I will inquire if it is in order to ask for a division of the question?

Mr. SHERMAN. Oh, yes.

Mr. STEWART. I ask for a division of the question; that is, I desire to amend the motion by moving that the Senate continue to insist on its amendment without agreeing to the conference asked for by the House.

The PRESIDENT *pro tempore*. If the motion were an original one here the motion of the Senator from Nevada to divide it would be perhaps correct; but it comes from the House; they, having disagreed to our amendment, appointed a committee of conference, and asked a concurrence in the proposed conference. To insist, therefore, on our amendment would not answer the question of the House whether we will have a conference with them on the subject or not. The Chair thinks the motion, under the circumstances in which it is placed, is not divisible in the way suggested.

Mr. SHERMAN. If such a motion were made in the Senate originally as an independent motion, probably the Chair is correct; it is not divisible as a matter of right; but a Senator has the right to move to adhere or to insist. A Senator would have the right simply to move that the Senate insist on its amendments. That we have done; and it may even go so far as to insist on an amendment to an amendment. The motion to insist on an amendment is the first question put. The Senator from Oregon couples the two together; that is, that the Senate insist and agree to a committee of conference. Perhaps that is not divisible, because it is a distinct motion; but any other Senator has a right simply to have the question put on insisting. That sends the bill back to the House for another vote. They can then still further insist on their disagreement, and afterward we can have a committee of conference. I think that is the practice at least; I am not very familiar with the rules. The motion to insist is always in order, and can be put without the motion for concurring in a conference.

Mr. WILLIAMS. I presume it is advisable to pursue the same course in reference to this bill that is pursued in reference to other bills about which the two bodies disagree. The fact that it is a very important bill only makes it the more necessary, as it seems to me, to adopt the usual practice in such cases. I do not know what ground the honorable Senator from California has for assuming that the differences between the two Houses are wholly irreconcilable, and that it is not possible for a committee of conference to agree upon something that will substantially embrace the provisions of this bill and at the same time obviate the objections that exist to its passage. I know that the debate (if it be allowable to introduce in a discussion of this kind the debate in the other House) took a wide range; but it is possible that if a committee of conference is appointed such an agreement might be made as would be satisfactory to both branches of Congress. It is entirely within the power of the Senate, when the report of the conference committee is made, to agree or disagree to that report. Nobody is bound by the action of the committee of conference. It is with a view of expediting the passage of this bill, if possible, that I make this motion for a committee of conference. I find that there is some division of opinion among our friends in the Senate as to the better course to be pursued; but it seems to me that under all the circumstances we had better try this expedient. We can no more than fail. I am inclined to the opinion that if we insist on our amendment and send the bill back to the House it will necessarily result in the defeat of the bill. I believe it to be our duty under the circumstances, considering the importance of the bill, to make every possible effort to secure its passage in substance, if not in the precise form in which it was passed by the Senate. I hope, therefore, that there will be no serious objection to this proceeding.

Mr. SUMNER. I am in earnest, sir, for the passage of some substantial measure that shall give relief to our suffering fellow-citizens in the rebel States. The Senate has made its best endeavor; the House has refused to concur with what we have done; and the question now is what action we shall take. The Senator from Ohio, if I understood him, proposed to interpose a motion of delay to the effect that we should send this proposition of the House back and ask them to vote upon it again. Why, sir, if we do that we kill the bill; so I fear, at least. To me it seems plain that out of such

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a course there can be no substantial result. Farewell, then, during this session to any just and beneficent measure either of protection or reconstruction, both of which I wish to accomplish. Farewell, because there will not be time in which to accomplish this great result. Surely not unless the House should be inspired to a course which is too much to expect.

The only remaining question, then, is whether this great measure shall be committed to a conference committee between the two Houses. I have heard it observed on this floor that the measure was too vast for any conference committee. On that, sir, let me make one remark: there is a time to sow and a time to reap. So also there is a time for open debate in this Chamber and there is a time for the action of conference committees. We have passed the first stage and are now in the second. We have arrived at that period when, according to the natural course of business, this great measure can find its solution only through a conference committee. If you set aside a conference committee you set aside every just and beneficent measure of protection or of reconstruction. For one, sir, I will not take that great, that terrible responsibility. I long for something, and I now take the only way which seems to me practicable.

Mr. POMEROY. I gather from the remarks of the Senator from Massachusetts that he sees a way of passing this bill providing there is a committee of conference and the two Houses agree to it. I never like to make any reference to the difficulties of passing a bill. Our duty is to do what we can toward passing it. But the Senator having alluded to it, I will say that I can see no way of passing this bill and having it become a law even if there is a committee of conference and the two Houses agree. I believe it is too late in the day. I do not believe it possible that such a bill as we want can become a law this session even though the two Houses do agree. I only make that remark in reply to what was said by the Senator from Massachusetts, that some bill might become a law. I have no idea that such a bill as the Senate want, judging from the votes we have had on this bill and the fact that we have passed it, can become a law at this session by any conference whatever.

Mr. FESSENDEN. I hope that the Senate will insist on their amendment and concur in the request for a conference. I do not know, I have taken no pains to inquire, what was the leading difficulty or principal difficulty in the minds of gentlemen of the House with reference to the amended bill as we sent it to them, but I am told that it arose out of a belief that the amendment, what is called the Blaine amendment, as redrawn, had not sufficient safeguards about it; that it left too much to what was supposed to be the rebel element in the original voting; and they did not think that our loyal friends in the South and the loyal portion of the country would be safe under it. That was the leading objection. Now, sir, with the committee that has been appointed there, and which represents that feeling—not that the Blaine amendment goes too far, but that it does not go quite far enough—there will be no difficulty, probably, in an agreement on something that will be satisfactory to both Houses. Whether the bill can become a law or not at this session is a question depending not upon us. Our duty plainly is to do all that we can toward making it a law. When we shall have accomplished that the responsibility will not rest upon us. If we undertake to refuse a conference and say we will not ascertain what the difficulties are and will not try to obviate them, the responsibility will be upon us here of refusing all attempts to pass such a law as would answer satisfactorily our purpose.

Now, sir, I confess that so far as I am concerned I concur in the idea that the Blaine amendment, so called, does not go far enough with regard to safeguards. That is my objection to it, and has been from the beginning. I would have preferred, as I stated here—I do not know that I stated it publicly in debate, but I stated it to gentlemen in conversation—I would very much have preferred the military bill, as it was called, pure and simple, without having anything else upon it, and leaving to other legislation, if it was judged expedient, what else might be done. We should then have stood in a perfectly good and sound condition, in my judgment, before the country. I could see no objection to it, and I had no quivering or shaking about it one way or the other.

We had proposed to these rebel States guaranties that were demanded of them before we would listen to the subject of reconstruction. We went before the country upon them, and the country approved our position. We therefore stood perfectly well. I belong to that class of men who think that in a difficult crisis, where there is confusion and it is troublesome to ascertain what it is best to do, true statesmanship requires that you should do no more than is absolutely demanded by the exigency of the case. That being my impression, I was willing to stand upon that and wait, because I thought we could afford to wait.

But, sir, it was felt throughout the country, for some reason or other, that the freedmen in the South, and our loyal friends there generally, were not safe, and that something should be done for their protection. Instead, therefore, of framing mere civil governments which could give them no protection, unless they represented the prevailing sentiment of the loyal people—and we all know that they are but a very small minority there—it was thought that we should give them protection that would be efficient; and that was the same protection to which they are entitled now from the Executive, but which the Executive does not give—that is, military protection which we could direct the Executive to give, and see whether an issue would be made with Congress upon that point. That was what would have been most satisfactory to me, and would have been, in my judgment, safest without any committal as to the particular terms that we should require in the setting up of civil governments.

But, sir, a majority of the Senate, contrary to the vote of a majority of the House who had rejected the amendment, and a large majority of the Senate—it was the prevailing sentiment, and a sentiment to which I felt myself compelled to yield in order to save the bill—considered that something should be done by way of holding out terms of reconstruction. Those terms, it seems from all I can learn, are not satisfactory to a strong feeling of the House requiring stronger guarantees. If that is the case, is it so difficult, is it so hard to appoint a committee which shall meet the committee on the part of the House, and with some variation of this amendment make it satisfactory to both branches of Congress, and thus have a law which will be efficient and will accomplish both purposes? I see no difficulty in the way.

Besides, we are taking a responsibility with reference to the matter if we refuse to act which we cannot very well stand under. Suppose we insist upon our position, and say we will have no conference; suppose, then, that the House, acting with precisely the same temper that we exhibit, should say, "We adhere;" then the bill is lost; and at this period of the session we cannot afford to lose it if it is a bill that we ought to pass. Certainly it would be very unprecedented, almost without precedent in the history of this Congress, to refuse to confer with the House, which has acted consistently, because in rejecting this bill it has only rejected what it rejected before. It might have been anticipated that such would be the result, because the bill came to us with this amendment substantially refused in advance. We made it, and they now object to it and send it back to us still declining. It only shows that there should be a conference between the two Houses in order to meet the exigency and determine upon the terms that will be satisfactory to both Houses. We have the same power over it when it comes back from a committee of conference that we have now. If we do not like the report of the committee of conference we can reject it.

Mr. TRUMBULL. We cannot amend it.

Mr. FESSENDEN. It is very true we cannot amend it, but we can reject it and give the subject to another committee of conference, who can amend it and change it if it is objectionable. There is always a way to meet that. There is no trouble about it.

Now, sir, I do not want to see this bill lost, and I will say to my friend from California that the same objection to a committee of conference does not lie in this case that lies in the case of a tariff bill or a tax bill or something of that sort, in which a great many things are mixed up together, and we may be in the hands of a committee of conference to a greater or less degree. This presents a single question which everybody can comprehend, and a gentleman can at once state his objections to the result of the committee of conference if he has any.

Under these circumstances it strikes me that the wise thing for us to do, instead of taking the responsibility upon us of saying we will have our own bill as we passed it or we will have nothing, would be to see if we cannot agree upon something that will be satisfactory to both Houses. I hope, therefore, that my friend from California will withdraw his objection. Certainly nothing can be lost by the attempt to have legislation which would be beneficial.

Mr. HOWARD. Mr. President, the bill as it passed the Senate was under discussion for a considerable time. Considering the lateness of the session it underwent all the consideration that it was possible for the Senate to bestow upon it. The discussion upon it was an animated and anxious discussion, as we all know, and I am not aware that the honorable Senator from Maine in the course of that discussion said anything in his place here against the amendment as we finally agreed upon it. I refer to the Blaine amendment. It seems now that he has all along entertained objections to that amendment. It would have been more gratifying to me if the honorable Senator had stated his objections to that amendment in some of its forms during the pendency of the bill, and on occasions where his opinion would certainly have been not without great weight.

I do not think, Mr. President, that under the circumstances it becomes us to create a committee of conference for the purpose of taking into consideration this very grave subject. I am unwilling for one to intrust a subject of such vast magnitude, whose influences are to be so vast and so enduring, to a committee of four or five or six or seven, as the case may be, and from whose report it is next to impossible for the Senate to appeal. Such a subject as this ought to be settled deliberately by the two bodies in open session. There should be no darkness overhanging their deliberations or their opinions; there should be no bargaining or selling, no trafficking or compromising—things which do sometimes take place among the most honest men upon committees of conference. Were it an ordinary measure I should not object to a committee of conference; if it related to the raising of revenue, or any other ordinary subject of legislation, I should be ready to agree to a committee of conference; but I do think that on this subject there ought to be no committee of conference. The two Houses ought to be able to agree upon this great measure of protection, settlement, and tranquillity if we have wisdom and common sense enough to agree, and I surely think we have. If we have not, then I despair, for one, of the passage of any bill that will meet the great urgency that is now upon us.

Mr. SHERMAN. Usually I would vote for a committee of conference as a matter of course, because where the two Houses disagree it is necessary that one or the other should yield, and often it applies to each; but in this case we know as a matter of fact that the opposition to this amendment in the House is not one that we can reconcile unless we can mix fire and water. We know that the opposition to the

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amendment in the House, as it stands upon the record, is from men of extreme opinions from each other; and therefore I can see no reason for sending this to a committee of conference. We know very well that it is impossible to reconcile the opinions of these hostile opponents of the measure without surrendering the principle upon which our amended bill is based.

The bill itself in the shape in which the Senate passed it is founded upon the declaration contained in the first two lines of the preamble, that there are no legal State governments in the southern States; that all the governments that have been founded by executive authority alone are illegal and void, and can operate only in the nature of municipal or local law for the protection of life and liberty, but they are not legal State governments. We know that that foundation of the bill will be opposed by a political party in the House of Representatives. It is not necessary for us to look to the record to know that. They insist upon it that these States are legal States, entitled to Senators and Representatives now. We therefore cannot expect by any modification of this bill to reach the class of members that I speak of.

On the other hand, another class of members, no doubt perfectly sincere and honest in their convictions, are of the opinion that we ought not to hold out terms like these to the South, or to the southern States, or to the rebel States; and I do not know any modification, short of absolutely destroying the principle of the bill, that will suit this class of opinion.

Therefore I do not think it is worth while to transfer to three members of the Senate the discussion and deliberation of so grave and momentous a question as this. I do not believe that any bill more important could be presented to our consideration. The whole matter is now within our power. If a majority of the Senate is willing to modify the amendment, it is now open for amendment. The whole subject is now before us. To send this bill to a committee of conference might compel us, after the gravest deliberation, to yield to a very small fragment, representing an opinion that is not concurred in by the great body of the Senate.

I prefer, and it is respectful and parliamentary, to say to the House that the Senate still further insists on its amendment, to send it back and allow the House again to take a vote upon it. If then they still stand by their opinion, it will be perfectly competent for either House, at any time before the vote to adhere is taken, to call for a committee of conference. It is manifest that the session is now so far advanced that this bill is within the power of the Executive; that unless approved by him it cannot become a law, because no proceedings taken by us can probably so advance the bill that it may not be easily defeated by the power of the Executive, if he does not approve it. Therefore my own opinion is that it is better for the Senate to stand by its deliberate conviction, at least until the House may have an opportunity to reconsider their single vote upon the bill. I shall therefore vote against this motion and for a motion to insist.

Mr. HENDRICKS. Reference has been made by several Senators to the possible failure to pass this bill so that it may become a law. I suppose the Senator from Massachusetts and the Senator from Kansas refer to the possibility that the President should refuse his approval of the bill and also decline to send it to Congress with his objections. Now, I wish to say to those Senators and to the Senate for myself that I desire no such action on the part of the Executive. If this bill or any other bill of such grave importance should pass Congress in time to allow the President an examination of it, and in time to allow him to prepare his objections to it, if he object to it, I should regret very much if he were not to send it back to Congress. I think we have no reason to expect that the President will decline to act if Congress allows him time to do so. I have no information upon the subject whatever. I express my own desire on the subject, and so far as I have conferred with Senators on this side of the Chamber I believe I express their wish on the subject. If Congress is in the right in this policy I desire the question to go to the country; let it be fairly and squarely met.

I shall not vote for the committee of conference. I agree with the opinion expressed by the Senator from California on that subject. A committee of conference is now simply for the Senate to abandon its ground, to allow the House to have its way upon this question. The debates in the House, together with the names of the committee sent to us, justify me in saying this.

Mr. POMEROY. In reply to the Senator from Indiana, I will say that in the remarks I made I did not have reference entirely to the action of the Executive. I remembered very distinctly the action of the opposition to this bill in the Senate, and knowing that the report of a committee of conference, although not open to amendment was open to discussion, I was satisfied that the time consumed in the discussion of that report, together with the opposition that might be made by the Executive, would certainly defeat any bill, if it was desired by either the party opposed to this measure or the Executive to defeat it.

In regard to the responsibility that the Senator from Massachusetts referred to, that we were taking a most fearful responsibility in voting against this committee of conference, I have this to say: that responsibility is shared at least by not simply the House of Representatives, but it is shared especially by those who have voted consistently against the measure that the Senate sent to the House, and I for my part am not able to fasten any responsibility upon any one vote or any one measure or class of individuals in the Senate or in the House. If there was a probability of enacting this into a law, either with or without the approval of the Executive, I would vote for the committee of conference and take the risks; but I do not believe it is possible even with a report of a committee of conference that suited us; and that not being possible to my mind, I do not choose to take the risks. I know of no way that it can be made a law in any form in which it would suit me at this session, and I do not choose to abandon the position that we have taken, and take all the risks of a defeat besides abandonment.

Mr. LANE. I shall vote at present against ordering a committee of conference, believing that such action would simply be idle and result in nothing. The history of this bill is, that after a very long debate in the House, and a very able debate, they refused to adopt the principle of what is called in the House the Blaine amendment and in the Senate the Sherman amendment. When the bill came to the Senate we adopted that amendment by a vote of 29 to 10. Every single Republican member in the Senate voted for it. There was no diversity of opinion on the subject.

Now, the question here is not one of mere expediency or compromise. It is a radical, elementary principle, which I cannot abandon under the report of this proposed committee of conference. The House proposed a military bill, pure and simple, for the government of the southern States. That is doubtless right as a temporary measure to afford protection to loyal people there, black and white; but I am not willing to force any such bill upon the people of the southern States unless we hold out to them a prospect, an immediate plan for the restoration of civil government.

If you will analyze the votes on this question in the House, if I may be permitted to refer to that subject, you will find there is no hope of any compromise in a committee of conference. We are told that the extreme Radicals of the House opposed the amendment because it does not go far enough. Every single Democrat in the House, amounting to forty-two, voted against it, because it goes too far. Gentlemen speak of the prevailing public sentiment in the House against the Blaine amendment. How is that public sentiment brought about, and who entertains it? A vast majority of the Radical Republican Union party favor the amendment; but by the union of a few extreme Radicals with the whole Democratic party *en masse* it is voted down.

Now, do you hope for any compromise? The House stands simply upon a military bill. The Senate by an unprecedented majority propose some plan and some time when civil governments can be restored. Now, sir, how are you to compromise? If we refer this to a committee of conference and they soften or destroy or report against the Blaine amendment, it fails here by a vote of three to one if Senators stand upon their honest convictions, as they stood only two days ago. Then how do you hope for anything from this committee of conference? There is nothing to confer about. The House by two deliberate votes have taken their action. The Senate, after an exhaustive debate, have taken their action. I am unwilling that this great question, affecting the very foundations of American society and free institutions, shall be taken out of the hands of Congress in open session and given to the compromises and conferences of a committee of conference. It is due to us to settle the question here.

The Senator from Massachusetts speaks of the fearful responsibility of the defeat of this bill. Who defeat it? Its friends or its enemies? Who defeat the bill? We have stood consistently by it from the beginning; we stand by it yet; but we do not propose to abdicate upon a great subject like this and give up the power of Congress to a committee of conference. Nor would any good result from it. I will not anticipate what the action of the President may be. I do not think it is parliamentary even to refer to it. I shall decide this question as it comes up, to the last day of the session, without any possible reference to the action of the President of the United States, and I shall ask full debate and full deliberation, and that the Senate shall speak, and not a committee of conference.

Mr. WADE. Mr. President, I believe, with the Senator from California, who spoke a while ago, that this is altogether too grave a matter to be left at this stage of the session to a committee of conference, a committee whose doings we are all of us unaware of. What it may do or forbear to do is hardly ever very well known to the Senate.

Sir, I do not like some things that dropped from the Senator from Maine. It seems that he was present while the debate was going on, and that he all the time entertained the idea that this bill was defective in some particular; yea, so defective that after its passage even he would not consent to it; and yet he never let his opposition to it be known—never proposed a remedy for the defect that he thought he saw all the time. I like frankness here and everywhere else. If a bill is passing here, and I entertain the idea that it is defective in any way and that I can remedy it by legislation, I certainly will make it known to the Senate that I believe such a defect does exist, and propose the remedy. Why, sir, this whole Senate, who continued through the whole debate, night and day, and never left their posts till it was finally decided, to a man agreed to what we had done, and we believed that it was as near right as it was possible for us to get it. Why then do we wait until after we have exhausted all our powers of persuasion, and when the bill passes, failing to make our arguments here, make them somewhere else? I do not like that way of doing business in the Senate of the United States.

Now, sir, I know that Congress is responsible for framing a bill on this great subject of reconstruction that shall be satisfactory to the country, and I am not one of those who despair that we shall have the wisdom and the ability to do it; but I say here now, I would rather begin again *de novo*, with all the experience we have had, and do it in open Senate and in open day, than to undertake to patch up these measures that both Houses or some of both Houses

seem to think are somehow defective. We have time enough to do it. There is no difficulty upon that subject. We have all the time there is; for the moment this Congress shall cease; another, not less wise, not less vigorous, not less intent upon making a remedy for all these evils than ourselves, will be here on the spot, with full time to deliberate on the subject, and before we separate my word for it we shall have something that will satisfy the country and be satisfactory to ourselves. I will not be driven into this doubtful position by the idea that we have only a little time and the President may veto our proceedings. I know he may. I know now we have lost the opportunity to send this bill to him in time because the House have failed promptly to meet the amendment that we proposed.

I find no fault with the House because they did not agree with us in this matter; but we need not consider ourselves driven by time to patch up a hasty measure here that will be unsatisfactory to ourselves and the country. If we cannot do it now, let us begin again *de novo* at the next session, and take all summer for it if it is necessary.

But, sir, how do I know what a committee of conference will do here? I do not know who they may be nor what sentiments they may entertain on this subject. Although it has been debated here from day to day and night to night, still I am told that gentlemen have not expressed some opinions that they entertain on this subject and have entertained all along. I do not know what kind of expression we may get from this committee of conference; and I do not like to have a subject as broad as this stand on so narrow a pinnacle as that of a committee of conference. I would rather insist upon what we have done; let it go back to the House, and if they are still decided and stand upon their doings let it fail for the present and let us begin again. That is my judgment, sir—not that I will give it up; I will never give it up until we have got something satisfactory to the country and to Congress; but I will not be driven on a subject of this importance for want of time, nor by the argument that we shall not get it before the President till within ten days of the close of the session, when he may pocket the bill. Let him pocket it if he sees fit to do so. It will be very easy for us to revive it again at the next session. And I thank God we have had the providence to provide against any fatal contingency arising from any delinquency that we may fall into now. There is no occasion for undue haste. Let us deliberate until every gentleman who entertains an opinion shall bring it forward with his meed of influence and share of wisdom to build up and perfect just such a mode of reconstruction as we all believe will be the best that can be made.

I shall vote against sending this matter to a committee of conference. I will not agree to that now. I would rather, as I said before, begin at the foundation with the bill, either in one branch or the other. If the Reconstruction Committee cannot fit up a measure that they themselves will stand by, I trust we shall get a committee somewhere that will get up a mode of reconstruction that they themselves will stand by if all others disagree.

Mr. FESSENDEN. From what friends have said to me outside with reference to this matter among my brethren of the Senate, and from what the Senator from Ohio has said just now, especially with reference to the Reconstruction Committee, I want to ask him whether, in the remarks he has been making, he alluded to me?

Mr. WADE. What remarks?

Mr. FESSENDEN. The remarks about getting up a bill by the Reconstruction Committee that they themselves would stand by; and also the further remark of not expressing sentiments here, but expressing them elsewhere with regard to this matter.

Mr. WADE. I did refer to the Senator.

Mr. FESSENDEN. That is what I supposed.

Mr. WADE. I supposed I was sufficiently explicit so that there could be no doubt on that subject.

Mr. FESSENDEN. The only doubt was as to knowing who the Senator meant, and that was a matter I wanted to make certain. With his customary frankness he has admitted that in the remarks he made he referred to me particularly. Now, sir, perhaps I owe something to myself with reference to this matter. The Reconstruction Committee reported the military bill; that bill I have stood by from the beginning. The Reconstruction Committee did not report the Blaine amendment or any amendment having reference to those subjects in any shape or form.

Mr. CONNESS. Will the Senator permit me to say a word?

Mr. FESSENDEN. Certainly.

Mr. CONNESS. Although the Reconstruction Committee did not report the Blaine amendment, the body that created the Reconstruction Committee did report it and adopt it.

Mr. FESSENDEN. That is all very true, and I have no objection to make to that statement; it is mere matter of fact. But I am now talking about the Reconstruction Committee. The Reconstruction Committee, so far as I am concerned, stood, and were prepared to stand, directly upon the bill that they reported. There is no question about that. The other is a part that came on to the bill, not from the committee, but from the body itself, as stated by the honorable Senator from California.

Now, sir, in regard to the other remark that is made by the Senator from Ohio about not expressing opinions here but expressing them elsewhere, I have this to say: that I took no part in the debate, not a particle. Did the Senator?

Mr. WADE. No.

Mr. FESSENDEN. None at all. We took very little part in the debate on this side of the Chamber. Senators will bear me witness that it was perfectly understood that we should not take part in the debate; that we should leave the discussion to our friends on the other side of the Chamber, so long as they chose to discuss it. With that understanding I agreed, and I was perfectly willing to agree to it, for I had no particular disposition to take part in the debate, and I never have a disposition to take part in debate upon a matter that is agreed upon by my friends, which does not entirely meet my approbation. All I think that they have a right to demand of me in such a case, the utmost that they have a right to demand of me, is that I shall not oppose the decision of my friends, and that if I cannot support it I shall at least let it go. What more have they a right to demand? The honorable Senator from California shakes his head. Can they demand of me that I shall get up here in the Senate and advocate what I do not exactly like or approve?

Mr. CONNESS. Will the Senator permit me right at this point?

Mr. FESSENDEN. Certainly.

Mr. CONNESS. I ask the honorable Senator what he would think of a military officer who had sat as a member of a council of war, but whose plans and suggestions and opinions had been overruled, if, when the battle began, he should simply not oppose his friends, but did not engage in capturing and destroying the enemy?

Mr. FESSENDEN. The answer to that is, we are not a council of war. It is not a military matter.

Mr. CONNESS. It is a council of peace and the same rules govern.

Mr. FESSENDEN. It is a civil matter, a matter of legislation, not a council of war by any manner of means, or anything of that description. Therefore I do not think the question of my friend from California is exactly pertinent.

Now, sir, let us have an understanding about this matter. I acceded or yielded to the opinions of my friends on this subject, and I yielded because it was out my power to oppose or prevent the action they agreed upon. Does that impose upon me the obligation to take part in a debate and to advocate what I do not approve? Can anything more be asked of me than that I submit, or of any member of the Senate under such circumstances? I take it, not.

As to expressing opinions elsewhere, in conversation with several gentlemen I did say, and I stand by what I said, that I did not like the bill as it stood, and I repeated it. I did further express the opinion, in answer to a question that was asked of me, if the House nonconcurred whether I thought there would be any difficulty in settling it by a committee of conference. Arguing upon what had taken place before, I did not think there would, and I stand by that, although it seems I am mistaken in that last opinion from the expressions I have heard here.

Now, sir, I take it that I am neither bound to advocate what I do not approve, nor to withhold my opinions in private conversation with our political friends as to what my opinions are on that subject. The obligations of party do not go as far as that; and I want gentlemen so to understand it. They do not go as far as that with me. If gentlemen choose to find fault with me on that subject, I stand ready to take the consequences, whatever they may be in relation to it.

I know there are certain gentlemen here who delight in an occasion to find fault with me, and to put responsibilities on me that do not belong to me. I have felt that for some period of time, and I have sat here silent and borne it without reply. But, sir, I take it that I stand in the same position in this Senate that every other gentleman does: at liberty to consult, and if overruled, to yield; but my obligation does not go so far as to compel me to support what I do not like or approve in any otherwise then by my vote, which I am often compelled to do, not because it is strictly right, but because I think on the whole it is best to do so, and therefore I yield something that I do not like to much that I do. Nor do I think it goes so far as that in conversation with my political friends outside. I shall not say what I think of the measure itself.

The honorable Senator from Ohio was bitterly opposed to this Blaine amendment, as it was so called, himself. He did not want it put on to the bill. The honorable Senator from Michigan who has spoken was opposed to it to the last. He cannot deny that.

Mr. HOWARD. Will the honorable Senator from Maine allow me one word?

Mr. FESSENDEN. Certainly; anything the Senator pleases.

Mr. HOWARD. What he has now said in reference to the Blaine amendment as it was presented to the Senate by the Senator from Ohio, [Mr. SHERMAN,] and finally passed by this body, is, as he must be aware, a mistake. I voted for it in that form. I voted for it when the honorable Senator from Maine was at his lodgings enjoying the sweets of sleep; at a time when I believe, if I was rightly informed, he had paired off with some member of the Senate and thus escaped what to me would have been a responsibility in voting either for or against that measure.

While I am up, and as the Senator has referred to me, he will allow me to say further that my connection with this measure in all its stages and in all its forms, and my knowledge of the discussions that have taken place upon it, have been probably as intimate and careful as his, and until this moment when he announced that the amendment was disagreeable to him, that he was opposed to it, I have been all along in total ignorance of that opposition on the part of the honorable Senator from Maine. He never, so far as I know, has spoken one word in my hearing in opposition to what is known as the Blaine amendment.

Mr. FESSENDEN. The Senator then on one or two occasions has been very hard of hearing. That is all I have to say on that subject. His ears were sealed in some way to what I did say.

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Sir, there are some things about it that I like. My objection to it from the beginning has been that it did not go far enough in its protection of ourselves. That has been my objection to the Blaine amendment, that there was not enough of it, that we were binding ourselves to too much for the future. That has been my difficulty with it. I did not think we were safe under it. That is the way I have felt with regard to it, and I have so expressed myself to several friends in conversation; but I saw from the feeling of this Senate that it or something like it was doomed to go on; that the measure could not be sustained as we had it unless something of the kind did go on. Well, sir, I could not help it. I could not get the military bill pure and simple as I wanted it, and therefore I yielded, as I was bound to yield, to the majority. But if gentlemen contend that, having yielded to the will of the majority on that subject, I was bound never to open my mouth to anybody with whom I conversed on the subject and never to express my opinions about it in private conversation with our political friends, I think that is putting on an amount of pressure to which I am not disposed to yield at any rate, and to which I will not yield. Gentlemen may reprove me as much as they please, or attempt to do it. I am of that opinion still; and I should like to have that amendment amended and some more safeguards about it than there are now. If gentlemen who glory in the name of radical are not quite so radical on that subject as I am, that is all the difference between us. And now, for being too much of a radical, I am to be lectured in this side-hand way by the honorable Senator from Ohio. Sir, I have my own opinions, and I shall stand by them, and I shall take the liberty to express them in a proper way on all occasions.

Now, as to the glorification of the honorable Senator from Michigan, that he stayed here going without sleep while the Senator from Maine was enjoying his repose, as he calls it, that is very true; I did not stay in the Senate. I believe it is the first time since I have been a member of Congress, when I was not confined to my bed with sickness, which has not happened often, that I have not been here day and night constantly attending the sessions of the Senate, when many gentlemen were dining or sleeping or doing something else, anything but attending the Senate—the first time in a period of nearly fourteen years, since I have been in the Senate. Whether that applies to the honorable Senator from Michigan or not on any occasion I do not know; but I know a great many to whom it does apply. I think after the service that I have rendered here in staying up night after night in passing bills when other gentlemen were enjoying their repose elsewhere I am the last person to be lectured or hinted at by the Senator from Michigan for not being here on that occasion. Sir, I did as other gentlemen do. I knew, in the ordinary course of things, that this week and the remainder of this session was to be to me more laborious probably than to any other member of the Senate, because it so happens that I have charge of the business of the Finance Committee, which comes up at the end of the session. I had been very ill for two days, hardly able to hold up my head, as many gentlemen know. I knew, or I believed that if I stayed here, the result would be that I should be entirely unfit for business all this week, and probably be sick in my bed. I consulted several friends in the Senate whether I was needed or whether it was not best for me to retire, expressing my willingness to stay if they wished it, and every one of them advised me that I was not needed; there was no debating to be done; the thing was perfectly safe, and I had better go home; and I paired off with a gentleman on the other side, as was stated. I believe it was about the first time I ever did pair on anything of consequence, and the Senator from Michigan is ungenerous enough to allude to that.

Mr. HOWARD. Will the Senator allow me to say a word?

Mr. FESSENDEN. Certainly.

Mr. HOWARD. I regret very much to hear so reproachful an epithet from the Senator from Maine toward myself. What I said in regard to his not being in his seat at the time of the vote was not spoken in the spirit of fault-finding or censure toward the Senator from Maine. I was not aware of his ill-heath. Had I been aware that that was the occasion of his withdrawing from his seat on that occasion I certainly should not have alluded to the subject at all. I am quite aware that the Senator's health is not as firm as that of many of us. He was excusable for the course he took, undoubtedly.

I alluded to that fact, however, in connection with what I had said before, that I was ignorant of the Senator's opposition to what is called the Blaine amendment. If he was opposed to the Blaine amendment secretly and covertly, not having made his opposition known, then to withdraw from his seat and to go into his bed would have been a very natural consequence if he were anxious to avoid the responsibility of either voting for it or against it. That is what I meant, sir.

I do not wish to protract a discussion of this personal nature with the Senator from Maine; but it does not become him, let me say with all respect to him, to assume to lecture me upon this subject. I know as well as he does, and he knows as well as I do, how he has stood all along in reference to the Blaine amendment, and what he has actually done on that subject. Further than this I do not wish to go at this moment.

Mr. FESSENDEN. If the Senator did not allude to me with the intention to cast censure upon me for being out of the way the only other horn of the dilemma he can take is, that he meant to glorify himself for staying here, or else he would not have said anything about it at all. But enough on that subject, sir.

Mr. HOWARD. There was no glorification about it. The term the Senator uses is entirely out of place and gratuitous in its intention and purpose. I remained in my seat because I was well and felt it my duty to remain here and to vote upon this measure. That is what I did, and that is the whole extent of my offending. If I had been out of health and unable to remain here I should have followed the Senator's example and paired off with somebody else; but I abjure all glorification in the discharge of an honest duty. I will throw off no responsibility; I will set up no suspicious excuse or pretense for a failure to do my duty.

Mr. FESSENDEN. Mr. President, the Senator has thrown out a very oracular remark about my knowing as well as he did what took place elsewhere. That matter has got into the newspapers; and that is, that this subject was committed by our friends to a committee, of which the honorable Senator and myself were members. Now, with regard to that——

Mr. HOWARD. It has got into the newspapers, if at all, not through my instigation.

Mr. FESSENDEN. I do not know through what channel it got into the newspapers; but I saw it in a newspaper this morning myself. Now, let me say with regard to that, it is one of my principles, when I find that a thing is to go contrary to my judgment, to make it as unobjectionable as possible, and to that point I labored, and I labored honestly; but I have never changed my opinion with regard to the point which I have stated. I stand now precisely where I did then. I would have voted for it; that is to say, voted for the bill with it, had I been here, and it was so announced by my colleague. That was the vote I was prepared to give; but I am not bound, therefore, by the fact that that was the case to approve everything there was in it or to say that it had no defect; and the extent of my offending is simply that I was not satisfied with it and so expressed myself. Can gentlemen reasonably find fault with that? I have acted in no bad faith with anybody or upon any subject. I have supported what I agreed to support throughout. But if gentlemen hold that the obligation goes further than that and ties a man's tongue as to a piece of legislation when his opinion is called for by a political friend, I hold that that is going further than I am ever willing to go under the direction of anybody, either any individual or any body of individuals.

I am sorry that this discussion has sprung up; I am sorry that the honorable Senator from Ohio took occasion in his speech that he made here to make flings at me. I felt bound, therefore, in my own vindication, without any reply as to himself—I dare say he always acts in good faith; I have always found that he did, with perfect frankness, no double dealing—to defend myself against an implied charge of that description. Whether that defense is sufficient or not the Senate will judge. Whether they judge so or not, I will not say it makes no difference to me, but it does not change my fixed determination to act according to my own conviction and in my own way.

Mr. WADE. Mr. President, I am very sorry that so disagreeable a topic should come up this morning for discussion, but I am very well compensated for it by what has fallen from the Senator from Maine. He tells us that the fault we find with him is his radicalism. Well, sir, if he has become radical I shall be compensated for all that has happened here to-day. I was exceedingly glad to hear it. I know that it will aid us when we come to frame other bills more than anybody can imagine, if the Senator from Maine, with his vast influence here, will throw it on the side of radicalism and aid such poor radicals as I am to get measures satisfactory to ourselves.

Now, Mr. President, on principle I was opposed to leaving this important question to the judgment of some five or six members of the two Houses of Congress in a committee of conference, and therefore I spoke as I did, and in that connection I could not help alluding to what I supposed I knew with regard to the course taken by the Senator from Maine, which was not satisfactory to me, and with his explanation it is no more satisfactory. He has said that he entertained opinions upon this bill as it was progressing unfavorable to some of its details, or something like that; I do not give his words; but it seems that in open Senate or in committees of which he formed a part, in all that he ever said or did with regard to this bill, he never made known one of those objections until after it had been discussed here, and until I had been kept up here two nights to consider it, and supposed everybody that harbored objections to it had made them known; and finally, after all that had been done in committees, in open Senate, and everywhere else, it was agreed that the bill should pass with a unanimity on this side of the Chamber that I have never known, nay, sir, that never can be exceeded, for there was no man in the negative.

Mr. CONNESS. Those who were left the Chamber.

Mr. WADE. Every one that was here voted for it. The Senator from Maine paired off, leaving his colleague to declare that if he had been here he would have voted with us. So we had him on our side. Another Senator left without giving, as I know of, any opinion on the subject; but every other man on this side of the Chamber voted for the measure, and it was no hasty vote that they gave. It was for a measure that had been considered in open Senate, considered in committee, considered everywhere and in every way that we could consider a subject, and finally, the deliberate judgment of this side of the Senate was manifested by a unanimous vote.

I do not agree with the Senator from Maine that a Senator should withhold opinions strongly formed in opposition to a measure. In such a case, it seems to me, he ought to vote against it;

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but at all events, after withholding opposition here and leaving it to be inferred that he was in favor of a measure, it was hardly proper for him to go to the other body and attempt to defeat it by showing his dissatisfaction there. I should not like, after having been kept here so long to pass a measure having the assent of the Senate, to find gentlemen supposed to be in favor of it going into another body and using their influence there for its defeat and overthrow. The Senator says this is perfectly reconcilable with good faith. I do not know but that it is. It is not, however, the way that I deal with this body or ever expect to. If I have objections so strong that they lead me to argue for the overthrow of a measure anywhere, the argument shall be made here and my vote shall attest my opinion.

Now, the Senator says that I, like himself, was opposed to this Blaine amendment. Well, Mr. President, I was opposed to any amendment, and I understood that the Senator was. I said very little about it; but I did say that I would endeavor to defend the measure against any amendment from any quarter whatever; that we would take the military bill of the House pure and simple, and then we would get up the other bill that had come from the House to supply, as I thought, all its defects; and that the two measures would make, as I believed, an excellent reconstruction system, taking this military bill as it came from the House, and then taking up the Louisiana bill, and amending it so as to apply to the other States; and both together, I declared here, would be, as I thought, right. I intended to urge the passage of the Louisiana bill first; but the Senator himself persuaded me out of it, and induced me to agree to take up this bill that we both agreed should pass without amendment; but it did not pass without amendment, and I do not know that the Senator resisted that amendment very strongly. I believe he entirely consented to it before we got through. Certainly he did not try to prevent it; neither his arguments nor his votes tended in that direction. I gave up all opposition to amending the bill, as he did; for I saw that by taking the amendments that were framed we could make an entire reconstruction project that ought to be satisfactory to all the States. I thought so, and yet I confess that I would rather have taken each bill as it came from the House by itself, for I thought then, and think now, that both together formed an excellent scheme of reconstruction; but the amendment the Senate adopted I believed then, and believe now, presented, in connection with the military bill, a most excellent reconstruction system; and I had not dreamed that the Senator from Maine objected to it because it was not radical enough. If I were permitted to speak of what transpired in other places, I should say that I was entirely convinced it was not its radicalism that troubled him then. I understood that he himself agreed that the bill should be amended before we got through with it, and I understood him to advocate an amendment. I do not find any fault with the amendment. It was a very tempting field to take that bill as it came from the House, and add to it some system of reconstruction which ought to be satisfactory to the South and to us, and make an entire measure in one bill. We undertook to do it, and it received the approbation of the Senate with great unanimity. What I complain of is that after Senators had voted for it they should endeavor somewhere else to overthrow it. I do not like that phase of it.

As to staying here in this Chamber, the Senator looked at me when he said that sometimes gentlemen were absent from their seats. Sir, since I have had a seat in this body I have not been absent one hour, and I defy any Senator to prove that I have been. I ask any Senator here if in his remembrance, during the long period I have been here, he has ever found me out of my seat unless I was engaged out of the Chamber on a committee. I do not know that the Senator intended to charge me with being absent; but certainly that is not a sin of mine. I am always here. Perhaps it would be better if I were not here; but I am regular in my attendance.

Sir, I shall not detain the Senate. I wish now to do the best I can for the country; but I dare not trust the fate of this great measure upon the result of a conference committee. I have seen too many evils grow out of that mode of proceeding. I had rather begin again, as I said before, and build up a system before the whole country that should be satisfactory to us all, than to hazard this measure on the narrow chance of a patching up by a conference committee.

Mr. BROWN. If I understand the condition of this bill, it is one that if referred to a committee of conference will throw open to their manipulation every principle that has been involved in the two measures. The bill originally came to us a simply military bill. It was amended by striking out all after the enacting clause and substituting a totally different measure, one that differed not only in the matter of the Blaine amendment, but that differed in the manner of the assignment of the military commanders; that differed on the question of the suspension of the *habeas corpus*; in fact upon every section of the bill. Therefore, if this is to go to a committee of conference, it will open to them the work of producing a measure totally new, a measure involving every principle in this bill, and one in which they may report so as to override the whole decision and whole determination of the Senate.

That is a condition of affairs and the principles which are involved in it are of too grave importance for me ever to consent to refer it to a committee of that character. When the bill came to the Senate we ingrafted upon it distinctively the principle of universal suffrage as the one on which reconstruction should be grounded in all the southern States. It is known to members of this Senate that I for one have contended for four years past that I never would assent to the admission of any of these States into the councils of the nation until they had bottomed these constitutions upon that doctrine of universal suffrage. Now, sir, here is a measure incorporating it in the fullest degree, incorporating it in advance before they form their constitutions, incorporating it as one of the features of their constitutions, and then reserving to Congress itself the approval thereafter of those constitutions when presented. These are grounds of reconstruction that I can heartily and cordially indorse. I am not willing to trust these grounds to the manipulation of any committee, the constitution of which I know not, and which may force me to a vote here and to the *onus* of defeating the whole measure in the late and last hours of the session.

I have seen a good deal of this legislation by committees of conference, and I have rarely seen a conference report that met with my approval. The result of such conferences is generally to bring back a report at the last hours of the session, a report that does not embody the decision of the Senate, and to throw the *onus* of the defeat of the measure and of all involved along with it, not upon those to whom it properly belongs, the members of the conference committee, but upon individual Senators who may find it necessary to vindicate their faith by voting against the measure, although their action may be in perfect accord with the almost unanimous approval previously of the Senate.

For these reasons I for one shall not approve of any reference of this matter to a committee of conference. I have no objection to insisting upon the action of the Senate and letting the House take further action, whether it will amend the amendment we have sent to them; but I will not for one assent to any other disposal of the subject.

Mr. WILLIAMS. Mr. President, my deliberate judgment is that the Senate ought to agree to a committee of conference and exhaust every legitimate means to procure the passage of this bill; but my individual opinion seems to be generally overruled by those with whom I am in the habit of acting in this body. I do not know upon what ground it is assumed that those who may constitute the committee will recede from the position that the Senate has taken or will compromise away the principles that are involved in this bill, or upon what ground it is assumed that the conferees on the part of the House may not accede to the positions that have been taken by the Senate. But as it is assumed that those who may be appointed on behalf of the Senate would not reflect the views of the body, and as I made the motion, after the expressions that have been made here, I would not consent under any circumstances to serve on such a committee.

Mr. President, I prepared this bill in the first place. I waited month after month for some of these old and experienced legislators to bring forward something upon the subject of reconstruction; but nothing was done, and this military bill, as it is called, was prepared by me and introduced into the Senate. It was referred to the joint Committee on Reconstruction, and by that committee it was reported with some verbal amendments to the House of Representatives, and it passed the House and was brought here to the Senate. As it will be remembered, I indicated at the time, on account of suggestions made to me by Senators, that I would propose an amendment. Upon questions of this kind I do not believe that any one man is wiser than everybody else; that any man knows so much as not sometimes to be enlightened by the suggestions of others; and when it was suggested to me in the Senate by several members in whose judgment I have great confidence, that something like the Blaine amendment would be advisable and acceptable to the Senate, I gave notice that I would propose that amendment; but when I was advised as to the condition of business in the House of Representatives, I gave notice then that I would not propose the amendment, and that I felt it my duty, in view of the necessity of passing the bill, to oppose all amendments, and I did oppose all amendments; but I was overruled and I acquiesced and supported the bill as amended. I am very anxious that it should pass as amended, notwithstanding my particular views have not in all respects obtained in reference to this bill.

When I prepared this bill it was my opinion that the true policy on the part of Congress was to establish a military power in the South adequate to the protection of loyal men, and when that power was there made efficient, then to proceed with the business of reconstruction by the necessary legislation; and I undertake to say that you may pass as many laws as you please, you may enact as many enabling acts as you please, but they will be a dead letter upon the statute-book unless military power is put in the South to protect the loyal men in the exercise of their rights under that legislation.

Mr. CONNESS. All agree upon that proposition.

Mr. WILLIAMS. I do not know whether all agree upon it or not; but these are my views, and it was with that view that this bill was prepared. But, sir, as I have stated, I would not consent to serve upon this committee, and it is manifest that the Senate will not agree to the appointment of a committee.

Mr. BROWN. Allow me to say a word to the Senator before he takes his seat. He seems to have taken to heart some remarks made by me.

Mr. WILLIAMS. Not at all.

Mr. BROWN. I had no allusion to the Senator as being on that committee. It did not occur to me at the moment that he would probably be a member of the conference committee, as having moved the conference; but I can say to him that although he might be a member of that committee, and I might have perfect confidence, as I would, in his truly reflecting the sentiment of the Senate, yet he would

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simply be one of that committee, and might easily be overruled in any action of the conference.

Mr. WILLIAMS. I did not understand the Senator particularly to allude to me more than other Senators, and I did not suppose any of them alluded to me specially.

Mr. CONNESS. Not at all.

Mr. WILLIAMS. But then, of course, as I made the motion, under the circumstances I should expect to be appointed on the committee. But, without any further discussion, with the consent of the Senate, I withdraw the motion that I made.

Mr. SHERMAN. I move that the Senate insist upon its amendment to the House bill, and that the usual message be sent to the House, and I think this is all that is necessary.

The PRESIDENT *pro tempore*. The motion of the Senator from Oregon is withdrawn, and the Senator from Ohio now moves that the Senate insist upon its amendment. The Chair entertains strong doubts about the motion being parliamentary, but will not refuse to entertain it.

Mr. SHERMAN. I have examined the parliamentary law.

Mr. CONNESS. I rise to say to the honorable Senator from Oregon that whatever opposition I have made to the creation of a conference committee did not go to the Senator, for if such a course was taken there is no Senator in whose hands I would trust either that or any other subject sooner than in his.

Mr. WADE. I wish to say the same in regard to the remarks I made.

Mr. WILLIAMS. It is not necessary.

Mr. WADE. I suppose not; but I never thought of such a thing.

Mr. BUCKALEW. I beg to be pardoned for saying a word on this subject. In my mind neither the original bill nor the amended bill as passed by the Senate holds any favorite place. Under ordinary circumstances I would vote for a committee of conference as a matter of course, in a case of this kind, in order to produce agreement between the two Houses and to facilitate the transaction of public business; but I understand perfectly well what voting for a committee of conference in this case means. Upon the enunciation of the committee of conference, as appointed by the other House, I understand that our appointing a committee on this subject to join with the House committee of conference, and committing this subject to them, means, and means only, the utter defeat and destruction of the Senate proposition. The idea of any general or liberal concession to the opinions of the Senate from a committee constituted as this one would be is perfectly idle. There are certain mental constitutions which we entirely comprehend, and in this case the result is not one of doubt.

Now, sir, being indifferent between the two measures—the original bill and the amended bill—I simply vote to sustain the dignity of the Senate on this subject. I do not propose to send our measure to a tribunal which will utterly destroy the whole work that has been done by this body. I would vote against the motion to appoint a committee of conference, if it were persisted in, but I believe that proposition has been withdrawn. For the present I shall vote to insist upon the amendment made by the Senate, simply as an act of duty to the body of which I am a member, under the peculiar circumstances.

Mr. SHERMAN. I wish it distinctly understood, after the remarks made by the Senator from Pennsylvania, that I make this motion in the sincere hope that the House will reconsider its vote. When the bill is sent back there, a motion can then be made to recede from its disagreement. If, however, the House should still insist upon the disagreement, I shall be perfectly willing then to go for a committee of conference. In the first instance, I think the Senate ought to stand by its amendment, because I do not see how a committee of conference can vary the question as it now stands.

Mr. WILSON. I had intended to vote to send this bill back to the House without a committee of conference, but after the remark just made by the Senator from Ohio, I do not see any object in making any further fight.

Mr. TRUMBULL. I have not said a word in reference to this bill. I believe I have never opened my mouth in regard to it in the Senate. I never regarded the bill as it came from the House of Representatives, called the military bill, as of the slightest importance. The law as it now stands confers all the power that was attempted to be conferred by that House bill. I will read the section of the statute, and it will be seen that it embraces everything that was in the original House bill as it came here. It is the fourteenth section of the act amendatory of the act creating the Freedmen's Bureau.

"SEC. 14. *And be it further enacted*, That in every State or district where the ordinary course of judicial proceedings has been interrupted by the rebellion, and until the same shall be fully restored, and in every State or district whose constitutional relations to the Government have been practically discontinued by the rebellion, and until such State shall have been restored in such relations, and shall be duly represented in the Congress of the United States, the right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property, and to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, and the acquisition, enjoyment, and disposition of estate, real and personal, including the constitutional right to bear arms, shall be secured to and enjoyed by all the citizens of such State or district without respect to race or color or previous condition of slavery. And whenever in either of said States or districts the ordinary course of judicial proceedings has been interrupted by the rebellion, and until the same shall be fully restored, and until such State shall have been restored in its constitutional relations to the Government and shall be duly represented in the Congress of the United States, the President shall, through the Commissioner and the officers of the bureau, and under such rules and regulations as the President, through the Secretary of War, shall prescribe, extend military protection and have military jurisdiction over all cases and questions concerning the free enjoyment of such immunities and rights, and no penalty or punishment for any violation of law shall be imposed or permitted because of race or color or previous condition of slavery other or greater than the penalty or punishment to which white persons may be liable by law for the like offense. But the jurisdiction conferred by this section upon the officers of the bureau shall not exist in any State where the ordinary course of judicial proceedings has not been interrupted by the rebellion, and shall cease in every State when the courts of the State and the United States are not disturbed in the peaceful course of justice, and after such State shall be fully restored in its constitutional relations to the Government, and shall be duly represented in the Congress of the United States."

This law made it necessary to divide the rebellious States into districts, and assign to the command of them a Commissioner, who is General Howard, and assistant commissioners, who are Army officers detailed by the President, which is exactly what the bill which came from the House did; and it made it the duty of the President to protect these persons by the military power, for the Freedmen's Bureau is but a branch of the military service—made it his duty to protect them in every right and in the enjoyment of every liberty. Did this bill do anything more? There is no sort of importance in the bill. If this has not been done, your law has not been executed; that is all. Will it be executed any better if you repeat the law? It is but a reiteration of what the statute already is, passed less than a year ago. I thought it was important that something else should be put upon this bill, and I was very much in favor of the amendment which the Senate made. The House of Representatives have, however, refused to concur in that amendment, and the bill comes back to the Senate with their refusal, and some feeling is manifested about it here as to what we ought to do. I have no feeling. As I said, I have taken no part in the debates which have arisen upon this question in the Senate. I want to do that which shall be for the best. I am desirous that these rebel States shall be restored to their constitutional relations to the Government at the earliest period it can be done with safety to the Republic, and with safety to the loyal men and the freedmen in the South. I am unwilling that it shall be done leaving those States in the control and under the domination of the very men who inaugurated the war and brought on the rebellion. I thought the amendment put upon this bill by the Senate contained every guarantee that had ever been asked for by any one. It provided that no State government should be organized there unless it was organized by delegates chosen by all the male inhabitants, without regard to race or color, who were twenty-one years of age, excluding only those who had participated in rebellion or been guilty of a crime. It provided that this constitution when thus framed should be submitted to all the people, the same people who elected the delegates. It provided that it must receive their sanction. It provided, then, that this government thus formed must ratify the constitutional amendment which excluded from office, as we all know, every person who had held an office of any considerable importance and afterward took part in the rebellion. It would instantly turn out of office, I think, every Governor, every judge, and every important officer through all the rebellious States. This provision of ours provided that the constitutional amendment should be adopted before the government could be recognized, and that constitutional amendment excludes from office every person who ever took an oath to support the Constitution of the United States, as a qualification for any office of any significance or importance and afterward took part in rebellion, and this would sweep out nearly every person in all the rebellious States who now holds office. I am told it would be a general sweeping out of the whole of them, and would necessarily put the governments in loyal hands.

Then, sir, beyond all this, before the governments thus set up could be recognized they must be submitted to Congress and be approved by Congress itself; and, further than that, as the Senator from Missouri [Mr. BROWN] reminds me, they must incorporate universal suffrage in their constitutions.

Now, sir, if you ever mean that these rebel States shall be organized, peace and harmony and good-will shall be restored in this country, will you afford no means to do it? What more do you ask? What else would you have? Can anybody think of anything else to require of these people except to put their governments in loyal hands, adopt the constitutional amendment, adopt universal suffrage, and keep rebels out of power? What more, I ask, can be required of them?

But, sir, this is rejected and comes back to the Senate, and the question is, What shall we do? It was first moved that the Senate agree to appoint a committee of conference. What is the objection to that? The Senator from Missouri stated it very aptly. It is that we should thereby submit to a committee of conference this whole question of reconstruction, and place ourselves in the position of having a mere negative upon the action of that committee. When that committee reported we should be in the condition of the Senate on a nomination from the President. We may reject the nominee, but we cannot select another person to fill the office. We may reject the report of a committee of conference, but we cannot amend it. We cannot propose anything in regard to it. We should be like the French Senate, a body of merely negative powers. I believe there the laws are proposed by the ministry, and the Senate have the right, if they think proper, to reject them.

Sir, I am not willing to put myself in that condition. I want to be free to act, to propose amendments, and to vote upon amendments, and consider the question, and not be put in the position of taking the precise thing that may be reported by a committee of conference or nothing. I do not think such a question as this should go to a committee of conference, and therefore I am opposed to it; and I regret exceedingly the remark which has fallen from the Senator from Ohio, [Mr. SHERMAN,] that if the House refuses to recede from its position we can then have no committee of conference. Sir, never by my vote. Never shall such a great question as this, open in all its parts, be

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by me submitted to any committee of conference. I might agree to submit a single proposition, a single matter, about which the two Houses disagreed, that was not important, but here you submit the whole question. The two Houses disagree *in toto*, and it is competent for this committee of conference to draw an entirely new bill, covering every principle that is referred to in the bill from the House or the amendment put on it by the Senate. I am not willing to turn this subject over to any committee of conference to frame a bill upon which I can merely say "ay" or "no;" and I trust that no such impression will go out as that this Senate will ever agree to submit this whole subject to a committee of conference to be dealt with in this way.

I shall vote to adhere to the amendment which the Senate has made. I consider that there is no sort of importance in the original bill, and for that reason I called the attention of the Senate to the fourteenth section of the act passed over the veto of the President on the 16th of July, 1866, which provides for this military protection. If the President does not execute that law, what assurance have you that he will execute a new law any better?

Mr. COWAN. I desire to ask a question. Do I understand the Senator from Illinois to insinuate that the Freedmen's Bureau law is not properly executed?

Mr. TRUMBULL. I do insinuate that in my judgment it is not properly executed.

Mr. COWAN. Then I would ask the honorable Senator whether his friends have it not all in their own hands; whether General Howard is not a true man, according to his acceptation of that term, and a good Radical?

Mr. TRUMBULL. It matters not to me whether a man is a good Radical or not in the execution of the duties of his office. I do not understand that General Howard is left at liberty to execute this law as it ought to be executed. I have understood that not long ago, in the State of Virginia, the murderer of a colored man, when arrested by the military authorities, was, by orders from Washington city, set free. I have understood that when the military commander in the States of North Carolina and South Carolina, in obedience to this law to protect all persons in their personal liberty and secure to them equal rights, issued an order forbidding the whipping and scourging of colored men all over these States, by orders from Washington the action of the commander was revoked, at the instance of the Governor, so called, of South Carolina, who went from his seat in a rebel Congress at Richmond to preside over this pretended State government set up in South Carolina.

Sir, there was read to the Senate the other day, by the Senator from Massachusetts, [Mr. WILSON,] evidence that in hundreds of cases the civil rights bill had been set at naught; but here is the Freedmen's Bureau bill, an act creating a bureau in the War Department, presided over by military officers, established for the very purpose of protecting colored men in their rights, which has not been enforced, I say to the Senator from Pennsylvania, according to my opinion, so as to afford that adequate protection to which the colored people are entitled. If it had been we should have been free from very much of our difficulty.

I wish to say to the Senate that I attach no great importance to this bill which came from the House of Representatives, called the military bill. That will be under the control of the President just as the Freedmen's Bureau is. The officer whom he will detail, with the rank of brigadier general, to command in the districts he shall create through the South, will, I apprehend, be no better than General Howard. I wish I could think he would be as good. The trouble is that the officers of the Freedmen's Bureau are not furnished with the means to enforce this law.

I did not intend taking up the time of the Senate in regard to this measure, in the shape that it is now before us, and I do not know that I should have risen at all, except to enter my protest against the declaration of the Senator from Ohio, that this bill is to go to a committee of conference. It is no use sending it back to the House of Representatives if that is the disposition we are going to make of it.

Mr. SUMNER. Mr. President, in what the Senator from Illinois [Mr. TRUMBULL] has said with regard to the failure of the President to discharge his duties under existing laws I entirely agree. He has touched the case to the quick. It is impossible not to see that the great difficulty of the present moment springs from the bad man who sits in the executive chair. He is the center of our woes. More than once before I have reminded you of that saying of Catholic Europe, that "All roads lead to Rome." So now do all roads among us lead to the President. You can attempt nothing which does not bring you face to face with him, precisely as during the rebellion you could attempt nothing which did not bring you face to face with Jefferson Davis. I mention this now, not to deter you, but for encouragement. You have already conquered the chief of the rebellion. I doubt not that you will conquer his successor also. But this can be done only by strenuous exertion. It is no argument against legislation that the President will not execute it. Let us do our duty, and insist always that he shall do his.

Therefore I am in favor of some measure of reconstruction, the best that we can secure; the more thorough it is the better it will be for me. And I ask you to take such steps as will best accomplish this result. There is a difference between the two Houses, and at this stage the customary proceeding is a conference committee. But the Senator from Illinois is against any conference committee in a case of such magnitude. To my mind his argument should be directed against that rule of parliamentary law which provides a conference committee at this precise stage of parliamentary proceedings. Let him move to change the parliamentary law, so that in cases of peculiar importance the common rule shall cease to be applicable. Let this be his thesis. But so long as the *Lex Parliamentaria* exists I submit that it is hardly reasonable to resist its application, especially when the House has asked a conference committee on a bill of theirs which you have amended.

There is nothing in reason or practice to sustain the Senator in his objection so far as I can see. Practice is in harmony with reason. If you glance at the memorable measures of later years, you will find that they all came through conference committees. Through that gate they passed. In other words, the various forces developed by debate and vote in both Houses were all combined and resolved into the final result through a conference committee. Emancipation, the confiscation of rebel property, the Freedmen's Bureau, were all obtained in this way. I might mention other measures hardly less important. I do not remember that the Senator from Illinois on any of these occasions objected to the parliamentary law as inapplicable to matters of such magnitude. On the contrary, he acted with his associates here and helped place these beneficent measures in the statute-book. But now he has grown wiser, and will not allow the conference committee. He argues most earnestly that the bill should be discussed in the light of day. Very well; let it be so discussed. It has already undergone much discussion, by daylight and by gaslight, too. It may be discussed still further if you wish to discuss it. Because it goes to a conference committee there is not an end to discussion. On the report of that committee it will be open again to discussion precisely as on the report of any other committee. The sessions of all committees are with closed doors, and a conference committee is not an exception. But every report must be in open Senate, where every Senator can be heard. The Senator from Illinois will have his opportunity.

Pardon me, then, if I can see nothing in reason or practice against a conference committee. This is the proper agency now. This bill has already been considered by committees of both Houses; it has passed through all its proper stages in both Houses, and now, when the two Houses fail to agree, a conference committee is the agency supplied by parliamentary law. If I accept it I do little more than follow precedents and the law.

The Senator from Ohio, [Mr. SHERMAN,] coöperating with the Senator from Illinois, moves directly that the Senate insist upon its amendment, and refuse the conference committee asked by the House. I regret this motion, simply because it seems calculated to endanger the bill, while it cuts off all reasonable chance of further amendment. Do not forget that, in order to act independent of the President, so as to avoid a "pocket-veto," you must complete your work before midnight. When the hand of that clock points to twelve the time will be passed within which you can act with any good expectation of a practical result; at least so I am informed by those who have made the calculation of time, which I have not. The ten days which the Constitution allows to the President for the consideration of bills will absorb the remainder of the session, so that you will send this measure to encounter the risk of being "pocketed," without any declaration of reasons by the President. This at least is the risk which you will run. Only through a conference committee can this risk be avoided. Any other course will require too much delay; but delay is fatal.

Mr. SHERMAN. With the consent of my friend, I will state that I have no doubt that with moderation on the part of both Houses this measure can be passed with the assent of both Houses without any material change before ten o'clock to-night. There are members of the House of Representatives who desire one or two modifications, so slight that if the bill be now sent back to them on my motion so that they can propose amendments to our amendment, they can soon put our amendment in a shape perfectly satisfactory to the majority of the House, and thus the subject-matter can be disposed of to-day.

I will further state, in explanation of the remark I made a while ago, that I make my motion not to throw this bill back to the House in an offensive sense; that is not the way to legislate; because it is very easy to excite a feeling of pride, of *esprit du corps*, between the respective Houses; but it is to send this amendment back with our deliberate judgment that it ought to prevail, and then let them propose such modifications as are necessary to secure the assent of the House to it. My impression is that if it be sent back thus, it will be passed by both Houses before ten o'clock to-night.

Mr. SUMNER. Each Senator has such information as he can gather with regard to the possible fate of the bill in the other House.

Mr. SHERMAN. I have expressed my hope.

Mr. SUMNER. The information which I gather is the other way. Should the Senator's proposition prevail, I fear that the bill will be lost. But I differ from the Senator radically when he intimates that it needs only "slight" amendments. With this opinion I can understand that he should urge a course which will cut off such amendments as seem to me essential.

Mr. President, let me speak frankly of this measure, which has in it so much of good and so much of evil. Rarely have good and evil been mixed on such a scale. Look at the good and you are full of grateful admiration. Look at the evil and you are impatient at such an abandonment of duty. Much is gained, but much is abandoned. You have done much; but you have not done enough. You have left undone things which ought to be done. The Senator from Maine [Mr. FESSENDEN] was right in asking more. I agree with him. I ask for more. All the good of the bill cannot make me forget its evil. It is very defective. It is horridly defective. You cannot use too strong language in characterizing a measure

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with such fatal defects. But nobody recognizes more cordially than myself the good it has. Pardon me if I do my best to make it better.

This bill is the original House bill for the military government of the rebel States, revised and amended by the Senate in several essential particulars. As it came from the House it was excellent in its general purpose, but was very imperfect. It was nothing but a military bill, providing protection for our fellow-citizens in the rebel States. Unquestionably it was much improved in the Senate. It is easy to mention its good points, for these are conspicuous and seem like so many monuments.

Throughout the bill, in its title, in its preamble, and then again in its body, the States in question are designated as "rebel States." I like this designation. It is brief and just. It seems to justify on the face any measure of precaution or security. It teaches the country how these States are to be regarded at least for the present. It teaches these States how they are regarded by Congress. "Rebel States!" I like the term, and I am glad it is repeated. God grant that the time may come when this term may be forgotten; but until then we must not hesitate to call things by their right name.

More important still is the declaration in the preamble that "no legal State governments" now exist in the enumerated rebel States. This is a declaration of incalculable value. For a long time, too long, you have hesitated; but at last this point is reached, destined to be "the initial point" of a just reconstruction. For a long time, again and again, I have insisted that those governments are *illegal*. Strangely you would not say so. But this bill fixes this point, which is the starting point of a true policy. If the existing governments in the rebel States are "illegal," you have duties with regard to them which cannot be postponed. You cannot stop with this declaration. You must see that it is carried out in a practical way. In other words, you must brush away these illegal governments, the spawn of presidential usurpation, and supply their places. The illegal must give way to the legal; and Congress must supervise and control the transition. This bill has a special value in the obligations which it imposes upon you. Let it find a place in the statute-book and your duties will be fixed beyond recall.

But there is another point established which is in itself a prodigious triumph. As I mention it, I cannot conceal my joy. It is the direct requirement of universal suffrage, without distinction of race or color, in all the constitutions of the rebel States. This is done by act of Congress, without constitutional amendment. It is a grand and beneficent exercise of existing powers, for a long time invoked, but now at last grasped. No rebel State can enjoy representation in Congress, until it has conferred the suffrage upon all its citizens, and fixed this right in its constitution. This is the Magna Charta which you are about to enact. Since Runnymede, there has been nothing of greater value to Human Rights.

Add to this enumeration that the bill is in its general purposes a measure of protection for loyal fellow-citizens now trodden down by rebels. The military power is set in motion to this end, and the whole rebel region is divided into districts where the strong arm of the soldier is to supply that protection which is asked in vain from the illegal governments which have been constituted there.

Look now at the other side and you will see the defects of this bill. By an amendment of the Senate the House bill, which was merely a military bill for protection, has been converted into a measure of "reconstruction." But it is reconstruction without any machinery or motive power. There is no provision for the initiation of the new governments. There is no helping hand extended to the loyal people who may seek to lay anew the foundations of civil order. They are left to grope in the dark. This is not right. It is a failure of duty on the part of Congress, which ought to preside over the work of reconstruction and lend its helping hand, by securing Education and Equal Rights to begin at once, and by appointing the way and the season in which good citizens should proceed in creating the new governments. I cannot forget, also, that there is no provision by which the freedmen can be secured a piece of land for them and their families, which has always seemed to me important in the work of reconstruction. But all this, though of the gravest character, is dwarfed by that other objection which springs from the toleration of rebels in the copartnership of government. Here has been a strange oblivion, showing a strange insensibility.

The Senator from Illinois [Mr. TRUMBULL] agreed that this bill would put the new governments in loyal hands. Has he read it? My precise objection is that it does not put the government in loyal hands. Look at it carefully, and you will see this staring you in the face at all points. While requiring suffrage for all without distinction of race or color, it leaves the machinery and motive power in the hands of the existing governments, which are conducted by the rebels. Therefore, under this bill rebels will initiate and conduct the work of reconstruction, while loyal citizens stand aside. The present President once said—"For the rebels back seats!" This bill says, "For the loyal citizens back seats!" Nobody is disfranchised. There is no traitor red with loyal blood, who may not play his part and help found the new government. The bill excepts from voting only "such as *may be* disfranchised for participation in rebellion." It does not require that anybody shall be disfranchised, but leaves this whole question to the existing government, who will, of course, leave the door wide open.

It is when I look at this feature of the bill that I cannot condemn it too much. It is true that the suffrage is given to the colored race; but their masters are left in power to domineer and even to organize. With their experience, craft, and determined purpose, there is too much reason to fear that all your safeguards would be overthrown, and the Unionist would continue the victim of rebel power. This must not be. And you must interfere in advance to prevent it. You must exercise a just authority in disfranchising dangerous men. On this point there must be no uncertainty—no "perhaps." It is not enough to say that rebels *may be* disfranchised. You must say that they *must be* disfranchised. Without this you surrender everything to them.

Such a surrender Congress must not make. Therefore, do I rejoice with my whole heart that the House of Representatives has given to the Senate the opportunity of reconsidering its action and taking the proper steps for amending the bill. The new governments must be on a loyal basis. Loyal people must be protected against rebels. Here I take my stand. I plead for those good people, who have suffered as people never suffered before. I appeal to you as Senators not to miss this precious opportunity. Take care that this bill is amended, so that it may be the fountain of peace and not the engine of discord and oppression.

Mr. SHERMAN. The Senator from Massachusetts now for the first time in the Senate has stated his opposition to this bill. It has been ably discussed in each House, but up to this time the opposition of the Senator from Massachusetts had not been stated.

Mr. SUMNER. Allow me to correct the Senator there. The Senator was not here when at two o'clock in the morning I denounced this amendment in the way which I have to-day, and much more severely.

Mr. SHERMAN. The Senator from Massachusetts, perhaps, past midnight two nights ago, expressed his decided opposition to the Blaine amendment; but it must be remembered that since then this substitute was introduced after careful consideration by the Senator from Massachusetts, as well as others, he contented himself with remaining in his seat in silence, without expressing the least opposition to it. It may not be improper for me to say that at an early hour he left and went home, leaving the friends of the measure to pass it without his vote and ignorant of his opposition, at least from any expression of his in the Senate. Now, he now states that the ground of his opposition is that the bill does not disfranchise the whole rebel population of the southern States.

Mr. SUMNER. I beg the Senator's pardon. I take no such ground. I say it does not provide proper safeguards against the rebel population. I have not opened the question to what extent the disfranchisement should go.

Mr. SHERMAN. The Senator has characterized this bill as a horrid bill, and the reason assigned is that it turns the loyal people over to the care and custody of the disloyal. Now, sir, this proposition, for the first time, places the ballot in the hands of the whole negro population of the southern States. It gives them the power to go to the polls and exercise the elective franchise for their own protection. Now, for the first time, there is an opportunity to carry out the doctrine which the Senator from Massachusetts has so often and so eloquently proclaimed here, "Give me the ballot and I will be satisfied; the ballot is the beginning and the end, the alpha and the omega of the whole theory of reconstruction." How long did we hear him declaim about the ballot at the last session? Now he has the opportunity to give the ballot to every male negro above the age of twenty-one years and to put him on a footing of equality with his former master.

Here is a bill that cripples him by no restriction, that requires no educational qualification, that does not tie his hands on account of past ignorance, but gives him that great power which the Senator has so often demanded for him. The Senator is not satisfied when this is done by the unanimous vote of his political friends in the Senate, every voice concurring; and that, too, when it is supported by military law, backed by the proposition that until the people of these States shall themselves arm the negro with political power they shall not be represented here. The Senator says that is not sufficient. Although in many southern States the negroes are in the majority, and if they have the intelligence and the vigor and the firmness of the white men they can vote down the white men; the Senator says he is not satisfied with that. Now, what is asked? What was asked in the House of Representatives? That we shall disfranchise the white population and leave only the negroes and the few loyal white people there are in the southern States to vote. If that is the proposition, let us meet it boldly and manfully. Sir, the people of Ohio I know do not demand such a proposition. All they ask is that the negro shall be protected in all his natural rights, and, as the highest means of protection, that he shall be secured the ballot. And, sir, no proposition can ever pass this Congress, and no bill can ever be sanctioned by the American people which will disfranchise the white population of the southern States, with very few exceptions, and place the power of ten States in the hands of ignorant, emancipated freedmen. We want neither black nor white oligarchies. Our people are willing to protect the freedmen, to secure them with military power, to give them money for temporary relief, to arm them with the ballot, to do everything that is necessary for their protection; but we are not willing to establish in this country ten States in which all the white people are disfranchised, and only the black can vote. When I say all, I mean practically all, because we know very well that there are comparatively few white men in the southern States who have not been complicated more or less in this rebellion; and when you attempt to draw a line between white men, when you say that one class of white men may vote and another shall be excluded, you will find yourself involved in perpetual difficulty. It is impossible to draw any such line. There

will be the same difficulty in attempting to draw such distinctions that we had when we attempted to frame a property qualification for the negro.

We sweep from our legislation all tests for voting except such as each State may prescribe. We build reconstruction upon the broadest humanity and invite all men to take part in the work. So far as voting is concerned we proclaim universal amnesty in exchange for universal suffrage, and yet the Senator is not satisfied. What more did he ask a year ago? Nothing. If we exclude from voting the rebels of the South, who compose nearly all the former voting population, what becomes of the republican doctrine that all governments must be founded on the consent of the governed? I invoke constitutional liberty against such a proposition. Beware, sir, lest in guarding against rebels you destroy the foundation of republican institutions. I like rebels no better than the Senator from Massachusetts; but, sir, I will not supersede one form of oligarchy in which the blacks were slaves by another in which the whites are disfranchised outcasts. Let us introduce no such horrid deformity into the American Union. Our path has been toward enfranchisement and liberty. Let us not turn backward in our course, but after providing all necessary safeguards for white and black, let us reconstruct society in the rebel States upon the broad basis of universal suffrage.

This bill does not proclaim universal amnesty except as to voting. On the contrary, it requires these States to adopt a constitutional amendment by which the leading men disable themselves from holding office. Six thousand or perhaps ten thousand of the leading men of the South are embraced in the restriction of the constitutional amendment, and are forever excluded from holding office until two thirds of both Houses of Congress relieve them from that restriction. Is not that enough? Is it not enough that they are humiliated, conquered, their pride broken, their property lost, hundreds and thousands of their best and bravest buried under their soil, their institutions gone, they themselves deprived of the right to hold office, and placed in political power on the same footing with their former slaves? Is not that enough? I say it is, and a generous people will not demand more.

But, sir, when the attempt is made to defeat a measure of this kind, which yields all that the Senator has ever openly demanded in the Senate, all that has ever been demanded by any popular community in this great country, all that has been demanded by any Legislature, more than we claimed at the last election, I have the right to characterize this opposition as unusual and unnatural. Sir, let us issue this call to the people of the southern States. We have given here our deliberate judgment on a legal proposition: we say that the State governments organized by the President of the United States were without authority of law, because they were without the sanction of Congress. We therefore sweep them away, not for all purposes, but for all State purposes. We deny their validity as State governments. They only have the same force and effect as the local Mexican law had in California after we conquered California, the same effect that the local law of Maryland would have if the British should overrun the whole of Maryland; no more, no less. The State communities are swept out of existence, and the people are required to proceed in their own way to form State governments. What objection can there be to this?

No machinery is provided, it is true; but we have three examples already in our history of States being organized by the people without any previous enabling act. Here is an invitation to the people. They can call their party conventions, their State conventions, and finally by a movement of the people, without regard to their local Legislature or local tribunals, a constitutional convention can be convened, elected by all the people, and they can form a constitution. We prescribe what shall be in that constitution, and say that they shall, by that constitution, secure the elective franchise to all. Then the constitution is to be submitted to all the people, black and white, and to be ratified by a majority of those who vote at that election. All these steps must be taken before there is any danger of Senators coming here to sit alongside of my friend from Massachusetts. Then that constitution must be brought by these people and laid here in the Halls of Congress, that the Senate and the House may examine it. Then he can raise his objections to it; and even at that stage, if Congress does not ratify it, the whole superstructure falls. If, however, they have gone through all this machinery, then we say to them they shall go further, and their Legislature shall adopt the constitutional amendment; and what is that? Why, sir, it is an amendment which requires of their leading men to surrender all hope of office until two thirds of both Houses shall proclaim universal amnesty. Even that amendment which received the sanction of Congress never proposed to debar them of the right of voting, and if you now carry out the idea of the Senator from Massachusetts you have no longer a republican form of government in these States, according to his own definition. He told us over and over again, at the last session, that there was no republican form of government in the southern States, because all the people were not armed with the ballot; and yet he now proposes to organize these governments that are not republican because all the white people will be excluded from voting. South Carolina was not a republican form of government before, because none of the blacks could vote; and now he proposes to organize South Carolina without letting any of the whites vote.

The exemptions and qualifications of that constitutional amendment are ample protection. What more? While excluding these men from holding office, the constitutional amendment provides that all men shall stand equal before the law; provides ample security for the rights of all, blacks and whites; and if they attempt hereafter to take away or limit the right of the black man to vote they are met by the provision which declares that it can only be done by a loss of political power on their part. Then there is another clause of the constitutional amendment giving Congress ample power to enforce all the provisions of the amendment.

What more can you want unless you are willing to adopt the principle, now for the first time proclaimed by the Senator from Massachusetts, of depriving the larger portion of the southern white people of the right to vote? I am not willing and am unprepared to do that. I am perfectly willing to give to the negro in the southern States every protection and right that he can possibly have, all that my honorable friend has ever before claimed for him; to give him the ballot; to give him the benefit of military law; to give him schools; to give him a constitution in the formation and adoption of which he must participate; to give him equal rights before the law. But I am not willing to deprive the white people of the southern States of these same rights, merely because they were dragged into a rebellion, many of them against their will. Many, I know, were guilty agents; but have they not been punished enough? Is not the loss of property, the loss of honor, the loss of position, the loss of office, the loss of everything that can actuate and move a man of honorable motives, enough? Are there not enough graves in the South? Are there not enough recollections which harrow up all that is bad in the human heart?

Do we want more? Do we want the white people in the southern States to be deprived even of the poor right of going to the ballot-box and exercising political power? Certainly not. That is not the voice of the American people. Sir, if my voice could reach every citizen in this broad land I would not only appeal to the Senator from Massachusetts, but I would appeal to the people of the southern States to accept this as the final and the last offer that can be made to them. One year ago we offered to them the constitutional amendment. They have rejected it. It was the most liberal offer ever made to a conquered people in their condition. Now, it is necessary for us to organize governments there, and we again, following the scriptural rule, say to them, "If you will now do justice to the black people among you who are true and loyal to us we will do justice to you."

Let the South now reject this offer; let the South admit of no mode of reconstruction except the present unhappy condition of military surveillance, and then we shall be compelled from the necessity of the case to organize governments in the South, even if we have but ten colored voters to base organization upon; but, in the mean time, I think the highest statesmanship, yes, the simplest wisdom, demands that an effort shall be made, at the same time protecting the rights of all who have been true and loyal, to reform constitutional governments in the southern States that will represent the people of those States.

I must express my conviction that if this bill goes back to the House of Representatives, and they will do what we cannot do, take up our amendment and amend it in open debate before the American people, we can yet come to a concurrence upon this bill. I do not want to abandon this great subject to a secret conclave of six members, three of the Senate and three of the House of Representatives, where we do not know who offers a proposed amendment, where we do not know what form the bill will finally assume. Let the action of Congress on this great measure be in the light of day, so that every man takes his responsibility. If we send it to a committee of conference, and it comes back to us, we have to vote on it as an entirety—take the whole or none; it is beyond our power to amend it. We must either take the report of the committee of conference without question or not at all. But, sir, if we send the bill back to the House and enable them to make such amendments to our amendment as will make it suitable to them, I think we shall be able to agree with their modifications. At all events, we shall then have the issue broadly presented to the American people. We shall see the points of disagreement between the two Houses. Let us reconcile them, if we can; but if we cannot, then the people of the United States, who are our common judges and arbiters, will decide between us. For one I shall lose no opportunity, leave no stone unturned, if possible, to bring about a concurrence between the two Houses on this important bill, with a view that it may be sent to the President of the United States. If he disapprove it, we then have our appeal to the next Congress. But, sir, I have occupied a much longer time in these remarks than I intended when I arose. I merely wished to reply briefly to the Senator from Massachusetts.

Mr. WILSON. The Senator from Oregon, the author of this bill, moved a committee of conference. After a brief debate the indications were so clear that the judgment of the Senate was against his motion that he withdrew it. A motion is now made by the Senator from Ohio to allow the bill to go back to the House of Representatives, in the hope that the House will amend the bill or agree to it as it now stands, and that it can become the law of the land. I feel, as the Senator from Ohio feels, entire confidence that the bill can be passed, and I now suggest to our friends here that they allow the vote to be taken in order to give time to do this work. I hope that this debate in which we seem to be afloat, discussing general questions, will be dropped, that we shall take the vote now, and send the bill back to the House of Representatives, in the hope that it will there be passed either as it now stands or be amended in such a way that we can concur, and that thus this great and grand measure, the greatest by far of the measures of the session, if not of any session

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we have ever had, may become the law of the land.

Mr. COWAN. Mr. President, I do not rise for the purpose of discussing the relative merits of the several propositions which have been before the other House and this body; nor do I rise for the purpose of discussing the best mode by which to attain immediate action; but it is for another purpose.

The honorable Senator from Illinois [Mr. TRUMBULL] has stated here publicly in debate that the Freedmen's Bureau bill has not been executed, and that the fault lies with the President, and the Senator from Massachusetts [Mr. SUMNER] rises and indorses that statement, as of course he might be expected to do. Now, I will read the preamble of the bill we passed day before yesterday morning, which the Senator from Massachusetts thinks expresses a great truth. That preamble says, "no legal State governments" exist in the South.

Why, Mr. President, what is a legal State government? Is it a government cooked up for a State here in Congress, or is it a government that the people of the State make for themselves? I like a plain answer to a plain question. Who made these State governments? The State government of Louisiana was made by the people of Louisiana under a proclamation issued by Mr. Lincoln referring that question to them. The question then arose between Mr. Lincoln and the Senator from Massachusetts and others of his school as to whom this question should be referred to as people, or in other words, who are the people. Radical gentlemen said the people are all persons, blacks and whites all together. Mr. Lincoln, however, on consulting the lawyers, was informed that the word "people" had two significations, that in its general and ordinary signification it did mean everybody, whites and blacks; but that in its technical or political meaning it meant the people of a State who were intrusted with the political power of the State; and by what law? By the law of the State. There is no other law fixing who this technical class of persons are anywhere existing. Not even the ingenuity of those who invent so many things has ever, so far as I know, discovered any law anywhere except upon the statute-books of a State to discover who the people were to whom this question should be referred. But it seems that to be guided by the law as it was found on the statute-books on the part of Mr. Lincoln was an offense, and it is also an offense on the part of the present incumbent of the presidential chair. Mr. Lincoln was guided by the law. He could make no law; nobody was bound to obey any law which he might announce if he had undertaken it. He did not undertake it, but he took the law as he found it, and he referred the question to the people of Louisiana—the persons to whom the people of Louisiana had intrusted the ballot upon their statute-book. He directed that that should be the guide, and by way of precaution he required that the voter should take an oath of allegiance to support the Constitution of the United States.

That is the government of the State of Louisiana, and that is the government which the Senators from Illinois and Massachusetts denounce as illegal, and they propose to make one here for the people of the State; and yet, I suppose, after that they will contend that the object of the Constitution and the formation of the Union was to preserve the States free, because that was its real object. It was not to subordinate them or make their people serfs, or to take away from them any of their rights as freemen which they had brought to this country.

I go on a little further: this preamble states, and it has been reiterated here upon the floor of the Senate by the Senator from Illinois that "no adequate protection for life or property now exists in the rebel States of Virginia," and so on, naming the other States; and with a great deal of parade the Freedmen's Bureau bill has been referred to, and the civil rights bill also, I believe, although I am not so certain about that; and it has been asserted that full provision had been made for the protection of life and property, especially to negroes, in the southern States; but that, by reason of defective execution, by reason of dereliction on the part of the President to do his duty, these laws were not executed. As was said to a man of no very remarkable veracity once before, a fictitious character, whom many gentlemen may remember as Sir John Falstaff, mark how plain a tale puts all this down, mark how easy a thing it is to tear out the scaffolding from under all these measures, and to show, as was asserted here two or three days ago, that it is all cooked up for the occasion, all trumped up to base this extraordinary legislation upon.

It does so happen that members of this body occasionally desire to see themselves in print by way of offering resolutions. Nothing is so common here as to inquire of the President and of the several Departments in regard to various matters, and perhaps one third of the force of the Departments is occupied in making answers to these queries. On the 8th day of January last a resolution was sent from this body to the President requesting him—

"To inform the Senate if any violations of the act entitled 'An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,' have come to his knowledge; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders."

In reply to that resolution the President says:

Not being cognizant of any cases which came within the purview of the resolution, in order that the inquiry might have the fullest range I referred it to the heads of the several Executive Departments, whose reports are herewith communicated for the information of the Senate.

With the exception of the cases mentioned in the reports of the Secretary of War and the Attorney General, no violations, real or supposed, of the act to which the resolution refers have at any time come to the knowledge of the Executive. The steps taken in those cases to enforce the law appear in those reports.

The Secretary of War, under date of the 15th instant, submitted a series of reports from the General commanding the Armies of the United States, and other military officers, as to supposed violations of the act alluded to in the resolution, with the request that they should be referred to the Attorney General "for his investigation and report, to the end that the cases may be designated which are cognizant by the civil authorities, and such as are cognizant by military tribunals." I have directed the reference so to be made.

ANDREW JOHNSON.

WASHINGTON, *February* 18, 1867.

It will be observed here that the only heads of Departments who reported that they have heard of any, either real or supposed, violations of this law are the Secretary of War and the Attorney General. Now, I beg the Senate to listen to this terrible story of outrages in the South. I especially ask the Senator from Massachusetts, [Mr. SUMNER,] who makes most fuss about these things? I believe he has repeatedly, over and over again, treated the Senate to anonymous letters on this subject; and the other Senator from Massachusetts [Mr. WILSON] has a little book in which he has a catalogue of enormities that would have sunk Sodom and Gomorrah; he has them all ticketed down. Now, I beg the attention of these honorable Senators first, and of all others in the second place, and, as I said before, mark how plain a tale will put you down; mark where your preamble goes; see where the scaffolding upon which you set these measures goes. If there are violations of the law the officers of the Freedmen's Bureau are there to see to them. That was the purpose for which the bureau was constructed; that was the purpose for which the law was passed creating it; that was the argument upon which its passage was compelled through this body and the other House; and it has been in the hands of men unquestionably as much devoted to the dominant party in this body as any men to be found in the Army. Nobody that I know of has ever complained of the action of a single agent of the Freedmen's Bureau on the ground of his neglect of what the Radical majority here supposed ought to have been his duty. Nobody ever heard of such a thing as that. These men are scattered broadcast all over the South. I believe the other day the Senator from Michigan stated that there were fifteen hundred murders. Was it in Texas alone or all over the South?

Mr. HOWARD. In Texas.

Mr. COWAN. Fifteen hundred murders in Texas alone!

Mr. HOWARD. And permit me to say further that the gentleman who gave me this information says there are some tracts of country three hundred miles in extent which the foot of no agent of the Freedmen's Bureau ever trod.

Mr. COWAN. Well, it is exceedingly strange to me if it is so dangerous a place that the foot of a negro ever trod it. It seems to me he would have trod out of it pretty quick if there were fifteen hundred murdered there last year. I rather think the gentleman who gave the Senator his information must have been reading Dr. Livingstone's last book. He did find a country in Africa three or four hundred square miles in extent, altogether devastated and as many perhaps as fifteen hundred bodies lying there, because he says sometimes the stench almost prevented their proceeding; sometimes he found them floating in gangs in the river.

Mr. SAULSBURY. Let me ask my honorable friend a question, as I know he is always very particular in these matters. I hold that murder is not the greatest crime in this world, and I want to ask——

Mr. COWAN. Oh, do not let us go into a disquisition on the criminal law.

Mr. SAULSBURY. I want to ask the Senator if he can tell me how many divorces there have been in Massachusetts, New Hampshire, and Connecticut in the last twelve months? [Laughter.]

Mr. COWAN. If these outrages as charged were true, if there were fifteen hundred murders in Texas, if dead men's bodies lay around

"Thick as autumnal leaves
That strew the brooks in Vallambrosa"—

As the little book of the Senator from Massachusetts would incline you to believe, I should like to know why it is that all the roads lead to Rome as the other Senator from Massachusetts [Mr. SUMNER] says, all roads lead to Rome and *nulla retrorsum vestigia*, no tracks backward. All the information of this kind comes to the Senators from Massachusetts. Why is that? You see no tracks leading backward out of that cave. Nobody else can ever give this information. Here are the heads of Departments; here are the officers specially appointed to receive information of that kind, and they know nothing of it. Here is the answer of the Secretary of War. I suppose that his patriotism will not be impugned at least upon this side of the House. I suppose it will not be pretended that he has taken the whitewash brush in hand. I do not think any man who knows his character will ever suspect him of attempting any artistic feats of that kind. He will neither paint portraits nor rouge complexions I should say. Here is his report:

WAR DEPARTMENT,
WASHINGTON CITY, *February* 18, 1867.

SIR: I have the honor to acknowledge the receipt of Senate resolution of January 8, 1867, requesting the President to inform the Senate "if any violations of the act of Congress entitled 'An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,' have come to his knowledge; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders," together with a report of the Attorney General on the construction of the act referred to, which papers were referred to me by you for report on the 23d of January. In answer to said reference I have the honor to report: first, that in relation to the steps taken by this Department to enforce the act of Congress referred to in the said resolution—

I beg the attention of the Senator from Illinois to this, that Mr. Stanton informs the President of what steps have been taken to enforce this law, and not that the President dictates to him or to anybody else how it shall be done. Anybody, however, desirous of knowing the truth, and anybody desirous of not misrepresenting the first officer of the Republic, might have supposed that to be the

case without any information from Mr. Stanton. He says:

"First, in relation to the steps taken by this Department to enforce the act of Congress referred to in the said resolution, so far as its execution devolved upon military authorities, it was promulgated in General Orders, No. 50, July 21, 1866, to all commanders of military departments, districts, and posts, a copy of which order is hereto attached."

Now, I want you to observe the extent of the military authority; and, in observing that, I only beg you to remember what was said by the Senator from Illinois. He got up and read his book, and he told the Senate that the military bill brought in from the House the other day to this body was of no kind of account at all; it gave to the General Government no military authority more than they had already under the Freedmen's Bureau bill and the civil rights bill; that if military authority was the thing wanted we had plenty of it already. Now, if that military authority is coextensive with the mischief, full and ample, then Mr. Stanton says that he has provided for its execution everywhere, and he has provided by public orders—"General Orders, No. 50, July 21, 1866." When an officer is to be assailed here publicly for dereliction of duty it might be well to read that order in his behalf. I did not know what it was; but here it is, and it can be read.

Mr. TRUMBULL. Will the Senator from Pennsylvania right there allow me to ask him a question?

Mr. COWAN. I would rather answer it after I get through reading.

Mr. TRUMBULL. Does the Senator not know that the President has set aside all military authority?

Mr. COWAN. If I do not know——

Mr. TRUMBULL. If the President has not proclaimed that the civil authority is supreme there, and set aside the military?

Mr. COWAN. I know of no such thing. I know, so help me Heaven, of no act of the President, for one year at least after the close of the war, and after there was time to have people settle their heads, which was not strictly in accordance with law, and with the plainest principles of law, even down to his appointment of provisional governors, which the honorable Senator chose to catechise me upon the other night at a very unseasonable hour, and to which, if I had chosen, I could have given him a complete answer. It was triumphantly alleged at that time that the appointment of a provisional governor was a violation of law. A violation of what law? What law did it violate? Gentlemen should be careful to distinguish between that which is done without law and that which is done against law. That which is done without law is not a violation of law always. If the thing in itself be innocent, harmless, it may be acquiesced in; it may be be acquiesced in for such a length of time as that it is never necessary to ratify it by statute law; but it may be ratified by law.

But apart from all that, the President was intrusted with the preservation of the State governments of this Union. He was obliged to secure their perpetuation by military power; and when they fell into his hands what was necessary to be done? He did not do anything more than any court of common law would have done under the circumstances. The State was a corporation; the officers had proved faithless to their trust, and it fell into his hands in this way. Does the chairman of the Judiciary Committee pretend to assert that a court of common law, without any statute to that effect, without any law further than the law of their duty to preserve the trust, would not have appointed trustees to support it? What were those provisional governors but trustees to support the trust, just exactly the same as though the managers of a turnpike company had run away and a court of common law had appointed somebody to support the trust until the corporators could get together and elect new managers?

That is the whole proceeding from beginning to end about which so much noise has been made. The corporations fell into the hands of the President; the trustees had been faithless, and he appointed trustees to support the trust until the corporators could under their own law, the law of their own existence, come together and elect new ones. That is what all this fuss in regard to reconstruction is about, simply supporting the trust until the corporators could come together and restore it.

Now, Mr. Stanton says "a copy of that order is hereto attached;" and he goes on:

"The enforcement of said act of Congress is also one of the general regulations of the Bureau of Refugees, Freedmen, and Abandoned Lands. And a general order hereto attached was also issued from the Army headquarters.

"No instance has been reported to this Department of any neglect or refusal by military officers or employés of this Department to enforce, to the extent of their legal authority, the provisions of the aforesaid act of Congress within their respective commands and stations, and I have no knowledge of any such neglect or refusal having been reported to the President."

I suppose Mr. Stanton thought it might be said that the reports were made to the President, as they are made to the Senators from Massachusetts, by somebody; he did not know of them if there were any.

"Second. The following cases of alleged violation of the said act of Congress were officially reported to the President, to wit:

"1. The case of Dr. Watson, for the murder of a negro in the department of Virginia, who, after his discharge by civil tribunal, was put on trial before a military commission"—

That is the case, I suppose, to which the Senator from Illinois alluded; and here again mark how plain a tale will put you down:

"before a military commission, which was dissolved on the ground of want of jurisdiction under the decision of the Supreme Court."

Now think of it! "Under the decision of the Supreme Court" a military commission was dismissed and a criminal turned over to the civil tribunals; and that is heralded here as a high offense, and gentlemen almost burst themselves with holy indignation while they discourse upon it. There is the whole of it from the Secretary of War, that so far from the President violating the law, the President but obeyed the law, and the Secretary of War but obeyed the law. The Supreme Court decided that military tribunals were unconstitutional for the trial of civilians, and they decided it rightly. The President and the Secretary of War would have been guilty, then, of a high misdemeanor and of a high crime, the highest that could be committed against the American people, if they had attempted in the face of that decision to go on with these illegal and arbitrary modes of jeoparding the lives and property of men.

I have thus given you the first case. The second case is that of William Fincher:

"2. The case of William Fincher, a person of color, sentenced to the chain-gang in Georgia as a vagrant, which was referred to the Attorney General, and is under his direction and charge."

I will not detain you with the report of the Attorney General upon that case, or of the district attorney, to whom he had referred it; but it appears that William Fincher was a vagrant in the State of Georgia; and it appears, as may be found in many of the States of the North, that in Georgia vagrancy is a crime, and if a black or a white man either is found there without any known visible means of subsistence, a vagrant in other words, according to the definition of the law, an idle, wandering, worthless fellow, of no use either to himself or society, but obliged by necessity to live by theft and plunder, such a man is held to be a criminal in the State of Georgia. William Fincher, this individual here, was taken into the courts of Georgia, was tried there, and convicted and sentenced by a jury according to the law of Georgia, to be put to work in a chain-gang for a certain length of time in order to teach him how hereafter to avoid vagrancy, and be like other men, earn his living without it. I think it will be found that there is a letter from Mr. Fincher's counsel, who defended him in that court, and who took the case to a superior court, where the judgment was affirmed, that everything was right; no distinction was made between Fincher and other men, but if he had been a white man the sentence might have been the same according to the law.

That is Fincher's case, and the district attorney of Georgia was obliged upon a report of the case made to him to ride two hundred miles to see how all this was, and why? I do not know whether that ever got into the hamper-basket of the Senator from Massachusetts, but it is more than likely it came there from some of the wilds of Georgia that this vagrant negro had been sentenced by the laws of Georgia to a punishment common there and common to both black and white men, and that is swept on the wings of the wind and comes here to swell this storm of indignation and wrath which bursts so many manly bosoms at the North at the way William Fincher has been treated and other Finchers.

There is one case more, and I congratulate the Senate there is only one. This last fellow the Department seems to be in a little doubt about his name, and it is referred to as "the case of —— Perkins." If the records here could be referred to to fill up that blank, it might relieve us of considerable difficulty hereafter. If the Senator from Massachusetts, who keeps the book, would look and see whether there is any Perkins there, that might settle the question. Perhaps he may be a lineal descendant of Perkins Warbeck, who gave so much trouble at one time.

"3. The case of —— Perkins, in the State of Texas, where protection to a colored man from alleged illegal acts under color of civil authority was afforded by the assistant commissioner of the Freedmen's Bureau, and his action approved by this Department."

There! He was actually protected; the bureau did its duty for once, and the Department approved of it. Then, taking the whole three cases, we find that one was swept away by the Supreme Court, the other one is without a scintilla of anything wrong about it; and in the third case we find the man was rescued and protected, and the action of the bureau approved by the Department; and Mr. Stanton, with a gravity which does him great credit, and which would if he were as wise as we are here certainly win for him the character of a man of high humor, goes on:

"No other reports of the violation of the act aforesaid have been made to you by me. Reports by military commanders of crimes and offenses committed against freedmen and others in their respective commands have been made to this Department and referred to the Attorney General for his opinion on the appropriate remedy. Whether they or any of them constitute violations of the civil rights law, I am unable to state.

"Your obedient servant,

"EDWIN M. STANTON,
"*Secretary of War.*

"The PRESIDENT."

The Attorney General has his report here, and that is devoted to Fincher's case, so that I now give you the length and breadth of it, the sum-total of all this which attracts the attention of the nation, which invokes an omnipotent authority on the part of this Congress, invokes an authority which I venture to say no lawyer will pretend to find within either the letter or spirit of the Constitution. Think of it—Watson, Fincher, and —— Perkins, the long catalogue of enormities booked by the Senator from Massachusetts to the contrary notwithstanding, the long array of anonymous letters of the other Senator from Massachusetts to the contrary notwithstanding! Here is the record. There is the place where these murders ought to go to. Why do you bring them in here? If fifteen hundred negroes have been murdered in Texas what was done at the War Department? Who reported the case? Who ran there to save these poor creatures from being butchered after that manner? And where is this agent of the Freedmen's Bureau who saved one colored man from what he believed a violation of the law, and whose action was approved by the Department, and what is he doing, and where are the other officers? Ah, but gentlemen say, there are five hundred miles square in Texas where the foot of a Freedmen's Bureau agent never trod. Very well, whose fault is it they do not tread it? My brother

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from Oregon [Mr. NESMITH] says the Camanches tread it; but suppose it was true that that was a thickly-settled and well-populated part of Texas, and there was not a Freedmen's Bureau agent there, and the information comes to the Senator from Michigan of fifteen hundred murders in that region, was it his business to come into the Senate here and expose this sore upon the body-politic? It seems to me I would have gone to the War Department and reported to Mr. Stanton, and asked him "Can you not cure this; we have made you a law; you have got a plenty of money and plenty of soldiers, can you not put an agent along this five hundred miles square or five hundred of them if you please, rather than permit such enormities to go on?" No, all this is kept concealed from Mr. Stanton. Mr. Stanton says he knows nothing about it.

What is it kept concealed for, if it is in existence? It is kept concealed because it is false, or if it has any existence whatever it is kept concealed from him in order that it may be trumpeted here to widen the breach between the various sections of the Republic, which some of us are now trying to heal; trumpeted here to bring the Chief Magistrate of the Republic into disrepute; trumpeted here to make the people hate him whom they ought to honor and reverence, and trumpeted here for the purpose of letting loose the diabolism of infuriated parties, and so much infuriated the one against the other that in a very short time neither of them will be willing to submit the destinies of the country to the other, and this will eventuate in an issue of blood. That is the danger.

If these enormities exist, if they exist as has been asserted here in Maryland, if they exist in Virginia, if they exist anywhere, let gentlemen attempt to have them remedied and let them call upon the Secretary of War, and my life upon it he will give them a remedy. Instead of exposing the nakedness of the Government, the nakedness of your country, instead of disgusting the whole world by a catalogue of enormities of this kind, even if they were true, you should have covered them with your mantle going backward. Have we no pride left?

Mr. HOWARD. Kept silence, as you did at Philadelphia.

Mr. COWAN. Yes; I can tell the Senator that if he had been at Philadelphia at the first convention he would have been ashamed to carry any longer the torch of disunion between brethren—shamed, aye shamed; and if there had been a bottom to his heart, or a heart in him at all, he might have joined his tears to those who met there in the hope that we again might have a common country despite the harpies and hyenas who would dig up the graves of the dead and fill the air with stench, and the hearts of all men with hatred, so as to prevent anything like a future reconciliation.

There were two Philadelphia conventions, and I have no difficulty in deciding to which a gentleman might have gone and preserved his own self-respect and preserved his own character for patriotism and for a little Christianity, too. Let them be contrasted, and I am willing to contrast them anywhere and upon all occasions and with anybody, humble as I may be. Truth is truth, and must and will prevail in the end, although she is at the bottom of a well very often and finds it difficult to get up for a long time.

Sir, I have embraced this opportunity, and I think it was an appropriate and fitting one, to vindicate the President of the United States, and to vindicate the heads of Departments from this vile, insensible charge, and to repel this violent clamor about the treatment of colored people in the southern States and that they are outraged there.

Mr. DOOLITTLE. Mr. President, bearing upon this precise point which my honorable friend is discussing I have had placed in my hands some very important statements, and upon authority, which I wish to have go out directly in connection with the speech of my honorable friend from Pennsylvania. I hold in my hand a letter addressed to a gentleman elected to Congress, by Mr. S. McD. Moore, of the State of Virginia, a lawyer of great ability, a man of high standing, who has always made Virginia his home, who was a Union man and very much opposed to secession, a member, I think, of the Legislature of Virginia opposed to secession until after secession, so-called, had taken place. That gentleman thus states:

"It is asserted by one party in Congress and conceded by the other that a state of lawless violence and anarchy exists in this part of the country, for which there is in fact and in truth no foundation. I have no hesitation in affirming that as good order prevails, and that the laws are generally as well administered, as I have known to be the case for the last fifty years."

I have stated to you the gentleman's name and stated his character. It is entirely reliable. His letter is written from Lexington, in Virginia, stating that the charges made of lawlessness and anarchy, and want of execution of the laws in Virginia, are entirely without foundation.

Mr. DAVIS. I will inform the honorable Senator that I know the writer of that letter, Samuel McDowell Moore. I served in the House of Representatives with him. He was then a man of as much respectability, and I presume he is now, as any one.

Mr. DOOLITTLE. That is my information of him. He is a man whose word I would take as soon as I would take the word of any Senator on this floor, to a fact within his own knowledge. Let me repeat what this gentleman says:

"As good order prevails, and the laws are generally as well administered as I have known to be the case for the last fifty years."

I shall not take up the time of the Senate by reading the whole letter. He goes on in this letter to speak of two cases in particular where trials were had, and explains the occurrences, stating that out of those two trials much of the rumors and exaggerations have got into the press of the North in relation to that section of the State.

On this same point, I have the testimony of another gentleman who must be known to both the honorable Senators from New York. I refer to Hon. Peter M. Dox, once a member of the Legislature of that great State, from the county of Ontario, and who subsequently removed to the State of Alabama, where he has lived for many years, and has been all the while a Union man. Mr. Dox I knew well. I was in college with him, and knew him thoroughly and well, as I knew a brother, and a more honorable, high-minded, or truthful man does not live. I would believe him just as soon as I would believe myself. He is writing from Alabama to a gentleman of Ontario county, New York, on this very point of which we hear so much, and upon which misrepresentations all over the northern States are published in the press from day to day, for the purpose of inflaming the passions and hatreds of the people of the North against the people of the South, and he says:

"You also ask, finally, can northern people live here quietly and pleasantly, so far as their social relations are concerned? To this question, from personal experience, and as the result of much careful observation, I unhesitatingly answer yes. Any industrious northern man, of good character, could live here in peace, and without fear of molestation from any one. He can be as free as he pleases in the utterance of his opinions, and no one will venture to gainsay his right to their maintenance. Of course if he makes it his business to tell every southern man that he is a traitor, or to be otherwise offensive personally, or if he chooses, as some who come here do choose, to write letters to be published in northern newspapers, misrepresenting the people among whom he lives, he will probably receive the cold shoulder from those whom he has seen fit to malign. No personal harm would befall him even in that case—he would only be left to himself! The southern people are too thoroughly subjugated to think of doing personal violence to any northern man simply because of his opinions, however intolerant their character or expression. In no part of the North, by night or by day, whether in the crowded streets of a town or on the common road of the country, would any stranger be less likely to be assailed than would a northern man, known to be such, in any portion of northern Alabama. Such, at any rate, is my honest opinion, after the rarest opportunities of observation. Any cases occurring to the contrary are as strongly exceptional as would be the crime of murder in Ontario county, New York."

And there is not a county where the people are more educated and intelligent and obey the laws better than the county of Ontario, in the State of New York. He says further:

"I therefore unhesitatingly stamp as false, or as the grossest misconception of the truth, any statement, no matter by whom made, which is the reverse of that which is here given. I will further say that any northern gentleman and family would be received here not only with kindness, but they would be cordially welcomed by all classes of our citizens. A stranger, unintroduced, could not go into Geneva, New York, and expect everybody to embrace him and press him to their confidence and affections. Just so is the case here; but let any man come to this place from Geneva, with a letter formally introducing him from yourself or any other respectable gentleman, and my word for it he would be cordially welcomed. There are, of course, men in Geneva, perhaps, or elsewhere in the North, whom even I, unfalteringly, devotedly attached to the Union as I have always been, would hesitate to recommend to the confidence and respect of the southern people. But I take it for granted that it is not your purpose to send any of that sort of people in this direction. But should even that kind come they would not be unsafe personally."

It will be remembered that the other day I read the letter of the Governor of Florida, Mr. Walker. I read from a letter of General Tarbell, a resident now of the State of Mississippi, indorsed by Governor Fenton, of New York, in which this last November he repeated what he wrote to me the year before, in which he pronounced these statements willful, wicked, malicious falsifications of the fact, or gross exaggerations for the purpose of inflaming the people of the North against the people of the South. I read also a statement from a young soldier of our Army, who went to the State of Texas and located at La Grange, the very home of Hamilton, where he states the condition of affairs in that county, in the State of Texas. I have known him from his youth; he lived in my county, in the county of Racine, in the State of Wisconsin; and he states that the people are as law-abiding as they are in Racine county, Wisconsin, and he went on to give an account of a trial there.

Mr. President, while I state these things I do not say that throughout the southern States there are not outrages perpetrated. They are perpetrated everywhere upon the earth; but I say, and I say it most solemnly, that the American people have cause of gratitude to Almighty God, when they consider that this war has just closed and that an Army of a million men have just been withdrawn from the camps to be scattered all over this vast country, men who have been trained to bloodshed, trained more or less to plunder, and that crime is not more abundant everywhere than it now is. We have reason to be thankful that such an enormous mass of men trained to arms should be everywhere scattered among our population, and at least, as a general thing, so perfectly peaceful and law abiding. The astonishment of the European world to day is as great that our armies, both North and South, should be disbanded and scattered among the people and produce no more of bloodshed and outrage than they have produced, as it was at the great fact that the Republic could bring such armies in the field. The dispersion of these armies and the absorption of them into the body-politic is to them as great a wonder as it was that we could raise them and bring them into action.

Mr. WILLIAMS. I desire to submit a little testimony on the other side of the question, and I will not read from any anonymous letter or from any letter, but I will read from the sworn testimony of Major General George A. Custer, with whose fame we are all acquainted, and whose veracity I presume no one will dispute. In answer to a question put him by a committee of Congress as to the feelings of the people of Texas toward the freedmen, he said:

"There is a very strong feeling of hostility toward the freedmen as a general thing. There are exceptions, of course, but the great mass of the people there seem to look upon the freedman as being con-

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nected with or as being the cause of their present condition, and they do not hesitate to improve every opportunity to inflict injuries upon him in order, seemingly, to punish him for this. This feeling exists to a certain extent and is often manifested in their courts. I might illustrate it by stating what I know to be true, that since the establishment of the provisional government in Texas the grand juries throughout the State have found upward of five hundred indictments for murder against disloyal men, and yet in not a single case has there been a conviction, while in one judicial district, embracing seven counties, adjoining Travis county, the judge, in making to the Governor his report of the last session of court held by him, stated that fourteen negroes had been tried within his jurisdiction for various slight offenses; that the fourteen had all been convicted and sentenced to various terms in the State prison. And to show you the manner in which justice is meted out in their courts toward the freedmen, one was tried and convicted of stealing one bushel of sweet potatoes and sentenced to the penitentiary for two years. Another for stealing an equally small amount was sentenced for the same period. Then to show you their hostility further, it is of weekly if not of daily occurrence that freedmen are murdered. Their bodies are found in different parts of the country, and sometimes it is not known who the perpetrators are; but when that is known no action is taken against them. I believe a white man has never been hung for murder in Texas, although it is the law. Cases have occurred of white men meeting freedmen they never saw before, and murdering them merely from this feeling of hostility to them as a class."

That is the testimony of Major General George A. Custer.

Mr. DOOLITTLE. Does he swear that he ever saw one man murdered?

Mr. WILLIAMS. He says he knows what he states to be true.

Mr. DOOLITTLE. He does not swear that he saw a single one murdered.

Mr. WILLIAMS. I simply refer to this as a specimen of the evidence taken by the committee to which I referred; and since this discussion has been progressing in this body I have received from an appointee of Andrew Johnson in the State of Texas a letter stating that murder was so common there that it was barely the subject of ordinary comment, and giving an account of atrocities perpetrated upon black people which decency forbids me to mention.

Mr. FOWLER. My information from the southern States is precisely the same as that stated by the Senator from Oregon. I do not intend to present any letters, but simply to refer to a fact to show the value of a letter that was read in this Chamber a few weeks ago and has been alluded to again to-day. I will take but a few moments, as I know time is precious and the Senate is anxious to come to a vote. The letter to which I allude is one that made some charges against Governor Hamilton. The facts I am about to state I have learned from other sources, and I believe they can be substantiated by oral testimony.

The first case Governor Hamilton ever had in the State of Alabama after his admission to the bar was a case in which he sued for the liberty of five negro children who were about to be carried away by their own father and sold into slavery. He recovered their freedom, and the mother of those children bound two of them to him, which he took to Texas with the record of the court. A female child at the age of sixteen went into voluntary slavery to another citizen of Texas under a statute of that State; the other remained with Governor Hamilton until the commencement of the war, when he gave him $150 in gold and two mules and told him to make the best use he could of them. This shows the value of the letter which was read here the other day, at any rate so far as its reference to Governor Hamilton was concerned. I do not know the facts which I have stated; but I am assured by persons who do know, and by Governor Hamilton himself, that this is the ground for the charge which has been made against him, and I believe the statements I have made can be sustained by sworn testimony; and the only objection that could be made to the witnesses is that they have been and are yet Union men. I do not read letters to the Senate, and never expect to do so, and this incident shows the value to be attached to many of them.

According to the argument of the Senator from Illinois, the military protection which this bill provides for is already directed to be extended by a firmer law. Then there is nothing of importance in the bill but the fifth section. The State of Tennessee has disfranchised the rebel portion of her population. I agree with the position my State has taken on that subject, and believe it is right. I believe the safety of the Union people there as well as the safety of the nation required it. If that class of people ought to vote in the southern States, they ought to vote whether the negro population be enfranchised or not. The fact that the negroes are not yet enfranchised ought not to interfere with their right. Then why not meet these people, with their State governments as they are, with this simple proposition, "Enfranchise your negro population and your States may remain?" I see no real difference between that proposition and the proposition made here generally by those who advocate this bill. That is the sum and substance of the argument adduced here on this subject. It is not mine; on the contrary, I believe that a certain portion of the rebel population of those States may be disfranchised; and so far from those States being in a condition of tranquility and peace and an example of good order, I believe protection is absolutely needed for life and property, not only by the loyal white people, but by the freedmen in all those States.

Mr. SAULSBURY. Mr. President, violations of law and order will occur in every community, however old and well organized. Every one who is acquainted with the history of human society must know that, and yet I sit here day after day and hear paraded before the Senate of the United States individual and special cases of the violation of law by a white man against a negro; but the same eloquent, impassioned gentlemen never rise to tell us of any violation of law or order by negroes against white men. These gentlemen tell us what they receive by letters; and I rise now to tell you an incident in my own personal history and observation.

When I was a young man I was a lawyer and practiced at the bar. On one occasion a negro man was arraigned for the murder of a white man. I was not in the court-house at the time, but the humane spirit of our law assigns to the humblest, white or black, the choice of an attorney to defend him in a court of law charged with crime. When that negro man was asked if he had an attorney his answer was no. He was asked, "Who will you have?" He selected the humble individual that now addresses the Chair. A messenger was sent to my office for me. I was inclined not to undertake the defense, because I had seen from the public papers in my immediate neighborhood that he was guilty and had justly forfeited his life. I asked the court to excuse me. The judge said, "The prisoner is poor and humble; he cannot afford to pay counsel; he desires you to defend him, and the court asks you to defend him." I still declined. The court said to me with the mandatory voice of the law, "Defend him." I accepted the trust, and retired to my office and prepared to fulfill it. For two days that poor negro man was on his trial for murder, willful, deliberate murder, because the man whom he had murdered had a warrant in his pocket to arrest the negro, and seizing his opportunity, concealed in his house, from the garret of his humble habitation he shot that man dead. I went into court with such a case as that and for two days defended him, and for four hours addressed the jury in defense of that poor, humble negro, and what was the consequence? In the clemency of a jury in a slave-holding State he was acquitted and went free upon society.

Sir, no such cases as this are presented here; but if a negro happens to be killed in a southern State, it matters not how many white men he may have killed, his case is paraded here, and not only are authenticated cases presented, but anonymous letters are read in the face of the Senate of the United States, and you are invoked by measures of this kind to visit upon millions of white people vengeance because perhaps a negro has been wronged or injured. If one of your own race has suffered injury and wrong you hear nothing of it.

Sir, where am I? What is the duty of the hour? A great, superior race is engaged in the Senate of the United States to-day, not in those great legislative enactments that ought to concenter and concentrate the thoughts of American statesmen upon great public and political interests, but in the consideration of the question whether or not some negro has suffered wrong in some State. When a nation's fate hangs upon your deliberations to-day, when constitutional liberty is involved in the decision of the passing hour, we, as American statesmen, are invited to stand aside and listen to some miserable, petty story sent here to us about a negro having been dealt wrongfully with in some other section of our country. Had I the eloquence of a Demosthenes to implore the gods and goddesses to listen while I spoke; could I command the utterances of a Burke or a Pitt to call back the attention of the American Senate from the consideration of such questions as these to the great questions now devolved upon them by the political events through which we are passing, I would implore you, I would beseech you to quit the consideration of all these frivolous subjects, and turn and see whether an empire's destiny does not hang upon your words. Whatever others may think, I consider that not only the present hopes of this country for the preservation of constitutional liberty, but the destiny of my race and the hopes of mankind now and for all time are in your hands; and I implore you once more cease to think of these things as the mere party trifles of the hour, and recollect that humanity throughout all ages has an interest in your deliberations, and so act that, when you cease to be, future generations may pronounce your name blessed; yes, even the little innocent children of future generations may decorate your graves with flowers, betokening their kindness and their appreciation of you.

Mr. TRUMBULL. I desire to correct one or two misapprehensions, which I will do in a few minutes. It will be remembered that the law known as the Freedmen's Bureau act makes it the duty of the President "though the Commissioner and officers of the bureau, and under such rules and regulations as the President, through the Secretary of War shall prescribe," to "extend military protection and have military jurisdiction over all cases and questions concerning the free enjoyment of such immunities and rights," referring to personal liberty, personal security, the acquisition, enjoyment, and disposition of estates, real and personal, by freedmen in the southern States. That is the law, and it is made the duty of the President to exercise this military jurisdiction and authority until the States shall have been restored to their constitutional relations in the Union. Now, what did the President do? The Senator from Pennsylvania [Mr. COWAN] denied that he knew that the President had not enforced that law. The law made it his duty through these military tribunals to afford this protection till these States were restored and represented in the Congress of the United States. On the 20th day of August last the President issued a proclamation declaring "that the said insurrection is at an end, and that peace, order, tranquillity, and civil authority now exist in and throughout the whole of the United States of America." Was that executing the law? The Senator said that General Howard was Commissioner of the Freedmen's Bureau, and that if that law was not carried out it was his fault, and not the President's. Here is what General Howard says in his report:

"I have obeyed your orders and instructions, making no other objections than those I have made to yourself and the Secretary of War. Could the Freed-

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men's Bureau be now administered with your full and hearty sanction, and with the coöperation of the other branches of the Government it would fulfill the objects of its creation in a short time, and be made, while it existed, to conduce to industry, enlightenment, and justice for all classes of the people."

There is a pretty distinct allegation that he has not been permitted to execute this law as it ought to be executed.

Now, sir, in reply to the Senator from Wisconsin, [Mr. DOOLITTLE,] who read a letter from somebody in Virginia, I will read what is officially reported by General Brown in regard to the condition of things in Virginia:

"In districts where the civil authorities have been invested with full power to try and punish freedmen for crimes, complaints are frequently made of the manifest injustice of the judicial officers and the abuse of authority on the part of the executive officers of the State government. When a fair trial is granted the prisoner, punishments are often of cruel severity, and sometimes executed in a barbarous manner."

That is the report of General Brown, assistant commissioner of the Freedmen's Bureau for the State of Virginia. The report before me is full of statements from all the rebellious States of the same character; it is the report of the Freedmen's Bureau submitted to Congress at the commencement of this session.

Mr. McDOUGALL. I move that the Senate take a recess until seven o'clock this evening.

Mr. SHERMAN. Let us vote, and after we take the vote we will take a recess.

The motion was not agreed to.

Mr. McDOUGALL. I should have preferred the opportunity of more deliberation before addressing this body on a question as grave as this, and about which I pretend to be somewhat informed. It has been the fortune of my life to have been born in the far North, and yet to have lived in nearly all the States of this Union and in many portions of the continent of North America. I know as well as a man well informed, having kindred both North and South, can know, that this tale of wrong and outrage in the South is a falsehood. We hear of Governor Hamilton—Jack Hamilton—being badly abused. It is an honorable name; honorable in the country my ancestors came from. He comes here with tears in his eyes and groans on his chest, saying, "how I suffer;" when every man who knew anything of frontier life and of the dangers that belong to frontier adventure knew that he had not been in danger at all. He left his family in the South; he said he could not bring them out. Oh, Hamilton's family——

Mr. WILSON. You had better let his family alone.

Mr. McDOUGALL. Very well. The Hamiltons that I know anything about are all brave. I say these things have not transpired in the South, and I have reason to say so, because I have kindred in the South as well as in the North, men who have been planters there two or three generations; and I say the men of the South, having been compelled to yield to our arms, are to-day as loyal citizens as you or I. It is not worth while to discuss this controversy after this fashion. There are great errors afloat as to the condition of the South and the public opinion of the South. They did undertake to fight us, and they fought and were vanquished. Shall we not say to them as Damas did of the fellow with whom he fought, as Bulwer has recorded him, "I did not know how well I liked him till I had fought him." Why should not generosity be the first sentiment after triumph? There seems here to be a want of that high magnanimity which is becoming under the circumstances; and if it does not exist this Government is not worth preserving. The man who would trample on a fallen foe is a coward, as all men know.

The Senator from Massachusetts [Mr. WILSON] the other evening said he would compel the South to yield to what is here required, whether they consented or not. Now, think of that for one moment. How can a man consent? I cannot consent till the subject presented to my mind has met my full concurrence. If I give my consent before that, there is a lie *sub modo*. I cannot give consent to a thing which has not the full conviction of my mind and my judgment. In the South they have consented; they have given the judgment of their minds to return to their allegiance to the Constitution and Government of the United States.

A friend suggests that I should save myself for the evening. I do not rise to make a speech to ornament my name, and to be referred to in the columns of books hereafter. Things of that kind I have never done, nor have they been in the contemplation of my brain. I am here attempting to maintain what I think to be the right. I have been a defender and not an offender through all my life. I never gave any offense to any man; but I have defended all that were wronged, and I will undertake to do that till my ship goes down beneath the seas.

This legislation is, as I have thought, a great outrage. It should be proclaimed by trumpet and resounded over the hills and the mountains, and that cry will yet ring out from mountain to valley and from all the plains before we have done with this subject. This idea of undertaking to coerce a people into a condition of society repugnant to themselves is a thing that cannot be done. It is one of the impossibilities. No power that can be exerted by the Congress of the United States can compel them. The will and the spirit of a people will not subject themselves, although they are now nearly subjugated. I am of northern blood and have no sympathy with southern views or feelings; but I would not submit my will to such subjection, and they will not. With the high sense of justice which I think I may possibly possess I would not dare to advise the adoption of this policy in the southern States, under which ignorant men from Dahomey may take the rule of the land. I would not in my manhood; I would not with my intelligence; I would not with the red blood that runs in my veins; I would not by the memories of the race from whence I have come. It seems to me that those who are adventuring out now have never run through the blue Symplegades. It would take Jason and the Argonauts to do it, and I do not see Jason or the Argonauts here. All that adventured out before were shipwrecked and their craft lost. We are about adventuring into dangerous seas. We are about forcing upon an unwilling people a system altogether repugnant to them and repugnant to the common sentiments of all men who have Caucasian blood. Perhaps it may be deemed wise to make the effort; for, in the dispensations of Providence, we do not know what is perfect wisdom; we have to take His ultimate judgment to govern us all; but it is the office of all men that live below His sphere to do what they think best; and it is only He who is on His burning throne that knows what is exactly right. It is our opportunity to do our best to maintain what we think to be the exact right.

Now, I should like to know who here in his full conscience, allowing him to employ his conscience and to think that there is a God, would undertake to place the barbarians of Mississippi and South Carolina in command of that country? Who would place Chinamen in my own State in a position where they might overwhelm the Caucasians of my own country and the men from Europe? It is altogether within the range of possibility that there may be two hundred and fifty thousand Chinese there in a few years; and am I then to be subject to the Asiatics, who do not belong to my order of civilization, who care nothing for our free institutions, who have learned nothing more than Confucius taught, who was never able to believe in God, and only attended the worship of the church because it was a habit?

These things, Mr. President, seem not simply painful to myself, but more than painful; they seem as threatening the overthrow of institutions established by those wise and careful men who laid the foundations of our Republic. Never did any Government undertake to compel reconstruction upon such a system. The war of the Roses was, I think, thirty years, and there were lords that went to the block; but did that change the relations of the counties or the principalities of England? Not at all. There were wars between England and Scotland that lasted through five centuries; but did that change the status of antagonistic States? No. They who bellowed loudest in England, and undertook to compel Scotland, came to grief, and they had to accept a Scottish king upon the English throne. Ireland, from the time of the wars of the Pale, was, you may say, subjugated; but what then did Great Britain say to Ireland? "We ask the consent of your Parliament;" and Great Britain, with all its power, did not dare to move even against the inferior hordes of Ireland till by bribery and corruption she had secured a majority of votes in the Irish Parliament to cede away the rights of Ireland as an independent government *sub modo*.

We seem to have forgotten all the lessons of history. It would be well for us to remember them somewhat better. There is no such thing as coercing an unwilling people. Willing the southern people are now to come under the old Constitution, under the old flag, to be with us again as brothers. They have been punished and have come to us like the prodigal son. We make no feast for them, but have met them with curses, and we pronounce excommunication. Will that policy be a success? Can we hope that it will be a success? We cannot hope for it, because you cannot conquer the human will; you cannot conquer the opinions and convictions that rest in the human mind. Brave men when vanquished can surrender and yield and become obedient, but they cannot be degraded. It is a false opinion that we can degrade a part of the people of our own country, of like ancestry and as brave as ourselves, fewer in number, if you please, having not so much artillery, having not so much arms, but still persistent and resistant against outrageous wrong. All that has been asked by the South since the surrender of Lee has been simply to be received again into our own family, and they who do not think they should be received have the hardness of heart that belongs to savagery; and they who think that that savageness of theirs will result in ultimate triumph will find that they are only embarking our country in difficulties that may last through many years. I would like to see in my time peace restored and the Union altogether reëstablished; but it cannot be done upon terms inconsistent with the sense of justice, with the sense of right, and even the political necessities of people who belong to the Union though they have been in rebellion. It is not possible for them in Mississippi, Louisiana, Alabama, and South Carolina, to yield the authority of government to negroes, ignorant, altogether uninformed, and who know nothing about what belongs to government. We have done great mischief to ourselves by degrading our institutions in making suffrage too popular. Instead of extending it, it is my opinion that we should try to restrict it to some extent, so that there will be some chance of intelligence in those people who have to do with the making of officers in counties, in States, and in the Federal Government.

Mr. HENDRICKS. Will the Senator yield to me for a moment that I may make a suggestion to him? Inasmuch as I observe that his remarks are upon the measure generally, and not upon the particular question before the Senate, I suggest that he yield the floor for the present and let this vote be taken, and his general discussion can proceed when the bill itself is before the Senate at a subsequent stage.

Mr. McDOUGALL. The leader of my side of the House dictates to me a certain line of conduct.

Mr. HENDRICKS. I am no leader.

Mr. McDOUGALL. I will yield to his suggestion now; but it is all wrong from center to circumference, from the axis to the utmost

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radius. I will yield, however, to the suggestion of the Senator from Indiana.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio, that the Senate insist on its amendment to this bill which has been returned from the House of Representatives.

The motion was agreed to.

On motion of Mr. WILSON, the Senate took a recess till half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at seven and a half o'clock p. m.

ENROLLED BILLS.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 453) regulating the tenure of certain civil offices;

A bill (H. R. No. 140) to restore Lieutenant Joseph P. Fyffe to his grade in active service of the Navy;

A bill (H. R. No. 1099) providing for the election of a Congressional Printer; and

A joint resolution (H. R. No. 216) for the restoration of Lieutenant Commander S. L Breese, United States Navy, to the active list from the retired list.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate of the 8th of January last, such information as is in the possession of the Departments in relation to violations of the act entitled "An act to protect all persons in the United States in their civil rights and furnish the means of their vindication," and the steps taken to enforce the law.

The Secretary proceeded to read the message.

Mr. LANE. That was read to-day. I move that it be laid upon the table and printed for the use of the Senate.

The PRESIDENT *pro tempore*. The Senator is mistaken in supposing that it was read to-day at all.

Mr. LANE. It was not read at the desk, but it was read by the Senator from Pennsylvania [Mr. COWAN] in the course of his speech.

Mr. CONNESS. I hope it will be formally read.

The PRESIDENT *pro tempore*. It is the duty of the Chair to communicate the message to the Senate.

Mr. LANE. It is the duty of the Senate to hear it or have it printed as they think best. I move that the reading be dispensed with, and that it be laid upon the table and printed for the use of the Senate.

The motion was agreed to.

The PRESIDENT *pro tempore* also laid before the Senate a message from the President of the United States, communicating, in answer to the resolution of the Senate of the 27th of July last, relative to the practicability of establishing equal reciprocal relations between the United States and the British North American Provinces, and the actual condition of the question of the fisheries, a report on the subject from the Secretary of State, with the papers to which it refers; which was ordered to lie on the table, and be printed.

RETAINED BOUNTY OF COLORED SOLDIERS.

Mr. WILSON. I now move to take up the bill (S. No. 595) to regulate the disposition of an irregular fund in the custody of the Freedmen's Bureau.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

As the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands reports a retained bounty fund, derived from a portion of the State bounties of certain colored soldiers enlisted in Virginia and North Carolina, during the years 1864 and 1865, and by virtue of General Order No. 90, department of Virginia and North Carolina, series of 1864, holden by the superintendent of Freedmen's Affairs, but turned over to the Freedmen's Bureau upon its organization; and as the Commissioner has in possession the names of those soldiers from whom the money was taken, and as he has uniformly returned it upon the application or discovery of legal representatives, but retains a considerable portion belonging to soldiers who are either deceased or who cannot be found, therefore the bill proposes to constitute the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, or his successor in office, the lawful custodian of this retained bounty fund, and to appoint him trustee of the same for the benefit of the colored soldiers or their lawful representatives.

The Commissioner is also specially authorized and empowered to invest the fund, or any portion of it, for the exclusive benefit of the colored soldiers or their legal representatives; but a sufficient amount in cash is to be retained uninvested to meet all lawful claims thereupon that will probably be presented for payment; and any portion of the fund which may remain unexpended when the bureau shall cease to exist is to be accounted for by the Commissioner to the Treasury of the United States.

Mr. GRIMES. I move to amend the bill in section two, line three, by inserting after the word "thereof" the words "in securities of the United States;" so as to read:

That the said Commissioner be, and he is hereby, specially authorized and empowered to invest the said fund, or any portion thereof, in securities of the United States, for the exclusive benefit of the said colored soldiers, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

LONGEVITY RATION.

Mr. WILSON. I now move that the Senate proceed to the consideration of the bill (H. R. No. 1135) to extend to general officers and officers on the retired list the benefit of the additional ration for every five years' service.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section fifteen of the act to increase the present military establishment of the United States, and for other purposes, approved July 5, 1838, so that general officers shall not hereafter be excluded from receiving the additional ration for every five years' service; and further provides that officers on the retired list of the Army shall have the same allowance of additional rations for every five years' service as officers in active service.

Mr. HENDRICKS. I should like to know what that bill does?

Mr. WILSON. The bill gives to general officers and retired officers the additional ration for every five years' service. Every five years it adds $108 to their pay.

Mr. WILLIAMS. One hundred and eight dollars a year?

Mr. WILSON. Every five years the officers of the Army are entitled to an additional ration, which is called the service ration, and is worth $108. Where a man has been in service forty years it annually amounts to $864. This bill gives the benefit of this additional ration to general officers and officers on the retired list. General officers do not receive this ration, while colonels do receive it; so that colonels in the Army receive about the same pay as brigadier generals, in consequence of brigadier generals not getting this service ration. By this bill we extend it to general officers and officers who have been retired on pay proper.

Mr. HENDRICKS. I do not see the propriety of it myself. It is a mere increase of pay to those on the retired list. I do not think it is right.

Mr. WILSON. If the Senator desires more time to consider it I will let the bill lie over.

Mr. HENDRICKS. I do not object, of course.

Mr. EDMUNDS. I should like to inquire of my friend from Massachusetts whether the pay of these general officers on the active list is not large enough already, and whether they were not omitted from the previous provisions as to this ration on the ground of their having a sufficient pay already in the preceding law on the subject?

Mr. WILSON. I will say to the Senator that a brigadier gets $5,400, and some of our colonels $4,900 at this time. However, if there is objection to it, I am willing that this bill should lie over, as I have several bills that I am anxious to dispose of this evening.

Mr. EDMUNDS. Let it lie over.

The PRESIDENT *pro tempore*. The bill will be laid aside by common consent, no objection being interposed.

SETTLEMENT OF PAYMASTERS' ACCOUNTS.

Mr. WILSON. I now move to take up House bill No. 475.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 475) to facilitate the settlement of the accounts of paymasters of the Army. It directs the accounting officers of the Government charged with the settlement of the accounts of paymasters and additional paymasters, who have heretofore paid any troops of the United States since the commencement of the war for the suppression of the late rebellion, to place to the credit of those paymasters or additional paymasters all sums and amounts of money paid by them, respectively, to any officer, soldier, or employé connected with the military service of the United States during the war; but such payments are to be shown to have been actually made in good faith, without fraudulent practice or intent, and where the erroneous payments discovered have manifestly not been the result of gross negligence or carelessness.

Mr. WILSON. I will say that the bill passed the House of Representatives a year ago; our committee have held it back for the purpose of looking very carefully into it; but now as the war has closed, and most of the men are paid and the accounts settled, it was thought best that the bill should now be passed. It will settle the accounts of a few paymasters who have in good faith paid men through mistake in construing the laws.

Mr. GRIMES. What is the aggregate amount of suspended accounts in the paymaster's department?

Mr. WILSON. I do not know. I do not think anybody knows what it is; but it cannot be but a very small sum.

Mr. HENDRICKS. I think it is millions.

Mr. WILSON. The Paymaster General told me when they had paid out over a thousand millions to the soldiers that they had lost by the paymasters not a quarter of a million.

Mr. GRIMES. I will inquire if there is any communication from the Paymaster General recommending the passage of such a law as this?

Mr. WILSON. The Paymaster General, I understand, is willing that this bill should pass.

Mr. GRIMES. Has the Senator got any information directly from him?

Mr. WILSON. He wrote a letter to the House committee in favor of the bill.

Mr. GRIMES. I do not like to oppose this bill; but I have understood that there are eighty millions of suspended accounts. That statement may be exceedingly exaggerated; but I will state to the Senate that on the committee of which I am a member we never pass any bill of this character or affecting money without having a written opinion and state-

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ment from the head of the bureau and the head of the department giving their opinions on the subject as to whether it should be passed or not.

Mr. WILSON. I am anxious to get through with as many bills as I can to-night, and if gentlemen desire time to think of this matter I will let this bill lie over.

Mr. GRIMES. That is the right way.

Mr. WILSON. As I have a great many other bills that I wish to dispose of this evening if possible, I will let this bill go over for the present.

The PRESIDENT *pro tempore*. The bill will be laid aside if there be no objection.

ABOLITION OF PEONAGE.

Mr. WILSON. I now call up the bill (S. No. 543) to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILSON. I have an amendment to offer to the bill in two sections, as a substitute for the entire bill. I do not think it necessary, therefore, to read the original bill, but merely the amendment, which is more carefully drawn.

The PRESIDENT *pro tempore*. The reading of the original bill will be dispensed with if there be no objection.

Mr. WILSON. I move to strike out all of the bill after the enacting clause, and to insert the following in lieu thereof:

That the holding of any person to service or labor under the system known as peonage is hereby declared to be unlawful, and the same is hereby abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State of the United States, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, be, and the same are hereby, declared null and void; and any person or persons who shall hold, arrest, or return, or cause to be held, arrested, or returned, or in any manner aid in the arrest or return of any person or persons to a condition of peonage, shall, upon conviction, be punished by fine not less than $1,000 nor more than $5,000, and by imprisonment not less than one nor more than five years, or both, at the discretion of the court.

SEC. 2. *And be it further enacted*, That it shall be the duty of all persons in the military or civil service in the Territory of New Mexico to aid in the enforcement of the foregoing section of this act; and any person or persons who shall obstruct or attempt to obstruct, or in any way interfere with or prevent the enforcement of this act, shall be liable to the pains and penalties hereby provided; and any officer or other person in the military service of the United States who shall so offend, directly or indirectly, shall, on conviction before a court-martial, be dishonorably dismissed the service of the United States, and shall thereafter be ineligible to reappointment to any office of trust, honor, or profit under the Government.

Mr. DAVIS. I will thank the mover of this bill to inform the Senate what this thing called peonage is; to give us a clear, succinct, and comprehensible definition of the term.

Mr. WILSON. It is a condition of modified servitude, which we have inherited from Mexico. It exists in New Mexico at this time, the only part of the country where I know it does exist. In some cases it is voluntary, but in most cases forcible. In the larger towns it is disappearing, but in a portion of the country it still exists; and what is more, officers of the United States, military and civil, have been carrying it out. The object of this bill is to arrest it, to make it the duty of the civil and military officers of the United States in the Territory to put an end to the system and not support it. A report was made by one of the officers of the Government, one of the Indian agents, to the Indian Bureau, showing how persons were held in service; that officers of the United States held these persons in service; and that Colonel Davis, under the direction of General Carleton, had undertaken to enforce this law or custom in New Mexico. We intend by this bill to put an end to the system. It is a system of modified servitude which is carried on to a great extent in New Mexico, and especially to a lamentable extent with the Indians. A great many Indians are captured and forcibly held in servitude.

Mr. DAVIS. The Senator says that it is a system of modified servitude, sometimes voluntary and sometimes involuntary. I suppose that to the extent that it is voluntary there is no necessity and no power on the part of Congress to interfere with it. But how far and to what extent is it voluntary? The system of apprenticeship is a servitude, and an involuntary servitude. I have seen a great deal of general statement about peonage in Mexico, but I have never yet met with any precise definition of it giving me a fair idea of what it was. I admit that my want of information on the subject has not been supplied much by the explanation of the Senator. In what form is it involuntary to what extent; what are the rights of the peon, and what are the rights of the man who claims his services? How can it be terminated? I suppose all these are matters that are governed by the system itself. I think we are about to legislate on a subject that we know very little about; at least that is my case.

Mr. LANE. By the laws of Mexico which were existing in New Mexico at the time of the conquest peonage was established. The system was simply this, as I understand it: that where a Mexican owed a debt his creditor had a right to his labor and services until that debt was paid. The debtor became a domestic servant, and he and his family were supported by the creditor, and the peonage never ended until the debt was discharged. It was a kind of servitude for debt, which the committee thought was inconsistent with our institutions. We simply say by this bill that peonage shall be abolished, and the creditor shall be left to all his legal means of collecting his debt, but he shall not hold the peon in slavery. I understand also that by this system the creditor not only had a right by an involuntary process to the labor of the peon, but the debtor if he chose might become the servant of the creditor and serve until the debt was paid. A very small debt with the interest, where the peon has a family to support and the creditor supports him, amounts to a servitude for life. We now simply say that the creditor in New Mexico shall have all the means of collecting their debts known to the law, but that peonage or servitude for debt shall cease. That is the whole of it.

Mr. DAVIS. Well, Mr. President, I have been for a good many years of my life in about the same state of slavery that my friend from Indiana represents the peons of Mexico to have been; I have owed considerable debts and I have worked mighty hard to pay them. All the proceeds of my labor went to the payment of my debts, and I had not the advantage which the peon has; the creditor was not supporting me during the time I was laboring to discharge my debts; I had to support myself.

I rather think this matter might as well be postponed till the 4th of March. I believe every difficult question is proposed to be referred over to that time. I once heard of an Irishman who stole an old woman's turkey, and he put it under his arm and was traveling off pretty rapidly to make his escape with his booty. She followed him some distance, but he outran her. When she discovered that she could not overtake him, she said, "Oh, you thief, never mind; you will pay for this on the day of judgment." "Well, madam," said he, "if you will trust me that long I will take another." [Laughter.] I think we may as well trust this system of peonage till the 4th of March, when I suppose the honorable Senator from Massachusetts will have time to investigate the whole subject, and to present it just as it exists clearly to the Senate, and inform us what there is in it that deserves correction or reformation, and what there is in it that ought to remain. I think this feature of a man's working to pay the debts that he owes to his creditors, in a modified form at least, ought to exist.

Mr. WILSON. I do not suppose the Senator from Kentucky needs information in regard to what peonage is in New Mexico or Mexico or anywhere else. I do not desire to take up time in defining what it is. It is simply a system of slavery, as I said, a modified slavery. The creditor cannot sell the peon, but he holds his services. The system has been of the most wretched and degrading character, degrading all that class of population. In the larger towns in New Mexico they are getting emancipated from it, and the peons are being elevated by that emancipation.

Mr. LANE. If the Senator will pardon me one moment, I will say that the creditor cannot sell the peon, but he can transfer him just as he would a mule or a horse and give his services to anybody else. It is a system of serfdom worse than the Russian system ever was.

Mr. COWAN. If he assigns him is it not on a consideration?

Mr. LANE. Certainly.

Mr. WILSON. The other day my colleague read from a report of one of the officers of the Indian Bureau an account of the state of things in New Mexico. That officer pressed upon the Government the importance of prompt action in this matter; that a great number of persons were held in that condition; that the system exists in a large portion of New Mexico, and is in force to-day. It has disappeared in the large towns, and peons who once worked for two or three dollars a month are now able to command respectable wages, to support their families, elevate themselves, and improve their condition. It is certainly a most wretched system. It applies not to negroes, but to white men; and while I have great faith in the negro, I believe a white man is as good as a negro; and while I have been against negro slavery, I am also against slavery of this kind for white men. I hope we shall put the bill on its passage, and I have no doubt good results will grow out of it.

Mr. DOOLITTLE. I will state for the information of the Senate that while examining into the Indian affairs of New Mexico, as a member of the committee on that subject, of which the present Presiding Officer was also a member, we reported some testimony bearing on this state of affairs in the Territory of New Mexico. It appeared, I think, from my best recollection without now reading from the report, that it was believed there were about two thousand of the Navajo and Ute Indians who were held in New Mexico as domestic servants in a state of bondage or slavery. The Navajoes, a large and powerful tribe of Indians, numbering nearly ten thousand, had been almost constantly at war with the Mexicans; and it will be remembered that a majority of the Mexicans are of Indian blood, with some Spanish blood intermixed. These wars had continued for hundreds of years probably. They were raiding upon each other, stealing each other's flocks and herds, and stealing each other's women and children. The Mexicans, it is said, rather got the advantage of the Navajoes in the number of women and children, but the Navajoes got the advantage of the Mexicans in stealing sheep and cattle, and running them off into their fastnesses. The sum and substance of the testimony was that probably there were about two thousand Indians held in New Mexico under this system. But, sir, you will recollect the testimony of Judge Benedict, the chief justice of the Territory. He stated that the question having arisen before the United States court in New Mexico upon a *habeas corpus*, it was decided that these persons were free, and the court had discharged them upon *habeas corpus*. The court had decided that there was no power in the law of New Mexico which would hold a person against his will in servitude; but he stated that as a practical fact these persons remained in the families and in the service of their former masters or employers. Not knowing their rights, not being in a position to go into court to assert their rights, or not having a desire to do so, they were gen-

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erally remaining in the families of their masters, and probably there were about two thousand of them in the Territory; that is, so far as Indian slavery is concerned. Some of these Indians were captured by the Mexicans, and some were captured by other tribes of Indians and sold to the Mexicans.

Then, as to the system of peonage, it is true that by the law of Mexico before we acquired the Territory of New Mexico the system of peonage existed there; a system by which a person indebted to another is compelled specifically to perform labor until the debt is discharged. The debtor has the privilege, under their law, of hiring himself out to another man; to get another man or master, if you please, to purchase the debt; and then he goes along with his debt to another master; but as long as the debt remains he is compelled to serve. According to the custom of that country with that class of people, in the development of civilization which they have attained, the practical fact was that almost always when one desired to hire out, the first thing the laborer desired to do was to get in debt to his master, and get in debt as much as he could, and go and live with him. Generally they are in the employ of wealthy persons owning the lands, and the peons live upon the lands and cultivate them as serfs. It is a system of serfdom. I understood, however, from the chief justice of the Territory, that in the decision which was given by the court they had decided against the power to hold these persons against their will; they were not compelled to remain any longer than they desired to remain; but as a practical fact they do reside with the landholders throughout New Mexico to a considerable extent.

I state this simply as the information which came to us upon our examination. The testimony of Chief Justice Benedict and Governor Connolly and various others in relation to the system will be found in the appendix to the report which we have made. I think I have stated substantially just how it stands.

Mr. BUCKALEW. There is no doubt of our jurisdiction in the Territory of New Mexico to enact such a law as the one proposed. I have some knowledge of this system and I think the necessity for this law is evident. Eventually the courts will weed out this system in that Territory, and do it effectually; but it will remain lingering there for a considerable time unless Congress shall interpose by a law of this kind. Upon the publication of such a statute in that Territory the whole system will fall to the ground at once. I think anywhere within the limits of the United States, with our ideas and our civilization, it is a disgrace that it should be permitted to continue where the power of this Government can extend. In practice, this is not a system of service for the payment of a debt, in view of which the servitude commences. As already explained, the almost invariable fact is that the peon continues accumulating debt, and as that debt is formed while he is subject to a master the terms of it are always exceedingly unfavorable to him, and for a very nominal consideration he is continued in this system of service during his whole lifetime. It is a system which degrades both the owner of the labor and the laborer himself, and in my opinion the sooner we terminate it the better.

Mr. WILSON. I hope the bill will now be put on its passage.

The PRESIDENT *pro tempore*. The question is on the amendment offered as a substitute for the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

RIGHTS OF VOLUNTEERS IN THE ARMY.

Mr. WILSON. I now move to take up the bill (H. R. No. 1134) declaring and fixing the rights of volunteers as a part of the Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Military Affairs and the Militia reported the bill with amendments.

The first amendment was in section one, line fifteen, to strike out the word "and" and to insert the word "but;" in line sixteen to insert the word "only" before the word "apply," and to strike out the word "all" before the word "appointments;" and in line seventeen, after the word "been" to insert the words "or shall hereafter be;" so that the section will read:

That in computing the length of service of any officer of the Army, in order to determine what allowance and payment of additional or longevity rations he is entitled to, and also in fixing the relative rank to be given to an officer as between himself and others having the same grade and date of appointment and commission, there shall be taken into account and credited to such officer whatever time he may have actually served, whether continuously or at different periods, as a commissioned officer of the United States, either in the regular Army, or since the 19th day of April, 1861, in the volunteer service, either under appointment or commission from the Governor of a State, or from the President of the United States; but the provision herein contained as to relative rank shall only apply to appointments that have already been or shall hereafter be made under the act to fix the military peace establishment of the United States, approved July 28, 1866.

The amendment was agreed to.

The next amendment was to insert at the end of the first section the following:

And all officers in the Army of the United States who have served by commission in the volunteer forces in the war for the suppression of the rebellion shall have the same rank by brevet in the Army of the United States as the highest rank they held by commission in the volunteer forces, not including brevet commissions.

Mr. GRIMES. I have seen the statement here—it is before us—that some gentlemen have been appointed first lieutenants in the regular Army who were colonels in the volunteer service. Under this amendment, as I understand it, if I do understand it, they will have the brevet rank in the regular Army of colonel. The result therefore will be that when they are on detached service, although second lieutenants, they will rank even the majors and lieutenant colonels of the Army.

Mr. HARRIS. Major generals in the volunteer service have been appointed captains and first lieutenants.

Mr. GRIMES. The Senator from New York tells me that there are major generals who have been appointed captains and first lieutenants. In that event, if there should happen to be one of them in Texas to-day he would rank the general in command of the district.

Mr. LANE. The operation of this amendment, as I understand, is just this: we propose to give officers appointed in the regular Army from the volunteer service the brevet rank of the highest grade which they held by commission in the volunteers, and I think myself that is perfectly right and proper. Suppose this case: a young man in 1861 was appointed a lieutenant in the regular Army; his neighbor went into the volunteer service; they have both seen precisely the same service. I see no possible reason why the highest commission that the volunteer officer held should not give him the brevet rank over the officer in the regular Army; and that as I understand is the whole of the amendment. I think it is just and proper. I think this discrimination against the volunteer service has been kept up too long in the Army of the United States. We look to the volunteer forces for the preservation of the nation, and I will sanction no discrimination against officers of the volunteer service. It is true that many of these men, now lieutenants and captains and majors, were colonels and brigadier generals and major generals in the volunteers during the rebellion; but they have rendered the same service precisely in the volunteer force as though they had been in the regular Army, and although I know there is opposition to it on the part of regular officers, still I think it is perfectly just that they should have this brevet grade according to their service, whether in the volunteer or in the regular forces.

Mr. GRIMES. I know of no opposition on the part of regular Army officers to this proposition, and I never heard of its being made before. I never supposed that such a proposition could be submitted to the Senate. I do not understand that there is any antagonism or any indisposition to do justice to volunteer officers; but everybody can see, I think, the anomalous condition in which the matter would be placed by this proposition. Take the very case the Senator puts: a young man entered the regular Army in 1861 as a captain; he has perhaps reached the grade of a major; he has done just as good service in the Army, I suppose, during the six years as the man who through family or political influence may have been a lieutenant colonel or a colonel of volunteers, and who has received perhaps the brevet rank of a major general. Now, then, those two men, one of whom has been a major in the regular Army for six years and the other been in the volunteer service as a major general or colonel, are in a regiment in Texas, and the man who is lowest in lineal rank commands the man who is in the highest, on account of his brevet rank. We all know how these brevets have been conferred and how these commissions have been granted. If there is any way to create universal confusion throughout the Army it is this proposition.

Mr. LANE. The Senator will permit me to suggest that they are not to have rank on account of their brevet promotions, but they are to take the brevet rank of the highest commission which they held in the volunteers. That is the whole of it.

Mr. GRIMES. I understand it.

Mr. HENDRICKS. I certainly have as great an admiration for the volunteer service as my colleague; yet I am not able to see this proposition just as he does. While we want to confer all honor on the volunteer service, I think it important that the Army should be organized so as to produce no conflicts of command or authority or grade. The proposition here is that an officer who has been in the volunteer service, and who is now appointed into the regular Army at a lower grade, shall have the brevet rank of the highest grade he had in the volunteer service; so that it is legislating a brevet rank; and that brevet rank gives authority and real rank and command on some occasions. It would be a very pleasant thing if we could make all the men who served in the volunteer service brigadier and major generals; but we cannot do it. It has got to be done according to the interests of the service; and it seems to me that the suggestions of the Senator from Iowa are conclusive on this subject.

The amendment was rejected.

Mr. WILSON. I move to amend the second section of the bill by inserting after the word "regulations" in the fourth line the words "so far as is consistent with the foregoing section;" so that it will read:

That in all matters relating to pay, allowances, rank, duties, privileges, and rights of officers and soldiers of the Army of the United States, the same rules and regulations, so far as is consistent with the foregoing section, shall apply, &c.

Mr. HENDRICKS. I cannot understand this section. I wish the Senator having charge of the bill would explain it. I understand that the first section regulates the longevity ration, and nothing else, I think. I should like to know what the second section amounts to.

Mr. WILSON. I ask the Secretary to read the second section of the bill.

The Secretary read it, as follows:

SEC. 2. *And be it further enacted*, That in all matters relating to pay, allowances, rank, duties, privileges, and rights of officers and soldiers of the Army of the United States, the same rules and regulations shall apply, without distinction, for such time as they may be or have been in the service, alike to those who belong permanently to that service and to those who, as volunteers, may be or have been commissioned or mustered into the military service under the laws of the United States for a limited period.

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But nothing in this act shall be construed as affecting or in any way relating to the militia of the several States when called into the service of the United States.

Mr. WILSON. I think that is a very simple and plain proposition. It puts the men who have served in the volunteers, who are now in the regular Army, in regard to pay, allowances, rank, duties, and privileges, on the same footing precisely with those who belong permanently to the regular Army. It ought to pass. I do not see why any objection should be made to it.

Mr. HENDRICKS. What is it? I do not understand it.

Mr. WILSON. As the matter stands now, there is no equal in it at all. A man may have entered the volunteer service on the first day of the war as a lieutenant, and one of his neighbors may have entered the regular Army as lieutenant. They may have served to the end of the war, and at the close of the war the man who entered the regular Army is a lieutenant; the man who entered the volunteers is a major general. He goes into the regular Army as a lieutenant, or perhaps is appointed a captain; and the lieutenant of the regular Army is put in one of the new regiments as a captain. The lieutenant of the regular Army outranks the major general, whose name is a part of the history of the country. Such cases are innumerable. Now, what we want to do is to let the time of service count; that these men shall stand on an equality in all respects in regard to pay. Then we want the man who served in the volunteers to have the same rights as the man who served in the regular Army. This bill passed the House of Representatives for that purpose. We have amended it slightly, restricting its action as it passed the House, with the exception of the clause voted down, which I think ought to pass; but I am not going to make a contest over it here to-night, for I know very well that a set of men who want special privileges in this matter have been writing all over the country that they would not stand quite so high, and somebody else would stand a little higher if men's services were counted in the war.

Mr. HENDRICKS. In regard to the rations and all that, I think it is very right; but how about the command, the authority?

Mr. WILSON. The volunteer officer will be on the same footing by law precisely as the other man who served in the regular Army. It gives the volunteer officers the benefit of their service in the volunteers.

Mr. HENDRICKS. I guess that is right.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts to the second section of the bill.

The amendment was agreed to.

Mr. WILSON. I offer another amendment, to insert as an additional section the following:

And be it further enacted, That the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June 20, 1864, shall not be so construed as to increase the emoluments of the commissioned officers of the Army at the date of its passage. And the first section of the act entitled "An act to amend the several acts heretofore passed to provide for enrolling and calling out the national forces, and for other purposes," approved March 3, 1865, was not intended to be retrospective or retroactive in its operation, and shall not be so construed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LANE. I shall ask for another vote on the amendment voted down in Committee of the Whole in reference to the rank of these volunteer officers. I am satisfied the Senate are doing an unjust thing.

The PRESIDENT *pro tempore*. That is not in the power of the Senator, it not having been adopted in Committee of the Whole. The Senator can move it again.

Mr. WILSON. You had better not press that now.

Mr. LANE. I will withdraw it if the Chairman says so, but I am satisfied it is an unjust thing to the volunteer service.

The PRESIDENT *pro tempore*. The Chair does not suggest that it be withdrawn, but that it is not before the Senate.

Mr. TRUMBULL. I should like to inquire of the Senator from Indiana if the effect of the amendment which was disagreed to in Committee of the Whole is simply to put the volunteer officer on the same footing as the regular Army officer? Is that all that it amounts to? I do not know that I understand it.

Mr. LANE. No; it amounts to a little more than that. A volunteer officer who has been a brigadier or a major general goes into the regular Army as a captain; we give him rank according to the highest commission he held in the volunteer service, which I think is perfectly right and proper. At the beginning of this rebellion we had a small regular Army scattered to the four winds of heaven by a traitorous Cabinet. We did not rely upon that Army. We called two million volunteers into the service; and I propose now that volunteer officers who fought through the whole war, and by their distinguished merit and gallantry achieved high commands, when they go into the regular Army shall not be ranked by a graduate of West Point, who graduated it may be yesterday, and entered the regular Army. That is all I propose.

Mr. TRUMBULL. I should like to inquire of the Senator from Indiana what is the position of the regular Army officer. Suppose that a captain in the regular Army was made a major general or a brigadier general in the volunteer service, and now he is a major in the regular Army; what rank does he get in the regular Army in consequence of having been a brigadier general in the volunteers?

Mr. LANE. He, as I understand, gets the highest brevet rank conferred upon him.

Mr. TRUMBULL. The highest brevet rank conferred upon him in the volunteer service?

Mr. LANE. That is my understanding.

Mr. TRUMBULL. Then if he does it is manifestly just that the volunteer should have the same thing.

Mr. WILSON. I am sorry to say that there is a mistake in that statement. As I understand it it stands in this way: take a major in the regular Army who has been a major general of volunteers; he is still a major in the regular Army. What he has gained as a volunteer officer goes for nothing.

Mr. TRUMBULL. Does not the brevet he has got in the volunteer service count?

Mr. WILSON. It does not. A volunteer brevet does not count in the regular Army. Volunteer service does not count at all, whether it be by a regular officer or a volunteer officer going into the regular Army. This proposition was intended to do something for the men, whether they were of the regular Army or volunteers, who had won brevets or regular promotion in the volunteer service. Many officers of the Army, lieutenant colonels, majors, and captains, have been brigadier and major generals in the volunteer forces. They go back to their commands, and all their great reputation, all their services, count for nothing. If a man has been in the volunteer service and commanded a corps in the war, and goes into the regular Army, all his services count for nothing, and he is outranked by an officer of the regular Army who has remained there and done nothing throughout the war. Take a captain in one of these new regiments who has been a first lieutenant for the last three or four years; he is made a captain in one of these new regiments. You take another officer who has been a major general, whether he is a regular officer or a volunteer, and you make him a captain; say he was a lieutenant in the regular Army; he goes into the volunteers, becomes distinguished, connects his name with the history of the country. If he goes as a captain into one of these regiments he is outranked by the lieutenant of the regular Army; all his services count for nothing. That is the way the matter stands to-day. It was intended to correct this injustice, and give the men who have won positions in the volunteer service of the country brevet rank in the regular Army, which would make them outrank these other officers.

Mr. BROWN. I suggest whether the difficulty is not of a somewhat different character from that which has been suggested. If I understand it correctly, officers in the regular Army have been breveted for their services, and they take rank accordingly. Now, the trouble is that there is no authority by which the War Department can brevet those who have been appointed from the volunteer forces for their services heretofore in the volunteer service. They cannot give them brevet rank on the strength of their service in the volunteer forces. I think it probable the difficulty would be obviated if authority were given to the Secretary of War, or the President, to confer brevet rank on those who have been appointed in the regular Army for their past services in the volunteer service. I do not believe we can get at it in any other way.

Mr. LANE. The question asked me by the Senator from Illinois was, whether the regular Army officers who held their commissions in the volunteer service were breveted and held a grade according to their highest commission; and he said if that were true the same rule ought to be applied to volunteer officers. That is not so, as has been stated; but the truth is, that the subalterns in the regular Army have been breveted again and again until they outrank the appointments from the volunteer forces, and no brevet is allowed to volunteer officers on account of their services in the volunteer army. That is the injustice of it as it seems to me.

Mr. CONNESS. As I understand this proposition, its difficulty consists in this: that it gives indiscriminate brevets by an act of Congress, according to the commission that may have been issued to officers by the Governors of States. The conferring of a brevet upon the record of an officer, whether he be a volunteer or a regular, is an honor due when earned; but in this case, if you confer brevets upon volunteers by an act of this kind, which shall apply according to the commission held by the officer, you will be conferring brevets, in all probability, upon men who received in the early stages of the war high commissions, and who, in many instances, led our men to slaughter and not to victory. If you desire to advance by brevet rank meritorious volunteer officers, make a provision by which it may be done upon the record of each officer; but do not do it indiscriminately, so that those who are deserving and those who are undeserving will receive the honor alike.

Mr. NESMITH. If it is in order I should like to offer this amendment to the first section:

And the President is hereby authorized to confer brevet rank on officers of the regular Army who have served in the volunteers.

Several SENATORS. That is right.

Mr. NESMITH. My objection to the proposition in the amendment reported is—and the question will arise—whether by this act these officers can actually take the brevet rank without their being nominated by the President and confirmed by the Senate. I do not think they can. I think it is necessary that they should be nominated and confirmed under the present existing laws. I think the amendment which I propose will obviate the difficulty.

Mr. WILSON. Do you make that motion?

Mr. NESMITH. Yes, sir.

Mr. HENDRICKS. I think the Senate ought to give some attention to this second section.

Mr. GRIMES. Let us dispose of the other question.

Mr. HENDRICKS. It is perfectly impossible to understand this second section, and I will ask the attention of the chairman of the committee to it. It reads:

That in all matters relating to pay, allowances,

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rank, duties, privileges, and rights of officers and soldiers of the Army of the United States, the same rules and regulations shall apply, without distinction, for such time as they may be or have been in the service, alike to those who belong permanently to that service and to those who, as volunteers, may be or have been commissioned or mustered into the military service under the laws of the United States for a limited period.

Mr. CONNESS. That is a very long sentence.

Mr. HENDRICKS. It is so long that I cannot understand it. Laws ought to be expressed clearly, in plain words, that a man not skilled particularly in the business might comprehend them; but I confess my inability to comprehend this second section, and unless it can be explained, I shall move to strike it out.

Mr. WILSON. I do not know that I can explain it so that the Senator will understand it, but I will endeavor to state what I understand it to mean and what the purpose of it is. It provides—

That in all matters relating to pay, allowances, rank, duties, privileges, and rights of officers and soldiers of the Army of the United States, the same rules and regulations shall apply without distinction for such time as they may be or have been in the service, alike to those who belong permanently to that service and to those who as volunteers may be or have been commissioned or mustered into the military service under the laws of the United States for a limited period.

Now, I understand this to be that so far as pay is concerned, so far as allowances are concerned, so far as duties, rights, and privileges are concerned, it puts on precisely the same footing the men who have been in the regular Army during the war and the men who were in the volunteers and have since been put into the regular Army. They are put on an equality in every respect in regard to allowances and privileges. For instance, if a man has served four years in the volunteers, and that were counted, by serving one year more would make five years, which would entitle him to a service ration, which would be $108 per year added to his pay. The man in the regular Army entering the service, perhaps on the same day, receives that.

Mr. HENDRICKS. That is provided for in the first section.

Mr. WILSON. That is the meaning here also. The object was to put them on a perfect equality. As the law now stands, the four years' service performed by a volunteer officer does not count anything toward his allowances, and it does not count according to his rank. This will put them on a perfect equality, and I think it ought to stand.

Mr. NESMITH. I have made a little modification of my amendment. It is to insert at the end of the first section, where the committee proposed to insert their amendment, these words:

And the President is hereby authorized to confer brevet rank upon officers in the regular Army for their services in the volunteer forces.

Mr. WILSON. I will accept that amendment. But I will tell you what I think will be the result under it. Those who can gain the Executive ear and influence will receive the brevets; and those who cannot will not.

Mr. NESMITH. I should like to ask the chairman of the committee this question: if he thinks brevet rank can be conferred in the manner proposed by the amendment reported by the committee, without nomination and confirmation by the Senate? It cannot under the present law.

Mr. WILSON. It provides who on certain occasions shall be these officers, and then the officers are nominated, and we can confirm them.

Mr. LANE. I have no objection to the amendment proposed by the Senator from Oregon, except this: that I see no possible necessity for it, because under the general law and the regulations of the Army the President has the perfect right to confer brevet rank upon every officer in the regular Army, just precisely as much as he would have if this bill passes. I see no objection to it, however.

Mr. NESMITH. I beg the Senator's pardon. He has not a right to confer brevet rank on every officer in the Army except for distinguished services in the field.

Mr. LANE. The President has now precisely the same right to confer brevet rank on every officer in the regular Army that he would have after the passage of this bill. For distinguished services in the field he may confer brevet rank on volunteer officers. I do not think there is anything wrong in the amendment, for it is precisely a reaffirmance of the law which has existed for seventy-five years; nothing more, nothing less.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

DRAFTED MEN.

Mr. WILSON. I now move to take up House bill No. 811.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 811) for the relief of certain drafted men.

Mr. WILSON. The Committee on Military Affairs have reported an amendment, striking out the whole of the preamble and the original bill itself and inserting a simple section as a substitute. I do not think, therefore, it will be necessary to read the whole bill.

The PRESIDING OFFICER. Only the section proposed to be inserted will be read, unless the reading of the original bill is called for by some Senator.

The Secretary read the substitute of the committee, as follows:

That the Secretary of War be authorized and directed to refund to each person drafted into the military service, who, having paid for exemption from said draft, was again drafted into and actually entered the military service within one year from the date at which payment for exemption from a prior draft had been made, or who, having furnished a substitute, was again drafted and rendered service within one year, the sum of $100, which shall be a full and final settlement of such claim, and shall only be paid by the Secretary of War upon condition that the said amount is accepted as a final settlement, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to make such payments.

Mr. WILSON. I will explain this bill, which comes from the House of Representatives. In one of the districts of Pennsylvania, I think the sixteenth congressional district, the district represented in the last Congress by Mr. Coffroth, there were about one hundred and fifty men who were drafted in the summer of 1864 under a call, and in the February following were drafted again. They had paid the commutation of $300 the first time, but were drafted again. Some of them hired substitutes; others entered the service in the month of March, 1865, and were discharged in the latter part of April of that year. On application to the Department here it was ruled that the Government could not hold them. They now come here and ask us to pay them back the commutation money which they paid in June and July, 1864, and the House have passed this bill giving these persons—there are about one hundred and fifty of them—the $300. The amendment of the committee gives them $100 instead of $300, on the ground that they owed service to the Government of the United States in June, 1864, when they paid their commutations. They entered the service in March following, eight or nine months afterward, and we considered that we had a claim on their services during that time, and to pay them back the $300 would not be just to the Government. They were in the service some three or four weeks, and were discharged on the ground that the Government had not the right to hold them. They had their pay, clothing, and transportation. We now propose to give them $100 instead of $300. We consider that we had a claim on their services for eight or nine months, and should not give up this $300; but we propose to give them $100 for the few weeks that they served or hired substitutes, and the amendment provides that this shall be a final settlement, that there shall never be any future claim. It turns out that here and there a similar case has occurred in the country. Perhaps there may be two hundred or three hundred in the whole United States. We propose to settle them on this basis.

Mr. POMEROY. I do not like to dispute this claim; but I wish to remind the chairman of the Committee on Military Affairs that I have not been able to get the ear of that committee on a claim entirely similar, much less the action of the committee. There was a draft ordered in the State that I have the honor in part to represent in 1864. I thought at the time there was nothing due from the State of Kansas, because I knew our quota must be full; but according to the showing of the War Department at that time, we did owe some men upon the quota as made out, and they ordered the draft enforced, and the provost marshals commenced drafting. It was ascertained in the course of two or three weeks that not only was there nothing due, but we were three or four thousand men ahead of all calls. In the mean time they had drafted about one hundred men—about the same number provided for in this bill. Some of them were held; others paid their commutation money and were discharged. Now, I should like to have a bill brought in that would cover all cases of this character.

Mr. WILSON. This is a general bill, applying to everything of the kind.

Mr. POMEROY. If it will meet the cases of the character I speak of it will be very gratifying to me; but I do not think it will. The Department at first claimed that the State of Kansas was indebted to the Government some three thousand men. When they corrected their account, and gave us the official report on the subject, it was ascertained that we were three thousand and some hundred ahead of all calls. Now, I ask the Senator from Massachusetts whether he has got any provision here that will make a settlement with the one hundred men who were drafted when there was nothing due from my State? Have you got anything in the bill that will meet that case?

Mr. WILSON. No, sir, I think we have nothing of that kind. This is a bill that applies to men who were drafted when we had no right to draft them by law.

Mr. POMEROY. That is precisely the case in my State.

Mr. WILSON. As for calling for more troops from Kansas than they thought were due, that is a mistake of the Department, which they must settle with the State of Kansas. I hope the Senator from Kansas will not arrest the passage of this bill by a discussion of that question. I suggest to him that Kansas has the glory, and it is a glory and an honor forever, of furnishing her full quota and a few over.

Mr. POMEROY. I did not expect to arrest the passage of this bill. I thought if I could arrest the attention of the committee it would be all I should aspire to.

Mr. WILSON. Well, the committee have had their attention arrested.

Mr. POMEROY. In the next place, I say glory is not as valuable always as to have something in a man's pocket. A man cannot live on glory always. Some of our men who have served all through the war are entirely destitute, having served when there was not a man due from the State, and we could not get them discharged. There was never a day, from the time the war began until its close that our State was not thousands ahead of all calls.

Mr. WILSON. I will say to the Senator that some States were ahead at times on special drafts; but the Administration in making their calls intended to equalize them; and if the war had continued a year longer Kansas

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perhaps might not have had any surplus. The Senator says glory does not amount to much. I think it does. We read that Garibaldi's volunteers followed his flag and fought through the war in which they were engaged, and when the time for their discharge came they would not take any pay whatever; gave their time and their services to their country.

Mr. POMEROY. That is very creditable, and I do not wish to speak lightly of any military glory; but glory is a great deal better with a full stomach than it is with an empty one.

Mr. WILSON. I agree to that, and I hope we shall put the bill on its passage.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN C. M'FERRAN.

Mr. LANE. I move to take up House bill No. 474, which has been reported from the Committee on Military Affairs.

The motion was agreed to; and the bill (H. R. No. 474) for the relief of John C. McFerran, of the United States Army, was considered as in Committee of the Whole. It is a direction to the proper accounting officers of the Treasury to credit John C. McFerran, of the United States Army, with $1,265, being the amount for which, as assistant commissary of subsistence, he erroneously receipted to Francis F. Thomas, also an assistant commissary, in excess of the amount of money actually paid over to him by Thomas at Santa Fé, in New Mexico, in November, 1850.

Mr. POMEROY. This seems to be an old stager, a claim for something that occurred in 1850. I should like some explanation of it. I can see how such a thing might happen during a war when our armies were being moved with great rapidity; but I do not see how it could have happened in 1850, in a time of peace, when everything was done with great deliberation and care.

Mr. LANE. I think I can explain the case in a few words: I do not wish to take up time. Mr. McFerran was a lieutenant in the regular Army, appointed a commissary of subsistence to take charge of property in New Mexico. There were certain packages of money marked as containing certain amounts; and when the property was turned over to him he receipted for the packages according to the amount marked on the outside. It turned out on counting the packages—two witnesses swear to the fact—that one of them was $1,265 short. He made up the amount and paid it sixteen years ago, and now he simply asks that the amount shall be reimbursed to him without interest. He is recommended by General Canby and all the Army officers who have served with him, and the committee thought it perfectly fair to make this allowance. The bill was passed by the House of Representatives during the last session, and I tried to get it up at the close of the session, but did not succeed in the effort. I think there can be no doubt as to the justice of the claim. There was a court of inquiry called the next day after the packages were counted, and the testimony of the two clerks was taken. There is no doubt there was either a miscount in the Treasury Department here or unfaithfulness on the part of the officer who had charge of the funds before they came into Lieutenant McFerran's hands.

Mr. POMEROY. I was about to inquire if there was no remedy against the man from whom he got the money.

Mr. LANE. The man from whom he received the money is now out of the service, and Lieutenant McFerran has no remedy unless we pay the money.

Mr. POMEROY. Do you allow him interest for all this time?

Mr. LANE. No interest at all.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF ARMY OFFICERS, ETC.

Mr. WILSON. I now move to take up Senate bill No. 592.

The motion was agreed to; and the bill (S. No. 592) to provide for a temporary increase of the pay of officers in the Army of the United States, and for other purposes, was read the second time and considered as in Committee of the Whole.

The first section provides that for two years from July 1, 1867, all officers of the Army below the rank of major general shall be paid an addition of thirty-three and one third per cent. to their present pay proper; and that the pay of all field and other mounted officers shall hereafter be the same as is now provided by law for cavalry officers of like grades.

The second section provides that section one of the act to increase the pay of soldiers in the United States Army, and for other purposes, approved June 20, 1864, shall be continued in full force and effect for three years from and after the close of the rebellion, as announced by the President of the United States by proclamation dated August 20, 1866.

By the third section, commutation of rations will be allowed in the settlement of the accounts of all enlisted men of the Army, Navy, and Marine corps, who have died while held as prisoners of war, or who, having been prisoners of war, have died subsequent to release; this allowance to be made for the period covered by such imprisonment.

Section four repeals so much of section seven of the act to increase and fix the military peace establishment of the United States, approved July 28, 1866, as provides for the creation of fifteen bands for brigade or military posts; but the band at the Military Academy is to remain as now established by law.

Section five repeals section one of the act providing for the better organization of the military establishment, approved August 3, 1861, authorizing the President to appoint an Assistant Secretary of War.

Section six amends so much of the act to increase and fix the military peace establishment of the United States, approved July 28, 1866, as relates to the promotion of assistant surgeons after three years' service, so as to read "and persons who have served as surgeons or assistant surgeons three years in the volunteer force shall be eligible for promotion to the grade of captain."

Section seven authorizes the accounting officers of the Treasury charged with the settlement of the accounts of paymasters and additional paymasters of the Army to place to the credit of the paymasters or additional paymasters all sums and amounts of money paid by them in good faith to any officer, soldier, or employé connected with the military service of the United States during the late war; but no credit or allowance is to be made for any erroneous payments which shall prove to have been made through negligence or carelessness, or in violation of orders or regulations.

Section eight proposes to amend the act more effectually to provide for the national defense by establishing a uniform militia throughout the United States, approved May 8, 1792, and the several acts amendatory thereof, by striking out the word "white."

Section nine proposes to amend section twelve of the act to increase and fix the military peace establishment of the United States, approved July 28, 1866, by striking out the words "or until the Secretary of War shall decide that their services can be dispensed with," and to place the ten judge advocates, whose selection and retention in office is thereby authorized, on the same footing in all respects as other officers of the Army of the United States.

Section ten proposes to authorize the Secretary of War to sell, upon such terms and conditions as he shall prescribe, all the lands and tenements, and the rights and privileges thereto belonging, of the United States at and near Harper's Ferry, West Virginia. In making the sale the Secretary of War is to sell the whole of the lands and tenements, rights and privileges, together, or in parcels, as shall appear to him most expedient; to execute and deliver to the purchaser or purchasers a proper deed or deeds therefor, and to receive and collect the purchase money, which, when received, he shall pay into the Treasury of the United States.

Section eleven makes it the duty of the officers of the Army and Navy, and of the Freedmen's Bureau, to prohibit and prevent whipping or maiming of the person, as a punishment for any crime, misdemeanor, or offense, by any pretended civil authority in any State lately in rebellion, until the civil government of such State shall have been restored, and shall have been recognized by the Congress of the United States.

Sections twelve and thirteen are aimed at peonage in the Territory of New Mexico, or in any other Territory or State of the United States; and are in the same language as the bill on that subject passed during the evening.

Section fourteen directs all militia forces now organized or in service in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas, to be forthwith disarmed and disbanded, and to prohibit the further organization, arming, or calling into service of these militia forces, or any part thereof, under any circumstances, until it shall be authorized by Congress.

Mr. WILSON. I move to strike out sections twelve and thirteen. We have already passed those provisions to-night in a separate bill.

The motion was agreed to.

Mr. WILSON. I move also to strike out sections seven, nine, and ten. Since this bill was prepared bills have come from the House covering the same ground, and we have acted on them this evening.

The motion was agreed to.

Mr. WILSON. I move to amend the bill by inserting after "general," in line five of section one, the words "including the professors at West Point."

The amendment was agreed to.

Mr. WILSON. I move to amend by inserting between "or" and "who" in line four of section three, the words "the legal representatives of those;" so as to read:

Or the legal representatives of those who having been prisoners of war have died subsequent to release.

The amendment was agreed to.

Mr. WILSON. I move to add as a new section:

And be it further enacted, That the medical storekeepers of the Army shall hereafter have the rank, pay, and emoluments of captains of infantry; and the post chaplains now in service or hereafter to be appointed shall be commissioned by the President; and all vacancies occurring in the grade of chaplain, which is hereby established to rank next after major, shall be filled by the President, by and with the advice and consent of the Senate; and all Army chaplains shall hereafter be on the same footing as to tenure of office, retirement, allowances for service, and pensions as now provided by law for other officers of the Army.

This puts the storekeepers of the medical department, of whom there are I believe five, who have vast responsibilities, on the same footing with storekeepers of the commissary and quartermaster's departments.

The amendment was agreed to.

Mr. WILSON. I offer the following amendment as an additional section:

And be it further enacted, That section eight of the act to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes, passed July 16, 1866, be amended so as to extend the time for the public sale of certain lands therein specified to the 1st day of January, 1868: *Provided*, That the farms numbered twelve, thirteen, fourteen, sixteen, seventeen, twenty-three, twenty-five, twenty-eight, and thirty-one may be sold at private sale at not less than five dollars

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per acre; and until such sales be effected the said farms may be leased as heretofore, either for money or on shares of the crops: *And provided further*, That the lots running down to the bed of Port Royal river, or immediately facing thereon, shall not be sold for less than $100 per lot.

Mr. HENDRICKS. I would ask the distinguished Senator if he expects to consider this bill to-night and have that passed?

Mr. WILSON. I want to.

Mr. HENDRICKS. I supposed this evening was to be devoted to the consideration of matters properly belonging to the Army. If he wants to stop right here, he can offer such amendments as this.

Mr. WILSON. I will withdraw the amendment if the Senator objects to it.

Mr. HENDRICKS. Of course we cannot investigate a question of that sort now. I do not understand it.

Mr. WILSON. I withdraw the amendment.

Mr. NESMITH. I understood the amendment which was adopted on the motion of the Senator from Massachusetts to provide that chaplains should rank next after majors. I should like to know what their rank will be.

Mr. WILSON. By the existing law chaplain is made a rank in the volunteer service next after major.

Mr. NESMITH. A captain is next to a major.

Mr. WILSON. This puts Army chaplains on the same footing as the chaplains in the volunteer service.

Mr. NESMITH. Is it intended to create an intervening rank between captain and major?

Mr. WILSON. If the Senator thinks the rank proposed is too high I have no objection to putting it between captain and lieutenant.

Mr. NESMITH. I prefer simply to provide that chaplains shall rank with captains.

Mr. WILSON. Very well, I have no objection. Chaplain is a rank now in the volunteer service by law; but I am willing to take the Senator's amendment.

Mr. NESMITH. I do not think it is necessary to propose any amendment. I think the law now establishes the rank of chaplains with captains. I think the part of the amendment of the Senator from Massachusetts which relates to that matter should be struck out.

Mr. WILSON. Very well; let it be done.

The PRESIDING OFFICER, (Mr. POMEROY.) That modification will be made, no objection being interposed.

Mr. HENDRICKS. I ask the chairman what is the meaning of the second section? From the reading of the section itself, without turning to the statute referred to in it, it is impossible to tell.

Mr. WILSON. During the war we fixed the pay of the soldiers at sixteen dollars per month, but that increase was to continue only till the close of the rebellion. Last summer the President declared peace to exist, and we have been paying the Army sixteen dollars per month from that time to this without law. This proposes to extend that law for three years, beginning back at the period of the proclamation.

Mr. HENDRICKS. That statement is satisfactory to me.

Mr. HARRIS. On the fourth line, first section of the bill, I move to strike out the word "seven" and insert the word "six;" so as to read:

For two years from the 1st day of July, 1866.

In July last Congress passed a bill containing a provision reducing the price of rations from fifty cents to thirty cents. In my judgment (although I concurred in it at the time, for I was upon the committee that reported the bill) it was wrong, and has operated oppressively upon the Army.

Mr. WILSON. Allow me to say to the Senator that we did not reduce the price of the ration last summer. During the war we passed an act, to end at the close of the war, making the commutation price of the ration fifty cents instead of thirty. If we had taken no action it would have expired, and these men would be getting thirty cents instead of fifty. But last summer we extended that provision for one year longer, and it expires on the 28th of next July; so that now a large portion of the officers of the Army—probably eight tenths of them—receive commutation of rations at fifty cents. I will say to the Senator that we intended to help the officers of the Army last year, instead of hurting them; and if we had not adopted any legislation they would not now be getting fifty cents commutation of rations.

Mr. HARRIS. The Senator from Massachusetts may be partially right in his statement, but as I understand it still a large portion of the Army from the time of the passage of that law in July last have received commutation of rations at thirty cents instead of fifty. The effect of this has been very severe on many officers. I suppose there is scarcely a Senator who has not received letters from officers complaining that the amount of their pay was not equal to their expenses. Certainly I have received a great many. It has operated very severely upon the Army—too severely, and I think unjustly. It is proposed by this first section of the bill to give them an additional compensation of one third the amount of their pay proper, which is very small, for two years. I do not propose to increase the amount of the allowance; I only ask that it may be anticipated a little, so that these officers may now be able to pay their debts without waiting until next July before they begin to receive this gratuity that the Military Committee proposes to allow them. I propose that their two years additional pay allowed by the first section of this bill shall begin last July instead of next July. It does not add a cent to the expenses of the Government, but it allows them to anticipate and be able to pay off their debts now instead of waiting and suffering with this incumbrance upon them until this bill begins to operate. I simply ask that it may be commenced last July instead of next July.

Mr. WILSON. I have not the slightest objection to that. The only objection that can be made is that it will require the pay department to open a large number of accounts and involve a great deal of labor.

Mr. HARRIS. That cannot amount to much.

Mr. WILSON. I make no objection to the amendment.

Mr. NESMITH. I concur in the amendment offered by the Senator from New York. I believe this should be done, and I believe it should have been done a year ago. The trouble of adjusting the pay accounts amounts to very little.

The amendment was agreed to.

Mr. HENDRICKS. I wish to inquire of the chairman of the Military Committee why in section four it is proposed to repeal the law allowing bands at certain military establishments of the United States. Unless the cost is very large, I should like to see them continued.

Mr. WILSON. I will say to the Senator that the effect of that section will be that, instead of having fifteen bands, we shall have regimental bands that will cost the Government nothing, and will be of great service to the military establishment.

Mr. HENDRICKS. That is satisfactory.

Mr. WILSON. The provision which is proposed to be repealed was put into the Army bill last year contrary to my wishes and contrary, I think, to the wishes of the Senate; but we could not help ourselves. It was a great mistake, and I want to correct it at the earliest moment. The officers of the Army maintain that a band has a most excellent influence in a regiment or at a post, and it costs the Government nothing to have it.

Mr. NESMITH. If these bands have the excellent influence the Senator from Massachusetts attributes to them, I think the Government ought to pay for them. As I understand it, the officers support the bands.

Mr. WILSON. We simply propose in this section to repeal the present law on this point and leave the matter as it was before that law was passed. Officers of the Army are writing continuously asking that this shall be so.

Mr. NESMITH. Very well, let it go.

Mr. HENDRICKS. I move to strike out the eleventh section of the bill.

Mr. WILSON. I hope that will not be done.

Mr. HENDRICKS. That section is in a bill now pending before the Committee on the Judiciary; and as the chairman of that committee is not here, I feel it to be my duty to make this motion. That committee has considered that bill somewhat and given a good deal of attention to the proper frame of a bill on that subject. What the committee will finally report of course it is impossible for me to tell.

Mr. WILSON. The Senator will allow me to say that I introduced the bill which was sent to the Committee on the Judiciary, and that committee reported it with amendments. The chairman of that committee has tried two or three times to get it up, but he has not been able to do so, and therefore I proposed to add it to this bill.

Mr. HENDRICKS. I did not know that it had been reported by the Committee on the Judiciary. I knew that the committee had considered it somewhat.

Mr. WILSON. It has been reported, and I have put it in this bill in their language.

Mr. HENDRICKS. Does the Senator say he has adopted the language of the report of the Committee on the Judiciary?

Mr. WILSON. I have taken the exact language of the Committee on the Judiciary. I have taken the bill precisely as it was reported by that committee.

Mr. HENDRICKS. I did not know that the Judiciary Committee had really come to a conclusion on the subject; but so far I have not been able to see how we could control punishments under State laws, as this section proposes. Whipping is a most offensive mode of punishment to my sensibilities; but when it is prescribed by State laws as a punishment for offenses against the State laws, I cannot see how Congress can control it, unless it be upon the broad principle that the States are abolished, and therefore it is proper to establish here a system of government for the whole country.

Mr. WILSON. I hope it will be allowed to pass.

Mr. HENDRICKS. As this section does not properly belong to the bill, and it is a subject which ought to be discussed before the Senate, I suggest to the Senator that he had better let it go out of the bill.

Mr. WILSON. I would rather make a sure thing of it, and therefore I put it in this bill; but we may possibly be able to get through the separate bill containing the same provision. I will call that bill up in a few days, and I hope the Senator from Indiana will not make any fight on it. I will accommodate him on this occasion, and, to save time, agree to have the bill amended by striking out that section.

Mr. HENDRICKS. I move to amend the bill by striking out the eleventh section.

The amendment was agreed to.

Mr. BUCKALEW. The last section of the printed bill raises a very important subject. I have heard no explanation of it at this session from any quarter. I mean the clause which abolishes all militia organizations in the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi, and Texas. I should like to hear some explanation before I feel justified in voting to abolish all local police or militia organization, all discipline for the purpose of preserving order in a large part of the country.

Mr. WILSON. This section of the bill provides that the militia organizations existing in those States shall be disarmed and disbanded, and that no further organizations of this class shall be permitted till those States are repre-

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sented in Congress. Such organizations have been made in some of the States, and in others they have been prevented by military orders. General Sickles told me the other day that he had prevented the organization, he thought, of fifty regiments in his department. He will not allow one to be organized; and in some of the other departments the military commanders have exercised authority to prevent their organization because they are dangerous. They ought not to exist in these States in their present condition. There ought not to be any organization there hostile to the country; certainly no armed bands of men of this kind. We have evidence of great wrongs perpetrated by them in some of the States. I have testimony of that kind from Mississippi and other States. I know this provision of the bill will tend to peace and harmony. It has nothing to do with ordinary officers, constables, sheriffs, or anything of that kind.

Mr. BUCKALEW. I believe all these States are included within military districts over which commanders are placed who report regularly to the General at the city of Washington. This is a question which relates to military administration in that part of the country, and it is very surprising, indeed, that a law should be introduced upon this subject without a formal application from the War Department.

Mr. WILSON. I will say to the Senator, and I have pleasure in saying, that the head of the War Department would be very glad to see these militia organizations entirely disbanded; they are local State militia, and in nearly all cases are rebels. They do not carry the American flag, and some of them will not; others have worn the gray. They are hostile organizations, officered generally by men who have been in the rebellion. They ought not to exist in the present state of things. We have a military force of our own in that country, and these militia organizations ought not to be allowed there, as a matter of safety to the country, until those States are represented in these Halls.

Mr. BUCKALEW. I make no objection whatever to any measure which may be thought necessary for the public safety, for our safety against renewed revolt, or even against such extensive local disturbances as would affect the interests of this Government within those military districts which are established in the southern portion of the country. What I object to is this general, sweeping, unlimited provision extending all over that portion of the Union, without any application to us, without any official report from the proper Department of the Government upon the subject. This is striking in the dark. The organization of local forces for the preservation of order and for defense is one of those ordinary and common rights and privileges, which ought not to be curtailed, unless some public reason of necessity compels.

From the reply the Senator gives me, I understand that there is no official report, there is no official application to us for a measure of this sort; it must therefore be dictated by some vague impressions that have never taken any definite form; which have no foundation sufficient to attract our respect and confidence. If this is put upon the ground that it belongs to the general mass of legislation dictated by hostility and by distrust, falls within the class of political questions at the present time, I can understand it; but if it be, as it ought to be, when it comes from the Military Committee, when it relates to a question of pure military administration, a business question, and if it be one subject to investigation by us in that point of view alone, all I have to say is that I have heard no sufficient reason for the enactment of any such measure.

Mr. LANE. All necessity, as I understand, for dissolving these local militia organizations in the rebel States is, that we do not believe they are in harmony with Government or with the Union sentiment of the country, or likely to promote the peace of those communities. We have divided those States into military districts. We are sending troops every day there to keep the peace, national troops under national authority, and we do not think in this state of the case it is right to allow local militia to be organized and armed there to thwart the very purpose for which you send your own troops there.

Mr. HENDRICKS. This was a curious bill when it commenced; it was a medley.

Mr. BUCKALEW. An omnibus bill.

Mr. HENDRICKS. It was more than an omnibus.

Mr. WILSON. The Senator will pardon me for saying that I acknowledge that fact. We massed several measures together because we could not get them through separately. We had not time. Senators about me advised the massing together of several bills in order to facilitate their passage.

Mr. HENDRICKS. That is a pretty good way; but omnibuses run slowly. I think you had better leave off this fourteenth section to-night. I want to raise the pay of officers of the Army.

Mr. WILSON. The Senator ought not to object to that section.

Mr. HENDRICKS. It is fundamental. The bill commences with increasing the pay of the Army, and closes with repealing a clause of the Constitution. I was going to move to strike out the eighth section; but if the Senator will allow this fourteenth section to go out, I shall waive that.

Mr. GRIMES. I object to bargains as unparliamentary.

Mr. HENDRICKS. I am willing that the Senator from Massachusetts should have one odd section to ornament the bill. The eighth section is ornamental and I leave that. I was going to move to strike it out; but this is of some importance, and it should be discussed and ought to be considered fully. When we strike down the militia system of a part of the States I do not for my part know enough about it to vote upon it, even if I thought there was no constitutional trouble in the way. If the Senator from Massachusetts wants to raise the pay of the Army he had better do it, and not put everything on this bill.

Mr. WILSON. I will say to the Senator that I have the same provision which is contained in this fourteenth section in a bill by itself, and at the earliest moment I shall press that bill, and I will take out this particular provision rather than have a division at this particular moment.

Mr. HENDRICKS. Very well.

Mr. WILSON. Now, I hope the Senator will not interfere further. I want to have an amendment made in the first section. After the word "pay" in the seventh line, I move to insert the words "and emoluments;" so as to make the clause read:

The pay and emoluments of field and other mounted officers shall hereafter be the same as is now provided by law for cavalry officers of like grade.

The amendment was agreed to.

Mr. HENDRICKS. As the Senator from Massachusetts agrees to let the fourteenth section go out, I move to amend the bill by striking it out.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BUCKALEW. I should like to ask the chairman of the committee why July is fixed for the time of the first section of the act taking effect.

Mr. WILSON. It is now fixed at July last on the motion of the Senator from New York.

Mr. BUCKALEW. But why is the month of July fixed instead of the time when the bill is passed?

Mr. WILSON. That is the beginning of the fiscal year.

Mr. BUCKALEW. I supposed that was the reason.

The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

PUBLIC PARK.

Mr. BROWN. It was agreed last evening, when to-night was assigned for business of the Military Committee, that I should have a little time to call up the Senate bill No. 549. I move now to take up that bill.

The motion was agreed to; and the bill (S. No. 549) for the establishment and maintenance of a public park in the District of Columbia was considered as in Committee of the Whole.

Mr. BROWN. The original bill need not be read. The Committee on Public Buildings and Grounds reported an amendment, striking out all after the enacting clause and inserting a substitute.

The Secretary read the words proposed to be inserted, as follows:

That a tract of land, in the District of Columbia, along and adjacent to Rock creek, embraced within the limits and designations of the survey made by Brigadier General N. Michler, under the order of the Secretary of War, in pursuance of Senate resolution of July 18, 1866, and conforming in its boundaries as near as may be deemed expedient by the commission hereinafter established to the projected boundary lines of the park designated in said survey, (which survey and plat, approved by the Committees on Public Buildings of the Senate and House of Representatives, and so indorsed, is hereby directed to be deposited in the custody of the Secretary of the Interior,) shall be purchased by the United States for the purposes of a public park, free to all persons under such regulations as to police and government as may by proper authority be established.

SEC. 2. *And be it further enacted*, That for the purpose of effecting such purchase of the ground inclosed within the designated survey, a commission is hereby constituted consisting of Brevet Major General M. C. Meigs, Brigadier General N. Michler, and ———, whose duty it shall be to negotiate with the owners and receive written proposals for the sale to the United States of their respective tracts of land, or of so many of such tracts or such parts of the same as said commissioners find can be had upon reasonable terms, and as they may deem necessary or desirable for the purposes of a public park.

SEC. 3. *And be it further enacted*, That said commissioners, any two of whom shall be competent to act, shall make report to the next Congress, as soon as practicable after its commencement, of their action in carrying out the provisions of this act, setting forth in detail all the agreements for purchase entered into by them, the boundaries and estimated value of all tracts that may be necessary to condemn in consequence of the failure to come to any agreements, and what portions, if any, may be omitted from such survey for a park without detracting materially from its advantages.

SEC. 4. *And be it further enacted*, That all agreements and negotiations herein provided for or authorized on the part of said commissioners, in the name and behalf of the United States, shall be made subject to the approval of Congress, and shall in no wise bind the United States unless so approved.

Mr. BROWN. I move to amend the amendment by filling the blank in the second section, fifth line, with the name of "Brevet Major General H. G. Wright."

The amendment to the amendment was agreed to.

Mr. BROWN. Mr. President, the bill which I have just called up is one to establish a public park in the vicinity of Washington city. It is reported from the committee as a substitute for a similar bill offered by myself at an early stage of the session, and differs from that chiefly in the modes designated for acquiring ownership of the designated grounds. The locality is the same, the general area contemplated the same, and the purpose of procuring and ornamenting such a public place of resort at the expense of the United States and not of the corporations of this District is the same.

It will be remembered, Mr. President, that at the last session of Congress, when this matter was first mooted, objection was taken to the lack of definite information on which to proceed in making selection of grounds; and to obviate that difficulty as far as possible a resolution was referred to the Committee on Public Buildings and Grounds, of which I have the honor to be chairman, instructing them to have surveys made of various eligible sites around

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the city of Washington adapted to the purposes of a public park. In pursuance of that resolution of the Senate an application was made to the Secretary of War which secured a detail of Engineer officers, who during the recess of Congress proceeded to make the surveys desired. I hold in my hand an elaborate map containing the result of those surveys, accompanied by an admirable report from the officer in charge of the work, which report has been printed and laid on our tables. I have before me also a minor plat illustrative of the surveys, which it may be well for Senators to scrutinize. It was found, on making these examinations, that there was but one location in the neighborhood of this city eminently adapted to the purposes of a public park. I suppose all members of the Senate are familiar enough with the environs of the city to know the beautiful and romantic valleys of Rock creek. The character of the ground around and adjacent to that stream is exactly suited to the purposes we desire. It has running water; it has rugged hills; it has picturesque scenery; it has abundance of varied forest timber; it has a native undergrowth blushing with beauty. It has the tangled vine and the clustering wild-flower, and the quiet mosses gray with age, and indeed a thousand imprints of native adornment that no hand of art could ever equal in its most imitative mood. Moreover, with so much of attractiveness in its present uncultured state, it has likewise every capacity for adornment and development, and can be made with less expense than almost any spot of equal area I have ever seen within reach of a great city one of the most beautiful resorts in the world. The amount of ground which was surveyed embraced twenty-seven hundred acres. It will not be necessary, however, to take in all of that ground in order to secure what is desired for the purposes of a park in the shape of drives, alcoves, recesses, and places capable of adornment. Fortunately the amount to be embraced is almost entirely optional, as the situation is such that large omissions may be made without abating much the extent of the drives or the beautiful diversity of views.

The committee, after having made a very careful examination of the plans and surveys submitted by Brigadier General Michler—and by the way, I must be permitted here to compliment him in the highest terms for the zeal he has manifested in this work and the admirable manner of its execution—the committee, I say, finding that the number of owners was so great as to preclude any joint offer for sale to the United States, thought it best to establish a commission authorized to negotiate in behalf of the Government, and subjecting their action to the approval of the next Congress. It was believed that if we were to order a condemnation of the ground there might be improper combinations to secure a verdict, and the interest of the Government might be sacrificed in the premises. It was believed, furthermore, that if an opportunity was had for conferring authoritatively with those who owned the ground, and if it was known that the purchase would depend in a great measure upon the reasonable character of the offers that were presented, there would be an opportunity of getting what was needed at a fairer price, and probably of making a better selection of that which was desired than by any other mode.

For this reason the committee have reported a bill which simply provides a commission, and that commission embraces the officers who have had charge so far of the surveys, together with General Meigs, who is placed at the head of it, and authorizes them to confer with the owners of the property to see what terms can be had, what grounds may be held by minor heirs or others that it will be necessary to condemn, and to find what portions may be left out and still not impair the desirability of the grounds for the purposes of a public park, and report the whole of their investigations and all their propositions at as early a day as may be found practicable.

I do not think there is anything in the bill that can be objected to, if it is desirable to enter upon the work of securing for the city of Washington a public park. I think it is of such a character that will probably conduce more to the security of the Government than any other which can be drawn. As to the necessity and the desirability of initiating such a proposition and obtaining the necessary location now while ground can be had on reasonable terms I do not think there is much room for question. The ground in the vicinity of this must soon become immensely valuable, now that the uncertainty with which sectional discord and disunion so long threatened the stability of the capital has passed away. At the present time Rock creek and its adjacent heights has few residences upon it, and those of comparatively trifling value, and the whole area surveyed can be had, as is estimated by General Michler in the report he has submitted, at an average price of perhaps less than $200 an acre. This would make a total cost of less than half a million dollars, a mere trifle of expenditure for "a thing of beauty" which will prove "a joy forever."

Mr. President, I had intended, when presenting this subject to the consideration of the Senate, to have remarked somewhat freely upon the influence such surroundings are calculated to exert upon those who come hither from all parts of this great nation to bend their minds to the dismal science of law-making and of government. Those who, for any length of time, have undergone the wear and tear of such life as this, who have all their energies run to brain, and all their souls fused into politics, need not be told that anything which holds out hope of either mental or passional relief is seized upon with avidity. How necessary, then, that all the ennobling influences of nature—the scenic splendor of shifting views, the life and animation of gay concourse, the uprisen majesty of the forest, the intoxicating gladness of spring flowers, the laugh of the heavens through playing branches, the shimmer of the waters, the song of birds, graceful forms, inspirations—should be so abundantly grouped around this nation's capital. There is no expenditure that can be made which shall add to the grandeur or adornment of the public buildings that fill so largely the eye of admiration of the world, or of the vast libraries that are accumulating so rapidly the treasures of all languages within your reach, or of the conservatories and gardens and cabinets that minister to your tastes, that will not freely be sanctioned by the people; for such in itself is the establishment of a nation's university, whither all may come to wonder and to learn, and in which all may feel a rightful patriotic pride. Only let it be worthy. Let your doing be on a scale commensurate with the pride to which you minister and the people you are sent hither to represent. And it is in the same spirit that I would have you, Senators, inaugurate a public park that shall have no rival anywhere for beauty or extent or ornamentation, as it will have none for the illustrious character gathered from a whole continent in the after time to wisely rule our Republic from this center of its power.

Mr. President, the experience of foreign nations has been worth much on this subject of the extent of their places of public resort, and I do not think it would be wise in us altogether to disregard it. There it has been found that size was an invaluable feature, and even in the present continued effort is being made to enlarge those now in existence. The latest data I have been able to lay my hands upon gives the dimensions of the more celebrated European parks as follows: Hyde Park, 380 acres; Regent's Park, 372 acres; Windsor Little Park, 500 acres; Windsor Great Park, 3,500 acres; Richmond Park, 2,250 acres; Phœnix Park, at Dublin, 2,000 acres; Garden of Versailles, 3,000 acres; *Bois de Bologne*, 2,158 acres; *Englische Garten*, at Munich, 500 acres; and the *Prater*, at Vienna, 1,500 acres. The Central Park, in New York city, contains 840 acres, and authority has just been granted for the laying out a park at Chicago of 2,000 acres. It will thus be made to appear that the amount of territory embraced in the present survey, 2,700 acres, does not exceed many of the more famous of those I have cited. And yet what would be thought of the proposition to reduce the area of either Windsor Park or Phœnix Park or the Garden at Versailles? It would be simply set down, sir, as a barbarism. Let us, then, profit by the accumulated experience of so many metropolitan cities and so many great nations, and secure, while we may, here at the city of Washington ample scope for a national park worthy of our people and our country.

But I perceive it is unnecessary to prolong any speech in behalf of what the Senate is evidently so willing to concur in voting. I will close, therefore, with expressing the hope that no delays attendant upon the close of the session may cause this measure to fail in the other branch of Congress, and that, if it shall become a law, the commission organized under it will not be too contracted in their views as to the extent of ground that should be embraced in this national park.

Mr. BUCKALEW. I want to ask one question. I think it is provided that this report shall be made at the next session of Congress. That means the session beginning on the 4th of March?

Mr. BROWN. Probably at some time during that session the report can be made.

Mr. BUCKALEW. It would be better to provide that the report should be made to the next Congress.

Mr. BROWN. If gentlemen will look at the third section they will see that it now says, "shall make report to the next Congress."

Mr. BUCKALEW. Very well.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. GRIMES. I have not had an opportunity to read this bill; but I desire to inquire of the Senator from Missouri if there is anything in it that commits the Congress of the United States to accept the selection that may be made by these commissioners, or that commits us to any appropriations in the future?

Mr. BROWN. Nothing. It expressly reserves all that.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. KIRKWOOD. I have but a word to say about the passage of this bill. In answer to a question put by my colleague it was stated that the bill does not now provide for any expenditure of money; it is but to ascertain how much this project will cost, and have a report made to the next Congress. It seems to me that if it be the opinion of the Senate that the project ought not to be entered upon, it is as well to stop it now as then.

The Senator from Missouri tells us that the proposition is to take some twenty-seven hundred acres of land that he thinks can be had at $200 an acre. That will amount to something over half a million dollars. We know very well how much below the actual cost of lands that the Government proposes to buy are the estimates that are made beforehand of what they will cost. If we double the estimate I think we shall come much nearer the truth. I think these lands will not cost us much less than a million dollars to begin with, and God knows how many millions it will cost to improve them. It seems to me the Senate might just as well consider now as at any other time the question whether or not the Government is in a condition to embark in a project of this kind; whether, when we are being taxed as heavily as we are, when the ingenuity of our Secretary of the Treasury and of our Financial Committees is taxed to the utmost to devise ways and means to raise money to pay what we must pay, it is best to go any further in this direction.

The Senator from Missouri and myself will

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ask the Senate before it adjourns to make an appropriation to improve the rapids of the Mississippi river, on which we both live. We may have difficulty with the present condition of the Treasury in getting a sufficient appropriation for that purpose. Certainly the difficulty will be increased if we take a step now that will involve the expenditure of as much money as it will take to improve the rapids of the Mississippi river, because this park will cost the Government more money than will make that river navigable for large boats from St. Paul to its mouth. If we embark in this enterprise, if we commence to purchase these twenty-seven hundred acres of land, and begin expending money by the hundred thousand every year to improve them, it will involve us in double the expenditure that will make our great river navigable. I do not think it is best to go any further in this direction at this time. Let us wait till the country is in a more flourishing condition before we do it. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HOWARD. I wish to inquire of the Senator from Missouri whether the bill on which we are about to act requires an appropriation of any money?

Mr. BROWN. No, sir; it does not.

Mr. HOWARD. Or does it contemplate in the end a costly park, costing millions?

Mr. BROWN. It will be for the next Congress to pass upon how much it will cost, or whether they will take it at all or not.

Mr. RAMSEY. I suggest to the honorable Senator from Missouri that he let the bill be passed over informally to-night. There is hardly a quorum present, and there is some other business we can do to which there is no objection.

Mr. HENDRICKS. I move that this bill be informally passed over, so that it shall be the business in order to-morrow.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order to make a motion to lay a bill aside informally. It can be laid aside by unanimous consent, not by a vote of the Senate.

Mr. GRIMES. I move that the further consideration of the bill be postponed until to-morrow at one o'clock.

Mr. BROWN. I agree to that motion, with the understanding that a vote shall be had on the bill at that time. ["Yes."]

The motion was agreed to.

DYER B. PETTIJOHN.

On motion of Mr. WILSON, the joint resolution (S. R. No. 175) for the relief of Dyer B. Pettijohn was read a second time and considered as in Committee of the Whole.

It is a direction to the Secretary of War to cause to be paid to Dyer B. Pettijohn the full pay and emoluments of a second lieutenant of infantry, of the second regiment of sharpshooters, Minnesota volunteers, from the 30th day of May, 1863, to the 20th day of May, 1865, deducting therefrom any amount he may have received as an enlisted man during the time specified.

Mr. RAMSEY. I propose to amend this resolution by striking out in the fifth line "second regiment" and inserting "first company." This man, Dyer B. Pettijohn, was a private soldier in the first company of Minnesota sharpshooters, and then a sergeant; and was in the front upon the Potomac through several years; and he received a promotion from the rank of sergeant to that of second lieutenant; but when his commission was received he was not in a position to get to a mustering officer, and before he could do so he was taken prisoner, carried to the military prisons of the South, and detained there through several years; and when he returned it was impossible to muster him in as second lieutenant, the company in the mean time having fallen below the minimum. He was a brave and good soldier, who deserved well of his country. This resolution for his relief, which has been reported by the Committee on Military Affairs, provides for giving him the pay of a second lieutenant from the time when he should have been mustered in.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading; was read the third time, and passed.

STEPHEN E. JONES.

On motion of Mr. LANE, the joint resolution (H. R. No. 261) for the relief of Stephen E. Jones, was considered as in Committee of the Whole.

It is a direction to the Paymaster General to pay to Stephen E. Jones the full pay and allowances of a first lieutenant of cavalry for the period during which he actually served as aide-de-camp on the staff of General Nelson and General George H. Thomas, prior to his muster into the United States service.

The joint resolution was reported to the Senate, ordered to a third reading; read the third time, and passed.

IMPRISONMENT FOR DEBT.

Mr. POLAND. I move that the Senate proceed to the consideration of the bill (S. No. 563) supplementary to the several acts of Congress abolishing imprisonment for debt. It will not take long.

Mr. CONNESS. I move that the Senate now proceed to the consideration of executive business. That will leave the bill of the Senator from Vermont as the unfinished business.

Mr. POLAND. I hope we shall not proceed to the consideration of executive business when the Senate is so very thin. We can pass several bills, in relation to which there is no controversy.

Mr. EDMUNDS. This is a bill to which nobody can object.

Mr. CONNESS. A Senator near me [Mr. HOWARD] says it will be debated.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

A division being called for, there were—twelve ayes.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HENDRICKS. It is evident that we shall not transact any more business to-night. I move that the Senate adjourn.

Mr. CONNESS. If the Senator from Indiana will withdraw his motion I propose to withdraw mine by unanimous consent and let the Senator from Vermont have his bill disposed of.

Mr. HENDRICKS. Very well.

The PRESIDENT *pro tempore*. The motion made by the Senator from California can be withdrawn by unanimous consent, the yeas and nays having been ordered. The Chair hears no objection, and the motion is withdrawn.

Mr. GRIMES. I move that the Senate adjourn. Let us see whether we are in a condition to transact business; I am not willing to transact business unless there is a constitutional quorum present. I move that the Senate adjourn, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and being taken, resulted—yeas 9, nays 19; as follows:

YEAS—Messrs. Buckalew, Foster, Grimes, Hendricks, Van Winkle, Wade, Willey, Williams, and Wilson—9.

NAYS—Messrs. Brown, Chandler, Conness, Creswell, Dixon, Edmunds, Fessenden, Fowler, Harris, Howard, Kirkwood, Lane, Morgan, Poland, Pomeroy, Ramsey, Ross, Saulsbury, and Sumner—19.

ABSENT—Messrs. Anthony, Cattell, Cowan, Cragin, Davis, Doolittle, Fogg, Frelinghuysen, Guthrie, Henderson, Howe, Johnson, McDougall, Morrill, Nesmith, Norton, Nye, Patterson, Riddle, Sherman, Sprague, Stewart, Trumbull, and Yates—24.

So the Senate refused to adjourn.

The motion of Mr. POLAND was agreed to; and the bill (S. No. 563) supplementary to the several acts of Congress abolishing imprisonment for debt, was considered as in Committee of the Whole. It provides that whenever, upon mesne process or execution issuing out of any of the courts of the United States, any defendant therein is arrested or imprisoned, he shall be entitled to discharge from such arrest or imprisonment in the same manner as if he were so arrested or imprisoned on like process of the State courts in the same district; and the same oath may be taken, and the same length of notice thereof shall be required, as is provided by the State laws; and that all modifications, conditions, and restrictions upon imprisonment for debt now existing or which may hereafter be adopted by the laws of any State, shall be applicable to process issuing out of the courts of the United States therein, and the same course of proceedings shall be adopted as now are or hereafter may be in the courts of such States. But all such proceedings shall be had before some one of the commissioners appointed by the United States circuit court to take bail and affidavits.

The Committee on the Judiciary proposed to amend the bill by striking out in line twelve the words "or which may hereafter be adopted," and in line fifteen "hereafter."

The amendment was agreed to.

Mr. POLAND. I can state in a word the necessity for this legislation. Many years ago Congress passed a law providing that in States where imprisonment for debt had been abolished, or in States where it should thereafter be abolished, it should be abolished also in reference to process out of the courts of the United States. Under this law it was decided by Judge Curtis in the circuit court in Massachusetts that, in States where imprisonment for debt had not been entirely abolished, had only been modified, so that by filing an affidavit of a certain character a debtor might still be imprisoned, the law of Congress did not apply; and that in Massachusetts, although imprisonment for debt generally had been abolished, as it was allowed in a modified form of filing an affidavit the law did not apply. This bill is intended merely to make the law conform to the laws of the States where imprisonment for debt is only allowed in a qualified form, as well as to those where it is entirely abolished. We have struck out the word "hereafter" because we thought it was not in the power of Congress to adopt future legislation of the States.

Mr. HOWARD. I wish to inquire of the honorable Senator from Vermont whether the bill is mandatory in its character and terms upon the court, and whether it establishes positively the rules that prevail in the various States in reference to imprisonment for debt, or whether it is left discretionary with the Federal courts in any or in all cases?

Mr. POLAND. It adopts the laws of the States upon that subject.

Mr. HOWARD. Will the Secretary be good enough to read the bill as it stands?

The SECRETARY.

That whenever upon mesne process or execution issuing out of any of the courts of the United States, any defendant therein is arrested or imprisoned, he shall be entitled to discharge from such arrest or imprisonment in the same manner as if he were so arrested or imprisoned on like process of the State courts in the same district, &c.

Mr. HOWARD. So that the proceedings under this bill will vary in the Federal courts in each State as the State legislation varies on the subject of imprisonment for debt. Is that it?

Mr. POLAND. We adopt the present legislation of the States on that subject.

Mr. HOWARD. And all future legislation?

Mr. POLAND. No, sir. We struck out the word "hereafter," because we thought it was not in the power of Congress to adopt future legislation of the States. We adopt all the laws of the States now in force concerning imprison-

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ment for debt, and apply them to process in the United States courts. What the States may do hereafter we do not provide for.

Mr. HOWARD. That was the very point to which I wished to call the attention of the Senate. I gathered from the reading of the bill that it was the purpose of the committee to have the rule vary in the Federal courts in the various States according to the provisions of the State laws, which I should think an anomaly.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CONNESS. I move that the Senate adjourn.

The motion was agreed to; and (at ten o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 26, 1867.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

ALLEGED CORRUPTION OF MEMBERS.

Mr. WENTWORTH, from the special Committee on the rumored arrangement of Members with the President, under the order of the House of yesterday, submitted the following report:

The committee were in session when the resolutions instructing them to report to-day were adopted, and so no member had an opportunity to explain at that time the progress the committee had made.

The organization of the committee was delayed in consequence of one of the original appointees having been excused. But since their organization they have been as diligent in the prosecution of their duties as their interest in the questions pending before the House would permit. They have had frequent meetings during the session of the House. Indeed, they have examined witnesses as fast as the short-hand reporter could write out the testimony.

With a large number of slips from newspapers before them, purporting to come from reporters in this city, the committee called several of such reporters before them with reference to the authority for their statements touching the matter referred to them by the House. Although those reports were as widely variant as reports sent from the capital generally are, yet they all, when traced back, derived their origin substantially as follows:

Persons not members of Congress, after the southern delegations (so called) had paid their recent visit to this city, had been free in intimations that Congress and the President were about to become reconciled. The reporters from their gallery noticed two of those persons occupying the most friendly relations to the President, while the recent reconstruction bills were pending, sitting at times inside the bar of the House when they were not thus entitled. They saw them at other times call several members into the cloak-room and otherwheres hold private conversations with them. This attracted their curiosity to such an extent that they resolved to ascertain what it meant; and they learned that a private meeting was being called to hear a proposition from certain friends of the President, which was likely to eventuate in restoring former friendly relations between him and the majority of Congress; and, based on this fact, conjecture sent out various reports touching the reconstruction not only of the President, but also of his Cabinet, the suppression of the impeachment, and the appointment of members of this House, hitherto hostile to the President, to office. The two persons heretofore alluded to were called before the committee. One of them testified that he had seen the President as often as three times per week during the session in consequence of his position as reporter; and that his relations were of the most friendly nature. His visits were principally in the evening. The other testified to his own friendly and intimate relations with the President and to his cooperation with the person before alluded to. They had come upon the floor of the House and arranged for a private meeting at the Metropolitan Club-Room. They wanted and considered they had found from sixty to seventy conservative members who could through concert of action numerically control the organization of the party opposed to the President.

They invited no Democrats to attend the meeting, and no Radical, as they construed party divisions. The meeting was held, but many invited did not attend, and those in attendance were unwilling to act unless they were assured that the persons calling the meeting were speaking by the authority of the President. This they could not then do, and the meeting adjourned with the understanding that they should see the President, and if he approved of their conduct, certain members of Congress were to call upon him and report at a future meeting to be called for the purpose of hearing their report. These persons called upon the President and reported that he expressed a willingness to confer with such gentlemen as might see fit to call upon him. Members of Congress then called upon him and a meeting was called at another place to hear their report. This meeting was on the evening prior to the introduction of the resolution authorizing the creation of this committee. That report was that the parties who had represented the President as desirous of finding some common ground which he and Congress might occupy on the subject of reconstruction were more than justified by his position as communicated to them. The precipitation of events in Congress prevented other meetings. Members attended each of the meetings who did not attend the other: members invited to each attended neither. Such is substantially the testimony of the two persons who claim that they originated this movement. They declined to give names, and the committee did not insist upon it, because they could be recalled should further developments render it necessary. The committee had proceeded no further when called upon to report; and as the witnesses have had no opportunity to revise their testimony since written out by the short-hand reporter, and as there are some portions of it that ought to be suppressed, if the examination is to go no further, the committee have deemed it prudent not to bring the testimony before the House. Indeed, some of it is not yet written out.

Up to this time the committee have not been able to obtain the least knowledge of the reported propositions for reconciliation to be discussed between the the President and members of Congress attending the meeting, nor have they reliable expectations of obtaining such knowledge from other witnesses, as it appears that only the disposition of the parties to reconciliation was ascertained at the last meeting; and that was but the Friday evening before the last measure for reconstruction was so unanimously supported by the opponents of the President's policy in the House.

No testimony has been given reflecting in the least upon the integrity of the President; nor has there been the least testimony reflecting upon the integrity of any member of this House. The harmonious vote of the majority upon the last reconstruction bill, compared with their earliest vote upon matters of difference with the President, show no inroads upon their ranks; while the fact that no member of the Democratic minority was invited to these private meetings by the professed friends of the President outside of Congress is a testimonial to their firmness of purpose and principle. Regretting their inability to make a more elaborate report in the short space of time allotted them, and feeling confident that whatever were originally the arrangements for bringing the House to more harmonious action with the President they are now effectually interrupted, the committee ask to be discharged from the further consideration of the subject.

JOHN WENTWORTH, *Chairman.*

Mr. WENTWORTH. Under the rule of the House I have been instructed to make this report. But I am reminded by gentlemen on all sides that after the reading of this report their interest in the subject ceases, and that they have measures to bring before Congress to-day which demand immediate attention. I therefore will forego any remarks of my own. If, however, my colleague on the committee [Mr. GLOSSBRENNER] on the Democratic side wishes to address the House I will yield the floor for five minutes to him.

Mr. GLOSSBRENNER. The House will perceive, Mr. Speaker, by the authorized statement just made by the gentleman from Illinois, the chairman of the committee, that the committee has utterly failed to discover a single fact to bear out the preamble to the resolution under which the investigation was instituted. As a member of the committee, there can be no impropriety after what has passed, in my saying that we have examined patiently and thoroughly every witness who professes to have any positive knowledge of the origin and progress of the so called "negotiations" between the President and certain members of Congress, and I aver that the result of that examination is, that the conduct of all concerned in the consultations and conferences, characterized in the preamble to the resolution under which we acted, as "corrupt bargaining," has not been proven to have been in the slightest degree corrupt or culpable, or open even to the suspicion of criminality; but, on the contrary, all the developments exhibit earnest and honorable efforts on their part to effect a patriotic purpose; and their conduct so far from being reprehensible, is worthy of all imitation.

The preamble to the resolution of the gentleman from Illinois is thus phrased:

Whereas the President of the United States has been impeached by a member of this House of high crimes and misdemeanors; and the Committee on the Judiciary has been instructed to examine into such high crimes and misdemeanors, with power to send for persons and papers, and to report to this House the result of such investigation; and whereas while the said Committee on the Judiciary are examining witnesses with relation to such high crimes and misdemeanors of which the President is charged, with a view of making a report for the action of the House, it has for some time been rumored, and it has been lately asserted in the public newspapers, that certain members of this House, who will be required to act impartially upon such report, are holding private meetings with a view to corruptly bargaining in violation of their oaths, and are pledging themselves in advance to act adversely upon said report if it should be unfavorable to the President, and also to act adversely to certain other measures now before this House, provided the President agrees to do certain things to which he has heretofore been opposed, and to refrain from doing certain things which he was in favor of doing.

Perhaps it may be thought, Mr. Speaker, that the committee owe some sort of apology to the House for having "toiled all night," and caught—nothing. [Laughter.] Perhaps the public expectation, after such "thundering in the index," would have been better met if the committee could have unfolded so horrible a tale of corruption and official perjury as would have made each particular hair on every patriotic head to stand on end. [Laughter.] Certainly, after so grand a flourish of trumpets as that with which lance was seized and poised for a magnificent charge against all who should dare to compromise the honor and purity and dignity of this House, (of all of which we are habitually very jealous, Mr. Speaker,) it is rather unsatisfactory to find that none of the parties so fearfully menaced have been doing any of the wicked things of which Madame Rumor had prejudged them guilty. But in sheer justice to the committee, Mr. Speaker, I must be permitted to say that for the paucity of trophies in this campaign against "corruption" the committee are by no means responsible. They spared no pains to find ugly facts, if ugly facts there should chance to be. The witnesses were given abundant opportunities for divulging all that might go to criminate either the President or "certain members of this House." They were searchingly cross-examined and wearied by iteration and reiteration of questions; but they could not be brought up to the mark of seeing or suspecting any other than honorable motive or patriotic object in those whose proceedings they detailed. With the formidable preamble before their eyes they could tell us nothing of "corrupt bargains" or "violations of oaths;" and in answer to direct inquiries propounded by myself they testified that the subject of "impeachment of the President" was not discussed or mentioned "in any shape or form" at any time by those who were in conference and consultation with the sole view and hope of devising some plan upon which Congress and the President could agree for the restoration of the Union. They were pressed sorely upon all these points, but they contumaciously failed to make their testimony conform to the indictment. The witnesses were all gentlemen of intelligence, and some of them I know to be gentlemen of high character; but they were, unfortunately for the "facts" in the preamble, drearily destitute of imagination and sadly deficient in the faculty of invention. [Laughter.] I think, Mr. Speaker, that with a different style of witnesses we could have succeeded better, and made things pleasant generally. There is a gentleman now in this city, the guest of a Government official, who, if the House shall determine to proceed with this investigation, might be summoned by the committee. He is a modest gentleman, and lately of very retiring habits; but I believe that if his host could be induced for a short time to forego the pleasure of his society he would gladly come out on this occasion, and prove anything desired against members of this House or the President. His name I will give you confidentially—it is Sanford Conover. [Laughter.] He would be found *facile* and "conformable."

Now, Mr. Speaker, as the committee charged with this investigation have examined the parties by whom the late interviews between the President and Congress were originated and

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brought about, and have failed to discover aught in the inception or progress of those conferences inconsistent with the purest impulses and most honorable and patriotic objects, I hope the resolution reported by the chairman will be adopted, and that the House will discharge the committee from the further consideration of the subject.

The question was taken on the motion to discharge the select committee from the further consideration of the subject; and it was agreed to.

Mr. WENTWORTH. I move to reconsider the vote by which the bill was referred; and also move that the motion to reconsider be laid on the table. [Laughter.]

The latter motion was agreed to.

Mr. NIBLACK. Is it competent for the House to make any further disposition of the subject?

The SPEAKER. It is not. The motion to reconsider has been laid on the table.

PICTURE FOR THE CAPITOL.

Mr. HALE. I ask unanimous consent to submit the following joint resolution:

Be it resolved by the Senate and House of Representatives, &c., That the joint Committee on the Library be, and they are hereby, directed to enter into a contract with Thomas P. Rossiter, of the State of New York, to paint a picture for the United States, to be placed at the head of one of the grand staircases in the Capitol, illustrative of the signing of the Constitution: *Provided*, That the entire expense of said picture shall not exceed $25,000; and $2,000 shall be paid to said Thomas P. Rossiter in advance, to enable him to prepare for the work; the remainder of said installments at intervals of not less than one year, the last installment to be retained until the picture is completed and put up.

Several members objected.

ALLEGED CORRUPTION OF MEMBERS—AGAIN.

Mr. HILL. I rise to a question of privilege. The resolution that was introduced yesterday requested the chairman of the select Committee on the alleged Corruption of Members to furnish to this House a statement of the rumors and copies of the newspaper paragraphs upon which the original resolution which was introduced by the gentleman from Illinois [Mr. WENTWORTH] was based. I ask whether the gentleman now desires to furnish these statements and paragraphs from the newspapers?

The SPEAKER. The point of order comes too late; it should have been made when the report was submitted.

Mr. HILL. I tried to get attention of the Chair, but did not succeed.

The SPEAKER. The gentleman could have interrupted any member on the floor for that purpose.

LEAVE OF ABSENCE.

Mr. CULLOM asked and obtained indefinite leave of absence for his colleague, Mr. INGERSOLL, who was detained from the House by sickness.

PAYMENT OF DISLOYAL CLAIMANTS.

Mr. DELANO. I ask unanimous consent to take up from the Speaker's table House joint resolution No. 222, prohibiting the payment by any officers of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression, for the purpose of acting upon the Senate amendments.

No objection was made, and the bill was accordingly taken from the Speaker's table.

The second amendment of the Senate was reported, to add at the end of the resolution the following proviso:

Provided, That this resolution shall not be construed to prohibit the payment of claims founded upon contracts made by any Department where such claims were assigned or contracted to be assigned prior to April 1, 1861, to creditors of said contractors, loyal citizens of loyal States, in payment of debts incurred prior to March 1, 1861.

Mr. DELANO. The Committee of Claims recommend concurrence in this amendment.

The amendment was concurred in.

The first amendment of the Senate was reported as follows:

Strike out all after "rebellion" in line seven to the end of line nine and insert in lieu thereof the words "or in favor of any person who does not prove to the satisfaction of the proper accounting officer that he was opposed to the rebellion and distinctly in favor of its suppression."

Mr. DELANO. The committee recommend non-concurrence.

The amendment was non-concurred in.

Mr. DELANO. I move a committee of conference.

The motion was agreed to and a committee on conference was accordingly appointed; and Messrs. DELANO, ALLEY, and THORNTON were appointed conferees on the part of the House.

INCREASED COMPENSATION OF CLERKS.

Mr. GARFIELD, by unanimous consent, from the Committee of Ways and Means, reported back the amendments of the Senate to House joint resolution No. 224, giving additional compensation to certain employés in the civil service at Washington, with amendments thereto.

Mr. GARFIELD. I move that the House now proceed to the consideration of the report of the committee.

Mr. HARDING, of Illinois. I object.

Mr. GARFIELD. I move to suspend the rules, in order that the report may be considered now.

The question was taken upon Mr. GARFIELD's motion, and there were—ayes 86, noes 16.

So (two thirds voting in the affirmative) the rules were suspended, and the House proceeded to the consideration of the amendments.

Mr. GARFIELD. I now demand the previous question upon the adoption of the amendments recommended in the report of the committee.

The previous question was seconded and the main question ordered.

The Clerk read the first amendment, as follows:

On page 1, line four, after the word "service" insert the words "of the United States;" so that it will read, "employed in the civil service of the United States."

The amendment was agreed to.

The Clerk read the second amendment, as follows:

At the end of line eight add the words, "in the Executive Mansion and;" so that it will read "male and female in the Executive Mansion, and in any of the following-named Departments," &c.

The amendment was agreed to.

The Clerk read the third amendment, as follows:

On page 2, line one, after the word "meters" insert the words "and to lamp-lighters under the Commissioner of Public Buildings."

The amendment was agreed to.

The Clerk read the fourth amendment, as follows:

Strike out lines twenty-two, twenty-three, and twenty-four, as follows:

And after the passage of this resolution no money shall be paid to any officer, clerk, or employé of the Treasury Department, except such as may be fixed by law.

Mr. SLOAN. I desire to know why the committee recommend the striking out of that provision. It is calculated to prevent abuses in paying out this money.

Mr. GARFIELD. As the bill stood it would make it impossible to pay any persons employed in the Department by the day or week. The committee recommend that that provision be stricken out, so as not to exclude those persons from the benefits of the bill; and as in the first paragraph of the same section the Secretary is prohibited from paying out any money hereafter merely upon his own discretion, the gentleman's point is entirely covered.

Mr. J. L. THOMAS. I wish to ask the gentleman from Ohio whether laborers in the navy-yard are included in the resolution.

Mr. GARFIELD. The committee have examined that matter very fully. The wages of laborers in the navy-yard, on the Capitol extension, and on the Treasury extension, are readjusted every two months, according to law, to prices for the same kind of work outside; so that their pay has been raised every two months during the war in proportion to the increase in the prices of labor all over the country during the same time.

I submit a table showing the laws under which their wages are regulated, and the prices paid since 1860:

Wages of Employés in the Navy-Yards.

An act approved July 16, 1862, (volume twelve, page 587,) declares that "The hours of labor and the rate of wages of the employés in the navy-yards shall conform, as nearly as is consistent with the public interest, with those of private establishments in the immediate vicinity of the respective yards, to be determined by the commandants of the navy-yards, subject to the approval and revision of the Secretary of the Navy."

In conformity with this law, it has been the practice for the commandants of the yards to appoint, every two months, a board of officers to visit and ascertain from the private establishments the wages paid to the mechanics, &c., in such establishments. Upon their report the wages in the yard were fixed to conform to those outside. In this way the wages of the mechanics have increased gradually from the date of the passage of the law, until, in some instances, they have become one hundred per cent. higher than they were before the war. The accompanying table exhibits this fact, and shows the rates paid in the Washington navy-yard in the years 1860, 1861, 1862, 1863, 1864, 1865, and 1866.

While the cost of living and all necessaries of life has increased since the passage of the law, the pay of workmen has been increased in proportion. Not so with the salaried officer.

If the pay of a carpenter should go up as high as eight dollars a day outside of the yard, the carpenter in the yard would be entitled to and would receive the same. The law protects him. Salaried officers were not thus protected and benefited.

The mechanic in the yard at all times receives as much as the mechanic in the private establishment.

Act of July 28, 1866, (pamphlet edition,) increased pay of clerks of navy-yards twenty-five per cent.

By act of July 13, 1866, No. 111, second provision, and by decision of the Fourth Auditor, no tax is deducted from the wages of workmen in the yard.—(Pamphlet edition, page 140, near the top.)

Occupation.	1860.	1861.	1862.	1863.	1864.	1865.	1866.
Carpenters	$1 80 to $2 25	$2 00 to $2 50	$1 75 to $2 50	$2 00 to $2 75	$2 50 to $3 00	$3 25 to $3 50	$3 25 to $3 50
Smiths	1 62 to 2 00	1 62 to 2 50	1 62 to 2 81	1 75 to 2 81	2 00 to 3 00	2 75 to 3 50	3 75 to 3 50
Joiners	2 00 -	2 00 -	2 00 -	2 00 to 2 50	2 50 to 3 00	3 25 to 3 50	2 50 to 3 25
Painters	1 75 to 2 00	1 75 to 2 00	1 75 to 2 00	2 00 to 2 50	2 50 to 3 00	2 75 to 3 50	3 00 to 3 50
Machinists	1 50 to 2 25	1 50 to 2 25	1 50 to 2 25	1 75 to 2 50	2 00 to 3 00	2 50 to 3 50	2 50 to 3 50
Boiler-makers	1 38 to 2 00	1 50 to 2 25	1 50 to 2 25	1 75 to 2 50	2 50 to 3 00	2 50 to 3 50	2 50 to 3 50
Iron-founders	1 75 to 2 00	1 75 to 2 00	1 75 to 2 00	2 00 to 2 50	2 50 to 3 00	2 75 to 3 50	3 00 to 3 50
Bricklayers	1 75 to 2 50	1 75 to 2 50	2 50 -	2 50 to 2 75	3 50 to 4 00	4 00 to 4 50	4 00 to 4 50
Laborers	1 25 -	1 25 to 1 38	1 25 to 1 50	1 50 to 1 75	1 75 to 2 00	2 00 to 2 25	2 00 to 2 25

Other classes of workmen, not enumerated above, increased in proportion.

Wages paid in the Washington Navy-Yard.

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Statement showing the wages per day of workmen at the Washington Arsenal, District of Columbia, from 1860 to 1866, inclusive.

Occupation.	1860.	1861.	1862.	1863.	1864.	1865.	1866.
Armorers	$2 00	$2 00	$1 75 to $2 00	$1 75 to $2 25	$1 75 to $3 00	$2 75 to $3 50	$3 00 to $3 50
Carriage-makers	2 00	2 00	2 00	2 00 to 2 25	2 25 to 3 00	2 75 to 3 50	2 75 to 3 50
Saddlers	2 00	2 00	2 00	2 00	2 25 to 3 25	3 00 to 3 50	3 25 to 3 75
Blacksmiths	2 00 to $2 18	2 00 to $2 18	2 00	2 00 to 2 50	2 25 to 3 00	3 00 to 3 50	3 00 to 3 75
Laborers	1 32	1 25 to $1 32	1 25 to 1 50	1 25 to 1 50	1 50 to 2 00	1 75 to 2 50	1 75 to 2 50
Finishers	1 00	2 00	2 00	2 00 to 2 50	2 50 to 3 00	2 50 to 3 50	3 00 to 3 50

The foregoing is a correct statement of the average wages paid to hired men at the Washington arsenal during the period stated. The regulations of the ordnance department require commanding officers of arsenals to pay to their employés the same wages that similar services command at private establishments in the vicinity.

J. P. KELLER.
Chief Clerk Ordnance Office.

February 25, 1867.

Now, it should be remembered that the persons whose pay is increased by this resolution are receiving salaries fixed by law years ago, and they have suffered the increased burdens in the prices of all the necessaries of life with no corresponding change in their pay. I hope no one will propose to increase the amount of expenditure provided in this resolution.

Mr. WILSON, of Iowa. I desire to ask whether this increase——

Mr. THAYER. I object to debate.

The amendment was agreed to.

Mr. GARFIELD moved to reconsider the votes by which the several amendments recommended by the committee were agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. STEVENS. I move to suspend the rules, so as to postpone the morning hour until after the fortification bill has been disposed of.

The question was taken; and (two thirds voting in favor thereof) Mr. STEVENS's motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended, and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DONNELLY in the chair,) and resumed the consideration of House bill No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868.

The CHAIRMAN stated that when the committee last rose the following clause, beginning at line five, on page 8, was under consideration:

For survey of the northern and northwestern lakes, $155,000.

Mr. PAINE. I wish to know how it happens that that item comes up for consideration again this morning?

The CHAIRMAN. This is the clause that was under consideration when the committee last rose.

Mr. PAINE. I do not propose to debate it, but I rise to a point of order. I do not know that I understand exactly the nature of these proceedings, but in reference to this appropriation for the survey of the northern and northwestern lakes I do know that it was considered at the last session of the committee, that tellers were ordered upon it, and that it was passed by the House; so that I do not see how it can again come up at this time.

The CHAIRMAN. No debate is in order.

Mr. BENJAMIN. I offer the following amendment, to come in at the end of line fifty-two:

To enable the Commander-in-Chief of the Army and Navy of the United States to fire a grand salute of one hundred guns in honor of the victory of Georgetown, $1,000, and more if necessary. [Laughter.]

The CHAIRMAN. This section of the bill was under discussion, and an amendment was pending at the time the committee rose. The amendment of the gentleman from Missouri [Mr. BENJAMIN] is not in order.

Mr. NIBLACK. I would ask the gentleman from Missouri, [Mr. BENJAMIN,] if he intends to be witty or only sarcastic? We do not understand on this side of the House.

The CHAIRMAN. No debate is in order.

Mr. HALE. I move to amend by inserting after line fifty-two, the following:

For Fort Montgomery, at the outlet of Lake Champlain, $25,000.

I think this amendment will receive the assent of the Committee on Appropriations, and I trust it will be adopted. This point is the most important point on our northern frontier. The route by way of the Hudson river and Lake Champlain through the eastern section of the State of New York is known to every gentleman as having been the great highway of all contests between the power in possession of the Canadas and the power in possession of this country from the time of the earliest Indian wars down to the last Fenian raid. And this fort is deemed by the War Department as one of great importance. The appropriation I ask for is a very small one, and I certainly hope my amendment will be adopted.

Mr. ROSS. I have no doubt that the amendment proposed by the gentleman from New York [Mr. HALE] is as proper as many of the other items in the bill. And I suppose about the same kind of an estimate has been made for this appropriation as for the others.

I notice that there are in the bill some sixteen items of appropriations for repairs of forts at the rate of $50,000 each. Now, it seems to me that it would be only proper for the Committee on Appropriations to present the estimates of some person who has examined this subject, so as to show what is the difficulty with these forts. It should be shown whether the foundations are giving way, whether the roofs are falling in, or the floors are decaying, so that we may be able to determine with accuracy what amount of appropriations are necessary to put the improvements upon these forts which they need.

Mr. HALE. Will the gentleman allow me a word of explanation of the point which he is now discussing?

Mr. ROSS. Not at present. It appears to me that we are acting entirely in the dark, and that we need light upon the subject. There should be an estimate by an architect, or some competent person, showing what repairs upon these forts are necessary, so that we may act advisedly and with some degree of intelligence upon this subject.

The gentleman from Iowa [Mr. KASSON] attempted last night to be a little sarcastical upon this subject because we proposed to strike out these appropriations. For one, I am not disposed to run longer in this old rut in which we have been running so long, appropriating hundreds of thousands and even millions of dollars every year to keep up these forts. Although we have been making these appropriations annually for the last fifty years, not one of these forts has ever been fired at during that time except by ourselves; and we have lost thousands of men at least by reason of having these fortifications upon our coasts. And you may go on for fifty years longer making appropriations and taxing the resources of the country for the purpose of keeping up these forts; and I will venture the prediction that there will not be a gun fired at them during all that time.

Now, I want to get out of this old rut; there is no necessity whatever for our continuing in it longer. I think the gentleman from Iowa [Mr. KASSON] mistakes the views of his own constituency upon this subject. They certainly have no desire to continue this squandering of money upon the sea-board. If I am not mistaken in the antecedents of my young and able friend from Iowa, [Mr. KASSON,] who by his intelligence and the cogency of his logic always commands the indulgence and attention of the House, it has been but very recently that he has been ruthlessly torn from the breast of his New England mother; and he has hardly cut loose from the apron-strings of New England. The time has come when the great Northwest should make her voice heard in regard to these extraordinary expenditures upon the sea-coast. And I trust that my distinguished young friend, after he has breathed the pure air of the West a few years longer, will imbibe the true sentiments of that section of the country which he is so capable of representing efficiently and faithfully upon this floor.

Now, Mr. Chairman, for my part, I desire that we shall cease all these unnecessary expenditures. Why should we persist in them? These appropriations have been of no benefit to us in the past, and there is no reasonable prospect that they will be in the future. Our people are already heavily burdened with extraordinary taxation; and we may at length put the last feather upon the camel's back and break it. It is time that we should cease these unnecessary expenditures.

The CHAIRMAN. Debate is exhausted upon the pending amendment.

Mr. KASSON. I move *pro formâ* to amend the amendment by striking out $25,000 and inserting $24,000. I wish to reply to my excellent and venerable friend from Illinois [Mr. Ross] by referring him to the title of this bill, by which he will find that these appropriations are not for the purpose of making repairs alone, but "for the construction, preservation, and repairs of certain fortifications and other works of defense." In some cases it is necessary, in order even to preserve these fortifications in proper condition, to go on with the work of construction to a certain point, just as in constructing a house, as the gentleman knows, it is frequently necessary, in order to preserve unfinished walls, that they shall be carried to a certain point where they can be protected by roofing or some other means known to architecture. Thus in the case of these forts, it is necessary to go on with

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the construction to a certain point in connection with the casemates and other portions of them, in order to protect them from deterioration and destruction.

The point which I made against my friend last evening was that he was positively ignorant of these details, as I also admit myself to be; but I do what he does not; I take information from those who know the facts; and I submit that in this respect my logic is better than that of my friend from Illinois.

A single word now as to the statement of the gentleman that within the last fifty years no shots have been fired at any of these fortifications except by "our own men." I want my friend distinctly to confine the signification of that "our" to himself and the men who politically agree with him. I must expressly disavow the idea that the rebel shots fired at these fortifications were fired by "our own men." Let the gentleman take to himself and his friends all the credit that may be due for the firing of those rebel shots, if he chooses to identify those who fired them with those in whose ranks he serves. It is enough for me that those whom I call "our men" captured after enormous struggles these very forts from those whom the gentleman styles "our own men," and that the possession of those forts by the the latter prolonged, I may say for at least three years, the life of the rebellion.

So in the case of a foreign war, these fortifications at the mouths of our rivers and harbors protect our cities and the whole interior country from ravage and destruction until our military forces can be concentrated to resist any army that may be landed.

Now, sir, I am requested by the chairman of the committee to move that the committee rise for the purpose of closing debate.

Mr. SCOFIELD. Before the gentleman submits that motion I desire to call his attention to a single fact. The bill as now reported by the committee embraces no fortifications for the lakes, but is confined to sea-coast fortifications. If we open the door by the adoption of the pending amendment, how can we resist the insertion of all the lake fortifications?

Mr. KASSON. In answer to that remark, I will say that I know something of this particular fort, having seen it. I know that it is incomplete, and that it commands an entrance of foreign armies to this country—one that has been used when we have had war with Great Britain. In the time of the Revolution it was by means of this entrance that the British brought large armies to bear against the American forces; and through the same entrance the British, in the war of 1812, brought their forces upon Lake Champlain. I know this to be an important defensive position.

Mr. Chairman, I now yield to the gentleman from California, [Mr. BIDWELL.]

Mr. BIDWELL. I do not profess to be informed as to the necessity for these appropriations upon the Atlantic sea-board; but so far as regards the Pacific coast I can state with confidence, from own knowledge, that it would be bad policy not to complete the fortifications at the harbor of San Francisco. There you have a harbor two miles in width with a fortification upon one side only, though the fogs are so dense at times that you cannot see one hundred yards from the shore.

Mr. SCOFIELD. I rise to a question of order. California fortifications are not under consideration, but fortifications upon the lakes.

The CHAIRMAN. The gentleman must confine himself to the amendment.

Mr. BIDWELL. I am speaking of the necessity of completing the fortifications already begun and of making others where none now exist. The title of the bill is, "A bill making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868." I say it is necessary and reasonable something should be appropriated for that very purpose upon the Pacific coast. It seems to be the intention of Congress almost to abnegate the right to govern the Pacific coast. The harbor of San Francisco is perhaps the most important in the country, and upon its security depends——

Mr. SCOFIELD. I rise to a point of order, that the gentleman must confine himself to the pending amendment.

Mr. KASSON. I withdraw my amendment.

Mr. BIDWELL. The trade of the East Indies as every one knows is gravitating to our western shores.

Mr. SCOFIELD. I rise to a point of order. The pending amendment is for an appropriation for one of the lake fortifications and has nothing to do with the Pacific coast.

Mr. BIDWELL. The amendment of the gentleman from Iowa has been withdrawn.

The CHAIRMAN. The Chair is of the opinion that the gentleman from California is in order, as he is arguing the amendment of the gentleman from New York should not be adopted, but that one should be made for the Pacific coast.

Mr. SCOFIELD. When the gentleman was last interrupted he was on the East Indies.

Mr. BIDWELL. I will move an amendment to save myself from further interruption.

Mr. STEVENS. I hope the gentleman will yield to me to move the committee rise to close this debate.

Mr. BIDWELL. I yield for that purpose.

Mr. STEVENS moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DONNELLY reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill, No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. STEVENS moved that all further debate on the bill be closed within five minutes after its consideration shall have been resumed.

The motion was agreed to.

FORTIFICATION APPROPRIATION BILL—AGAIN.

Mr. STEVENS moved that the rules be suspended, and the House resolve into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DONNELLY in the chair,) and resumed the consideration of House bill No. 1184, making appropriations for the constructions, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868.

The CHAIRMAN. Debate by order of the House has been closed in five minutes.

Mr. HALE. My amendment is pending, and I wish to say a single word in response to the objection taken by the gentleman from Illinois [Mr. ROSS] and the gentleman from Pennsylvania, [Mr. SCOFIELD.] It is objected that it is a lake appropriation. In my judgment it stands upon a different footing from any other lake appropriation. This fort is at the outlet of Lake Champlain, immediately contiguous to the Canada line, on the forty-fifth parallel, and covers the whole entrance to the line of Lake Champlain and the Hudson river. It is from its very position more important than any other single point on our whole northern frontier.

The gentleman from Illinois inquires how these estimates have been made up. I am happy to inform him the estimates were forwarded from the Bureau of Engineers. The estimates were for $60,000, which were reduced by the Committee on Appropriations to $40,000 in their former bill, and at the suggestion of the chairman I have further reduced the appropriation to $25,000, which is the lowest possible amount they can get along with.

Mr. ALLEY. Has it the sanction of the Committee on Appropriations?

Mr. HALE. It has.

The committee divided; and there were—ayes 33, noes 14; no quorum voting.

The CHAIRMAN ordered tellers; and appointed Mr. HALE and Mr. SCOFIELD.

The committee again divided; and the tellers reported—ayes 73, noes 12.

So the amendment was agreed to.

The Clerk read as follows:

For purchase of sites now occupied and lands proposed to be occupied for permanent sea-coast defenses: *Provided*, That no such purchase shall be made except upon the approval of its expediency by the Secretary of War and of the validity of the title by the Attorney General, $50,000.

Mr. SCOFIELD. I move to strike out the clause just read.

Mr. STEVENS. There are sites which were occupied during the war, one I remember upon the Delaware, for which the Government was not able to pay, there being no appropriation for the purpose.

Mr. SCOFIELD. That on the Delaware is a dirt fortification and a nuisance to everybody there. There ought to be an appropriation to remove it altogether instead of making it permanent.

Mr. STEVENS. That is not the opinion of the Department.

Mr. SCOFIELD. It is the opinion of the people in the neighborhood. We never needed it before the war and there is no need of it now.

Mr. STEVENS. I hope the amendment will not prevail.

Mr. MAYNARD. I beg to call the attention of the committee to the fact that this is merely a private matter.

The CHAIRMAN. Debate has been closed by order of the House.

The question being put on the amendment of Mr. SCOFIELD, no quorum voted.

Tellers were ordered; and Messrs. SCOFIELD and KASSON were appointed.

The House divided; and the tellers reported—ayes twenty-one, noes not counted.

So the amendment was disagreed to.

The Clerk read as follows:

For purchase of sites now occupied by temporary sea-coast defenses: *Provided*, That no such purchase shall be made except upon the approval of its expediency by the Secretary of War and of the validity of the title by the Attorney General, $25,000.

Mr. SCOFIELD. I make the same motion in regard to this paragraph. It is of the same kind—to purchase new sites.

Mr. ROSS. I desire to move first to perfect the section by inserting after the words "Secretary of War" the words "Secretary of the Navy."

Mr. HALE. I suggest to my friend from Illinois that he had better put in "colonel of the horse marines." [Laughter.]

Mr. ROSS. Yes, or my friend from New York either. [Laughter.]

The amendment was disagreed to.

The question recurred on the amendment of Mr. SCOFIELD, to strike out the paragraph; and it was disagreed to.

The Clerk read as follows:

For construction and repair of barracks and quarters for the engineer at the depot of engineer supplies at Willett's Point, New York, $25,000.

Mr. HARDING, of Illinois. I move to amend by striking out that paragraph. There is no necessity for it.

The amendment was agreed to.

The Clerk read the concluding paragraph.

Mr. MAYNARD. Mr. Chairman, the Committee of the Whole decided yesterday to strike out the enacting clause, but it was reinserted by the House. I now renew the motion to strike out the enacting words of the bill.

Mr. HALE. I rise to a question of order: this motion has been negatived in the House, and is therefore not in order now.

The CHAIRMAN. The decision of the House was at a different stage, and the Chair thinks the motion is now in order.

The question being put, there were—ayes 45, noes 46; no quorum voting.

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Tellers were ordered; and Messrs. MAYNARD and RAYMOND were appointed.

The House divided; and the tellers reported—ayes 67, noes 58.

So the enacting words were stricken out.

Mr. BRANDEGEE. I move that the committee now rise and report the bill to the House with the action of the committee thereon.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. DONNELLY reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the Union generally, and particularly the special order, being House bill No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, and had directed him to report the same to the House with the enacting words stricken out.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the following titles:

An act (H. R. No. 1166) to authorize the building of light-houses therein mentioned, and for other purposes; and

An act (H. R. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes.

Also, without amendment, an act (H. R. No. 1062), relative to the port of Camden, New Jersey.

Also, Senate bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 609) allowing the duties on foreign merchandise imported into the port of Albany to be secured and paid at that place;

An act (S. No. 622) to repeal the provisions of law authorizing the introduction of foreign goods into the United States without inspection at the usual ports of entry; and

An act (S. No. 557) for the relief of James Fulton, paymaster United States Navy.

FORTIFICATION BILL.

The House resumed the consideration of the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, the same having been reported to the House from the Committee of the Whole with the enacting words stricken out.

Mr. MAYNARD. I move the previous question on agreeing to the recommendation of the Committee of the Whole to strike out the enacting words.

The previous question was seconded and the main question ordered.

Mr. KASSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 72, nays 79, not voting 39; as follows:

YEAS—Messrs. Ames, Ancona, Arnell, Baker, Baldwin, Beaman, Benjamin, Bingham, Boutwell, Boyer, Brandegee, Bromwell, Broomall, Buckland, Campbell, Reader W. Clarke, Sidney Clarke, Conkling, Cook, Cullom, Delano, Deming, Eldridge, Farquhar, Finck, Glossbrenner, Aaron Harding, Abner C. Harding, Harris, Hawkins, Hayes, Hill, Hise, Hotchkiss, Demas Hubbard, James R. Hubbell, Julian, Kelso, Kerr, Kuykendall, George V. Lawrence, William Lawrence, Le Blond, Leftwich, Loan, Marshall, Maynard, McCullough, Mercur, Moulton, Newell, Noell, Orth, Samuel J. Randall, William H. Randall, Ritter, Rogers, Ross, Scofield, Shanklin, Stilwell, Stokes, Thornton, Trimble, Trowbridge, Van Aernam, Andrew H. Ward, Hamilton Ward, Welker, Whaley, Williams, and Wright—72.

NAYS—Messrs. Alley, Allison, Anderson, Banks, Barker, Baxter, Bergen, Bidwell, Blaine, Bundy, Chanler, Cobb, Cooper, Darling, Davis, Dawes, Defrees, Dixon, Dodge, Donnelly, Eliot, Ferry, Garfield, Goodyear, Grinnell, Griswold, Hale, Hart, Henderson, Higby, Hogan, Holmes, Hooper, Chester D. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Kasson, Kelley, Ketcham, Koontz, Laflin, Latham, Lynch, Marvin, McClurg, McIndoe, McRuer, Moorhead, Morrill, Morris, Myers, Niblack, Nicholson, O'Neill, Paine, Patterson, Perham, Pike, Pomeroy, Radford, Raymond, Alexander H. Rice, Rollins, Sawyer, Schenck, Sitgreaves, Spalding, Stevens, Strouse, Taber, Francis Thomas, Upson, Burt Van Horn, William B. Washburn, Winfield, and Woodbridge—79.

NOT VOTING—Messrs. Delos R. Ashley, James M. Ashley, Blow, Culver, Dawson, Denison, Driggs, Dumont, Eckley, Eggleston, Farnsworth, Asahel W. Hubbard, John H. Hubbard, Ingersoll, Jones, Longyear, Marston, McKee, Miller, Phelps, Plants, Price, John H. Rice, Rousseau, Shellabarger, Sloan, Starr, Nathaniel G. Taylor, Nelson Taylor, Thayer, John L. Thomas, Robert T. Van Horn, Warner, Elihu B. Washburne, Henry D. Washburn, Wentworth, James F. Wilson, Stephen F. Wilson, and Windom—39.

So the House refused to strike out the enacting words of the bill, and the bill stood recommitted to the Committee of the Whole on the state of the Union.

Mr. STEVENS. I move that the rules be suspended, and the House resolve itself into Committee of the Whole on the state of the Union on the special order, the fortification bill.

Mr. SCOFIELD. I rise to a point of order. I ask if the rule does not prevail here of "three times and out?" [Laughter.]

The SPEAKER. The Chair thinks it does not.

Mr. STEVENS's motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. DONNELLY in the chair,) and resumed the consideration of House bill No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868.

Mr. DAVIS. I offer the following as an additional section to the bill:

Be it further enacted, That the sum of $300,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, so far as required, by the Secretary of War, for the preservation and repair or maintenance of fortifications or other works of defense within the jurisdiction of the United States.

The amendment was disagreed to.

Mr. LE BLOND. I offer the following as an additional section:

And be it further enacted, That there shall not be over fifty per cent. of the foregoing appropriations expended during the fiscal year ending June 30, 1868, and the residue thereof shall not be expended till otherwise ordered.

Mr. MAYNARD.

"Times have been,
That, when the brains were out, the man would die."

That does not seem to apply to this committee. I hope the amendment will prevail.

Mr. LE BLOND. I desire to say, Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. LE BLOND. I think debate is in order. We have been out of the committee into the House, and no additional order closing debate has been made.

The CHAIRMAN. Debate has been closed on the bill and pending amendments.

The question was put; and there were—ayes 53, noes 40.

Mr. STEVENS demanded tellers.

Tellers were ordered; and Messrs. LE BLOND and DARLING were appointed.

The committee divided; and the tellers reported—ayes 64, noes 58.

So the amendment was agreed to.

Mr. HENDERSON. I offer the following amendment:

Amend by inserting after line seventy-one, "$250,000 for completing the fortifications at Fort Stevens, at the mouth of the Columbia river, Washington Territory."

The amendment was disagreed to.

Mr. BRANDEGEE. I move that the committee rise and report the bill to the House with the action of the committee thereon.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DONNELLY reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the Union generally, and particularly the bill of the House No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, and had directed him to report the same back to the House with sundry amendments.

Mr. STEVENS. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The first amendment reported from the Committee of the Whole was to strike out the following:

For construction of permanent platforms for modern cannon of large caliber in existing fortifications of important harbors, $100,000.

The amendment was agreed to.

The next amendment was to insert the following:

For Fort Montgomery, at the outlet of Lake Champlain, $25,000.

The question was taken; and upon a division there were—ayes 51, noes 32; no quorum voting.

Tellers were ordered; and Mr. HALE and Mr. HARDING, of Illinois, were appointed.

The House again divided; and the tellers reported that there were—ayes sixty-four, noes not counted.

So the amendment was agreed to.

The next amendment was to strike out the following:

For construction and repair of barracks and quarters for engineer at the depot of engineer supplies at Willett's Point, New York, $25,000.

The amendment was agreed to.

The last amendment was to add the following section:

SEC. —. *And be it further enacted*, That there shall not be over fifty per cent. of the foregoing appropriations expended during the fiscal year ending 30th of June, 1868; and the residue thereof shall not be expended until otherwise ordered.

Mr. LE BLOND. I call for the yeas and nays upon agreeing to this amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 86, nays 59, not voting 45; as follows:

YEAS—Messrs. Alley, Ames, Ancona, Anderson, Arnell, Baker, Baldwin, Beaman, Benjamin, Bingham, Boyer, Brandegee, Bromwell, Broomall, Buckland, Campbell, Reader W. Clarke, Sidney Clarke, Conkling, Cullom, Davis, Dawson, Defrees, Delano, Deming, Dodge, Eggleston, Eldridge, Farquhar, Ferry, Finck, Glossbrenner, Aaron Harding, Abner C. Harding, Hawkins, Hayes, Henderson, Hill, Hise, Hogan, Hotchkiss, Demas Hubbard, John H. Hubbard, James R. Hubbell, Julian, Kerr, Koontz, Kuykendall, George V. Lawrence, William Lawrence, Le Blond, Loan, Longyear, Marshall, Maynard, McCullough, Mercur, Moulton, Noell, Orth, Radford, Samuel J. Randall, William H. Randall, Ritter, Rogers, Ross, Scofield, Shanklin, Sitgreaves, Sloan, Spalding, Stilwell, Stokes, Nelson Taylor, Francis Thomas, Thornton, Trimble, Trowbridge, Andrew H. Ward, Warner, Welker, Whaley, Williams, Stephen F. Wilson, Windom, and Wright—86.

NAYS—Messrs. Allison, Banks, Baxter, Bergen, Bidwell, Blaine, Chanler, Cobb, Darling, Dixon, Donnelly, Eliot, Garfield, Goodyear, Grinnell, Griswold, Hale, Higby, Hooper, Chester D. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Kasson, Kelley, Ketcham, Laflin, Lynch, Marvin, McIndoe, McKee, McRuer, Moorhead, Morris, Myers, Niblack, Nicholson, O'Neill, Paine, Patterson, Perham, Pike, Pomeroy, Price, Raymond, Alexander H. Rice, Rollins, Sawyer, Schenck, Starr, Stevens, Strouse, Thayer, Upson, Burt Van Horn, William B. Washburn, and Woodbridge—59.

NOT VOTING—Messrs. Delos R. Ashley, James M. Ashley, Barker, Blow, Boutwell, Bundy, Cook, Cooper, Culver, Dawes, Denison, Driggs, Dumont, Eckley, Farnsworth, Harris, Hart, Holmes, Asahel W. Hubbard, Ingersoll, Jones, Kelso, Latham, Leftwich, Marston, McClurg, Miller, Morrill, Newell, Phelps, Plants, John H. Rice, Rousseau, Shellabarger, Taber, Nathaniel G. Taylor, John L. Thomas, Van Aernam, Robert T. Van Horn, Hamilton Ward, Elihu B. Washburne, Henry D. Washburn, Wentworth, James F. Wilson, and Winfield—45.

So the amendment was agreed to.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. LAWRENCE, of Ohio. I move to lay the bill upon the table; and upon that motion I call for the yeas and nays.

The question was upon ordering the yeas and

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nays; and being taken, there were—ayes eighteen, noes not counted.

Mr. LYNCH. I call for tellers upon ordering the yeas and nays.

Tellers were ordered; and Mr. LAWRENCE, of Ohio, and Mr. JENCKES were appointed.

The House divided; and the tellers reported that there were—ayes twenty-nine, noes not counted.

So (the affirmative being one fifth of the last vote) the yeas and nays were ordered.

The question was taken upon the motion to lay the bill upon the table; and it was decided in the negative—yeas 63, nays 84, not voting 43; as follows:

YEAS—Messrs. Ames, Ancona, Baker, Baldwin, Beaman, Benjamin, Bingham, Boyer, Brandegee, Bromwell, Broomall, Buckland, Campbell, Reader W. Clarke, Sidney Clarke, Conkling, Cook, Dawson, Delano, Deming, Eggleston, Eldridge, Finck, Glossbrenner, Aaron Harding, Abner C. Harding, Harris, Hawkins, Hayes, Henderson, Hill, Hise, Demas Hubbard, James R. Hubbell, Julian, Kelso, Koontz, Kuykendall, George V. Lawrence, William Lawrence, Leftwich, Loan, Marshall, Maynard, McCullough, Mercur, Moulton, Noell, Samuel J. Randall, William H. Randall, Ritter, Ross, Scofield, Shanklin, Shellabarger, Stokes, Nelson Taylor, Thornton, Trimble, Van Aernam, Andrew H. Ward, Welker, and Stephen F. Wilson,—63.

NAYS—Messrs. Alley, Allison, Anderson, Banks, Barker, Baxter, Bergen, Bidwell, Blaine, Boutwell, Bundy, Chanler, Cobb, Cooper, Darling, Davis, Dawes, Dixon, Dodge, Donnelly, Eliot, Ferry, Garfield, Goodyear, Grinnell, Griswold, Hale, Higby, Hogan, Holmes, Hooper, Chester D. Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Kasson, Kelley, Ketcham, Laflin, Le Blond, Longyear, Lynch, Marvin, McIndoe, McRuer, Moorhead, Morrill, Morris, Myers, Niblack, Nicholson, O'Neill, Paine, Patterson, Perham, Phelps, Pike, Pomeroy, Radford, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Sitgreaves, Sloan, Spalding, Starr, Stevens, Strouse, Taber, Thayer, Francis Thomas, Upson, Burt Van Horn, Warner, William B. Washburn, Windom, Winfield, and Woodbridge—84.

NOT VOTING—Messrs. Arnell, Delos R. Ashley, James M. Ashley, Blow, Cullom, Culver, Defrees, Denison, Driggs, Dumont, Eckley, Farnsworth, Farquhar, Hart, Hotchkiss, Asahel W. Hubbard, Ingersoll, Jones, Kerr, Latham, Marston, McClurg, McKee, Miller, Newell, Orth, Plants, Price, Rogers, Rousseau, Stilwell, Nathaniel G. Taylor, John L. Thomas, Trowbridge, Robert T. Van Horn, Hamilton Ward, Elihu B. Washburne, Henry D. Washburn, Wentworth, Whaley, Williams, James F. Wilson, and Wright—43.

So the motion to lay the bill on the table was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. KASSON called for the previous question.

The previous question was seconded and the main question ordered.

Mr. LAWRENCE, of Ohio, called for the yeas and nays.

The yeas and nays were not ordered.

On the passage of the bill, there were—ayes 72, noes 35.

So the bill was passed.

Mr. KASSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed without amendment joint resolutions and a bill of the House of the following titles:

A joint resolution (H. R. No. 271) authorizing the Secretary of War to adjust and settle the claim of D. Randolph Martin, assignee of the Washington, Georgetown, and Alexandria Railroad Company;

A joint resolution (H. R. No. 290) authorizing the Secretary of the Navy to grant the use of guns for the trial of Rigdway's battery; and

A bill (H. R. No. 1051) for the relief of Henry P. Blanchard.

ORDER OF BUSINESS.

Mr. BANDEGEE. I call for the regular order.

The SPEAKER. The morning hour has now commenced.

Mr. MORRILL. I understand that we cannot reach the tariff bill until the expiration of the morning hour without a suspension of the rules.

The SPEAKER. That is true.

Mr. MORRILL. I move, then, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the tariff bill.

The motion was not agreed to.

NEW SITE FOR A NAVAL ACADEMY.

The SPEAKER. The House resumes, as the first business in order during the morning hour, the consideration of the joint resolution (H. R. No. 299) concerning the Naval Academy at Annapolis, the pending question being upon the substitute offered by the gentleman from Ohio, [Mr. SCHENCK.]

Mr. BRANDEGEE. I ask that the joint resolution and the substitute be reported.

The Clerk read the joint resolution, as follows:

Be it resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint a board of no less than three competent officers, whose duty it shall be to examine into all the facts connected with the location of the Naval Academy at Annapolis, Maryland, with a view to the expediency of removing the same to a locality more advantageous to the Government of the United States; and also to make careful examination and survey of the harbor of New London, Connecticut, and of Newport, Rhode Island, with a view to the advantages presented by each for the location of said Naval Academy, and to report all the facts to the Fortieth Congress, together with such recommendation in the premises as they shall deem will best promote the public interest.

The Clerk also read Mr. SCHENCK's substitute, as follows:

Resolved, That the Speaker of this House be authorized and directed to appoint a committee, consisting of three members, whose duty it shall be to make careful examination at New London, Connecticut, and Newport, Rhode Island, with a view to the advantages presented by each of said sites for the permanent location of the United States Naval Academy, and with a view to the removal of that institution from Annapolis. That the said committee have power to send for persons and papers, and to call upon the Secretary of the Navy for the detail of any one or more officers of the Navy to assist in the investigation, and for such information as the files of his Department may afford; and that the said committee report all the facts, with their conclusions, to the House of Representatives of the Fortieth Congress, together with such recommendations in the premises as may best subserve the public interests.

Mr. BRANDEGEE. I yield to the gentleman from Ohio, that he may modify his amendment.

Mr. SCHENCK. When this matter was last under consideration I had the floor at the expiration of the morning hour, but I do not know that I have anything to add to the remarks with which I then submitted the amendment. I was, however, at that time, expressing my disposition to modify this substitute so as to make it a little wider in its scope than it is now, because it indicates but two places where examinations are to be made, New London, Connecticut, and Newport, Rhode Island. I have been of opinion that perhaps there ought to be named some place on the North river, and some place in the neighborhood of Navesink, New Jersey. I leave it to gentlemen representing those parts of the country to say whether the resolution ought to have a wider scope given to it by indicating those points. Perhaps, however, some gentlemen may think that without the indication of particular points there ought to be some general provision authorizing the committee to examine any site which they may deem it advisable to look at. Before accepting any suggestion for a modification of the substitute in that respect I shall make another myself.

The original resolution provides for the survey of the harbors of the different points named. That is entirely unnecessary, as better surveys have already been made of all the points which could come within the province of this committee or commission than could be made under their direction, and these are the surveys of the Coast Survey. I add to my resolution the authority to call upon the Secretary of the Navy for information from his Department and for detail of officers, authority also to call upon the Superintendent of the Coast Survey for any information needed.

Mr. CONKLING. I ask leave to make a suggestion. I hope the gentleman will also modify his resolution by adding, "or any other site which in their judgment it may be advisable to examine."

Mr. SCHENCK. I do not want to make it too much of a roving commission, but perhaps the gentleman's modification had better be accepted, and I accept it.

Mr. ROLLINS. I want the harbor of Portsmouth, New Hampshire, also included.

Mr. SCHENCK. Wiscasset, in Maine, is also suggested, but the language of the gentleman from New York will include them all, which I have accepted as a modification.

Mr. BRANDEGEE. Mr. Speaker, I am admonished by the tremendous pressure of business crowded into the closing hours of the session, if I expect to get a vote on the joint resolution I have been instructed to report from the Committee on Naval Affairs, action must be taken within less than an hour; but as I deem it due to the gentleman from Maryland [Mr. F. THOMAS,] and especially to my colleague on the committee, [Mr. PHELPS,] to give them an opportunity to express the views and feelings of their constituents, I will, after the previous question has been called, yield to them half of the hour to which I shall be entitled. I would prefer my colleague on the committee [Mr. PHELPS] would take half of my time and dispose of it as he pleases. I shall occupy only ten minutes, and devote the residue of the hour to taking a vote. I now demand the previous question.

Mr. ELDRIDGE. I desire to inquire of the gentleman from Connecticut whether this resolution is not reported to the House without a particle of proof to sustain a single charge made in the original resolution referred to them? Is there a particle of proof express or implied?

Mr. BRANDEGEE. I will yield thirty minutes of my time to the other side, reserving only ten to myself.

Mr. SCHENCK. I understand the proposition reported from the committee is a joint resolution.

The SPEAKER. It is.

Mr. SCHENCK. Then I further modify my substitute, making it a joint resolution and providing the committee shall be constituted of two members of the Senate and three members of this House, to be appointed by the Speaker of this House and the President of the Senate respectively.

Mr. F. THOMAS. I hope the previous question will not be seconded.

The House divided; and there were—ayes 51, noes 34; no quorum voting.

The SPEAKER ordered tellers, and appointed Mr. BRANDEGEE and Mr. PHELPS.

The House divided; and the tellers reported—ayes 61, noes 40.

So the previous question was seconded.

The main question was then ordered to be now put.

Mr. BRANDEGEE. I will yield thirty minutes of my time to my colleague on the committee, [Mr. PHELPS,] to dispose of as he pleases.

Mr. PHELPS. I will take fifteen minutes myself.

Mr. Speaker, in rising to oppose this proposition, which I can but characterize in advance as a most extraordinary one, I feel I am expressing the united voice of the entire population of Maryland without distinction of party, and I may add in the current phraseology of the day without distinction of race or sex. Why, sir, are gentlemen aware this movement comes into the House of Representatives absolutely destitute of any foundation in the shape of any evidence to sustain the charges in the resolution of inquiry referred to the committee? Are gentlemen aware the very proposition before the House at this moment is one against which this Congress is committed by a vote at the last session, after the subject had been brought in the most solemn manner

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before the Naval Committees of the two Houses, after it had been debated in both Houses, and after the visit of the two committees to Annapolis to investigate for themselves the allegations preferred against it as the proper location for the Naval Academy.

It has been said, sir, that the Naval Academy was originally established at Annapolis not in pursuance of any express legislation for that purpose. It was established there in the first instance by virtue of an arrangement between Mr. Marcy, Secretary of War, and George Bancroft, Secretary of the Navy, with the concurrence of the President of the United States, and sanctioned repeatedly by Congress, transferring Fort Severn, on Severn river, from the War Department to the Navy, for the purpose of affording a place for the proper instruction and education of midshipmen.

The action of the Department, as I said, has been recognized repeatedly by every Congress that has met since that day, with the exception of those to which I shall refer, by renewed appropriations of money for the support of the "Naval Academy at Annapolis." There has not been a Congress since its establishment at Annapolis, in 1845, which has not recognized and sanctioned its existence there, with the exception of the three or four years during which the Academy was removed to Newport, in order to secure a temporary location at a safer distance from the theater of civil war. That removal was made in 1861, and from that time until its return to Annapolis, in the month of May, 1865, there was one continuous series of protests and remonstrances on the part of the officers, professors, and superintendents in charge of this institution against the propriety of its continued location at that place.

Sir, these matters have all been gone into before. This is no longer an open question; it is *res adjudicata* both by the Thirty-Eighth and Thirty-Ninth Congresses. After an elaborate and exhaustive discussion in the Thirty-Eighth Congress, both in the Senate and House, upon the necessity of the immediate removal of that institution from the demoralizing influences with which it was connected in the town of Newport, arising from the fact of its being a fashionable watering-place and at the same time a manufacturing town, the evidence was overwhelming and conclusive upon the point that owing to these circumstances that place was altogether improper and unsuitable for the location of an institution contemplating the education of young men for the naval service.

I have here before me these testimonials. I have here a report of Admiral Davis, the head of the Bureau of Navigation and in charge of the Naval Academy, going over this matter in a most elaborate and detailed manner, examining it in all its bearings, and showing that in every point of view, in point of accommodation, health, climate, discipline, economy of living, and every other aspect in which the case could possibly be presented, there was no advantage in favor of its then existing location, but that its former site at Annapolis was better than Newport or any other place that could be named.

Why, sir, are gentlemen aware of the amount of money the Government has expended in the improvement of the locality at Annapolis and fitting it for the purpose for which it was designed? Are gentlemen aware that over one million dollars have been invested in land and permanent buildings, in dormitories, libraries, recitation-halls, lecture-rooms, chapel, engine-houses, and all the other appurtenances connected with that institution? Only at the last session of Congress the subject was reinvestigated, and after every charge that could be made had been presented and urged persistently and pertinaciously, after an actual personal inspection upon the spot by the Naval Committees of both Houses, assisted by nearly one hundred Senators and members, the result of the whole business was that the objections of the Secretary of the Navy and others were overruled by an additional appropriation of $100,000 to enlarge the area of the establishment. And in virtue of that appropriation the State of Maryland has ceded at a mere nominal sum the buildings and grounds that have from time immemorial been occupied as the Executive Mansion, for the better accommodation of that institution; the transfer has been made, and this Government now owns the property which is within the inclosure of the Academy grounds.

In point of health how does the present location compare with others? Are gentlemen aware that the records show that in point of health Annapolis stands above Newport as four to one; that during the whole period of the location of the Naval Academy at that place previous to its removal but two deaths occurred, while during the short period of its temporary sojourn at Newport epidemics prevailed among the young men at the sacrifice of health and of life?

In point of discipline it may be said that there is not a professor connected with the Academy, not an officer of the Navy who has been educated there, who does not know that a large manufacturing town like Newport, accompanied as it is with all the allurements and temptations of a fashionable watering-place, is altogether unsuited for the purpose of such an institution, while all of them agree in recommending Annapolis for the almost perfect isolation and seclusion that there secures the midshipmen from interruption and from distracting influences of every kind.

It is admitted that in point of climate Annapolis is unrivaled. Situated on the Chesapeake, it has one month more of spring and another of fall in which instruction in seamanship and naval gunnery can be given upon the open waters of the bay than can be afforded by any waters on Long Island sound or the Hudson river.

In point of economy how does the matter stand? Why, sir, complaints have come up to us from almost every officer of the Navy of the inadequacy of their present pay for their comfortable subsistence, and yet it is proposed to remove the Naval Academy, which contains a large corps of professors and instructors and a number of young men living upon small means, from a quiet country village, noted for the abundance and cheapness of its supplies, to a sea-side resort where the cost of living is made extravagant by the millions of money squandered there by the devotees of fashion, who pass their summers at its elegant villas.

I refer the House in addition to the report of Admiral Davis, to which I have already referred, to the report of the visitors to the Naval Academy in 1862. That board was composed of Commodores Stribling, Sands, Glynn, Hudson, Wilkes, and Harwood, and that board was of opinion, by the voice of every one of its members except one, and he only qualified his opinion, that of all the places that have been named Annapolis was the only one suited, in their judgment, for the purposes of the institution.

I refer the House also to the recorded opinion of Commodore Blake, who was Superintendent of the Naval Academy during the time it was at Newport, urging upon the Department and upon Congress its immediate removal to its former location.

I refer the House also to the recorded opinion of Captain Rodgers, a Newport man, connected with that place by family associations, and therefore an impartial witness, certainly, so far as any prejudice against either place might be concerned. Captain Rodgers is, of all the officers to whom I have referred, the most explicit and positive in his condemnation of Newport as a proper site for the location of the Naval Academy. As for the present Superintendent, I am assured that I might safely venture to rest the case upon the opinion of Admiral Porter alone.

Sir, this proposition has no merit. There has been no site proposed, there can be no site proposed, which is not, so far as regards Annapolis, infinitely below comparison. There must be some other pretext. I find another reason assigned why this is not a proper and suitable locality for this purpose. And, sir, what is this last refuge of disappointment? Why, sir, since we have been invited to go into this general game of grab, a temptation is offered to every man in this House who comes from districts bordering on the sea, on navigable rivers, or even on inland lakes, to put in the claim of his locality in competition with that of Annapolis.

Upon what ground is this resolution based? Why, sir, upon the ground, not distinctly charged but made by innuendo, that the State of Maryland is not a loyal State, and therefore that this institution shall be taken from within her limits. "Willing to wound, and yet afraid to strike," the resolution upon which this movement was started does not in distinct terms contain the imputation, but insidiously suggests language large enough in scope to allow gentlemen to draw that inference, should the exigencies of the case require that inference to be drawn.

Now, sir, it is too late in the day for gentlemen to come in here and say that Maryland is not a loyal State. Fifty thousand of her sons upon the muster-roll of the Union Army are the answer to the libel; $30,000,000 thrown into the breach, with eighty-seven thousand of her slaves as a voluntary sacrifice to the Union at the time it was imperiled, are the answer to the libel. The first State to advance her quota of the war tax, she was the third to ratify the constitutional amendment abolishing slavery.

Sir, it is too late for any man to come before an intelligent body of gentlemen, no matter how strong their party feelings may be, no matter to what length their party prejudices might be supposed powerful to carry them, and deliberately ask the removal of this national institution, which is not called for by any consideration of propriety, and which is not warranted by any considerations of economy, or by any other consideration that can be named, on the ground that a State with such a record as that is not a loyal State.

Sir, if the results of elections from time to time are to have this effect upon works requiring stability for their success, upon great public institutions demanding permanence for their utility, then to what a pass have we come in this country. You must put the Military Academy at West Point, the Naval Academy, the United States Mint, and every other public institution which you have, upon wheels and move them from State to State whenever the result of an election within the limits of any particular State where the institution may be located may be objectionable to the dominant majority in Congress. You must make your permanent institutions migratory, which, like wandering tribes, are to be removed from place to place as the fluctuations of political parties from time to time may indicate to the dominant party that such action may be necessary to accomplish a temporary purpose.

But I do not propose to enlarge upon this subject, as I am restricted by the arrangement entered into in reference to time. I have promised to yield three minutes of my time to the gentleman from Kentucky, [Mr. McKEE,] and the remainder of my time to my colleague, [Mr. F. THOMAS.]

The SPEAKER. The gentleman has twelve minutes of his time remaining.

Mr. McKEE. I will yield my time to the gentleman from Maryland, [Mr. F. THOMAS,] and not occupy any time myself.

Mr. F. THOMAS. Mr. Speaker, I confess that to me nothing can be more annoying than that a Representative of the people should be obliged to another Representative for the privilege of free speech in a Hall like this. But I must acquiesce in the uniform practice which prevails here, and proceed to say a few words upon this subject.

Can it be seriously proposed to waste

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$1,000,000 which have been expended in the location of this School at Annapolis, as well as $100,000 appropriated at the last session of Congress; and to utterly disregard the reports of well-qualified men, scientific officers, better qualified to judge than any in the House who are partaking immediately in this discussion? Are all these considerations to be overlooked because a few mischievous politicians are now cutting fantastic tricks before high heaven in a little temporary domination in the government of Maryland? Why should we not as well now undertake to send forth another peripatetic committee to ramble all over the country to inquire whether the Brooklyn navy-yard shall not be removed because the dominant political sentiment in the precincts of the city of New York is not in exact accord with what may be deemed loyalty?

Mr. Speaker, I am under no sort of apprehension in regard to this question. I cannot anticipate that the Congress of the United States will adopt this resolution. I might have had some apprehension had the subject been acted upon when it was first introduced. But when gentlemen have had time to reflect I have no fears at all about the result. And although I speak thus earnestly in remonstrance against this resolution, let me take occasion to say that my constituents have no personal interest whatever in this question. My constituents live in a remote part of Maryland, and have but infrequent intercourse with the city of Annapolis. But there is a class of men in the city of Annapolis who are deeply interested, and a population there in whose behalf I would say a few words to every considerate and reflecting man in this House.

It being supposed, after the whole country had been thoroughly examined by competent boards of engineers, scientific men, and they had decided that this naval school should be located at Annapolis, that the question was finally settled so far as Congress would settle it, hundreds of persons went there, and have expended their own humble earnings in the purchase of lots and the erection thereon of homes for their families; and all that they have is at stake in this result. The population of Annapolis has increased considerably among that class of men, every one of whom is as faithful to the Government of the United States as I am or as is the gentleman [Mr. SCHENCK] who introduced, unnecessarily in my humble judgment, this disturbing question into the Congress of the United States at this late hour of this session. They alone are interested in this question: the people who have congregated there to minister to the wants of the officers of this institution and the wants of those humbler individuals who are participating in the administration of its affairs. Will Congress consent to waste the $1,000,000 already expended there, and, in direct opposition to the deliberate advice and admonitions of men competent to judge, disturb and reopen this question?

Besides, sir, if we contemplate such a proceeding, is it respectful to our immediate successors, the next Congress, that the examining committee who are to influence their action by a report on this subject shall be appointed by the present Congress at the very close of its session? Why should we not allow our successors the privilege of selecting from their own body the committee who shall make this scrutiny and report under their responsibility as members of the body that is finally to dispose of this subject? Hurried as I am, I have nothing more to say than simply to conclude as I began, by declaring that I do not believe this question is going to be seriously entertained by either branch of Congress.

Mr. BRANDEGEE. I now yield to the gentleman from Rhode Island [Mr. JENCKES] for five minutes, or ten if he desires.

Mr. JENCKES. The proposition of the gentleman from Ohio, [Mr. SCHENCK,] which is submitted as a substitute for the resolution reported by the committee, amounts, as I understand it, to this: it proposes to institute an investigation with a view to ascertaining the best possible site in this country for the location of the Naval Academy. It is not in the interest of New London or Newport or any other particular locality as against Annapolis. It indicates no preference of any site in any part of the country, but throws the location open to competition, so that every port conceiving itself to have the requisites for such a site may present its claims before this joint committee.

Mr. Speaker, it seems to me that this is the fairest proposition upon this subject that has ever been made to Congress. There is no law fixing the location of this Academy at Annapolis. It was located there originally, as the gentleman from Maryland [Mr. PHELPS] has said, by a bargain between the Secretary of War and the Secretary of the Navy. It has been kept there, not as a permanent site, but as an experimental site. It was removed to Newport from necessity. It has been brought back to Annapolis as a matter of favor. But there is no report such as this resolution calls for definitely recommending Annapolis as the best place for the permanent location of this Academy.

It is sufficient for me in what I have to say to call the attention of the House to the report of the Secretary of the Navy advising the removal of the Academy from Annapolis. It matters not to me how many officers have given their opinion that Annapolis is a favorable site, or what disagreements there may have been between boards of officers appointed by the Secretary of the Navy or others hitherto. The chief of that Department has placed upon record his opinion, based, we must presume, upon an examination of all the evidence submitted to him, that Annapolis is not a fit place at which to retain this institution.

Mr. PHELPS. Will the gentleman from Rhode Island allow me to ask him a question?

Mr. JENCKES. Certainly.

Mr. PHELPS. I simply wish to ask the gentleman whether he is not aware that since the report of the Secretary of the Navy to which he refers, the objection urged by him that the accommodations were insufficient for the students has been removed by an enlargement of the grounds?

Mr. JENCKES. It has been partially; but that was but one objection. The report was based also upon other grounds.

Now, Mr. Speaker, it seems to me that the resolution reported by the committee does not meet the whole case. It provides for the appointment of a commission by the Secretary of the Navy. We cannot tell under what influences that board of commissioners may be appointed; we cannot tell by what suggestions that board may be guided to their conclusions; we cannot tell with what degree of fairness they may conduct their investigation. Besides, the investigation may be delayed by the Secretary of the Navy, or he may, if he chooses, in the exercise of the discretion with which the resolution proposes to clothe him, select a board whose members, as he knows, will report in favor of this or that particular site, a favorite with him.

It seems to me the mode proposed in the resolution of the gentleman from Ohio is the practicable one by which information should be sought by Congress before acting on a subject so important as this. It is to give the Naval Academy a location as fixed and definite as West Point is for the Military Academy. In order that this should be done there is no better mode than by obtaining information through committees of Congress. The members of those committees are responsible to the body appointing them. They are also responsible directly to the people. They are bound to conduct the investigation fairly. If any suggestion be made of unfairness in either House, instructions may be passed by which they shall be guided. This committee cannot perform its duties in a week or a month, or perhaps six months, if it does justice to the claimants in all parts of the country. And when it is clothed with power to have officers of the Navy and Coast Survey detailed for its information, we may be sure it will not be guided by any local or particular interest nor controlled by any clique of officers, or subjected to such manipulations as if appointed from the Army or Navy alone. It will pursue its investigation truly and fairly and report its judgment accordingly, as the evidence will dictate to Congress.

In the remarks of the gentleman from Maryland, [Mr. PHELPS,] who just spoke, it seemed he drew a comparison between Newport and Annapolis. It is not denied Newport is a contestant for this prize, if it be a prize, but it does not seek to shrink from any investigation. All Newport asks is fair, open competition. Let it be examined, its merits be acknowledged, and its demerits brought up against it. Let it have a fair trial before an impartial committee, and its merits placed before the House and the country. It is not afraid of competition. If it is not the best site for the permanent location of the Naval Academy, then let it go to the site that is found to be best for the purpose.

The SPEAKER. The gentleman's time has expired.

Mr. BRANDEGEE. I yield now five minutes to the gentleman from New York, [Mr. CHANLER.]

Mr. CHANLER. Mr. Speaker, I have no opposition to Annapolis as a site for the Naval Academy, but I would suggest this traveling committee or commission in their tour along the Atlantic coast be also authorized to visit and examine the eastern extremity of the island called Long Island, so as to have a site entirely under the control of the Government, as the Military Academy is at West Point, by securing what is known as Gardiner's Island. It is a spot, sir, far removed from all the temptations so eloquently pointed out by the gentleman from Maryland, and also removed from the influences referred to in the memorial of the corporation of the city of Annapolis, which was laid upon the desk of each member. If Annapolis be really such a community, and it is not misrepresented in this memorial, as to degrade itself to making aspersions against the city of New York to secure its own ends, then it is near time the Naval Academy should be removed to some other place. They ought not to have this institution in their midst, an institution founded by a northern man, then Secretary of the Navy, George Bancroft, now a resident of the city of New York; a gentleman who is not opposed to the President's policy, and who is not in favor of the congressional policy, or he would not have received an appointment to high position in Boston which I understand he has declined.

Mr. PHELPS. What part of the memorial does the gentleman refer to?

Mr. CHANLER. This part:

"We admit that in Annapolis, as in perhaps every other place in the country, there are individuals whose sentiments may have given offense to Union men; but we assert that even during the war the proportion of such cases was much smaller than in many important cities at the North. New York city, which has recently given more than forty thousand majority against the supporters of the congressional policy, is the home of many men whose outspoken disloyalty throughout the whole war did much to support the waning fortunes of the rebellion. Certain towns in Connecticut have prominent citizens who were charged with having endeavored to destroy the efficiency of the Navy at the beginning of the war, and embarrassing the Government during its progress. But we submit it would be most unjust and unwise to remove the public establishments located at those places upon the grounds indicated in the resolution of inquiry, although, as we are positively certain, the charge would apply much more forcibly to them, as well as to other places at the North, than to Annapolis."

Mr. PHELPS. Does the gentleman consider that an aspersion upon New York city generally?

Mr. CHANLER. Such sentiments, coming from the authorities of Annapolis to gain its private ends, only deserves contemptuous notice on this floor.

Sir, I am in favor of giving to this Academy of the naval school every advantage, and cer-

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tainly the disadvantages which may accrue from climate are to be taken into consideration. I look upon the argument advanced by the gentleman from Maryland [Mr. PHELPS] with regard to the open sea during the greater part of the winter as a very cogent one in favor of retaining the location at the present place. But, sir, there are still greater advantages than that. Direct contact with the ocean itself, the great highway of all nations, is a greater advantage than a location on an inlet of the sea like the Chesapeake; and the point to which I would draw the attention of the traveling committee is an island situated at the extreme eastern point of Long Island, which will be removed from the baneful influence suggested by the gentleman from Maryland. I refer to Gardiner's Island off Montauk Point, opposite New London.

[Here the hammer fell.]

Mr. BRANDEGEE. Mr. Speaker, in rising to close this debate it is not my intention to make any extended remarks, but merely to explain the resolution reported by the committee, and the reasons which have led the committee to report it.

This is not an original proposition coming from the Committee on Naval Affairs, but it comes before the House under an almost imperative order of this body; for it cannot have been forgotten by gentlemen that by more than a two-thirds vote some week or ten days since, upon a suspension of the rules, the Committee on Naval Affairs were instructed to inquire and report immediately to the House in regard to the expediency of the removal of the Naval Academy from Annapolis to some other point. Well, sir, when the committee came to consider the question with which they were thus charged by the House, they found two very important considerations affecting the situation of this Academy. One was, that it was located at Annapolis originally without any authority of law whatever. It was an accidental, if not intended as a temporary location, certainly without any authority of the legislative department of this Government.

Starting with that fact, the committee, without going into the investigation of certain things that had been intimated by the public newspapers or even in the resolution introduced by the gentleman from Ohio, [Mr. SCHENCK,] which was the origin of the inquiry, found another fact which struck them, as I think it must have struck the House, as of imposing authority; and that is, that the chief officer of the Navy had himself solemnly, formally, and deliberately recommended in his annual report of 1865 the removal of this Academy from this place, which is claimed to be so advantageous and so remarkably adapted for this purpose. I need but read to those who consider this matter of consequence enough to give me their attention a portion of that report of the Secretary of the Navy:

"The academic grounds belonging to the Government at Annapolis include only twenty-one acres, and are wholly insufficient for the school. Their situation in the heart of a city also subjects the youths to temptations, from which, at that period of life, it is desirable they should be removed."

Mr. STEVENS. When was that report made?

Mr. BRANDEGEE. In 1865.

Mr. STEVENS. The gentleman will recollect that last year we bought a considerable portion of land and added it to the grounds.

Mr. BRANDEGEE. I do recollect it; and if the gentleman had attended to the debate he would have recollected that that very thing has been stated twice already on this floor:

"In the present and prospective condition of our naval power, the idea of permanently establishing a national institution of this character on these restricted grounds, where large expenditures must be made in public edifices and buildings and various improvements, cannot be seriously entertained by any who shall give the subject candid and deliberate consideration." * * * * * * * *

"The school was originally designed for one hundred and eighty midshipmen, with the necessary officers, professors, and instructors; but the number has been increased, until there are now authorized by law five hundred and sixty-six midshipmen, with a corresponding increase of the academic staff. There are but ninety-six rooms in the present quarters of the midshipmen, and each room is intended for two occupants. The buildings are defective in many respects, and were originally hastily and imperfectly constructed.

"Commodore Blake, the late intelligent superintendent, in a carefully prepared statement, estimates the cost of the buildings and improvements which will be required at Annapolis in order to make the institution acceptable and worthy of the country at $800,000."

* * * * * * * * * * *

"No amount of money which Congress may expend in buildings and improvements at that location will be satisfactory, and at no distant day a different and better site will be procured. This should not be delayed. True economy and the best interests of the Government prompt an immediate selection of the best position that can be obtained before any greater expense shall have been incurred in large and costly edifices and other substantial improvements."

That, sir, was the fact which the committee found upon investigation. They found, too, that the Secretary of the Navy had himself stated to this House, upon authority which he deemed to be such as to warrant the statement, that the removal ought not to be longer delayed, and not only that the grounds in Annapolis were inadequate in point of capacity, but also that the site was unfit for such an Academy, being in the heart of the city.

Mr. PHELPS. I desire to ask the gentleman a question.

Mr. BRANDEGEE. Has my colleague the face to ask me to yield further when I have already yielded all but ten minutes of my time?

Mr. PHELPS. After association with the gentleman from Connecticut on the Naval Committee, I have face enough to ask anything. [Laughter.] Will the gentleman state the date of the report of the Secretary of the Navy from which he has been reading?

Mr. BRANDEGEE. I have already stated it. It is the report for 1865; and if the gentleman had kept his ears as wide open as he keeps his mouth he would have heard me when I stated the date before. [Laughter.]

Mr. PHELPS. I now ask the gentleman further: has not Congress since replied to the recommendations in that report by an appropriation of $100,000 for the Naval Academy at Annapolis?

Mr. BRANDEGEE. That is beside the question.

Now, sir, as I was saying, the committee charged by the House with the duty of examining into the propriety of removing the Academy found that it was not originally located at Annapolis by law; also, that in the opinion of the Secretary of the Navy the site was unfit for a Naval Academy; that in order to meet the increasing requirements of the nation an expenditure of $800,000, nearly a million, would be required for additions and improvements; and further, that in the opinion of the Secretary it must ultimately be removed, at the loss of the whole investment at Annapolis. Therefore, without touching those inquiries which might well excite the sensitive nerves of the delegation from Maryland, they reported to this House—what? I ask you, Mr. Speaker, and through you gentlemen upon this floor, to listen for a moment to what the report of the committee is; it is not that the School should be removed from Annapolis; it is not that it should be taken to Newport, or to New London, or any other site; but it is simply this: that these alleged facts, which are asserted by the Secretary of the Navy to be of prime importance, should be investigated by a competent commission of naval officers; the report of that commission to be made to the Congress which is to begin its first session in a few days. The resolution offered by the committee provides that all the facts connected with the location of this Academy at Annapolis shall be inquired of by a competent commission, and that the advantages of that site, together with the greater advantages of other places, if there be other places more advantageous, shall be reported for the action of Congress, thirty, sixty, or ninety days hence.

Mr. HILL. Will the gentleman yield for a moment? I wish to ask him a question.

Mr. BRANDEGEE. The gentleman knows very well that I have not time to finish what I have to say.

Mr. WARD, of New York. Has not the hour expired?

The SPEAKER. It has not.

Mr. HILL. I merely desire to know what the buildings and grounds at Annapolis cost.

Mr. BRANDEGEE. Seven hundred thousand dollars, as near as I can recollect.

Mr. HILL. I have been informed that they have cost $5,000,000.

Mr. BRANDEGEE. Now it seems to me that the proposition of the committee ought to commend itself to this body.

There is a doubt—no man can avoid a doubt—whether there are not facts and circumstances other than those directly connected with the fitness of the present site and locality of the Naval Academy which would justify us, not perhaps in acting without further knowledge, but at least in inquiring what is the temper of that Maryland constituency which is around the Academy and in considering the propriety of removing it.

I hold in my hand a pamphlet or circular purporting to come from the mayor, aldermen, and recorder of Annapolis, in which they vouch for the loyalty of that city. And how do they seek to establish its loyalty? By impugning the loyalty of other States and other cities, which, to say the least, will certainly go down as creditably upon the page of history which records the events connected with the great rebellion as Maryland commenced to go down at the entrance upon the struggle.

These gentlemen say that the most specious and dangerous charge ever made in Maryland against the Government during the war was that in the future Congress would legislate for the interests of the northern States alone.

Mr. Speaker, was that indeed the most specious and dangerous charge made in Maryland against the Government during the war? I thought I had heard of a charge made by a ruffian mob in the streets of the chief city of Maryland upon the troops of the Government that were hurrying to defend this capital, a charge much more "specious and dangerous" than that which is cited in this pamphlet. I thought, too, that I had heard of a time when troops were hurrying from the North upon the call of the President of the United States to defend this city, the seat of Government, and when the Governor of Maryland refused to allow those Yankee troops to march over the sacred soil of Pratt street. I thought I had also heard of a matter pertinent to this debate, that there was a time when the Government itself removed this Naval Academy from precautions of safety to a loyal northern State. But it seems that these persons living in Annapolis have not heard of that fact. There was a time when it was necessary to remove that Naval Academy from the State of Maryland. I do not know that that necessity exists at this time, or that it will ever exist again. But I believe upon my soul, upon all the testimony I can get, that if Robert E. Lee was marching his army again to-day into Maryland we should be compelled, in order to save our Naval School, to again remove it into a loyal State. I do not know that that contingency will ever arise; I pray in God's name it never may.

So much for the charges made against other cities, and the attempt to cover up what every man must acknowledge with shame, turn his back upon, and walk away from with shaded eyes, was the temper exhibited during the war by the people of Maryland.

Mr. J. L. THOMAS. Will the gentleman allow me to ask him a question?

Mr. BRANDEGEE. Of course I will have to do so.

Mr. J. L. THOMAS. I desire the gentleman to inform the House whether Robert E. Lee did not march his troops into Maryland, once, twice, three times, and whether the loyal men of Maryland did not help to drive them out?

Mr. BRANDEGEE. And I would ask the gentleman from Maryland [Mr. J. L. THOMAS] if he believes that Robert E. Lee would ever have been driven from Maryland if it had

been left to the loyal men of Maryland to do it? And I would also ask the gentleman, if the loyal men of Maryland were able to drive out of that State even the disloyal men of Maryland?

Mr. J. L. THOMAS. Yes, sir; the loyal men of Maryland did drive out the disloyal men of Maryland.

Mr. BRANDEGEE. It is enough for me to say that we all know that there was a time, only five years ago, when we had to take the Naval Academy away from Maryland. I do not know that such a time will ever occur again; I do not believe that it will. But when I find the School established in Maryland, in the first place without authority of law, in an unfit place, as is stated by the chief officer of the Navy, and in a place where such things have happened in the past and may again happen in the future, as will sink your Navy in a night, for one, under the instruction of the House, I believe we at least owe it to the future of the Navy, which is to bear the thunders of your cannon over every ocean, we owe it to the Navy and to the loyal people of this country, that we shall at least inquire whether there is any danger or any disadvantage attending the location of this School at Annapolis, and at least give an opportunity to ascertain whether there is not a better location for it elsewhere.

Mr. J. L. THOMAS. I desire to ask the gentleman another question.

Mr. BRANDEGEE. Very well.

Mr. J. L. THOMAS. I would ask the gentleman to state, if he can, what is the loyal majority in the State of Connecticut, and whether or not it is greater than the loyal majority in the State of Maryland?

Mr. BRANDEGEE. My friend knows very well that no Government work or establishment has ever been removed from the State of Connecticut on account of the disloyal majority there?

Mr. J. L. THOMAS. The gentleman does not answer my question.

Mr. BRANDEGEE. It is rather unkind in the gentleman to sit where he does and put questions to me prompted by his colleague and by gentlemen on the other side of the House?

Mr. F. THOMAS. That is an allusion not warranted by fact. I did not say one word to him. I do not deal in these small matters.

Mr. BRANDEGEE. I do not know whether my friend from Maryland, [Mr. F. THOMAS,] whom I love a great deal more than I respect, and I do both as much as one man can in regard to another, I do not know whether he understood of whom I was speaking or what I was talking about. I think he must have been mistaken.

An allusion was made by his colleague as to the political complexion of Connecticut, and in response to that I stated that I thought it was a rather unfair argument, that he should draw into this discussion the Democracy of Connecticut, when he was having the assistance of gentlemen on that side of the House who generally act with the Democracy. The gentleman from Maryland, [Mr. F. THOMAS,] who has graced the gubernatorial chair of that State, as he graces every position in which he is placed, was not in my contemplation when I made the remark. He is the last man upon this floor whose feelings I would intentionally wound. There is no one whom I more highly respect, and no one whom I would more regret to offend.

Now, Mr. Speaker, though I may seem to have, I certainly have no other or greater interest in this question than the gentleman from Maryland has. I am merely the exponent of the views of the committee. The resolution reported by the committee does not affect, directly or indirectly, expressly or by implication, the political—and when I say "political," I speak not in the sense of parties but of sections—it does not affect the political character of Maryland; it makes no allusion to what was alluded to in the original resolution of the gentleman from Ohio, [Mr. SCHENCK;] but it merely authorizes the raising of a commission of naval officers to inquire into facts which, as we think, ought to be inquired into, facts which may settle the question of the advantages or disadvantages of the present location of the Naval Academy.

Sir, the opposition which the present proposition excites I attribute purely to the present state of feeling in Maryland. If such a resolution had been introduced here six months ago, upon the basis of the report of the Secretary of the Navy, and proposing to ascertain whether it was true, as stated in that report, that we must ultimately abandon the present location for the Naval Academy, there would not, I apprehend, have been a voice raised upon this floor in opposition to it. At any rate, sir, it would seem from the feeling now manifested in this House, that the vote on this question will range itself, to a great extent, according to the dividing lines of political parties.

For one I have stated the facts which appealed to the committee; I have explained or tried to explain the action of the committee. I leave the bill to the judgment of the House, merely saying with reference to the amendment proposed by the gentleman from Ohio [Mr. SCHENCK] in the nature of a substitute, that I do not see how it can accomplish any valuable purpose. It proposes that the Speaker of this House and the President of the Senate shall appoint a committee, consisting of two Senators and three members of this House, to examine the facts with reference to the advantages or disadvantages of different localities. I have as much respect for gentlemen on this floor as any man can have; but I do not believe that there is a man in this House, certainly I do not think there is one in the other end of the Capitol, [laughter,] who is fit to make an examination of this sort. I do not believe that we Representatives here are precisely the fittest persons to examine questions connected with the location of a naval school; questions depending, it may be, upon tides, upon currents, upon the depth of water, freedom of ingress and egress with reference to the ocean or rivers, and all questions of that sort. I do believe that a competent board of naval officers can be formed to determine these questions. I do believe that the Secretary of the Navy, who has recommended a change in the location of this Academy, will not be the person to pack a board adversely to the interests of the Government. I have nothing more to say.

Mr. LE BLOND. Will the gentleman from Connecticut [Mr. BRANDEGEE] yield to me for a few moments?

Mr. BRANDEGEE. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. BRANDEGEE. Well, I yield that to the gentleman from Ohio, [Mr. LE BLOND.]

Mr. LE BLOND. Mr. Speaker, I do not propose to consider the comparative patriotism or loyalty of different States. I think it is out of place to do so, and especially in my friend from Connecticut, though the resolution upon which he has based his remarks had its origin in that very spirit. But, Mr. Speaker, it does seem to me that the great West has been neglected in this matter. Now, I do not know whether my colleague [Mr. SCHENCK] introduced this resolution in good faith. I am inclined to think that he introduced it in about the same spirit in which the gentleman from Chicago [Mr. WENTWORTH] introduced the resolution inquiring into the moral character of members of his own party.

Mr. SCHENCK. I was in dead earnest. [Laughter.]

Mr. LE BLOND. Well if my colleague is in "dead earnest" in this matter he is recreant to the best interests of the State he represents; for in his resolution there is not a single provision that will authorize this commission to examine the various suitable sites in Ohio for a naval academy. [Laughter.]

Mr. SCHENCK. My colleague will permit me to interrupt him so far as to say he is entirely mistaken. There is a general provision the committee may examine any site at their discretion, and they may even go into the Black Swamp. [Laughter.]

Mr. LE BLOND. The gentleman has come to my point exactly. Unless mentioned in the resolution that commission will never examine any of these other places. We have the Summit reservoir and other reservoirs in the West large enough to float the small class of boats. [Laughter.] They ought to be examined into and reported upon. I suppose it is owing to my living on this large reservoir of seventeen thousand acres that I have found my way into the Naval Committee as one of its members. [Laughter.] Being on that committee, then, I think it due to the people who live on this large reservoir that it should be mentioned in the resolution of my colleague, and this committee or commission should be enjoined to make an examination of it. I think it is only fair, and I am surprised my friend from Connecticut, who has spoken so ably of New London, has omitted it. He has New London on the brain.

Mr. BRANDEGEE. That is better than to have no brain to have it on. [Laughter.]

The SPEAKER. The time for debate has now expired.

Mr. LE BLOND. I am sorry, as I have not concluded what I had to say.

Mr. J. L. THOMAS moved that the whole subject be laid upon the table, and subsequently withdrew it to take a vote on the direct question.

The question recurred on Mr. SCHENCK's substitute.

The House divided; and there were—ayes 30, noes 67.

Mr. SCHENCK demanded tellers.

Tellers were not ordered.

So the substitute was rejected.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BRANDEGEE demanded the previous question on the passage of the joint resolution.

The previous question was seconded and the main question ordered.

Mr. J. L. THOMAS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 37, nays 108, not voting 45; as follows:

YEAS—Messrs. Allison, Ames, Delos R. Ashley, Brandegee, Sidney Clarke, Deming, Dixon, Donnelly, Eliot, Garfield, Grinnell, Hooper, Demas Hubbard, Humphrey, Jenckes, Kelso, Koontz, Laflin, William Lawrence, McClurg, Mercur, Morrill, Paine, Patterson, Pike, Alexander H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Stevens, Trowbridge, Upson, Burt Van Horn, Warner, and Woodbridge—37.

NAYS—Messrs. Alley, Ancona, James M. Ashley, Baker, Baldwin, Banks, Beaman, Benjamin, Bergen, Bidwell, Bingham, Blaine, Boyer, Bromwell, Broomall, Buckland, Campbell, Chanler, Cobb, Cook, Cooper, Cullom, Davis, Dawson, Defrees, Dodge, Dumont, Eggleston, Eldridge, Farnsworth, Farquhar, Ferry, Finck, Glossbrenner, Griswold, Hale, Abner C. Harding, Harris, Hart, Hawkins, Hayes, Higby, Hill, Hise, Holmes, Hotchkiss, Chester D. Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, Hunter, Julian, Kelley, Kerr, Ketcham, Kuykendall, George V. Lawrence, Le Blond, Leftwich, Loan, Lynch, Marshall, Marvin, Maynard, McCullough, McIndoe, McKuer, Moorhead, Morris, Myers, Newell, Niblack, Nicholson, Noell, O'Neill, Orth, Perham, Phelps, Pomeroy, Radford, Samuel J. Randall, Ritter, Ross, Rousseau, Shanklin, Sitgreaves, Spalding, Starr, Stilwell, Stokes, Strouse, Taber, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Andrew H. Ward, Hamilton Ward, Henry D. Washburn, William B. Washburn, Welker, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Winfield—108.

NOT VOTING—Messrs. Anderson, Arnell, Barker, Baxter, Blow, Boutwell, Bundy, Reader W. Clarke, Conkling, Culver, Darling, Dawes, Delano, Denison, Driggs, Eckley, Goodyear, Aaron Harding, Henderson, Hogan, Asahel W. Hubbard, James R. Hubbell, Ingersoll, Jones, Kasson, Latham, Longyear, Marston, McKee, Miller, Moulton, Plants, Price, William H. Randall, Raymond, John H. Rice, Rogers, Sloan, Nathaniel G. Taylor, Nelson Taylor, Van Aernam, Robert T. Van Horn, Elihu B. Washburne, Wentworth, and Wright—45.

So the joint resolution was rejected.

Mr. PHELPS moved to reconsider the vote

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by which the joint resolution was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RATIONS ISSUED TO CIVILIANS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, in response to a resolution of the House, relative to the issue of rations to persons not belonging to the Army; which was laid on the table, and ordered to be printed.

AGRICULTURAL REPORT.

The SPEAKER, by unanimous consent, also laid before the House the annual report of the Commissioner of Agriculture for the year 1866; which was laid upon the table, and ordered to be printed.

Mr. GRINNELL moved that the usual number of extra copies be printed; which motion, under the law, was referred to the Committee on Printing.

THE TARIFF BILL.

Mr. MORRILL moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union to take up the special order, being the amendment of the Senate to the tariff bill.

The House divided; and there were—ayes 72, noes 36.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair,) and proceeded to the consideration of the amendment of the Senate in the nature of a substitute to House bill No. 718, to provide increased revenue from imports, and for other purposes.

Mr. MORRILL moved to dispense with the first reading of the substitute for information.

Objection was made.

The Clerk proceeded with the reading of the substitute.

Mr. MORRILL. I think the House will agree to dispense with this reading, and to read the substitute by paragraph for amendment, and I therefore move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

Mr. MORRILL moved to suspend the rules so as to dispense with the further reading of the Senate amendment in the Committee of the Whole on the state of the Union.

Mr. BENJAMIN demanded the yeas and nays.

Mr. ALLISON. As I understand, this is a single amendment to the House bill?

The SPEAKER. It is.

Mr. ALLISON. Then there is no first reading.

Mr. KUYKENDALL. Have we not a right to have it read once?

Mr. MORRILL. We can spend as much time in proposing amendments as we shall consume in reading the bill. It seems to me, therefore, a very dull process compared with proposing and debating amendments.

Mr. WILSON, of Iowa. This a very unusual motion.

Mr. MORRILL. A very usual motion.

Mr. WILSON, of Iowa. I desire to ask the gentleman, as chairman of the committee, what course he intends to take with this bill in the Committee of the Whole, whether it is expected to bring us to a vote upon the bill by taking it out of the Committee of the Whole by a majority vote without a single amendment made to it in the Committee of the Whole?

Mr. MORRILL. That is not the purpose. The purpose in suspending the first reading is to allow the gentleman from Iowa and any other gentleman to propose such amendments as they please, and when the House shall become tired of offering amendments it will then be my duty to get a vote on the bill in the House.

Mr. ALLISON. I desire to make an appeal to the chairman of the committee. I suggest that we dispense with the first reading of the bill, and let it be read over as though we were in the Committee of the Whole on the second reading, and let amendments be offered as the Clerk proceeds, so that gentlemen can offer such amendments as they may desire to the bill from beginning to end.

Mr. HILL. I insist that all debate is out of order, and that the question shall be put.

The SPEAKER. The Chair sustains the point of order.

The yeas and nays were ordered.

The question was taken on suspending the rules; and there were—yeas 85, nays 49, not voting 56; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ancona, James M. Ashley, Baldwin, Banks, Baxter, Bidwell, Bingham, Blaine, Boutwell, Boyer, Broomall, Buckland, Bundy, Conkling, Cullom, Darling, Davis, Dawes, Dawson, Deming, Dixon, Dodge, Eliot, Garfield, Grinnell, Griswold, Hale, Hart, Higby, Hogan, Holmes, Hooper, Chester D. Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Jenckes, Kelley, Kelso, Ketcham, Koontz, George V. Lawrence, William Lawrence, Loan, Lynch, Marvin, McClurg, McRuer, Mercur, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Paine, Perham, Pike, Pomeroy, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Scofield, Shellabarger, Sitgreaves, Spalding, Stevens, Strouse, Thayer, Upson, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Williams, Stephen F. Wilson, and Woodbridge—85.

NAYS—Messrs. Arnell, Delos R. Ashley, Baker, Benjamin, Bergen, Campbell, Chanler, Sidney Clarke, Cobb, Cook, Cooper, Defrees, Eggleston, Eldridge, Farquhar, Finck, Glossbrenner, Abner C. Harding, Harris, Hawkins, Hayes, Hill, Hise, Edwin N. Hubbell, Humphrey, Hunter, Julian, Kerr, Kuykendall, Le Blond, Leftwich, Marshall, Maynard, Nicholson, Orth, Radford, Ritter, Ross, Rousseau, Shanklin, Stokes, Taber, Nelson Taylor, Francis Thomas, John L. Thomas, Thornton, Trimble, Andrew H. Ward, and James F. Wilson—49.

NOT VOTING—Messrs. Anderson, Barker, Beaman, Blow, Brandegee, Bromwell, Reader W. Clarke, Culver, Delano, Denison, Donnelly, Driggs, Dumont, Eckley, Farnsworth, Ferry, Goodyear, Aaron Harding, Henderson, Hotchkiss, Asahel W. Hubbard, Demas Hubbard, Ingersoll, Jones, Kasson, Laflin, Latham, Longyear, Marston, McCullough, McIndoe, McKee, Miller, Moulton, Niblack, Noell, Patterson, Phelps, Plants, Samuel J. Randall, Rogers, Schenck, Sloan, Starr, Stilwell, Nathaniel G. Taylor, Trowbridge, Van Aernam, Robert T. Van Horn, Elihu B. Washburne, Henry D. Washburn, Wentworth, Whaley, Windom, Winfield, and Wright—56.

So (two thirds not having voted in favor thereof) the rules were not suspended.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had agreed to the amendments of the House to the amendment of the Senate to the joint resolution of the House No. 224, giving additional compensation to certain employés in the civil service of the Government at Washington.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 904) making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1868, and for other purposes;

An act (H. R. No. 912) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1868;

An act (H. R. No. 1051) for the relief of Henry P. Blanchard;

An act (H. R. No. 1062) relative to the port of Camden, New Jersey;

Joint resolution (H. R. No. 213) to extend the provisions of the act in regard to agricultural colleges to the State of Tennessee;

Joint resolution (H. R. No. 290) authorizing the Secretary of the Navy to grant the use of guns for trial of Ridgway's battery;

Joint resolution (H. R. No. 224) giving additional compensation to certain employés in the civil service of the Government at Washington; and

Joint resolution (H. R. No. 271) authorizing the Secretary of War to adjust and settle the claim of D. Randolph Martin, assignee of the Washington, Alexandria, and Georgetown Railroad Company.

TARIFF BILL.

Mr. MORRILL. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The Clerk resumed the reading of the Senate amendment, and before completing the same the hour of half past four o'clock arrived, and the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

CAPTAIN WILLIAM M'KEAN.

Mr. TAYLOR, of New York, by unanimous consent, reported from the Committee on Invalid Pensions a bill for the relief of Captain William McKean; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length. It directs the Secretary of the Interior to place upon the pension-roll the name of William McKean, late captain of company I, ninety-second regiment of New York volunteers, and pay to him the same pension allowed by the general pension laws to persons having lost the sight of both eyes in the military service of the United States, the pension to be paid under the restrictions and limitations imposed by the general pension laws.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TAYLOR, of New York, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

TARIFF BILL.

Mr. MORRILL moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair,) and resumed the consideration of the bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The Clerk resumed and concluded the reading of the amendment of the Senate in the nature of a substitute for the bill of the House.

Mr. MORRILL. I desire now to present an amendment in the nature of a substitute for the amendment of the Senate; and in order to satisfy the curiosity of any gentleman present, I will say that the substitute which I propose to offer is mainly the bill as reported from the Committee of Ways and Means. I shall, however, propose some few alterations, not exceeding, I believe, a dozen or fifteen, in which cases it is proposed to place the duty at slightly lower rates than were proposed by the Committee of Ways and Means.

I will say further that in the progress of amendment and discussion which may be had upon the bill now pending any decisive vote that may be given would be considered in the nature perhaps of instructions. And there-

fore, before the vote shall be reached upon the substitute which I propose, I shall feel myself at liberty to modify it, if I so choose, in accordance with the votes given by the Committee of the Whole. I will not now state the details of the changes which I propose in the bill as reported from the Committee of Ways and Means, because, as I have stated, I shall feel at liberty, after further action by the Committee of the Whole, to modify the amendment I now propose to offer.

Mr. CHANLER. I would ask the gentleman from Vermont [Mr. MORRILL] what proposition he makes in reference to the progress of debate upon this bill?

Mr. MORRILL. I have made no proposition upon that subject. I now propose to move that the committee rise for the purpose of terminating all general debate upon this bill; which will not cut off five-minutes' debate upon amendments. I should be very glad to make a speech myself, and there are several gentlemen who also would be glad to make speeches. But it is now so late in the session I will forego the privilege myself and must ask that others shall also forego it.

I now move that the committee rise for the purpose of closing debate upon this bill.

Mr. CHANLER. Before the question is taken, I desire to inquire for information whether the proposed substitute of the gentleman from Vermont [Mr. MORRILL] will not virtually cut off all further opportunity to offer amendments?

Mr. MORRILL. It will not prevent further amendment nor cut off the five-minute debate.

The question was taken upon the motion that the committee rise; and upon a division there were—ayes 61, noes 41.

Before the result of the vote was announced,

Mr. CHANLER called for tellers.

Tellers were ordered; and Mr. MORRILL and Mr. CHANLER were appointed.

The committee again divided; and the tellers reported that there were—ayes 68, noes 35.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the Union generally, and particularly the bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had directed him to report that they had come to no resolution thereon.

Mr. MORRILL. I move that when the House again resolve itself into the Committee of the Whole and resume the consideration of the special order, all general debate shall terminate in one minute.

Mr. ALLISON. I ask the gentleman to allow a little longer time for debate to those who are opposed to the bill.

Mr. MORRILL. In reply to my colleague, I will say that if we ever reach the previous question upon this substitute which I now offer, I suppose I will be entitled to an hour, which I will be willing to divide with the gentleman from Iowa and other members of the House.

Mr. FARQUHAR. Will the gentleman distribute any portion of his time among members who are not upon the Committee of Ways and Means?

Mr. MORRILL. Certainly, sir; with a great deal of pleasure.

Mr. CHANLER. I wish to ask the gentleman from Vermont whether the effect of the course that he proposes to take will not be to limit general debate to one minute now, and to limit further debate to one hour when he shall have moved the previous question?

Mr. MORRILL. The gentleman has been in the House long enough to know that limiting general debate does not cut off the five-minutes' debate. After general debate upon the bill has been closed, gentlemen can move amendments to it and can debate them for five minutes on each side.

Mr. CHANLER. I am not quite certain whether the amendment offered by the chairman of the Committee of Ways and Means to the amendment of the Senate does not cut off all further amendments to this bill?

Mr. MORRILL. Not at all; not at all.

Mr. CHANLER. It seems to me pretty generally understood that the effect of that amendment will be to put the bill in that position.

The SPEAKER. The Chair will state that by the rule, which will be found in the Digest, the Senate amendment is the only text that the Senate have agreed to. Therefore it is open to an amendment in the House, and also to an amendment to an amendment.

Mr. DAVIS. I desire to propound a question. During the last session of the Thirty-Ninth Congress this bill, as it was sent to the Senate, was passed by this House. It came back to us from the Senate at this session with a single, and only a single amendment, that being an amendment which struck out the entire bill passed by the House; so that really the Senate have sent us back a new bill. Now, if we adopt the principle upon which that has been done we entirely ignore the constitutional provision that no bill for raising revenue can originate in the Senate. This Senate amendment is practically, in every sense in which it can be considered, an original bill coming from the Senate; and being a bill for raising revenue, it is in violation of the provision of the Constitution which I have indicated. Now, unless the question can be fully submitted to this House, and unless they deliberately and knowingly decide that the Senate has, and shall hereafter have, a right to originate revenue bills, this action of the Senate is all wrong. To me it appears to be a violation of well-settled constitutional principles, principles which were incorporated originally into the English constitution for the preservation of the liberties of the people against the encroachments of the English Upper House, and which were subsequently embodied in our own Constitution; and I believe that we, here as the Representatives of the American people, ought not to submit to any such encroachment by the Senate upon the constitutional prerogatives of the House of Representatives.

The SPEAKER. The Chair will answer the gentleman from New York. The point which he has made at this time should have been made, if at all, when the amendment came from the Senate. But when that amendment was sent to the House from the Senate no gentleman made that point, and therefore the amendment was received, was referred to the Committee of Ways and Means, was considered by that committee and by them reported back to the House, and it was then referred by the House to the Committee of the Whole, which committee has been for some hours engaged in considering the bill. It is quite clear, therefore, that the point made by the gentleman from New York is made too late. But the Chair will state that although the Senate have exercised the power of amendment in a very large degree by striking out the original House bill and sending back a different bill, yet the Chair does not doubt that technically they have the right so to do. The Clerk will read the section of the Constitution bearing upon the point.

The Clerk read the first paragraph of section seven of the Constitution, as follows:

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."

The SPEAKER. It will be seen that by the Constitution all bills for raising the revenue must originate in this House; the Senate cannot originate any such bill; but the Constitution also provides that when such bills go to the Senate the Senate may propose amendments, or may concur with amendments to them, as on other bills. Now, if they have power, as they certainly have, to strike out all after the enacting clause of any other bill and to adopt an amendment in the nature of a substitute entirely different from the orignal, then they have also a right to do so with a revenue bill.

Mr. ELDRIDGE. I understood the Chair to rule that this being an amendment of the Senate the House have a right to propose an amendment to it, and then to offer an amendment to that amendment, which must conclude the action of the House so far as amending this bill is concerned. I wish to know whether that rule applies to the whole bill, or whether we may amend the several sections in that way?

The SPEAKER. That is a point that will be disposed of when it arises by the chairman of the Committee of the Whole.

As the bill is now pending in Committee of the Whole, with the amendment of the Senate and the substitute moved by the gentleman from Vermont, which is also an amendment, any gentleman can move to amend that substitute, and when that is voted upon any gentleman can move to amend it in any other particular, and when that is voted upon he can again move to amend; and so on until all desired amendments are offered.

Mr. CONKLING. Would it not be in order to amend the text of the amendment committed to the Committee of the Whole indefinitely, before a vote would be in order upon the substitute for the whole bill?

The SPEAKER. That would be in order. The Chair only answered the question upon the other point, whether the substitute itself could be amended.

Mr. DAVIS. If the decision of the Chair be sustained and this bill go back to the Senate, cannot they amend again by striking out the whole bill and send us back an entirely new substitute?

The SPEAKER. The Chair will not anticipate a point like that. The gentleman from New York will see that the Chair has no right to decide a point based upon an anticipation of what may be the action of the Senate.

Mr. ALLISON. I desire some information in reference to the order of amendments to this bill. I understand that when the bill came from the Senate with the Senate amendment it was referred to the Committee of Ways and Means, who reported it back to the House with sundry amendments. The Senate amended bill and those amendments were then referred to the Committee of the Whole House. Now, is it not in order to act first upon the amendment reported by the Committee of Ways and Means before acting upon any other amendment?

The SPEAKER. Any amendment to perfect the Senate amendment will be in order before voting upon any substitute. But these points will be met by the chairman of the Committee of the Whole, who, as the House know, is fully competent to decide them.

Mr. ALLISON. I am aware of that. I asked the question because the answer might control my vote with reference to the question of closing debate.

Mr. HOOPER, of Massachusetts. Mr. Speaker, I desire to ask for information, whether when we go into the Committee of the Whole the Senate bill will be entirely open for amendment before any action is taken upon the amendment which the chairman of the committee has offered individually, not from the committee?

The SPEAKER. The Chair has already stated, in reply to another member of the Committee of Ways and Means, that the amendments proposed by the committee will be in order to perfect the amendment of the Senate. The Chair does not wish to anticipate the action of the Chairman of the Committee of the Whole, whose prerogative it will be to decide these points of order as they may arise in committee.

On the motion of Mr. MORRILL, that when the House shall again resolve itself into the Committee of the Whole on the state of the Union all general debate shall terminate in one minute, there were—ayes 60, noes 39.

Mr. WILSON, of Iowa. I call for the yeas and nays.

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The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 76, nays 49, not voting 65; as follows:

YEAS—Messrs. Alley, Ames, Ancona, Arnell, Baldwin, Banks, Barker, Baxter, Beaman, Bidwell, Bingham, Boutwell, Bromwell, Broomall, Buckland, Bundy, Reader W. Clarke, Darling, Davis, Dawes, Delano, Deming, Dodge, Donnelly, Eliot, Farnsworth, Ferry, Garfield, Griswold, Henderson, Higby, Holmes, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Kelley, Kelso, Ketcham, Koontz, Latham, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, McClurg, Morrill, Myers, O'Neill, Perham, Pomeroy, Price, William H. Randall, Rollins, Schenck, Scofield, Shellabarger, Spalding, Starr, Stokes, Thayer, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, Williams, Stephen F. Wilson, Windom, and Woodbridge—76.

NAYS—Messrs. Allison, Baker, Benjamin, Bergen, Brandegee, Campbell, Chanler, Cook, Cooper, Cullom, Dawson, Defrees, Dixon, Eggleston, Eldridge, Farquhar, Finck, Goodyear, Aaron Harding, Harris, Hawkins, Hayes, Hill, Hise, Hogan, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Kasson, Kerr, Kuykendall, Leftwich, Maynard, Moulton, Orth, Paine, Shanklin, Sitgreaves, Strouse, Taber, Nelson Taylor, Francis Thomas, John L. Thomas, Trimble, Andrew H. Ward, Henry D. Washburn, and James F. Wilson—49.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, James M. Ashley, Blaine, Blow, Boyer, Sidney Clarke, Cobb, Conkling, Culver, Denison, Driggs, Dumont, Eckley, Glossbrenner, Grinnell, Hale, Abner C. Harding, Hart, Hooper, Asahel W. Hubbard, Ingersoll, Jones, Julian, Laflin, Le Blond, Marshall, Marston, Marvin, McCullough, McIndoe, McKee, McRuer, Mercur, Miller, Moorhead, Morris, Newell, Niblack, Nicholson, Noell, Patterson, Phelps, Pike, Plants, Radford, Samuel J. Randall, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Ross, Rousseau, Sawyer, Sloan, Stevens, Stilwell, Nathaniel G. Taylor, Thornton, Robert T. Van Horn, Elihu B. Washburne, Whaley, Winfield, and Wright—65.

So the motion of Mr. MORRILL to close general debate was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

An act (H. R. No. 1197) for the relief of Charles Valmar;

An act (H. R. No. 1196) granting a pension to Peter Fisher;

An act (H. R. No. 1195) for the relief of Mary B. Fowler;

An act (H. R. No. 1194) granting back pension to Mary J. Dexter;

An act (H. R. No. 1193) for the relief of Levisa Daniel;

An act (H. R. No. 1192) granting arrears of pensions to Lewis A. Horton;

An act (H. R. No. 1189) granting arrears of pension to Sally Allen;

An act (H. R. No. 1092) for the relief of Milton Velzy;

An act (H. R. No. 1191) increasing the pension of Isabella Fogg;

An act (H. R. No. 1190) granting a pension to Mary Fitzpatrick;

An act (H. R. No. 1153) for the relief of Mrs. Rachel McClelland; and

Joint resolution (H. R. No. 280) for the relief of the mother of Charles O. Rowohl.

The message further announced that the Senate had passed an act (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, with amendments, in which the concurrence of the House was requested.

The message also announced that the Senate had passed an act (S. No. 623) granting a pension to Mrs. Susan Ten Eyck Williamson, in which the concurrence of the House was requested.

TARIFF BILL—AGAIN.

Mr. MORRILL. I now move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the tariff bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair,) and resumed the consideration of the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

Mr. MORRILL. In order to facilitate business and prevent all confusion I withdraw my substitute for the Senate amendment for the present.

Mr. CHANLER. I ask the gentleman from Vermont whether this substitute has been printed, or whether there are any means by which members can become acquainted with it?

The CHAIRMAN. The printed bill shows what is proposed to be stricken out by the Committee of Ways and Means and what is proposed to be inserted. In accordance with uniform usage heretofore, the chairman will be first recognized.

Mr. CHANLER. I wish to inquire whether the substitute of the gentleman from Vermont [Mr. MORRILL] has been printed in full.

The CHAIRMAN. It has been withdrawn, and is not before the committee.

Mr. MORRILL. I now propose the amendments offered by the Committee of Ways and Means. The first amendment is to strike out "from and after the passage of this act" and to insert "on and after ten days from the passage of this act;" so it will read:

That on and after ten days from the passage of this act, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duties; that is to say, &c.

Mr. HOOPER, of Massachusetts. That is not the amendment reported from the Committee of Ways and Means and which is in the printed bill.

The CHAIRMAN. The Chair must recognize this as the amendment of the committee, coming as it does from the chairman.

Mr. MORRILL. I will say to the gentleman from Massachusetts the amendment I have substituted was made in consultation with the other members of the committee since the bill was reported. I have no objection if he prefers the other phraseology.

Mr. HOOPER, of Massachusetts. I have a preference for the amendment of the committee.

Mr. MORRILL. I withdraw my amendment.

Mr. HOOPER, of Massachusetts. Then I move the amendment of the committee, to strike out "from and after the passage of this act," and insert "on and after the 1st day of April, 1867." I will explain why this amendment was offered. It was on the advice of the Department. As all accounts are made monthly it would make a great deal of trouble to have a month divided and broken up. And another reason was the importance of communicating the change to the different parts of the country. It may be by telegraph sent to California in a few days, but it is better and more safely sent by mail. It was adopted in the absence of the chairman on the advice of the Department. If he had been present I have no doubt he would have assented to it.

Mr. MORRILL. I renew my amendment as an amendment to the amendment; and I only desire to say since we have had so frequent and rapid communication with Europe it enables importers to flood our markets, not only with silks and iron, but woolen goods and wool. It would be easy for them to order a sufficient amount if they could make enough by it before this bill goes into operation for an entire year. Therefore I want the act to go into effect ten days after its passage. Otherwise I should regard it in reference to some articles as entirely useless. Have we not had sufficient experience last year? The importers noticed the intention of Congress to pass this bill, and for that reason we have had an unprecedented glut of goods from abroad.

Mr. CHANLER. Mr. Chairman, the argument of the gentleman is an admission he cannot carry out his theory of protection. His plan is competition with improvement in the science of the age, and he finds himself met upon the brink of the ocean by the Atlantic telegraph. He is proposing "to put a girdle round the earth in forty minutes," and then he proposes to limit intelligence, trade, and speculation. He might as well attempt to bottle the lightning. He could control the efforts of genius as well by enactment as to limit the spirit of commerce and speculation. Sir, the theory of this bill is a falsity from beginning to end. The gentleman in charge of it surrenders his position in his amendment. He has been beaten by the spirit of the age. It is an age of free trade, of intercommunication between the continents without the interposition of legislators, without the trammels of legislative bodies. Sir, the basis of our Government rests upon the enterprise and commerce of its people, and to undertake to thwart or check the successful efforts of man to communicate across the ocean is likely to prove more feeble and futile than we might have reason to expect from the immense labor of the mountain of Vermont. [Laughter.] *Parturient montes nascitur mus.* [Laughter.]

A MEMBER. *Ridiculus mus.* [Laughter.]

Mr. CHANLER. Yes, sir, *ridiculus mus.* Sir, if the gentleman supposes that he can stand upon the granite hills of his native State and dictate to the civilization of Europe and America the means by which the laborer in the two continents is to gain his daily living he has come to the center of the American Government for little purpose, and is about to be promoted to a higher branch with very little advantage to himself or his country. [Laughter.]

Sir, it is by the spirit of competition in the open field of enterprise that this people here assembled has won the race. It is because we have opened our ports to the commerce of the world that England has spent millions to extend her telegraph to us, and it is because we are ruled through the enterprise of our people, under a system that is free, liberal, and wise, that the Europeans come here to trade with us. Draw this line around us, crush the spirit of trade, give to the manufacturing interest of New England the high places and rich profits, and you make a successful section, but you make a weak and tottering nation. It will be like the monster image seen in the vision by the king of old: its feet will be of clay, though its superstructure be of brass. [Laughter.]

[Here the hammer fell.]

The question being taken on the amendment of Mr. MORRILL to the amendment of Mr. HOOPER, of Massachusetts, it was agreed to.

The amendment, as amended, was then agreed to.

Mr. HOOPER, of Massachusetts. I would ask for information if the report of the Committee of Ways and Means on this bill is before the committee.

The CHAIRMAN. The Chair understands that the Senate amendment printed in Roman text is before the House as a single amendment to the House bill, and the amendments of the Committee of Ways and Means to the Senate amendment are printed in italics.

Mr. HOOPER, of Massachusetts. I understand the Committee of Ways and Means made a report on the Senate amendment which was referred to them, and I had supposed that the amendments recommended by the Committee of Ways and Means in their report were the subject of consideration now.

The CHAIRMAN. The Chair will hold that they are before the Committee of the Whole as the report of the Committee of Ways and Means, but subject to amendment of course.

Mr. FARNSWORTH. If I understand the rule, it is that the amendments proposed by the Committee of Ways and Means are not before the Committee of the Whole, except as they are moved by some member of the committee.

The CHAIRMAN. That is all.

Mr. ELDRIDGE. I understand the Chair to rule that the amendments proposed by the committee would be received as offered by them, and that they were not to be taken as

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before the Committee of the Whole in their entirety.

The CHAIRMAN. They form no part of the bill except as they are proposed by the committee.

Mr. ELDRIDGE. If those portions of the bill now printed in italics are presented by the committee as amendments I call for the reading of them as a whole.

Mr. FARNSWORTH. They are not before the committee as a whole; they simply indicate what amendments the Committee of Ways and Means desire to make. Until they are moved in Committee of the Whole they are not before the House at all.

The CHAIRMAN. Such is the ruling of the Chair.

Mr. FARNSWORTH. I understood the Chair to rule a moment ago that he would treat this portion of the bill that is amended in italics as the amendments proposed by the committee.

The CHAIRMAN. Whenever moved by a member of the committee; until so moved they are not.

Mr. ELDRIDGE. If the committee do move them I call for the reading of the whole.

Mr. ALLISON. I suggest, inasmuch as the amendments reported by the committee are in italics and are numbered, that it will facilitate action if the Clerk reads them one after another and passing them in committee.

Mr. SCHENCK. I would inquire whether these amendments are not reported from the committee as the record, to wit, "ordered to be printed with amendments of Committee of Ways and Means, made a special order," &c.; and whether they are not now before the House?

The CHAIRMAN. The Chair will consider them as pending before the Committee of the Whole, but still subject to amendment.

Mr. ELDRIDGE. Then I demand the reading of them.

The CHAIRMAN. They can only be read as reached in their order.

Mr. HOOPER, of Massachusetts. I rise to a question of order. The Committee of Ways and Means have made a report upon the Senate amendment, and I ask if it would not be in order to have their report read so that the House may know what it is?

The CHAIRMAN. The only amendments pending are the amendments reported by the Committee of Ways and Means to the amendment of the Senate, which is a substitute for the bill as it originally passed the House.

Mr. HOOPER, of Massachusetts. The Committee of Ways and Means report certain amendments, and I ask if the House cannot have information as to what these amendments are?

The CHAIRMAN. They have been printed for the information of the House, and will be reported separately by the Clerk in their order. By unanimous consent they can be considered in gross; if there be objection to that they will be read *seriatim*.

Mr. HOOPER, of Massachusetts. I prefer that they should be read *seriatim*.

Mr. WILSON, of Iowa. I desire to inquire of the Chair whether the Senate amendments will be open to other amendments after the amendments reported by the Committee of Ways and Means have been acted on?

The CHAIRMAN. The Chair decides that the whole substitute of the Senate will be open to amendment after the amendments of the Committee of Ways and Means are disposed of.

Mr. LAWRENCE, of Ohio. The first amendment reported by the Committee of Ways and Means has been acted on, and the Clerk is about to read the second amendment. Will it not be in order to move an amendment to come in between the first and second amendments reported by the Committee of Ways and Means?

The CHAIRMAN. The uniform usage is to allow the committee which reports the bill to move amendments to perfect the bill before other amendments are offered. The Chair will recognize the members of the Committee of Ways and Means to propose their amendments.

Mr. LAWRENCE, of Ohio. I desire, at the proper time, to move to strike out lines ten and eleven, which levy a duty on tea and coffee.

The CHAIRMAN. The Chair will entertain that amendment at the proper time.

Mr. THAYER. I raise the point of order that the only text upon which the committee are to act is the Senate amendments, and that the House do not necessarily act upon the amendments which are recommended by the Committee of Ways and Means unless they are proposed separately as amendments to the Senate amendments.

The CHAIRMAN. The Chair will state that these amendments of the Committee of Ways and Means have been reported to the House, ordered to be printed, and referred to the Committee of the Whole on the state of the Union, and they are now before the committee for its action.

Mr. THAYER. They stand as a report; but they constitute no part of the text of the bill which the committee is considering, and in order to be incorporated in the bill they must be separately moved by some member of the Committee of Ways and Means.

Mr. GARFIELD. Not at all.

Mr. THAYER. It is not for you to say that.

Mr. GARFIELD. They have been reported by the Committee of Ways and Means.

Mr. THAYER. They have been reported as a report; but they are no part of the text upon which the committee is to act, and my point of order is that in order to incorporate any amendment in the text of the Senate amendment it must be specifically moved by a member of the Committee of Ways and Means. The Committee of the Whole on the state of the Union do not necessarily consider these amendments, but they may be considered on being moved by any member of the Committee of Ways and Means.

The CHAIRMAN. The Chair will state that they have already been moved by the Committee of Ways and Means through their report.

Mr. GARFIELD. I desire to illustrate in one word what I understand to be the condition of this bill. This morning I reported a bill that had passed the House, been sent to the Senate, and been reported back from the Senate with amendments. The Committee of Ways and Means instructed me to move that the Senate amendment be concurred in with four amendments. I sent up the report to the Clerk's desk, and the amendments recommended by the Committee of Ways and Means were read in their order without my saying a word more. The Clerk read the first amendment; the Chair said, "Will the House agree to the amendment?" The House voted and adopted the amendment; and then, without my saying another word, the second amendment was read, and the vote taken upon it. And so with the third amendment and the fourth amendment; which were voted upon and adopted. No person offered any other amendment, and the House proceeded to vote upon the amendment of the Senate as just amended by the House. Precisely that condition of things is presented by the bill now before the Committee of the Whole. The Committee of Ways and Means recommended that the amendment of the Senate be concurred in with two hundred and seventy-five amendments proposed by them. Those amendments have been printed and are now on the desks of members. The first one has been read and passed without any member of the Committee of Ways and Means or of the House saying a word. I take it that now the second amendment proposed by the Committee of Ways and Means will be read, and the Committee of the Whole will act upon it, and so they will pass upon all the two hundred and seventy-five amendments recommended. When that is done then if any member has any other amendment to offer, he can offer it and the Committee of the Whole will act upon it. If not, then the Committee of the Whole will report the Senate amendment to the House with the amendments they have made thereto.

Mr. THAYER. Does the gentleman from Ohio [Mr. GARFIELD] suppose that after all the amendments recommended by the Committee of Ways and Means have been considered and disposed of we must then go back and begin *de novo*, the Clerk reading over again every paragraph of the amendment of the Senate?

Mr. GARFIELD. By no means.

Mr. THAYER. That is the case according to the argument of the gentleman, otherwise the whole amendment of the Senate will be open to amendment at any time.

Mr. FARNSWORTH. I desire to make an inquiry for the benefit of the Committee of the Whole; after the Committee of the Whole have passed upon all the amendments proposed by the Committee of Ways and Means, can we again go back and act upon the amendments we have adopted or the provisions to which they are attached?

Mr. GARFIELD. No, sir.

Mr. FARNSWORTH. Of course not. And it seems to me that the only wise course for us to pursue is to take up this amendment of the Senate paragraph by paragraph and amend it as we go along, otherwise we may incorporate some amendments of the Committee of Ways and Means to which we cannot afterward return for action. The case referred to by the gentleman from Ohio [Mr. GARFIELD] is not a parallel case at all. No question was made upon the report which he made, it was not considered in Committee of the Whole; the amendments were proposed by him and no question of order was raised, but they were acted upon by the House by unanimous consent.

Mr. MAYNARD. Will the Chairman permit me to inquire whether the Senate amendment is regarded as being the text before the Committee of the Whole for amendment in the first degree?

The CHAIRMAN. It is the text for the action of the committee.

Mr. MAYNARD. I understand the amendment of the Senate has been once read through according to the rule, the first reading not having been dispensed with. Then, as I understand the rules in Committee of the Whole, the amendment of the Senate is to be again read by paragraphs for amendment.

Mr. GARFIELD. No, sir.

Mr. THAYER. Yes, sir; that is the true rule.

Mr. MAYNARD. I understand that to be the true rule.

Mr. GARFIELD. That is not the ruling of the Chair.

Mr. MAYNARD. I understand that to be according to the rule of the House; I may be mistaken.

Mr. MORRILL. Mr. Chairman, I believe there is no question before the committee; and so far as concerns facility of business it seems to me that all these questions of order retard the business now before the committee. If the mode of proceeding recommended by the gentleman from Illinois [Mr. FARNSWORTH] were adopted, there would be the same difficulty: an amendment might be adopted that would be inconsistent with an amendment of the Committee of Ways and Means. I prefer very much that the Chair should consider the amendments proposed by the Committee of Ways and Means as first in order, and proceed at once to have them read. If there is no other question before the committee, I call for the reading of the first amendment of the Committee of Ways and Means.

Mr. MAYNARD. I did not yield the floor. I wish to know at this time whether, if we pass on and consider the amendments as we find them proposed by the Committee of Ways and Means, we shall then be permitted to go back to the beginning of the bill and amend it line by line in every part that has not previously been acted on. In other words, shall we be permitted to go over the bill twice or only once?

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The CHAIRMAN. In answer to the point raised by the gentleman from Tennessee, the Chair holds that there is but one amendment before the House, which is the amendment of the Senate, and which is regarded as the text of the bill. To this the Committee of Ways and Means have proposed certain amendments which, according to the usage of the House, are to be considered in their order as reported by the committee. After that the whole section will be open to amendment upon the motion of any member.

A MEMBER. The whole bill?

The CHAIRMAN. The whole bill forms but one section.

Mr. MAYNARD. To make my point clearer, I move to amend by striking out in line eleven the word "five" and inserting in lieu thereof the word "three."

Mr. GARFIELD. I rise to a point of order, and submit that the amendment of the gentleman from Tennessee is not in order.

The CHAIRMAN. The Chairman stated when he took the chair that according to the usage of the Committee of the Whole he should recognize members of the Committee of Ways and Means for the purpose of having action first upon their amendments, and that then the whole bill would be open to amendment on the motion of any member of the House.

Mr. MAYNARD. I wish simply to state that all we want is a fair opportunity to amend this bill.

The CHAIRMAN. The Chair will entertain any motion to amend after the amendments of the Committee of Ways and Means shall have been disposed of.

Mr. MAYNARD. Very well; so that we reach the object I do not care how it is attained.

Mr. THAYER. I desire to inquire whether our amendments must wait until all the amendments proposed by the Committee of Ways and Means have been disposed of.

The CHAIRMAN. The Chair knows no other usage than first to recognize members of the committee reporting the bill to offer their amendments and have them acted on.

Mr. THAYER. That does not answer my question. I wish to know whether we are to wait until all the amendments of the Committee of Ways and Means have been acted on before any amendments to other parts of the Senate amendment will be in order?

The CHAIRMAN. The Chair must entertain amendments in the order in which they are offered. The amendments of the Committee of Ways and Means have been before the House for several days; they have been referred to the Committee of the Whole and must take precedence of any amendments which may now be offered.

Mr. THAYER. Then all those amendments are to be acted on before any other amendments can be offered?

The CHAIRMAN. Such is the ruling of the Chair.

The committee rose informally, and the Speaker resumed the Chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed without amendment joint resolutions and bills of the following titles:

Joint resolution (H. R. No. 273) for the relief of Walter C. Whitaker;

Joint resolution (H. R. No. 294) for the relief of Obadiah Aderton;

Joint resolution (H. R. No. 296) for the relief of the orphan children of William Whelan;

Joint resolution (H. R. No. 295) for the relief of Daniel Cole;

An act (H. R. No. 1096) for the relief of O. P. Cobb & Co.;

An act (H. R. No. 1068) for the relief of Mary A. Cross;

An act (H. R. No. 1218) for the relief of James Riddle;

An act (H. R. No. 1218) granting a pension to David B. Champion;

An act (H. R. No. 1216) granting a pension to Mary Hosea;

An act (H. R. No. 1215) for the relief of Thomas Glasgow;

An act (H. R. No. 1212) for the relief of Nancy Hinton;

An act (H. R. No. 1214) for the relief of Daniel McMahon;

An act (H. R. No. 1213) for the relief of Elizabeth Staley;

An act (H. R. No. 1211) granting a pension to Effie J. Harvey;

An act (H. R. No. 1210) increasing the pension of Levi M. Roberts;

An act (H. R. No. 1209) granting back pension to Margaret Boucher;

An act (H. R. No. 1208) increasing the pension of John Russell;

An act (H. R. No. 1201) for the relief of George W. Kilabb;

An act (H. R. No. 1198) for the relief of the orphan children of John Faris;

An act (H. R. No. 1119) for the relief of Ann J. Duchman;

An act (H. R. No. 1203) for the relief of Rufus L. Harvey;

An act (H. R. No. 1204) for the relief of John Rogers;

An act (H. R. No. 1202) for the relief of Francis Barrow;

An act (H. R. No. 1206) granting a pension to Joseph Wrenn;

An act (H. R. No. 1205) granting a pension to William Gleason;

An act (H. R. No. 457) for the relief of Hiram Paulding, rear admiral United States Navy; and

Joint resolution (H. R. No. 165) for the relief of Virginia S. Wilson, widow of the late Captain George W. Wilson.

The message further announced that the Senate had passed a joint resolution (H. R. No. 268) to pay Lieutenant John H. Hamlin for military services, with amendments, in which the concurrence of the House was requested.

The message further announced that the Senate had passed a joint resolution (S. R. No. 182) for printing additional copies of the Appendix of the Diplomatic Correspondence of 1865, in which the concurrence of the House was requested.

TARIFF BILL—AGAIN.

The committee resumed its session.

Mr. CHANLER. I rise for information as to whether the substitute of the Committee of Ways and Means——

The CHAIRMAN. It has been withdrawn.

Mr. CHANLER. But under the ruling of the Chair cannot it be again offered after we have gone through with these amendments, and the bill then reported to the House?

The CHAIRMAN. The bill cannot be reported to the House so long as any amendment is pending.

Mr. CHANLER. Is it not within the power of the chairman of the Committee of Ways and Means to again bring in his substitute in writing?

The CHAIRMAN. It is in the power of any gentleman to offer a substitute any time before the bill is reported to the House.

Second amendment:

Insert the following:

Provided further, That on all sugars imported from foreign countries above No. 12, Dutch standard, which have in the process of manufacture been boiled in a vacuum-pan, purged in a centrifugal machine, or by a centrifugal process, or filtered through animal or bone black, or its equivalent, there shall be levied, collected, and paid, one half of a cent per pound more than the duties hereby imposed upon clayed and Muscovado sugars, as made by the old or open-pan process of the same number, Dutch standard in color: *And provided further*, That in the invoices of all sugars imported into the United States it shall be expressly stated if they are clayed or Muscovado, and in case they have in the process of manufacture been boiled in a vacuum-pan, purged in a centrifugal machine, or by a centrifugal process, or filtered through animal or bone black, or its equivalent, the fact shall be clearly stated in the invoice.

The amendment was agreed to.

Third amendment:

Strike out "six" and insert "eight;" so it will read, "on ground cacao, or cocoa, and on prepared cocoa and chocolate, eight cents per pound."

The amendment was agreed to.

Fourth amendment:

Strike out the words "containing spirits."

The amendment was agreed to.

Fifth amendment:

Strike out "bermuth" and insert "vermuth."

Mr. HILL. I desire to know whether the amendments of the committee are first to be considered as they are reached in reading the bill, and whether, after they have been completed, the bill will then be open for amendment?

The CHAIRMAN. It will be read again and will be open for amendment.

Mr. HILL. The amendments of the committee, then, are first to be considered to the exclusion of all others?

The CHAIRMAN. Such has been the uniform custom.

The fifth amendment was agreed to.

Sixth amendment:

Insert "containing fifty per cent. or less of alcohol;" so that the paragraph will read:

On cordials, liqueurs, and bitters of all kinds, and on arrack, absynthe, Kirschwasser, vermuth ratifia, and other similar beverages not otherwise provided for in this act, containing fifty per cent. or less of alcohol, $2 50 per gallon.

The amendment was agreed to.

Seventh amendment:

Strike out "four" and insert "five;" so it will read:

Class 1. On all plain woven manufactures of cotton, and on drills, jeans, silesias, and other tweeled or twilled fabrics, not more than four-leaved twill, in the brown, gray, or unbleached condition, not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, five cents per square yard.

The committee divided; and there were—ayes 50, noes 43.

Mr. FARNSWORTH called for tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. TAYLOR, of New York, were appointed.

The committee again divided; and the tellers reported—ayes 43, noes 57.

So the amendment was disagreed to.

Eighth amendment:

In the remaining portion of the same paragraph strike out "four" and insert "five;" so it will read:

If bleached, five and one half cents per square yard; if colored, stained, painted, or printed, four and one half cents per square yard, and, in addition thereto, ten per cent. *ad valorem*.

Mr. MORRILL. This only preserves the present rate.

The CHAIRMAN ordered tellers; and appointed Mr. MORRILL and Mr. ANCONA.

The committee divided; and the tellers reported—ayes 52, noes 50.

So the amendment was agreed to.

Ninth amendment:

Strike out "five" and insert "six;" so it will read:

Class 2. On finer or lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, in the brown, gray, or unbleached condition, five cents per square yard; if bleached, five and one half cents per square yard; if colored, stained, painted, or printed, six and one half cents per square yard, and, in addition thereto, fifteen per cent. *ad valorem*.

The committee divided; and there were—ayes 49, noes 49.

Mr. MORRILL demanded tellers.

Tellers were ordered; and Mr. AMES and Mr. RANDALL, of Kentucky, were appointed.

The committee again divided; and the tellers reported—ayes 56, noes 55.

So the amendment was agreed to.

Tenth amendment:

Strike out "satteen, jeans," and insert "satteen-jeans;" so it will read:

Class 4. On all other manufactures of cotton commonly sold or purchased by the yard or other lineal measure, or by the piece, comprising twills over four-leaved, satteen-jeans, nets, lappet, and Jacquard-made fabrics, damasked and figured fabrics, cords, beaverteens, velvets, velveteens, and fabrics embroidered or tamboured in the loom, not otherwise provided for, in the brown, gray, or unbleached condition, six cents per square yard; if bleached, colored, stained, painted, or printed, six cents per square yard, and, in addition thereto, twenty per cent. *ad valorem*.

Mr. MORRILL. It seems to be impos-

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sible to make the printers understand how this should be. There should be a hyphen between "satteen" and "jeans."

The amendment was agreed to.

Eleventh amendment:

In the following paragraph:

"*Provided*, That if the duties imposed upon manufactures of cotton included in the four foregoing classes shall amount upon brown, gray, or unbleached fabrics to less than thirty per cent. *ad valorem*, then the duty shall be assessed at thirty per cent. *ad valorem*; upon bleached fabrics to less than thirty-three and one third per cent. *ad valorem*, then the duty shall be assessed at thirty-three and one third per cent. *ad valorem*," strike out "thirty-three and one third" and insert "thirty-five;" so it will read:

Upon bleached fabrics to less than thirty-five per cent. *ad valorem*, &c.

The CHAIRMAN ordered tellers; and appointed Mr. DAWES and Mr. ELDRIDGE.

The committee divided; and the tellers reported—ayes 52, noes 55.

So the amendment was disagreed to.

Twelfth amendment:

Strike out "thirty-three and one third" where it again occurs in the same paragraph, and insert "thirty-five."

Mr. MORRILL. This does not raise the duty on cotton the ninth part of a hair.

The committee divided; and there were—ayes 58, noes 55.

Mr. KUYKENDALL called for tellers.

Tellers were ordered, and Mr. SPALDING and Mr. HUMPHREY were appointed.

The committee again divided; and the tellers reported—ayes 57, noes 57.

The CHAIRMAN voted in the affirmative.

So the amendment was agreed to.

Thirteenth amendment:

Strike out "thirty-five" and insert "forty;" so it that will read: "upon colored, stained, painted, or printed fabrics to less than forty per cent. *ad valorem*."

On agreeing to the amendment there were—ayes 54, noes 55.

Mr. MORRILL called for tellers, but they were refused.

So the amendment was disagreed to.

Fourteenth amendment:

Strike out "thirty-five" and insert "forty;" so that it will read: "then the duty shall be assessed at forty per cent. *ad valorem*"

On agreeing to the amendment there were—ayes 53, noes 55.

Mr. GARFIELD demanded tellers, but they were refused.

So the amendment was disagreed to.

Fifteenth amendment:

Strike out the words "and on Marseilles bed-quilts or bed-spreads ten" and insert "twenty;" so that it will read:

On all cotton hosiery, comprising shirts, drawers, stockings, socks, gloves, and all other goods knitted or made on frames, or by hand, twenty cents per pound, and, in addition thereto, forty per cent. *ad valorem*.

On agreeing to the amendment there were—ayes 61, noes 49.

Mr. FINCK demanded tellers.

Tellers were ordered; and the Chair appointed Messrs. FINCK and HUBBARD, of Connecticut.

The committee divided; and the tellers reported—ayes 54, noes 55.

So the amendment was disagreed to.

Mr. ORTH. I move that the committee rise.

On agreeing to the motion there were—ayes 38, noes 55.

Mr. ORTH demanded tellers.

Tellers were ordered; and the Chair appointed Messrs ORTH and MOORHEAD.

The committee divided; and the tellers reported—ayes 43, noes 60.

So the motion was disagreed to.

Sixteenth amendment:

Strike out "sixty" and insert "fifty;" so that it will read:

On cotton webbing, tapes, galloons, bindings, gimps, trimmings, and braids, plain or otherwise, fifty per cent. *ad valorem*.

The amendment was agreed to.

Seventeenth amendment:

Insert the words "not dyed or colored;" so that it will read:

On cotton edgings, insertings, and embroideries, not dyed or colored, of which the embroidering is the chief value, not otherwise provided for, forty per cent. *ad valorem*.

The amendment was agreed to.

Eighteenth amendment:

Add to the pending clause the words "when dyed or colored, forty-five per cent. *ad valorem*."

Mr. TAYLOR, of New York. I would inquire of the chairman of the committee what difference in the rate of the tariff this amendment proposes?

Mr. MORRILL. About fifteen per cent. I believe.

Mr. HOOPER, of Massachusetts. I think it is only ten per cent.

Mr. MAYNARD. Why should dyed or colored embroideries pay more duty than those not dyed?

Mr. MORRILL. These are finer articles; they have been allowed to remain from year to year at the old rates, and it is deemed proper if anything should be raised that the duty on these articles, which are used for ornament, should be.

Mr. HALE. Does the gentleman from Tennessee object because this makes a distinction as to race or color? [Laughter.]

Mr. MAYNARD. I would like to see wherein and wherefore the distinction is made.

The amendment was agreed to—ayes 57, noes 40.

Nineteenth amendment:

Strike out the words "at the last port or place" and insert "in the principal markets of the country;" so that it will read:

And upon wools of the first class, imported unwashed, the value whereof, in the principal markets of the country whence exported to the United States, &c.

On agreeing to the amendment there were—ayes 54, noes 9; no quorum voting.

Tellers were ordered under the rules; and Messrs. FINCK and FARNSWORTH were appointed.

The committee divided; and the tellers reported—ayes 78, noes 15; no quorum voting.

Mr. FARNSWORTH. I move that the committee rise.

The CHAIRMAN. The tellers having reported no quorum voting, it is the duty of the Chair to have the roll called.

Mr. SLOAN. I understand the committee can rise without a quorum.

The CHAIRMAN. The rule is as follows, on page 62 of the Digest:

"Whenever the Committee of the Whole on the state of the Union or the Committee of the Whole House finds itself without a quorum the Chairman shall cause the roll of the House to be called, and thereupon the committee shall rise and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal."

The Clerk will call the roll.

The roll was accordingly called; and the following members failed to answer to their names:

Messrs. Ancona, Anderson, Delos R. Ashley, James M. Ashley, Baldwin, Bidwell, Blaine, Blow, Boyer, Brandegee, Bromwell, Campbell, Reader W. Clarke, Sidney Clarke, Conkling, Culver, Darling, Dawson, Denison, Driggs, Dumont, Eckley, Ferry, Glossbrenner, Goodyear, Aaron Harding, Harris, Hayes, Hogan, Asahel W. Hubbard, Hulburd, Ingersoll, Jones, Kerr, Le Blond, Leftwich, Marshall, Marston, McCullough, McIndoe, McRuer, Miller, Moulton, Newell, Niblack, Noell, Patterson, Phelps, Plants, Radford, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Ross, Sawyer, Sloan, Stevens, Stilwell, Nathaniel G. Taylor, Thornton, Robert T. Van Horn, Elihu B. Washburne, Windom, and Wright.

The committee then rose; and the Speaker having resumed the chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and finding itself without a quorum had caused the roll to be called, and had directed him to report the names of the absentees to the House.

A quorum being now present, the Committee of the Whole on the state of the Union resumed its session.

Mr. FINCK. I move that the House now adjourn.

The CHAIRMAN. That is not in order: the committee was dividing when the committee rose, and the tellers will now resume their places.

Mr. FARNSWORTH. The call is withdrawn, and I now move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the Union generally, and particularly the special order, being House bill No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

Mr. FARNSWORTH. I move that the House adjourn.

The motion was agreed to; and thereupon (at ten o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BROOMALL: The petition of citizens of the United States residing in Delaware county, Pennsylvania, praying for the impeachment of the President of the United States.

By Mr. CHANLER: The petition of Joshua H. Butterworth, of Dover, New Jersey, for extension of his patent of Butterworth lock.

By Mr. CULLOM: Two petitions signed by numerous citizens of McLean county, Illinois, protesting against the contraction of the currency.

By Mr. GRISWOLD: The petition of wool-growers of the town of Nassau, Rensselaer county, New York, upon the subject of protection for wool.

By Mr. HUBBARD, of New York: The petition of citizens of Milford, in the county of Otsego, in the State of New York, praying that Congress will not pass any law to contract the currency, or to compel the national banks to redeem their bills in the city of New York, or to prohibit them from receiving interest on bank balances.

By Mr. KASSON: The petition of the National Bank Note Company of New York, for authority to Postmaster General to settle the accounts of that Department with them on principles of equity.

By Mr. O'NEILL: A petition signed, by direction and in behalf of the committee having charge of Friends' Library of Philadelphia, by Samuel F. Trott, clerk, asking that books, &c., imported for libraries and public institutions may be admitted free of duty.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 27, 1867.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

RESTAURANT IN THE CAPITOL.

Mr. STEVENS. I ask unanimous consent to offer the following resolution, relative to the House restaurant:

Resolved, That the privilege of keeping the restaurant of the House shall be determined as follows: proposals therefor shall be received by the Clerk of the House up to the noon of Tuesday, March 12, 1867, and biennially thereafter, and shall be opened by him in the presence of two witnesses, and be by him awarded to the most suitable person, having also reference to both the money offered for the privilege and the capacity of the bidder for the business. Accompanying the proposals must be the names of one or more persons who are willing to become sureties in the sum of $1,000 for the faithful performance of the duties of said keeper, and possession of the premises shall be given by the Clerk to said bidder on his executing a bond in the sum of $1,000, with sufficient sureties, for the faithful discharge of his duties and for the careful use of the property of the Government intrusted to him; and the amount of money thus bid and accepted shall be paid to the Clerk, one half on the first Monday of the December next after the date of the bond, and the residue six months thereafter; and the money so received shall be by said Clerk paid to the Treasurer of the Soldiers' and Sailors' Orphan Home, for the benefit of said institution.

Mr. SPALDING. I object.

Mr. STEVENS. I move to suspend the rules, so as to enable me to offer the resolution; and I wish to say that I offer this resolution not for the purpose of taking away the management of this matter from the Speaker, but with his assent and consent.

The SPEAKER. The Chair, if he may be allowed to do so, would state that from the experience which he has had as presiding officer of

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the House during the last two Congresses he believes that whoever may be Speaker of the Fortieth Congress will much prefer that this matter should be in the hands of the administrative officer of the House, the Clerk, rather than in those of the Speaker, as it is entirely incongruous with the general duties of the Chair.

Mr. STEVENS. I think the privilege ought to be paid for, not given away.

The question was taken upon Mr. STEVENS's amendment; and (two thirds voting in favor thereof) the rules were suspended.

Mr. FINCK. Is that a joint resolution?

The SPEAKER. No; it is a House resolution.

Mr. FINCK. I rise to a point of order. I submit that we cannot make a law authorizing a contract by a mere resolution of the House.

The SPEAKER. The Chair overrules the point of order. The keeper of the restaurant in this wing of the Capitol building is under the control of the House. The appointment of the keeper of it has heretofore been given to the Speaker; but, as the Chair has just said, he thinks that it is entirely incongruous with his other duties, and not a matter upon which the Speaker of the House ought to be expected to decide.

Mr. THAYER. I ask my colleague whether in his opinion under his resolution the House would still retain control of this establishment, and whether, in case it should be improperly managed, it would be in the power of the House to discharge the keeper of the restaurant?

Mr. STEVENS. Undoubtedly; and to forfeit his bond.

Mr. THAYER. It strikes me that this would be in the nature of a contract.

Mr. STEVENS. The House would have full control over it, and his bond could be forfeited.

Mr. THAYER. I think it would be much safer for us to insert a proviso that the matter shall be subject to the control of the House.

Mr. STEVENS. I accept that; I see no objection to it.

Mr. NIBLACK. I desire to inquire of the gentleman from Pennsylvania [Mr. STEVENS] where the money is to go which we are to require the person to pay for the privilege of keeping this restaurant?

Mr. STEVENS. The resolution provides that it shall go to the Soldiers' and Sailors' Orphan Asylum.

Mr. NIBLACK. I submit that whatever tax we impose upon the keeper of this restaurant will be likely in the end to come out of our own pockets, and therefore we ought to look after the matter a little. If the man shall be a good business man I suppose he will charge over to us all the tax we make him pay for the privilege, illustrating the old principle that the consumer must pay the tax.

Mr. STEVENS. I have modified it so that it will at all times be under the control of the House. I now call the previous question.

The question was taken upon seconding the previous question; and upon a division, there were—ayes 40, noes 23; no quorum voting.

Tellers were ordered; and Mr. STEVENS and Mr. NIBLACK were appointed.

The House again divided; and the tellers reported that there were—ayes 60, noes 36.

So the previous question was seconded.

The main question was ordered, which was upon agreeing to the resolution.

Mr. FINCK. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were—ayes fourteen, not one fifth of the last vote.

So the yeas and nays were not ordered.

Mr. ANCONA. I move to lay the resolution on the table.

Mr. ELDRIDGE. I call for the yeas and nays upon that motion.

The question was upon ordering the yeas and nays upon the motion to lay the resolution on the table; and being taken, there were—ayes fifteen, not one fifth of the last full vote.

So the yeas and nays were not ordered.

The motion to lay the resolution on the table was not agreed to.

The resolution was then agreed to.

Mr. GRINNELL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSAY OFFICES.

Mr. KASSON. I ask unanimous consent to report, from the Committee on a uniform system of Coinage, Weights, and Measures, a bill to establish certain offices for the assay of gold and silver, in lieu of certain branch mints heretofore established. The bill is in accordance with the recommendation of the Treasury Department, and I ask leave to report it now, as the committee will not be again called this session.

Mr. ANCONA. Let the bill be read. I will reserve my right to object until after I have heard it read.

The bill was read. The first section requires the Secretary of the Treasury to establish assay offices of the United States for the receipt and for the melting, assaying, and stamping of gold and silver at Denver, in Colorado, at Charlotte, in North Carolina, and at Dahlonega, in Georgia; and it appropriates the sum of $5,000 for the purchase and repairs of buildings at the branch mint at Charlotte, and the same sum for the same purpose at Dahlonega, to carry out the provisions of this section.

The second section provides that as soon as the public interest shall require the services of such officers, the President shall appoint, by and with the advice and consent of the Senate, for each of said assay offices, one superintendent, who shall perform the duties of assayer, and one treasurer, who shall perform the duties of melter; and the superintendent shall employ one clerk for his assistant, and three workmen and one watchman, if in the judgment of the Secretary of the Treasury such services shall be required. The salaries for such officers shall be as follows: for the superintendent and assayer, $2,500 a year; for the treasurer and melter, $2,500 a year; for the clerk and assistant, $1,800 a year; and the subordinates and workmen shall be paid such wages as may be determined upon by the superintendent and approved by the Secretary of the Treasury; provided that such compensation shall not exceed such wages and allowances as are customary, according to their respective trades and occupations.

The third section provides that the officers and clerks to be appointed under this act, before entering upon the execution of their offices, shall take oath or affirmation before some judge of a court of the United States or of the supreme court of the Territory, as now provided by law, faithfully and diligently to perform the duties of their respective offices; and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Director of the Mint or the Secretary of the Treasury, conditioned for the faithful performance of the duties of their offices.

The fourth section provides that the business of said offices shall be under the general control and direction of the Director of the Mint at Philadelphia, subject to the approval of the Secretary of the Treasury; and for this purpose it is made the duty of the Director to prescribe such regulations and require such returns and to establish such charges for melting, assaying, and stamping as shall appear to him necessary to carry into effect the provisions of this act.

The fifth section proposes to enact that the assay offices shall be places of deposit for public moneys, if in the opinion of the Secretary of the Treasury it shall be expedient; and the treasurer thereof is to have the custody of such moneys as the Secretary of the Treasury may direct, and for that purpose he is to be subject to such provisions of an act to provide for the better organization of the Treasury and for the collection, safe-keeping, transfer, and disbursement of the public revenue, approved August 6, 1846, as relate to the Treasury and to the branch mint at New Orleans.

The sixth section provides that the owner or owners of any gold or silver in bullion, dust, or other form, or of any foreign coin, shall be entitled to deposit the same in any of said offices; and the treasurer is to give a receipt stating the weight and description of such gold or silver, bullion, dust, or coin as aforesaid, in the manner and under such regulations as are or may be provided in like cases of deposits at the Mint of the United States. And such bullion, dust, or coin is without delay to be melted, assayed, and cast into bars or ingots, on which shall be stamped the name of the assay office, the number of the deposit from the first day of each year, its weight and fineness and value in each metal; and in this form the bullion shall be returned to the depositor upon payment by him of the established charges of the office.

The seventh section proposes to enact that all laws and parts of laws now in force for the regulation of the Mint of the United States and its branches, and for the government of officers and persons employed therein, and for the punishment of all offenses connected therewith shall be in full force in relation to the assay offices established by this act so far as the same may be applicable thereto.

The eighth section provides for the repeal of an act to establish a branch mint at Denver, Colorado Territory, approved April 21, 1862, and an act to establish branches of the Mint of the United States, approved March 3, 1835, so far as the latter relates to the branch mints at Charlotte and Dahlonega.

The ninth section proposes to authorize and require the Secretary of the Treasury to remove the machinery and implements belonging to the United States mint for the purpose of coinage in the branch mints at Charlotte and Dahlonega to the Mint at Philadelphia; but he may authorize the retention of such portion of the property, buildings, and machinery at either of those places as may be necessary for the purpose of assaying metals, as provided by this act.

Mr. ANCONA. I hope that the gentleman does not propose that a bill like this shall be considered without the privilege of discussion.

Mr. SPALDING. I renew my demand for the regular order of business.

ORDER OF BUSINESS.

The SPEAKER. The first business in order during the morning hour is the call of committees for reports, commencing with the Committee on Foreign Affairs.

Mr. BANKS obtained the floor.

Mr. STEVENS. I ask the gentleman from Massachusetts [Mr. BANKS] to yield to me that I may move to postpone the morning hour until we have considered in Committee of the Whole on the state of the Union the naval appropriation bill.

Mr. BANKS. I yield for that purpose.

Mr. STEVENS. I move to postpone the commencement of the morning hour until after the consideration in Committee of the Whole on the state of the Union of the naval appropriation bill.

Mr. MOORHEAD. I object to the postponement of the morning hour if that involves the postponement of the tariff bill.

The motion of Mr. STEVENS was agreed to; and the morning hour was postponed.

NAVAL APPROPRIATION BILL.

Mr. STEVENS. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union to proceed to the consideration of the bill (H. R. No. 1176) making appropriations for the naval service for the year ending June 30, 1868.

The motion was agreed to.

The House accordingly resolved itself into

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the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and proceeded to the consideration of the bill (H. R. No. 1176) making appropriations for the naval service for the year ending June 30, 1868.

On motion of Mr. STEVENS, by unanimous consent, the first reading of the bill was dispensed with, and the bill was read by clauses for amendment.

The Clerk read the following:

Navy-yard at Philadelphia:
For Bulkley's patent drier, with buildings complete, $35,000.

Mr. SCOFIELD. I move to amend by striking out the clause just read.

Mr. DAVIS. I rise to oppose the amendment. I have no personal interest in this matter; but I know that by the use of this invention the Navy Department has saved a great many thousand dollars. It is essential to the interests of the Government to have perfectly seasoned timber; and it is often necessary to obtain it within a short time; hence the utility of this drier.

Mr. SCOFIELD. I would like to know whether the gentleman from New York knows what this patent-drier is like? I come from a timber country and know something about it.

Mr. DAVIS. It is a process by which timber is cured in a very short time.

Mr. RANDALL, of Pennsylvania. I hope it will not be struck out. The committee will notice the appropriations for the Philadelphia navy-yard are very small; and I have the authority of the Department for saying it is very desirable this patent-drier should be established in connection with that navy-yard.

Mr. MYERS. I hope the House will concur with the Committee on Appropriations. The gentleman from Pennsylvania [Mr. SCOFIELD] seems to have no good reason against it, while the Department and the committee inform us there are many good reasons for it.

Mr. STEVENS. The Committee on Appropriations investigated this subject with considerable care. It is a most remarkable process, by which timber in one or two days receives a seasoning that in the ordinary way would require one or two years. There is a great lack of room at the navy-yard at Philadelphia. The necessary seasoning of timber there now cannot be done, and the officers concerned in the drying of timber say this is necessary. They say this process seasons timber, not in years or months, but in days, and is a great saving in every way. I am sure if my colleague considered it he would not oppose this appropriation.

Mr. SCOFIELD. I have no doubt this mode of seasoning timber is a good one. When I put the question to my friend from New York I suspected men interested in this had told him this is a good process and he took it for granted without knowing what the process is. What I allege is this process of drying timber by heated air and steam, by either or by both, does not belong to this man, and he has no right to monopolize it, for it is a process older than he is years of age. It was known before he was born. We have, therefore, the right to use it at Philadelphia or anywhere else without paying for its use. They are now using it in my district. Private individuals are now and have been drying timber in the same way.

Mr. STEVENS. This appropriation is not all for this patent drier, but also for the buildings indicated.

Mr. SCOFIELD. I do not know what the buildings are worth, but I suppose not more than $2,500, and the rest of the $35,000 goes for the patent drier.

Mr. PIKE. I think the Committee on Appropriations have forgotten the House passed a bill, which the Senate has concurred in and the President approved, removing the navy-yard from Philadelphia to League Island. This is a proposition for buildings which will have to be taken down and sold almost immediately on the transfer of the yard. I suggest the amendment be struck out and put in some subsequent bill for League Island navy-yard.

Mr. KASSON. Let the contest on the part of the gentleman from Philadelphia should lead to the impression this is a Pennsylvania enterprise, I beg leave to say this subject has been examined by the Committee on Appropriations as carefully as possible. My own conviction is the public service requires the introduction of this patent drier into every navy-yard. In my judgment there ought to be an appropriation for Charlestown navy-yard and Brooklyn navy-yard. Lumber which has to lie in the yards one and two years to become properly seasoned for use, by this machinery or process is seasoned in a few days. It is a great economy of time and room, and we besides save the interest on the money invested for one or two years. For these reasons I have advocated, with Rear Admiral Smith, of the Bureau of Yards and Docks, the introduction of this process into our navy-yards. I know in one instance where a piece of square timber had been in process of curing for over a year this machine has reduced it several pounds in weight in twenty-four hours.

Mr. SCOFIELD. The gentleman calls it a process, a mysterious word, when there is nothing more about it than steam or heated air which has been applied time out of mind.

Mr. KASSON. The proper department has issued a patent, and if he is not entitled to it that fact I suppose will be shown.

This appropriation, however, is for all the buildings, steam-machinery, and all the requisite instrumentalities for the process. It is for the drier, with buildings complete; that includes all the machinery.

The question being put on the amendment of Mr. SCOFIELD, there were—ayes 46, noes 26; no quorum voting.

Tellers were ordered; and the Chair appointed Messrs. SCOFIELD and RANDALL, of Pennsylvania.

The committee divided; and the tellers reported—ayes 67, noes 29.

So the amendment was agreed to.

Mr. BRANDEGEE. I move to insert after the clause "for repairs of all kinds, $80,000" the following:

And the Secretary of the Navy is hereby authorized and directed to receive and accept a deed or gift, when offered by the State of Connecticut, of a tract of land situated on the Thames river, near New London, Connecticut, with a water front of not less than one mile, to be held by the United States for naval purposes.

I conceive that there can be no objection to this proposition.

The amendment was agreed to.

Mr. KUYKENDALL. I move to insert the following:

Naval station at Mound City, Illinois:
For repairs and general care of public property, $10,000.

I have the consent of the committee to offer this and the advice of the Department if necessary. There are about one hundred and seventy-five hands there at work all the time.

The amendment was agreed to.

Mr. SCHENCK. I move to insert the following after the appropriation for furniture and repairs of the Naval Asylum at Philadelphia:

For the purchase of books, under the direction of the governor of the asylum, for the increase of the sailors' library in that institution, $1,000.

I will explain in a word the object of this amendment. There are in the Naval Asylum at Philadelphia about one hundred old sailors; many of them armless and legless; all more or less decrepit. They have attached to the institution now a little library made up of various contributions; and any one who visits this institution will find some forty or fifty of the inmates on any day sitting in the reading-room and reading books thus supplied to them, so well thumbed that they are now nearly worn out. When I visited the asylum a short time since the tears fairly started from the eyes of the old veterans upon my suggesting to them I would ask Congress to increase somewhat their library; for they said they had read over and over again the few books they had.

The amendment was agreed to.

The Clerk read as follows:

For pay of superintendents and the civil establishment at the several navy-yards and stations under control of the Bureau of Yards and Docks, and at the Naval Asylum, $158,967.

Mr. BANKS. I move to add to the paragraph just read the following proviso:

Provided, That the offices of civil engineer, master machinist, master carpenter, master joiner, master blacksmith, master boiler-maker, master sail-maker, master plumber, master painter, master caulker, master laborer, and naval storekeepers be, and the same are hereby, established in connection with the navy-yards at Kittery, Maine; Charlestown, Massachusetts; Brooklyn, New York; Philadelphia, Pennsylvania, and Washington, District of Columbia. And that the persons selected to fill the several offices hereby established shall be appointed by the President, by and with the advice and consent of the Senate; and shall have the immediate supervision and direction of the work to be performed in their several departments, with authority to select and to discharge such workmen as the necessities of the service may require, subject always to the approval of the commandant of the navy-yard to which they are attached.

Mr. SCOFIELD. Before the gentleman advocates this proposition I would like to ask if it is in order to move that as an amendment to this bill, whether it is not legislation appended to an appropriation bill?

Mr. BANKS. It does not change the law at all. It is declaratory, and it is, moreover, substantially the same measure that passed this House a week or two since. It is designed to prevent a practice, which has grown up in all the yards, of placing the mechanics of the yards under the direction and superintendence of warrant-officers of the Navy. That practice is not in conformity with the law, but against it, and it is against the uniform practice in the Government until recently.

Mr. SCOFIELD. I understand it makes no additional offices.

Mr. BANKS. No, sir; it makes no additional offices.

Mr. SCOFIELD. Does it involve any increase of pay?

Mr. BANKS. It makes no change in the pay.

Mr. SCOFIELD. I raise no objection. I withdraw the point of order.

The amendment was agreed to.

Mr. RICE, of Massachusetts. I offer the following amendment to come in after the amendment just adopted:

For pay of some suitable person appointed by the Secretary of the Navy to examine the archives of the Department and other sources of information, and collect and collate the facts which may illustrate the history of the United States Navy, $1,500.

The amendment was agreed to.

The Clerk read as follows:

For preparing for publication the American Nautical Almanac, $15,000.

Mr. SCOFIELD. I would inquire of the chairman of the Committee on Appropriations if this appropriation of $15,000 is the usual annual appropriation?

Mr. STEVENS. It is what we always give.

Mr. SCOFIELD. Then I make no objection.

Mr. RICE, of Massachusetts. I move to insert after line eighty-nine the following:

For payment of expenses of Visitors to the Naval Academy, $2,000.

The amendment was agreed to.

Mr. CHANLER. I move to strike out the following clause:

Bureau of Construction and Repair:
For pay of superintendents and the civil establishment at the several navy-yards under this bureau, $63,000.

I move to strike out this clause, because until the whole system of the Navy Department is reorganized the civil appointments are given to none but political pets, and are made for the purpose of maintaining certain lazy politicians in places, not for the public welfare, not to aid in the construction or equipment of our fleet, but to provide certain persons who are useful on election day with easy berths and nice, comfortable boats in which to float off into eternity. [Laughter.]

Now, sir, there is no greater source of moral and political corruption in the neighborhood of our large cities, where these navy-yards have been established, than these superintendencies

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of the civil service in the navy-yards. I have from time to time received information from men employed in these yards of the system established therein, a system of hush-money and corruption for appropriating secretly and dishonestly, not only of the materials furnished for the equipment of our fleet and for the work in the yards, but even appropriating the labor of the humblest laborers to do the private jobs of these superintendents under compulsion. That, sir, is the established system throughout this country, and every gentleman who has examined into the subject must be aware of that fact.

I do not expect, in the face of the organization established in this House, to strike out this clause, but I do hope to awaken the attention of the country to that very sleepy influence which is excited over the equipment of the Navy by the Secretary of the Navy.. That gentleman's apparent indifference to the development of improper practices among subordinates of that Department in which he is to a great extent responsible for all that is done is not only charming but philosophical. I respect that bland and patient adherence to duty which does not see the shortcomings of inferiors. It reminds one of Neptune slumbering amid a storm. The Secretary of the Navy, with a sublime smile upon his face, sits in the Sleepy Hollow of his office, like the own brother of Jupiter Ridens, looking over, or rather overlooking, a system of corruption throughout this country, with a blessed somnolence unequaled in the annals of any department on earth or in Olympus. Why, sir, the gentleman from Brooklyn has to look to it how the different machinists and the men in the civil employment in this Department are going to act in the election when there is to be an election for Representative to Congress from his district. When they want to elect a sheriff in Brooklyn they sometimes take a popular carpenter in the yard. That has been done within my own experience, and wherever political machinery can be brought to bear on the minds and sentiments of the voters employed in the yard it is done without the least regard to the welfare of the Navy.

It is done simply for the purpose of filling this House with right-minded men, men who are such admirable navigators that they can steer their way successfully among all the rocks, shoals, and quicksands of the political current, so they may reach this haven of their political aspiration. That is the object of this superintendent of the civil bureau of construction and equipment as recorded by the votes of the creatures of those superintendents.

So long as we here are indifferent to this corruption, so long will the people of this country hold in disrespect and disregard these Government establishments at the different navy-yards; and you will find that the active, industrious, intelligent mechanic will be the last man to apply for an appointment in any of our navy-yards. He knows that he receives a certain taint and that his manhood will undergo some degree of suppression the moment he is enrolled upon this civil list in these yards. He must go through a system of corruption, the stain of which will attach to him when he leaves the yard, and for the purpose of maintaining his reputation the best class workmen will keep away from the yard, and the consequence is, and the fact has become proverbial all over the country, that the largest pay is given by the Government for the smallest and worst work in the Government yards.

Now, sir, while I am on this subject I would refer to the necessity both for the workmen and for the community where those yards are established of removing them from the neighborhood of our great cities. I think the movement in reference to League Island was in the right direction. The further you can get these public works from the great cities and still keep them within accessible distance for the working class the better for the people and for the Government. They should be located where the men can be kept engaged in the active employment of their various occupations for the benefit of the Government and not be retained as political pack-hounds to hunt at the cry and bugle of certain political leaders, and it would be desirable if we could organize these public works in such a way that any master workman, or any superintendent connected with these navy-yards who shall dare directly or indirectly to endeavor to affect the vote of a single citizen shall be on proof immediately discharged from his position.

Mr. STEVENS. All I can say in reply to the gentleman from New York [Mr. CHANLER] is that these officers exist now by authority of law; and the only way to get rid of making appropriations for them I think is to repeal the law; and that we do not propose to do.

I have not time, at this stage of the session, to enable me to go into much discussion of this subject. I therefore move that the committee rise for the purpose of closing debate on this bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DAWES reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the Union generally, and particularly the special order, being House bill No. 1167, making appropriations for the naval service for the year ending June 30, 1868, and had directed him to report that they had come to no resolution thereon.

Mr. STEVENS. I move that when this House again resolve itself into the Committee of the Whole upon the special order all general debate be closed in one minute.

The motion was agreed to.

Mr. STEVENS. I move that the rules be suspended, and that the House now resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and resumed the consideration of the special order, being House bill No. 1176, making appropriations for the naval service for the year ending June 30, 1868.

The pending question was upon the motion of Mr. CHANLER, to amend the bill by striking out the following:

Bureau of Construction and Repair:
For pay of superintendents and the civil establishment at the several navy-yards under this bureau, $63,000.

The amendment was not agreed to.

Mr. MAYNARD. I move *pro forma* to amend by striking out the last word in the clause last read. I make this motion for the purpose of inquiring of the chairman of the Committee on Appropriations why the appropriation for preparing for publication the American Nautical Almanac has been reduced from $25,000, at which sum it has stood for a great many years, to $15,000, almost one half. Has there been any change made in the manner of preparing that work, so as to reduce the expense?

Mr. STEVENS. There was so much opposition to this item that the committee thought they would reduce it to the lowest possible sum.

Mr. MAYNARD. Was it reduced upon conference with the Bureau of Navigation having charge of this subject, or was it done by the committee upon their own responsibility?

Mr. STEVENS. It was done by the committee.

Mr. MAYNARD. I withdraw my *pro forma* amendment, and move, if I can have permission to do so, to go back and amend the item to which I have referred by increasing the amount to $25,000.

The CHAIRMAN. That will require unanimous consent.

Mr. STEVENS. I think we cannot agree to that.

The Clerk read the following:

For repairs of barracks, and rent of offices where there are no public buildings, $15,000.

Mr. RICE, of Massachusetts. I move to amend by inserting after the clause just read the following:

For rebuilding one wing of the Marine barracks at Washington, District of Columbia, $65,000.

Mr. SCOFIELD. This is a very large sum. I should suppose that if this expenditure had been at all proper the committee would have recommended it.

Mr. RICE, of Massachusetts. Since the bill came in, my attention has been called to the dilapidated condition of the Marine barracks connected with the navy-yard at this city, and the absolute necessity for some improved accommodation, not only for the convenience and comfort, but for the health of the marines stationed at this place. It would require some one hundred and thirty-eight thousand dollars to put these barracks in entire repair, and to extend them on a scale that will probably be required to meet the future wants of this branch of the service. I hold in my hand letters from the chief medical officer in charge of these barracks, and also from the quartermaster, setting forth in detail the necessity for this improvement. If gentlemen desire to hear these letters they can be read.

Mr. SCOFIELD. I move *pro forma* to amend the amendment by reducing the amount from $65,000 to $60,000.

Mr. Chairman, I do not know where all this money is to come from. The tax bill which we have lately had under consideration will diminish our revenues for the coming year, and our appropriation bills, I should judge, are larger than they have ever been before. Now, when these appropriation bills come along, I begin to understand what this House meant the other day when it agreed to issue $100,000,000 additional greenbacks. Our taxes are to be lessened, our expenses enlarged, and the deficiency is to be made up by a new issue of legal-tender notes.

Mr. O'NEILL. When the gentleman speaks of those $100,000,000 of greenbacks, does he recollect what is to be done with the compound-interest notes to the same amount?

Mr. SCOFIELD. I recollect all about the compound-interest notes. I am not particularly condemning the policy which the gentleman supports. I suppose that we can pay all our debts——

Mr. RANDALL, of Pennsylvania. I rise to a question of order, and submit that compound-interest notes have nothing to do with this discussion.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOFIELD. Does the Chair hold that in order to show that we should not make an appropriation of $65,000 at this time, I am not to be permitted to refer to our diminishing revenue from taxes and our increasing expenses to show that we may not have the means of paying these large appropriations?

The CHAIRMAN. The Chair has not so held. The Chair sustained the point of order raised by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. SCOFIELD. I was just going to say that I do not particularly censure the course of my colleague upon the $100,000,000 bill. I suppose that if we pay off all our indebtedness in legal-tender notes and abolish all the taxes the country would get along a great deal better; but inasmuch as I presume that policy will not be entered upon at present, and inasmuch as we have already determined very properly to reduce the taxes, I think we should endeavor in some way to curtail our expenses.

Mr. LYNCH. I wish to ask the gentleman from Pennsylvania whether he proposes to increase our revenue by paying the banks $5,000,000 of gratuity for holding our bonds?

Mr. SCOFIELD. No, sir; I will vote to pay them in "greenbacks," and I do not know

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but I will go the whole length and pay all of our indebtedness in "greenbacks."

I withdraw my amendment.

Mr. O'NEILL. I do not think it is frank or fair toward the citizens of the country for a gentleman to rise in his seat and make the statement my colleague has made. I should have preferred him to say the $100,000,000 of "greenbacks" was to take the place of the $100,000,000 of compound-interest notes which were withdrawn or retired. As he stated it the country would get the impression that we were increasing the currency, when such is not the fact.

Mr. MORRILL. I make the point of order this debate is not pertinent to the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KASSON. I move to reduce the appropriation $1,000, to say a word. In my judgment this will initiate a large expenditure for the entire rebuilding of these Marine barracks. The subject was presented to the Committee on Appropriations, and for two reasons the committee have declined to make any recommendation on the subject: one that it was not proper to introduce it into a bill of this kind without the fullest examination of what is to be the entire cost; and the other was they deemed it improper, so soon after the close of the war, and while the public debt remained unsettled, to commence a work involving so large an expenditure. I hope the amendment will not be adopted.

Mr. RICE, of Massachusetts. The estimates are that the entire cost will be $138,000; that is, for rebuilding these barracks. I call attention to the following letters on the subject:

HEADQUARTERS MARINE CORPS,
QUARTERMASTER'S OFFICE,
WASHINGTON, *February* 25, 1867.

SIR: I have the honor to present for your consideration, the propriety of your asking an appropriation to construct one wing of the Marine barracks, at Washington, District of Columbia. In the plan and estimate of cost of the reconstruction of the entire barracks submitted to, and approved by, the Navy Department, the sum of $138,900 was required; but as, under any circumstances, only one wing at a time could be erected, an appropriation of, say, $65,000 would meet the immediate wants of the service. I am induced to bring this subject to your notice from the present dilapidated condition of the barracks, and the responsibility I feel as quartermaster to do all in my power to provide suitable quarters for the accommodation of the men. Of the fact that the present condition of these barracks offers but little protection for the health and comfort of the men, it will only be necessary for any one to go and examine them to be satisfied; and in this connection I inclose copy of a letter from the medical officer of the post.

Trusting that the importance of the above matter will be a sufficient excuse for my bringing it to your notice at this time,

I am, very respectfully, your obedient servant,
W. B. SLACK,
Quartermaster Marine Corps.

HON. ALEXANDER H. RICE,
Chairman Naval Committee, House of Representatives.

Approved and forwarded:
J. ZEILIN, *Colonel Commandant.*

HEADQUARTERS MARINE BARRACKS,
WASHINGTON, *February* 14, 1867.

SIR: Your letter of February 2, "asking whether, in a sanitary point of view, the reconstruction of the Marine barracks is really required for the future health and comfort of the men" has been received.

In reply, I beg leave to state that I consider the present barracks as unsuited for the accommodation of the force usually occupying them. The rooms are small, cannot be properly warmed or ventilated, and have none of the modern conveniences of barracks, such as rooms for cleaning arms, accouterments, wash-rooms, &c.

To show how much they are crowded, room number four is thirty-seven feet long, twenty-three feet wide, and thirteen feet high, has eleven thousand and sixty-three cubic feet of air; in it thirty-eight men are quartered, giving to each two hundred and ninety-one cubic feet of air, whereas there should be at least eight or nine hundred cubic feet per man. The men are obliged to wash in the open air in all weathers. The arrangement of the latrines, night urinals, and the drainage of the present building is defective.

I am, very respectfully, your obedient servant,
L. J. WILLIAMS,
Surgeon United States Navy.

Colonel J. ZEILIN, *Commandant United States Marine Corps, Headquarters Washington.*

Mr. KASSON, by unanimous consent, withdrew his amendment to the amendment.

The amendment was then disagreed to.

Mr. MAYNARD. I move to insert the following:

Provided, That the American Nautical Almanac be printed at the Government Printing Office, and that the entire expense of preparing it for publication be $25,000, and no more.

Mr. RICE, of Massachusetts. The gentleman may not be aware it is now printed there.

Mr. MAYNARD. I introduce this proposition at the instance of the chairman of the Committee on Printing. There is great propriety in the work being done there. I have often heard the statement by the gentleman who I understand has been reappointed Superintendent of Public Printing that the work could be as well, if not better, done there. If it is done there now this amendment will do no harm, but will be only a formal expression of our wish.

One word in reference to the amount. To economize on this seems to be economizing in a bad place. This, as is well known, is a work of rare scientific character, involving the aspects of the heavenly bodies for the purpose of being used by nautical men in the naval and commercial marine. Few persons are able to prepare it. Its value depends upon its accuracy, for otherwise it is worse than useless and becomes a snare.

Besides, it is a work that goes all over the commercial world, and one that presents our scientific attainments to the eyes of all the other nations. This sum, $25,000, has been the constant appropriation until I believe the last Congress, when it was raised to $25,825. I trust the Committee on Appropriations will concur in letting it stand where it has been for a long time until the last session, when it was reduced to $15,000. I had occasion to examine into this matter several years ago, when I was a member of this House. It was a subject that was much discussed, and some gentlemen attacked it with great severity; but I became satisfied that it was an expenditure that was very wise and economical. I trust the House will let it stand as it is.

Mr. KASSON. The estimate made for this year and submitted to the committee was less than that proposed now by the gentleman from Tennessee. I think the estimate was $21,200. I concur with the gentleman that it is an important publication, and in providing the requisite means for it, and if we could go back I would have no objection to substituting $21,000 for $15,000. But the amendment proposed by the gentleman is objectionable in two particulars. In the first place, the arrangements he proposes have already taken effect, and in the second place he asks more than the estimate that was submitted to us. Unless, therefore, we can go back and make the change I hope the amendment will be rejected; and if the amount is too small let it be corrected in the Senate.

Mr. MAYNARD. I move to strike out the last word for the sake of replying to the gentleman. I think he will find, on looking at the estimate presented at the last session, that it was $25,825, and the House reduced it to $15,825. Now, the estimate submitted this year has been made under a pressure occasioned by our legislation in the last Congress, showing a disposition to reduce it to the very lowest point that it was possible to reduce it in accordance with the judgment of Congress, and coming as near as possible to what was regarded as the sentiment of the House.

Mr. KASSON. That is very doubtful pressure.

Mr. MAYNARD. I understand and appreciate it. We are told on high authority that "there is that withholdeth more than is meet and tendeth to poverty." This is a matter of necessity; it is not economy; it is penuriousness and parsimony.

[Here the hammer fell.]

The amendment of Mr. MAYNARD was disagreed to.

Mr. RICE, of Massachusetts. I move to add the following as an additional section:

SEC. —. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to use any sums heretofore appropriated for naval purposes remaining unexpended for such repairs and improvements at the several navy-yards as have been estimated for and for which appropriations are not herein provided.

Mr. KASSON. I wish to inquire how far the gentleman from Massachusetts [Mr. RICE] intends to go back and authorize the use of any unexpended balances heretofore appropriated? There seems to be no limit according to the gentleman's amendment. I would like some explanation.

Mr. RICE, of Massachusetts. I observe by examining this bill that the estimates for the general appropriations for expenditures of the navy-yards amounted to $7,712,075, and that the Committee on Appropriations have cut it down by about seven million dollars, leaving it $707,663 in place of $7,712,075.

Now, it must be apparent to anybody and everybody that the naval establishment cannot be carried on upon that sum of money. I have had no desire to contest these appropriations as we have progressed with the bill, and the purpose of the amendment which I have now offered is, that the Secretary of the Navy may make use of any surplus funds that he has on hand, if he have any such, and may expend them in carrying on the navy-yards in the particulars for which estimates were made by the Department for the coming fiscal year. That is all there is of it.

Mr. KASSON. I hope the gentleman will so modify his amendment as to include only the balances of sums of money heretofore appropriated and not lapsed into the Treasury by the expiration of time. I think that would probably be the construction of the amendment as now offered, but I prefer to make it certain.

Mr. RICE, of Massachusetts. I have no objection to that.

Mr. PIKE. I ask that the amendment may be again read.

The Clerk again read the amendment.

Mr. PIKE. I ask the gentleman to state what amount of money this involves.

Mr. RICE, of Massachusetts. I cannot say exactly. I stated when I was upon the floor before that the estimates for these objects amounted to $7,712,000; but the committee have cut out the $7,000,000 and have left only the $712,000. I do not know how much may be necessary to be expended in carrying on the naval establishment for the next year; but the amendment which I have offered is intended to give the Department the privilege of expending any surplus that they have on hand and that has not lapsed into the Treasury, in carrying on the naval establishment according to the estimates made by the Department for the next fiscal year.

Mr. PIKE. I merely wanted the House to be made aware of the nature of the amendment offered by the gentleman from Massachusetts. If I understand it, it would involve the full amount that the committee have cut out, $7,000,000, the amount of the appropriations to the various navy-yards, South and North, and for other naval purposes, which were recommended by the Department and which the Committee on Appropriations struck out. If the House choose to vote for it, now that they understand it, the responsibility is theirs and not mine.

Mr. RICE, of Massachusetts. I wish to say that these sums are only for the ordinary and customary expenditures of the Department, which have never before been rejected to my knowledge during the eight years that I have been here.

Mr. SCOFIELD. I move to amend by striking out the last word. It seems to me that if there is any merit in this amendment proposed by the gentleman from Massachusetts we should have the items that we are asked to appropriate set forth, and also the objects for which they are to be appropriated.

Mr. RICE, of Massachusetts. The gentleman will find them all in the estimates made by the Department.

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Mr. SCOFIELD. Very likely, if we had time to hunt up those estimates; but I think that these items and objects ought to be set forth in the bill. As it is, we are to vote in the dark; we do not know how many millions we may be voting away, nor do we know how those millions are to be applied. If the gentleman wants us to vote intelligently upon this proposition let him present the items. If he does that we can vote intelligently; otherwise, I hope that this proposition be voted down.

Mr. CHANLER. I offer a substitute, which I wish to have read.

The Clerk read as follows:

That any superintendent or other person employed in the navy-yards of the United States be, and are hereby, forbidden to take any part, directly or indirectly, in the political questions of the day while in the employment of the United States Government; but such employés and superintendents are not hereby to be deprived of their full rights as citizens to vote at all elections established by law.

Mr. MAYNARD. Without distinction of race or color? [Laughter.]

Mr. HILL. I rise to a point of order; that the amendment is not germane to the subject under consideration.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CHANLER. I offer this as an amendment.

Mr. RICE, of Massachusetts. I desire to say to the gentleman from Pennsylvania, [Mr. SCOFIELD,] that I have before me the items about which he desires information and which are covered by the amendment that I have offered.

Mr. ALLEY. I move to amend the amendment by striking out the last word, for the purpose of saying that I hope my colleague will be allowed to state what those items are. For one, I am entirely unwilling to vote for his amendment in the dark. If the items which his amendment will embrace are of such a character that we can properly and consistently vote for it, I will give his amendment my support. But without some further information upon the subject I cannot reconcile it with my duty to vote for his amendment.

Mr. RICE, of Massachusetts. It is very well known that the various Departments of the Government, before the assembling of each session of Congress, make up and send to the Secretary of the Treasury estimates of the amounts of money required for their respective Departments. That was done this year by the different bureaus of the Navy Department; they made their returns of estimates to the Secretary of the Navy, who transmitted them to the Secretary of the Treasury; and the items called for by the gentleman from Pennsylvania [Mr. SCOFIELD] will be found in the Estimates of Appropriations for the coming year; and if it is desired, I will send to the Clerk's desk and have read so much of the Estimates of Appropriations as is covered by my amendment. It will be found on pages 112, 113, and 114 of the volume which I hold in my hand. It is nothing more nor less than giving in detail the ordinary wants of these bureaus of the Navy Department. As I said before, the estimates of the Department amount to over seven million seven hundred thousand dollars.

Now, the Committee of Ways and Means, without assigning any reason so far as I have heard, have struck out the sum of $7,000,000 of these estimates. As I have been informed, the committee have not called upon the Navy Department for one particle of information as to whether those items of appropriation are really needed or not. They say that only $700,000 is needed to carry on the naval establishments of this country, when the Department themselves say they need over seven million dollars.

Mr. ALLEY. I withdraw my amendment to the amendment.

The question recurred upon the amendment of Mr. RICE, of Massachusetts; and being taken, it was not agreed to.

Mr. CHANLER. I now offer the following amendment as an additional section:

SEC. —. *And be it further enacted*, That all superintendents or other persons employed in the navy-yards of the United States are hereby forbidden to take any part, directly or indirectly, in the political questions of the parties of the day while in the employment of the United States Government; but such employés and superintendents are not hereby to be deprived of their full right as citizens to vote at all elections established by law.

Mr. KASSON. I rise to a point of order: that this is new legislation and not in order in an appropriation bill.

The CHAIRMAN. The Chair does not understand that the proposed amendment if adopted will change any existing law. The Chair therefore overrules the point of order.

Mr. BANKS. I rise to another point of order: that this amendment is an abridgment of the freedom of speech, and therefore prohibited by the Constitution of the United States.

Mr. CHANLER. Of course it is; but I expect it is a very different kind of speech from any made by the gentleman from Massachusetts, [Mr. BANKS.]

Mr. MAYNARD. I make another point of order: that under the resolution of the House of the last session this is one of those things which should be referred to the joint Committee on Reconstruction without debate.

The CHAIRMAN. The Chair overrules that point of order.

Mr. CHANLER. That was very well put by the gentleman from Tennessee, [Mr. MAYNARD,] who seems to have reconstruction on the brain.

Now, the object of my amendment is not to interfere in the least with my highly honored friend from Massachusetts, [Mr. BANKS.] It does not in any way tend to impair the condition of the happy family which now controls the political organization in the navy-yards of the country. My object is to prevent——

Mr. BINGHAM. I rise to a point of order; and I ask that the proposition presented by the gentleman from New York [Mr. CHANLER] be again read, to enable me to state my point of order correctly.

The Clerk again read the amendment of Mr. CHANLER.

The CHAIRMAN. Upon hearing the amendment of the gentleman from New York again read the Chair perceives that he was in error in his former ruling. He now rules that the amendment is not in order, upon the ground stated by the gentleman from Iowa, [Mr. KASSON,] that it is new legislation in an appropriation bill.

Mr. CHANLER. It applies to that portion of the bill embraced under the heading of "Bureau of Construction and Repairs."

The CHAIRMAN. The Chair has ruled the amendment out of order.

Mr. LAWRENCE, of Ohio. I move to amend the bill by adding to it the following:

That so much of section four of the act entitled "An act making appropriations for the naval service for the year ending June 30, 1867," approved April 17, 1866, as repeals any part of section two of the act entitled "An act to regulate the pay of the Navy of the United States," approved March 3, 1835, is hereby repealed, and section two of the act last aforesaid is hereby revived and restored.

Mr. KASSON. I am obliged to make the point of order that this amendment proposes new legislation, changing existing laws, and is therefore not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RICE, of Massachusetts. I now offer an amendment substantially similar to that which I offered a while ago; but I have so modified it as to obviate, I think, the objection which was then made. I have added a proviso that the sum expended shall not exceed the estimates for the next fiscal year. I move to amend by adding the following as a new section:

That the Secretary of the Navy be, and he hereby is, authorized to use for the purposes of repairs and for the necessary expenditures at the navy-yards, any sums heretofore appropriated for naval purposes, and which have not lapsed into the Treasury, provided this sum does not exceed the estimates for the next fiscal year.

On the amendment there were—ayes 21, noes 34; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Messrs. BANKS and SCOFIELD.

The committee divided; and the tellers reported—ayes thirty, noes not counted.

So the amendment was not agreed to.

Mr. KASSON. I move that the committee rise and report the bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DAWES reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the Union generally, and particularly the bill of the House No. 1167, making appropriations for the naval service for the year ending June 30, 1868, and had directed him to report the same back to the House with sundry amendments.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed House bill No. 588, for the relief of Richard Chenery, with an amendment, in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had passed a joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 179) to provide for the exchange of certain public documents;

An act (S. No. 611) to extend to and for the benefit of Eliza Wells, letters-patent heretofore issued to Henry A. Wells, deceased;

An act (S. No. 463) for the relief of Rev. Samuel M. Beatty, of Ohio;

An act (S. No. 628) relative to courts-martial in the Army;

An act (S. No. 613) to provide for the payment to D. B. Allen & Co., for services in carrying the United States mails; and

An act (S. No. 606) to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866.

The message further announced that the Senate had passed without amendment House joint resolution No. 92, authorizing the Secretary of the Interior to pay certain claims out of the balance of an appropriation for the payment of necessary expenditures in the service of the United States for Indian affairs in the Territory of Utah.

Also, that the Senate had postponed indefinitely House bill No. 956, to enforce the thirteenth amendment of the Constitution of the United States.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 457) for the relief of Hiram Paulding, rear admiral United States Navy;

An act (H. R. No. 1068) for the relief of Mary A. Cross;

An act (H. R. No. 1092) for the relief of Milton Velzy;

An act (H. R. No. 1096) for the relief of J. and O. P. Cobb & Co;

An act (H. R. No. 1153) for the relief of Mrs. Rachel McClelland;

An act (H. R. No. 1189) granting arrears of pension to Sally Allen;

An act (H. R. No. 1190) granting a pension to Mary Fitzpatrick;

An act (H. R. No. 1191) increasing the pension of Isabella Fogg;

An act (H. R. No. 1192) granting arrears of pension to Lewis A. Horton;

An act (H. R. No. 1193) for the relief of Levisa Daniel;

An act (H. R. No. 1194) granting back pension to Mary J. Dexter;

An act (H. R. No. 1195) for the relief of Mary B. Fowler;

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An act (H. R. No. 1196) granting a pension to Peter Fisher;
An act (H. R. No. 1197) for the relief of Charles Valence;
An act (H. R. No. 1198) for the relief of the orphan children of John Farris;
An act (H. R. No. 1199) for the relief of William H. Hafer;
An act (H. R. No. 1200) for the relief of Ann J. Duchman;
An act (H. R. No. 1201) for the relief of George W. Knabb;
An act (H. R. No. 1202) for the relief of Francis Barron;
An act (H. R. No. 1203) for the relief of Rufus L. Harvey;
An act (H. R. No. 1204) granting a pension to John Rogers;
An act (H. R. No. 1205) granting a pension to William Gleason;
An act (H. R. No. 1206) granting a pension to Joseph Wrenn;
An act (H. R. No. 1208) increasing the pension of John Russell;
An act (H. R. No. 1209) granting back pension to Margaret Boucher;
An act (H. R. No. 1210) increasing the pension of Levi M. Roberts;
An act (H. R. No. 1211) granting a pension to Effie J. Harvey;
An act (H. R. No. 1212) for the relief of Nancy Hinton;
An act (H. R. No. 1213) for the relief of Elizabeth Staley;
An act (H. R. No. 1214) for the relief of Daniel McMahon;
An act (H. R. No. 1215) for the relief of Thomas Glasgow;
An act (H. R. No. 1216) granting a pension to Mary Hosea;
An act (H. R. No. 1217) granting a pension to David B. Champion;
An act (H. R. No. 1218) for the relief of James Riddle;
Joint resolution (H. R. No. 165) for the relief of Virginia S. Wilson, widow of the late Captain George W. Wilson;
Joint resolution (H. R. No. 273) for the relief of Walter C. Whitaker;
Joint resolution (H. R. No. 280) for the relief of the mother of Charles O. Rowohl;
Joint resolution (H. R. No. 294) for the relief of Obadiah Aderton;
Joint resolution (H. R. No. 295) for the relief of Daniel Cole; and
Joint resolution (H. R. No. 296) for the relief of the orphan children of William Whelan.

NAVAL APPROPRIATION BILL—AGAIN.

Mr. KASSON demanded the previous question.

Mr. CHANLER. I want to move to amend the title so it shall read, "A bill making appropriations for the naval service and for regulating the employés in the navy-yards in the United States."

Mr. KASSON. I cannot yield for that purpose.

The SPEAKER. The title does not come up for amendment until the passage of the bill.

The previous question was seconded and the main question ordered.

The amendments of the Committee of the Whole on the state of the Union were concurred in.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KASSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF DIPLOMATIC CORRESPONDENCE.

Mr. LAFLIN, by unanimous consent, moved to take from the Speaker's table Senate joint resolution No. 182, for printing additional copies of the Appendix to the Diplomatic Correspondence of 1865.

The motion was agreed to; and the joint resolution was taken up and read a first and second time.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. LAFLIN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SMITHSONIAN REPORT.

The SPEAKER, by unanimous consent, presented the annual report of the Smithsonian Institution for 1866; which was laid on the table and ordered to be printed.

Mr. GARFIELD moved that five thousand extra copies be printed, two thousand for the use of the institution, and three thousand for the use of the members of this House; and that said report be stereotyped.

The motion, under the law, was referred to the Committee on Printing.

CALIFORNIA LAND BILL.

Mr. McRUER submitted the following privileged report:

The committee of conference to which was referred the disagreeing votes of the two Houses on House bill No. 878, after full and free conference, do agree to recommend to their respective Houses:

That the Senate recede from so much of their amendment as inserts in the bill and also in the title the word "Placerville," and agree to the same as modified.

That the House recede from their disagreement to the other amendments of the Senate to the bill, and agree to the same.

D. C. McRUER,
S. T. HOLMES,
A. J. GLOSSBRENNER,
Managers on the part of the House.
JOHN CONNESS,
HENRY WILSON,
J. S. FOWLER,
Managers on the part of the Senate.

The report was adopted.

Mr. McRUER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF RAPIDS OF THE MISSISSIPPI.

Mr. LAFLIN, by unanimous consent, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That two thousand copies of the report of General Wilson in reference to the survey and improvement of the rapids of the Mississippi river be printed for the use of the House.

TARIFF BILL.

Mr. MORRILL moved to suspend the rules so as to set aside the morning hour and go into the Committee of the Whole on the state of the Union on the tariff bill.

The motion was agreed to.

Mr. MORRILL moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union to take up the special order, being the amendment of the Senate to the tariff bill.

The House divided; and there were—ayes 72, noes 33.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair,) and proceeded to the consideration of the amendment of the Senate in the nature of a substitute to House bill No. 718, to provide increased revenue from imports, and for other purposes.

Mr. WENTWORTH moved that members who may desire to print speeches on this subject as part of the debates should be allowed to do so on handing them to the reporters.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Twentieth amendment:

Strike out "such port" and insert "and such commissions."

Mr. ALLISON. I move to strike out the same words, and also the words "excluding charges in."

I do this in order to perfect the harmony of this bill. It will be recollected at the last session we passed a law in reference to dutiable values, whereby we included cost of transhipment, also commission in no case less than two and a half per cent., and also the cost of packages in which these articles are transported.

Now, if this provision remains in the bill it will have the effect to exclude wool from the provision of the ninth section of the act of July, 1866, just alluded to, I know of no reason why wool should be made an exception. If the dutiable value is to be fixed by including the cost of transportation, cost of package, and commission, in no case less than two and a half per cent., I think it should also apply to the article of wool.

Mr. SLOAN. Do I understand this is retained on all other articles and excluded on wool alone?

Mr. ALLISON. It is an exception made against wool-growers alone, therefore I hope the words will be stricken out.

Mr. MORRILL. Mr. Chairman, the gentleman from Iowa [Mr. ALLISON] is perfectly aware of any tender spot in this bill, and being opposed to it he adroitly strikes at the vital point. Now, I desire to call the attention of the friends of the bill to the importance of allowing a portion of what he proposes to strike out to remain in the bill. This bill was fully considered by the House at the last session, and if this tariff bill goes into operation it is intended to supersede entirely the laws passed at the last session and all prior laws; and if when the agreement was made between the manufacturers and wool-growers in relation to this item it had not been intended to exclude the charges, then the price per pound would have been fixed at a different rate. But fix the price at a certain rate per pound excluding charges, and of course the price would have been fixed at a higher rate. I move, therefore, to amend the amendment of the gentleman from Iowa so as to leave in the words "excluding charges."

The CHAIRMAN. The amendment is not strictly in order, as it embraces more than the Committee of Ways and Means propose to strike out.

Mr. MORRILL. If the amendment shall be voted down, as I trust it will be—for this is one of the best points in the bill, and if we cannot maintain this we are all afloat—I will then move to strike out the words "in such port and such commissions."

Mr. ALLISON. I will withdraw my amendment for the time being to allow the gentleman to offer his.

Mr. MORRILL. Then I move to strike out the words just indicated; so that the clause will read:

Upon wools of the first class, the value whereof in the principle markets of the country whence exported to the United States, excluding charges, shall be thirty-two cents or less per pound, &c.

Mr. ALLISON. I rise to oppose the amendment of the gentleman from Vermont. I do not see why the gentleman should assume that I propose to offer an amendment the effect of which will be to destroy this bill. The effect of it is to place it in harmony with other portions of the bill. When the gentleman tells us this is in accordance with an agreement, I suppose he alludes to an agreement made between the wool-growers and wool-manufacturers, of which I have heard a great deal upon this floor.

I know that the rates were fixed by wool-growers and manufacturers early last year, before the tariff bill, to which I have alluded, was passed, which was in July, 1866. Now, it is proposed to hold the wool-grower to the letter of that agreement and to allow the manufacturer to include his charges, commissions, packages, and not allow the same privilege to the wool-grower, which in my judgment is a clear departure from the agreement and a fraud upon the wool-grower if it is to continue in this bill as proposed by the Committee of Ways and Means.

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Mr. MORRILL. I ask the gentleman if he is not perfectly aware that these words in the bill are entirely satisfactory to all parties representing the wool-growers?

Mr. ALLISON. I do not know who represents the wool-growers upon this floor or who has any better right to speak for them than I have, representing as I do in part a wool-growing constituency, and I say it is not satisfactory to me as it stands in the bill. If the wool-grower is to be made an exception to the principle contained in the ninth section of the law passed last session, I want to understand the reason why. The effect of it is to reduce the amount of duty upon the article of wool as prepared by the committee, and if the ninth section is not to be repealed, and it is not unless the amendment of the Committee of Ways and Means is adopted repealing the ninth section alluded to by me, then the wool-grower is placed at a disadvantage as compared with other interests in this bill, and for that reason, in order to make the bill harmonize I propose the amendment which I offered a moment ago and hope it will be adopted by the committee.

Mr. SCHENCK. I rise to a point of order, and I will put it in the form of an inquiry of the Chair. I understand from the chairman of the Committee of Ways and Means that there is a printer's error here, and that the word "in" should have been included in the motion to strike out. The committee propose to insert the words "and such commissions." I claim that the only question upon which we can vote is: whether we will or will not agree to that amendment, and that any amendments offered must be amendments to those three words. Am I right?

I understand also that the chairman of the Committee of Ways and Means does not want us to insert these words, "and such commissions."

The CHAIRMAN. The Chair sustains the point of order. The clerical error will be corrected.

Mr. ALLISON. I rise to a point of order. I desire to ask a question of the Chair. This is an amendment reported by the Committee of Ways and Means. I desire to know whether it will be in order to go back to these lines and propose still further amendments after these amendments of the Committee of Ways and Means have been disposed of?

The CHAIRMAN. The Chair holds that it will be in order after the amendments reported by the Committee of Ways and Means are disposed of.

The amendment was disagreed to.

Twenty-first amendment:

In line fifty, after words "the value whereof," strike out the words "at the last port or place."

The amendment was agreed to.

Twenty-second amendment:

In line fifty-one, after the words "excluding charges," strike out the words "in such port."

The amendment was agreed to.

Twenty-third amendment:

In line fifty-six, after the words "the value whereof," strike out the words "at the last port or place;" so that the section will read:

Upon wools of the second class, and upon all hair of the alpaca, goat, camel, and other like animals, and upon noils, the value whereof whence exported to the United States.

The amendment was agreed to.

Twenty-fourth amendment:

In line fifty-eight, in the same clause, after the words "excluding charges," strike out the word "in such port."

The amendment was agreed to.

Twenty-fifth amendment:

In line sixty-one, same clause, after the words "the value whereof," strike out the words "at the last port or place."

The amendment was agreed to.

Twenty-sixth amendment:

In line sixty-three, after the words "excluding charges," strike out the words "in such ports."

The amendment was agreed to.

Twenty-seventh amendment:

In lines sixty-six and sixty-seven, after the words "the value whereof," strike out the words "at the last port or place."

The amendment was agreed to.

Twenty-eighth amendment:

In line sixty-eight, after the words "excluding charges," strike out the words "in such ports."

The amendment was agreed to.

Twenty-ninth amendment:

In lines seventy and seventy-one, after the words "the value whereof," strike out the words "at the last port or place."

The amendment was agreed to.

Thirtieth amendment:

In line seventy-two, after the words "excluding charges," strike out the words "in such port."

The amendment was agreed to.

Thirty-first amendment:

In line one hundred and four, after the word "wool" insert "woolen flocks;" so that it will read:

On sheepskins and Angora goatskins, raw or unmanufactured, imported with the wool on, washed or unwashed, the duty shall be thirty per cent. *ad valorem;* and on woolen rags, shoddy, mungo, extract of wool, woolen flocks, and waste, the duty shall be twelve cents per pound.

Mr. HOOPER, of Massachusetts. I hope that amendment will be rejected. I think it was a mistake on the part of the committee putting it in, as it was afterward explained to the committee that woolen flocks is a very necessary article in the manufacture of woolens. We had supposed when we first acted on it in the committee that it belonged to the class of shoddy, but we ascertained afterward that was not the fact. If this amendment be not agreed to, it will leave this article at three cents a pound, as the Senate have it in their bill. Ten cents a pound is entire prohibition of it, and this is an article which it was explained to us is very necessary in the manufacturing of woolens. I hope the amendment will be rejected.

Mr. GARFIELD. I wish to say that the committee acted with a full knowledge of the facts, and I think they made no mistake in this amendment. I hope the amendment of the Committee of Ways and Means will be adopted.

It will be seen that shoddy, mungo, and extract of wool are charged a duty of twelve cents a pound; the Senate struck flocks out of this category and reduced it to three cents a pound. It is true that "woolen flocks" is the name given to the shearings of new cloth, and is a very different substance from mungo and shoddy; but it is alleged by those who represent the wool interest, and I think with good reason, that if we make this discrimination and let flocks in at three cents a pound, all sorts of material, shoddy, mungo, and extract of wool will come in under the name of "flocks" at three cents a pound. Our custom-house officers are not experts and may easily be deceived. The committee were therefore of the opinion that we ought to put "woolen flocks" in the same category with shoddy, so that we may not open the door to fraud.

Mr. DELANO. I concur very fully in what has been said by my colleague, [Mr. GARFIELD,] who represents the Committee of Ways and Means in this matter. This stuff called "woolen flocks" ought to be subjected to the duty that it will have to pay if it stands in its present position in the bill. And there can be no inducement for placing it in the other position, subject only to a duty of three cents per pound, except to benefit the manufacturer and injure the wool-grower as well as the consumer of the manufactured articles. If the House understands this matter, as I do, they will maintain those words where they now are.

Mr. DAWES. I move to amend the amendment by striking out the last word. I do it for the purpose of saying that I am sorry my friend from Ohio [Mr. DELANO] does not know the subject-matter about which he is talking; otherwise he would not make the statement he does. He says the only effect of admitting this woolen flocks at a duty of three cents per pound will be to aid the manufacturer and to injure the wool-grower. Now, I suppose he would not object to aiding the manufacturer if he could do so without injuring the wool-grower. If he knew the use to which flocks and shoddy are put he would understand very well that nothing could so much injure the wool-grower as to prevent the introduction and use of this woolen flocks. But the gentleman might just as well say that the use of machinery, the use of dyes, or the use of anything that assists in the manufacture of his wool by the manufacturer would aid the manufacturer and therefore injure the wool-grower. His wool cannot be used for the making of fine broadcloth without the use of woolen flocks; but it can be used for manufacturing purposes without the use of shoddy.

The difference between flocks and shoddy is this: flocks is necessary to make the wool full, and to put a face upon it; shoddy is used to supply the place of wool. Now, while what the gentleman says may be true in regard to shoddy, every woolen manufacturer in the country well knows that flocks contributes to the use of the wool raised by most growers, for it facilitates the manufacture of it. The use of flocks, which are the shearings of the new cloth, enables the cloth to full up in a manner in which the shoddy or the wool alone will not full.

Mr. TROWBRIDGE. I would ask the gentleman from Massachusetts [Mr. DAWES] if there is such a distinction between shoddy and woolen flocks that shoddy cannot be imported under the name of flocks?

Mr. DAWES. It cannot be by anybody in any custom-house where our officers know the difference between the two articles. I am aware that there is some truth in what the gentleman from Ohio [Mr. DELANO] says, that the Government is liable to be cheated in this way, and I do not want to adopt any method that will enable men to bring shoddy into this country under the name of flocks. And any legislation which will prevent that will be just what I want, and I think it is what the gentleman from Ohio [Mr. DELANO] would want if he knew the difference between the two articles.

I withdraw my amendment to the amendment.

Mr. DELANO. I renew the amendment to the amendment for the purpose of saying a word or two in reply to the gentleman from Massachusetts, [Mr. DAWES.] I suppose I must stand corrected and acknowledge my ignorance after the exhibition of superior intelligence by that gentleman. I thought the gentleman got the same protection upon his cloth whether it was made of flocks or of wool. I thought if he made his cloth half of wool and half of flocks the protection would be the same.

Mr. DAWES. The gentleman does not understand what I meant to say. I meant to say that flocks contributed to the manufacture and the use of his wool. You can use up more of his wool by having flocks to manufacture with it than by not doing so; just as you can use more wool if you have a power loom than you can if you use only a hand-loom.

Mr. DELANO. I do not quite subscribe to the necessity of using all flocks or even two thirds flocks in the manufacture of cloth. I I do not want the duty to be so reduced that the importation of it may be reduced; for parties will be interested in committing frauds upon the country by its use. The gentleman knows very well what I say in reference to the liability to fraud to result from the adoption of the scale of duties which is proposed upon this article.

As other gentlemen desire to be heard upon this subject I will not say anything more upon it; but I will yield the remainder of my time to the gentleman from Iowa, [Mr. GRINNELL.]

Mr. GRINNELL. Mr. Chairman, I desire to say in the first place that for the manufacture of woolen cloth in this country, all the flocks that is necessary to be used can be obtained in this country. In the second place the foreign article of flocks has no wearing qualities, and should not go with cloth to be imposed upon the people. I hold some of it in my

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hand. It has no more consistency than ground tobacco.

Mr. DAWES. That is shoddy.

Mr. GRINNELL. No, sir, it is flocks. I have here some shoddy. Large quantities of this foreign-grown article are now imposed upon our people as wool, supplanting the growth of our own sheep. I propose that this foreign article shall not come into damaging competition with our home production. Twelve cents a pound is not too much duty. All that we need for our own manufactures we can get from the shearings of our own cloth.

I hope we shall not depart from this well considered provision. It is due to the wool-growers; it is due above all to the consumers and the wearers of cloth, that this stuff should not be imposed upon the country. I have samples here and I invite gentlemen to examine them. Millions of pounds of this are brought in against all the laws of economy, and I would have the duty made prohibitory rather than reduced.

Mr. HOOPER, of Massachusetts. Mr. Chairman, after the very prompt contradiction by my distinguished and learned colleague on the committee, [Mr. GARFIELD,] I feel bound to make some little explanation. I acted as the chairman of that committee in the absence of the gentleman from Vermont, [Mr. MORRILL,] and after we had inserted this in the committee, as the gentleman states, some manufacturers came in and explained to us the difference between flocks and shoddy. We had supposed that these articles were to be ranked together; but they explained to us that flocks is a very necessary article in the manufacture of woolen. I have no particular interest in the subject, but I understood it to be the wish of the committee to put flocks as it stood in the Senate bill; and I desire to make this explanation, as my colleague has contradicted a statement which I made, and raised a question of veracity between us.

Mr. GARFIELD. I beg leave to say that I raised no question of veracity whatever with the gentleman from Massachusetts, [Mr. HOOPER.] I only said that the committee did not put this in by accident, but inserted it deliberately. The subsequent action of the committee to which he refers I never heard of before. That action may have been taken in my absence, and doubtless was precisely as the gentleman states it.

Mr. DELANO. I withdraw my amendment to the amendment.

Mr. KELLEY. I move *pro forma* to amend the amendment by striking out the last word.

I desire to state to the gentlemen who are discussing this subject that no man who is acquainted with the two articles can mistake flocks for shoddy; and if there be not imbecility or corruption in the officers having charge of the matter, the one cannot be made the means of perpetrating frauds by the introduction of the other. The article of flocks is needed for various branches of manufactures, almost infinite in number, not at all connected with the woolen trade. If you could deprive the country of a supply of flocks you would entirely suspend thereby the manufacture of velvet papers and also the production of many pigments. This article enters in a comparatively small degree into the production of woolen goods; it enters in a much larger degree into the manufacture of many of the necessaries and many of the elegancies of life. Gentlemen who have discussed the question do not appear to recognize the fact that shoddy is a fiber, while flocks is an article so light that it floats in the atmosphere and must have a quiet room in which to settle to be gathered from the floor.

Mr. GRINNELL. A perfect answer to all the gentleman has said is that the flock in this country is ample for all the wall-paper needed. It is not true it does not come into competition. It does come into competition. It is glued in many cases upon cloth, which is imposed upon the honest people whom we are here to protect. It has no wearing property whatever. We can secure all in this country that may be wanted by our manufacturers.

Mr. KELLEY, by unanimous consent, withdrew his amendment to the amendment.

The amendment was agreed to.

Thirty-second amendment:

Strike out the words "and on woolen flocks or shearings of new fulled cloth the duty shall be three cents per pound;" so the paragraph will then read:

On sheepskins and Angora goatskins, raw or unmanufactured, imported with the wool on, washed or unwashed, the duty shall be thirty per cent. *ad valorem;* and on woolen rags, shoddy, mungo, extract of wool, woolen flocks, and waste, the duty shall be twelve cents per pound.

Mr. HOOPER, of Massachusetts. I am opposed to the amendment. I think the gentleman from Ohio [Mr. DELANO] will agree "woolen flock and shearing of new cloth" should be admitted at three cents per pound. His objection to striking out in line one hundred and eighty-four "woolen flocks" was applied to another article, which in the bill is called "extract of wool."

The amendment was agreed to.

Thirty-third amendment:

Insert "and on such as may now be exempt from duty;" so it will then read:

SEC. 4. *And be it further enacted*, That in lieu of the duties heretofore imposed by law on manufactures of wool and similar materials, and on such as may now be exempt from duty, there shall be levied, collected, and paid on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say.

The amendment was agreed to.

Thirty-fourth amendment:

Strike out the following:

On woolen cloths, comprising broadcloths, cloakings, cassimeres, ladies' cloths, doeskins, tricots, and all other fulled or felted goods or fabrics, woolen shawls, flannels, and all manufactures of wool of every description made wholly or in part of wool, not herein otherwise specified, valued at $1 50 or less per pound, forty-five cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem;* valued at over one dollar and fifty cents and less than two dollars, fifty cents per pound, and, in addition thereto forty per cent. *ad valorem;* valued at two dollars and over per pound, fifty cents per pound, and, in addition thereto, forty-five per cent. *ad valorem.*

And in lieu thereof insert the following:

On woolen cloths, woolen shawls, and all manufactures of wool of every description made wholly or in part of wool, not herein otherwise provided for, fifty cents per pound, and, in addition thereto, thirty per cent. *ad valorem.*

On zephyr worsted, twenty cents per pound, and, in addition thereto, thirty per cent. *ad valorem.*

On endless belts or felts for paper or printing machines, twenty cents per pound, and thirty-five per cent. *ad valorem.*

The committee divided; and there were—ayes 52, noes 17.

So the amendment was agreed to.

Thirty-fifth amendment:

Strike out the words "on bunting fifty cents per pound, and, in addition thereto, thirty per cent. *ad valorem,*" and in lieu thereof insert:

On bunting, twenty cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem.*

On women's and children's dress goods, and real or imitation Italian cloths, and all other similar fabrics uncolored or in the gray, commonly sold or purchased by the yard or other lineal measure, or by the piece, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, camel, or other like animals, valued at not exceeding twenty cents the square yard, six cents per square yard, and, in addition thereto, thirty per cent. *ad valorem;* valued at above twenty cents per square yard, eight cents per square yard, and, in addition thereto, thirty per cent. *ad valorem.*

Mr. ALLISON. What is the difference between the amendment of the Senate and the amendment of the Committee of Ways and Means? My impression is it is a large increase.

Mr. MORRILL. The proposition of the Committee of Ways and Means was adopted at the last session. I am not going to deny the fact that this duty proposed is a very high one. It was deemed important that the flag which floats at our mast-heads should be made at home and not abroad. It has been provided that the Secretary of the Navy shall purchase this article of American manufacture if to be had. Under that provision a single establishment has been put into operation, but it has been found that it cannot be made to pay expenses and kept in operation without this duty.

Mr. ALLISON. I think the increase of duty is two hundred per cent.

Mr. MORRILL. It amounts to prohibition, or nearly that, I suppose. We did not care to bear the stigma of having our flag manufactured abroad. As to the remainder of the amendment, I simply desire to say it is for the protection of printing establishments of such manufactured goods in this country as are imported uncolored or in the gray, and unless a difference be made they must succumb.

Mr. BOUTWELL. Mr. Chairman, I only wish to say that during the war, we not having manufactories of bunting, the English manufacturers raised the price to thirty dollars a piece, and our Government was compelled to pay that price. The same manufacturers are selling it to-day for about five dollars a piece in gold. Although this duty is high, it will have the effect to stimulate the manufacture, and we shall ultimately have the goods at the net cost of production. I have to say that to-day we are manufacturing a much better article in this country than has ever before been manufactured in the world, and this is a duty upon the article after it has become open to the public generally. There is no monopoly. It will find its level according to the cost of producing it under a tariff, while without it the only manufacturing establishment in the country must be broken up.

Mr. MAYNARD. Where is it?

Mr. BOUTWELL. In the city of Lowell, in my own district.

Mr. MAYNARD. Will they manufacture enough to supply the country?

Mr. BOUTWELL. I do not know whether they will or not; but they will manufacture enough to keep the price within reasonable limits. The British took advantage of our necessities during the war, and put the price at six times its net cost.

Mr. KELLEY. I will say that if they do not manufacture it in Lowell, there are those in Philadelphia that will. The business has been crushed out, but they will gladly embark in it if they can do it without loss.

The amendment was agreed to.

Thirty-sixth amendment:

Strike out the words "either in the gray or of" and insert the words "dyed of;" so that it will read:

On women's and children's dress goods, and real or imitation Italian cloths, and all other similar fabrics, dyed, of uniform color.

The amendment was agreed to.

Thirty-seventh amendment:

Strike out "in" and insert "of;" so that it will read:

Or of various colors or figures produced in the process of weaving.

The amendment was agreed to.

Thirty-eighth amendment:

Strike out "seventy" and insert "sixty;" so that it will read:

On fringes, gimp, tassels, dress trimmings, head nets, buttons or tassel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, the hair of the alpaca, goat, camel, or other like animals, or of which the above-named materials are the component parts of chief value, sixty per cent. *ad valorem.*

The amendment was agreed to.

Thirty-ninth and fortieth amendments:

Strike out the following:

On Wilton, Saxony, and Aubusson, Axminster, patent velvet, Tournay velvet, and tapestry velvet carpet and carpetings, Brussels carpets wrought by the Jacquard machine, and all medallion or whole carpets, valued at $1 25 or under, per square yard, eighty cents per square yard; valued at over one dollar and twenty-five cents per square yard, ninety cents per square yard: *Provided*, That no carpeting, carpets, or rugs of the foregoing descriptions shall pay a duty of less than fifty per cent. *ad valorem.*

On Brussels and tapestry Brussels carpets and carpeting, printed on the warp or otherwise, sixty cents per square yard.

On all treble ingrain, three-ply, and worsted chain Venetian carpets and carpetings, forty-five cents per square yard.

On yarn, Venetian, and two-ply ingrain carpets and carpeting, thirty-five cents per square yard.

On druggets, baizes, and bockings, and felt carpets and carpeting, printed, colored, or otherwise, twenty-five cents per square yard, and, in addition thereto, thirty per cent. *ad valorem;* on carpet and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified, forty per

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cent. *ad valorem: Provided*, That mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpetings, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description, and that the duty on all other mats, (not exclusively of vegetable material,) screens, hassocks, and carpet, and door rugs, shall be forty per cent. *ad valorem;* and insert as follows:

On Aubusson and Axminster carpets and carpets woven whole for rooms, fifty per cent. *ad valorem;* on Saxony, Wilton, and Tournay velvet carpets, wrought by the Jacquard machine, seventy cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on Brussels carpets wrought by the Jacquard machine, forty-four cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on patent velvet and tapestry velvet carpets, printed on the warp or otherwise, forty cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on tapestry Brussels carpets printed on the warp or otherwise, twenty-eight cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on treble ingrain, three-ply and worsted chain Venetian carpets, seventeen cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on yarn Venetian and two-ply ingrain carpets, twelve cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on druggets, baizes, and bockings, printed, colored, or otherwise, twenty-five cents per square yard, and, in addition thereto, thirty per cent. *ad valorem;* on carpets and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified, forty per cent. *ad valorem: Provided*, That mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpeting shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description, and that the duty on all other mats, (not exclusively of vegetable material,) screens, hassocks, and rugs, shall be forty-five per cent. *ad valorem.*

Mr. WILSON, of Iowa. I observe some change in this amendment from the provision of the bill sent to us by the Senate. I find in the Senate bill the various grades of carpet are divided by price. I do not find that that has been observed in the preparation of the amendment of the House committee, and I desire to know what change has been made by the Committee of Ways and Means. Under the provision of the Senate bill I find a lower rate of duty is imposed upon the finest kind of carpet, while the poorer or cheaper article used by the common people has the highest duty imposed upon it. I would like to have some explanation in relation to the manner in which these duties are levied; why the lowest duty is put upon the luxurious article?

Mr. MORRILL. The gentleman appears to be speaking against the Senate amendment which we propose to strike out. I do not, therefore, see the necessity of replying. I agree with the gentleman that the House amendment is the best. It does not make the discrimination to which he objects.

Mr. WILSON, of Iowa. Mr. Chairman, that is a very lucid explanation. I understand now why the committee recommend the imposition of the highest duties upon the lowest grades of carpet, and why, on the other hand, they recommend the lowest duties upon the highest grade of carpet; I understand it perfectly now, because the gentleman says that I seem to be opposed to the Senate amendment, and therefore I have answered my own inquiry; and of course that explains it very clearly. But still I want the chairman of the committee, who has given this subject his attention, to explain it to the House, and to let us know whether manufacturers who are making the lower grades of carpet do not need any higher rates of protection than those who are manufacturing the lower grades; whether those who are manufacturing carpets that go upon the parlors of the rich really need less protection under the tariff than those need who are manufacturing the carpets that are to cover the floors of the poor.

Mr. DAWES. The gentleman is mistaken.

Mr. WILSON, of Iowa. No; it is just as I say.

Mr. DAWES. It is just here. The Senate proposed an amendment that had this peculiarity: it put a lower rate of duty upon the higher-priced carpets than it put upon the lower-priced carpets. The Committee of Ways and Means propose to strike that out and to put in place of it a provision putting the higher rate of duty upon the higher-priced carpets and the lower rate of duty upon the lower-priced carpets; whereupon the gentleman from Iowa turns around indignantly and wants to know of the Committee of Ways and Means why the Senate put in this strange and wicked proposition; and again he wants to know of the committee why they now propose to strike it out.

Well, now, I do not know exactly what to say to the gentleman; but I suspect that it is because the Committee of Ways and Means think the Senate provision unwise that they propose to strike it out and to put in a different one.

Mr. ALLISON. I desire to ask the gentleman from Massachusetts [Mr. DAWES] a question. I see that the Senate and the House agree in the duty to be put upon druggets, baizes, and bockings; and I wish the gentleman would state what rate per cent. of duty is imposed upon those articles.

Mr. DAWES. That is a queer question for a member of the Committee of Ways and Means to put to me.

Mr. ALLISON. I will state, then, that it is from eighty-two to one hundred and two per cent.

Mr. DAWES. Well, the gentleman knew before he asked; why, therefore, did he put the question to me? He is on the committee that reported this bill to the House, and I was following him, with unequal step it is true, but as well as I could——

Mr. DODGE. I desire to ask the chairman of the Committee of Ways and Means to state to the House, so that we may vote understandingly upon this question, what is the amount of increased duty put upon these various kinds of carpet. The carpet that is put, under the present tariff, at seventy cents a square yard I understand to be put in this bill at seventy-five cents a square yard, and in addition to that thirty-five per cent. *ad valorem.* I ask if that is so?

Mr. MORRILL. I will state to the gentleman from New York [Mr. DODGE] that the increased duties do not any more than cover the increased amount of duty to be placed upon wool, and scarcely that. If the gentleman will examine the subject he will see that that is the case.

Mr. ANCONA. I move that the committee rise for the purpose of closing the debate.

The CHAIRMAN. The gentleman from Vermont [Mr. MORRILL] is still entitled to the floor.

Mr. MORRILL. I will merely say that upon a close computation the manufacturer of carpets, when this bill shall have passed, will receive no more and not even so much protection than he now obtains.

The amendment of the Committee of Ways and Means was then agreed to.

Mr. WILSON, of Iowa. I desire to inquire of the Chair if the Committee of the Whole are confined to voting upon the amendments proposed by the Committee of Ways and Means without any opportunity being given to offer amendments to those amendments?

The CHAIRMAN. All of the amendments proposed by the Committee of Ways and Means are open to amendment.

Mr. HILL. I would inquire if the amendments proposed by the Committee of Ways and Means will be open to amendment after they have been acted upon?

The CHAIRMAN. They will not. The Chair rules, and has ruled all the time, that the amendments recommended by the Committee of Ways and Means are open to amendment; but independent amendments cannot be offered until all the amendments of the Committee of Ways and Means have been acted upon.

Forty-first amendment:

Insert the words "five cents per square yard, and, in addition thereto," before the words "thirty-five per cent. *ad valorem*," in the clause relating to oil-cloth; so that it would read:

On oil-cloths for floors, stamped, painted, or printed, valued at fifty cents or less per square yard, five cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem.*

The amendment was agreed to.

Forty-second amendment:

Insert, in the same clause, the words "ten cents per square yard, and, in addition thereto," before the words "forty-five per cent. *ad valorem;*" so that it would read:

Valued at over fifty cents per square yard, and all other oil-cloth, (except silk oil-cloth,) and on waterproof cloth not otherwise provided for, ten cents per square yard, and, in addition thereto, forty-five per cent. *ad valorem.*

The question was taken upon agreeing to the amendment; and upon a division, there were—ayes 35, noes 27; no quorum voting.

Tellers were ordered; and Mr. GARFIELD and Mr. LE BLOND were appointed.

The committee again divided; and the tellers reported that there were—ayes 52, noes 46.

So the amendment was agreed to.

Forty-third amendment:

In section five, in the clause relating to spun silk; to strike out the words "not more advanced than singles, thirty-five per cent. *ad valorem;*" so that it would read:

On spun silk for filling, in skeins or cops, and on silk in the gum, not more than singles, tram, thrown, or organzine, and on floss silks, thirty-five per cent. *ad valorem.*

The amendment was agreed to.

Forty-fourth amendment:

Insert in the third clause of the same section the words "dress silks" after the words "head-dresses;" so that it would read:

On all ribbons, beltings, galloons, hat-bands, bindings, braids, fringes, gimps, gloves, cloak and dress trimmings, fancy buttons, cords, dress cords, cords and tassels, head-nets, head-dresses, dress silks, neckties, collars, and scarfs, made of silk, or of which silk is the component material of chief value, seventy per cent. *ad valorem.*

The amendment was agreed to.

Forty-fifth amendment:

In the same section, in the clause relating to unmanufactured flax, to strike out the word "fifteen" and insert the word "twenty;" so that it would read:

On flax unmanufactured, twenty dollars per ton.

Mr. SCHENCK. I move to amend the amendment proposed by the Committee of Ways and Means by striking out "twenty dollars" and inserting "forty-five dollars" as the duty per ton upon flax unmanufactured.

Mr. Chairman, one of the most remarkable features in this bill, of which there are a great many, is the fact that whenever you come to any matter which involves protection to the raw material which can be produced in our own country, and especially in the interior of the country, the Senate by the provisions of their bill propose to lower the rate of duty; and if the Committee of Ways and Means of this House attempt, as they have very properly attempted, to raise the duty to a higher rate, they never succeed in getting it back to what it was in the House bill of the last session.

Now, we have heard a great deal about the manufacturing interest and its relation to the agricultural interest of this country. We have heard ingenious arguments and calculations to show how much flour, corn, hay, pork, beef, &c., enter into a bar of iron or a yard of cotton cloth. Now, those arguments are not only ingenious but plausible, and there is a great deal of truth in them. I am not only in favor of a tariff, but I am in favor of a protective tariff. And besides the food which we furnish to the operatives who manufacture this iron or this cotton cloth there are many things which constitute the raw material which we can also furnish. But when our farmers go to the manufacturer and say, we cannot only furnish food for your operatives, but we can furnish hides and flaxseed for oil, and flax fiber for manufacture, the manufacturer does not see the force of the argument so strongly. He says to the farmer, no, I can import those things from Europe; if you will let me have them as cheaply or even cheaper than I can import them I will make them into goods and you will indirectly derive advantage from the consumption of the cereals and other products of your farm by my operatives. Now, the farmer wants to be protected, not merely by having a market for the articles of food which he raises, but for the raw materials which go into these manufactures,

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the fiber in every shape, from flax and from hemp.

Now, the Senate have not only cut down the rate fixed by the House bill from forty-five to fifteen dollars per ton on the unmanufactured flax, but they have shown a disposition to protect everything except what we raise in the interior of the country. And when the Committee of Ways and Means, very properly disagreeing with the Senate, undertake to give us something like the same protection upon these articles which they have given to the manufacturers, they cannot get back to anything like what it was in the original bill of the House, that is, forty-five dollars per ton on unmanufactured flax; they propose merely to raise it from fifteen to twenty dollars per ton.

The original House bill fixed the duty, as I understand, at forty-five dollars per ton.

Now, sir, what is the case with manufactured goods? You may look over this whole bill, and if I do not mistake, you will find that, calculating it by a per cent. as an *ad valorem* duty, the general average of protection is about one hundred and twenty-two per cent. Wherever manufactures come into consideration the tax is to be raised. A little while ago we put a prohibitory duty upon the article of bunting; I do not complain of that, for if there is anything the manufacture of which for our own use should be carried on exclusively by ourselves, it is the material of our national flag. I am willing therefore that no bunting shall ever be imported. But the matter has not stopped there. A vast number of other manufactures have been cared for in the same way. Take for instance the article of oil-cloth, which we had under consideration a little while ago. Not satisfied with the percentage of tariff in the shape of an *ad valorem* duty put on by the Senate, the committee have added to that a five and ten per cent. specific duty. Thus continually all through the bill the manufacturing interests receive the most liberal protection. But when we come to our western productions, such as I have named, hides, flaxseed, flax, tow, &c., we cannot even get back to that which the Committee on Ways and Means once thought was right.

Sir, I am for a fair arrangement of this matter. If protection is afforded to those who are engaged in manufactures, we of the West want not only indirect protection upon that with which we feed them, but direct protection such as they receive upon all those articles which, as raw material, may enter into the manufactures of the country.

Mr. MORRILL. Mr. Chairman, I am not more surprised at some of the extravagant statements of the learned and distinguished gentleman from Ohio [Mr. SCHENCK] than I am at his theory of protecting the flax-growers of Ohio. Why, sir, he would protect the grower of flax by putting such a duty upon it as to prohibit entirely its introduction here from abroad, and then put so low a duty upon the manufactured articles of flax that the foreign articles would come in to the exclusion of all flax manufacturers at home, and preclude the possibility of consuming or selling any of the raw material or flax grown at the West.

Now, Mr. Chairman, under the theory on which we acted in years past, the article of linen in 1860 was receiving a protection of only fifteen per cent. Under the influence of the power dominant here then we had to allow articles consumed in the "sunny South" to come in at about one half the rate which northern people had to pay. While a duty of thirty per cent. was imposed upon cotton manufactures, only fifteen per cent. was imposed upon linen. We have since changed all that, and equalized the duties. This has a tendency to build up these manufactories in places where flax is grown. And I say to the gentleman from Ohio that is the most effectual way, if not the only way, in which he can procure any efficient protection for flax, is to go for a policy that will establish its manufacture in the neighborhood where it is produced.

Now, Mr. Chairman, the statement that we have raised the protection upon all manufactured articles up to one hundred and twenty-two per cent. is monstrous when tested by the provision of this bill. The gentleman is utterly mistaken. Why, sir, as to many of the articles in the bill the duties are stated in *ad valorem* terms, and at once refute the gentleman's statement. A number of articles are at less than forty-five or even forty, thirty, twenty, and down even to ten per cent. And many of the specific duties are merely a translation from the rates at which they stand in the existing tariff, being not at all increased. Yet the gentleman comes here on the pretense that we have raised the duties generally to one hundred and twenty-two per cent., and asks us to raise the duty upon flax two hundred to three hundred per cent. upon the present duty, which is fifteen dollars per ton. The Committee of Ways and Means thought proper to raise that duty thirty-three and a third per cent., having increased it to twenty dollars per ton. If we increase the whole tariff at this rate it would probably be satisfactory to the country.

If the gentleman's motion should prevail, then there would be no possibility of the manufacturing interests of the country obtaining imported flax, and they would be extinguished. The flax imported from abroad to be made into threads is a finer article than can be raised upon the fallow bottom lands of the West. The growth there is rank and coarse, and makes up in bulk what it lacks in fineness.

Take for instance the article of leather, and I thank God I come from a State where I am not required to humbug my people on any of these questions. If we impose a duty of twenty-five or thirty per cent. on raw hide what would be the result? We would import the article already manufactured, tanned and curried and dressed, and there would be no chance for the sale of domestic raw hides.

Mr. SCHENCK. I withdraw my amendment, and for the purpose of answering the gentleman from Vermont will make it forty-five per cent. *ad valorem*.

Mr. Chairman, gentlemen are very sensitive here if we point out objectionable features in this legislation, and we are reminded they have constituents who are not to be humbugged. I want gentlemen to understand it is not necessary to humbug my constituents, their eyes are open to this matter and they desire the gentleman from Vermont shall neither humbug them nor this House.

I am charged with making a monstrous proposition when I propose forty-five dollars per ton upon this unmanufactured flax. Does the gentleman know where I get that proposition? I get it out of his own bill, House bill No. 718, reported from the Committee of Ways and Means, and passed by this House at the last session of Congress. I want to go back to that bill. I went home to my constituents and told them a tariff bill had passed, and I had voted for it, which greatly increased import duties, and for the first time while it increased largely on manufactured goods there had been something like justice done to western interests. On that ground I could defend my vote. I ask the gentleman to answer whether it is not what was in bill No. 718?

Mr. MORRILL. I desire to say when the bill was reported from the Committee of Ways and Means it contained no such proposition, but that proposition was inserted in the House.

Mr. SCHENCK. Under the auspices of the gentleman from Vermont, who managed that bill in the House, he permitted to be inserted and to go to the Senate a duty of forty-five dollars per ton upon flax, and because I now ask we shall stand by that bill passed last summer I am charged with humbugging, charged with making a monstrous and absurd proposition.

I dare say the gentleman from Vermont tried to get it low then as now. What is forty-five dollars a ton? Nothing like the percentage you give to the manufactured article for its protection. They put the manufactures from this article at forty and fifty per cent. *ad valorem*, and how much will forty-five dollars a ton on this raw material be? According to the gentleman's own estimate of value not as much as twenty per cent. I take his own standard and say forty-five, and I want to see whether we will give the manufactured article the same protection as manufactured goods. I insist on it.

Trace this bill all the way through and you will find the Senate in the most remarkable manner where they could find anything to protect the growers of the country put it down to a low figure, and the House committee disagree with the Senate very properly and put it up again. They never succeed, however, somehow, in getting them as high as in the bill passed at the last session. I was satisfied with the bill of the last session so far as this protection is concerned, but I am not satisfied with the amendments of the Committee of Ways and Means.

Mr. GARFIELD. Mr. Chairman, while I dislike to enter into a contest on this question, I am bound to say the statements of my colleague [Mr. SCHENCK] are in many particulars incorrect. The Committee of Ways and Means at the last session introduced a bill proposing to make the duty on unmanufactured flax twenty dollars per ton, but the House fixed it at forty-five dollars per ton. The Senate reduced it to fifteen, as it now is in the law. The Committee of Ways and Means moved to restore the rate originally reported by them at the last session, and put it back to twenty dollars a ton, as it stands in the printed bill before us. So that all this talk about forty-five dollars per ton as being a part of the report of the Committee of Ways and Means or anything for which they are in any way responsible goes for nothing. The Committee of Ways and Means voted against such an increase and voted for precisely what they now propose; it is a thing they have all the while maintained.

Mr. MAYNARD. Will the gentleman tell us what flax is worth per ton?

Mr. GARFIELD. About two hundred and fifty dollars.

Mr. MAYNARD. Then fifteen dollars is only six per cent.

Mr. GARFIELD. That is a matter of arithmetic. I have no quarrel with his figures. Never but once in the history of this country has the tariff on flax been as high as is proposed in this bill. In the tariff of 1842 it was twenty dollars per ton, and in a subsequent tariff it was made free, unjustly so. It was then put up again little by little, and for the last ten years it has been fifteen dollars, where it now is.

But I wish to say to my colleague, that flax is grown in this country mainly for the seed and the oil, and hundreds of tons of flax fiber in the West are thrown away every year, and why? Because we have no adequate establishment for the manufacture of flax in this country. And you can never do anything in the flax interest in the way of raising it for sale until you make a market and bring the manufacturer and producer close together. Now, if you propose to pile up the tax on the raw material it will do us in the West no good. Unless you make it possible to manufacture flax here you will put your tariff on the raw material in vain. There must be a proper relation between the duty on the raw material and the manufactured article.

The committee therefore propose an advance of thirty-three and one third per cent., never to put it up three hundred per cent. as the gentleman proposes. That would be out of all proportion in this enormous bill, which I think in many respects is entirely out of proportion to what it should be.

Mr. SCHENCK. I modify my amendment by making it "forty-five per cent. *ad valorem*."

The question being put on the amendment of Mr. SCHENCK, there were—ayes 49, noes 45.

Mr. MORRILL called for tellers.

Tellers were ordered; and the Chair appointed Messrs. SCHENCK and GARFIELD.

The committee divided; and the tellers reported—ayes 56, noes 60.

So the amendment was disagreed to.

The question recurred on the amendment of the Committee of Ways and Means.

Mr. MAYNARD. I propose another amendment to the amendment of the committee, by making it "twenty per cent. *ad valorem*." That is just about what was adopted at the last session.

Mr. BROOMALL. Make it specific.

The CHAIRMAN. It is not in order; but the Chair will allow it, as no objection has been made. The only word proposed to be inserted by the Committee of Ways and Means is "fifteen."

Mr. MAYNARD. I will move to strike out "twenty" and insert "forty;" so that it will read "forty dollars per ton."

Mr. SCHENCK. Will the gentleman withdraw it?

Mr. MAYNARD. I will if the gentleman will renew it.

Mr. SCHENCK. I will propose $100. Mr. Chairman, $100 duty on a ton valued at $250 is forty per cent. What we ask, therefore, is forty per cent.; and gentlemen, including to my surprise my colleague, [Mr. GARFIELD,] hold up their hands and roll up their eyes in pious horror at the idea of giving that amount of protection to anything in the West. "Why," says my colleague, "it never has been so high before." I know it, and sitting here a friend of protective tariff, for eight years I have voted ay or no as those who get up tariff bills have told me to do. But, sir, we begin to find that something like fair play is proper in these things, and we begin to conclude that while you protect one class of industrial pursuits it is well enough to look to another. While you protect one section of the country in its prevailing interest, it is well enough not to forget that there are other sections having their own interest, their own capital invested, and their own labor applied to the production of articles that it may be well enough to have fostered.

Now, sir, what is it we ask? Simply that articles which we can ourselves produce, and do produce in this country, shall not be put on the same footing as raw material not capable of being produced in the country, but brought from abroad for the use of manufacturers here. We claim that that which we do and can produce shall have the same protection which is given to the industry of the country applied to the business of manufactures.

All the gentlemen on the Committee of Ways and Means claim great credit for having gone from fifteen up to twenty dollars per ton. Now, what is it after all? How much is twenty dollars per ton upon that which costs $250? Eight per cent. Do you hear that, gentlemen of the West? Get down on your marrow-bones and thank these gentlemen for having protected you to the extent of eight per cent. when they themselves have got from forty-five to one hundred per cent. protection. Why do you not feel grateful? Why do you not express your gratitude? Such liberality was never known before, and because it was never known before you have always been imposed upon. You are to bow your necks to the burden and bear the yoke that is to be imposed upon you in the future. That is the argument and it is all there is of it.

I propose that we wake up. I propose that we try our hand at making tariffs, and see whether we cannot turn out possibly as good an article as these gentlemen who have manufactured it hitherto up in the manufacturing regions. We have not been accustomed so much to manufacturing tariffs or anything else as they have. We are in our infancy as yet. These are new and struggling interests with us, but I think if we continue to hammer away at a good many of these things, tariffs included, we shall by and by find we can manufacture them as well as other goods, for the consumption, enjoyment, and protection of the people of this country.

[Here the hammer fell.]

Mr. MORRILL. I remember, Mr. Chairman, when I was a boy I looked upon the venerable and distinguished gentleman from Ohio, then a member of this House, as a very Gamaliel—reading his speeches with delight—and I must say I think the counsel of the Ohio statesman then could be more safely followed than now. I am not a little surprised that a gentleman of the experience in legislation of my friend [Mr. SCHENCK] should be compelled to resort to the kind of argument that he presents here to-day. Now, sir, I live somewhat distant from Ohio, and yet as neither of the gentlemen from Ohio seem to be aware of the price of flax at their own homes, I believe I will take it upon myself to inform them. When flax manufactures were receiving only a protection of fifteen per cent. duty, flax itself could only be sold in Ohio at so low a price that it was thrown away. It would not bring over eight or ten cents a pound. Since we have inaugurated a new system, notwithstanding the reproaches of the gentleman of the source whence it came, of giving protection to linen and flax manufacture, the same article of flax brings twenty cents per pound. That is the way we have encouraged the growth of flax; and if we can only induce people to raise it for the sake of the fiber, instead of raising it solely for its seed, we shall confer a blessing upon his people; for the cultivation of an acre of ground for the fiber will produce even at the lowest market price more than three times what it produces for the seed.

And now let me call the gentleman's attention to the effect of the tariff of 1846, against which he formerly warred. That tariff put the same duty on wool that was put on broadcloth, and what was the result? Prior to that time we were manufacturing broadcloths all over the country, and it was a profitable manufacture, and they were sold at a remarkably low rate, but as soon as that tariff came into operation it extinguished every one of the manufactories; there was not a yard of broadcloth in a very brief time manufactured in the country, and the prices of cloth went up while the price of wool came down to twenty-five cents a pound. That was the result. And now I take it, however wild the gentleman from Ohio is, he is not going to vaccinate the American House of Representatives with any such doctrine or policy as he seems to be so zealously proclaiming.

Mr. SCHENCK. I wish to ask the gentleman a question, whether by the tariff of 1846 there was not a specific duty fixed upon this of fifteen per cent., while now the gentleman is giving us eight per cent.

Mr. MORRILL. Admitting the fact, is it not also the fact that the manufacture of flax was not pursued at all in the country, and hence they had to burn it up; but under the encouragement we have afforded for the last six years the price has already doubled the price of the raw material. And that is the only proper way we can do it. For the last half dozen years it has been the policy of Congress to allow flax machinery to be imported free of duty, and I tell the gentleman that this is the most efficient mode by which we can encourage the growth of flax or increase its price.

[Here the hammer fell.]

The question was then taken upon the amendment of Mr. SCHENCK, and it was not agreed to.

Mr. MAYNARD. I move to amend by striking out "twenty dollars" and inserting "forty-five dollars;" which, according to the price of unmanufactured flax as given by gentlemen in this debate, will be only eighteen per cent. *ad valorem*.

The question was taken; and upon a division there were—ayes 45, noes 55.

Before the result of the vote was announced,

Mr. MAYNARD called for tellers.

Tellers were ordered; and Mr. MAYNARD and Mr. RAYMOND were appointed.

The committee again divided; and the tellers reported that there were—ayes 49, noes 56.

So the amendment was not agreed to.

Mr. BENJAMIN. We may as well give this flax question a fair trial. I move to amend the amendment of the Committee of Ways and Means by striking out "twenty dollars" and inserting "thirty dollars."

The question was taken; and upon a division there were—ayes 46, noes 50.

Before the result was announced,

Mr. BENJAMIN called for tellers.

Tellers were ordered; and Mr. BENJAMIN, and Mr. WASHBURN, of Massachusetts, were appointed.

The committee again divided; and the tellers reported that there were—ayes 48, noes 49.

So the amendment to the amendment was not agreed to.

The committee rose informally; and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a bill (S. No. 509) to amend certain acts in relation to the Navy, in which the concurrence of the House was requested.

TARIFF BILL—AGAIN.

The Committee of the Whole resumed its session.

The pending question was upon the amendment proposed by the Committee of Ways and Means, to increase the duty on unmanufactured flax from fifteen to twenty dollars per ton.

Mr. SCHENCK. We may as well "fight it out on this line;" I therefore move to strike out "twenty dollars" and insert "forty dollars." Gentlemen need not suggest to me that I am fillibustering. This is not fillibustering; it is standing up for the neglected interests of the country, whatever the gentleman from Massachusetts [Mr. DAWES] or any other gentleman may say.

Sir, we all know perfectly well how all these tariffs are made. The moment the Committee of Ways and Means begins to tinker at one—and there is one of the brood brought forth every year—that moment the manufacturers rush to Washington and burst the doors of the room of that committee. There is not a member of the Committee of Ways and Means who will not aver the truth of all I say about this matter. Each one of the manufacturers has his own particular interest. One makes oil-cloths and he wants some more protection on them; another manufactures carpets and wants more protection upon them.

And by way of illustration, I ask gentlemen to look at the portion of this bill relating to carpets and see how it is fixed up. There are certain carpets of comparatively inferior quality which are manufactured in this country. You put a very high tariff on them. The Senate put a high tariff upon the Aubusson and Axminster carpets, which are not manufactured in this country and which are articles of luxury. But the Committee of Ways and Means propose to cut down the tariff proposed by the Senate on these high-priced carpets from eighty or ninety per cent. *ad valorem* to about fifty per cent. *ad valorem*. Now, what is the effect of that? Your wealthy manufacturer here can manufacture the more ordinary kinds of carpet, upon which he has a high rate of protection, and can make money enough out of them to afford to buy for his own use the luxurious carpets which are made abroad and allowed to come in at a low rate of duty. Now, I do not say this for the purpose of demagoguing upon this subject, but to illustrate the whole character of the proceeding which has been entered upon in this matter of protecting the interests of the country.

Perhaps if I was a member of the Committee of Ways and Means, and surrounded by this atmosphere and influence, I might feel somewhat as every other gentleman upon that committee seems to feel, even though he be from the West. But outside of the Committee of Ways and Means, and at home, we breathe a somewhat different air.

Now, what is the fact in regard to this article of flax? The gentleman from Vermont [Mr. MORRILL] explains to us that it is in consequence of these manufacturers; that instead of

throwing away this flax fiber to the extent we did formerly, we now get twenty cents per pound for it. What is the value of a ton of twenty-two hundred and forty pounds at twenty cents per pound? Only $240. The highest price I put upon it was $250 per ton. And according to his own arithmetic he proposes to allow us a duty of only five or six per cent.

But that is not the price by which the duty on the foreign article is to be controlled. The foreign flax fiber is produced at less than that per ton, and the duty is to be reckoned on that; so that we will not even get the protection the gentleman intimates. Put it in the best light you can, and these gentlemen are only willing to let us have about eight per cent. *ad valorem* protection on our flax fiber, while they take from forty-five to one hundred per cent. protection upon the articles in which they are interested. There is no escaping that. I know there is a theory about the tariff, and I believe in much of it: that you must build up your own manufactures, and thus create a market for your own productions of raw materials.

But no man can persuade me that to let in cheap flax from abroad and compel us to burn up our own flax fiber because for want of protection we cannot manufacture it, is protection to our flax-growing interests. There are the stubborn facts in opposition to all theories. We cannot, as the gentleman himself admits, find a sale for our flax, but must burn it up. Why? Because it is not protected. What would the manufacturers think if they had to burn up some of their productions? There would be a vast difference then between your bull goring my ox and my bull making an attack on your ox.

What is the statement of the gentleman from Vermont? That we are gradually getting a somewhat higher price for our flax; and I suppose that we shall be told not to kill the goose that lays the golden eggs nor attempt to hurry the process of incubation in any way, but remain satisfied with whatever protection may be doled out to us, even though this protection comes so slowly that we are obliged to burn up or destroy in one year thirty thousand tons of flax fiber, (as is shown by the statistical table to have been the case during the last year,) because for want of protection this fiber could not be manufactured.

Here, I say, are stubborn facts in opposition to all theories; and so far as facts go the arithmetical calculation may be taken as one of the facts. There is peculiar inconsistency in regarding us as the obliged party because we get protection to the extent of eight per cent., when the manufacturing interests complain that they have not enough protection if they get forty-five or fifty per cent., or more.

Mr. MORRILL. It seems to me that the remarks of the gentleman from Ohio [Mr. SCHENCK] are founded entirely, if he will permit me to say it, on a want of information. He refers to Aubusson and Axminster carpets, and he asks, "Why are lower rates of duty placed upon these than were fixed by the Senate?" If the gentleman had understood the facts he would have seen that with the duty as proposed by the amendment to the Senate bill the Government will get the largest amount of revenue. These carpets are of high quality and are very expensive, and an *ad valorem* duty of fifty per cent. will bring much more revenue into the Treasury than the duty fixed by the Senate.

Mr. SCHENCK. But it is a lower tariff.

Mr. MORRILL. I say that we shall get more revenue from these carpets under the duty here proposed than under the duty proposed in the Senate bill. An *ad valorem* duty of fifty per cent. upon this description of carpets is higher than would be the highest specific rate imposed by the bill.

Now, Mr. Chairman, in relation to this subject, I ask members of this House to look at the rates of duty imposed on linen goods. It will be seen that they are very low, amounting to not more than about forty per cent. on the lowest class of goods and fifty per cent. on the others of finer grade and higher cost. The gentleman will find, if he succeeds in making a tariff such as he desires and foreshadows, that he will have utterly extinguished any hope of establishing the manufacture of linen goods in his own section of the country. These duties are not designed for the benefit of my section of the country. There is not a linen manufactory in the State where I reside; but it is my hope and expectation that by a proper duty upon these linen articles we shall promote their manufacture in Ohio, Kentucky, and other western and southwestern States; and I shall heartily rejoice to see such manufactures established there.

But if the gentleman shall succeed in persuading the House to adopt his views I am quite satisfied, instead of getting twenty cents per pound for the flax now raised in the West, it will go down to the old ten-cent rate.

Mr. SCHENCK. I withdraw my amendment on condition my colleague will renew it.

Mr. LE BLOND. I renew the amendment.

Mr. Chairman, I have always understood a skillful physician, if he found a treatment he was prescribing failed to produce the desired result, would change the treatment and try something else. I find myself, though I do not claim to be a skillful physician, in somewhat of the same attitude.

When we have been advocating on our side a tariff for revenue purposes alone we found we were powerless for good. I propose now a complete antidote. I propose, as my colleague has suggested, by putting the duty on the raw material raised in the West equal to the duty on the manufactured article, to neutralize the effect of the tariff and to destroy the margin the East seeks in this measure. I find it is necessary to apply the same rule to the East they have been seeking to apply to the West. One gentleman rises here and advocates the protection of one branch of manufactures and another gentleman the protection of another branch; but who, sir, of all the friends of the tariff, has once spoken in favor of the people? Who has been heard upon this floor in favor of the great growing and consuming interests of the country? They are millions while the manufacturers are hundreds, and yet, sir, not a single man has offered an argument in favor of the poorer class of people, who are the consumers of all these goods manufactured in the East.

The West has been totally neglected; and as has been well said by my colleague, the very moment the West asks for protection on the raw article you will find the entire East opposing any duty, or at least any duty in comparison with that on the manufactured article. I hope the West will make a bold stand on this bill; that we will assert our rights, and let the West be heard once in getting up a tariff which is to govern the country in the future.

I observe in looking over the history of the Committee of Ways and Means you will always find a preponderance in favor of the manufacturing interests. Why it is so it is difficult to tell; but for years past such has been the basis of its action. They look to the interests of their peculiar localities, and not to the interests of the growers and consumers. I want to see this thing met, and met squarely. Let us have our rights for once in a tariff to raise revenue for the country.

Mr. DAWES. Mr. Chairman, this is not the first time an attempt has been made to charge whatever there is to complain of in this bill to the East, and it is not the first time the struggle has been in this House to make a tariff which had nothing on which the East could rely for the encouragement of its industry, and then to make the East responsible for it. The East is charged with making this tariff for its own benefit. The same charge was made at the last session, and with as much justice, and by the very men who had secured in this tariff bill all there was to commend it to the industry of the country. It is raised again to-day. I took occasion then to say, representing as I believe I do a larger manufacturing constituency than any of my colleagues upon this floor, a constituency as vitally interested in a protective tariff as any other, and I take occasion now to repeat to these gentlemen that if they do not want this tariff bill, so far as my constituents are concerned they do not want it so much as the very men do who denounce it. The bill of the committee commends itself less to me and my constituents than it does to them. So far as it has undergone a change it has been deleterious to the interests and industries of the East. I tell the gentleman from Ohio plainly it does not commend itself to the East, and if the West does not want this tariff bill the East can get along without it as well as the West can. Yet I expect to vote for it in spite of, not because of, these efforts to make us responsible for what is of more benefit to the West than to the East. But a tariff protecting home industry cannot build up one section at the expense of another.

Mr. LE BLOND. If such are the feelings of the people that the gentleman has the honor to represent, why is it that New England stands in solid phalanx, as a general thing, in favor of these bills while the West is opposed to them?

Mr. DAWES. That is just what I was commenting upon. Gentlemen on this side who are in favor of the principle of protection are willing to adhere to that principle of protection in its application to the whole industry of the country, while my friend from Ohio favors protection only when it applies to his particular interests.

Witness what was done here last night. Almost every man from the western part of the country came up in solid phalanx against the the principle of protection when it applied to the cotton fabrics of the country and voted against it; and in ten minutes after, when we came to the wool interest, every one of them passed through the tellers in solid column for the highest rate of duty; and there has never been an interest provided for in a tariff bill which was peculiar to a locality in the West that any western man has raised his voice against upon principle.

Look at some of the features of this tariff bill. Take, for instance, the article of bituminous coal. Who from the western country raises his voice against this tariff upon bituminous coal? Who from the West ever raised his voice against the tariff of thirty dollars a ton upon manila hemp, or of twenty dollars a ton upon jute, or against this high tariff upon wool, or two and a half cents a pound on pig lead, or thirty per cent. on linseed, which is claimed to be prohibitory? The tariff upon these articles is high enough to crush out the industry of the East, but no man from the West ever raised his voice against it.

Mr. LE BLOND. I withdraw my amendment and move to insert "forty-three" in lieu of "forty;" and I yield for a moment to my colleague, [Mr. SPALDING.]

Mr. SPALDING. I wish to say, in reply to the gentleman from Massachusetts [Mr. DAWES] that he does me injustice when he says that every man from the West voted in solid phalanx against the duty on cotton. I voted for the cotton duty every time last night.

Mr. DAWES. I think I did injustice in making the statement so broad, and I desire to take it back. There were exceptions, but very rare. I spoke of the western men as a class, and in confirmation of what I said——

Mr. LE BLOND. I must resume the floor. I only regret, Mr. Chairman, that Ohio had one Representative who did not stand up for the interests of the West.

Now, sir, it is a startling fact that you find the Representatives of Massachusetts standing as one man in favor of these high protective tariffs, and when you come to the raw material, when the West asks that a duty shall be laid upon that equal to the duty laid upon the manufactured articles of the East, you find the Representatives of Massachusetts and the manufacturing interests of the East generally rais-

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ing their voices in opposition to it, for the simple reason that the discrepancy between the duty on the raw material and the duty on the manufactured article leaves them a margin for profit. When the West asks that the duty shall be made equal as between the raw material and the manufactured article, you find the manufacturing interests here, through their Representatives, opposing it, although it is only doing simple justice to the West.

The gentleman from Massachusetts [Mr. DAWES] has referred to various articles in fixing the duties upon which in this bill he says the West has been favored. Sir, it has already been disclosed by the gentleman from Iowa [Mr. ALLISON] that the duty laid upon wool, where a large margin is given for deductions for package, transportation, &c., is simply a fraud upon the wool-growers of the West. It is but a tub thrown to the whale, and that is all there is of it. And the same is true in reference to other items.

Sir, for one, I want no protection. I want no protection to western men or to eastern men. I want the bars laid down. I want our country left open to the commerce of the world. I want the West to have the privilege of seeking a market wherever and whenever they can find it and find it best. When you do that you will have done that which will benefit a large portion of the American people, the consumers of the country, and it is to their interests that we should look, and not to the interests of the manufacturers, who are the wealthy portion of the community. No man upon the other side of the House seems to advocate the interests of that great mass of the American people who are the consumers of the manufactured articles of the East. Every dollar, every cent that you add in the shape of a duty on imports only furnishes that much of a margin to the manufacturer to tax it over against the consumer and make him pay that much more for the support of manufacturing corporations that are already declaring annually large dividends.

I see from published statements that these corporations are declaring annually dividends of from fifty to one hundred and twenty five per cent. Who among the consumers of the country, the agricultural interests of the country, has made any such percentage upon the capital invested in the business they are engaged in? Not one can be found; and yet you do not find that the consumers, the agricultural interests, come here with their large delegations to pray and beseech the Committee of Ways and Means and the House to increase the duty on what they produce in order that they may have greater protection.

[Here the hammer fell.]

Mr. DAWES. Mr. Chairman, I am quite aware that the philosophy of the gentleman is that he prefers that the industry necessary for carrying on the manufactures needed in this country should be somewhere else except in this country, and that the capital needed to produce those manufactures should be upon the other side of the water where labor costs only one tenth part what it does here, so that perchance the labor of this country may be reduced to a level with the pauper labor of Europe.

I understand his philosophy very well, and I am not coöperating with him in any such scheme. I prefer that the manufactories and the capital invested in them should be upon this side of the water rather than upon the other, and that the industry which gathers around them should be upon this side of the water, and be fed and clothed and educated and reared here, so that our country may reap the reward of it, rather than that it should be upon the other side of the water, in countries where they have brought the price of labor to a few pennies a day, when we pay a dollar a day for the same labor.

I am aware that the gentleman's philosophy in that respect differs from mine. I am proud to say that I go no step with him in that direction. I go for protection to every industry of the country, I care not where it is, and the gentleman has never found me voting against protection to any industry, whether of the West or of the East. What I complain of is, not that the industry of the West claims protection under this bill, but that while claiming it they charge it upon us in the East.

When they find us of the East voting against the protection necessary for the development of all their industries then they will have the same reason to complain of us that we have to complain of them now. The gentleman speaks of the large dividends made by the manufacturers of the East. Has he ever turned to the income list of the importers of the city of New York, where they pile up their fortunes, as a friend near me says, until they dizzy the very arithmetic itself? Let me read the incomes of a few of them, which I have taken from the records of the internal revenue office here: $85,000, $120,000, $75,000, $58,000, $392,000, $157,000, $110,000, $112,000, $248,000, $1,843,000, $573,000, $680,000; $153,000, $158,000. These are the yearly incomes of a few of the importers of New York city. They have been made out of the pauper labor of Europe, to which the gentleman's philosophy invites us in his speech and in his argument to-day. Between these great incomes and the incomes of the men who build up the manufactures and the industries of this country, and employ the labor here, and the capital here, and the industry here, I leave the gentleman to make his choice. I cling to my own country and its industry.

[Here the hammer fell.]

Mr. LE BLOND. I withdraw my amendment to the amendment.

Mr. CHANLER. I renew the amendment to the amendment. The question of philosophy has been introduced into this debate by the gentleman from Massachusetts, [Mr. DAWES.] If there is any principle underlying the argument of the remarks which he has just made, it is that the system of protection which he advocates is the embodiment of monopoly. Not only will New England monopolize the manufacturing interests of its own section, not only would she grasp at all the resources of the country for the benefit of her own manufactures, but she would absorb also, in her greed for monopoly, all the manufactures and products of Europe. Carrying out this idea of universal manufacture, how are you to feed the masses? Can you feed them on cotton, spun and woven into the warp and woof of the manufactures of the New England States? Sir, this doctrine would annihilate the very principle of all exchange of interests which has built up this country to its present thrift and magnitude. By the system which the gentleman proposes you would return to that system which has been established, and which has triumphed in China and Japan; you would violate that system of interchange of products among nationalities which has grown up in Europe, and has given to that portion of the earth the lead among the nations of the world. Free trade is the result of European civilization, developed to its highest standard. The action which the gentleman proposes is toward the East—toward Asia, and its systems of monopoly and restriction. The exclusiveness of the Asiatic cannot find root here. You might as well undertake to stop the changes of the tide of the great ocean itself as to regulate the fluctuations of commerce and the interchange of the products of agriculture and manufactures by means of commerce. The argument which the gentleman adduces is as old as Asia, as old as the civilization of the world; but the ship-of-state to-day is not propelled by the lateen-sails of the East, but is moved by machinery and propelled by steam. The ship-of-state to-day moves forward with an impetus which it never knew when the principle of monopoly ruled the Governments of the world; and the gentleman would utterly fail in carrying on a Government such as this if he undertook to absorb within this continent that system of labor which Europe to-day has in operation. America and Europe are to-day developments of the same system of civilization, and it is only by an interchange of ideas and products that that system of civilization can exist.

[Here the hammer fell.]

Mr. ALLISON. Mr. Chairman, I rise *pro forma* to oppose this amendment, because I wish to say a word to my distinguished friend from Massachusetts, [Mr. DAWES.] He informs us that this is a western tariff, that he sees in it nothing for the benefit of the great East. Now, sir, I have examined this tariff with as much care as I have been able to bestow upon it, and I cannot find in it any provision the effect of which will be to promote the great agricultural interests of the West.

We are told that we have a pleasing soporific here in the shape of a prohibitory duty on wool. I deny it absolutely. Compare the tariff on wool with that on woolen goods, and it will be found that the wool manufacturers have an advantage of not less than from ten to fifteen per cent. over the wool-growers. Hence, as a large proportion of the wool manufactured in this country is not grown here, but imported and can still be imported under this difference in favor of manufacturers of wool, there is nothing in this bill that will really protect the American wool-grower, unless it may produce the effect of temporarily increasing the price of wool to consumers all over the country.

We have arrayed before us here the incomes of the importers of this country for the purpose of showing that men in this branch of business have realized large fortunes during the last year. Sir, a manufacturer of the gentleman's own district told me that if we should pass this tariff it would increase the cost of woolen products alone in this country $30,000,000. We know that to-day there is a large surplus of those articles in the country. The effect of the passage of this tariff will be to give a profit of $30,000,000 or $40,000,000 to those who now hold these woolen goods. If the importers are to-day holding large stocks of these goods, next year they, along with other traders in this branch of business, will have largely increased incomes, which will come out of the pockets of the consumers of these goods, as in the end the consumer is compelled to pay the increased cost by means of increased duty.

Now, sir, I say to the gentleman from Massachusetts that so far as I understand, the people of the West do not see in this tariff anything that will especially benefit them. If it contains nothing that will benefit the East, why should we at this late stage of the session spend so much time in the consideration of this bill? If this measure is to benefit nobody, why not lay it aside and proceed to legislation that will be of benefit to the country? I believe that it is necessary to revise to some extent the existing tariff. I know that some of our industrial interests are suffering to-day; and perhaps a portion of these would temporarily be affected beneficially by this tariff.

Mr. DAWES. What are they?

Mr. ALLISON. One is the woolen interest of this country, which I believe is somewhat depressed at this moment; and for the purpose of saving that interest as far as possible we have in the bill passed a few days ago reduced the internal tax upon all woolen manufactures two and a half per cent. This will make a difference of several million dollars to the wool manufacturers of this country. In effect it increases the tariff upon woolen goods to the extent of from seven and a half to ten per cent.; so that whether this bill be passed or not we have already by the tax bill indirectly increased the tariff on all woolen manufactures.

[Here the hammer fell.]

Mr. CHANLER. I withdraw my amendment to the amendment.

Mr. LE BLOND. I renew the amendment of my colleague, [Mr. SCHENCK,] to strike out "fifteen" and insert "forty."

Mr. STEVENS. Mr. Chairman, when in

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the Congress of the United States, charged with the duty of legislating for the advancement of the great interests of the country, the discussion of a measure like this degenerates into a mere struggle of sectional interests, I almost despair of any wise legislation on this subject. I might as well suppose the blood that flows from the heart was intended only for a single limb as to suppose we are enacting a a bill for the special protection of the North or the South, the East or the West; that we are not legislating for the benefit of the interests of all the States and for all our industrial interests alike. It is really very melancholy to hear gentlemen charging upon each other that they are only for sectional interests and sectional protection. Why, sir, do gentlemen forget when we protect the manufactures of the East we protect the great consumers of the grain and other raw materials of the West; that when we promote the manufacturing interests of the East we at the same time promote the great interests of the middle and western States? The former afford markets for the products of the latter within our own limits. Do gentleman wish to transfer their markets three thousand miles off, and to sell to the laborers of Europe instead of to our own laborers at home?

Why is it we hear of the interests of New York or New England? It is the interest of America we are talking about. If we were to continue adequate protection a few years longer our markets would be enlarged. With the vast water power of the West we would have manufactures established there to consume the products of the country, instead of now sending them abroad. I need not point gentlemen who have read history to this. We have seen England from a country that had no commerce and no manufactures by this system of protection break down Holland and sweep her fleets from the ocean, until now to repeal her protection laws is protection to that very country. This has been the result of the grand navigation act and the protection laws of England. England never passed a more protective measure than when she repealed her protective laws; for she had got to that point when she could manufacture for the whole world, and if she could only hold the Governments of the world where they then were she would furnish them with all her products, for those of no other nation could stand in competition with her. Until she found herself able to compete with continental Europe she had a tax of two per cent. upon coal and iron, but when she had surpassed all competition she took off that duty. All this cry of free trade means protection for England, and she knows it. We need not go back in her history to the time of Cromwell to learn what great results this system of protection now advocated here has done for the English manufacturers. If gentlemen ever heard Henry Clay, they would be satisfied with the truth of what I say.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee here informally rose.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had indefinitely postponed House bill No. 2, to amend an act declaring the officer who shall act as President of the United States in case of vacancies in the office both of President and Vice President, approved March 1, 1792.

It further announced that the Senate had passed House bill No. 1220, to provide ways and means for the payment of compound-interest notes, with an amendment, in which he was directed to ask the concurrence of the House.

TARIFF BILL—AGAIN.

The committee resumed its session.

Mr. LE BLOND. Mr. Chairman, the gentlemen from Pennsylvania talks ably on this proposition, but he fails to tell this House what rates of duty were established under the British tariff of which he speaks. I venture to say Great Britain never yet had a tariff with a rate of duties as high as the one now proposed in this House; and when he speaks of Henry Clay being in favor of a protective tariff I will only reply it was far short of this one. Sir, as I said before, when you levy a duty for revenue alone, which I conceive is necessary for this and all other Governments to carry them on, that of itself furnishes plenty of protection for the manufacturing interests.

But, sir, the gentleman from Massachusetts [Mr. DAWES] undertakes to put his argument and the ground upon which this bill is to pass upon patriotism. He who is in favor of his country, he would say, and substantially said, would be in favor of such a bill as this. Sir, I pretend to say that the argument which the gentleman makes simply sounds in your pocket, and in nothing else. It sounds only in the dollars and cents of the particular locality he seeks to represent. Sir, the man who favors his country is the man who favors such laws, and such rules and regulations as will benefit the greatest number of the American people, and secure the greatest amount of production and wealth; not he who is in favor of guarding these monopolies and giving them all they dare to ask for. Sir, I envy not the man who dares to stand up in the American Congress and say that he will levy a tax upon the consuming interests of this country, represented by the millions, in favor of the manufacturing interests in a particular locality up in New England. It is a wrong principle—a principle that ought not to prevail in this or any other country. The effect of a high protective tariff in this country is simply to force a condition of things that the country will not be ripe for until it becomes populous, until it becomes as old England has become. Then you can compete with the manufacturing interests of other countries without taxing the great mass of the American people in order to foster any particular enterprise. That is the true theory. The gentleman says that the evidence of devotion to the country is in the great mass of the American people bowing down like slaves and suffering the burden of taxation to be laid upon their backs, in order that they may build up in New England and in the gentleman's district a great monopoly that can distribute its one hundred and one hundred and twenty-five per cent. Yet the gentleman comes in here and reads to this House the amount of money made by a few importers. I only wish he had read in connection with that the amount of profit made by manufacturing establishments.

[Here the hammer fell.]

The question was taken on the amendment of Mr. LE BLOND, to substitute forty for twenty, and it was agreed to—ayes 54, noes 45.

The question recurred on the amendment as amended, and it was agreed to.

Mr. MORRILL. I move that the committee rise, for the purpose of terminating debate upon this section.

Mr. LE BLOND. I hope the motion will not prevail. There are other amendments that ought to be made.

Mr. SCHENCK. I hope it will not be done.

Mr. MORRILL. If gentlemen resist it I will withdraw the motion. I supposed gentlemen had exhausted themselves.

Forty-sixth amendment:

Strike out "thirty" and insert "forty;" so that it read:

On flax hackled, known as dressed line, forty dollars per ton.

Mr. SCHENCK. I move to amend by striking out forty and inserting fifty. I do not mean to be put in a wrong position upon this bill. I am gratified that my colleague [Mr. LE BLOND] comes to our rescue, so far as voting is concerned, because there are points upon which we agree. But I am not to be set down as a free trader nor as opposed to a protective tariff in consequence of anything that is said by the gentleman from Massachusetts, [Mr. DAWES.] I am in favor of protection; in favor of these impost duties being laid in such a way and with such discriminations as that they may afford protection to all the industrial interests and pursuits of the country. What I contend for is that they shall be relatively right; that we shall have comparatively the same benefits that others have.

Now, sir, why do I propose to put up (as we have already done, to a certain extent, with one of these articles) the tariff upon this raw material? Because, as I said before, we produce it in the country. What do the committee allow us? It is eighteen per cent., if you take all these items upon the raw material, these foreign fibers brought into the country. But cast your eye down the pages and after you have passed through the various kinds of hemp, flax, flax straw, tow, jute, the moment you reach Sisal grass, up goes protection. The manufacturers of this grass are to have thirty per cent. *ad valorem* protection, while you give to the growers of the raw material which we produce from eight to eighteen per cent. Is not that a great stretch of liberality? The instant you touch the manufacture of one of these articles then thirty per cent. is little enough. I know these manufacturers pay five per cent. tax, but what is that tax on this amount of products?

But there is a better lesson than that to be learned. It is well the two things were not put in juxtaposition, or perhaps gentlemen would have waked up to the inconsistency. If you turn over two pages you will come to some clauses which provide for a tariff upon all the manufactures of flax, hemp, jute, or other similar fibers. Whenever you reach them, what then? Are they satisfied with from eight to eighteen per cent.? Not at all. Then the committee put on forty per cent. *ad valorem*. Shut out the manufactured article, and then protect the manufacturer, and let the foreign fiber come in as cheaply as possible, even though it breaks down the domestic fiber. Let gentlemen understand that some of us, at least, are for protection; that we want a fair and equal comparative protection. We are going upon the question of the relative proportion of advantage we get from this bill. I subscribe to all that has been said by the distinguished gentleman from Pennsylvania [Mr. STEVENS] in regard to the principles involved in this theory of a protective tariff; and he, unlike other gentlemen, is voting with us upon this question. He I believe will go so far as to put a prohibitory duty upon this raw material. I would like to see a little of that same spirit manifested by other protectionists here; and while they ask us to assist them in giving reasonable protection to manufactured articles, they should on their part agree to give us protection upon the raw materials, which contribute to make the manufactured articles, as against those same raw materials brought in at cheap rates.

[Here the hammer fell.]

Mr. DAWES. I do not understand the gentleman from Ohio [Mr. SCHENCK] to entertain, and did not intend to charge him with entertaining, any free-trade opinions. No one in this House adopts the principle of a protective tariff and carries it even to the extent of prohibition, whenever it suits a particular interest of a section, as does the gentleman from Ohio. It was his colleague over the way [Mr. LE BLOND] who openly avowed the doctrine of free trade, and it was to him I was replying; and I ask him to answer this question: the coat he has on his back has got to be made in this country or on the other side of the water. Where that coat is made there must be a mill, and where that mill is there must be capital, and where that capital is labor must be employed, and where that mill is there must be a shoemaker alongside of it, and a tailor and a hatter; there must be all the industries gathered round it. I ask him whether he would rather have all these things on the other side

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of the water or here? He must have them somewhere; it is for him to say whether it shall be here or there. There must be a tariff of some kind; he admits that. He proposes to have one for revenue solely; and he must put it either upon the manufacturer of the articles, or upon the raw material. If he puts it upon the manufactured article, he does what? He protects the man who is making it here. If he puts it upon the raw material, he does what? He discriminates against the laborer here. There is no alternative, no middle way. He may have his choice; and as he answers this question so he will be a free trader or a protectionist.

Now, touching the raw material in this country, that comes in competition with the raw material imported. I am not one of those who shrink from putting a duty upon that raw material which comes in competition with the raw material here. Sir, I go with the gentleman from Pennsylvania [Mr. STEVENS] to the full length of the doctrine, that you cannot build up one interest here at the expense of another. They all stand arm in arm, shoulder to shoulder; that which sickens one sickens the other; they flourish together or they faint together. One cannot grow up at the expense of the other any more than one of the limbs of the body can grow at the expense of any of the others. It is a system. It is not for to-day; it is for all time. It is not to me nor to the gentleman from Ohio, but it is to the nation, and to the nation in the future, not to the nation of to-day alone, that the American system has application.

[Here the hammer fell.]

Mr. ROSS. Mr. Chairman——

The SPEAKER. Debate is exhausted. There is an amendment to an amendment pending.

Mr. THAYER. I move that the committee rise, for the purpose of terminating debate.

The motion was disagreed to—ayes forty, noes not counted.

Mr. FARNSWORTH. Will the gentleman from Ohio [Mr. SCHENCK] withdraw his amendment to the amendment? I will renew it.

Mr. SCHENCK. I withdraw my amendment to the amendment of the Committee of Ways and Means.

Mr. FARNSWORTH. I will move to amend by striking out "twenty dollars" and inserting "eighty dollars" instead of "fifty dollars," as proposed by the gentleman from Ohio, [Mr. SCHENCK.]

The CHAIRMAN. The Chair must recognize the gentleman from Illinois [Mr. ROSS] as entitled to the floor.

Mr. ROSS. I am willing to vote for the highest rate. I admit feeling a degree of complacency in view of the fact that light begins to break in upon the minds of the gentlemen on the other side of the House, although they see it as yet but dimly, "as through a glass darkly;" yet I feel confident that light is breaking in upon their minds; and it is high time that such was the case.

We have been "hewers of wood and drawers of water" to the manufacturers of this country long enough. And I attribute the light which is breaking in upon the minds of gentlemen upon the other side of the House to the wholesome discussion of this question upon the stump and in the public press of the country.

I called the attention of the House at the last session of Congress to the fact that it was not attempted to apply the same measure of protection to the agricultural interests of the country that is proposed for the manufacturing interests of the country. It is a matter of some interest to look through the tariff bill and see the condition in which the products of manufacturers are placed. First, they have a specific duty, and then that is followed up by an *ad valorem* duty. But when you come to the portion relating to agricultural interests, it will be found that twenty to thirty per cent. is considered to be amply sufficient, while manufacturers ask for themselves from fifty to one hundred per cent.

Now, I do not concur entirely with my distinguished friend from Ohio, [Mr. LE BLOND,] who says we need no tariff.

Mr. LE BLOND. No tariff for revenue.

Mr. ROSS. It is true, I have been educated in the school of free trade; but we must all recognize the condition of the country at the present time. I believe that with our depreciated currency we need a tariff of from thirty to forty per cent.; and I am willing to vote for a square tariff of thirty to forty per cent., protecting manufacturing and agricultural interests alike.

Mr. LE BLOND. Will the gentleman yield to me a moment for explanation?

Mr. ROSS. I cannot well do so in the five minutes which are all that are allowed me.

Mr. LE BLOND. I hope the gentleman will state my position correctly.

Mr. ROSS. I understood the gentleman to declare himself to be for free trade.

Mr. LE BLOND. No, sir.

Mr. ROSS. The gentleman from Massachusetts [Mr. DAWES] says that New England does not want a tariff. I noticed that the same thing was said by a Senator from Massachusetts in the other end of the Capitol at the last session. But they want this tariff, notwithstanding all their pretense about it; and they have had the control of the legislation of this country so long that they now deem it their absolute right to continue that control. They control all the important committees of Congress. You find New England men controlling all the committees which relate to our financial interests.

Mr. GRINNELL. I rise to a point of order.

Mr. ROSS. I hope the point of order will not come out of my time.

Mr. GRINNELL. My point of order is that the arrangement of the committees of this House is not the question under discussion.

The CHAIRMAN. The gentleman from Illinois [Mr. ROSS] will confine himself to the question before the committee.

Mr. ROSS. Of course: that matter is involved in this question. New England members have control of all the leading committees. I do not complain of it. I know that in making up these committees there is a terrible pressure brought to bear in order that the same men shall get upon them who have heretofore had the framing of our financial measures, and hence the great West very seldom gets any of the places on these committees, and New England men continue to manipulate the tariff and tax bills in their own interests.

Now, I do not blame them for endeavoring to protect the interests of their own constituents. But it is time the great Northwest was aroused to its own interests, and to the necessity of endeavoring to secure some protection for them. If eastern manufacturers need a tariff of from fifty to one hundred per cent. upon their manufactures, I do not understand why they should consider thirty per cent. enough for the agricultural interests. Why should we not be entitled to the same measure of protection which the manufacturers claim? They exclude foreign manufactures from coming into this country by a prohibiting tariff, and then they desire to have the opportunity to slip off into Canada where they can get their beef, pork, flour, and other articles, and wool and other products cheaper than we can produce them, and thus break down our interests.

[Here the hammer fell.]

Mr. FARNSWORTH. Mr. Chairman, I rise for the purpose of advocating the increase of this item to eighty dollars per ton, for the purpose of making it proportionate to the tariff that we have put upon unmanufactured or undressed flax. On this the committee has already voted a duty of forty dollars per ton. Eighty dollars per ton upon the dressed flax would be only a proper proportion. If we are going to protect this interest at all, if we are going to encourage the culture of flax, let us put such a tariff upon the dressed article that our own people will have the dressing of our flax.

While on the floor I desire to say that I am no free-trade man, nor do I propose to attack any section of the country. I have nothing to say against New England or New England manufactures. They are of very great benefit to the whole country; and I hope to live to see the day we in the West shall have built up manufactures as have the people of Massachusetts, Rhode Island, and Connecticut. I hope to live to see the day when I may travel the whole length of the Fox and Rock rivers without being able to get away from the clatter of the machinery of busy factories. To this end I am in favor of affording reasonable protection by a properly adjusted tariff to the manufacturers of the West and of the East. I am in favor of protecting labor everywhere.

While, however, we are protecting manufactures, let us at the same time so adjust our tariff as that the farmer, the agriculturist, the producer may have some share in the benefits to be given by this bill. In our country, especially in the West, we can raise flax; we can dress it; we can prepare it for the manufacturer. While, therefore, we are imposing high duties upon the manufactured article, let us impose correspondingly high duties upon the raw material which we can raise in our own country. Therefore, Mr. Chairman, I am in favor of increasing this item from thirty dollars to eighty dollars per ton, which would be only four cents per pound.

Mr. THAYER. For the purpose of closing debate on the pending paragraph I move that the committee rise.

On the motion there were—ayes forty-five, noes not counted.

Mr. THAYER called for tellers.

Tellers were ordered; and Messrs. THAYER and SCHENCK were appointed.

The committee divided; and the tellers reported—ayes 64, noes 89.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution (H. R. No. 92) authorizing the Secretary of the Interior to pay certain claims out of the balance of an appropriation for the payment of necessary expenditures in the service of the United States for Indian affairs in the Territory of Utah; when the Speaker signed the same.

DEFICIENCY BILL.

Mr. STEVENS, from the Committee on Appropriations reported a bill making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed, and on motion of Mr. STEVENS, made a special order for to-morrow after the morning hour and from day after day until disposed of.

WILLIAM BEALE.

Mr. ANCONA, by unanimous consent, submitted the following resolution:

Resolved, That the Secretary of War be directed to furnish this House with copies of all letters and papers on file in his Department relating to the reduction to the ranks of William Beale, a hospital steward on duty at Camp William Penn, near Philadelphia, Pennsylvania, by General Order, No. 429

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and particularly a letter of Lieutenant Colonel Louis Wagner, of the eighty-eighth Pennsylvania volunteers, of or about November 14, 1864, upon that subject, and recommending his discharge.

The SPEAKER. This being a call for executive information, unanimous consent is necessary for its consideration on this day.

There being no objection, the resolution was considered and agreed to.

Mr. ANCONA moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLOSE OF DEBATE.

Mr. MORRILL. I move that all further debate in Committee of the Whole on the state of the Union on the pending section be closed in one minute after its consideration shall have been resumed.

Mr. THAYER. I move to amend so as only to close debate on the pending paragraph. That was the understanding on which the committee rose.

Mr. WILSON, of Iowa. If the House should close debate on this paragraph or section now, will it be open for debate when we have completed the amendments of the Committee of Ways and Means and it is open to general amendment?

The CHAIRMAN. It will, as it will then be at a different stage.

The hour of half past four o'clock p. m. having arrived, the House, pursuant to order, took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

INCREASED PAY OF ARMY OFFICERS, ETC.

Mr. SCHENCK. I ask unanimous consent of the House to report back from the Committee on Military Affairs Senate bill No. 592, to provide for a temporary increase of the pay of officers in the Army of the United States, and for other purposes. It is the only bill in which we can make a provision securing to the soldiers sixteen dollars a month instead of thirteen dollars, as their pay will go down to thirteen dollars by limitation of law.

It also includes a provision in regard to lost soldiers' discharges.

There was no objection.

Mr. SCHENCK, from the Committee on Military Affairs, reported back Senate bill No. 592, to provide for a temporary increase of the pay of officers in the Army of the United States, and for other purposes, with amendments.

The bill was read, as follows:

A bill to provide for a temporary increase of the pay of officers in the Army of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for two years from the first day of July, eighteen hundred and sixty-six, all officers of the Army below the rank of major general, including the professors at West Point, shall be paid an addition of thirty-three and one third per cent. to their present pay proper; and the pay and emoluments of all field and other mounted officers shall hereafter be the same as is now provided by law for cavalry officers of like grades.

SEC. 2. *And be it further enacted*, That section one of the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June twenty, eighteen hundred and sixty-four, be, and the same is hereby, continued in full force and effect for three years from and after the close of the rebellion, as announced by the President of the United States by proclamation bearing date the twentieth day of August, eighteen hundred and sixty-six.

SEC. 3. *And be it further enacted*, That commutation of rations shall be allowed in the settlement of the accounts of all enlisted men of the Army, Navy, and Marine corps, who have died while held as prisoners of war, or the legal representatives of those who, having been prisoners of war, have died subsequent to release; this allowance to be made for the period covered by such imprisonment.

SEC. 4. *And be it further enacted*, That so much of section seven of the act entitled "An act to increase and fix the military peace establishment of the United States," approved July 28, 1866, as provides for the creation of fifteen bands for brigade or military posts, be, and the same is hereby, repealed; but the band at the Military Academy shall remain as now established by law.

SEC. 5. *And be it further enacted*, That section one of the act providing for the better organization of the military establishment, approved August third, eighteen hundred and sixty-one, authorizing the President to appoint an Assistant Secretary of War, be, and the same is hereby, repealed.

SEC. 6. *And be it further enacted*, That so much of the act entitled "An act to increase and fix the military peace establishment of the United States," approved July twenty-eight, eighteen hundred and sixty-six, as relates to the promotion of assistant surgeons after three years' service, shall be amended so as to read, "and persons who have served as surgeons or assistant surgeons three years in the volunteer force shall be eligible for promotion to the grade of captain."

SEC. 7. *And be it further enacted*, That the act entitled "An act more effectually to provide for the national defense by establishing a uniform militia throughout the United States," approved May eight, seventeen hundred and ninety-two, and the several acts amendatory thereof, be, and they are hereby, amended by striking out the word "white."

SEC. 8. *And be it further enacted*, That the medical storekeepers of the Army shall hereafter have the rank, pay, and emoluments of captain of infantry, and the post chaplains now in service, or hereafter to be appointed, shall be commissioned by the President, and all vacancies occurring in the grade of chaplain, which is hereby established, to rank as captain of infantry, shall be filled by the President, by and with the advice and consent of the Senate, and all Army chaplains shall hereafter be on the same footing as to tenure of office, retirement, allowances for service and pensions, as now provided by law for other officers of the Army.

The amendments of the committee were read, as follows:

First amendment:

Strike out section three, and insert the following in lieu thereof:

SEC. 3. *And be it further enacted*, That the provisions of the joint resolution approved July 25, 1866, entitled a "Joint resolution in regard to the rations of Union soldiers held as prisoners of war," shall be extended so as to allow commutation of rations at cost prices in the settlement of the accounts of all enlisted men of the Army, Navy, and Marine corps, who died while held as prisoners of war in the rebel States, or who, having been so held as prisoners of war, have died, or may die subsequent to release, to be paid, however, only to to the widow of such deceased person, if such widow remain unmarried, or in case there be no such widow then to the surviving children of the deceased, or if there be no such widow or children, then to the parents of the deceased, or if there be no such widow, children, or parents, then to the brothers and sisters of the deceased.

Second amendment:

Strike out the fourth section.

Third amendment:

In section eight, strike out all after the enacting clause down to and including the word "infantry," in line four, and insert the following: "That (excepting the Ordnance storekeeper and paymaster at the Springfield armory, who has the rank, pay, and allowances of a major of cavalry) all storekeepers of the Army shall hereafter have the rank, pay, and allowances of captains of cavalry."

Fourth amendment:

Add the following as an additional section:

SEC. —. *And be it further enacted*, That in any case where a person entitled to receive payment of bounty under the provisions of any law shall make application therefor, or where such application shall be made by the proper representatives of such person, being deceased, and the discharge of such person has been lost, it shall be competent for the accounting officers to receive, in lieu of the actual production of such discharge, proof of the actual loss of the same and secondary proof of its issue and contents, together with proof of the identity of the claimant or person deceased, under such rules defining the character and form of the evidence as the Paymaster General shall prescribe.

Fifth amendment:

Add the following as an additional section at the end of the bill:

SEC. —. *And be it further enacted*, That section fifteen of the act to increase the present military establishment of the United States, and for other purposes, approved July five, eighteen hundred and thirty-eight, be amended so that general officers shall not hereafter be excluded from receiving the additional ration for every five years' service; and it is hereby further provided that officers on the retired list of the Army shall have the same allowance of additional rations for every five years' service as officers in active service.

Mr. SCHENCK. Unless there be some inquiry or suggestion to be made I will demand the previous question upon the amendments.

Mr. ALLISON. I notice that in the first of the amendments the term "parents" is used. Under a decision made by the Department, in reference to the bounty law passed at our last session, it is held that where that law requires the "parents" of deceased soldiers to apply for bounty the application must be made by both father and mother. I suggest, therefore, that the gentleman modify his amendment by substituting for the term "parents" the words "father or mother," so as to avoid the difficulty.

Mr. SCHENCK. I am willing to add the words "or parent" after the word "parents" wherever it occurs; and I modify my amendments so that they will read in that way.

The amendments, as modified, were agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MILITARY INSPECTION.

Mr. PAINE. I ask unanimous consent to offer the following resolution calling for executive information:

Resolved, That the Secretary of War be directed to communicate to this House the report of the tour of inspection of Brevet Major General Rufus Ingalls, made during the year 1866.

No objection being made the resolution was considered and agreed to.

Mr. PAINE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. ANCONA, by unanimous consent, from the Committee on Military Affairs, made adverse reports upon the resolution of the House, respecting extra-travel pay to volunteers mustered out in distant Territories; and upon the petition of discharged soldiers of the first Michigan cavalry, whose claim was provided for in an act passed at the first session of the present Congress; which were severally laid on the table.

DISCHARGE OF VOLUNTEERS.

Mr. ANCONA, by unanimous consent, and from the same committee, also reported back bill of the House to authorize the granting of discharges to certain volunteers, with the recommendation that it do not pass; and also moved that the bill be laid on the table.

The motion was agreed to.

SAMUEL SILVER.

Mr. ANCONA. I ask leave now to report a small private bill.

Mr. MORRILL. I yield further to the gentleman for that purpose.

Mr. ANCONA, by unanimous consent, from the Committee on Military Affairs, reported,

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with the recommendation that it do pass, a bill for the relief of Samuel Silver.

The bill was read. It directs the Paymaster General to pay to Samuel Silver the sum of $210, in full payment for his services as wagon-master of the ninety-ninth regiment of Ohio volunteer infantry, from the 9th of September, 1862, to January 15, 1863.

The bill was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANCONA moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. MORRILL. I desire to inquire of the Chair what is the business before the House?

The SPEAKER. When the time for taking a recess arrived this afternoon the House was dividing upon the question whether tellers should be ordered upon the motion to close the debate upon the pending amendment to the tariff bill in the Committee of the Whole on the state of the Union in one minute after the consideration of it should be resumed in the Committee of the Whole.

Mr. FINCK. I withdraw the demand for tellers.

The SPEAKER. The gentleman from Ohio [Mr. FINCK] withdraws the demand for tellers, and the motion to close debate upon the pending amendment in one minute after the consideration of it is resumed in the Committee of the Whole is agreed to.

TARIFF BILL.

Mr. MORRILL moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union to take up the special order, being the amendment of the Senate to the tariff bill.

The motion was agreed to.

So the rules were suspended, and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair,) and resumed the consideration of the amendment of the Senate in the nature of a substitute to House bill No. 718, to provide increased revenue from imports, and for other purposes.

The CHAIRMAN stated the pending question to be upon the amendment to the forty-seventh amendment reported by the Committee of Ways and Means, to strike out in line eight, page 26, the word "forty," and insert in lieu thereof the word "eighty;" so that it would read:

On flax hackled, known as dressed line, eighty dollars per ton.

The question was taken; and there were—ayes 27, noes 35; no quorum voting.

Tellers were ordered; and Mr. ANCONA and Mr. MOORHEAD were appointed.

The committee divided; and the tellers reported—ayes fifty, noes not counted.

So the amendment was agreed to.

The amendment of the Committee of Ways and Means, as amended, was agreed to.

Forty-seventh amendment:

Page 26, line nine, after the word "ton" insert "on Russia hemp unmanufactured, forty dollars per ton."

Mr. BENJAMIN. I move to amend the amendment by striking out "forty" and inserting "fifty" in its place.

I wish to inquire of the Chair what the order is in regard to debate?

The CHAIRMAN. Debate upon this paragraph is closed.

Mr. BENJAMIN'S amendment to the amendment was agreed to.

The amendment, as amended, was then agreed to.

Forty-eighth amendment:

On line eleven, page 26, strike out "Russia."

The amendment was agreed to.

Forty-ninth amendment:

On line twelve, page 26, strike out "twenty-five" and insert "thirty;" so that it will read, "thirty dollars per ton."

Mr. McRUER. I move to amend the amendment by striking out "thirty" and inserting "twenty-five; or I will waive that, and merely oppose the amendment of the Committee of Ways and Means.

At the last session of Congress the duty on manufactured Manila cordage was raised from two and a half to three cents a pound in order that manufacturers might be protected against the duty on unmanufactured Manila hemp; and now, if this is raised to thirty dollars a ton, it will require that the duty on manufactured cordage shall be raised still further. I desire to call the attention of the committee to the fact that the present duty upon Manila hemp is twenty-five dollars per ton. That was the duty established by the House bill in which the Senate have concurred; and now, at this late day, the Committee of Ways and Means propose to increase it five dollars per ton.

Sir, we do not require this for the protection of any American manufacture, because we produce none of this hemp; and, taking into consideration the export duty upon this hemp at Manila, and the revenue tax, it is represented, as I think truly, that there is not sufficient discrimination between thirty dollars a ton and three cents a pound to afford the manufacturers here any protection at all. The consequence will be, if this amendment shall prevail, that instead of our manufacturing Manila hemp into cordage, we will be importing the cordage manufactured at Manila. I hope this amendment recommended by the committee will not be adopted.

Mr. WENTWORTH. As I understand it, the gentleman from California wishes to strike out the amendment proposed by the committee. I would very much dislike to have that done. I have already been censured by Western interests for not standing up for still stronger protection in this bill, and I would say that it is as necessary to have this increase here as it is to have an increase in any other portion of the bill.

The difference between the raw material and the manufactured article has been so fully discussed here that I do not propose to take up the time of the committee in a further discussion of it, but I hope that every friend of the "raw material," every friend of the agricultural interest of the country, will oppose the striking out of any of the items in this bill that the committee have recommended.

The question was taken upon the amendment recommended by the Committee of Ways and Means; and there were—ayes 32, noes 25; no quorum voting.

Tellers were ordered; and Mr. McRUER and Mr. LE BLOND were appointed.

The committee divided; and the tellers reported—ayes 58, noes 39.

So the amendment was agreed to.

Fiftieth amendment:

Strike out "one dollar" and insert "three dollars" in the clause relating to flax straw; so that it will read:

On flax straw, three dollars per ton.

Mr. SCHENCK. Although that is a considerable increase upon the old duty, yet it amounts to next to nothing. Therefore I move to amend the amendment by striking out "three dollars" and inserting "five dollars." If foreigners are prevented by protective duties from bringing into this country the article hackled either in its first or second stage of preparation they may fall back upon the straw itself, and probably import that; though I think they will not do so to a very great extent. But to make the matter secure, I move to make the duty five dollars instead of three dollars per ton on flax straw.

Mr. HOOPER, of Massachusetts. I would ask the gentleman from Ohio [Mr. SCHENCK] if he can state what is the present duty on flax straw; and how much increase is proposed by the Committee of Ways and Means upon the present rate of duty?

Mr. SCHENCK. It is proposed to increase it to three times what it was before; but it was contemptible before; it was nothing at all.

Mr. HOOPER, of Massachusetts. How much is it under the present law?

Mr. SCHENCK. It is one dollar per ton in the present law and in the Senate amendment; and it is proposed by the Committee of Ways and Means to make it three dollars per ton.

Mr. HOOPER, of Massachusetts. The question I asked the gentleman was what the duty is now.

Mr. SCHENCK. One dollar per ton.

Mr. HOOPER, of Massachusetts. I should like to have some evidence of that.

Mr. KUYKENDALL. You have the gentleman's own statement.

Mr. HOOPER, of Massachusetts. I think the gentleman is mistaken.

Mr. SCHENCK. There may be none at all.

Mr. MORRILL. There is no duty on this article under the present law that I am aware of. I think the gentleman from Ohio [Mr. SCHENCK] is unnecessarily sensitive in relation to his flax straw. It is utterly impossible that it should be imported any distance from abroad; it is so bulky that it will not bear the cost of transportation. It may possibly be brought a few miles across from the Canadas, but in quantities so insignificant as to be of no account, and a duty of one dollar per ton will be sufficient to even prohibit this improbable traffic. But to provide against all accidents, we propose to put the duty at three dollars per ton upon flax straw. I do not suppose any of it will be brought into the West, either at one rate or the other. I think the gentleman ought to be satisfied with the proposed rate of three dollars per ton.

Mr. SCHENCK. Since gentlemen are so interrogative——

The CHAIRMAN. Debate is exhausted on the amendment to the amendment.

The amendment to the amendment was not agreed to.

The amendment recommended by the Committee of Ways and Means was then agreed to.

Fifty-first amendment:

Strike out the word "five" and insert the word "ten" in the clause relating to tow of flax or hemp; so that it will read:

On the tow of flax or hemp ten dollars per ton.

Mr. FARNSWORTH. I move to amend by striking out "ten" and inserting "twenty-five." We have increased the duty on hackled flax to eighty dollars per ton and on flax unmanufactured to forty dollars per ton. I understand that the present duty on the tow of flax is ten dollars per ton, just what the Committee of Ways and Means propose here. Now, to make the duty on this article in proportion with the duties which we have voted to put upon the unmanufactured and on the hackled flax it should be at least twenty-five dollars per ton. I therefore move this amendment, as this article comes directly in competition with our home productions.

Mr. MORRILL. I presume it is almost utterly useless to attempt to resist any proposition, no matter how absurd it may be, in relation to flax or hemp. I have risen merely for the purpose of saying that this article cannot be imported into the West, and therefore there can be no competition there. It is too bulky to be profitably imported in any quarter. The duty upon it has always been heretofore five dollars a ton; but after raising the duties on the other articles as we did, the Committee of Ways and Means thought it would be proper to increase this to double its present rate, or an increase of the duty one hundred per cent. It seems to me that ought to satisfy even gentlemen from the West who profess to be so eager to keep down any general increase of duties though equally eager to have their flax protected.

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The question was taken upon the amendment of Mr. FARNSWORTH; and upon a division, there were—ayes twenty-five, noes not counted.

So the amendment to the amendment was not agreed to.

The question recurred upon the amendment proposed by the Committee of Ways and Means.

Mr. LE BLOND. I move to amend the amendment by striking out "ten dollars" and inserting "fifteen dollars." That will make it more uniform with what we have done.

The question was taken; and upon a division, there were—ayes 29, noes 48; no quorum voting.

Tellers were ordered; and Mr. LE BLOND and Mr. CONKLING were appointed.

The committee again divided; and the tellers reported that there were—ayes 26, noes 70.

So the amendment to the amendment was not agreed to.

The question recurred upon the amendment proposed by the Committee of Ways and Means.

Mr. SCHENCK. I move to amend the amendment by striking out "ten dollars" and inserting "twenty dollars." I could not give my support to the amendment of my colleague to make this duty only fifteen dollars. Gentlemen may think that this is a small matter because it is only tow, and that a duty of ten dollars per ton upon that tow would a very heavy duty. However, when that tow comes to be converted into burlaps or coarse material for gunny-bags the manufactured article becomes somewhat important. It will be seen, by reference to this bill a little further on, that the Committee of Ways and Means propose "that burlaps valued at not over fifteen cents per square yard shall be subject to a duty of only forty-five per cent. *ad valorem*."

A MEMBER. What is "burlaps?"

Mr. SCHENCK. "Burlaps" is a coarse fabric made for baling purposes. I have been told by some members here that it is used to make sacks for our corn in the West. I suspected that would be said; and therefore I took the precaution of obtaining the written statement of a man who has manufactured more "burlaps" in this country than anybody else in the United States that such was not the case. And I am ready upon suitable occasion to produce the statement here.

Still burlaps are deemed by the Committee of Ways and Means to be worth protecting with a duty of "forty-five per cent. *ad valorem*," with the word "only" put before "forty-five" in order to make the statement the more emphatic. Now, the duty on this flax tow should be put up as the Committee of the Whole have put up the duty on unmanufactured flax and on hackled flax instead of keeping it where the Committee of Ways and Means propose to put it. And inasmuch as we have raised the duty upon the other articles, I propose that we raise it on this also.

Although this article is only "tow," it is somewhat important for more reasons than one. With us in the West what is called "tow" is not merely tow proper; it is that which is the refuse after the hackling of the flax. In the wasteful use we make of our flax, for want of sufficient protection, when the seed has been threshed out the whole of the fiber is converted into what is called "tow;" there being no "dressed lines" obtained from it at all. And that will continue to be the case unless there is more protection given to it. I therefore move to increase the duty to twenty dollars per ton, so as to make it in proportion to the action of the Committee of the Whole in relation to the other articles.

Mr. MORRILL. I merely rise to oppose the amendment to the amendment, and to say that the gentleman from Ohio [Mr. SCHENCK] having himself voted against an increase of the duty to even fifteen dollars, I do not think his eloquence can persuade the Committee of the Whole to turn "right about face" and vote to increase it to twenty dollars.

Mr. SCHENCK. I voted against fifteen dollars, because I thought it was not high enough.

The question was taken upon the amendment of Mr. SCHENCK; and upon a division, there were—ayes 41, noes 57.

So the amendment to the amendment was not agreed to.

The amendment proposed by the Committee of Ways and Means was then agreed to.

Fifty-second amendment:

Strike out "five" and insert "fifteen," in the clause relating to unmanufactured jute, Sisal grass, &c., so that it will read:

On jute, unmanufactured, and Sisal grass, and other vegetable fibers not otherwise provided for, fifteen dollars per ton.

The question was taken; and upon a division, there were—ayes fifty-two, noes not counted.

So the amendment was agreed to.

Fifty-third amendment:

Strike out the word "burlaps" from the following clause:

On all brown or bleached linens, ducks, canvas paddings, cot bottoms, burlaps, drills, coatings, brown Hollands, blay linens, Spanish linens, diaper, damasks, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, hemp, or jute, or of which flax, hemp, or jute is the component material of chief value, not herein otherwise specified, valued at thirty cents per square yard or less, four cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; valued at over thirty cents per square yard, six cents per square yard, and, in addition thereto, forty per cent. *ad valorem*.

Mr. GRISWOLD. I would inquire of the chairman of the Committee of Ways and Means [Mr. MORRILL] why it is proposed to strike "burlaps" out from this clause?

Mr. SCHENCK, (in his seat.) In order to make the duty on it lower.

Mr. MORRILL. In answer to the question of the gentleman from New York, [Mr. GRISWOLD,] I will say that these goods are used very extensively in the manufacture of oil-cloth, and if the duty upon them is placed at a higher rate than forty-five per cent. *ad valorem* it will be necessary to raise the duty upon the other articles. And, notwithstanding the negative assertion of the gentleman from Ohio, [Mr. SCHENCK,] they are also used in a form which in the West are required for bags.

Mr. GRISWOLD. I understand that various establishments in this country are just beginning successfully to manufacture articles in which this tow of flax exclusively enters. And it is in the direct line advocated by gentlemen who are to-day protesting against low duties for the agricultural interests, I trust the amendment will not be adopted.

Mr. HOOPER, of Massachusetts. I think this amendment was a mistake; I do not think it was intended by the Committee of Ways and Means. If the chairman of that committee [Mr. MORRILL] will notice, the proviso which it is proposed to add to this clause is as follows:

Provided, That burlaps valued at not over fifteen cents per square yard shall be subject to a duty of only forty-five per cent. *ad valorem*.

I do not think it was intended to strike out this word "burlaps;" I think that was a mistake. I do not like to make that statement unqualifiedly, for fear I may be contradicted again. But I think the Committee of Ways and Means did not intend to strike it out, but meant to have this rate of duty of "four cents per square yard and thirty-five per cent. *ad valorem*" confined to burlaps valued at over fifteen and not over thirty cents per square yard. I hope, therefore, that the Committee of the Whole will not adopt this amendment.

Mr. CONKLING. I am glad to hear what my colleague on the committee says. I was not present when this was suggested; as it is I think it should not be stricken out, and I hope it will not be.

Mr. SCHENCK. Mr. Chairman, at the risk of trespassing upon the time of the House, but to correct the chairman of the Committee of Ways and Means on the subject of burlaps, I move to strike out the last word.

If gentlemen will look to the paragraph they will find there are a great many things embraced, as linens, ducks, canvas paddings, cot bottoms, drills, coatings, brown Hollands, blay linens, Spanish linens, diaper, damasks, crash, huckabacks, &c., which are not manufactured from anything raised in the West, but there is one article we do manufacture, and that is these burlaps, these coarse goods used for baling.

Mr. HOOPER, of Massachusetts. Will the gentleman allow me to call his attention to one point. The burlaps manufactured from American material are the cheap ones excepted in the proviso to that section.

Mr. SCHENCK. Exactly; that is what I am going to speak of. When there is one we can furnish the material, for that is to be put down lower than any other. It is just this exception to which I object. I thought there was a cat in the meal-tub, and I have obtained the written statement of one of the largest manufacturers of burlaps in the country, and I propose to read it as better than anything I can say on this subject.

Mr. ALLISON. Does not my friend from Ohio think that forty-five per cent. *ad valorem* high enough on this article of burlaps?

Mr. SCHENCK. Perhaps it is; but why make it more upon the others. They are four cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*. This is what the largest manufacturer of burlaps says:

BURLAPS.

On page 26, present House bill, line twenty-one, burlaps is stricken out, and on page 27, lines thirty, thirty-one, and thirty-two, a proviso is made which should be stricken out, and burlaps reinstated on line twenty-one, page 26.

Burlaps is an indefinite term, and under that head many other coarse linens, such as crash, cot bottoms, brown linens, &c., can be imported. In other words, it makes an exception which will cause much trouble. Burlap proper is for baling purposes. It is not used for grain bags, as is supposed by some, but is used for baling up goods as a mere wrapper. Being imported, it is usually made of jute, because jute came to the Irish and English spinners free of duty, and therefore is cheaper than their tow. It can be made here from our coarse tows, and would, if properly protected, furnish a very large market for our home production, for the amount used is very large, amounting to hundreds of tons. If made of our tows it would be stronger and more durable. It seems, in view of the amount of the home production it would consume and the labor it would employ, it should be reinstated in line twenty-one.

Thus the one thing we can furnish the material for is made an exception, and burlaps is stricken out and a proviso inserted that it shall only be subject to a duty of forty-five per cent. *ad valorem*, while the others are at four cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*. I hope burlaps will not be stricken out, but that we will strike out the proviso at the end of the section.

The amendment was disagreed to.

Fifty-fourth amendment:

Strike out the following:

Provided, That burlaps valued at not over fifteen cents per square yard shall be subject to a duty of only forty-five per cent. *ad valorem*.

Mr. HOOPER, of Massachusetts. I move to insert after "burlaps" the words "and crash." I wish to state that crash, like burlaps, is a cheap article, and the imported article comes of different widths so that it is almost impossible to ascertain the measurement of this low price article not costing over fifteen cents per square yard.

Mr. ALLISON. I do not know whether I am in order, but I hope this proviso inserted here will not be stricken out. I desire to say a word why I should like to have it retained. This applies only to an article manufactured of jute. It is used in baling cotton, in baling wool, and also used by our western farmers in sacking corn and oats and other products which they send to market. If this proviso is not stricken out the effect will be to allow an *ad valorem* duty of sixty per cent. on this article. It seems to me if we adopt the rule of protection we should protect the largest num-

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ber of people; and certainly there is a larger number who use these goods than those who manufacture them. And it seems to me further, if this article of burlaps is not protected by a duty of forty-five per cent. *ad valorem* those who manufacture it should turn to some other branch of manufacture, and protect the producer of cotton, corn, and oats, by allowing him to procure this article at the cheapest possible rate. If I am not mistaken, and I think I am not, as to the uses to which burlaps are applied, it seems to me forty-five per cent. is quite enough, and thus divide the protection to some extent with the large class of producers who consume this article in the way I have indicated.

Mr. GRISWOLD. I hope the proviso will be stricken out, and the gentleman will pardon me for saying that I think there is a gross inconsistency in his argument upon this question. There is no reason in the world why the article should not be produced in this country; and the only way to furnish a market for the tow and flax for which the gentleman argues so strenuously is to foster the manufacturer of the very article which consumes the tow and flax.

The question being taken on the amendment of Mr. HOOPER, of Massachusetts, it was agreed to.

The question recurred on agreeing to the amendment of the committee.

Mr. CONKLING. I move to strike out one word for the sake of saying I hope this proviso will be stricken out. It is entirely inconsistent with what the committee have done already. I hope that crash and burlaps will both go out.

Mr. ALLISON. I do not know whether I understand my friend. Do I understand him to say that it is inconsistent with anything we have done?

Mr. CONKLING. I do not know what he understood, but I mean to say that.

Mr. ALLISON. I do not understand it to be inconsistent. We have retained burlaps, and we here provide that burlaps valued at not exceeding fifteen cents per square yard shall pay only a certain duty.

Mr. CONKLING. Precisely so, and that is exactly what we did not mean to do when we retained burlaps. The Committee of Ways and Means struck out burlaps and then put in this proviso; now we have put in burlaps, and to be consistent we should strike out this proviso. I hope it will be done.

The amendment of the committee, as amended, was disagreed to.

Fifty-fifth amendment:

Strike out "gunny-bags;" so that the clause will read:

On gunny-cloth, cotton bagging, or other manufactures not otherwise herein provided for, suitable for the uses to which cotton bagging is applied, composed wholly or in part of hemp, jute, flax, or other material, valued at ten cents or less per square yard, three cents per pound.

Mr. GRISWOLD. I hope it will not be stricken out for the very reason suggested in regard to "burlaps."

The amendment was disagreed to.

Fifty-sixth amendment:

Insert the following:

On gunny-bags, twenty per cent. *ad valorem.*

On agreeing to the amendment there were—ayes 35, noes 57.

Mr. HOOPER, of Massachusetts, demanded tellers.

Tellers were ordered; and the Chair appointed Messrs. HOOPER, of Massachusetts, and CONKLING.

The committee divided; but the tellers were unable to agree on the count.

The Chair accordingly appointed as tellers Messrs. SHELLABARGER and ELDRIDGE.

The committee again divided; and the tellers reported—ayes 41, noes 56.

So the amendment was disagreed to.

The committee informally rose, and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed House joint resolution No. 205, for the erection of an equestrian statue to the memory of brevet Lieutenant General Winfield Scott, with an amendment, in which he was directed to ask the concurrence of the House.

Also, a joint resolution (S. R. No. 165) to refer the claim of the trustees of A. G. Sloo to the Court of Claims, in which the concurrence of the House was requested.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution (S. R. No. 182) for printing additional copies of the Appendix to the Diplomatic Correspondence of 1865; when the Speaker signed the same.

TARIFF BILL—AGAIN.

The committee then resumed its session.

Fifty-seventh amendment:

Insert the words "and on hemp and tow yarns, single, valued at not over twenty-four cents per pound;" so that it will read:

On jute yarns, single, and on hemp or tow yarns, single, valued at not over twenty-four cents per pound, thirty per cent. *ad valorem.*

Mr. GRISWOLD. I hope that will not be adopted for the same reason that applied to all the other articles.

Mr. CONKLING. I want to express my concurrence with my colleague. It would be very inconsistent to adopt it after what we have done.

Mr. SCHENCK. Put me down number three; I hope it will not be adopted.

Mr. MORRILL. I trust it will be allowed to remain. It is precisely the existing law.

Mr. CONKLING. I would like to ask my colleague on the committee if the committee did not propose this fifty-seventh amendment as consistent with and belonging to those amendments which have already been rejected? And if that be true, then I ask him to inform the House how it is consistent to retain this amendment when the other amendments upon which it hinges have been repudiated by the Committee of the Whole?

Mr. MORRILL. In reply to the gentleman from New York I will say that if the gentleman had listened to what I said he would have seen that this amendment was not made with any reference to any of the amendments which have been voted on. It was made solely with reference to the article of carpets, in the manufacture of which a large amount of this article is used, and which would suffer serious injury without this provision.

Mr. CONKLING. I dislike very much to differ with my colleague on the Committee of Ways and Means about a matter of fact, but I cannot agree with him at all. We all know, it is past discussion by either of us, that these two subjects of duty are connected with each other, and we find these amendments in the bill submitted by the committee in connection with each other.

Now, I submit to my colleague that he does violence to the text of the bill, and does violence to the palpable logic of the connection of the two articles when he says that the committee in putting them together in harmony with each other did not intend that they should be in harmony.

If the other amendments ought to have been rejected, as I think they should have been, I submit that this also should be rejected.

The question was taken on the amendment of the Committee of Ways and Means, and it was disagreed to.

Fifty-eighth amendment:

In line eighteen strike out the following words:

And any person or corporation may import and use railroad iron at any time within ten years upon paying the duties imposed by law, any provision in any act of Congress to the contrary notwithstanding.

The question was put, and there were—ayes 32, noes 25; no quorum voting.

Tellers were ordered; and Messrs. O'NEILL and KERR were appointed.

The committee divided; and the tellers reported—ayes 86, noes 10.

So the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee rose informally, and the Speaker having resumed the chair,

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill of the House No. 878, to quiet land titles to lands in the town of Santa Clara, in the State of California.

PATENT OFFICE REPORT.

The SPEAKER, by unanimous consent, laid before the House the annual report of the Commissioner of Patents; which was laid upon the table, and ordered to be printed.

Mr. JENCKES moved that five thousand copies of the report be printed for the use of the Patent Office, and ten thousand for the use of the House.

The motion was referred, under the law, to the Committee on Printing.

TARIFF BILL—AGAIN.

The Committee of the Whole on the state of the Union then resumed its session.

Fifty-ninth amendment:

In line eighty-three, page 34, insert the following:

On cotton ties made of hoop iron, three and three fourths cents per pound.

The amendment was agreed to.

Sixtieth amendment:

In line one hundred and eighteen, page 34, strike out "forty" and insert in lieu thereof "two cents per square foot, and, in addition thereto, thirty-five;" so that it will read:

On iron wire-cloth, two cents per square foot, and, in addition thereto, thirty-five per cent. *ad valorem.*

The amendment was agreed to.

Sixty-first amendment:

Insert at the end of the paragraph the following:

When painted, four cents per square foot, and, in addition thereto, thirty-five cents per square foot.

Mr. PRICE. That must evidently be a mistake.

Mr. JENCKES. I move to amend the amendment by striking out "cents per square foot" and inserting "per cent. *ad valorem;*" so as to read: "and, in addition thereto, thirty-five per cent. *ad valorem.*"

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Sixty-second amendment:

Insert after the word "two," in line one hundred and twenty-five, the words "and one half;" so as to make the paragraph read:

On machinery forgings, mill-irons and mill-cranks, of wrought iron, and wrought-iron pieces or parts, of any weight, for ships, steam-engines, or locomotives, two and one half cents per pound.

On the amendment there were—ayes 58, noes 39.

Mr. FINCK called for tellers.

Tellers were ordered; and Mr. FINCK and Mr. RICE, of Maine were appointed.

The committee divided; and the tellers reported—ayes 64, noes 34.

So the amendment was agreed to.

Sixty-third amendment:

Strike out after the word "diameter," in line one hundred and forty-one, the words "two and a half" and insert in lieu thereof the word "three;" so as to make the clause read:

On chains, trace-chains, halter-chains, and fence-chains, made of wire or rods not less than three eighths of an inch in diameter, three cents per pound.

Mr. LE BLOND. I move to amend the amendment by striking out "three cents" and inserting "one cent," so as to make the duty on these articles one cent per pound. It seems to me that a duty of even one cent is high. The articles embraced in this paragraph are

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used by every farmer throughout the country; and I do hope that Congress will show some disposition to favor the agricultural interests of the country. The agricultural class make up the great body of the American people. They constitute the bone and sinew of our country, and are the foundation of the nation's wealth. Yet by this bill in its present form that class of the community will be required to pay a heavier tax than almost any other class of citizens.

I hope that my amendment will be adopted, and that we shall reduce this duty to one cent per pound instead of making it three cents, as proposed by the Committee of Ways and Means. This committee propose an increase upon the rate fixed by the Senate, which was but two and one half cents. Instead of an increase there should be a diminution of the duty. Let us have fair competition in this matter. Why should the great consuming interests of this country pay three cents per pound on these articles if they can be bought at a lower rate abroad? I hope that this question will be duly considered. Let us lighten as far as possible the burdens of the agricultural class, for it is they who use the articles embraced in this paragraph.

On the amendment there were—ayes 36, noes 50; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Messrs. LE BLOND and MOORHEAD.

The House divided; and the tellers reported —ayes 32, noes 64.

So the amendment to the amendment was not agreed to.

The question recurred on the amendment of the Committee of Ways and Means.

Mr. LE BLOND. I move to amend the amendment by striking out "three" and inserting "two," so as to make the duty two cents per pound. My reason for offering this amendment—and I offer it in good faith—is that I think the duty too high already. If, sir, there will be no importations of these articles, then it is unnecessary to include them in the bill. If these articles will be imported, then I submit that we do fully enough in offering to the domestic manufacturers of these articles a bonus of ten cents on the foreign-made article.

I say, sir, as I have said before, that every dollar, every cent, added to the cost of imported articles in this country is so much taken out of the pockets of the consumers and given to the manufacturers of these articles. I know that the gentleman from Massachusetts [Mr. DAWES] advocates a different doctrine, and he seems to base it upon the ground of devotion to the manufacturing interests of our country. But, sir, I repudiate that doctrine. I do not believe in it. I believe that wherever you can get the cheapest article there is the place for the people who consume it to go for the purpose of purchasing it. I believe that we should not tax the great body of the people of this country for the benefit of the few who are engaged in manufacturing pursuits.

Now, sir, I will venture to say, notwithstanding the argument of the able gentleman from Massachusetts in favor of protection, that when he goes into the market to purchase any article or commodity, when, for instance, he wishes to buy broadcloth for a suit of clothes, if he finds that he can buy the desired article one dollar cheaper of an importer than of the domestic manufacturer he buys the imported article instead of that manufactured in his own country, all other things being equal. He buys it because it is the cheapest. And, sir, if he has a bushel of wheat or anything else to sell he does not inquire whether the man proposing to purchase is a citizen of the United States or a subject to Great Britain. He sells to the man offering the largest price, whether that man resides in this country or comes from abroad. In the consideration of a tariff bill I apply the same reasoning which I would adopt in buying or selling an article, for, as I have already said, the consumers in this country make up the great body of the American people, and we should look to their interests, not merely to the interests of the manufacturer.

With regard to the several descriptions of chains named in this paragraph, if by reducing the duty we can enable those who use them to get them at a lower price, why should we not give them the privilege of getting them as cheaply as possible? and if they have an article to sell let them sell it wherever they can get the largest price.

Mr. GARFIELD. Mr. Chairman, in reference to the amendment proposed by my colleague, [Mr. LE BLOND,] allow me to say that these articles on which he proposes to reduce the duty from three cents to two sell at an average of about eighteen cents a pound; so that the duty of three cents would not be over twenty per cent. *ad valorem*. That is an outside statement of the rate proposed on these articles. Whether this is an exorbitant duty I leave to the judgment of the committee. But I call attention to the fact that twenty-five years ago, and under a Democratic Administration, these very articles bore a duty of four cents a pound; and it remained for many years at that rate; one cent per pound more than that which the committee propose in this bill.

I desire to say in addition, Mr. Chairman, that in this bill the rates of duty on iron have been somewhat increased; and the Committee of Ways and Means felt it their duty to increase in a corresponding degree the duties on articles manufactured of iron. I appeal to the justice of the Committee of the Whole to decide whether it is not fair, when the duty on iron has been increased, that we should provide for a corresponding increase on manufactures of iron. If gentlemen desire to attack the bill let them begin at its foundation and here. If this item be reduced they should go back and make other changes to correspond.

One word in reply to what my colleague [Mr. LE BLOND] says from his stand-point on the general question of the tariff. He is in favor of buying where he can buy cheapest. Is he not also in favor of living where he can live cheapest, and therefore of leaving the United States and moving to Canada, or if he wants to live still cheaper, to the Fejee Islands, where he can pluck bread fruit from the trees [laughter] and wear primeval fig-leaves, at little expense, and thus avoid the troubles of tariffs and woolens?

It occurs to me, Mr. Chairman, that it is worth something to live in a country like this. I would rather help bear the burdens of civilization to sustain a noble Government like ours than to go where everything is so cheap that it ceases to be valuable.

Mr. Chairman, the necessities of the revenue of this Government are so great that the old-time doctrine of prohibition on the one hand and free trade on the other are of but little practical value in this debate. If my colleague is hunting through this bill for enormities it would not be difficult for him to find paragraphs in reference to which he might exert his talents to some purpose.

Mr. LE BLOND. Point them out. It is just what we want.

Mr. GARFIELD. I am not fighting the gentleman's battle. He has help enough on this side already. But I do say that unfortunately for his case he has taken one of the most modest provisions of this bill as the object of his attack. He will observe we have reduced the duty on other chains as found in the Senate bill two cents a pound, which leaves the duty twenty-five per cent. less than it was twenty-five years ago under Democratic administration.

The amendment to the amendment was disagreed to.

Mr. ALLISON. Mr. Chairman, I rise to oppose the amendment of the Committee of Ways and Means, and I do so for the purpose of making a few remarks in regard to iron, and particularly with reference to the proposition now before the committee.

This paragraph includes classes of iron largely used in this country, chains, trace-chains, halter-chains, and fence-chains of two different sizes. It includes fence-chains and fence-wire used for fencing purposes in our western country. I think the tariff proposed by the Senate is quite high enough on this article; but I wish to call the attention of the committee to another fact which appears everywhere in this bill, as it applies to iron and steel. I allude to the classification of these articles. Under existing law the classification of iron is carefully adjusted so as to admit at a low duty per pound the coarser product of iron, and that product in most extensive use in this country, and experience has shown that this classification, as well as the existing rate of duty, has afforded abundant protection to the manufacturer of iron and nearly all its products.

Mr. WILSON, of Iowa. Can my colleague state the reasons for the change of grade?

Mr. ALLISON. Certainly I can, without difficulty.

The object the committee had in view was of course to increase the duty on certain classes of imported iron without increasing the duty per pound. When we come to consider the question of iron generally the committee will observe that the classification has been entirely changed from existing law and for the purpose of increasing the duty, as I have stated. The classification in this bill was prepared by the manufacturers of iron and presented to the Committee of Ways and Means, and it is not likely they would so classify as to reduce duties. A word here upon the general question. We produced of iron and its products in this country during the last fiscal year, as nearly as can be ascertained from the report of the Commissioner of Internal Revenue, about $213,000,000; while during the same year we imported in value only $11,000,000, in round numbers, of iron, and $19,000,000 of iron and steel—the largest importation being of pig iron, an interest now unprecedentedly prosperous in this country—yet the manufacturers of iron insist upon a large increase of duties upon all classes of iron.

The tariff of 1861 was intended especially to favor the iron interest. Certainly by that act iron fared well, yet by a succession of enactments these duties were increased, until by existing law rates have been increased beyond the tariff of 1861 on bar iron flats of classes most in use from forty-nine to sixty-eight per cent.; on bars, round or square, from forty-nine to one hundred and twenty per cent.; and on certain classes of hoop, plate, and sheet iron, from sixty-eight to ninety-six per cent.; yet by the proposed bill duties on all these classes are increased still further—from twenty-eight to one hundred and twelve per cent.; and in a few instances as high as one hundred and forty per cent.

Now, it is a serious question for us to consider whether the consumer shall be thus taxed for the benefit of an interest producing annually more than $200,000,000, against a total importation of $19,000,000, reduced $4,000,000 by our own exports of iron products. This demand for increase comes chiefly from Pennsylvania, which produced last year thirty-three per cent. of the whole product, while I have heard no complaint from New York and Massachusetts, which produced twenty-three per cent. of the whole product. I do not see how it can be possible to injure the iron interests of Pennsylvania, especially if these rates are not increased. No State has so great advantages as Pennsylvania; take the Cambria Iron Works as an example, if you go there with me you will see almost within the throw of a stone, near the surface, iron, coal, and fire-clay, essential elements in the manufacture of railroad iron, which competes with iron produced in England, made from ore brought from a point five hundred to one thousand feet beneath the surface, and coal mined at a point four hun-

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dred feet below the surface, and from fire-clay, the cost of an acre of which is £5,000 sterling. I yield to none here in my devotion to the interests of American industry and American labor; but I do not think we should so adjust our duties as to give one class of manufacturers and producers an especial advantage over others equally meritorious, and equally important to the development of the material interests of this country.

If we increase largely the duty upon what we may term the raw products of iron, we must also give a corresponding increase upon the more costly and finer products, so that if the general increase proposed is to be maintained the amendment proposed by the committee may not be too high. But, as appears from the finance report, there was imported of this class last year only $283,256, and it is not probable that the importation would be increased if we should adhere to the Senate proposition, which is, I believe, the existing rate. Therefore I hope the committee will adhere to the Senate provision. I wish to call the attention of the committee to the further fact that in aid of this iron interest, at the last session, we largely reduced the internal tax on iron, which to the extent of the reduction operated as an increase of protection to their product. The iron manufacturing interest, as all others, must be subject to the changes incident to the abnormal condition of our finances and may occasionally be depressed; but I do not see that we should now largely increase the cost of all iron products to the consamer for the purpose of aiding an interest now so well protected.

[Here the hammer fell.]

Mr. MORRILL. I do not propose to reply to the gentleman from Iowa, but to call back the attention of the committee to the subject before them, which is the duty on chains. The duty upon these chains is fixed in the bill at two and a half cents per pound. The duty on chains under the present tariff is the same. As proposed by the committee it will be three cents. Now, take common chains, nine or ten feet long, weighing fifteen or twenty pounds, and costing from two dollars and a half to three dollars and a half, all we propose to give to the blacksmith for the manufacture of this article in the way of protection, above what he pays on the material, is therefore from fifteen to twenty cents. Is that too much? I believe it is not.

The question being put on agreeing to the amendment, there were—ayes 62, noes 40.

Mr. ELDRIDGE demanded tellers; but they were not ordered.

So the amendment was agreed to.

Sixth-fourth amendment:

Strike out "five" and insert "six;" so that it will read:

Less than three eighths of an inch in diameter and not less than No. 9 wire gauge, five cents per pound.

The amendment was agreed to.

Sixty-fifth amendment:

Strike out "eight" and insert "seven;" so that it will read:

Less than No. 9 wire gauge, seven cents per pound.

The amendment was agreed to.

Sixty-sixth amendment:

Strike out "two and one half" and insert "three;" so that it shall read:

On anvils of all descriptions, three cents per pound.

Mr. CHANLER. I move to amend by inserting one and a half cent instead of three. As I understand the theory of this bill it is protection; and the question very naturally arises, protection for whom? For the owner of the raw material, as the gentleman from Massachusetts [Mr. DAWES] calls it, or for the manufacturer or for the laborer or for the consumer? The gentleman from Massachusetts says we are reduced to the necessity of taxing either the raw material or the manufactured article. I maintain that this is a distinction without a difference. Raw material, except in the form of the air we breathe, the water we drink, and the earth we stand on, does not exist. Everything the farmer produces is a manufactured article; the product of the mine, the ore which is dug out and smelted, is a manufactured article.

Mr. MORRILL. I raise the question of order that the gentleman is not speaking to his amendment.

Mr. CHANLER. I am speaking to it at this moment; I am speaking of the anvil, and I assert that it approaches as near to the raw material perhaps as anything, and illustrates admirably the distinction the gentleman from Massachusetts seeks to draw, but which he cannot do. It is a manufactured article; so is the ore out of which it is made. And you propose to draw a distinction in favor of whom? In favor of the blacksmith who labors upon the anvil? No, sir. In every smithy in this land you draw a distinction in favor of the owner of the raw material, as you call it, which is the ore of which the anvil is made. You draw a distinction in favor of the manufacturer of the anvil against the blacksmith who uses it, by giving to the former the advantage of the profits which you get finally out of the latter, and you give to the laborer employed by the manufacturer no other benefit than his *per diem* salary. And yet gentlemen have the effrontery here to assume that they are consulting the interests of the people.

Sir, it is manifest that this bill is not for the greatest good of the greatest number; it is for the greatest good of the richest few. The capital invested, which finds its profits in the manufacture of anvils, demands that this restriction be put upon it; but the blacksmith, the man who labors in the factory, makes no such demand. This bill is not made in the interest of the laborer nor the interest of the consumer, and it will be a difficult matter for gentlemen to pretend that it is made in the interest of the revenue. No such argument has been advanced, and if the gentleman from Ohio, who spoke lately of the tax which was laid twenty odd years ago in the connection just read and passed upon, presumes to maintain that the high tariff then made to protect the iron-interest of Pennsylvania increased the revenue, he will fail in proving it.

[Here the hammer fell.

Mr. MORRILL. Notwithstanding the richness and superior quality of our iron ores and the vast amount of iron that we produce, which should enable us to send it abroad by thousands of tons, I am ashamed to say that we neither export iron and not an anvil is manufactured in this country, so far as I know, under the present duty of two and a half cents a pound, and probably none will be manufactured if we put the duty at three cents a pound. It is a matter of entire indifference to me whether the duty is raised one half cent per pound or not; for, although this is a heavy article which ought to be manufactured in this country, I do not suppose that an increase of the duty one half cent per pound will induce a single manufactory to engage into the business.

The question was taken on Mr. CHANLER's amendment to the amendment; and it was disagreed to—ayes 27, noes 70.

The amendment of the Committee of Ways and Means was then agreed to.

Sixty-seventh amendment:

In lines one hundred and forty-nine and one hundred and fifty, page 35, strike out the words "two and one half" and insert in lieu thereof the word "five;" so that it will read:

On blacksmiths' hammers, stone hammers, and sledges of all descriptions, wholly or partially finished, five cents per pound.

Mr. ALLISON. I hope that amendment will not be adopted. I believe the present duty is two and a half cents per pound, and, on looking at the returns for last year I find that there were only imported into this country $9,000 in value of this article, so that the present duty is abundantly sufficient to protect those gentlemen who are engaged in this manufacture. I hope the provision will remain as the Senate fixed it.

Mr. MOORHEAD. I rise to oppose the amendment offered by the gentleman from Iowa, if he has offered one, or to speak in favor of the amendment of the Committee of Ways and Means.

Mr. ALLISON. Before I take my seat I wish again to call the attention of my friend from Pennsylvania to the fact that last year the importations of this article amounted only to $9,000 in value, so that certainly the present rate of duty must be a reasonable protection.

Mr. MOORHEAD. I know nothing of the accuracy of the returns which the gentleman cites, but I hardly think that they can be correct.

These hammers are made of steel, and the duty on the steel of which they are made is more than two and a half cents per pound. It is necessary that we should put a higher duty on the manufactured hammers than we put upon the steel of which they are made. The Finance Committee of the Senate were evidently mistaken about this matter. They must have supposed that these hammers were made of iron, or they would not have put the duty at two and a half cents per pound.

The question was put upon agreeing to the amendment of the Committee of Ways and Means, and there were—ayes 59, noes 40.

Mr. FINCK demanded tellers.

Tellers were ordered; and Mr. FINCK and Mr. PRICE were appointed.

The committee divided; and the tellers reported—ayes 57, noes 37.

So the amendment was agreed to.

Sixty-eighth amendment:

In line one hundred and fifty-one, page 35, strike out the word "washers;" so that it will read:

On wrought-iron nuts, bolts, or rivets, &c.

The amendment was agreed to.

Sixty-ninth amendment:

In line one hundred and fifty-two, on the same page, after the word "rivets" insert the words "other than screw-bolts not exceeding four inches in length."

The amendment was agreed to.

Seventieth amendment:

In line one hundred and fifty-four, on the same page, after the word "three" insert the words "and one half;" so that the amended paragraph will read:

On wrought-iron nuts, bolts, or rivets, other than screw-bolts not exceeding four inches in length, wholly or partially finished, of all descriptions, punched or unpunched, three and one half cents per pound.

The amendment was agreed to.

Seventy-first amendment:

In line one hundred and fifty-five, page 36, insert the following:

On wrought-iron washers, five cents per pound.

The amendment was agreed to.

Seventy-second amendment:

In line one hundred and fifty-seven, on the same page, strike out the words "three and one half" and insert in lieu thereof "four;" so that it will read:

On wrought-iron tubes, and flues of all descriptions, four cents per pound.

The amendment was agreed to.

Seventy-third amendment:

In line one hundred and fifty-nine, on the same page, strike out the word "three" and insert in lieu thereof "four;" so that it will read:

On wrought-iron hinges of all descriptions and bed-screws, four cents per pound.

The amendment was agreed to.

Mr. FINCK. I move that the committee do now rise.

The question was put; and the committee refused to rise—ayes thirty-four, noes not counted.

Seventy-fourth amendment:

In lines one hundred and sixty-one and one hundred and sixty-two, on the same page, strike out the words "three and one half" and insert in lieu thereof "four;" so that it will read:

On galvanized iron, tin plates galvanized, and iron coated with zinc, of all descriptions, four cents per pound.

The amendment was agreed to.

The seventy-fifth amendment was to make the duty on cut nails and spikes of all descriptions "one and three fourths" instead of "one and a half" cents per pound, as proposed by the Senate.

The amendment was agreed to.

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The seventy-sixth amendment was to make the duty on horseshoe nails of all kinds "six" instead of "five" cents per pound, as proposed by the Senate.

Mr. LE BLOND. In looking over the rates of duty upon iron of all descriptions I find that the Committee of Ways and Means recommend in all cases an increased rate over the Senate bill. In regard to this article of "horseshoe nails, of all kinds," the Senate proposed a duty of five cents per pound; the Committee of Ways and Means recommend a duty of six cents per pound, or an increase of twenty per cent. Now, I would like to have some member of that committee give us some reason why they recommend an increased rate of duty upon all these articles made of iron, and especially upon this article of horseshoe nails.

Mr. GARFIELD. If the gentleman will permit me——

Mr. LE BLOND. Let me add a few more words. As my colleague [Mr. GARFIELD] proposes to answer my inquiry, I would inquire of him what amount of these articles have been imported into this country under the present rate of duty, and if it is so great as to call upon us to make this increase of duty. Let us know what the amount of competition is, and if it is enough to affect this interest in our country. And I would like my colleague to tell us if he can what increased amount of revenue is expected to be derived from this increase of duty?

Mr. GARFIELD. I am unable at present to state to my colleague [Mr. LE BLOND] what amount of revenue has been received from this specific source.

Mr. ALLISON. I have the amount stated here.

Mr. GARFIELD. The gentleman from Iowa [Mr. ALLISON] shows me an official statement that we received during the last fiscal year from that specific source the sum of $23,889.

Mr. LE BLOND. From what specific source?

Mr. GARFIELD. Horseshoe nails.

Mr. LE BLOND. That does not include horseshoe nail iron.

Mr. GARFIELD. I supposed the gentleman was inquiring about horseshoe nails.

Mr. LE BLOND. Very well.

Mr. GARFIELD. These nails are made from the very best iron, which pays a duty of five cents per pound. Last year the House proposed to lay the duty on horseshoe nails at seven cents per pound. This year the Committee of Ways and Means propose to decrease that rate one cent, and make it six cents per pound. For more than twenty years past horseshoe nails have been subject to a duty of from four to five cents per pound. The increased duty proposed on the iron of which these articles are manufactured makes it necessary to make a corresponding increase of duty on the articles themselves. These nails sell in the market at about thirty cents per pound; so that a duty of six cents per pound is by no means exorbitant.

Now, I desire to make one or two general remarks on this bill. And first the present condition of the country. The vast volume of currency, which I am sorry to see this House is unwilling to reduce, and which maintains prices at their present exorbitant rates, make it absolutely imperative upon us to impose a higher tariff upon imported products than would be needed in a normal state of business and trade. It is a necessity which I very much regret is laid upon us. If gentlemen would consent to the necessary reduction of the currency, which would bring prices down nearer to their proper level there would be no call for so formidable a tariff. But what I am compelled to call the strange and mistaken policy of this House on the question of the currency has compelled us to ask for an increase of the tariff.

Mr. KELLEY. I would ask the gentleman whether the excessive rates of internal taxation have not rather more to do with excessive prices than the condition of the currency?

Mr. GARFIELD. Not in view of the fact that for two successive sessions of Congress this House has very considerably reduced the internal tax upon manufactures, and has to that extent avoided the necessity of increasing tariff duties. But I am sorry to say that the gentleman from Pennsylvania [Mr. KELLEY] and my associates from the West in an almost solid phalanx have voted against a further reduction of the currency, and by their last vote have actually ordered a considerable increase in the present enormous volume of paper money.

Mr. STEVENS. I move to amend the amendment by striking out the last word. I make this motion for the purpose simply of saying to gentlemen who are in favor of a tariff that if they will hold their tongues and vote, letting the other side do the talking, they may get a tariff; but they never will if they keep up this debate. [Laughter.]

Mr. THAYER. That is the best speech that has been made to-night. [Renewed laughter.]

Mr. STEVENS. I withdraw the amendment to the amendment.

The amendment was agreed to.

Seventy-seventh amendment:

Insert after the word "pound," in line one hundred and seventy-six, the words "and on screw-bolts less than four inches in length, nine cents per pound;" so as to make the paragraph read:

On screws, commonly called wood-screws, two inches or over in length, nine cents per pound; less than two inches in length, twelve cents per pound; and on screw-bolts less than four inches in length, nine cents per pound.

Mr. O'NEILL. I move to amend the amendment by inserting after the word "length" the words "wholly or partially finished."

The duty on screw-bolts less than four inches in length, as proposed to be fixed by the committee, is nine cents per pound. Now, sir, many of these screw-bolts shorter than four inches come into the country in an unfinished state, and escape all duty, except that which bars pay, being one and a fourth and one and a half cents per pound; in no instance over two cents per pound.

In the district in which I reside and in the country surrounding Philadelphia there are establishments which make these screw-bolts; and, sir, they have been almost driven to close their doors because, by a trick, bolts half finished are sent to this country, coming in at a duty of only one and a half cents per pound, and are then finished here. I would like to ask the Committee of Ways and Means why they have not inserted in this amendment the words "wholly or partially finished," for I see that in a preceding part of the bill those words are inserted in reference to wrought-iron nuts, bolts, or rivets.

Mr. MOORHEAD. I will state the reason why the words "partially finished" have not been inserted in the pending amendment. If those words were inserted, the effect would be——

Mr. CHANLER. I rise to a point of order. I submit that after the leader of the other side of the House, the gentleman from Pennsylvania, [Mr. STEVENS,] has decreed that gentlemen on that side must "hold their tongues," it is not in order for gentlemen to infringe the rule thus authoritatively laid down. [Laughter.]

The CHAIRMAN. The Chair cannot sustain that as a point of order.

Mr. MOORHEAD. I was about to say that nine cents per pound on these screw-bolts is a high rate of duty; and it has been made high because of the large amount of labor put upon them. It would hardly be proper to impose an equally high rate upon these articles when only partially finished.

Mr. O'NEILL. Well, sir, it has been stated to me that many of these bolts, after being partially finished abroad where labor is cheap, are imported at a trifling duty, the same rate as that imposed upon bars; and thus injustice is done to American workmen. I do not see why the committee should not assent to this amendment.

The amendment to the amendment was not agreed to.

Seventy-eighth amendment:

Insert after the word "three," in line two hundred, the words "and a half;" so as to make the paragraph read:

On all puddled and blistered steel, and on all steel other than cast or shear steel, in bars, sheets, slabs, plates, coils composed of rods or bars above three eighths of an inch in diameter, axles, tire, and parts of machinery forgings, a duty of three and a half cents per pound.

The amendment was agreed to.

Seventy-ninth amendment:

Strike out in line two hundred and eleven the words "four and a half" and insert in lieu thereof the word "five;" so as to make the paragraph read:

On all cast and shear steel, in bars, ingots, sheets, slabs, plates, coils composed of rods or bars above three eighths of an inch in diameter, axles, tire, and part of machinery forgings, and steel wire rods exceeding three eighths of an inch in diameter, valued at above seven cents per pound, a duty of five cents per pound, and, in addition thereto, ten per cent. *ad valorem*.

The amendment was agreed to.

Eightieth and eighty-first amendments:

Strike out in line two hundred and fifteen the words "three and a half" and insert in lieu thereof the word "four;" and to insert after the word "four," in line two hundred and eighteen, the words "and a half;" so as to make the paragraph read:

On steel rods and steel-wire rods not exceeding three eighths of an inch in diameter, and not less than one eighth of an inch in diameter, a duty of four cents per pound, and, in addition thereto, ten per cent. *ad valorem*; less than one eighth of an inch in diameter, four and a half cents per pound, and, in addition thereto, ten per cent. *ad valorem*.

The amendments were agreed to.

Eighty-second amendment:

Insert "and a half;" so it will read as follows:

On steel wire not less than No. 16 wire gauge, a duty of five and a half cents per pound, and, in addition thereto, twenty per cent. *ad valorem*.

The committee divided; and there were—ayes 45, noes 30; no quorum voting.

The CHAIRMAN ordered tellers; and appointed Mr. BROOMALL and Mr. HUNTER.

The committee again divided; and the tellers reported—ayes 62, noes 33.

So the amendment was agreed to.

Mr. FINCK moved that the committee rise.

The committee divided; and there were—ayes 49, noes 52.

Mr. FINCK demanded tellers.

Tellers were ordered; and Mr. FINCK and Mr. MORRILL were appointed.

The committee again divided; and the tellers reported—ayes 52, noes 45.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the Senate amendment to House bill No. 718, with the amendments of the Committee of Ways and Means thereto, and had come to no resolution thereon.

Mr. MORRILL. I desire to give notice to the House that to-morrow morning I shall make an effort to bring the tariff bill to a decisive vote.

DOMINION OF CANADA.

Mr. RAYMOND. I ask unanimous consent to submit the following resolution:

Whereas the establishment in immediate proximity to the Territory of the United States of a powerful monarchy, under the protection and with the support of a foreign nation, cannot be regarded as otherwise than hostile to the peace and menacing to the safety of this Republic: Therefore,

Resolved, That the President of the United States be respectfully requested to inform this House whether any remonstrance has been made by this Government against the proposed consolidation of all the British North American Provinces into a single confederation under the imperial rule of an English prince, or whether the consent of the Government has been given in any way, directly or indirectly, to the consummation of this project.

Mr. CONKLING. I should like to hear that resolution debated.

Mr. RAYMOND moved to suspend the rules.

The House divided; and there were—ayes 31, noes 48; no quorum voting.

And then, on motion of Mr. BIDWELL, (at ten o'clock and twenty minutes p. m.,) the House adjourned.

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PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ASHLEY, of Ohio: The memorial of 486 loyal white citizens of North Carolina, praying for the organization of a territorial or provisional government for North Carolina, to be controlled by loyal citizens.

By Mr. DONNELLY: The resolutions of a convention of editors and publishers of the State of Minnesota, in favor of the removal of the internal revenue tax upon advertisements.

By Mr. HUMPHREY: The petition for relief of letter-carriers in the post office in Buffalo, New York.

By Mr. PIKE: The memorial of owner of wrecked bark Ange Gardien, for American register.

By Mr. TABER: The petition of citizens of Suffolk county, New York, for a life-saving station at Horton's Point, Long Island.

IN SENATE.

WEDNESDAY, *February* 20, 1867.

Prayer by Rev. RICHARD S. JAMES, of New Jersey.

On motion of Mr. CONNESS, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

THE CONSTITUTIONAL AMENDMENT.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of Pennsylvania, ratifying the amendment to the Constitution of the United States proposed to the several States by a joint resolution of Congress, passed on the 13th day of June, 1866, to be designated article fourteen of Amendments to the Constitution; which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. MORGAN. I present a memorial of merchants of the city of New York, in which they represent that they are made familiar in the course of their business with the character and extent of the duties performed by deputy collectors of customs, deputy naval officers, deputy surveyors, and assistant appraisers at that port; that their duties are numerous and important, and the compensation paid therefor is inadequate. The memorialists therefore pray as an act of justice that the salaries of those officers be increased in correspondence with the enhancement of all articles of necessity, and in accordance with the increase of compensation in all departments of commerce and manufactures. This memorial is very numerously signed by the largest merchants in New York. I ask its reference to the Committee on Commerce.

It was so referred.

Mr. WILSON presented a petition of citizens of Harper's Ferry, West Virginia, praying that the house and lot on Camp Hill now used as a school-house may be donated to them for school purposes; which was ordered to lie on the table, the committee having reported on the subject.

He also presented a petition of late officers of several Massachusetts regiments, praying to be allowed a share in the equalization of bounties; which was referred to the Committee on Military Affairs and the Militia.

Mr. POMEROY presented resolutions of the Legislature of Kansas, in favor of a grant of land to that State for school purposes, as an equivalent for the sixteenth and thirty-sixth sections disposed of by the Government; which were referred to the Committee on Public Lands, and ordered to be printed.

He also presented resolutions of the Legislature of Kansas, in favor of the donation to that State of that part of the Fort Riley reservation lying south and west of the Republican river and north of the line of the Union Pacific railroad, eastern division, for the support of an orphans' home for the children of deceased Kansas soldiers; which were referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. PATTERSON presented resolutions of the Legislature of Tennessee, in favor of a grant of land to aid in the construction of the Tennessee Pacific railroad; which were referred to the Committee on the Pacific Railroad, and ordered to be printed.

Mr. POMEROY presented resolutions of the Legislature of Kansas, in favor of the passage of the bill (S. No. 462) to admit the State of Colorado into the Union, the objections of the President to the contrary notwithstanding; which were ordered to lie on the table, and be printed.

Mr. DOOLITTLE presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to aid in defraying the expenses of transporting articles to the Paris Exposition; which was ordered to lie on the table, and be printed.

Mr. ROSS presented resolutions of the Legislature of Kansas, in favor of the establishment of a National Bureau of Education; which were ordered to lie on the table, and be printed.

He also presented resolutions of the Legislature of Kansas, in favor of the removal of Colonel J. H. Leavenworth, the present agent of certain hostile tribes of Indians on the western and southwestern frontier of that State; which were referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented resolutions of the Legislature of Kansas, in favor of a grant of land to aid in the construction of the St. Joseph and Denver City railroad; which were referred to the Committee on the Pacific Railroad, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. WADE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1142) to amend the act entitled "An act to incorporate the Newsboys' Home," and also for the relief of abandoned children in the District of Columbia, reported it without amendment.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 910) granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia river, to Fort Boisé, on the Snake river; reported it without amendment.

Mr. LANE, from the Committee on Pensions, to whom were referred the petition of Isabella M. Boyle, the petition of Lucretia B. Johnson, the petition of Michael Hennesey, the petition of Adaline G. Tarr, and the resolutions of the Legislature of Kansas in favor of a pension being granted to Eliza Drake, reported adversely thereon, the cases being covered by the general law, if the facts stated be true.

Mr. MORRILL, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 552) to incorporate the Colored Mutual Building Association of the city of Washington, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 560) to create the office of surrogate of the District of Columbia, to provide for the appointment of a surrogate, and define his powers and duties, reported it without amendment.

Mr. CONNESS, from the Committee on Post Offices and Post Roads, to whom was referred the petition of D. B. Allen & Co., submitted a report accompanied by a bill (S. No. 613) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. GRIMES, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill (S. No. 614) authorizing the Secretary of the Navy to transfer the United States iron-clad Onondaga to George Quintard, of New York; which was read and passed to a second reading.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print the resolutions of the National Convention of Colored Soldiers and Sailors of Washington, District of Columbia, adopted January 10, 1867, in favor of granting the elective franchise to all persons, without distinction of race or color, asked to be discharged from its further consideration, it not coming under the rule which has been adopted by the committee.

The report was agreed to.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the joint resolution (H. R. No. 280) for the relief of the mother of Charles O. Rowohl, reported it without amendment.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred the bill (S. No. 590) granting jurisdiction to the Court of Claims in a certain cause involving the right to the use of a patent, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. HOWE, from the Committee on Claims, to whom was referred the petition of Mary Good, praying to be granted a pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 901) to regulate the selection of juries for the several courts of the District of Columbia, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

TELEGRAPHIC REPORTERS.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution directing the Sergeant-at-Arms to provide seats on the floor of the Senate for the accommodation of one reporter for the New York Associated Press and one reporter for the United States and European News Association, have instructed me to make a verbal report. A number of Senators have spoken to the committee on this subject. The opinion of the committee was that it was advisable to pass the resolution, for it is manifestly impracticable for the reporters to make accurate reports unless they can have a better place for hearing; but there were a great many Senators opposed to it, and it did not seem advisable to the committee that this change should be made, which is a somewhat radical one, with a strong minority against it. Since that time one of the associations, the United States and European News Association, has been dissolved, and the old Associated Press is the only one to which the resolution would apply. The representative of that association does not desire this accommodation, especially if there be any Senators who think it would not be advisable. I think, if a page could be stationed at the reporter's gallery, with authority to communicate with Senators, and with orders to convey no other messages, it would be of considerable advantage; for frequently the reporters desire to obtain the exact words of a resolution, and not having access to the floor, they have no means of doing it, except by calling out Senators, which is unpleasant to them and to us, or waiting until after the Senate adjourns to communicate with the clerks, and then it is too late for the evening papers, and late for the morning papers. The committee ask to be discharged from the further consideration of the resolution.

The report was agreed to.

SALE OF COLORED CHILDREN INTO SLAVERY.

Mr. POLAND. The Committee on the Judiciary, to whom was referred the bill (S. No. 157) to protect children of African descent from being enslaved, in violation of the Constitution of the United States, have had it under consideration and have directed me to report it with a recommendation that it be indefinitely postponed. We think that the object of the bill is accomplished by the civil rights bill that was passed at the last session and by the *habeas corpus* bill of the present session, and that no further legislation is needed.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the Committee on the Judiciary, to postpone indefinitely the bill just reported by the Senator from Vermont.

Mr. SUMNER. Before that is disposed of I

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will ask the Senator from Vermont how the object is accomplished by the civil rights bill?

Mr. POLAND. I am not aware that in any State there is any law in reference to the apprenticeship of white children but what is just and proper; and the language of the civil rights bill provides the same rights and remedies in the case of black persons as in the case of white persons. If a negro child is apprenticed in a manner that would make the apprenticeship illegal in case the child was white, we think the black child would be entitled to all the remedies to which a white child would be entitled under the same circumstances, and would be discharged from the custody of the guardian; and the *habeas corpus* bill passed at the present session would authorize a United States magistrate of any kind to discharge them upon *habeas corpus*.

Mr. SUMNER. And yet the Senator is aware that several gross cases have occurred in a neighboring State since the passage of the civil rights bill.

Mr. POLAND. We can do nothing except to pass a law against these cases, and provide some legal remedy for such wrongs. That we think is already provided, and we could do no more if we were to create further legislation on the subject.

Mr. CRESWELL. Let me ask the Senator what remedy is provided, and how that remedy is to be enforced?

Mr. POLAND. In case a negro child is apprenticed in a manner that would not be a legal apprenticeship if the child were white, the master would have no right to retain the custody of the child. If he should attempt to do so, he would subject himself to a civil action for false imprisonment, and perhaps an action for the wages of the child. We think that under legislation that already exists, on application to a judge of the circuit court or district court of the United States, the child would be entitled to be discharged upon *habeas corpus*. I am inclined to think, too, that in those States where the Freedmen's Bureau is in operation, the officers of the Freedmen's Bureau would be authorized to interfere and liberate the child. All the legislation that has been had with reference to this class of subjects seems as full and ample for the evils suggested under this kind of State laws as any others that discriminate between blacks and whites, as far as we were able to judge with reference to it.

Mr. SUMNER. It strikes me the practical question is, whether recent incidents have not admonished us that there was a disposition to evade that statute and under the protection of State laws——

Mr. TRUMBULL. That is the very thing the statute guards against.

Mr. SUMNER. The Senator says that is the very thing the statute guards against; but, sir, your statute was not effective to prevent those incidents.

Mr. TRUMBULL. Will any statute if it is not executed?

Mr. SUMNER. But when you are apprized of an evasion I ask whether, upon the whole, it is not expedient that you should go forward and counteract that evasion specifically and precisely, so that there can be no possible excuse? Liberty has always been won by these anxious trials. Those who have represented her have been accustomed to go forward and take case by case and difficulty by difficulty and overcome it if they could. Give us first the general principle as we have it in the constitutional amendment; then give us legislation just as extensive or as minute as the occasion requires. Let it be "line upon line and precept upon precept," so long as any such outrage can be shown.

I do not wish to seem pertinacious in this matter, though I do not know that I can err ever by any pertinacity on a question like this. I do feel, however, that we are painfully admonished by incidents that have occurred almost under our very eyes that we ought to do something in order to tighten that great constitutional amendment. It contains in its language, in its text, words which I regret; I regretted them at the time they were introduced; I proposed to strike them out; and now they return to plague the inventor. I think there should have been no recognition in the constitutional amendment of any possibility of slavery. The reply of course is, that that amendment, if properly interpreted, does not recognize the possibility of slavery being legal in any just sense. I am aware of that; but it is misinterpreted, has been so in an adjoining State; and who can tell that it will not be so now in every one of the States of the South? I am sorry that the committee has not reported the bill, which I believe was introduced by the honorable Senator from Maryland, [Mr. CRESWELL,] with a recommendation that it should pass.

What did the Senate do last night? It passed a bill, on the report of my colleague, to prohibit slavery and peonage in New Mexico. Under the constitutional amendment, I take it, that bill in a certain sense was unnecessary, it was superfluous; but we have found a difficulty there; there has been outrage; slavery in some form exists there; and therefore my colleague was right when he brought his committee to the conclusion that they must meet it by a specific enactment. Where the abuse appears we must root it out. That is radicalism, I take it. So long as there is a human being anywhere under this flag, from the Atlantic to the Pacific coast, who is held as a slave, there is occasion for your powerful intervention; and if there is any ambiguity or any failure in existing statutes then you must give us another statute.

Mr. POLAND. I had not expected to enter into any discussion of this subject this morning. I cannot, however, concur in the idea of the Senator from Massachusetts, that every time a law of Congress is violated by anybody we are obliged to reënact the law. It seems to me to be a very singular and curious remedy that we are to make proclamation here against every offender against the law by reënacting it. It strikes me if we do that we shall have a great deal of superfluous legislation. Now, the first section of the civil rights bill reads as follows:

"That all persons born in the United States and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding."

In the view of the Committee on the Judiciary it was utterly impossible for us to frame a law using language more express, covering more completely and exactly what is alleged to be the fault in the State laws in reference to the apprenticing of black children; that if they had laws that authorized black children to be apprenticed under any different circumstances, for any other reason, in any other manner, or upon any other terms than the laws of the same State authorized the apprenticing of white children, they were perfectly abrogated by this statute, and full orders are given by applications to the courts of the United States, and in those portions of the country where the Freedmen's Bureau is in operation, to the officers of that bureau, to give complete and adequate redress and full remedy for any violation of this law. It seemed to us impossible to frame a law that could more completely uproot the evil that is alleged to exist in some States in respect to this apprenticing of colored children than the civil rights bill does. In addition to that, at the present session we have passed a bill authorizing the judges of the courts of the United States in all cases where persons are illegally held in custody in violation of the civil rights bill to afford relief by writ of *habeas corpus*, to discharge them out of any custody, either private and personal or official.

Mr. CRESWELL. It is something to have obtained from the Committee on the Judiciary of the Senate so distinct an opinion that the practice which has been carried on so extensively in Maryland, to wit, the binding out of colored children without even the consent of a parent, many of them actually at the mother's breast, on a charge that the parents are unable to support them, is unlawful under the civil rights bill; but when the committee assert that the courts of the United States and courts established by the Freedmen's Bureau are ample to afford protection to this class of people I think the facts show clearly that they are mistaken. The bill which I had the honor to present some time ago to the Senate for the protection of colored children in the States where those children exist in considerable numbers, was introduced at the instance and solicitation of the officers of the Freedmen's Bureau. They represented that that evil was carried to such an extent in Maryland that they were unable to check it even with the aid of the military authority at their command, and with the assistance of which the courts of the United States were ready to yield to them. They seemed to think, having an actual experience in the matter covering several years, that it was absolutely necessary for Congress to declare specially and particularly against that offense, and not only to prescribe a remedy by which the parents or the children by their next friend may be liberated from this new kind of bondage, but also to fix a penalty that may stare every party in the face who may be disposed to violate any one of the principles of the civil rights bill. Unwilling as I am at this late period of the session to exact from that committee a more favorable report than they have given us, fearing even if they did that we could not pass upon it at length, yet I venture this prediction: upon the law as it stands the committee will find that ample protection will not hereafter be afforded, and that it will be necessary for that committee to give the Senate some bill by which we may more amply protect the rights of these people in the same manner as the Military Committee gave us a bill last night in order to abrogate virtual slavery as it existed in New Mexico under the Mexican law. I do not feel at all satisfied with the action of the committee.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. SUMNER. I hope the bill will not be indefinitely postponed, but will be allowed to take its place on the Calendar.

Mr. POLAND. If the Senator desires it to go on the Calendar, I have no objection to that.

Mr. SUMNER. I hope the bill will be allowed to take its place on the Calendar.

The PRESIDENT *pro tempore*. Does the Senator from Vermont withdraw his motion to postpone the bill indefinitely?

Mr. POLAND. No, sir.

Mr. TRUMBULL. Let the bill go on the Calendar, with the motion to postpone indefinitely as the pending motion.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

Mr. POLAND. The Committee on the Judiciary have also had under consideration a resolution of the Senate directing them to consider if any action is needed by Congress to prevent the sale of persons into slavery for a specified term by virtue of a decree of court, and recommend its indefinite postponement, and substantially for the same reasons that I gave in reference to the bill reported just now.

The report was agreed to.

BAILIFFS AND CRIERS.

Mr. MORRILL. I submit the following report from the committee of conference on the disagreeing votes of the two Houses on the bill of the House (H. R. No. 356) fixing the

compensation of bailiffs and criers of the courts of the District of Columbia:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 356) fixing the compensation for the bailiffs and criers of the courts of the District of Columbia, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, that the House of Representatives recede from its action in disagreeing to the amendments made by the Senate, and concur in said amendments.

L. M. MORRILL,
JOHN CONNESS,
DAVID T. PATTERSON,
Managers on the part of the Senate.
HORACE MAYNARD,
J. F. FARNSWORTH,
F. C. LE BLOND,
Managers on the part of the House.

The report was concurred in.

BILLS INTRODUCED.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 615) for the sale of the Hot Springs reservation in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 616) to reduce the number of the members of the levy court of the county of Washington, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 617) to pay the levy court of the county of Washington, District of Columbia, for the coroner's fees on soldiers, sailors, and other employés of the United States; which was read twice by its title, and referred to the Committee on Claims.

MAPS AND DRAWINGS OF POTOMAC BRIDGE.

Mr. HARRIS. The chief of Engineers desires to withdraw from the files of the Senate certain maps and drawings relating to a bridge across the Potomac; and I offer the following resolution to enable him to do so:

Resolved, That the chief of Engineers be permitted to withdraw from the files of the Senate the maps and drawings accompanying the report of the Secretary of the Interior communicating the report and surveys made in obedience to a resolution of Congress respecting the construction of a new and substantial bridge across the Potomac, dated February 7, 1857.

The resolution was considered by unanimous consent and agreed to.

INTEROCEANIC CANALS AND RAILROADS.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That two thousand additional copies of the report of the Secretary of the Navy on interoceanic canals and railroads, with an additional chart, be printed and bound; of which five hundred copies shall be for the use of the Senate, and fifteen hundred copies for the use of the Superintendent of the Naval Observatory.

PUBLIC PARK.

Mr. BROWN. Last evening when the Senate adjourned there was a bill pending for the establishment of a public park near this city. The bill had progressed to its passage, upon which the yeas and nays had been ordered. There is nothing to do but call the roll upon it. I move that it be now taken up.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 549) for the establishment of a public park in the District of Columbia.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass; and upon that question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GRIMES (after having voted first in the negative) said: I ask leave to withdraw my vote. I did not remember until the name of the Senator from Maryland [Mr. JOHNSON] was called that I had agreed to pair off with him on this bill. If he were present he would vote for it, and I, if permitted to vote, would vote against it.

The PRESIDENT *pro tempore*. Shall the Senator from Iowa be permitted to withdraw his vote under the circumstances? No objection being made, the vote will be withdrawn.

The result was announced—yeas 28, nays 7; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Conness, Cragin, Creswell, Davis, Dixon, Doolittle, Fogg, Foster, Frelinghuysen, Hendricks, Howe, Morgan, Nesmith, Patterson, Poland, Pomeroy, Ramsey, Ross, Sumner, Trumbull, Van Winkle, Wade, Willey, Wilson, and Yates—28.

NAYS—Messrs. Chandler, Fessenden, Harris, Kirkwood, Lane, Sherman, and Williams—7.

ABSENT—Messrs. Cattell, Cowan, Edmunds, Fowler, Grimes, Guthrie, Henderson, Howard, Johnson, McDougall, Morrill, Norton, Nye, Riddle, Saulsbury, Sprague, and Stewart—17.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1868; and

A joint resolution (H. R. No. 293) authorizing the employment of a public vessel for the transportation of provisions to the people of the southern States.

The message further announced that the House had disagreed to the amendments of the Senate to the bill of the House (H. R. No. 878) to quiet the title to land in the town of Santa Clara, in the State of California, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. D. C. MCRUER, of California, Mr. S. T. HOLMES, of New York, and Mr. A. J. GLOSSBRENNER, of Pennsylvania, managers at the same on its part.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 474) for the relief of John C. McFerran, of the United States Army; and it was thereupon signed by the President *pro tempore* of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1868, was read twice by its title, and referred to the Committee on Finance.

LAND TITLES IN SANTA CLARA.

The Senate proceeded to consider its amendments to the bill of the House of Representatives (H. R. No. 878) to quiet the title to land in the town of Santa Clara, in the State of California, disagreed to by the House; and

On motion by Mr. CONNESS, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. CONNESS, Mr. WILSON, and Mr. FOWLER.

NORTON'S MARKING AND CANCELING STAMP.

Mr. VAN WINKLE. I move that the Senate postpone all prior orders and proceed to the consideration of Senate bill No. 582. I will state that the Post Office Department will be very much embarrassed unless this matter receives some action speedily. It is in reference to the marking and canceling stamp now in use in a large number of post offices throughout the United States, and the time is very short during which they can have the use of it, only until the 1st of April next. It is necessary to dispose of it now in order that the Department may give out contracts for the postal stamps that they desire to use. If this bill should be favorably considered the Postmaster General desires to enter into contracts for their manufacture. If not he will be deprived of their use, and be obliged to take some other. I hope, therefore, that the bill may be taken up.

Mr. SUMNER. I will inquire of the Senator if that bill will give rise to much debate?

Mr. VAN WINKLE. I can only say that the Committee on Post Offices and Post Roads have reported it unanimously, and deem it very just. As I have already stated, it is highly important to the Post Office Department that the matter should be determined at least one way or the other. There is a printed report accompanying the bill.

Mr. RAMSEY. I will say to the Senator from Massachusetts that the Post Office Department require this bill absolutely, and cannot get along without it so far as the cancellation of postage stamps, &c., is concerned. Unless this bill is passed they will be enjoined by the parties who claim the patent. They cannot get along without some legislation on the subject.

Mr. SUMNER. I do not like to interpose any objection to such a bill; but there is another bill which I think the Senate ought to act upon, one way or the other, and that is the Louisiana bill.

Mr. HENDRICKS. Several of us want to get up some bills; and as the Senator from Massachusetts asked the Senator from West Virginia if his bill would probably excite any debate or controversy, I will ask the same question of the Senator from Massachusetts: whether the bill which he urges will probably excite any debate?

Mr. SUMNER. I should not suppose it would on our side. I take it that every good Republican must be for that bill.

Mr. HENDRICKS. The Senator seems to object to any bill that excites debate; and of course he does not ask us to crowd another bill that his shall come up, if it is to excite debate. I take that for granted.

Mr. SUMNER. Indeed I should hope that I might have the vote of my friend from Indiana for the Louisiana bill. It is a great measure of peace.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from West Virginia.

The motion was agreed to; and the bill (S. No. 582) to provide for the payment of past and future use and purchase of the invention and patent upon "post-marking of letters, packets, &c., and cancellation of postage stamps thereon," made by and patented to Marcus P. Norton, of Troy, New York, April 14, 1863, and reissued August 23, 1864, was read a second time and considered as in Committee of the Whole. It directs the Postmaster General to pay the sum of $100,000 to whoever shall appear to be the rightful owner or owners of the letters-patent of the United States granted to Marcus P. Norton, of the city of Troy, State of New York, on the 14th day of April, 1863, and reissued on the 23d day of August, 1864; but within thirty days from the approval of the bill, such assignees, owner or owners of the patent, are to duly assign and transfer the letters-patent and the invention therein contained to the United States of America for the use of the Post Office Department, and formally accept of the sum of $100,000 in full compensation for the past use, title to, and right to use the letters-patent and the invention therein contained.

Mr. WILSON. I move to amend the bill by striking out "$100,000" and inserting "$20,000."

Mr. VAN WINKLE. I ask that the report of the committee in this case, which is in print, may be read.

The Secretary read the following report, made by Mr. VAN WINKLE from the Committee on Post Offices and Post Roads, on the 9th instant:

The Committee on Post Offices and Post Roads, to whom was referred the petition of Jacob Shavor and Albert C. Corse, asking compensation for past and future use of "Norton's marking and canceling stamp," report:

That they have duly considered the same, and they find that letters-patent, dated April 14, 1863, were

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granted and issued to Marcus P. Norton, of the city of Troy, New York, and by him assigned to Jacob Shavor and Albert C. Corse, on the 20th day of April, 1863, and duly recorded as by law provided, and afterward a reissue granted to said Shavor and Corse, on the 23d day of August, 1864, as by law provided, which said invention, so patented, assigned, and reissued, was for and upon improvements in "post-marking and postage canceling device," and which invention has been in practical and continuously exclusive use, by and under the order and direction of the Postmaster General, since the 1st day of April, 1863, the said invention having previously been tested in the most thorough manner in the New York city post office for more than one year, and approved and recommended to the Postmaster General by that office, without any compensation whatever to the said inventor or said assignees, nor upon any other stipulation than his and their consent that the same might thus be used until its utility and advantages to the Government should be effectually tested, when a fair and equitable compensation for either its use or the patent should be made to them by the Government.

This invention having been sufficiently proven as a labor-saving instrument, and its utility in every respect satisfactorily tested by uninterrupted use in various post offices in the United States, application was made to the Thirty-Eighth Congress for compensation therefor, in accordance with the informal stipulation already referred to. Another claimant to said invention appearing, the House committee of that Congress who were then considering the subject of compensation decided that since the validity of the title to the same as well as that of prior invention was called in question, that should first be determined by the courts, and the case was accordingly thereupon remanded.

By a transcript of the proceedings and judgment, now submitted as rendered in the United States circuit court for the northern district of New York, it appears that the questions of invention and of the validity of title were tried and decided in favor of the patent and the assignees, Shavor & Corse. Again, therefore, the assignees appear before the present Congress, claiming a suitable remuneration for said invention and patent on condition of an assignment of all their right and title to the same to the United States.

The value and importance of this invention to the Government is verified in the nature and manner following, to wit:

Having used the said invention, the postmasters at Washington, District of Columbia; Baltimore, Maryland; New York city, Brooklyn, Albany, Troy, Syracuse, Rochester, and Buffalo, State of New York; Hartford, Connecticut; Boston, Springfield, and Worcester, Massachusetts; Cincinnati, Ohio; Detroit, Michigan; and Chicago, Illinois, formally certify that in their several offices the Government is thereby saved from one third to one half the stamping and canceling clerk hire theretofore required and employed, and that "it greatly facilitates the dispatch of letters for transportation in the mails;" that "it greatly economizes in the time in the making up of the mails for transportation;" that it "cancels, in the most perfect and permanent manner, the postage stamp on letters, packets, &c., and, at the same time gives on the envelope an intelligent post-mark;" and that "it also contributes to prevent frauds on the revenue by the chemical cleansing or washing of postage stamps for reuse or reissue after once used."

Its utility, facility, and economy in labor are so far established that the invention is being put into use in the larger post offices of the United States as rapidly as they can be supplied by the Government manufacturers. The Government has contracted for their manufacture with Messrs. Fairbank & Co., of New York, at a price of six dollars each, whose contract bears date on or about the 1st day of April, 1863, and for a term of four years, and consequently it will expire on the 1st day of April, 1867. The Post Office Department is now supplying post offices at the rate of more than five hundred per annum.

The Government, in consulting its interest, has fully committed itself, through the Post Office Department to the adoption, general, and continuous use of said invention; and over four years' use determines it an indispensable requisite to the safe, rapid, and economical operation of marking, stamping, and canceling in the postal department.

It is shown by a letter from Postmaster General Dennison, under date of March 15, 1866, addressed to Senate Committee on Post Offices and Post Roads, that at that time the Government was saving by the use of said invention the compensation annually of two hundred and fifty-four clerks of the various salaried classes. At an average salary of $900 per annum, this saving for labor alone would amount to the sum of $228,600, and an aggregate at this rate for the four years which the Government has already enjoyed the use of this invention, it will amount to the sum of $914,400, to say nothing of the other benefits and advantages derived from this invention during the past four years. In view of this saving in labor, directly traceable to the use of said invention, the saving must be much larger annually, by its future and increased use in many more and other large post offices throughout the United States, where the Norton stamp is being rapidly substituted for the old, unreliable, and discarded device used prior to the making of the Norton invention aforesaid.

The present Postmaster General, in his letter to this committee, bearing date January 15, 1867, states that the Post Office Department has already saved several hundred thousand dollars by the use of said invention; that the question of value to that Department has long since been settled; that the continued use of the invention by that Department is a necessity beyond question; that it is the best invention there is for the post-marking of letters and packets, and for the cancellation of stamps thereon, and that there is no doubt but that the Government will continue to save large sums by its future use.

The committee, therefore, after a most thorough examination and consideration of the whole subject, have determined upon the sum of $100,000 as a full and just compensation to the assignees, Shavor & Corse, for the past and future use of said invention and patent, as in full compensation for the transfer of the said patent to the Post Office Department. To carry out such determination, the committee recommend the passage of the accompanying bill.

Mr. VAN WINKLE. The letter of the Postmaster General referred to in that report I have before me, and it can be read if any Senator desires it. I think it fair and proper to state to the Senate what are the advantages of this invention. In the first place, as already intimated by the report, what formerly required two distinct operations is now done at one operation. Where the post-mark had to be put on and the postage stamp to be canceled, that required two separate clerks in order to effect it; but by the use of this invention one clerk suffices for that duty. The postmaster at New York says that nearly one half the clerk hire used for this purpose is saved in his office, to say nothing of the other advantage that he speaks of, enabling them to expedite the mails, so that when a large ship mail is received to be distributed over the country there is a great saving of time.

But, sir, this is not all the advantage of this invention. Whenever a clerk gets skilled in the use of it, he puts on the post-mark so that it can invariably be read distinctly and plainly. It has been a great fault heretofore that the post-mark was almost invariably blurred, and where anything was required to be proved by a post-mark it was very difficult to do it. But the chief merit in this invention, and perhaps the greatest saving to the Goverment, is in the fact that this stamp so defaces the post-mark that neither by washing nor by any chemical process can the defacement be extracted. It is known that thousands and millions perhaps of postage stamps have been used again, many of them simply by washing with water and erasing the canceling mark and leaving the stamp as it was before. But this invention breaks the enameling of the stamp, lets in the ink to the body of the paper, and it has been found impossible, either by the use of water or chemicals, to restore the stamp. It is impossible to estimate the saving to the revenue of the country by this simple thing; and it is exceedingly simple when we look at it, although a hundred experiments were made before the proper material was found that was adapted to the purpose; but the saving to the revenue in the prevention of frauds upon the revenue by the washing off of the canceling of these stamps must be immense. I suppose there is no way of calculating it.

It is thought that the saving in clerk hire to the Post Office Department during the last year by the use of this invention was about three hundred thousand dollars. It has been used up to the end of the fiscal year in two hundred and fifty-four offices, and I presume it would be a fair average to say that one clerk was saved in each office, as there were seven saved in the New York office. That, at $1,000 apiece, would alone amount to $254,000. The Postmaster General is desirous of introducing this invention more extensively I am told in the different offices. He is desirous at this moment to issue proposals for contracts for making the stamps. These patentees, after having been thrown back to the courts, after having had to try their patent and fully proving it, the judge on the occasion being Judge Hall, a former Postmaster General, having permitted this contract with Fairbanks & Co. that is spoken of to be entered into with the reservation, of course, that Congress should be obliged to give them a suitable compensation, now ask for remuneration at the hands of the Government.

There are numerous other stamps invented, it is true; but the Post Office Department and all the postmasters, so far as I have heard, and this testimony is from the Postmaster General himself, and the late Postmaster General in conversation, uniformly preferred this as the most effectual. Those who have been in the habit of receiving letters and who have noticed how generally the post-mark is plain and intelligible and how thoroughly the stamp is canceled can have no doubt, I think, of its great use to the Government. The Government has been using this invention for nearly four years. Since they commenced using it these parties have been turned over to the courts to ascertain who was the discoverer, and at immense expense the patent has been substantiated. Out of the $100,000 proposed to be given by this bill, nineteen thousand and some odd hundreds, say $20,000 in round numbers, is for expenses that have been incurred in perfecting this patent and in defending these suits. This sum of $20,000 the late Postmaster General considered a fair allowance to them anyway, and it has never been disputed that that is a just consideration in fixing the amount which these persons are to receive. I think there can be no doubt of the truth of what Postmaster General Randall says:

"The Department has saved already several hundred thousand dollars by its use, and I have no doubt will continue to save large sums by its future use. The question of its value to the Department has long been settled."

Different sums have been proposed by different committees as a compensation for this invention. The Postmaster General says in a letter that I have before me that he does not think $50,000, the sum once proposed by a committee of the House, a fair measure of the great value of the invention. The parties now propose to transfer the patent to the United States. For a remarkable invention like this, and one so efficient, I think the sum proposed in the bill is not at all enormous. Certainly it seems to me, at least, to be very reasonable, and so it appeared to the committee. But in addition to payment for the free use of the patent forever hereafter, and with the design and intention perhaps of extending it to a thousand post offices in the United States, these parties ask for payment for the four years' use of their invention, which has been attended with so much saving to the Government. I cannot think that the Senate ought to hesitate upon this matter. The amount named is hardly satisfactory to the patentees as it stands. They have demanded a much larger amount from time to time; but I believe that this amount, if it is proposed by Congress, will be accepted. If it is not, the Government must cease to use the patent on the 1st of April next, and the parties will be compelled to go to the Court of Claims to get a fair valuation for the use of this patent that has been accepted by the Postmaster General on behalf of the United States. The difficulty with the Post Office Department is that they must either have the right to use this stamp from and after the 1st of April or some other. The time is growing short now. The usual time for advertising for contracts has already begun to run. When we consider the inconvenience to which the Post Office Department would be subjected by substituting for this stamp, with which they are so well pleased and which so efficiently and effectually answers their purpose, an inferior one, or, to say nothing of the inferiority, simply to compel them to use another stamp for the work of the Department through the vast region it covers, I think it would be worth more to the Government to avoid that inconvenience than the amount that is asked for these patentees by this bill.

Mr. WILLIAMS. I understand that the right of these persons, for whose benefit it is proposed to make this appropriation, to the patent has been established by a protracted and expensive litigation; so that, so far as that question is concerned, it has been finally and conclusively settled.

The only question that remains is as to the amount which these patentees are entitled to recover or receive from the Government in consequence of the unauthorized use of their patent. I have here a letter from the Post-

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master General, part of which has been read by the Senator from West Virginia, in which he states that the use of this patent has saved to the Government several hundred thousand dollars. I would suggest to the Senate this consideration in connection with this bill: suppose the patentees in this case should bring a suit in the Court of Claims against the United States to recover damages for the use of this patent. If the representations made by the Postmaster General be true, it occurs to me that the criterion by which to determine the damages would be the amount which the use of this patent has saved to the Government; and the probabilities are that, in a suit of that description, these patentees would recover against the Government hundreds of thousands of dollars; and if the Government should continue to use this patent, and there seems to be, from the statements made by official authority, an almost absolute necessity for its use, or for the use of some similar or inferior invention, it would seem that this amount would accumulate, and the patentees would be entitled to recover from the United States what patentees would be entitled to recover from an individual for a violation of the patent.

Mr. WILSON. Have they violated it?

Mr. WILLIAMS. What right have the United States to take a man's patent and use it?

Mr. WILSON. What is it good for if the United States do not take it? It is not worth a cent. I understand that the patentees have the right; that the Government tried the experiment; and all the worth there is in the patent the Government has made; and if the Government should not use it it is not worth anything. We have tried it. We have found it works well. I do not know that these persons have any claim upon us at all. We have not violated this patent. We have not used it against their protest that I know of. We have tried the experiment of using a patent stamp the worth of which consists in the fact that the Government uses it at all. I am in favor of paying them a just sum. It may be that the sum of $20,000 is not sufficient. That may be as far wrong one way as I think the sum of $100,000 is the other. But suppose the Government should decide that it did not wish to use this patent, and should take another patent; suppose a new patent should be discovered immediately; what is this worth? Will the Senator say what it is worth if the Government does not use it?

Mr. RAMSEY. What would it cost the Government to dispense with the use of it?

Mr. WILSON. Suppose that to-day a gentleman should come here with a patent vastly superior, and the Government should take that, what would this be worth?

Mr. CONNESS. They have not done it.

Mr. WILSON. They may do it. The whole worth of this patent is the fact that the Government uses it and proposes to use it; but if it should decide to settle for its use heretofore and not use it hereafter what would it be worth?

Mr. VAN WINKLE. I should like to state for the gentleman's benefit that since this report was introduced I have received letters from two inventors, who say they have invented postal stamps, and one offers his for $50,000 and the other for $25,000. One of them is accompanied by a photograph of a drawing of his invention, and it is precisely, I believe, upon the principle, from outward appearance, of the one that is embraced in this bill; but what he seems to claim as its principal merits are two discarded features of the present invention. For instance, in the first place the object was to get something that would effectually cancel the postage stamp. They tried first to do it by fine steel points; but it was found that those points were very apt to go too far into the letter and perhaps injure valuable papers inside. After trying a great variety of articles in order to effect this purpose, it is now effected with a powerful spring behind it and some other fixings that I am not able to detail; but the fact is that it does what no other postal stamp has been effectual in doing, that is, it breaks the glazing on the face of the postage stamp, which must be glazed in order that it may stand the wetting that it subsequently receives, so that the ink used in canceling penetrates the body of the stamp. That is found to be an effectual protection (and I think that is its greatest merit) against the washing of a stamp with water, or with chemicals that were formerly used for the purpose. It was not perfected till after many years had been devoted to the purpose. These efforts were encouraged by the successive Postmasters General of the United States, and although there is no written testimony to that effect, at the very beginning Postmaster General Blair told them to go on and perfect the invention and that he would ask Congress to bestow this very sum of $100,000 upon them. That was four years ago. The Government has had the use of the invention for four years; and it is now provided in addition by this bill that the patent shall revert to the United States.

Mr. CONNESS. Mr. President, if I were an inventor, and the value of my invention were to be tested, I should dislike very much to have the honorable Senator from Massachusetts one of the jury in the case. I have listened often to estimates of the value of things, but I confess that the mode of estimating the value of this invention presented by my friend this morning is the most curious that I ever listened to.

Mr. President, there can be no disposition on the part of a committee of this body to grant more of the public money to a citizen who applies to be remunerated for what he has furnished to the Government than is found to be due. The care and exactness with which the honorable Senator from West Virginia has examined this question reflects credit upon him. The ingenuity and at the same time the simplicity (for all valuable inventions are simple when you understand them fully) of this invention is very great. As has been explained by the honorable Senator, it does not simply cancel the stamp by blotting the face of it, but it cuts and penetrates the surface of the stamp and impregnates the body of the paper of which it is composed with the preparation or ink, and thus makes it impossible ever to use the stamp again.

Now, sir, to be possessed of this stamp by a right, and to provide in one of our bills, which the honorable Senator from Maine [Mr. FESSENDEN] will have before us, that it shall be required to be used, or it shall be used, for the cancellation also of revenue stamps, would save, I have no doubt, to the Government very large sums of money annually. The law now only requires those stamps to be canceled by writing on the face, which is easily removed by a chemical preparation, and so those stamps are being constantly used over again.

I rose, however, Mr. President, to say that it is exceedingly difficult for a citizen to establish a claim against a Government and get justice. I know that the contrary is the general opinion. When a claim comes before this body for investigation there is somehow or other a suspicion attaching to it that the party applying wants more than is his due, and often persons make it a merit to attack a claim and thus establish a character for economy in opposing claims. I wish to say that I do not attribute any such motive to my honorable friend from Massachusetts; but it is too much the case. I, for instance, reported from the Committee on Post Offices and Post Roads this morning a bill for the payment of D. B. Allen & Co. for carrying the United States mails; and knowing this disposition so well, the committee instructed me to report in favor of the payment of one half the sum that is justly due to that company. If the Government owes D. B. Allen and & Co. forty-six cents, it owes them $46,000; and yet the committee, impressed with the general disposition to reduce claims, and the company agreeing thereto, reported a bill for half that sum. I hope that this case, in being considered, will be put upon its merits, and that a valuable invention will not be cried down simply because the amount seems to be large, when for four years the Government has saved double, treble, quadruple the sum by the use of the invention.

Mr. RAMSEY. I hope that the Senate before they vote on this question will fully appreciate its importance. If we do not make some arrangement with these parties, the Government of course will be responsible, as the Senator from Oregon has suggested, in the Court of Claims for the past use of the patent, the value of which the Postmaster General has estimated at some $200,000 a year to the Government. They have been using it for four years; and just at this time the Post Office Department conceive that it is very important that some legislation should be had. They are now about entering into new contracts for the manufacture of postage stamps previous to their distribution throughout the post offices of the United States, and unless some arrangement is made with these parties the Postmaster General apprehends, as he has cause to apprehend, that they will enjoin him from the use of their invention. If the saving has been, as he supposes, $200,000 a year, we must of course anticipate, if we refuse to pass this bill or some other bill satisfactory to these parties, the loss during the next year of $200,000 in this very small matter. He tells us that unless this thing is done and unless he has the right to use this patent he will have immediately to place seven new clerks in the post office at New York, and an increased number in proportion to the business in all the larger offices throughout the country. The Post Office Committee gave this subject a great deal of consideration. It is very difficult to arrive at the precise sum to be paid in such a case as this. The parties themselves ask for considerable more than the amount named in the bill; but, in weighing all the considerations that presented themselves, the committee thought this was about a fair sum to offer these parties. I think myself that upon the score of economy the Senate ought not to hesitate in passing this bill.

Mr. POMEROY. I think we should perfect the bill, at any rate, by striking out the words "Post Office Department" and inserting "Government of the United States," because if this invention is valuable it is valuable for the Government in other Departments as well as in the Post Office Department. In the internal revenue department we are losing by the fraudulent reuse of stamps more than all we shall save in the Post Office Department by this bill. The law, as the Senator from California has intimated, simply requires revenue stamps now to be canceled by writing on them with common ink and a common pen the initials of the name of the party using them.

Mr. VAN WINKLE. I call the attention of the Senator from Kansas to the language of the latter part of the bill:

Provided, That within thirty days from the approval of this bill, such assignees, owner, or owners of said patent, shall duly assign and transfer the said letters-patent and the invention therein contained to the United States of America for the use of the Post Office Department, &c.

Mr. POMEROY. My amendment is to strike out the words "Post Office Department" and to insert "Government of the United States."

Mr. VAN WINKLE. Very well; I shall not object to that.

Mr. POMEROY. As there is another amendment pending this can be done only by unanimous consent.

Mr. WILSON. I am willing to withdraw my amendment for the purpose of allowing that motion to be made.

Mr. POMEROY. I desire to say that in large institutions and corporations, where not only an enormous amount of stamps are used daily, but the largest stamps, where instruments of writing are executed daily, and stamps to the amount of $1,000 on a single piece of paper are used, at present there is no mode by law authorized for the canceling of those

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large revenue stamps except, as I have stated, the writing of the initials of the party with a common pen; which writing is easily effaced, and then they may be used over and over again. Where corporations require mortgages to be executed for the securing of bonds, after the mortgage is recorded and returned to the office the stamps may be taken off and used again, if any one is disposed to be dishonest. But if you have them canceled in a way that destroys the texture of the stamp, so that it cannot be again used, it would be a great saving of revenue to the Government, and ought to be done. In our banking institutions, where notes are canceled every day, and where stamps to a very large amount are used, after the notes are canceled, as the stamp contains nothing but the initials of the person, who put it on carelessly with a pen, it can be taken off by any clerk and used again, and it is no doubt done over and over. I want this canceling stamp, if it is to be owned by the Government, to be used throughout the internal revenue department, as well as the Post Office Department.

Mr. RAMSEY. The value of this invention is not only in canceling the stamp, as the Senator from Kansas seems to suppose, but it is that at the same time that it cancels the stamp, it puts on the post office designation. The great saving is in that, killing as it were two birds with one stone, executing two pieces of work at the same instant of time. It would be useful of course for the other purpose, but it is of special importance in the Post Office Department for this particular reason: that it executes these two pieces of work at the same time.

Mr. POMEROY. A postage stamp is only worth three cents, and there is not much temptation to use it over again. In the revenue department, where the stamps are large, the temptation of course is large, and there are likely to be more frauds than in the Post Office Department.

Mr. RAMSEY. I do not object to the view the Senator takes of it, but it has an additional value twice as great as that.

Mr. VAN WINKLE. As the intention of the committee was that this stamp and the whole invention should be conveyed to the United States for whatever use they could make of it, I will, if it is proper for me to do so, accept the amendment proposed by the Senator from Kansas.

The PRESIDENT *pro tempore*. In the opinion of the Chair it is not within the power of the Senator from West Virginia to accept the amendment as a part of the bill. The motion to amend the Chair will put to the Senate at the proper time. The question now is on the motion offered by the Senator from Massachusetts to amend the bill by striking out "$100,000," and inserting "$20,000."

Mr. WILSON. I propose to modify my amendment by saying "$50,000." I believe that the sum of $100,000 is more than we ought to pay. I am so informed by gentlemen who have examined this subject with the greatest possible care; men of practical talent and intelligence. I am willing to do what is just and right in a matter of this kind; but I do not think we ought to pay a larger sum of money than justice requires. I have noticed since I have been here, during the last twelve years, that a great many very shrewd business men come here, and they wind us around their fingers with perfect ease. We are not competent to deal with these men generally on these matters. They understand a great deal more about them than we do; and I have seen the Senate cheated over and over again by such men. I am willing to do justice to the men now before us or to any others; but I think we ought to be careful in making these large appropriations. I believe $50,000 is all we ought to pay, and indeed more than we ought to pay. I think it is liberal. I wish to vote, if I vote alone, in favor of this amendment.

Mr. POMEROY. I hope the Senator does not allude to me.

Mr. WILSON. Certainly not.

The PRESIDENT *pro tempore*. The motion now is to strike out "$100,000" and insert "$50,000."

Mr. POMEROY. I do not know any shrewd business men that can get any advantage of the Senate. There may be some, but I have never seen them. I have been in favor of this sum of $50,000, in committee and out of committee, all the time. I think $50,000 a fair compensation.

Mr. RAMSEY. The Senator from Massachusetts desires to be just. Does he think it just to offer these men $50,000 for the use of an invention by which the Government has saved $200,000 a year for four years? Would that be just?

Mr. WILSON. I do not think that is a question to be considered at all. If it saved $50,000,000, that does not alter the case. The question is, what is a proper sum to pay these men? This is an invention already made, and the Government gave them a patent. It is worthless except to the Government—worthless to them. If we had not tried it and used it, what would it have been worth to them? Now, what I propose is to pay them a just and fair sum for the discovery. As I have already said, it may be that we shall not use this invention six months longer. It may be that something else, as much superior to this as this is to many others, will be discovered. I think $50,000 is as much as we ought to pay.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

The amendment was rejected.

Mr. POMEROY. I now move the amendment I suggested a few moments ago, in lines fifteen and sixteen to strike out the words "Post Office Department" and to insert the words "Government of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SUMNER. I now move that the Senate proceed to the consideration of the Louisiana bill.

The PRESIDENT *pro tempore*. The motion cannot be entertained unless the Senator moves to postpone the pending measure and all prior orders.

Mr. SUMNER. I supposed this bill had passed.

Mr. DOOLITTLE. I give notice to the honorable Senator from Massachusetts that as soon as this matter is disposed of we are going to take up the Indian bill, which is necessary to be acted upon before the Indian appropriation bill can be acted upon.

Mr. RAMSEY. I hope Senators will allow the action upon this bill to be completed.

The PRESIDENT *pro tempore*. The Chair will put the question as soon as debate ceases.

Mr. POMEROY. There are several bills from the Committee on Public Lands of very great and pressing importance which I should like to have considered after this measure is disposed of.

The PRESIDENT *pro tempore*. The bill before the Senate having been read three times, the question is, Shall it pass.

The bill was passed.

INDIAN AFFAIRS.

Mr. HENDERSON. I move that the Senate proceed to the consideration of the bill (S. No. 204) to provide for an annual inspection into Indian affairs, and for other purposes.

Mr. SUMNER. I hope the Senator will allow me to call up the Louisiana bill.

Mr. HENDERSON. This bill must be disposed of.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair will state that this bill was passed by the Senate and was amended by the House, and the amendment has been referred to the Committee on Indian Affairs of the Senate, and they report it back with a recommendation that the Senate do not agree to the amendment made by the House. The question is upon the amendment made to the bill by the House of Representatives, on which the Committee on Indian Affairs have reported as stated.

Mr. WILLIAMS. I should like to inquire if this is the bill on which the House substituted a transfer of the Indian Bureau to the War Department, instead of allowing it to remain in the Interior Department?

Mr. HENDERSON. Yes, sir.

The PRESIDENT *pro tempore*. The amendment made by the House will be read.

The Secretary read the amendment, which was to strike out all of the bill after the enacting clause and to insert the following in lieu thereof:

That from and after the 1st day of July, 1867, the Secretary of War shall exercise the supervisory and appellate powers and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all the acts of the Commissioner of Indian Affairs, and shall sign all requisitions for the advance or payment of money out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the Auditors and Comptrollers of the Treasury, or either of them.

SEC. 2. *And be it further enacted*, That the Secretary of War shall be authorized, whenever in his opinion it shall promote the economy and efficiency of the Indian service, to establish convenient departments and districts for the proper administration of the duties now imposed by law on the superintendents of Indian affairs, and upon agents and sub-agents, and to substitute for such superintendents and agents officers of the Army of the United States, who shall be designated for that purpose, and who shall then become charged with all the duties now imposed by law upon the superintendents and agents thus superseded, and without additional compensation therefor. The Secretary of War shall also detail an officer, not below the rank of brigadier general, to fill the office and discharge the duties of Commissioner of Indian Affairs. Officers of the Army designated to perform the duties of Commissioner, superintendent, agent, or sub-agent, shall not be required to give the bonds now required of civil appointees, but shall be responsible for any neglect or maladministration according to the Rules and Articles of War.

SEC. 3. *And be it further enacted*, That all contracts for transportation connected with the Indian service shall hereafter be made in the same manner and at the same time provided for transportation for the use of the Army.

SEC. 4. *And be it further enacted*, That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, to provide the times and places at which all traders complying therewith may present themselves for bargain, barter, and exchange with the several Indian tribes, according to the laws of the United States regulating the same.

SEC. 5. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. GRIMES. I wish to inquire of the chairman of the Committee on Indian Affairs if this is a substitute for the bill, or merely an addendum to the bill?

Mr. HENDERSON. A substitute for the whole bill.

Mr. GRIMES. This strikes out and does away with that junction of church and state, by which we were to have the churches select commissioners?

Mr. HENDERSON. Yes, sir. I will state for the information of the Senate, that at the last session the Senator from Wisconsin [Mr. DOOLITTLE] presented a bill to the Senate which passed, providing for a division of the Indian country into inspection districts, and the appointment of inspectors whose duty it should be annually to visit the tribes and report their condition and the mode and manner of managing those Indians. That bill was sent to the House of Representatives, and the amendment that has been just read by the Clerk, in the nature of a substitute, was adopted by the House, which proposes to turn the Indian department over to the Secretary of War. That is the plain and simple proposition now before the Senate. The Senate has already acted upon the other bill, and the question now is whether we shall concur in the action of the House of Representatives. I am instructed by the Committee of Indian Affairs—unanimously I believe I may say—to ask the Senate to non-concur in this amendment.

While I am up, as there is no time to enter into a discussion of matters of this character,

I will state that under some circumstances I would not be averse to transferring the Indian bureau to the War Department; but under the present circumstances I am opposed to it, and I could give to the Senate various reasons for that opinion. The chief reason is that difficulties now exist with the Indian tribes, and a proposition of this sort, in my judgment—and all the information that the committee can obtain leads us to suppose so—will merely complicate our difficulties. We think it would be better not to make a change just at the moment of time when there is a threatened war between the Indians and the settlers in the West. We think that in all probability at some future time the proposed action of the House of Representatives may be adopted without producing the difficulty that it will now inevitably produce. Under the circumstances we think it would be unadvisable to adopt the proposed change at present. Whatever may be the design of the Senate hereafter, whatever may be thought the best policy in the future on this subject, it is deemed unadvisable to do so now.

I have given the subject some considerable attention, and, without taking up the time of the Senate, I can say that I believe it will be the very worst policy to adopt a measure of this kind now. It will produce a very violent change in the administration of our Indian affairs, and one that the Indians will not understand, one that they will regard as an act of war against them; and in all probability instead of having our war confined to two bands of the Sioux Indians—and it seems now to be the latest and best information on the subject that there are but two of those bands engaged in war—we may have others, and not only other bands of Sioux, but various other tribes of Indians connected with them. For the best protection of the western people, for the security of travel across the plains, we thought, and we were unanimous in the opinion, that it would be best to provide, as the bill of the Senate provides, for an inspection into Indian affairs, and at least for the present let other matters stand as they are.

There has been much complaint, and very justly, too, of the management of Indian affairs by agents. Those agents in all probability have failed to discharge their duties, and many of them have been corrupt. The Indian Committee are determined, all of us, if we possibly can, to root out that corruption, and to get a better class of men in these positions. We do not believe that a change at once into the hands of the military will be attended by any better results. The strong probability is that the very difficulties we now encounter will be encountered with them, and at least until we shall have had time, in a period of profound peace with the Indians, to prepare a measure that will be cautiously guarded in every particular, we deem it proper to non-concur with the House amendment.

Mr. POMEROY. No one can be expected to discuss this subject at any length at this period of the session, and I shall not do so. I shall only say that I agree with what the Senator from Missouri has said, and with the report of the Committee on Indian Affairs. I hold in my hand, and I have read the greater portion of it, the report made by a committee that was sent out from Congress, consisting of the then chairman of the Committee on Indian Affairs, the present Presiding Officer of this body and Mr. Ross, of Illinois. I have become convinced, if I was not before, that it will be anything but just to the Indian to turn him over to the War Department at this time.

I confess that it is a very dark problem, and one that no one can solve, why it is that the Indian tribes are wasting away and becoming extinct. I confess, too, that the present management of Indian affairs is often open to criticism, and on account of what the Senator from Missouri has alluded to, being badly managed, it has become very unpopular; but I submit that the remedy proposed of turning it over to the War Department will not cure the bad management.

It is said it is expensive to manage it as it now is. I cannot think it will be less so under the management of the War Department. I have seen a good deal of that management in the West, and I never saw any pecuniary saving by anything done by the military. I know there is a discipline in the Army, or ought to be; I know that they can hold their officers and agents to the strictest account; and yet, after all, I find that their discipline is not so strict and their accountability is not so perfect but that frauds and corruption and mismanagement are often seen even in the military department.

I hold in my hand a communication, in reply to a resolution of the Senate, from the honorable Secretary of War, presenting the correspondence of the Department that has been had during the last year with certain military officers since the war commenced with the Indians. I have noticed these dispatches. Their tone and temper have a peculiar significance. General Sherman, whom I regard as one of the most humane and one of the best generals in the Army, sent a dispatch on the 28th of last December to General Grant, which he closes by saying:

"We must act with vindictive earnestness against the Sioux, even to their extermination, men, women, and children. Nothing less will reach the root of this case."

That may be so; but I am not prepared to turn out the Army on the Indians and exterminate them, men, women, and children. I think communications of this character tend to make the matter worse instead of better. If any one will read the testimony of Colonel Bent, whom I know very well and who has long been familiar with these Indian difficulties and Indian tribes, as given to the committee, they will see that in almost every instance he traces the wars we have had with Indian tribes to some indiscretion or cruelty or outrage committed first upon the Indians themselves. We ought not to expect that Indians are better than white men. If white men would resent such things—and I say they would lose their very manhood if they did not do it—it must be expected that Indians will show some resentment. They are not going to see their privileges swept away, their women and children murdered, and have no resentment; and they have an idea that all white men are committed to the wrongs of an individual. If one officer of the Army kills an Indian woman or child they intend to make some white man suffer for it, if not the man who committed the wrong.

Sir, with such sentiments as these from the men highest in authority in the Army, what can we expect if the agents are dismissed, the missionaries turned off, and the schools abolished, and a lieutenant sent out with a squad of soldiers to guard and look after the Indians, when it is understood that if an Indian tribe is hostile, as most of the mountain tribes are, I am sorry to say, they must be pursued to extermination, men, women, and children?

There is a communication also from Colonel Carrington to General P. St. George Cooke, in which he closes a long dispatch by saying, "I spare none." You may look this correspondence through and you will find that that is the temper and tone of all the communications between the commanding officers of the Army.

I will not argue this question because I do not submit any one wants to argue it; but I submit that it is not the time now to turn these Indians over to the War Department. I am ready to correct any abuses that have grown up under this system of Indian agencies. I will go with him who goes the furthest to turn out bad agents and correct all abuses. But there is another lesson to be taught; there are other responsibilities upon us in relation to those tribes than simply turning them over to the War Department to shift for themselves in contact with the American Army. We have received lessons from those who have gone before us. I have had my attention lately called to the discussion that was had in the Senate when the charge of the Indians was taken from the War Department, and if any one will read the abuses that were then brought to light, practiced in the War Department, they will see that there is no reason existing now why we should return to those same abuses. But as I see that the Senator from Nevada is anxious to discuss this question, and as I feel no disposition to prolong my remarks, and I know the interest my friend feels in it, I will say no more on the subject.

Mr. STEWART. I am unwilling at this stage of the session to make any prolonged remarks upon even this subject, which has come under my personal observation for many years. I have seen the operation of the Indian bureau in the remote Territories, and I have known it to be a failure, a miserable failure in my State. By the time any appropriation for the Indians gets out there it appears in the shape of blankets, manufactured in Europe, that are of no account, and trinkets that are of no use to the Indians, and on one occasion a couple of old flint-locks. They could have got plenty of them out on the mountain side, but I believe they were brought from Europe. You could not get them to take them as a gift. They were of no use. They did not know what to do with them. The goods that are distributed there are bought in New York. There is no transportation provided at this time, and they are not received by the Indians for two or three years afterward. The agents are entirely unable to comply with any kind of arrangement or promise made to the Indians. There has been trouble all the time with the Indians in the northern part of my State, and between there and Idaho. Trains are constantly interrupted. The inhabitants are being murdered almost daily; there has been an Indian war there for years, on a small scale, it is true, but exceedingly aggravated. The Indian agents complain that they cannot do anything, for the reason that supplies are not sent to them, or if sent, are not sent in time. They have no means to go on and do anything with the Indians.

Sir, the whole Indian system, so far from affording any protection whatever to settlements in Idaho, Nevada, Utah, and Arizona, is a failure. East of the Rocky mountains it has not come directly under my personal observation to so great an extent; but even there I hear similar reports; and now, whether or not a better system can be devised than the present one, the one that has been in operation for the past thirty years, I think it would be an excellent thing to change the channels of corruption. It will be some time before the new agents learn all the tricks of this trade. I think it is time to break it up and turn it over to the War Department. It will be some years before it gets to be as corrupt and demoralizing as the present system, from what I have seen and know of it. It does not give us peace; it does not protect the inhabitants; it does not benefit the Indian; it does not preserve his life. The contracts with him are not complied with, and nobody is responsible. Money that we appropriate is absorbed somewhere. The Indian is deceived; he makes war on the frontier inhabitants and murders women and children constantly. The officers of the Army complain that it is the non-compliance of the Indian agents with their contracts that is making all the trouble, and they should bear the responsibility. They are constantly working at cross purposes, and the result is——

The PRESIDENT *pro tempore*. The Senator from Nevada will suspend his remarks to enable the Chair to receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced

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that the House of Representatives had receded from its disagreement to the amendment of the Senate to the bill of the House (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States, and agreed to the same with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the enrolled bill (H. R. No. 356) fixing the compensation for the bailiffs and criers of the courts of the District of Columbia; and the enrolled joint resolution (H. R. No. 261) for the relief of Stephen E. Jones; and they were thereupon signed by the PRESIDENT *pro tempore* of the Senate.

GOVERNMENT OF SOUTHERN STATES.

Mr. WILLIAMS. I move that the Senate postpone the pending and all prior orders and proceed to the consideration of the bill that has just been received from the House.

The motion was agreed to; and the Senate proceeded to consider the amendments of the House of Representatives to the amendment of the Senate to the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States.

The action of the House of Representatives was read, as follows:

Resolved, That the House recede from their disagreement to the amendment of the Senate to the bill of the House No. 1143, to provide for the more efficient government of the insurrectionary States, and concur in the same, with the following amendments:

At the end of section five of the Senate amendment, insert:

Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of a convention to frame a constitution for any of said rebel States; nor shall any such person vote for members of such convention.

Add the following as an additional section:

SEC. 6. *And be it further enacted*, That until the people of said rebel States shall be by law admitted to representation in the Congress of the United States any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same. And in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional government who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

The PRESIDENT *pro tempore*. What order will the Senate take on this action of the House of Representatives?

Mr. WILLIAMS. I move that the Senate concur in the amendments of the House.

Mr. SHERMAN. The first clause of the addition to the fifth section is a proper one, I think. It simply applies the constitutional amendment in fixing the qualifications of delegates to a convention. I think there is no great objection to that. I do not think it wise to prevent the persons excepted from voting at the election; but it is a small matter, and I am not disposed to stand upon a difference in regard to it. The recital in the last section is merely a repetition of what is contained in the preamble, and therefore certainly no one of those who voted for the preamble can object to it. It simply declares that the existing State governments in the rebel States are provisional. That is precisely the theory upon which the preamble is founded. I therefore certainly shall not object to the amendment on that ground. The only material objection I would have would be to that clause which disfranchises ten or fifteen thousand leading rebels from voting at the elections; but for one I am perfectly willing to agree to the amendment.

Mr. GRIMES. Only at one election.

Mr. SHERMAN. It does not prevent them from voting on the ratification of the constitution. I shall therefore vote for the amendment.

Mr. SUMNER. I differ from the Senator from Ohio when he characterizes that as a small matter. It is a great matter.

I should not say another word on this bill but for the singular speech of the Senator from Ohio yesterday. He made what I may call an assault on me, because I required in this very bill the amendments which the House have now made; and yet he is going to support them. Very well; I am glad that the Senator from Ohio has seen light; but I hope that he will revise his speech of yesterday. The Senator shakes his head. What did I ask for? What did I criticise in this bill? It was that it provided no safeguards against the rebels. I did not say how many rebels I would exclude. I only said you must exclude some of them, more or less. You do not exclude any. That is what I said yesterday, and I brought down upon me the cataract of speech which we all enjoyed from the Senator from Ohio, who protested with all the ardor of his nature, and he invoked the State of Ohio behind him to oppose the proposition of the Senator from Massachusetts. And now, if I understand the Senator from Ohio, he is ready to place himself side by side with the Senator from Massachusetts in support of that amendment which has come from the House. I am glad that the Senator is so disposed. I am glad that he sees light. "Live and learn!" To-morrow I hope to be able to welcome the Senator to some other height.

Mr. COWAN. Excelsior!

Mr. SUMNER. "Excelsior!" as my friend from Pennsylvania says, and I hope it may be applicable to him also. [Laughter.] But there was another remark which the Senator from Ohio founded upon that which struck me with astonishment. He complained that I was demanding these safeguards now, and said that I had already in the bill all that I had ever demanded before. He said that there was secured in the bill universal suffrage without any distinction of race or color; and said he, "the Senator from Massachusetts has never asked anything but that." Now, I can well pardon the Senator for his ignorance with regard to what I may have said or asked on former occasions. Of course I cannot expect him to be familiar with it; and yet, when he openly arraigns me with the impetuosity that he showed yesterday, perhaps I shall be justified in showing him how completely he was mistaken. I have in my hand a speech made before the Republican State Convention at Worcester, Massachusetts, September 14, 1865—some time ago, the Senator from Ohio will remark—which was entitled "The National Security and the National Faith; Guarantees for the National Freedman and the National Creditor." In that speech I insisted upon what I called at the time "irreversible guarantees" to secure peace and tranquillity in our country. And I went on to say how I would obtain those guarantees. The guarantees that I asked were: first, for the unity of the Republic; second, for enfranchisement or equality of rights; third, for the security of the national debt; fourth, a guarantee against the assumption of the rebel debt; fifth, impartial suffrage; sixth, security for the education of the people. These were the six guarantees that I proposed as long ago as the 14th of September, 1865. And how did I propose to obtain them? I will not go into details. There was one way in which I proposed to obtain them, to which I call attention by way of meeting the challenge of the Senator from Ohio. I on that occasion said:

"We must follow Congress in the present exclusion of all rebels from political power. They must not be voted for, and they must not vote. On this principle I take my stand. Let them buy and sell; let them till the ground; and may they be industrious and successful. These things they may do; but they must not be admitted at once into the copartnership of our Government. As well might the respectable Mr. Ketchum reinstate his son at once in the firm which he has betrayed, and invest him again with all the powers of a copartner. The father received his son with parental affection, and forgave him; but he did not invite the criminal to resume his former desk in Wall street. And yet Edward Ketchum, who had robbed and forged on an unprecedented scale, is as worthy of trust in the old banking-house as one of our rebels in the government of the country. A long probation will be needed before either can be admitted to his former fellowship. The state of outlawry is the present condition of each, and this condition must not be hastily relaxed.

"Congress has already set the example by excluding from "any office of honor or profit under the Government of the United States," and also by excluding as counselor-at-law, from any court of the United States, every person who has given 'aid or countenance' to the rebellion, or who has 'sought or accepted any office whatever' under it, or who has yielded to it any 'voluntary support.' By this act (July 2, 1862,) and the supplementary act, all rebels are debarred from holding office under the United States, or from practicing in the courts of the United States. This exclusion, thus sanctioned by Congress, must be the pole-star of our national policy."

I referred to the test oaths required:

"If rebels cannot be officers under our Government they ought not to be voters. They should be politically disfranchised, purely and simply as a measure of necessary precaution, and in order to prepare the way for those guarantees which we seek."

Mark the limitation:

"'Vipers cannot use their venom in the cold.' These are words of political wisdom as well as of scientific truth; and a great Italian writer did not hesitate to inculcate from them the same lesson that I do now.

"Surely recent rebels, who led in secession, and held office under the rebellion, are poor professors to rally these communities to the support of the national freedmen and the national creditors, and generally to the establishment of those guarantees which are essential to safety. Reason and experience warn us to postpone our trust in any such persons. Overcome in battle, they wrap themselves in a mantle of loyalty, tied by an oath—

"'As they who, to be sure of Paradise,
Dying, put on the weeds of Dominic,
Or in Franciscan think to pass disguised.'

"But character is not changed in a day; and that 'southern heart,' which was 'fired' against the Union, still preserves its vindictive violence. Even if for a moment controlled, who can tell how long it will continue in this mood? There is an exquisite fable of La Fontaine, where a cat was transformed into a beautiful woman; but on the night of her marriage, hearing the sound of a mouse on the floor, she sprang from bed with all her original feline nature; and so a rebel, transformed by political necromancy into a loyalist, will suddenly start in full cry to run down a national freedman or a national creditor. So strong is nature. Horace tells us 'Drive it out with a pitchfork, and it will return.' Therefore, I insist, do not put political trust in that man who has been engaged in warring upon his country. I do not ask his punishment. I would not be harsh. There is nothing humane which I would reject. Nothing in hate. Nothing in vengeance. Nothing in passion. I am for gentleness. I am for a velvet glove; but I wish the hand for a while of iron. I confess that I have little sympathy with those hypocrites of magnanimity whose appeal for the rebel master is only a barbarous indifference toward the slave; and yet they cannot desire more than I do the day of reconciliation. To this end I am with them so far as is consistent with safety; but I cannot see my country sacrificed to a false idea. Pardon if you will. Nobody shall outdo me in clemency. But do not trust the rebel politically. The words of Shakspeare do not picture too strongly the danger of any such attempt:

"'Thou might'st hold a serpent by the tongue,
A cased lion by the mortal paw,
A fasting tiger safer by the tooth,
Than keep in peace that hand which thou dost hold.'"

Sir, that was the position I occupied as long ago as September 14, 1865. And yet I was told yesterday by the Senator from Ohio that I was asking something new when I simply proposed to insert in this pending measure some additional safeguards against the return of rebels to power. That was all that I asked. Thank God the other House has given us these safeguards! The House of Representatives has placed this country under everlasting obligations in doing what it has done to lay the foundations of permanent peace. Those foundations can only be laid on a loyal basis. Two Presidents—one always to be named with veneration, another to be named always most reluctantly—have united in that same sentiment. Abraham Lincoln insisted that the new governments should be founded on loyalty; that if there were only five thousand loyal persons in a State they were entitled to hold the power. His successor adopted the same principle when in different language he compendiously said "For the rebels back seats." All that we require could not be expressed better, "For the rebels back seats" until this great work of reconstruction is achieved.

Mr. SHERMAN. Mr. President, I always listen with pleasure to the studied rhetoric of my friend from Massachusetts. And although the eloquent passage he has read to us was

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familiar to me, for I heard it when it was delivered——

Mr. SUMNER. I beg the Senator's pardon; it was delivered in Massachusetts.

Mr. SHERMAN. I thought it was in a speech delivered in the Senate; at any rate I had heard the same idea from the Senator before. He there states that he desires, as a protection to the Union people of the South in the work of reconstruction, that all rebels shall be excluded from that work; that all rebels shall be excluded from participation in all the steps made toward reconstruction; and he goes further, and says that rebels should have no political power, and especially all that cannot take the oath. I was justified, therefore, in the remarks I made yesterday, in saying that the Senator from Massachusetts was committed to the doctrine that all persons who had taken part in the rebellion should be excluded from the right of self-government; and I said that if you should attempt to reconstruct society in the southern States on that basis it would not be republican in form or republican in substance, because the great mass of the white people of the southern States had taken part in the rebellion, and therefore would be entirely excluded from the work of reconstruction.

The Senator says I have come to his standpoint. God forbid! There is the difference which a child can see. The amendment now proposed by the House does exclude a few people from voting, I think unwisely; but how many? It excludes about from six to ten thousand, and when? Only at the first election for delegates to the convention. After that they can vote. I think that is an unwise exclusion: I would rather have them all vote, white and black, under the stringent restrictions of this bill, and let the governments of the southern States that are about now to rise upon the permanent foundation of universal liberty and universal equality stand upon the consent of the governed, white and black, former slaves and former masters. I said I would not exclude any from taking part in this reconstruction. I was willing to see a few who had been most conspicuous in the work of rebellion excluded from holding offices, but none from voting. Now, the Senator who yesterday was in favor of excluding all rebels is willing to stand with me upon a platform which will exclude about six thousand out of a million. I congratulate him upon his clemency and benevolence, and that he has now come to a platform upon which I am willing to stand with him and to say to him "Excelsior." I trust now, as this amendment will probably be agreed to by the concurrent action of the Senate and the House of Representatives, that we may have a platform upon which the southern people can build up society in the southern States, and that our great and glorious Union may be again united, with all the States represented, with all the stars displayed upon our banner.

Mr. STEWART. Mr. President, I understand that the Senator from Massachusetts is to vote for this bill, and I am proud to return to him the congratulations which he extended to me on a former occasion. I congratulate him that he is willing to extend the right of suffrage, the ballot, to the great mass of the people of the South; that he is satisfied with having only a few of the leaders excluded from that blessed privilege. I congratulate him for having risen to a higher plane, for having followed out the logic of his argument in favor of the bill, so that he is now willing to come up to a higher standard and vote for this bill.

I congratulate the country that so sensible a measure as this is about to pass, a measure which, though it may not be perfect in all its parts, is certainly a measure of reconstruction, one that says to the country and to the world that we mean peace, that we mean to have an end of these difficulties, that we mean to reëstablish the Union on the basis of liberty. I congratulate the Senator from Massachusetts that he has abandoned the idea of establishing governments in the South upon caste, that he has abandoned the idea of having colored governments exclusively in the South, and that he is willing to allow the great mass of the people who went into the rebellion blindly, or even driven into it, to still enjoy the ballot, to still enjoy civil liberty when they shall have proved their loyalty by complying with all the rigorous conditions that we have found it necessary to impose. I am willing to impose these conditions because I believe they are just. I do not think any man in the South has the least right to complain of this bill. I believe it is a grand measure of justice and generosity, and the passage of it is the greatest event, in my estimation, that has happened since the surrender of Lee. I believe it will give us peace and prosperity. It frankly says to the country that we have a plan of reconstruction, an honest, independent plan, in which all can see light, in which all can see justice, in which all can see mercy. Let the bill pass, and let the country be satisfied.

Mr. SUMNER. I am sorry to be obliged to say another word; and yet if I did not I might expose myself to some misunderstanding. I accept the amendments which have come from the House as the best that can be had now; but I desire it distinctly to be understood that I shall not hesitate at all times to insist in some more direct and practical way upon applying the true principles of reconstruction. You have already on your table a bill known as the Louisiana bill. The time, I presume, has passed within which it can be acted on at this session; but in the earliest days of the next session I shall press that subject upon the Senate as constantly as I can. I believe that you owe it to every one of these States to supply them with a government in the place of that which you now solemnly declare to be illegal. In supplying them with such a government it will be your duty then to lay down the true foundations of loyalty, and I wish to be understood as not in any way circumscribing myself by the vote of to-day.

It may be that on consideration it will be best to apply to every voter the same oath which is applied to every person who enters Congress, which we know as the test oath. It may be better to meet the requirement of the hour in some other form. I am not at this moment prepared to say the precise form which I would urge; but I shall insist upon greater safeguards than any that are supplied in this very hasty and crude act of legislation. I accept it for what it is worth, as containing much that is good, some things infinitely good, but as coming far short of what a patriotic Congress ought to supply for the safety of the Republic.

Do not let me, then, be compromised at all by this bill or by any of the blandishments of the Senators over the way, [Messrs. SHERMAN and STEWART.] I listen to them of course with great pleasure, and to all their terms of friendship I respond with all my heart. I like very much to go with them, but I like much better to go with what seems to me to be the safety of my country; and when Senators even as powerful as the Senator from Ohio and the Senator from Nevada take a course which seems to me inconsistent with the national security, they must not expect me to follow them.

Mr. WILSON. During these six years we in these Halls have passed upon measures of transcendent magnitude. By our legislation we have created and governed mighty armies and navies, founded systems of finance and currency, emancipated and secured the equal civil rights of four million men. Grand as have been the series of measures of patriotism and liberty, justice and humanity, I deem this great measure the grandest of all, that series of acts that saved the Republic. I think it the highest duty of Congress, the first duty it owes the country, to turn out of office every rebel who is in office in the rebel States. I think, and I have ever thought, that the great mistake, to use no stronger word, made by the President was that he turned these rebel States over into the hands of rebels. No rebel, whether he be excluded by the constitutional amendment or not, should be permitted to hold office in those States for an hour. This amendment of the House of Representatives recognizes these governments as provisional governments, and excludes from office and from voting, while they are provisional governments, persons excluded from holding office by the constitutional amendment. So far so good; but I think the rebels in office should vacate the offices they now hold.

Sir, I have very little faith in excluding men from the polls. I have fought the battle of enfranchisement with all my heart. I believe in manhood suffrage for man, without distinction of color or race or property or education. I believe that the poorer a man is the more he needs the ballot to protect himself and maintain his manhood in this democratic Republic. I am a democratic Democrat on suffrage and the rights of man. I have fought the battle of enfranchisement: I can never fight the battle of disfranchisement. It is with the deepest regret that I consent as a necessity for a great purpose to disfranchise any human being even for a moment. I vote for this great measure as a whole heartily, but I should vote for it more joyously if no human being on earth was disfranchised by it.

I wish to say further that so soon as these rebel State governments are organized, and the evidences of loyalty and submission to the law are manifested, I shall hasten to vote to relieve from all disabilities nearly all, if not all, the persons excluded by the constitutional amendment. I wish to see in our country everywhere forgiveness and amnesty for the past, peace and kind feeling for the future. I am now and have been for universal amnesty and universal suffrage, for securing the equal rights of all and the protection of all. I am for lifting all men up, and against casting any down.

This great measure is in advance, far in advance of any position heretofore taken by the Congress of the United States. The pending amendments of the House of Representatives improve the measure, and I am grateful to the Representatives of the people for this action. I thank the House and the country, well thank it, too, for this distinct declaration that these rebel State governments are mere provisional governments, and that the freedmen shall possess and exercise the right of suffrage while these State governments remain provisional governments. I am especially grateful to the Democratic members of the House, who unwittingly contributed to this glorious declaration.

By this grand act we assure protection to loyal men, to the enfranchised millions menaced by lawless bands; we proclaim as the will of the nation, from whose verdict there is no appeal, that the people of the rebel States ere their representatives shall occupy seats in these Chambers, shall accept the constitutional amendment, modify their own constitutions and laws in accordance with its provisions, and secure equal and impartial suffrage to all men, without distinction of color or race. The enactment of this measure settles forever in America the great contest for the enfranchisement of the emancipated bondman. Tennessee, admitted at the last session, has gloriously redeemed the pledges made by her loyal representatives and her loyal Governor. She has given, by a great act of justice, suffrage to her freedmen and assured the triumph of patriotism, freedom, and justice in the years to come. When the act shall become the law of the land, as it will become the law of the land in spite of opposition here or elsewhere, three millions freedmen will be clothed with the full right of suffrage never to be taken from them. The passage of this great measure forever puts at rest the distrust and apprehension of cautious or timid friends who feared that the nation might

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shrink from demanding of the States lately in rebellion the acceptance of manhood suffrage as an indispensable condition of restoration to their practical relations.

I now deem the adoption of the constitutional amendment of vital importance to the enduring interests of the whole country and the permanent security of the personal liberties of the citizens of the United States, regardless of color or race. The provisions for the security of the rights of persons in the first section of the amendment, and the power given to Congress to enforce those provisions by appropriate legislation, are of priceless value to the nation. These provisions embodied in the first section of the amendment will be studied by the foremost minds of the country, be discussed in the legislative halls and judicial tribunals of the States, in these Chambers and in the high judicial tribunal of the nation, by the statesmen and jurists of the country, in other times when the history of the great struggle for the extension of suffrage to the freedmen will cease to be remembered by the masses of our countrymen.

Mr. JOHNSON. Mr. President, I have felt a solicitude for the condition of the country consequent upon the exclusion of the southern States from their right of representation in this body that I want words to express. The view that I have entertained is that in their present condition they are entitled to be represented. But the Congress of the United States, from the termination of the rebellion to the present time, have taken a different view, and I have lost all hope of seeing them at any early day, if at any day, with the consent of Congress, reinstated in their original condition. Besides, the interest, the vital interest, which the people of the South necessarily have in the present state of things, the interest of the other States is almost as great. As long as it continues, more or less will the reputation of the country suffer, and more or less will its material interests suffer. I have been, therefore, from the first ready to agree to any proposition which I believed would result in bringing the southern States back, however much I may be opposed to the conditions which might be exacted of them. Nothing can be worse than the state in which they are now placed: desolation around them; all rights denied them of a political character; and on the floor of the Senate, to say nothing of another branch of the Government, their character as men has been aspersed in terms which have caused me nothing but the deepest regret. I think I know that they are not deserving of such aspersion. I think I know that the descendants of the men of the South, who upon so many occasions battled on the field for the honor and glory of the country, and contributed so much to the success of our civil government, cannot be such men as some of the members of Congress have designated them. I wish them here in our midst, to show by their presence that in all particulars, moral and political, intellectual and Christian, they are our equals. The very battles they have waged in seeking to destroy the Government exhibited deeds of valor of which Rome in her proudest days might have boasted. If I had my own way I would at once receive them in this Chamber, with a heart full of conviction that they would be true to their duty to the country, and that they would promote its permanent interest.

But I have not my way. I am obliged, therefore, to acquiesce in the decision of the majority of Congress, however erroneous or unjust I may believe that decision to be, provided I believe that it will end in a comparatively short time in restoring the southern States to the brotherhood of States. I am unwilling that this Congress shall adjourn without the adoption of some measure that holds out a hope, however distant, that this may be the result of our deliberations; and believing that this will be done by the adoption of the measure as it now stands before you, I shall give it my vote, not because I approve of it in the abstract or in the particular, but because I think I see in it a mode of rescuing the country from the perilous predicament in which it is now placed.

Mr. President, if there be a feeling which should animate the heart of every American, it should be one of generosity, magnanimity, and charity for the men who, although they sought to break asunder the cords of the Union, are now looking with solicitude to their being reinstated. If there be a feeling which should animate every American citizen, it is that we should be, and at the earliest period, a people one and indivisible, demonstrating to the world that however alarming the few last years may have been, and however they were calculated to cause the lovers of constitutional freedom to despond, the time has come, or the time will speedily come, when the feelings consequent upon that effort will have subsided, and we shall be brought together again and be seen in the undisturbed exercise of the duties imposed upon us, and exhibiting to the world a people great in war, and a people capable of being in the end, the war terminated, as great in peace.

Mr. HENDRICKS. Mr. President, I think experience has shown us that the greatest difficulty in the way of the adoption of the constitutional amendment in the southern States was that provision which required the great body of the people there to do an act, as they supposed, of dishonor. That constitutional amendment proposes to exclude permanently from office, both in the government of the United States and in the States, all persons who had at any time taken an oath to support the Constitution of the United States and who had subsequently gone into the rebellion. Many of those were the leaders in the southern cause, some of them more responsible than the great mass of the people of the South, but not all. And so when the people of the southern States came to consider that amendment, the great body of them thought, "if we adopt this it will be to relieve ourselves from political disability and to secure to ourselves political power, at the same time sacrificing in these respects the men that we encouraged in the rebellion," and they felt that it was a matter of honor that they should not agree to it. Now, this proposition, coming at this hour from the House of Representatives, has, I think, this same vice in it. Do Senators desire that the constitutional amendment or any terms shall be agreed to by the South? Why, then, present to them a proposition that they think conflicts with their personal honor?

Why ask one man in the South to turn his back to another who was no more responsible in connection with the rebellion than himself? How would I stand if I were in the South to-day, and if I had gone into this rebellion, but had never held any office before the rebellion and therefore had never taken any oath of office? It is asked of me to vote for a constitutional amendment which will disfranchise and render incapable of holding office my neighbor who went into the rebellion with me, no more responsible for it than I was. How could I vote for it? I secure to myself political power and influence and position by this vote, cutting down a man by my side who went into the rebellion with me, and no more responsible than myself. I have felt all the while that that was the greatest difficulty in the way of the adoption of the constitutional amendment by the southern States. I may be mistaken, but I have supposed so. Now, this interposes the same difficulty without securing, as I think, any great good.

This section, number six, which is proposed to the bill, I cannot support, for I do not believe its statement. I do not believe the States now organized, the ten States not yet represented, are provisional governments. I believe that they are States, clothed with all the sovereignty that any State of this Union can enjoy except the right to be represented here, which is denied by the power of Congress. Some of these States helped to fight the battles of the Revolution and to form the present Federal Government. When, how, or by what act did they go out? Since the rebellion, since the act of secession, Congress has over and over again recognized them as States. By the resolution of July, 1861, they were recognized as States. By the law apportioning Representatives among the States in 1862 they were recognized as States. Have they ceased to be States since that time?

Then I think they are States. I believe the State constitutions now adopted by the people of the South received no portion of their validity from any act of the President. His appointment of provisional governors could not confer upon those governors any power to remodel the State governments of the South; but when the people acted under the governors appointed, and the people themselves remodeled their constitutions, from the people came the quality of validity and legality.

Nor, sir, can I vote to hold that these States are provisional States, subject to Congress in every respect, subject, as it is expressed, "to the paramount authority of the United States at any time to abolish, modify, control, or supervise the same." I think that would be bringing into Congress a power dangerous to the whole Union.

But, Mr. President, I do not intend to discuss this matter further. I merely intended to express my opposition to these two features of the amendment that comes from the House of Representatives. No member of this body is more desirous to see harmony restored between the two sections than myself. Anything that I can consistently do, with the oath that is upon me, I am ready to do, which holds out even a faint hope of a speedy restoration; but when I think that we are sowing the seeds of discord, I cannot give my vote to the proposition.

Mr. BUCKALEW. Mr. President, I am of opinion that the exclusion from the right of suffrage under the first clause of the House amendment is much more extensive than it was staed to be by the Senator from Ohio [Mr. SHERMAN] in his remarks. The amendment excludes from the right of suffrage in the election of members of the constitutional conventions all those persons who are excluded from the right of holding office under the constitutional amendment proposed by Congress at the last session. The language of that constitutional amendment on this point extends to every person "who having previously taken an oath as a member of Congress or as an officer of the United States or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States," shall have afterward engaged in insurrection. By the sixth article of the Constitution of the United States it is provided that—

"The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

I believe the constitutional amendment upon this point has not been well understood. Its scope and effect, the extent of its operation, has not been duly appreciated in the country. It is not that persons who held office under the United States or under the government of a State at the date of secession shall be excluded from the right of holding office under the United States or under their particular States. It is that any person who at any period of past time has taken such an oath shall be so excluded. Now I presume that, instead of there being but six thousand persons excluded from the right of holding office under the United States or under particular States, by the language of the constitutional amendment, the number is more likely sixty thousand, or perhaps still more. The exclusion includes, observe, not only officers of the United States, but officers of the several States; it includes persons who may have served in the State

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Legislatures; it includes all judicial officers of the States; it includes all State magistrates, all State constables, no matter at what time they may have been selected for the duties of their offices nor how humble those offices may have been. This constitutional amendment casts a net over the southern States and sweeps within its fold all the local officers who may have held office under the several States at any period of time, be it forty or fifty years ago. Taking the whole mass of those persons, the number must be very great; and instead of being six thousand, as the Senator from Ohio supposes, the number must be ten times as great, or more. It will include every person of special intelligence, of peculiar qualifications for the discharge of public duties throughout that whole country—every man now alive who has ever been chosen even to a local neighborhood office, so humble as magistrate or constable, during the last half century.

Now, what does the first amendment from the House do? It proposes to disfranchise all these persons from the right of voting, and from the right of voting at an election the most important that can be conceived with reference to their interests, the formation of governments for themselves, to endure for all future time, or until the same power which establishes them shall modify or amend them. Instead of being an insignificant provision, a matter of little moment, it is a very important amendment; it is most sweeping and proscriptive in its character, and one to which the Senate ought not to agree.

There is no reason for excluding every man of note, of prominence throughout the whole community from this proceeding of forming constitutions. It is against public policy; it is against every sound reason which can be applied to that subject; and, observe, it does not exclude merely those few persons who were leaders in the rebellion, who carried their States out, but it goes into every neighborhood and ostracises every man of intelligence, of character, of influence, who at any former time may have been intrusted with any office whatever, however humble and however little connected it may have been with the Government of the United States.

Again, sir, there is an observation to be made upon the second amendment sent us from the House, which I consider to be decisive against its adoption.

Mr. BROWN. Will the Senator permit me to interrupt him for a moment?

Mr. BUCKALEW. Yes, sir.

Mr. BROWN. I understand the burden of the Senator's present complaint is that this amendment excludes all those named from participating in voting and from holding office. I believe the Senator voted against the amendment of the Senator from Ohio, [Mr. SHERMAN,] which did not exclude them, and now he votes against this because it does. I should like him to reconcile the two positions.

Mr. BUCKALEW. I do not know that there is anything to reconcile. Because a man votes against one proposition, it does not follow that he may not vote against another.

Mr. BROWN. It follows in so far that that was a basis of restoration predicated on that ground, that there should be no exclusion.

Mr. BUCKALEW. Mr. President, the amendment proposed by the Senator from Ohio contained exclusions against which I voted because I thought they were unjust and inexpedient. The present amendment contains an additional exclusion which I believe to be unjust and inexpedient, and therefore I vote against it for precisely the same reason that I voted against the former ones. If the Senator from Missouri perceives any inconsistency in this, I shall be obliged to him if he will show me in what it consists.

This second amendment informs us that this bill is not a finality, is not a settlement, is not an adjustment of this subject of national difficulty and dispute. We are informed by it that after these governments are set up pursuant to the extraordinary provisions of the bill, they are to have no validity or force as State governments; they are to be subject still to our will and to our pleasure; we are to be bound by nothing. After they are set up, by a mere breath we may sweep them away. If any provision of one of the new constitutions is displeasing to us, we can annul it. If any new law which may be enacted displeases us, we can revoke it. Nothing, therefore, that is done under the provisions of this bill, if we enact it, will be binding upon Congress or upon the Government of the United States. The whole subject will stand, so far as our power is concerned, precisely as it does at present. We shall be bound neither in point of law nor in point of good faith to anything whatever. The original bill which we sent to the House contains the provision that, after these constitutions are formed, they are to be submitted to Congress, and Congress is to approve them before they have any effect or validity. The people in any southern State, proceeding under our law, may form their government and forward a constitution to Congress, with an application to be restored to their former place in the Union; but Congress is bound in no way whatever to admit them, to recognize anything which they have done. That provision remains in the bill unchanged.

I say, then, that instead of this being a measure of reconstruction, it is simply a step in the course of aggressive and violent measures against the southern section of the country which has been pursued by Congress from the time when the war came to a conclusion in 1865. Pass this bill, and no matter what takes place under it the general subject of reconstruction is still before us; we are bound to nothing which has been done, and next session measures in advance of this will be introduced and pressed. And why not? Why not pressed and passed as well as this? Upon the very face of this enactment you say that Congress is bound to nothing which may take place under it; you say that these constitutions, however strictly they may conform to the regulations you prescribe in this bill, shall not be valid and effectual unless in your sovereign pleasure you choose to approve them hereafter. The House of Representatives says in this second amendment which it sends to us that all that shall be done is to be subject to the pleasure of Congress; we are to be bound, and the public faith is to be bound, by nothing contained in this legislation.

I say, then, you are now passing a measure which will have precisely the character, in the respect in which I am viewing it, that your constitutional amendment has; and that was well described by one who, although belonging to the majority by position, is somewhat independent in his speech, when he said that it was a measure to bridge over the fall elections, that it was a measure to catch the ears of the people, and tide over the difficulties of a political contest in the country. That was a very accurate description of the amendment; the result has shown that it was accurate. And what is this bill? It is a bill to meet the pressing demands of public opinion at this juncture in public affairs. It is to please the fancy of men of the majority in the country, who desire Congress to do something, who are complaining of inaction. To meet that demand you have a measure proposed; but observe, sir, how carefully, providently it is drawn so that Congress shall not be bound; so that the passions out of which this bill has sprung shall not be curbed and checked for the future. Immediately after you have passed it that passionate demand which we have heard for measures against the southern section can be renewed. The newspaper press and the stump and the halls of legislation can be again used for purposes of agitation.

The Senator from Massachusetts [Mr. SUMNER] gives us notice in this debate that he takes this measure as an installment, not as a finality. He proposes to go on with this work, and so do others in both Houses of Congress. This bill does not assure to us reconstruction and peace. It meets to some extent the pressing demands of the time, without securing to us a harmonious future.

I say, then, sir, that upon these grounds alone which I have stated, to wit, the sweeping and proscriptive character of the first amendment, and the delusive character of the whole measure as exhibited by the second amendment, when considered in connection with the fifth section of the Senate bill, it becomes a simple act of duty to vote against concurrence in the amendments of the House.

Mr. COWAN. Mr. President, I have been uniformly against all these projects. In 1861 I was a Union man, in favor of preserving the Union at all hazards. What was it? It was the Government of the States of the Union, according to the Constitution. I was desirous of preserving that Constitution, whether it was a compact or whether it was an ordinance. I was desirous of preserving it whether it was a simple agreement between States or whether it was an enactment by peoples establishing a Government. I was in favor of doing that by force. In 1864 I was an unconditional Union man. What did that mean? "We have a right to insist upon the Constitution and the laws; we have a right to insist upon their enforcement; we have a right to compel obedience to them? And I insist that that obedience shall be rendered." I was opposed to any terms with those who opposed the Constitution and the laws. I would as soon have gone into the street and have made terms with a murderer upon it as to have made terms with those in rebellion against this Government. I had no terms except the Constitution and the laws. When the rebellion was over, and when they submitted and agreed to render obedience to the Constitution and the laws, I was satisfied; and I say here that all schemes and all projects and all contrivances for compromise and for settlement and for reconciliation except upon that basis will inevitably fail. Why not? They would fail between private men, much more between communities of men. If I have a difficulty with my brother McDOUGALL, if I assert that he owes me twenty dollars and will not pay, and I go to work and give him a flogging till he says he will pay, what then? Then the fight is over if I accept that proposition; but suppose I say "You owed me twenty dollars; you admit that you are bound to pay it; but now I will not take twenty dollars; I find I can flog you; I have got my hand on your weasand and you shall pay me fifty dollars." Then the McDOUGALL that was down becomes the Douglas of old that was up; instead of my being his master I make him mine. The world which looks on at that transaction understands it in precisely that sense, and it never will be justified and it never can be justified; and I say to the American people that when they insisted upon certain terms and conditions which are embodied in the Constitution and the laws, and the South agreed to submit to them, they are bound to accept that submission and they will never get anything better. But day after day, as our experience has taught us, it has been going on from worse to worse.

What more did anybody want than obedience to the Constitution and the laws? If anybody had committed a crime those laws would punish him, and he submitted to that punishment. What more had anybody to ask? But unfortunately that course was not taken. We have a certain number of persons who fancy that they can reform the world, that they can make a better Government than we had before this rebellion broke out; that they can make the people wiser; that they can make the people happier; and that they can introduce a better state of order into society than we had before. I mean to say they pretend that that is the motive. I do not know that that is the real motive; I am rather inclined to think it is not; but that is the alleged motive for an attempt to insist upon more than the Constitution and the laws from the southern people before they restore them back to the Union.

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What is the proposition now? The proposition is that you must not let the people who took part in this rebellion vote, or large numbers of them, and you must let vote a great number of emancipated negro slaves, whom nobody pretends or ought to pretend really either have the right to vote or are fit to vote. These are the terms you impose upon this fallen foe of yours, six or eight or ten million people of the same race you are, the same blood, and enough of them to hold us, as they did, for years in a most dubious and uncertain war, enough of them to-day to furnish half a million of as good fighting men as there are anywhere upon the earth; and yet you stand over them and you say you are not content with their observance and maintenance of the Constitution, but you must have more. Gentlemen talk about guarantees, talk about securities, and all that kind of thing. Mr. President, that is all as idle as the wind. Compel a guarantee, compel a security, compel an acquiescence in a condition! Who ever heard of a people who were compelled into an acquiescence of that kind, or into a guarantee of that kind, who felt it binding? Does not the stupidest man in the country know that if you compel a man to do anything it is not obligatory upon him? That which people do under duress, that which they do under the heavy hand of the conqueror, is not obligatory upon them at any time.

Then, Mr. President, I have only to say, as said in the outset, that I am opposed to these or any terms except simply to ask the southern people to stand upon the Constitution and to obey the laws. That will bring to us peace and security, and nothing else will. It may bring destruction to certain individuals; it may bring a new party into power in the country; and that is the real trouble, that is the very trouble. In ancient times either of the great parties was good enough to rule the country. Why? Because the country was free; because it had virtue and intelligence; because it had charity and Christian forgiveness; and it had those virtues upon which alone a republic could rest. In old times, when the Democrats came in the Whigs went out peaceably, and they said: "These men will preserve the Constitution and the laws; they will not, perhaps, carry out our views upon a tariff, or our views upon a bank, or our views upon internal improvements, or something of that kind; but still the great destinies of the country are safe with them." So when the Democrats went out and the Whigs came in, the Democrats said: "Perhaps the Whigs may charter a national bank; they may invest money in internal improvements; they may pass a bankrupt law, or they may raise the tariff, or something of that kind, but the country will still be safe."

Mr. President, that is the touchstone. Whenever that state of things ceases in a republic all history teaches it is farewell to the republic; it has then ceased to be a republic; its soul has departed from it; the very idea, sentiment, and belief which give it life have gone. Now, what is the reason that the Union cannot be restored instantly? What is the reason that it meets with such opposition here and there and everywhere. Is it not obvious? Has it not leaked out here, has it not leaked out everywhere, does it not leak out every day in the speeches of the Radical Senators on this floor, does it not leak out in every radical journal in the land, has it not leaked out over in the other House? "Oh, if you do this you will bring a new party into power!" And to prevent this, to stave off the evil day, to postpone it, to bridge over, to tide over between this and some future contingency, these guarantees are sought, these securities for the future which are as idle as the passing wind.

How are you going to preserve a republic when you cannot trust the people of the republic? You might preserve a monarchy, because a monarchy does not depend on the people; you might preserve a despotism, because a despotism does not depend on the people. Having no trust, no confidence in the people, having no charity for the people of the South, no belief in their honesty and their desire to repent and go along civilly and peaceably as they did before they tried their unfortunate experiment of rebellion; having, I say, no charity for them, no faith in them, lacking the very elements of democracy, much as you talk about negroes and your faith in negroes that is the reason why you want to get up these contrivances; and they are nothing but mere contrivances, such houses as children make with cards, and which will be blown down by the breath of the first passer-by. You expect to prevent all this and the natural result by schemes of this kind, futile, fallacious, that will come back to plague the inventors. Be just, be generous, be true to the first principle of your Government. What was that? That the people had virtue and intelligence enough to maintain it. If you cease that belief, say so. If you have abandoned it, why not say so? Will you gain anything by this trifling? Do you expect to succeed under cover of a pretense—a lie, in other words? To me such a course seems most destructive. Have trust and confidence in the people.

We have heard to-day, and it is most extraordinary how the ideas of men come to be turned upside down, how everything we have ever thought comes to be reversed, that the word "excelsior" means higher and higher—in what direction? Higher and higher in the direction of barbarism; higher and higher in the direction of stupidity, ignorance, and folly; higher and higher in the direction of negroes instead of the more intelligent of white men. Think of it for one moment. Here is a fabric reared upon the virtue and the intelligence of the white people. Does any man doubt their superiority to the black people? By the distribution of political power among those white people carefully made it is supposed that this fabric can stand, that it can be preserved. Gradually, little by little, however, the demagogues widen the franchise and seek lower and lower, not for strength to the fabric, not for security to the existence of the superstructure, but to widen the field within which they, by means of their insidious arts, may gain power for themselves; and what then? They weaken it down until there is no qualification for the franchise.

A Senator rises in his place here to-day and says he is for manhood suffrage. Manhood suffrage! Because a man happens to be a man, because he happens to have arms and two legs, therefore he is entitled to have a share in the government of men! It seems to me if a man had just dropped on the earth for the first time, if he had come as Minerva did from the brain of Jove, full fleshed, and a question had been put to him, he could not have uttered a more supreme, a more ridiculous absurdity than that. Where are the people who possess manhood all over the world? Why do not these people, who if they had manhood suffrage would erect and maintain a republic, do it in Africa?

Mr. McDOUGALL. Define "manhood."

Mr. COWAN. I suppose it is the masculine gender with two arms and two legs, perhaps over twenty-one years of age. That is what I suppose might be meant by manhood here. It seems that everybody having those two or three requisites are men, and therefore have manhood.

But I ask again, in all seriousness, if there is such virtue in this manhood, this fact of being merely a man; has it remained until this year of our Lord 1867 to find it out? Where else was there a republican form of government such as this in the world before? Who made it? Those people who had manhood simply? Why, Mr. President, it was the highest forms of men upon the planet, and not only the highest forms of men, but the highest forms of men working under the most favorable of all conditions, in a new continent, untrammeled by any of the difficulties which might have surrounded an older society, with illimitable, boundless territory at their disposition. They could form this Government. They did form it. Did it succeed by allowing the franchise to all the white males above the age of twenty-one, who had paid taxes within two years, and had a certain residence? Has it succeeded within the last six years? What is the reason that it did not succeed? I put that question. Why is it that we have had this rebellion? Is it because too few people were voting? Is it because you had not dived into the depths of human debasement to fish up the virtue and intelligence which you desire to sustain and invigorate your institutions? Had there been an intelligent, pure, and virtuous constituency in the North; had there been one in the South; had common sense thrown the ballots in either quarter, would this rebellion have taken place? Why, sir, if there is one thing in the world that is more easily demonstrated than another thing it is that it was owing to the fact that you had widened your franchise, that you had thrown the door open to all kinds of demagoguism, that you had abandoned all common sense and all decency in the conduct of your public affairs, that you had the rebellion. Does anybody pretend that there was real cause for the rebellion? Not a particle. The Government of the United States had committed no wrongs. It had inflicted no injuries. No man could come to it and ask for redress of the one or vengeance for the other. Why, then, that rebellion against this fair fabric under which men lived, under which the country prospered, under which it rose to its great height, and became one of the first Powers upon the earth? It was just because of this evil element of supposing that all men have virtue and all men have intelligence enough to do this thing which the whole world stands up to-day and lifts up its hands and swears at the altar of the most high and living God is a lie. It was because experience was abandoned and lost sight of; and you furnished a feast at which the demagogues and the politicians might eat, and at which they might achieve for themselves personal power and personal distinction at the expense of the great masses, and then you had the rebellion, because whenever that is thwarted by the two coming together war results as a matter of necessity.

Then, Senators, taught by the lessons of the past, assured especially by the lessons of the past two years, and they are pregnant with meaning to him who desires to understand them, leave off this attempt to compromise, leave off this attempt to settle, leave off your doctrine of guarantees and securities; turn yourselves back to your Constitution and your laws; turn away from this doctrine that the United States are superior to the States outside the range of the Constitution. Keep yourselves within it. Allow the States to be free as they were at the time they made the Constitution. Let them settle the question of suffrage for themselves. Let them preserve all their reserved rights. Ask the South to yield to the Constitution and they will yield, and peace will come, and another thing will not come which you fear. Do that to-morrow, do it in a spirit of magnanimity and generosity, and the dominant party now in power in the Senate and in the other House will maintain its dominancy. Disregard that, insist upon your new projects, and when ruin comes upon you, the longer you put it off the more fearful and terrible it will be.

That, Mr. President, I have no doubt would be the true wisdom; and I need say nothing further in support of that view than to refer my colleagues to the past. In the spring of 1865 the rebellion was suppressed and the people submitted. The golden opportunity was then had of restoring the Union instantly, without terms of any kind. That opportunity gone by will never come again, I fear, and certainly it will never come again by force; it will never come again by imposing conditions—never, never. It never has done so; it never will do so. The most dangerous thing in the world it would be for you if these conditions were accepted, for the moment these conditions were accepted you would lose your hold

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upon that very subject over which you desire to maintain control. Is not that plain and palpable? You stipulate with a man whom you have down and who is in your toils that if he does so and so you will let him up. You stipulate with the Geni who came out of the vessel, that if he does so and so you will let him out, and when he gets out he kicks the vessel into the sea. That has always been the case; it is the case to-day. Who ever succeeded in this career upon which the dominant majority would hurry the minority of the nation to-day? Nobody; and if you do not succeed, then all is lost. If, however, you take the lawful course, the course which you have a right to take, the course for which you made war, stand under the flag which gave you victory because you were right, you may maintain and perpetuate this fabric, and you may have peace and happiness under it. But go on with your Utopian schemes and your expectation of maintaining yourselves in political power, and your expectation of turning your barbarian man (who never did make anything on the earth and who never can make anything in his present form) into an American republican, and making him one of the props and pillars of a Government so complex as ours and so dependent upon virtue, intelligence, and independence in the people, and you simply invite your ruin and open a gulf into which you will inevitably fall and be swallowed up. When you make a bargain, stand upon it. When you bring an action of covenant and get your damages, take them. When men do to you what you demand of them, do not stop to inquire for more. If you do you will perpetuate the contest, and in the end, just as your demands and exactions rise in the scale of injustice, just in the same degree will you weaken yourselves. Where are you now? You are here attempting what?

Mr. WILLIAMS. Attempting to legislate.

Mr. COWAN. Attempting to legislate! No. I will tell you what you are attempting to do. You are attempting to achieve the impossible, and the impossible rises up before you and stares you in the face with such a terrible glare that you hesitate yourselves. The House sends a bill here, passed with great unanimity, and the Senate rises up and shrinks back from the specter, modifies it, sends it back in a modified form, and then it comes back here in a still further modified form. If there was nothing else to show the utter fallacy, the utter futility, and the revolutionary tendency of all these things, it is the multifarious plans that have been devised here to achieve, what? You want to restore the Union, you feel that that is your duty; but how restore it? There is, as I said before, only one way to restore it, and that is to trust the people, because they underlie the whole fabric. But that is what you cannot bring yourselves to do. You pretend that this sin of rebellion, this sin of engaging in war against a Government, which all nations of the earth have done over and over and over again, is such a one as will justify you in excluding the people who fell into it from all political power, and then, what is most singular, you are not safe with that, but you propose to make yourself allies with a parcel of barbarians, who, you are well aware, know nothing about this Government, nothing about its frame, its Constitution, its laws, or the means necessary to secure and sustain it. You persist in giving them the power, or a very large portion of the power, in eight or ten States of the Union.

All these difficulties make you hesitate; and well may you hesitate. Instead of quarreling with the veto power you ought to get down on your knees and thank God that it exists, and pray for even more checks and balances. If it had not been for the check and balance of the United States Supreme Court you would have established military commissions in your madness. You may think them very good when they apply to your enemies, forgetting that the next turn of fortune's wheel might have made your own heads tumble into the basket through the same agency. You ignore all history, especially you ignore all English history. You are shutting it up now and refusing to listen to a single lesson that it teaches.

When you undertake to debase the franchise and give it to such people as you propose to give it to, you are departing from everything which was taught you by your fathers, taught you by your historians, taught you by your teachers. To seek for safety, to seek for reconciliation, to seek for peace in that project, of all others the wildest, the most destructive, the one that has fewest arguments to support it, is certainly unworthy an American Senate in this age of the world. When before was such a proposition heard of anywhere? When before was it proposed to take the barbarian emancipated slave and make him the arbiter of the destinies of a Republic? Never on the earth before did such an idea get into the heads of men; or if it did, it never made a ripple upon the great sea of social intelligence. Nobody paid the smallest attention to it. Here it is: you hold in one hand tyranny, and you hold in the other negro government; and you ask the South to accept the one or the other. If I were a southern man and lived in the South, and you proposed to me your negro government, the chance that I might be governed by negroes on the one hand, or that I might be governed by your satraps, your military brigadiers, and your Army, I would take your Army a thousand times over. Who would not? Would you not all do it? To which could you appeal with the greatest show of receiving justice? Your military tyrant could of necessity have but few enemies; he could have but a few upon whom he would desire to avenge himself. But when you give political power to an antipathic race, seated by every fireside, intermingled intimately with society everywhere, and make it your master, every man of a different race is a slave; just as that race under all conceivable circumstances are slaves. We have emancipated the slave; that is the language; but are these men less slaves than they were before? Your proclamation goes up every day from this Hall that they are still slaves, because the slave is inside the man, not outside of him. The slave is the man who dares not achieve his liberty. You cannot make a man free by legislative enactments; you cannot eliminate the slave out from him; that which made him a slave, which made him submit to slavery, which made him agree to wear chains and fetters, you cannot eliminate that out of him by a statute upon your books here. The race that submits to slavery will be slaves if you relieve them from their individual masters. It is only a change in that respect. The individual master of the negro who formerly owned him, who was then bound to provide for him and to protect him to a certain extent, has now ceased his functions, and in the room and stead of him there is the rule of the community; and that community will rule. Your enactments may provide to the contrary, you may legislate as you please, but to that complexion it will come at last. The wise and the strong will govern, and the weak must accept of their protection; and it is better that they should accept it than that they should struggle by undue means to obtain that equality, which, in the end, will prove far more disastrous to them than if they had submitted to the first fate that was allotted to them.

Mr. HOWE. Mr. President, I have listened to the congratulations sent by the Senator from Massachusetts to the Senator from Ohio, and to those returned by the Senator from Ohio to the Senator from Massachusetts, and to those quite as cordial tendered to us all by the Senator from Nevada; and I wanted to indulge myself, in this season of mutual congratulation, in a reflection which I cannot deny affords me some encouragement. A year ago, on the 10th day of January last, I introduced a resolution into the Senate, and in support of that resolution I tried to persuade the Senate that these organizations which had been manufactured mainly by the President of the United States, and were strutting in the character of State governments, down between the Potomac and the Gulf, are illegal and unauthorized in point of law; and then I tried to persuade the Senate that they did not answer the purposes of a government at all since they did not furnish protection to life or liberty or property, which I understand to be the legitimate purposes of governments. Therefore my resolution proposed it as the duty of the Congress of the United States to establish provisional governments for all those communities. It was regarded as a pretty bold measure; it came very near fastening upon me for life the stigma of a radical; but I have survived; and to-day there is upon your table a bill which has received the assent of more than two thirds of this Senate and almost three fourths of the House of Representatives, declaring in terms precisely what I tried to demonstrate by argument, that these governments are illegal, and that they do not furnish protection to life or property. And although the bill on your table does not declare in the language of the resolution I introduced that it is the duty of Congress to set aside those governments and organize provisional governments in their place, your bill does declare that those governments shall be accepted as provisional governments, nothing more or less.

Now, Mr. President, this asserts the only three propositions that I ever was inclined to insist upon: first, that those organizations were illegal; second, that they were ineffectual for any good purpose; third, that it is the business and the duty of the Congress of the United States to remedy that evil, and that the way to remedy it is by putting provisional governments, governments whose authority emanates from the Congress of the United States, in charge of those communities, and holding those provisional governments responsible to the legislative authority of the nation.

These propositions have received the assent, as I said, of large majorities in both Houses of Congress. I ought to be content, and measurably I am content with this progress. I am not entirely content, because I would not have accepted those governments as provisional governments. I think those people themselves, if called upon to select provisional governors or establish provisional governments, would suit themselves and suit the country better than they have in the style of government which we see existing there. But, then, very few human governments answer the purposes for which they were created. It is enough for me to know to-day that we have at last come to the conclusion that those governments have no authority inherent, and can have none which is not sanctioned by the legislative authority of the nation.

I feel regret, in view of this declaration, that we had not adopted it long ago. If those governments are illegal now, they were illegal in January, 1866. Nothing has transpired since to make them illegal. If they were illegal then or are illegal now, they are simply nullities; and if they do not discharge the duty which is incumbent upon all governments—the duty of giving protection to life and property—then they are criminal; and having declared that they are both null in law and criminal in conduct I think the legitimate conclusion is, that they ought to be passed aside, turned into the abyss of things which were; ought to be dispensed with altogether; that we ought not to employ them nor suffer them to be employed in the work of Government. I would organize provisional governments in their stead; civil tribunals to some extent, responsible to the people. There is no difficulty, in my opinion, in employing the whole people of those communities in the work of making laws for the time being, if you reserve to the Congress of the United States the right to veto a law which operates oppressively upon any portion of the people.

And, Mr. President, if the idea which I had in my mind when I offered that resolution had been acted upon, every one of those commu-

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nities would now have representation in the Congress of the United States. They could not have had Senators and Representatives here, because those can only be accorded to States under the Constitution; but they could have had Delegates here, representatives to speak for and advocate the interests of those several communities, although not clothed with the authority to vote in the enactment of Federal laws. And that, I conceive, would not have been a great advantage to those communities, and would have been of great advantage to us. That advantage they have lost; and that advantage we have lost, because, as it seems to me, that idea was not accepted and put in force at that time.

But, Mr. President, this is all I care to say by way of self-congratulation, and perhaps more than I ought to have said. I wish to touch very briefly upon one other point which has been dwelt upon at length in the course of this debate by different Senators. The allegations contained in this preamble are both denied. Senators on the other side of the Chamber say these governments are not illegal, and they deny the allegation that they do not furnish protection to life and property. The legality of those governments I am not about to reargue; it has been stated over and over again, and I have never heard the statements upon which that allegation is predicated overthrown; and I not only have never heard them overthrown, but I have never known them to be met. Our authority under the Constitution to set aside those organizations is just as plainly given in the Constitution, in my judgment, as our authority to levy taxes or to raise armies or to maintain navies. It is the other denial that I propose to notice for a moment.

At last we find representatives of the American people here in either House of Congress affirming that these governments do answer the legitimate purposes of government, that they do furnish protection to life and liberty; and we have heard Senators go further than that, and affirm that every pretense to the contrary was a malignant fabrication circulated for the purpose of misguiding the public judgment and inflaming the public passions. This is a pretty important issue, and it is very clearly made. I have believed as firmly as I ever believed anything that these governments did not furnish adequate protection to property or life. If I am mistaken in that conviction I shall be gratified, and shall be grateful to any man who will disabuse me of the impression. I do not wish to arraign any great portion of my fellow-citizens as guilty of unjust or deliberately inhuman conduct, but I cannot believe, in spite of the solemn assertions which I have heard repeated here over and over again, that I am at all mistaken. When gentlemen tell me that these communities are as thoroughly subjugated as ever a people were I confess that I have not been able to see the evidence of it, and I have some evidence to the contrary in my pocket.

Mr. President, if these communities were subjugated; if they had done anything more to evidence their submission than the mere laying down of their arms and abandoning for the present the contest of force; if they had in fact given up the controversy in support of which they had embroiled this whole land in war, and drenched it in blood, we should see the evidence of it in their common conversation as well as in their everyday conduct; it would be exhibited in their newspapers; it would be exhibited in the daily speech of their people, and you would find evidence of it in their legislation and in their laws. I have looked in each of these directions for this evidence, and I have not found it, but I have found what to me seemed conclusive evidence of the contrary.

A short time since some one sent me the prospectus of a new paper about to be started in Richmond, in Virginia. A man proposes to publish a paper to make money out of it, and he cannot hope to make money by the publication of that paper unless he can sell it, and he cannot hope to sell it unless there is a reading community about him disposed to buy and pay for such sentiments and such ideas as he proposes to disseminate through his paper; and therefore I have read, and propose to read to the Senate, a couple of extracts from the prospectus to see what kind of ideas he proposes to sell in that community. He says:

"I propose to make this paper a true exponent of southern"—

not American, but southern—

"thought and sentiment, and shall give to it, as its most appropriate title, the name of The Southern Opinion. Committing it to the support of no particular set of men or measures, I pledge it unreservedly to the South, in all her manifold interests, traditions, customs, and affections. While The Southern Opinion shall advocate such obedience to the Constitution and the laws as has been promised by the people of the South"—

not such as is due from the people of the whole country, but such "as has been promised by the people of the South"—

"and shall support the reconstruction policy of President Johnson as the only means by which the country can be saved from the savage and bloody rule of radicalism, it will accept the Yankee as a fact, and logically and forever as a foe; whether in war or peace, or in the field or forum, or the Legislature, always an enemy. There is a mutual and an inextinguishable hate between the Yankee and the Southerner; whenever and wherever they meet they will meet as foes at heart; and this feeling will live as long as there are two men on earth to bear it toward each other."

It seems to me that a people who have really submitted to the verdict of the war, had not only consented to lay down their arms but to abandon the controversy in which they took up those arms would not care to establish among them a periodical devoted to the work of perpetuating that struggle. Further on in the prospectus the editor says:

"In the first number of the paper, in addition to other attractive original matter of the same character, there will be a full and accurate description of 'Stonewall' Jackson's tomb and its surroundings, together with a prize poem commemorative of the valor, sufferings and sacrifices, of the confederate soldiers. The first number will also contain a true account of the health and general condition of our beloved ex-President, Jefferson Davis, whose wrongs but the more endear him to the hearts of his people, and whose greatness of soul seems to expand under the infliction of the torture and cruelty visited upon him while ironed and in a dungeon, by his brutal Yankee jailers."

Mr. President, that is only a proposition to publish a newspaper devoted to the advocacy of those sentiments. I hold in my hand a newspaper actually being published and disseminated, not in Virginia, and but for one circumstance I should not think of holding the people of Virginia or the people of any of these rebel districts responsible for the sentiments I am about to read from this newspaper because it is published in my own State; it purports to be an advocate of the sentiments which animate the party in opposition to the Congress of the United States and the Government of the United States; it pretends to be an exponent of the principles and of the views which animate the Democratic party. And yet I shall read it, and I shall hold for certain reasons, which I will state subsequently, these very communities who are said to be thoroughly subjugated and to have abandoned the whole controversy responsible for the sentiments I find here. It says:

"There is life in the land yet. There is a growing sense of honor coming upon the stage of life. If the South is out of the Union her secession acts were right and a success. If she went out we have no business with her back again except on such terms as she may propose. If she is in the Union her people are now, to-day, entitled to representation in Congress. The people of the South have paid enough, have suffered enough, have been wronged enough, have lost enough, have given up enough, given up all but their honor, and if they now give that up at the command of Congress or the threat of cowards they deserve to be slaves and wear the galling chains of servitude till doomsday."

Again, it says:

"We are in earnest"—

Another earnest man!

"We are in earnest. There are of us in the North who demand equality of States; equal taxation and domestic tranquillity. There are two million Democrats in the North who will never bow the neck to Abolition bondage and a centralized despotism. There are of us in the North whose veins are full of blood; whose hearts never knew fear; whose faith is in Democracy; whose hope is in the people. We demand that now the war is over and the Union restored the people of every State shall have a fair voice in affairs. If the South wants to preserve her honor, wants her voice in the next presidential campaign, she shall have it and that as she now stands, without adopting any so-called amendments, or we will redden the land with blood and obscure the northern sky with smoke—will drive the traitors of the North beyond Plymouth rock and win back the law, liberty, and heritage left us by patriotic sires or die in the attempt, freemen instead of slaves."

Let no one say that these are the rantings of a madman; these are the sentiments of an editor publishing a paper for sale and selling it; nay, he tells us just to what extent he finds a market for it, and in this very number which I hold in my hand he says:

"The La Crosse Weekly Democrat was published during the war with a circulation of but six quires. It refused the bribes of Abolitionists; it defied the tyrants in power; it had for its defense '*Lex Talionis*;' it was bold when others bent to the blast; it was born in obscurity, raised in poverty and continual danger, and now has a circulation thirty times larger than any English paper published in this city or in this congressional district; has a circulation greater than all the English weekly papers in Milwaukee, and a larger circulation than all the other Democratic papers of Wisconsin combined.

"We refer in this connection to the postmaster of this city, Leonard Lottridge, a Republican in politics, to our business men generally, and to our mailing books, which are open for inspection at any and all times.

"We send papers now to over four thousand post offices in the United States and Territories, and have subscribers in every State and Territory in the Union. And every subscriber pays in advance, and his paper is discontinued the moment his subscription expires."

And in this connection I have to say that I was told in that same city of La Crosse last fall that this paper was not supported to any considerable extent by the community in which it is published, but that the great bulk of its issue was sent off and circulated in those very communities which we are now told have accepted all the fruits of the recent victory. Mr. President, when those communities purchase and pay for such sentiments, when they declare that they are the irreconcilable and eternal foes of the Yankees, and include in that designation those who have administered the Government since 1861, I think we are called upon to distrust the accuracy of the information of those who say that they are thoroughly content with the issue of the late struggle.

But, Mr. President, this is only evidence of the opinion of individuals; it does not clearly establish the fact, but what in spite of those opinions, their governments do furnish protection to life and to property, and upon that point I wish to say one word. I have in my hand a slip cut from a Memphis paper, very brief but very suggestive. Let me read it:

"WENT THE WHOLE HOG.—Henry Thompson, a stout, able-bodied, greasy-looking nig, was yesterday arrested and taken before Squire Hall on a charge of having stolen and killed a hog weighing two hundred pounds. Thompson not being able to satisfactorily prove that such was not the case, was bound over in the sum of $1,000 to await a hearing at the next term of the criminal court."

This is published in the police reports of the city of Memphis. That I know is not in one of the States included in this bill. Tennessee has a government which we have ceased to regard as a provisional government. It has a government which we have acknowledged to be the government of a State. We made that acknowledgment because we believed it could more adequately protect property and life than any government representing the people of any one of the other of those lately rebellious districts; and yet there in Memphis not only is a man held to bail in the sum of $1,000 for stealing a hog, but he is held to bail simply because he could not prove satisfactorily that he did not do it, and that is published in the papers of the city, not as an extraordinary, but as an ordinary instance of the administration of justice. It attracts no comment in the way of dissent, but seems to be by the papers fully approved. That, however, is only evidence as to the conduct of a single tribunal, and that a judicial tribunal; but that it is not a solitary case I feel warranted in asserting upon testimony which my colleague introduced here the other day and read for the instruction of the Senate. He took it upon himself to vindicate the action of those governments in those sev-

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eral communities; and in their vindication he read a letter written to him, as he stated, by a citizen of Texas, formerly a resident of Wisconsin, a Mr. Willard, who was an officer, as he tells us, at one time in the Army of the United States. These facts, that he once lived in Wisconsin and that he now lives in Texas, and that he once served in the Union Army, altogether, do not convince me that we are absolutely safe in relying upon his testimony. There were men in the Army before the war commenced who deserted the Army and deserted the cause and went over to the enemy. There may have been some who have deserted and gone over to the enemy since the war. I do not know that Mr. Willard is one of these, and I will not stop to inquire, for I raise no question whatever upon the accuracy of the statement he has made here.

Mr. WILLIAMS. If the Senator will allow me, I wish to say that I am informed by persons who are acquainted with this man Willard that he was a clerk in the Treasury Department here a year or two ago, and was then known as a venomous Copperhead, a man who was constantly abusing Congress for its course in reference to the southern States.

Mr. HOWE. The information does not shock me. I am not sure that I had not some suspicion of the kind, but that suspicion was not grounded at all upon any statements contained in his letter. Standing upon his letter alone, admitting it to be true, I arraign that government of Texas as a foul blot upon our history and upon the administration of human justice in this country. And what were the recitals in that letter? It is not before me, but I cannot forget them. I have not seen them, my eye has not rested upon them since they were put in print; I only heard them as pronounced by the lips of my colleague; and what were they? These: that a man by the name of Jones had a difficulty with one of the colored men in his employment; "had a difficulty"—not a word of explanation as to the character of that difficulty, not a word or an insinuation that the colored man was more at fault than Jones; but he had a difficulty; and in the succinct, concise terms of the letter, he said that he would put an end to the difficulty. How? By calling on his son to shoot the negro. Am I mistaken?

Mr. DOOLITTLE. It went on to say that there was a difficulty between the father and the negro. The letter did not go into full particulars whether there had been a fight or not, but it said the son came and settled the difficulty by shooting the negro; not that the father called on the son to shoot him, but that the son came and settled the difficulty by shooting him.

Mr. HOWE. The letter can be found; but I am confident I have stated it correctly.

Mr. DOOLITTLE. My colleague will find himself mistaken as to that point.

Mr. HOWE. If some gentleman will refer to the letter I shall certainly correct myself if I find I am wrong; but I think I cannot be mistaken in saying that the letter stated that the father put an end to the difficulty by calling on the son to shoot the negro. At all events, the son shot the negro to put an end to the difficulty. He was arrested. My colleague says he was tried. I think he ought to have been. The letter says that the court charged the jury to find according to the evidence; and the letter specifies that the judge had been a slaveholder, had believed in the divinity of slavery, and the writer seemed to think it a most miraculous thing that such a judge should charge a jury trying a man for the crime of murder to find according to the evidence. Could he have instructed them in any other way? But the jury did find, what? A verdict of guilty; and upon that verdict the judgment of the court was pronounced. And what was the judgment? That that young man, having shot down a man in cold blood, should be sentenced to five years' confinement in the penitentiary. There is not an intimation in the letter that that sentence was ever executed: there is not an intimation in the letter that the man ever lay in jail a day. But the fact to which I wish to call attention is, that the father has not been arrested. I do not think that five years' imprisonment in a penitentiary is adequate punishment for the crime of murder. It would not be so considered in any of the States which any of us represents; and no such judgment would be pronounced, and no such judgment would be tolerated. But I will not delay longer on this. It is only a single instance of what I think very delinquent conduct on the part of a single tribunal, and that a judicial tribunal in the State of Texas.

Mr. HENDRICKS. Will the Senator allow me to ask him a question?

Mr. HOWE. Certainly.

Mr. HENDRICKS. If he thinks that single case in Texas casts a foul blot upon the State, what does the Senator think of that case which recently occurred in Chicago, where a courtesan killed a man because he loved another woman better than herself; coolly and deliberately killed him, and being tried by a jury, was found guilty of manslaughter, and sentenced to one year in the penitentiary, and the Governor of that State pardoned her within a month?

Mr. HOWE and Mr. TRUMBULL rose.

Mr. HOWE. If the Senator from Illinois prefers to answer I will yield to him.

Mr. TRUMBULL. As the Senator from Indiana has now for the second time brought before the Senate the trial of a harlot in Chicago—he seems to be very familiar with it—I think it proper to state to the Senate that I understand that a woman was tried in Chicago, and convicted of manslaughter, and sentenced to the penitentiary for a year, and after serving a part of her time was pardoned. Has the Senator from Indiana any fault to find with that? He has asserted here she killed a man because he liked somebody else better. He may be advised about it; I have no such information. It is the first time I ever heard of it.

Mr. HENDRICKS. Then the Senator has not read the papers of his own city. The information that I have on the subject is what I receive from the papers published in Chicago. I do not find any fault with the jury in Chicago; I do not find any fault with the Governor. It may be all right; but courts in other States are denounced because in cases of manslaughter they render more severe verdicts and judgments; and I asked in that connection simply what the Senator from Wisconsin thinks of this verdict and judgment.

Mr. TRUMBULL. That is a kind of reading in which I do not particularly delight, and I am not probably as familiar with the case as the Senator from Indiana, who seems to have read all that the newspapers have said in reference to it. It is the first time I ever heard such a reason, as the one he alleges, given for the killing. It may be that that was the reason. At any rate a trial was had before a jury; the party was convicted; and the Governor, for reasons I presume satisfactory to himself, and upon a proper showing which I have not seen, thought proper to pardon the criminal after she had served out a month of her time. I am not prepared to say whether the conviction in the first instance was right, or whether the pardon when it was granted was proper. I presume that both were; but the Senator from Indiana has twice paraded the case here as if it was a stain upon the State of Illinois.

Mr. HENDRICKS. The Senator from Illinois spoke of my reading. I am not responsible to that Senator for what I read or what I do not read, and I am entirely indifferent what he reads, whether he reads excellent books or newspapers or other matter. I read what I read on this subject in a very respectable newspaper. I thought it was a little curious, but I bring no charge against the tribunal. I presented it as a case in comparison with the one the Senator from Wisconsin was commenting upon.

Mr. HOWE. The Senator from Indiana simply mistakes the point I make. It is not because Mr. Jones was sentenced to five years' imprisonment in the penitentiary for manslaughter that I arraign the government of Texas. I do not know but that there may have been extenuating circumstances which would have justified his being tried for manslaughter instead of murder, and extenuating circumstances which would have induced a pardon. I simply judge of the transaction upon the statement read to us the other day from this letter, and that gave no extenuating circumstances whatever. It simply appeared from it that there was simply a difficulty between Jones and a colored man, and a son of Jones interfered, for what? Not to save his father from any outrage, that was not the pretense, but to put an end to the difficulty; and he shot down coolly the negro. That is not manslaughter; that is murder. That is, it would have been murder if the Senator from Indiana had been shot, murder if any man about me had been shot, and I do not know that it was not murder by the laws of Texas; the letter does not inform us; I do not know how the fact is. That was the offense, and for that he was convicted of something and he was sentenced to five years' imprisonment in a penitentiary. That is what I am speaking of. If there were extenuating circumstances I should have thought the author of this letter would have detailed them, and I should have thought my colleague would have put some stress upon those details.

Mr. President, there is only one instance, as I said before——

Mr. DOOLITTLE. Mr. President, I desire to ask my colleague——

Mr. HOWE. I am anxious to conclude before the hour for a recess, and I decline to give way. I beg to be indulged in alluding to two other incidents. I introduce these as specimen bricks, as examples of the action of these governments. I have pointed you to the action of their judicial tribunals in two instances, now let me call your attention to a piece of legislation. I might call your attention to a great many; I might call your attention to the fact that whole codes in the State of Virginia and in the State of South Carolina were set aside by military proclamation, because they were so unjust and so inhuman that they could not be tolerated; but I will call your attention to a piece of legislation which was not set aside by military proclamation, a piece of legislation in the State of Florida; and I want to call your attention to the fact that in the State of Florida, as you call it, one of the first steps they took was to devise a special code for the government of the freedmen, as they were called, for the government of their people of color. There could be no possible justification for a special code. It must be better or worse than the code which governs the rest of the people; and if either better or worse it ought to be condemned. But, sir, I ask you to judge of that code by just one feature in it. The Legislature of Florida enacted a law for the education of its negro children. They have laws for the education of all their children; but this was a special law for the education of the colored children. It provided for the creation of a fund for that purpose. That fund was to consist of a dollar paid by each colored man, poor or rich, between the ages of twenty-one and fifty-five years. According to the census of 1860 that would give them a fund of about twelve thousand dollars for the education of the colored children in Florida. The law provided for the disposition of that fund in this way: $2,000 of it was appropriated to pay the salary of the superintendent of colored schools, and $200 was appropriated to pay the salary of the assistant superintendent in each county in the State. There are thirty-seven counties in the State, so that it would take $7,400 out of that fund to pay these assistant superintendents. Then out of the fund of $12,000, $9,400 is to be appropriated to pay the salaries of superintendents. That is a

specimen of their legislation in reference to the interests of the colored people.

Now, Mr. President, I wish to call your attention, I do not hope to call the attention of the Senate, to one example of the action of the executive departments of their government. In the city of New Orleans in July last there was what is popularly called a riot, but which had none of the features of a riot in it. There was an assemblage of people calling themselves a constituted convention, unarmed, met for the purpose of deliberation; and that body of men were set upon by the authorities of the city of New Orleans, who were armed, not going there with warrants to arrest them, but they were set upon and shot down, great numbers of them; some we are told were shot after they were arrested, others in the attempt to escape through the streets of the city. But I shall not go into the particulars, the details of that transaction. An officer of the Army of the United States, on the spot within two days after it occurred, tells you and tells the American people that that slaughter was so wanton and so needless that he cannot fail to characterize it as murder. Who committed the murder? The municipal government of this city of New Orleans, existing under this government of Louisiana. If any murder was committed there the municipality of New Orleans did the murder. No man has ever disputed General Sheridan's statement that that transaction was properly characterized as murder. I do not know whenever a municipal government in this country has before been found guilty of engaging in the work of murder. Sir, a government which murders does not afford adequate protection to life and property; and you must convict General Sheridan of inaccuracy or falsehood or misapprehension, or you must agree that that government is guilty of murder, and I take it no one here will insist that a government which does not protect life, but which does feloniously take life, does not afford adequate protection either to life or property. I am sorry to have detained the Senate so long.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1182) to establish certain post roads;

A bill (H. R. No. 1185) to render applicable to seamen in the United States Navy and to marines the provisions relating to pensions in the act making appropriations for the civil expenses for the year ending June 30, 1867, approved July 28, 1866;

A bill (H. R. No. 1186) to establish the offices of civil engineer and master mechanics and master laborer in navy-yards of the United States;

A bill (H. R. No. 1187) to compensate the officers and crew of the United States steamer Kearsarge, for the destruction of the rebel piratical vessel Alabama; and

A joint resolution (H. R. No. 290) authorizing the Secretary of the Navy to grant the use of guns for trial of Ridgway's battery.

The message also announced that the House had passed the joint resolution of the Senate No. 149, to extend aid and facilities to citizens of the United States engaged in the survey of a route for a ship-canal across the Isthmus of Darien.

RECESS.

Mr. WILLEY. I move that the Senate take a recess till seven o'clock p. m.

Mr. CONNESS. Why can we not take a vote now on this subject which has been discussed?

Mr. WILLIAMS. Because there is an amendment to be proposed and discussed.

Mr. CONNESS. I desire to inquire of the honorable Senator from Oregon whether he is serious in stating that there is an amendment to be offered to this bill, coming from its friends.

Mr. WILLIAMS. No. I am advised by the Senator from Wisconsin [Mr. DOOLITTLE] that he has an amendment to offer.

Mr. CONNESS. I have nothing further to say. I trust the Senate will come to a vote.

Mr. WILLIAMS. I move to amend the motion of the Senator from West Virginia by fixing the time for reassembling at seven and a half o'clock; it is now near five o'clock.

Mr. WILLEY. I accept the amendment.

The motion was agreed to; and the Senate took a recess till seven and a half o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 1182) to establish certain post roads—to the Committee on Post Offices and Post Roads.

A bill (H. R. No. 1188) to render applicable to seamen in the United States Navy and to marines the provisions relating to pensions in the act making appropriations for the civil expenses of the Government for the year ending 30th June, 1867, approved July 28, 1866—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 1186) to establish the offices of civil engineer and of master mechanics and master laborer in the navy yards of the United States—to the Committee on Naval Affairs.

A bill (H. R. No. 1187) to compensate the officers and crew of the United States steamer Kearsarge for the destruction of the rebel piratical vessel Alabama—to the Committee on Naval Affairs.

A joint resolution (H. R. No. 290) authorizing the Secretary of the Navy to grant the use of guns for the trial of Ridgway's battery—to the Committee on Naval Affairs.

TRANSPORTATION OF PROVISIONS SOUTH.

The joint resolution (H. R. No. 293) authorizing the employment of a public vessel for the transportation of provisions to the people of the southern States was read twice by its title.

The PRESIDENT *pro tempore*. This joint resolution will be referred to the Committee on Naval Affairs, if there is no objection.

Mr. TRUMBULL. I hope that that joint resolution may be disposed of without a reference; I think there can be no objection to it.

Mr. RAMSEY. What is it?

Mr. TRUMBULL. It is a joint resolution authorizing the Secretary of the Navy to furnish a vessel to transport the gifts of the benevolent to the destitute and suffering people in the South. There is an organization in the northern States, and I have here some of the evidences of what they are doing, who are contributing provisions for the supply of the destitute and suffering in the South. This is a joint resolution which comes from the House authorizing the Secretary of the Navy to furnish a vessel to take these supplies to the people in that portion of the country. I hope there will be no objection to it, and that it will pass at once.

Mr. EDMUNDS. I ask that the resolution may be read for the information of the Senate.

The Secretary read the resolution, as follows:

Be it resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized and directed, upon the application of the contributors, to assign a public vessel for the transportation to Charleston, Savannah, and Mobile of any supplies of food or clothing which may be contributed by the people of the United States for the use of any portion of the people of the southern States who may be suffering from the failure of crops or other causes, under such regulations as may by the Secretary of the Navy be prescribed.

Mr. EDMUNDS. I certainly agree with the Senator from Illinois, that that is a resolution fit to be passed now. It is perfectly simple, and I hope there will be no objection to the present consideration of the resolution and to its passage.

The PRESIDENT *pro tempore*. It requires the unanimous consent of the Senate to consider the joint resolution at this time. No objection being made, it is before the Senate as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. WILLEY, from the Committee on Patents and the Patent Office, to whom was referred the memorial of Joseph Nock, reported a recommendation that the further consideration of the memorial be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the petition of Jonathan Ball, praying for an extension of his patent, reported a recommendation that the further consideration thereof be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 526) to extend the time of letters-patent issued to Daniel Woodbury, reported adversely thereon and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 1059) for the relief of Sylvanus Sawyer and William E. Ward, reported it without amendment.

Mr. CRESWELL, from the Committee on the Library, to whom the subject was referred, reported a joint resolution (S. R. No. 179) to provide for the exchange of certain public documents; which was read and passed to a second reading.

Mr. SUMNER, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 457) to provide for the defense of the northeastern frontier, reported it with amendments.

JAMES C. COOK.

Mr. WILLEY. I now move that the Senate proceed to the consideration of House bill No. 760.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 760) for the relief of James C. Cook. It proposes to grant him leave to make application to the Commissioner of Patents for an extension of his letters-patent, which were issued for the term of fourteen years, from the 27th of July, 1852, for an improvement in machines for forming button-backs and connecting the eyes thereto, in the same manner as if he had filed his petition for an extension at least ninety days prior to the expiration of the patent, and the Commissioner of Patents is authorized to consider and determine the application in the same manner as if it had been filed ninety days before the expiration of the patent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. SIMPSON.

On motion of Mr. WILLEY, the Senate proceeded, as in Committee of the Whole, to consider the bill (S. No. 151) for the relief of George B. Simpson, which had been reported adversely by the Committee on Patents and the Patent Office.

Mr. WILLEY. I move that the further consideration of the bill be indefinitely postponed.

The motion was agreed to.

HEIRS OF GEORGE FABER.

On motion of Mr. WILLEY, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 892) for the relief of the heirs of George Faber, which had been reported adversely by the Committee on Patents and the Patent Office.

Mr. WILLLEY. I move that the further consideration of the bill be indefinitely postponed.

The motion was agreed to.

DELIA A. JACOBS.

Mr. WILLEY. I now move that the Senate proceed to the consideration of House bill No. 589.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 589) for the relief of Delia A. Jacobs, late Delia A. Fitzgerald. It authorizes Delia A. Jacobs, (late Fitzgerald,) administratrix of Jesse Fitzgerald, deceased, who obtained a patent for an improved method of dressing treenails, dated August 28, 1849, for fourteen years, which expired August 28, 1863, to apply to the Commissioner of Patents for the extension of the patent for seven years, under the rules and regulations now in force for the extension of patents, as if she had made application previous to its expiration as required by law; and the Commissioner of Patents is to investigate and decide the application for extension on the same evidence and in the same manner as other applications for extension are decided; but the application for extension is to be decided within thirty days after the approval of the act, and the decision of the Commissioner to be rendered within ninety days from the filing of the application in the Patent Office. Nothing contained in this bill is to be so construed as to hold responsible in damages any person who may have manufactured treenails or built or used machines containing the improvement between the expiration of the patent and the approval of the act; and the Commissioner is to be satisfied before granting such extension that it will inure entirely to the benefit of Delia A. Jacobs.

Mr. FESSENDEN. Is there a report in that case?

The PRESIDENT *pro tempore*. The Chair is advised that there is no report.

Mr. POLAND. This is a bill that passed the House of Representatives at the last session, and was reported by the Senate Committee on Patents at the last session. Application was made for the extension in proper season to the Commissioner of Patents, but it was denied by the Commissioner upon the ground that no proof was furnished that the extension of the patent was for the benefit of Mrs. Jacobs. It turned out that that evidence was furnished in season and was in the office, but it had in some way become mislaid. It was the mistake of the Commissioner or some one in the office that the proof, which the Commissioner himself stated was in the office and was in proper season, was in some way mislaid, so that it did not come to his attention in time. This bill is merely to remedy that mistake, and it merely authorizes the Commissioner to hear the application and grant the extension if he thinks proper.

The bill was reported to the Senate, without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. MORRIS.

Mr. POLAND. I move that the Senate proceed to the consideration of the joint resolution (S. R. No. 66) for the relief of Joseph R. Morris.

The resolution was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The preamble recites that it appears from the records of the Patent Office that Joseph R. Morris, of Houston, Texas, on the 13th of April, 1861, filed his petition, affidavit, specification, and drawing, and made application for a patent for "a new and useful improvement in furnaces," and paid the customary fee on such application; that on the 15th of April he deposited his model of the improvement according to law in the Patent Office; that on the 8th of June thereafter the invention was examined by the examiner, and a patent duly ordered to be issued; that on the 11th of June thereafter a circular was issued by the Patent Office to the effect that the patent was ordered to be issued in accordance with the application upon the payment of the final fee of twenty dollars; and that it appears that he was prevented from obtaining his patent by the state of civil war which interdicted all communication between the State of Texas and the Patent Office at the city of Washington. The joint resolution, therefore, authorizes the Commissioner of Patents to issue the patent to Joseph R. Morris as of the date and with like effect as though it had been issued on the 8th of June, 1861, except that the patent may be issued to run the usual number of years from the usual time of its issuance, any law to the contrary notwithstanding.

The Committee on Patents and the Patent Office reported the joint resolution with an amendment to add the following proviso:

Provided, That if, at or prior to the day when said patent shall actually be issued, any person or persons shall be actually issuing said improvement in furnaces, such person or persons shall not be made liable in damages for such prior use, or for the continuing use of such as have already been constructed.

The amendment was agreed to.

Mr. WILSON. I should like to know if it is certain that this person was a loyal man.

Mr. POLAND. The proof before the committee in relation to that matter was very abundant. Judge Sherwood and one or two other gentlemen appeared before the committee and testified that this man was undoubtedly loyal. There is no report in this case, but the facts are very shortly and concisely stated in the preamble to this resolution. This was an application for a patent for an improvement in furnaces; and I have here a certified copy of the records of the Patent Office. The application was filed on the 13th of April, 1861, and it went along in the Patent Office until the 8th of June, 1861, when the patent was ordered to be issued. The law requires that within six months after a patent is granted the applicant shall pay a fee of twenty dollars in order to obtain his patent. Before the 8th of June, 1861, communication between Texas, where this patentee lived, and the Patent Office had been cut off, and it was impossible for the Patent Office to get the patent to him or for him to make payment of this fee. This application was made immediately upon these impediments being removed; and the committee thought it was a clear case, that he ought to be allowed to pay his fee and have the patent. Although we had no evidence whatever that this patent had been in use by any person, still for caution's sake we inserted this amendment, that if any persons had gone into the use of this improvement their rights should be preserved.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bills of the Senate:

A bill (S. No. 497) granting a pension to Mrs. Adeline M. Gould;

A bill (S. No. 512) for the relief of Kennedy O'Brien;

A bill (S. No. 514) granting a pension to John Carter;

A bill (S. No. 535) for the benefit of Mrs. Jerusha Page;

A bill (S. No. 580) granting a pension to Charles N. Weiss;

A bill (S. No. 498) granting a pension to Mrs. Josephine Slocum;

A bill (S. No. 556) for the relief of Caroline McGee, of Greene county, Tennessee, widow of Lemuel McGee, deceased; and

A joint resolution (S. R. No. 171) for the relief of Martha McCook.

The message further announced that the House had agreed to the amendment of the Senate to the bill of the House No. 219, for the relief of Catharine Mock.

The message also announced that the House had passed the following bills of the Senate with amendments, in which it requested the concurrence of the Senate:

A bill (S. No. 513) granting a pension to Patrick Meehan; and

A bill (S. No. 602) granting a pension to Ezra B. Gordon.

The message further announced that the House of Representatives had passed a bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 149) to extend facilities to citizens of the United States engaged in the survey of the route for a ship-canal across the Isthmus of Darien; and it was thereupon signed by the President *pro tempore* of the Senate.

DIRECT TAX OF WEST VIRGINIA.

Mr. VAN WINKLE. I desire to submit the following report from the committee of conference on the disagreeing votes of the two Houses on the joint resolution (S. R. No. 90) to suspend temporarily the collection of the direct tax within the State of West Virginia:

The committee of conference on the disagreeing votes of the two Houses on the joint resolution (S. R. No. 90) to suspend temporarily the collection of the direct tax within the State of West Virginia, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their disagreement to the sixth section of the amendment of the House to said joint resolution and agree to the same.

P. G. VAN WINKLE,
T. O. HOWE,
Managers on the part of the Senate.
WILLIAM B. ALLISON,
ROBERT C. SCHENCK,
Managers on the part of the House.

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, was read twice by its title, and referred to the Committee on Finance.

WILLIAM MANN AND JACOB SENNEFF.

Mr. POLAND. I move that the Senate proceed to the consideration of House bill No. 590.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 590) for the relief of William Mann and Jacob Senneff. It authorizes the Commissioner of Patents to hear and determine upon the application of William Mann for an extension of his letters-patent, dated January 11, 1853, which expired July 11, 1866; and upon the application of Jacob Senneff for an extension of his letters-patent for wire heddles, dated January 13, 1852, which expired January 13, 1866, and to decide upon the applications with like effect as though they had been duly filed ninety days before the expiration of the letters-patent; and the Commissioner of Patents is directed forthwith to publish the application for the extension of the letters-patent with like effect as though the publication had been made sixty days before the expiration of the letters-patent. But no person is to be held liable for damage for using or making the heddles after the expiration of the original term of the patent and before the renewal.

Mr. TRUMBULL. I will inquire if there is any report in this case?

The PRESIDENT *pro tempore*. The Chair is advised that there is no report.

Mr. WILSON. I hope we shall have an explanation of this matter. I think bills of this character should always be explained, and I think we should proceed with great caution in regard to them.

Mr. POLAND. I commend my friend from Massachusetts for his caution, but I think there will be no occasion for its exercise in this case. These two cases of Mann and Senneff have no

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connection with each other; they are for different things; but the House saw fit, for brevity sake, to put them together in one bill. This bill does not grant an extension of either patent. It merely authorizes the Commissioner to hear the cases and determine whether there shall be an extension or not. The law requires that an application for an extension of a patent should be made to the Commissioner ninety days before the expiration of the patent. In one of these cases, the case of Mann, and that is for an improvement in copying paper, the patentee was in Europe, was not aware of the time when his time expired, and did not return from Europe in season to make his application within the ninety days. He made his application to the Commissioner before the expiration of the patent, but not more than ninety days before the expiration of it. There was not time enough to give the notice required and have the hearing before the expiration of the patent.

In the other case, the case of Senneff, his application to the Commissioner was not made until the patent had expired. Senneff had enlisted in the Army, and was with our Army in the South at the time of the expiration of the patent. That is his excuse for not making his application to the Commissioner more than ninety days before the expiration of the patent. This bill merely authorizes both of these patentees to apply to the Commissioner and have a hearing now, as they would have been entitled to by law had they made the application ninety days before the expiration of their patents, and for the Commissioner to hear the case and determine whether there ought to be an extension of the patent or not. In this bill also, for the sake of caution and for the protection of the rights of everybody else, if anybody has gone into the use of either of these patents in this interim of time, a clause has been added to the bill saving the rights of any such person, if any there be.

Mr. TRUMBULL. In former years we have been very particular about authorizing the extension of patents. The Senator from Vermont tells us that this is merely to authorize these parties to go before the Commissioner and submit the question to him as to whether the patents should be extended. That is all we have ever done, or at least all that we have done for many years. Congress has not for a long time by direct act extended any patent. There are two objections to this. One is that we are excusing parties for not applying within the time required by law. If I understand the Senator from Vermont correctly, he said the reason that one of these parties did not apply for the extension within the time required by law was that he did not know when his patent expired, and he was abroad. Is that any reason to excuse a man, that he did not know the requirement of the law? You will always excuse parties if you act on such a principle as that.

But there is another objection. The Senator says there is a clause put on this bill to protect parties who may have engaged in the manufacture of the patented article since the patent expired. It needed no such clause as that. That clause, if I understand it correctly, is perfectly nugatory. What is it? It is to protect those parties in the articles they have manufactured in the mean time. Why of course they are protected. There is no patent existing, and they had a right to manufacture them. I know nothing about these particular patents; but if they be valuable discoveries it is altogether probable that parties have engaged since the expiration of the patents in the manufacture of the articles. They may have erected establishments and may have invested large amounts of capital in the manufacture of these articles; and what then? You come in here and by an act of Congress authorize these patents to be extended; and then what is their condition? They are perfectly at the mercy of the patentees. Their capital is invested in this establishment, and they are at their mercy, because they may break them up, or make them pay whatever sum they please before they can be permitted to go on and manufacture the articles.

I do not think any sufficient excuse is given for the non-application within the time allowed by law in the case of the party who was abroad. The case is a little stronger as to the soldier who was in the Army; still his application could have been made I suppose through others without his personal attendance. I should feel more inclined to sustain that case than the other; but this is a species of legislation altogether more loose than we have been in the habit of indulging in for many years.

Mr. EDMUNDS. I call for the regular order of business, the bill from the House of Representatives which was under consideration when the recess was taken. I think it desirable to proceed with that.

Mr. POLAND. I hope we shall be allowed to proceed and finish this little bill. I think the country is in no such state of suffering as will put it to any great damage if we are allowed to complete the bill now before the Senate.

Mr. WILLIAMS. It will be remembered that by resolution this evening was set apart for the business of the Committee on Patents, and I agreed with the chairman of that committee that he might proceed for half an hour or so until the members of the Senate arrived. As soon as this matter is disposed of, I propose to call up the regular order of business.

Mr. POLAND. I have another small case from the Patent Committee that I should be glad to have disposed of also; but I will not insist upon that if gentlemen will allow me to proceed with this bill and dispose of it.

Mr. WILLIAMS. As far as I am concerned I have no objection.

Mr. TRUMBULL. Let me inquire what this patent of Mann's is for?

Mr. POLAND. It is for an improvement in copying paper, and the other one of Senneff is for an improvement in heddles, if you know what that is.

Mr. TRUMBULL. I do not know that I do.

Mr. EDMUNDS. Let the Committee on Patents tell us what it is.

Mr. POLAND. As I understand, heddles is a part of the harness which separates the threads. Precisely what the advantage of it is, and how much better this is than any other, I am not able to tell.

Mr. EDMUNDS. I should be glad to be informed what is the regular order of business.

The PRESIDENT *pro tempore*. The unfinished business which was before the Senate at the time of the recess is the proper business before the Senate; but by common consent other business has been transacted since.

Mr. WILLEY. I said awhile ago to the Senator from Oregon that whenever he saw proper to insist upon the consideration of the reconstruction bill I would give way, although it will be within the recollection of the Senate that this evening was specially set apart for the consideration of business from the Committee on Patents and the Patent Office. If that Senator says so now, of course I will give way now; but I suggest that he allow us to finish this bill.

Mr. WILLIAMS. I have stated that so far as I am concerned I have no objection that this bill may be disposed of.

The PRESIDENT *pro tempore*. Does the Senator from Vermont make any motion on the subject?

Mr. EDMUNDS. I move to proceed to the consideration of the amendments of the House of Representatives to the amendment proposed by the Senate to House bill No. 1143.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

Mr. WILLIAMS. I was not aware that the honorable Senator from Vermont had charge of this bill. If he has, he has suddenly attained that position. I supposed that I had charge of the bill. At any rate, I have had charge of it since it has been pending before the Senate; and as this evening was set apart for the consideration of business from the Committee on Patents and the Patent Office, and as the members had not all arrived at the hour of half past seven o'clock, I agreed to give way to the Senator from West Virginia to take up some patent cases till the members had all arrived; and I am willing that he should conclude this case unless it will lead to discussion and controversy. If it does, then of course it is desirable to go on with the regular business.

Mr. EDMUNDS. I was not aware that the bill from the House of Representatives was a patent bill, and that my friend from Oregon had a *caveat* on the subject. I had the impression that the bill which was before the Senate when we took the recess was then in the charge of my friend from Ohio, [Mr. SHERMAN,] and I was not aware that it was now specially in the charge of my friend from Oregon. I certainly did not intend to interfere with his patent or copyright or whatever it may be; but feeling myself that this was the last of the days when we could send a bill to his Excellency the President, which might be acted upon by him and returned to us, (because I am one of those who believe that this is the last day, and not yesterday,) I was not aware that I was interfering with any Senator's privilege when, as one of the members of this body, I asked the Senate to proceed to the consideration of that bill, if it is a bill of importance and one that ought to be considered more than this little patent bill, so that it might be sent to him to-night. I disclaim any intention to take the charge of any bill in the care of my friend from Oregon, who, I know, is much better capable of having charge of any bill than I am, or indeed than any other Senator; but I felt that I had a right to ask the Senate to take up and proceed with business that it had commenced and had under consideration when we took the recess until this time. Disclaiming, therefore, any charge of this bill, and simply acting as one Senator, desirous that we should vote upon a bill of this great importance, I have made the motion.

Mr. POLAND. I hope that gentlemen who have charge of matters of national concern, and cannot agree whether they shall be taken up or not, will voluntarily retire, and allow me who have charge of humbler measures to have them proceeded with; at least to dispose of this small one. I trust that this motion will not prevail until this bill is disposed of.

Mr. POMEROY. I submit that it requires no motion to proceed to the regular order. We have been proceeding informally, by common consent, with business reported from the Patent Office Committee; but it requires no motion of the Senator from Vermont to proceed to the regular order. I do not suppose any Senator has control of the business of the Senate; but it is in the power of any Senator to call for the regular order of business, and whenever that call is made the other business is not being proceeded with by common consent.

Mr. POLAND. I understand that, by a vote of the Senate, the session this evening was to be devoted to the special order, and the regular order of business for this evening was business from the Patent Committee.

Mr. DOOLITTLE. I understand that this bill, the reconstruction bill as it is called, was before the Senate, and that informally and by common consent, being the unfinished business when we took the recess, it gave way for the patent business.

Mr. WILLIAMS. Let us take a vote on this bill, and then I will call up the special order; I do not want to cut off these gentlemen in the middle of its consideration, though I shall call up the other bill if there is to be any more discussion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont, to postpone the present and all prior orders and proceed to the consideration of the bill which was before the Senate at the time of the recess.

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The question being put it was declared that the noes appeared to have it.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. There is some misunderstanding about this matter. I understand that the debate is exhausted on the patent bill, and that we were about to take the vote upon it.

Mr. EDMUNDS. The debate is not exhausted. I think the bill ought not to pass. I have something to say upon it.

Mr. SHERMAN. Very well. If the Senator is opposed to it we had better take up the other bill.

Mr. WILLEY. I trust that my friend from Vermont [Mr. POLAND] who has charge of this bill, seeing that it is going to lead to delay, will consent now to give way to the other measure. We do not want to exhaust the whole time of the evening about matters that have no particular merit in them.

The Secretary proceeded to call the roll.

Mr. HENDRICKS (after first voting in the affirmative) said: As I am a member of the Committee on Patents, and expect that we shall soon finish the bill that is before the Senate, I shall change my vote and vote "nay."

Mr. DOOLITTLE. I will state that the Senator from Iowa who sits near me, [Mr. GRIMES,] not being well this afternoon, asked me to pair off with him on this reconstruction bill. I thought perhaps that this motion might be regarded as a question upon that bill, and I have therefore withheld my vote.

The result was then announced—yeas 23, nays 12; as follows:

YEAS—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Creswell, Edmunds, Fessenden, Fogg, Fowler, Frelinghuysen, Henderson, Howe, McDougall, Morgan, Morrill, Pomeroy, Ross, Sherman, Stewart, Sumner, Trumbull, and Williams—23.

NAYS—Messrs. Buckalew, Cowan, Davis, Dixon, Hendricks, Lane, Nesmith, Patterson, Poland, Ramsey, Van Winkle, and Willey—12.

ABSENT—Messrs. Brown, Doolittle, Foster, Grimes, Guthrie, Harris, Howard, Johnson, Kirkwood, Norton, Nye, Riddle, Saulsbury, Sprague, Wade, Wilson, and Yates—17.

So the motion was agreed to.

GOVERNMENT OF SOUTHERN STATES.

The Senate resumed the consideration of the amendments of the House of Representatives to the amendment of the Senate to the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States.

Mr. DOOLITTLE. I now offer an amendment to the amendment, which I send to the table and ask to have read.

The Secretary read the amendment, which was to add to section six of the House amendments the following:

Provided, That nothing in this act contained shall be construed to disfranchise any persons in either of the said States from voting or holding office who have received pardon and amnesty in accordance with the Constitution and laws.

Mr. DOOLITTLE. Mr. President, for the good faith of this Government I hope that I can get the ear of the Senate and the ear of every Senator; for I believe that if this amendment be considered in the light of the law and the Constitution it will be adopted. I could hope that it would be adopted unanimously by the Senate.

I must say, Mr. President, after what occurred just before the recess, the temptation is exceedingly strong upon me to enter into that field into which my colleague invited me in this dicussion; but I am not disposed to take up the time of the Senate, and will not follow him any further than to say that I think he has not done entire justice in the remarks which he has made on this occasion in relation to a young gentleman, an officer in our Army, who fought for two or three years in the war, and one of the best soldiers in our Army, from the county of Racine, in the State of Wisconsin. My honorable friend from Oregon, [Mr. WILLIAMS,] in rising and stating that he had ascertained that this young man, Mr. Willard, was one of the most venomous kind of Copperheads, has also, I think, done him injustice. For myself I state frankly I do not know, and never have known, what his political views were; but from the fact that he enlisted in our Army, fought bravely, was promoted to be an officer, and was regarded as one of the finest young officers in that section of our country, I believed that he was a patriot and a good Union man; and I supposed he was a Lincoln and Johnson man in 1864. But I profess to have no knowledge on that subject, and may be mistaken as to his political views.

My colleague also thought proper to go over the ground of the New Orleans riot. I shall not follow him there on this occasion. In relation to the condition of the South, which he discussed at some considerable length, I wish not to be misunderstood. I have never assumed before the Senate that no outrages existed in the southern States. What I claim is that the statements which we have in the public press throughout the northern States are many of them, if not the most of them, gross misrepresentations of the facts. I will conclude all I have to say on this occasion on that branch of the case by reading a letter which I have that does not concern Wisconsin at all, and will not invite a discussion of anything concerning the affairs of Wisconsin or the men of Wisconsin. It is a letter from a gentleman from Vermont, who, about a year and a half ago, after the rebellion was over and peace had come, removed from the State of Vermont with his family to purchase lands and make his home in the State of Alabama. I refer to Mr. J. De Forrest Richards. I will read what he says:

"You inquire with regard to the political and social condition of things at the South, and whether northern men are safe there. I can speak more particularly of the State of Alabama where I have resided a large share of the time for more than a year past. I have traveled somewhat extensively during this time in the adjoining States, and have been thrown in company with men in almost all conditions of society. I am happy in being able to say that I have uniformly and without exception been treated with respect and kindness. There are a large number of northern men in the State of Alabama. With many of these I am personally acquainted."

The letter bears date the 10th of this month:

"I have never seen or heard of an instance where a northern man has been treated with violence or has been disturbed in the prosecution of his lawful business. I say what I know to be true when I affirm that northern men are as safe in Alabama as they are in Massachusetts or in New York; and their rights are as safely guarded by the civil authorities. All reports to the contrary are false and slanderous, and are suited to disturb the peace of both sections of the country and prevent the restoration of mutual confidence and good will, so necessary at this time for the reconstruction of the late insurrectionary States and the prosperity of the whole country. This statement is corroborated by a resolution passed a few days since by the Legislature of Alabama, in which they invite immigration from the northern States, and pledge the civil authority of the State for the protection of all such as come to engage in lawful business and help to develop the resources of the Commonwealth. The civil courts take cognizance of all cases of crime and misdemeanor and punish such offenses according to law. Crime is not more prevalent here than at the North;"—

My honorable friend from Massachusetts will bear this testimony in mind:

"I think not as much so; and the freedmen are on an equality with the white men before the law. I have known very few cases where colored men have been treated with abuse or violence. In all such cases their rights have been maintained before a civil tribunal with as much justice and promptness as in the case of white men.

"Very respectfully and truly yours,

"J. DE FORREST RICHARDS."

This gentleman, who is a clergyman, removed from the State of Vermont with his sons at the close of the war to purchase lands in the State of Alabama, and has been residing there ever since.

Now, Mr. President, I do not propose to go any further into that subject by way of reply to anything that fell from my colleague, but come directly to the question pending before the Senate, and to the amendment which I have now offered. Let us understand precisely the position of this measure before the Senate. For the House bill the Senate substituted its amendment. The House have agreed to the Senate amendment with an amendment, the substance of which amendment, both sections taken together, is this: first, that no person shall vote or hold an office within any of those States who would be disqualified from holding office if the constitutional amendment should be adopted; secondly, that those States are to be regarded as mere Territories or provisional governments, subject to the paramount and exclusive authority of the Congress of the United States. The amendment which I propose provides that nothing contained in the provisions of this bill shall disfranchise any man who has received pardon and amnesty under the proclamations of the President according to law.

The Congress of the United States in July, 1862, passed a law in which it was provided, among other things, that one part of the punishment for the offense of treason should be as follows:

"That every person guilty of either of the offenses described in this act shall be forever incapable and disqualified to hold any office under the United States."

By the thirteenth section of the same act it was enacted:

"That the President is hereby authorized at any time hereafter by proclamation to extend to persons who may have participated in the existing rebellion in any State or part thereof pardon and amnesty, with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare."

To say nothing of the power of the President to extend pardon under the Constitution, as the Chief Executive Magistrate of the Republic, there is no doubt whatever that the Congress of the United States by this act, passed in 1862, authorized the President by proclamation to grant pardon and amnesty to any and all persons who had participated in this rebellion, upon such terms and conditions as he should deem expedient for the public welfare. Pursuant to this law of Congress, which remained upon the statute-book in full force and unrepealed until January in the present year, Mr. Lincoln, as President of the United States, issued two proclamations, in which he invited those who had participated in the rebellion to return to their allegiance to the Government, promising them that if they took a certain oath they should have full pardon. Mr. Johnson, in 1865, in pursuance of the same authority with which he was clothed by Congress, following the example of Mr. Lincoln, renewed this offer of pardon and amnesty upon the condition of taking the oath, which he prescribed in his proclamation, with certain exceptions which were specified by him, and which he had a right to specify under the statute. I have those proclamations before me, and as I propose to leave no doubt on this subject I will refer to the language of the proclamation of Mr. Lincoln in December, 1863. I will read a portion of the recital:

"Whereas, with reference to said rebellion and treason, laws have been enacted by Congress declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and whereas the congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and whereas, with reference to said rebellion, the President of the United States has issued several proclamations with provisions in regard to the liberation of slaves; and whereas it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States and to reinaugurate loyal State governments within and for their respective States: Therefore

"I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened."

Now, what is the condition?

"And upon the condition that every such person shall take and subscribe an oath and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I —— ——, do solemnly swear, in presence of Almighty God that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States there-

under; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and that I will in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God.

"The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called confederate government; all who have left judicial stations under the United States to aid in the rebellion; all who are, or shall have been, military or naval officers of said so-called confederate government above the rank of colonel in the army or of lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the Army or Navy of the United States and afterward aided the rebellion; and all who have engaged in any way in treating colored persons or white persons in charge of such otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity."

Pursuant to a law of Congress, by the authority of Congress, in the name of Congress, and in the name of every member of Congress who voted for that bill, Mr. Lincoln, before the whole American people, before the whole civilized world, pledged the faith of this Government that every man who was then in rebellion who would come forward and lay down his arms and take that oath, with the exceptions named, should have full pardon and amnesty. This proclamation, which he made in 1863, he renewed in substance on the 26th of March, 1864, by recognizing it in another proclamation, in which he goes on to specify one other additional exception, specifying persons who were held in confinement as prisoners of war or held for certain offenses, which it is not necessary for me to read.

In pursuance of these proclamations of Mr. Lincoln, thousands upon thousands and hundreds of thousands came forward and took the oath of allegiance and accepted pardon and amnesty. Can you take it away? No, sir; you have no right, no power to take it away; and the attempt to take it away by Congress is in violation of the Constitution and in violation of the express decision of the Supreme Court on this very question.

Mr. EDMUNDS. What decision is that?

Mr. DOOLITTLE. I will read to my friend from that decision. In a late case decided by the Supreme Court, what do they say about this matter of granting pardons, and what do they say about the effect of a pardon? Some gentlemen in Congress say, "What is the Supreme Court? we can blow it away with a breath; we can construe the Constitution for the Supreme Court," when everybody knows that the Supreme Court was made on purpose to construe the laws of Congress and determine whether Congress had exceeded its authority or not. What do they say about pardons?

"The Constitution provides that the President 'shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.' The power thus conferred is unlimited, with the exception stated; it extends to every offense known to the law."

For every offense against the United States, except impeachment, the President of the United States has the power to pardon.

"This power of the President is not subject to legislative control. Congress can neither limit the effect of his pardon, nor exclude from its exercise any class of offenders."

That is what the Supreme Court say; that Congress cannot limit the effect of a pardon which has been granted.

Mr. EDMUNDS. Nobody doubts that; but the question is, what is its effect?

Mr. DOOLITTLE. The effect of a pardon is to restore a man to his full rights the same as if he never had been guilty of an offense. He stands restored to his rights as a citizen of the United States.

Mr. EDMUNDS. Mr. President——

Mr. DOOLITTLE. I shall soon be through, and my friend from Vermont will have the floor and can go on then. I want to read what the court say.

Mr. EDMUNDS. I do not blame you for not wanting to be interrupted.

Mr. DOOLITTLE. My friend, of course, is well aware that it withdraws the mind from the line of argument to be interrupted. It is with no discourtesy or disrespect to my friend that I do not yield.

Mr. EDMUNDS. I did not take it in any such sense. I think if I were in your position I should do the same thing.

Mr. DOOLITTLE. The court say:

"This power of the President is not subject to legislative control. Congress can neither limit the effect of his pardon nor exclude from its exercise any class of offenders. The benign prerogative of mercy cannot be fettered by any legislative restriction." * * * * "A pardon reaches both the punishment prescribed for the offense and the guilt of the offender, and when the pardon is full it releases the punishment and blots out of existence the guilt, so that in the eye of the law the offender is as innocent as if he had never committed the offense."

That is the effect of a pardon according to the Supreme Court.

"If granted before conviction it prevents any of the penalties and disabilities consequent upon conviction from attaching. If granted after conviction it removes the penalties and disabilities, and restores him to all his civil rights. It makes him, as it were, a new man, and gives him a new credit and capacity. There is only this limitation to its operation: it does not restore offices forfeited, or property or interests vested in others in consequence of the conviction and judgment."

Then the court, speaking of the particular case before them, the Garland case, go on to say:

"The pardon produced by the petitioner is a full pardon for all offenses by him committed, arising from participation, direct or implied, in the rebellion, and is subject to certain conditions, which have been complied with. The effect of this pardon is to relieve the petitioner from all penalties and disabilities attached to the offense of treason committed by his participation in the rebellion. So far as that offense is concerned, he is thus placed beyond the reach of punishment of any kind; but to exclude him, by reason of that offense, from continuing in the enjoyment of a previously acquired right, is to enforce a punishment for that offense, notwithstanding the pardon. If such exclusion can be effected by the exaction of an expurgatory oath covering the offense, the pardon may be avoided, and that accomplished indirectly which cannot be reached by direct legislation. It is not within the constitutional power of Congress thus to inflict punishment beyond the reach of executive clemency."

I have read to you that one of the consequences specified in the very statute of 1862 as a part of the punishment of the crime of rebellion is that the person shall not hold an office; but, according to this decision, the pardon and amnesty of the President wipes it out and he stands just as he did without the commission of any offense.

Now, sir, let me go a step further. In 1865 Mr. Johnson issued a proclamation, which I think received as unanimous an indorsement by the whole Union Republican party of this country, by all its press, by all its political organizations, as any proclamation or any act of a President of this country ever did receive. What did Mr. Johnson do? He issued a proclamation following in the line of the proclamation of Mr. Lincoln, but he made his proclamation more stringent against the rebels than the proclamation of Mr. Lincoln. Although he did not take away the amnesty which had been accepted under Mr. Lincoln's proclamation, for he had no power to take it away, yet in applying his proclamation of pardon and amnesty to those who were excepted and who had been engaged in the rebellion and had refused Mr. Lincoln's proclamation, Mr. Johnson made six additional exceptions which Mr. Lincoln did not embrace in his proclamation. Gentlemen sometimes say—and it is very amusing to hear them talk about it—that Mr. Johnson's proclamation of amnesty was much more liberal toward the rebels than Mr. Lincoln's.

Mr. WILSON. Who says that?

Mr. DOOLITTLE. I do not know that the Senator does; but the other Senator from Massachusetts to-day insisted that he and Mr. Lincoln stood precisely on the same ground; that they were for reconstructing the South upon the basis of loyalty and the exclusion of the rebels. Mr. Lincoln did no such thing. Mr. Lincoln invited all rebels who would come in and take his oath of amnesty to join in the reconstruction, with the exceptions which he named. He specified eight exceptions; Mr. Johnson specified fourteen. Mr. Johnson's proclamation of amnesty was more stringent than the proclamation of Mr. Lincoln. The proclamation is before me, and here are the fourteen classes which are specified. The Senator from Massachusetts [Mr. WILSON] concedes that I am right; that Mr. Johnson's proclamation of pardon and amnesty was more stringent toward the rebels than the proclamation of Mr. Lincoln.

In pursuance of this proclamation of Mr. Johnson, issued in 1865, and which has been, with the consent and approbation of Congress, in full operation from that time down to the 1st of January last, thousands and tens of thousands of men in the southern States have come forward and have accepted amnesty and pardon upon the grounds therein specified and have taken the oath of allegiance. Now, what is proposed? It is proposed, substantially, by an act of Congress, to say that these very men who have thus received pardon and amnesty shall be deprived of pardon and amnesty. The pardon and amnesty which you gave in the name of the United States, to which you pledged the good faith of this Government, you now undertake to snatch from their hands and to disfranchise them.

Mr. President, I shall make no long speech on this subject. I simply propose to present the question for the consideration of Senators. I maintain, earnestly maintain, that you cannot justly refuse to sanction the principle embodied in this amendment. The decision of the Supreme Court requires it. Let me suppose a case. Suppose that a man in the State of Louisiana who had formerly been a justice of the peace or held some other position, either State or national, requiring him to take an oath to support the Constitution of the United States, and who had accepted Mr. Lincoln's proclamation of pardon and amnesty, should be elected by the people to an office in one of these States, and should bring a suit and the case should be carried from the courts of the State to the Supreme Court of the United States; is there a man sitting in this body who doubts for one moment that the Supreme Court would say that he had a right to that office and Congress had no power to take it away from him? To remove all doubts as to the vast number of persons to be disfranchised under the operations of this bill, I call attention to the first statute ever passed by Congress. It is not confined to a few, but extends to all members of State Legislatures, and to all executive and judicial officers of the States, who by the express provisions of the law of Congress are all required to take an oath to support the Constitution of the United States. I have no doubt it would reach the number of one hundred and fifty thousand in these States. Mr. President, I do not know but that it is foreordained that this bill must pass precisely in this shape, right or wrong.

Mr. CONNESS. It is.

Mr. DOOLITTLE. A Senator behind me suggests that it is. Right or wrong, he says it is foreordained to pass.

Mr. STEWART. That is true.

Mr. DOOLITTLE. "That is true," says the Senator from Nevada. It may be an unavailing effort on my part to reach the reason, the judgment, and the consciences of the men sitting around me, lawyers, members of the Judiciary Committee, men who know that when a pardon is once granted pursuant to law Congress has no power to take it away. Perhaps right or wrong they are determined to pass this bill, and not recognize that the pardon which has been granted under the laws of Congress, laws passed by themselves, is to have any effect whatever. King Caucus rules the hour, right or wrong. Constitution or no Constitution, law or no law, his mandates must be obeyed. I did not suppose that that could be so; but all things are possible under the sun. I expected no such thing as that in the Senate

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of the United States. Here of all other places in the world the public faith must be maintained. The faith of this nation has been pledged. The faith of a nation when pledged, even if pledged to an enemy, is just as binding upon the nation as if it were pledged to a friend.

Mr. President, I have thus presented in brief my views on this subject. I have no disposition to trespass upon the time of the Senate, and shall not now enter into the discussion of any other feature of the bill; but this amendment I hope the Senate will adopt. If this bill is to pass, you certainly desire to make it as acceptable to the people of the South as possible. Is it likely to be acceptable when the faith of the nation has been given for us to break it; when pardon and amnesty has been pledged and accepted, and all the conditions have been kept, for us now to trample them under our feet? Others may think it the best way to make this most extreme measure acceptable to the people of the South to pledge your faith and then to break it. I cannot see it iu that light.

Mr. EDMUNDS. Mr. President, I should not have occupied even the two or three moments of the time of the Senate on this question that I now propose to do if my friend from Wisconsin had permitted me to ask him a question, which he thought it fit not to do, and I do not blame him for it. The question is not what is the effect of a pardon constitutionally granted, which I admit purges the offender of all guilt in a legal sense, but assuming the ground that Congress necessarily and rightly assumed, that the governments of these rebel States are disorganized and are only in temporary effective operation from the mere powerful force of the military arm of the Executive in suppressing the rebellion, the question is, when Congress interferes and undertakes to authorize the people of those districts to form governments or reform them, whatever you call it, to whom shall be intrusted the high duty of resuscitating those governments? That is a question that appeals to the legislative discretion of the law-making power, if the law is to operate upon it at all; and, of course, that we act at all assumes the fact that the law is to operate upon it.

Then the question is, to whom among the whole people, black and white, from the infant to the aged man, is to be intrusted the exercise of that function? Now, it appears to me we are to act on that question as we deem just and right, as a matter of political expediency over which the Supreme Court has no control. To whom shall we intrust it? We think it fit to intrust it, not to the females, not to the infants, not to the idiots, not to the insane, not to the head rebels, but to a certain other class of persons. Therefore it is that we give full effect to all the proclamations of the President; we do not disturb them at all, but exercising our legislative political prerogative as the law-makers of the nation, we choose from among that people the persons to whom we think it fit to intrust this high power of reorganizing those governments. Whether it is right or wrong, as a matter of morality, to choose this particular class of persons that this law chooses is another question. I think it is; my friend thinks it is not. That is a question of political and legislative expediency. The courts have nothing to do with it. That is all I have to say, sir.

Mr. HENDRICKS. I wish to make but one or two remarks on this question: it is one of some importance as I think. I shall support the amendment proposed by the Senator from Wisconsin, because, regarding the effect of a pardon as I do, I cannot vote otherwise. The effect of a pardon is to wipe out the offense itself; it goes to the offense, not to the judgment of the court; the man pardoned stands in the eye of the law, as has been stated by the Senator from Wisconsin, as if he had not committed the crime at all. The Constitution conferring the power of pardoning upon the President, when the President exercises the power, Congress and each Senator, in my judgment, is bound to give all the force and effect to the pardon that the Constitution itself gives and that the laws give. If the effect of the pardon is to remove all responsibility and all legal consequences whatever of the crime, Senators, in my judgment, are bound so to regard it.

Then, Mr. President, if this is intended as punishment, clearly we cannot do it upon two grounds stated so well by the Supreme Court. If the party be pardoned we cannot punish him afterward. If this be a punishment not prescribed at the time the offense was committed we cannot prescribe it now. It is said that these men are denied the right to vote, because it is not safe to allow them to vote, for political considerations. But we take away from them a privilege that they now enjoy because of a crime committed by them. That is the effect of our act if we pass this bill. The Supreme Court has said that that cannot be done in the decision upon the test oath as applicable to lawyers.

But, sir, if it has not that legal effect binding upon us; in other words, if it has not the effect under the Constitution to make this enactment void so far as part of the persons are concerned, yet as a political question how does it address us, how does it address our consciences? Under the Constitution a man is pardoned by the act of the President; he stands as if he had committed no offense in the eye of the law; can we, then, in the enactment of laws say that he shall be treated as one who has committed an offense? Suppose in fact they had never committed an offense, would any Senator dream of excluding them from participation in the formation of a State government, from the exercise of political power under the existing government? Clearly not. Then if the act of the President has been to place them as if they had never committed an offense it seems to me that it addresses our consciences as I have suggested. I do not think we can strip a man of his citizenship as a punishment for crime after the crime has been committed. I think that is too well settled by the Supreme Court to be doubted; and I think we cannot punish him in any way after he is pardoned. Now, it is a mere evasion, as I think, to say that this is not done because a crime has been committed. You may call it thus, but in fact it is because they committed a crime——

Mr. DOOLITTLE. If the honorable Senator from Indiana will give way, I will read a few sentences from the recent decision of the Supreme Court bearing on the precise point with which we are now dealing.

Mr. HENDRICKS. With pleasure.

Mr. DOOLITTLE. "The Constitution," says Judge Field, delivering the opinion of the court—

"The Constitution deals with substance, not shadows. Its inhibition was leveled at the thing, not the name. It intended that the rights of the citizen should be secured against deprivation for past conduct by legislative enactment, however disguised. If the inhibition can be avoided by the form of the enactment, its insertion in the fundamental law was a vain and futile proceeding." * * * * *

"Now, the clauses in the Missouri constitution which are the subject of consideration do not in terms define any crime or declare that any punishment shall be inflicted, but they produce the same result upon the parties against whom they are directed as though the crimes were defined and the punishment declared. They assume that there are persons in Missouri who are guilty of some of the acts designated. They would have no meaning in the constitution were not such the fact. They are aimed at past acts, and not future facts. They were intended to operate upon parties who, in some form or manner, by action or words, directly or indirectly, had aided or countenanced the rebellion or sympathized with parties engaged in the rebellion, or had endeavored to escape the proper responsibilities and duties of a citizen in time of war. And they were intended to operate by depriving such persons of the right to hold certain offices and trusts, and to pursue their ordinary and regular avocations. This deprivation is punishment; nor is it any less so because a way is opened for escape from it by the expurgatory oath."

And then they discuss the question as to the effect of the oath. The court lay down the general principles that—

"The deprivation of any rights, civil or political, may be punishment, the circumstances attending and the causes of deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment."

I also wish to call the attention of the honorable Senator to the fact that the statute which defines the crime of treason makes the deprivation of office a part of the punishment.

Mr. HENDRICKS. There is no question about the fact that both Congress and the States have made disfranchisement and ineligibility to hold office a punishment for crime. It is a very high punishment to a man of sensitive feelings, perhaps not as severe as to be imprisoned at labor, and yet it is a high punishment to take away from a man the power which the citizens enjoy in the making of their governments, in the enactment of their laws, and to place him in a position of political inferiority. It is a high punishment and was so treated by Congress in declaring that it shall be one of the punishments of the crime of treason, in declaring that it shall be one of the punishments for desertion from the Army. It is so treated by the States in providing that it shall be a part of the punishment for high crimes.

This bill as it stands proposes that a class of men, because of their participation in the rebellion, shall not be allowed to hold office nor to vote. If the President has pardoned these men, I submit to Senators, can we do this? Independently of the decision of the Supreme Court, which is directly upon the point, can we do it? If they have been restored by the act of pardon under the Constitution of the United States to the position in the eye of the law which they occupied before the offense, can we treat them as yet guilty? Does the Constitution not address the judgments of legislators as well as of courts? A court could not punish a man after he had been pardoned. Suppose a person guilty of participation in the rebellion were indicted for it, and he should present to the court in support of a plea to that indictment his letters of pardon or the proclamation of the President of the United States, with proof of the acts on his part which brought him under the proclamation, would the court have any discretion? Certainly not, because the Constitution gives to the President the power to relieve this man from the responsibility for his crime. If, then, the court could have no discretion, how can Congress, how can any Senator refuse to give the act of pardon the full force which under the Constitution and laws it does have?

Mr. STEWART. I do not wish to occupy the time of the Senate; but I think the Senators from Wisconsin and Indiana have mistaken the ruling of the court in the cases referred to. It will be observed that we are now creating certain officers for the purpose of making a preliminary organization. The court say in their opinion, and the same distinction is drawn in several places, "The profession of an attorney and counselor is not like an office created by an act of Congress," "the possession of which may be burdened with conditions." A question of that kind was once presented in a case from the State of Massachusetts, and Mr. Webster drew the distinction very clearly that it was within the power of the State to prescribe qualifications for offices created by the State. So with Congress. Congress desires agents for the purpose of carrying out its legislation. It may select its own agents without being obnoxious to the ruling of the recent decisions. Now, I for my own part should not prefer this amendment of the House; I think it unnecessary as a matter of policy; but I care very little about it, and it having been attached to the bill, I do not deem it of sufficient importance to oppose it. It certainly cannot be said that when we are proceeding to reorganize civil government in the South we cannot select the persons who shall perform those functions and prescribe their qualifications. The Supreme Court have not taken any such position as that; they have been very studious to draw the distinction between the profession of an attorney and the

position of an officer of the United States. They say the attorney has an interest in his profession; he is an officer of the court; he is put there by a judgment of the court; he has rights under that judgment; but an officer is a creature of the law. Whether that distinction is well founded or not it is certainly drawn by the Supreme Court; so that this provision cannot be said to be repugnant to the decision of the Supreme Court.

Mr. HENDRICKS. I do not doubt that if Congress were to create an office it could declare at the time who should be eligible to fill it; but if the office has been created, can Congress, by way of punishment, declare some particular persons ineligible who were before that act eligible? That is the point I tried to suggest.

Now, the Senator from Nevada says this is a small matter. Mr. President, I would not regard it as a small matter if it affected but one man; when the rights and equality of all the States in this country are to be affected it is important whether it extends to many or few. One man is as much to be protected in the enjoyment of a pardon which the President has given to him as fifty; and I think there is no force in the argument addressed to me that it applies to but few individuals. I think there are very many more than the Senator from Ohio supposes who would be included in this legislation; and further, it was not the judgment of the Senate that there should be such a restriction as the House has proposed. I believe I have heard no Senator, except perhaps the Senator from Massachusetts, express a desire for such a provision. The desire of the Senate has been that the right to vote should be free to all.

Mr. SHERMAN. I wish to say to my friend from Indiana that two thirds of the party to which I belong in the House of Representatives were of the same opinion; that no such restriction should be put on; but these amendments were forced on this bill by the Democratic party. I do not say it complainingly.

Mr. HENDRICKS. I ask the Senator from Ohio what single Democrat in the House of Representatives voted for it; can he name one?

Mr. SHERMAN. I will say this: that the Democratic party, by resorting to what are called filibustering tactics, prevented a vote on the bill and prevented the adoption of the Senate amendment; and then this morning, when our bill could have been passed finally without amendment, by their course they compelled the friends of the measure to yield to these amendments, so that if these restrictions operate severely and harshly upon the southern people in reorganizing the southern States, it is not the Union party that imposes them, but the Democratic party.

Mr. HENDRICKS. If two thirds of the Senator's party in the House of Representatives is opposed to these amendments that come here from the House of Representatives, I do not see how they got on to the bill, for there was not a single Democrat in favor of them or who voted for them; and it has been a singular kind of voting in the House that sends them here. It is a fact that not one Democrat voted for them. I suppose that when the Senator speaks of filibustering proceedings he refers to the fact that the Democratic party refused to vote for the previous question. I think they generally vote against calling the previous question, and I sustain them in doing it. When grave and important legislation is on hand I do not think it ought to be passed under the previous question; a fair opportunity for debate ought to be allowed, full and free debate, and it is not filibustering when gentlemen of the House of Representatives vote against the call for the previous question. These amendments were passed through the House of Representatives without a single Democratic vote, and there is no necessity and no propriety on the part of the Senator undertaking to throw the responsibility on the minority. A minority of less than one third is never responsible for legislation. Is there a sort of leadership in the House of Representatives that compels two thirds of the majority to go with one third of the majority? The Senator from Ohio says that two thirds of his party in the House of Representatives are opposed to these restrictions. Then how does it come that they were adopted by the House of Representatives? Is there a sort of leadership that compels them to vote against their wish?

I think the Senator from Ohio, being the author of the measure as it passed the Senate, ought to accord to this suggestion: the Senate has been opposed to this proposition; in every vote given on the subject the Senate has been against it. Now, the amendment of the Senator from Wisconsin reduces the number of persons to be affected by this legislation that we do not like. Why not, then, adopt it? Suppose there were a question about the points made by the Senator from Nevada or the Senator from Vermont, the proposition of the Senator from Wisconsin brings the measure nearer to the expressed judgment of the Senate than it is as it now stands; why not, then, allow the pleasure of the Senate govern so far as we can?

Mr. BUCKALEW. I wish to make some remarks in consequence of what has just been said. We are informed that two thirds of the political majority of the House of Representatives were indisposed to attach to this bill the amendments which have been sent to us. It is equally clear that the political minority in the House, to a man, are opposed to them. If then, it be true that the larger part of the mass of votes in that House that constitute the majority are adverse to these amendments, and if the record proves that every member of the political minority in the House is opposed to these amendments, pray, why should we not refuse to concur in them, and let this overwhelming and almost unanimous vote in the House concur with us in our repudiation of these odious amendments, in favor of which there has been but one voice given in this Chamber during the whole debate; I mean in favor of them upon their merits. If there be any truth or force in these suggestions which are to go out to the country and to influence the judgments of our fellow-citizens with reference to our proceedings, then the course of action for the Senate is made perfectly clear. It is so plain that the most ignorant man in the country who reads our debates cannot miss seeing where the truth lies, and where propriety lies upon this subject. Yes, sir, let us non-concur in the amendments of the House, and allow an oppressed majority in that branch of Congress to relieve themselves from the responsibility of these doubtful and odious amendments. I go with my whole heart for the relief of the House of Representatives from the false position in which they are placed.

I do not desire that the filibustering proceedings under the lead of the master of the House should place that interesting branch of the legislative department in a false position before the country, or place upon our statute-book an enactment which ought not to go there; an enactment which is not the deliberate sense of a clear majority of the House of Representatives, fairly expressed, without duress, without the operation of filibustering in that House, which we are told is the great evil which causes such bad amendments to come back to us upon our bills. Why, sir, nothing can be more certain, upon the statement of the Senator from Ohio, nay, sir, independent of his statement, nothing can be more certain upon general facts which we know, than that if the Senate expresses its own opinion on this subject and refuses to concur the House will agree with our action. There is no necessity now for our pressing this measure to a final action in the two Houses to-night or to-morrow. The interesting question of a ten-day limitation in executive action which was talked of is past, and is not now involved. If we do not act within one day or two days in both Houses, and get our bill transcribed and send it to the President, it is all the same thing; there is now no advantage to be gained by hurried action, as we are within ten days of the time of adjournment. Hence, there is no reason, so far as I can see, why we should concur in the the amendments of the House. Gentlemen do not stand up to defend them upon their merits. Gentlemen tell us that they were not the deliberate sense of the majority of the House; and there is no question now as to time upon which we should disregard considerations which would otherwise weigh with us.

Upon every ground, therefore, I go for non-concurrence, as an act of justice to the coördinate branch of the legislative department, and especially as an act of justice to that suffering political majority in the House which has undergone such oppression in this case; which was hurried into votes which it ought not to have given.

Mr. SHERMAN. Mr. President, I did not intend to disturb our friends. I only stated the exact truth, that these amendments are not the amendments of the Union party, which is as clear as any proposition in Euclid can be made. This body, by the unanimous vote of the Union members, sent to the House a proposition which contained no prohibition of any man exercising the elective franchise. It was the deliberately-considered proposition of the Union party. It was sent to the House. That same proposition, in the same words, received the sanction of more than two thirds of the Union members of the House, and would therefore be considered the definite judgment, the deliberate judgment of that party.

In the Senate, the honorable Senators pursued the proper course. They voted for the amendment on the ground that they preferred it to the original bill; and then, as they had a right to do, on account of the recitals in the preamble and for other reasons which they gave, they voted against the bill as amended. That was logical. My friend from Pennsylvania, and my friend from Indiana, voted with the great body of the Union members for the Senate amendment. The proposition went to the House of Representatives, and there the same question occurred. The House had already passed its bill, and the question came up, Is the Senate amendment better than the House bill? And thereupon the great body of the Union members voted "ay;" a minority of the Union members voted "no," and with that minority voted all the members of the Democratic party. Not only that, but when they found there was a difficulty about it, and the question came up, they commenced what is called "filibustering," and those who were in the House last night saw the interesting spectacle of the Democratic party, with perhaps a single member of the Union party—and that a venerable name—going through the tellers for the purpose of defeating this proposition; and the result was that they did defeat it, until finally, when the previous question was called, the great body of the Union party found itself in a minority by a combination of a few members of the Union party with the Democratic party.

What was the result? A proposition which had received the deliberate sanction of both bodies, so far as the Union party was concerned, was defeated; and not only that, but when an opportunity was offered to have a second vote on the Senate proposition, the previous question was moved and the whole Democratic party voted against the call for the previous question for the sole purpose of enabling the enemies of the Senate bill to load it down with obnoxious amendments. That is a matter of plain and positive truth which no man can deny. Then the friends of the bill were compelled either to agree to amendments which were inconsistent with some of the provisions of the bill or else to abandon the bill. As these amendments were not deemed so important—although they, it is true, disfranchise some of the southern people from voting—as they could not get the bill in any other way in consequence of the action of the Democratic

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party, the bulk of the Union party concluded that they had better take the bill with these amendments; and I shall vote in the same way here. But it is still a fact which will be recorded as a part of the history of this bill that if these amendments are harsh and hard on any portion of the people of the southern States, they are put there, not by the Union party, but by the Democratic party; and from that position no logic can enable gentlemen to escape. Here I will relieve my friends of the Democratic party in the Senate from all blame on that score, because they did not pursue that course. They pursued the parliamentary course of taking the best proposition. I do not complain of what has been done, because they had a right to do it. But the result will be that many men will be prevented from voting in the southern States who, but for the Democratic party, might have voted and taken part in the organization of governments in the southern States.

Mr. HENDRICKS. I am glad, sir, that my judgment in hostility to this measure is indorsed by the fact that the Senator from Ohio feels it necessary to apologize for his party in regard to it. He has referred to the fact that the Senator from Pennsylvania and myself voted for the amendment which he proposed to the House bill, and that the Democrats in the House would not do likewise; and therefore he says the responsibility rests upon them. How was it? It requires no logic but a simple statement of facts.

A bill comes to the Senate from the House of Representatives which is a very objectionable bill, as objectionable as it was possible for the ingenuity of man to devise, in my judgment. The Senator from Ohio presents, according to the public papers, a report from an outside committee or body, a proposition. I read it over and I find it objectionable. I cannot vote for it as an affirmative proposition; he proposes it as a substitute for a measure which I consider more objectionable than his; and therefore, as an honest man, when the question is between the original measure—very objectionable indeed, and his proposition, less objectionable—what is my duty? Clearly to vote for the amendment. But then, when his amendment was adopted, I voted against the passage of the bill as amended. But when it went to the House of Representatives there was not presented to the members of that House a choice between two objectionable measures or an opportunity to take the less objectionable; but the question was then, Shall the bill pass, or shall the House concur in the Senate amendments, which is the passage of the bill? The effect of that vote was to pass the bill. A vote to concur is a vote to pass the bill. And then the Democrats voted "No," precisely as we did in this body. I cannot conceive, therefore, that any Senator can find fault with that unless he claims that the Democrats should have voted for a measure that their judgments and consciences disapproved.

Mr. STEWART. Allow me to interrupt the Senator. The avowed object of the minority of the Union party was to hold the bill open in order to put in an amendment. They would have voted for it as it was if they could not get it in what they conceived to be a better shape; but if they could amend it they would, in order, as they thought, to make it better. The great leader of the House appealed to the Democrats to help him keep it open until he could fix it to suit himself. The Democrats rallied to him and did not allow the vote to come on until he had had an opportunity to amend, and would not sustain the previous question. How would the Senator from Indiana have voted on that question of sustaining the previous question? Would he have kept it open to allow the minority to amend it, or would he have compelled a vote on the main proposition?

Mr. WILLIAMS. When I made allusion the other day to the proceedings of the House of Representatives I was severely rebuked as being out of order; but here appears to be a discussion altogether in relation to what transpired in the other branch of Congress and to what members said and did in relation to this bill, and as to the motives by which they were governed. I make the point of order on gentlemen, and insist that this discussion is out of order.

Mr. HENDRICKS. I think the Senator from Oregon would have done well to have made his point of order when the Senator from Ohio commenced this. Does the Senator from Oregon insist upon his point?

Mr. WILLIAMS. Not if the speeches be short.

Mr. HENDRICKS. All right. I am safe, for I believe I hardly ever make any other kind. I am not going to refer to the rumors the Senator from Nevada has spoken of or to the purposes of gentlemen in the other House in voting one way or the other. The fact is that no Democrat or Conservative in the House, so far as I know, offered any of these amendments or voted for them. There is a Republican majority in that House of two thirds; they can control the legislation to suit their pleasure; and if there is a bill passed that is not right they are responsible for it. It will not do, allow me to say to Senators, to undertake to throw the responsibility of dangerous legislation upon a helpless minority. In neither body can we control; and the effort of the distinguished Senator from Ohio to throw the responsibility of this legislation upon a small minority is a logical admission of the vice of the legislation itself.

Now, sir, if, as was so well said by the Senator from Pennsylvania, the thing stands just as the Senator from Ohio says it does, let us nonconcur in these amendments that the Senate does not want; and I think I am safe in saying that when the bill goes back to the House no Democrat will vote for the amendments; and then if it be true, as the Senator from Ohio says it is, that two thirds of his party there are opposed to these amendments, they stand no chance, for the entire minority being opposed to them, and two thirds of the majority opposed to them, they cannot pass. The bill can therefore become a law if there is a majority in favor of the bill without the amendments.

Mr. CONNESS. I do not know just exactly what is in controversy here, although I have been listening for some time. The argument seems to be drawn so fine that it has almost passed from my perception. What is in question appears to be the reputation of the bill before us or the reputation of the Democratic party. If it be the reputation of the bill, all I have to say is that in my opinion the reputation of this great measure, which is to give peace, as I believe, to the country and consolidation to the Union, will remain long after the Democratic party shall have ceased to exist. If it is the reputation of the Democratic party that is in controversy, I think nothing need be said on that point. That is already established.

Now, Mr. President, as I said when I rose, I really do not see the point in the controversy. My opinion is that the discussion has reached a point when the question may be voted upon with great advantage, and I shall not delay the decision by a longer discussion.

Mr. CRAGIN. Mr. President, I was greatly tempted to ask the Senator from Indiana [Mr. HENDRICKS] when he was first upon the floor a question; but being unwilling to interrupt any Senator, as I usually am, I forbore; but I will state in a few moments my position in another form.

By the constitutions of the several States of this Union I believe the Governors are empowered to grant pardons to men who have been convicted of crime. I suppose that if the Governor of any State should pardon a number of men who had been convicted of murder it would be perfectly legitimate for the Legislature to enact a law that all such men should not sit upon a jury in the trial of murder cases. The same principle obtains in the case under consideration and in reference to the amendment offered by the Senator from Wisconsin. Here are a very large number of men, traitors, who have been trying to destroy this Government by all the means in their power; some of them have been pardoned, it is true; but I take it it is legitimate for Congress, the law-making power of this Government, to say that rebels who are guilty of a crime greater than murder, even though they have been pardoned, shall not be employed as workmen in rebuilding or reconstructing the Government which they sought to destroy.

Mr. McDOUGALL. Mr. President, under the English law the right to pardon was the first and highest prerogative of the Crown, an act of grace that when exercised was perfect in itself. The same policy has been adopted in our Republic and in our several States. An act of grace on the part of the Government, either before or after conviction of crime, is a perfect obliteration of everything in the form of charge or accusation or judgment passed. Now, I say that it is just as legitimate to deprive of essential rights any citizen by name, or fifty citizens of Maryland, or fifty citizens of Virginia, or fifty citizens of Tennessee, by name denominated, who have no relation to pardon, and who have been Union loyal men, if you please, as to deprive by legislation a person who has had the grace of Government as organized. There are conditions unwritten. When Delolme presented his work on the English constitution, where did he find it except in Magna Charta and certain charters that belonged to the Commonwealth and the nobility and the Crown, and yet Parliament understands that there is an English constitution; and no member of Parliament, be he lord or commoner, dare violate it. It is much more perilous for them than us; for now there appears to be a perfect absence of all regard for those great fundamental rules that lie at the foundation of society, elementary as well, as exhibited in the first forms of Government.

A pardon granted by him who is established as the Chief Executive under the Constitution of the United States makes a *tabula rasa*. There is nothing more to be said of or about that of which the party has been accused; and they who do it do it in violation both of the spirit and of the letter of the Constitution. It is worth while occasionally to look at what are our principles, and where is the law and what are our institutions and how are they founded. There is a very apt negligence on this subject, it seems to me, at the present day. I can only account for it by a kind of aptitude to answer particular purposes belonging to particular ambitions or to the policy of political parties.

Who will dispute the axiomatic truth that a pardon is a perfect *tabula rasa* so far as the person pardoned is concerned in relation to Government? Who among the learned Thebans on the other side of the Chamber will deny that? It being so, then, why do they not stand like any other citizens? And if they stand like all other citizens, how can they be disfranchised without violating the whole system of our laws and our Constitution and our Government? Our Constitution is not altogether in written words. It has its history, much larger, more extended and comprehensive than the mere letter of the Constitution, for it embraces the wisdom of long centuries, aggregated by men who were conversant with such wisdom. I do not know how men who profess to be conversant with our laws, who profess to regard our institutions, who profess to believe in the institutions organized by our fathers, undertake to say that this great power, the grace of the Government in favor of a citizen, shall not operate as grace, and shall not make a perfectly plain state for him who is pardoned, but that his offense may be resurrected, his dry bones exhumed and burned in an *auto da fé*.

I have said enough about the question of pardon. If I have not made myself intelligible, it is either because there are inattentive ears or lack of information or an indisposition to be informed. This bill, as it now comes back from the House amended, deprives the great body of the citizens of the South of the right to take part in government, even in its

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most elementary form. The Senator from Ohio says that it was the voice of the Union party that these amendments should not be made. Strange things happen sometimes; and I believe that about the time the amendments were made there were but seven or eight Representatives in the other House. It has been common here for this Union party, who have the charge of legislation, to abandon their places. They are not here in their seats when important legislation is going on. Frequently you cannot obtain a quorum in either House, notwithstanding your more than two-thirds majorities in each. I come here ceaselessly from a remote part of the city. I suppose I must take the word of the Senator from Ohio as being altogether veracious, when he says that the Union party in the Senate and House are opposed to these amendments; and our proposition now is to ascertain what the Union party of the House will say when the question is sent back to them for their full consideration, and not when they are nearly all out of their seats and only a dozen are left to transact business. There has been more careless legislation here within the last year than has been known in any like period in this country. I do not charge committees with inattention; I believe they do their labor rapidly; but outside of the work of committees, so far as business is done in the Senate, it is not done with any considerable care; and it does not seem to be considered the duty of a Senator to be in the Senate Chamber; he may go off and practice law in Maine or Maryland; he may go to Ohio or Pennsylvania and transact business, though the high office of a Senator would seem to require that he should be here to respond on great and important questions.

I think the amendment of the Senator from Wisconsin should be adopted. In the first place, it gives full expression to the idea of pardon; and my remarks upon that cannot be answered by the logic of any of the learned gentlemen on the opposite side of the Chamber. In the next place, it is conceded that the amendments are wrong as made by the House. Then why not send them back for reformation?

The PRESIDING OFFICER, (Mr. RAMSEY in the chair.) The question is on the amendment of the Senator from Wisconsin.

Mr. DOOLITTLE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HENDERSON. I do not desire to take the time of the Senate at this hour of the night, and yet I confess I am not pleased with the measure before us. When it was here as a purely military measure, looking to no future reconstruction on the basis of law, I did not vote for it, and though it is now better, because it seems to hold out some terms on which the States may reconstruct themselves, yet it is not what I have desired. I could if I choose perhaps give good reasons for voting against it should I conclude to so vote. But reconstruction in some shape is demanded as a national necessity, demanded no less by the best interests of the loyal States than by those of the seceding States. Hence perhaps any plan may be better than no plan at all. If a vote for this bill is to be justified, its justification rests on this simple fact: that under it there is hope of doing something at some time, however remote; there is a way, however imperfect, blind, and obscure it may be, through which we may arrive at reunion.

As the bill originally came from the House it was a bald and naked proposition to establish without limitation of power or the time of its duration a purely military government for the ten States now unrepresented. This, in my judgment, was a most dangerous experiment. It has been more than once tried in man's history, and the world furnishes no example of its success. Its effects are bad enough, in all conscience, on the conquered, but they have always proved infinitely worse on the conquerors. The conquered simply suffer the cruelties and oppressions of an unrestrained soldiery. They generally increase in virtue and fortitude, and their common wrongs invariably cement them together for a final struggle to break their chains. The conquerors, on the other hand, in such cases become corrupted in the use of unlimited power, and gradually take on the airs and habits of tyrants. As the victim complains and threatens resistance, the conduct of the master becomes more harsh. Justice, pure and simple, cannot be administered for ten million people by military officers, in the absence of all those forms and guaranties which the wisdon of eighteen centuries has been collecting and building up as the monuments and fortresses of human freedom. They are its only shield. Cromwell tried military law and gradually found himself transformed from a great republican leader and the defender of English liberty to a loathsome tyrant, seeking pretexts to enslave a people in defiance of all their charters of personal right. His Government failed, and the people sought that security in a return to royalty which had been denied them in the name of republicanism. So long as Rome gave the rights of citizenship to the people she conquered the nation prospered. When she gave them military law and sent pro-consuls and questors to govern them her public men became corrupted by power and plunder; and the Government itself ceased to command their support, unless it ministered to their avarice or ambition. Nations as well as individuals must do unto others as they would that others should do unto them. This is an inexorable rule of justice, and he that would live and promote his own happiness must subject his conduct to it.

The Senate, being unwilling to embark on the experiment of pure military rule, modified the House bill by adopting what is known as the Blaine or Sherman amendment. This amendment conceded military rule, as asked by the House, but put some sort of limit to its duration. It provided that when the rebel States should adopt universal suffrage, regardless of color or race, excluding none, white or black, except for treason or such crimes as were felony at the common law, the regulation of exclusion to be left to the States themselves, and should adopt the constitutional amendment proposed at the last session of Congress, under one provision of which all persons who ever took an oath to support the Constitution of the United States as officers and afterward gave aid to the rebellion should be ineligible to office, State or national, and so soon as a sufficient number of said States should adopt it to make it a part of the Constitution of the United States, then military law should cease and the States should be admitted, provided that Congress even then should see fit to receive them.

This being adopted by the Senate, it went to the House, and it now comes to us with two amendments added to the Senate amendment. The first one provides that no person who would be excluded from holding office if the constitutional amendment were now the law, to wit, no person who having once taken the oath to support the United States Constitution afterward gave aid to rebellion shall be a member of any State constitutional convention, nor shall any person who would thus be excluded from holding office be permitted to vote for members of the State conventions. The second amendment provides that the present governments, erected under what is known as the presidential plan, shall be subject to the paramount authority of Congress; and that in all elections under said provisional governments those only shall be able to vote or be eligible to office who would be qualified as aforesaid to hold office if the constitutional amendment were adopted. In other words, the Senate bill opened the polls to all persons, white and black. The House amendments declare by act of Congress that certain persons shall be disfranchised from all participation in the governments so long as they remain in their present provisional condition, and also in the reorganization proceedings preparatory to their admission.

This bill, as now amended, proposes not only to say that persons who never before voted or held office in those States shall now vote and hold office, but it goes further and declares that persons who formerly held office and voted therein shall henceforth stand disfranchised.

The Senator from Wisconsin [Mr. DOOLITTLE] says this bill, if passed, will operate as a bill of attainder and also as an *ex post facto* law, and that it is therefore not within the constitutional power of Congress to pass it. To support his position he refers to the late cases decided by the Supreme Court, known as the Garland case and the Missouri test-oath case. He especially insists that so far at least as the President has pardoned under general proclamation of amnesty, issued by authority of the Constitution, as well as by the thirteenth section of the confiscation act, and so far as he has pardoned by special certificate to that effect, it is not competent for Congress or any legislative body or primary convention to take away rights formerly enjoyed. He thinks such action is in the nature of punishment and it cannot be inflicted: first, because Congress cannot prescribe the qualifications of electors or officers in the States; and second, if it could, as an original proposition, it cannot disregard the effects of the pardon, which are not only to remove the penalty for crime, but to wash out the guilt itself. He insists that the man pardoned becomes a new man, the same as if no offense had ever been committed.

This argument of the Senator, as well as the general course of events, deserves some consideration. I confess I feel its force. He insists, and so has my friend from Maryland [Mr. JOHNSON] insisted in this debate and in others, that the States are still in the Union, and being in the Union they are entitled to all the rights of the loyal States, and that their citizens are entitled to all the privileges and immunities enjoyed by other States. This we are told will be decided also by the Supreme Court. I admit that Congress would not be authorized to declare who shall vote or hold office in Missouri nor in New York nor Massachusetts. No one will so contend. Now, if the seceded States and their citizens cannot be dealt with in any manner different from the loyal States and their citizens, it becomes a serious question whether we can by simple act of Congress either include in the electoral list the negroes or exclude any part of the disloyal whites, and especially those who have been made whole by executive pardon.

To present the difficulty in its strongest light, I beg leave to refer to the decisions quoted. I do so, not to sustain the court in its conclusions, nor to sustain my friend from Wisconsin, (for I differ in some respects with both,) but to make them the foundation of an argument which I will use in support of my own theory. Nations, like individuals, must have the right of self-defense, and after a desperate struggle for existence the conqueror should not be required to release from his grasp his conquered enemy until he has fully disarmed him or put his own safety and future security beyond question. But first to the decisions of the Supreme Court.

In the Missouri case, known as the Cummings case, it is known that the State constitution adopted in 1865 provides that no one shall preach the gospel, practice law, teach school, or vote, &c., who had given aid or comfort to or sympathized with the rebellion; and to do these things without first taking an oath denying such aid and sympathy is made penal. The Cummings case is a prosecution on an indictment for preaching without the oath. The court say:

"The disabilities created by the constitution of Missouri must be regarded as penalties. They constitute punishment."

They also say:

"The deprivation of any rights, civil or political, may be punishment, the circumstances attending and the

causes of deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuit of a lawful avocation or from positions of trust or from the privilege of appearing in the courts or acting as executor, administrator, or guardian, may also, and often has been, imposed as punishment."

They here insist that the taking away of even a political right once enjoyed is punishment, and lest it might be evaded on the ground that the power existed under the plea that it was not intended as punishment, but a prescription of qualification, they say:

"The Constitution deals with substance, not shadows. Its inhibition was leveled at the thing, not the name. It intended that the rights of the citizen should be secured against deprivation for past conduct by legislative enactment, however disguised. If the inhibition can be avoided by the form of the enactment, its insertion in the fundamental law was a vain and futile proceeding."

Again, the court say:

"Now, the clauses in the Missouri constitution which are the subject of consideration do not in terms define any crime or declare that any punishment shall be inflicted, but they produce the same result upon the parties against whom they are directed as though the crimes were defined and the punishment declared. They assume that there are persons in Missouri who are guilty of some of the acts designated. They would have no meaning in the constitution were not such the fact. They are aimed at past acts, and not future facts. They were intended to operate upon parties who, in some form or manner, by action or words, directly or indirectly, had aided or countenanced the rebellion or sympathized with parties engaged in the rebellion, or had endeavored to escape the proper responsibilities and duties of a citizen in time of war. And they were intended to operate by depriving such persons of the right to hold certain offices and trusts, and to pursue their ordinary and regular avocations. This deprivation is punishment; nor is it any less so because a way is opened for escape from it by the expurgatory oath."

It will be remembered that a party might relieve himself of the penalty by taking the oath. In the following paragraph they declare the illegality of absolute exclusion:

"The framers of the constitution of Missouri knew at the time that whole classes of individuals would be unable to take the oath prescribed. To them there is no escape provided. To them the deprivation was intended to be and is absolute and perpetual. To make the enjoyment of a right dependent upon an impossible condition is equivalent to an absolute denial of the right under any condition, and such denial enforced for a past act is nothing else than punishment imposed for that act; it is a misapplication of terms to call it anything else."

And again:

"Clauses which prescribe a penalty for an act of this nature are within the terms of the definition of an *ex post facto* law. They impose a punishment for an act not punishable at the time it was committed."

The Garland case arose under the act of Congress, and in addition to the plea of original unconstitutionality of the act prescribing the oath, Garland pleaded also the President's pardon. It is now only necessary to allude to the opinion of the court on the latter branch of the plea. The court say:

"Such being the case, the inquiry arises as to the effect and operation of a pardon. On this point all the authorities concur. A pardon reaches both the punishment prescribed for the offense and the guilt of the offender, and when the pardon is full it releases the punishment and blots out of existence the guilt, so that, in the eye of the law, the offender is as innocent as if he had never committed the offense."

It has been said that a pardon goes to the guilt and not to the offense; but the Supreme Court seem to hold otherwise:

"If granted before conviction, it prevents any of the penalties and disabilities consequent upon conviction from attaching. If granted after conviction, it removes the penalties and disabilities, and restores him to all his civil rights. It makes him, as it were, a new man, and gives him a new credit and capacity."

Taking these two decisions of the Supreme Court together, it would seem that, so far as the President has extended pardon to the rebels of the South, they are restored to all rights supposed to be forfeited, civil and political. That certainly must be the case, unless there is some other and paramount power in Congress which can be legitimately exercised in the seceded States that cannot be elsewhere. Now, what is that power, and whence does it come?

It has been repeatedly said in the discussion that every Union member of the body voted for the bill as amended, on motion of the Senator from Ohio, [Mr. SHERMAN,] when it was passed by the Senate as a substitute for the House bill. I perhaps am of so little consequence here that it does not matter how I vote; but I did not vote for the bill.

Mr. SHERMAN. I suppose the Senator was not present.

Mr. HENDERSON. Yes, I was present. I voted for the Senator's amendment in preference to the military bill of the House; but when the question came on the passage of the bill as amended I did not vote at all. I did not vote against it, because my Union friends had agreed on it in caucus. That agreement is now a well-known fact I believe, and therefore I suppose I am at liberty to allude to it. They agreed on this course of policy as being the best, and I did not feel at liberty to put myself in opposition to what was thought essential for peace.

This difficulty, presented by the decisions alluded to, occurred to my mind when discussing the constitutional amendment question of last year, and I gave it some attention in a speech delivered here on the 13th of last February. The Federal Constitution not only forbids Congress the power to pass bills of attainder and *ex post facto* laws, but it equally forbids such power to the States. Our supreme judicial authority has gone quite far toward declaring such legislation as now proposed invalid, whether proceeding from the national or State Legislatures. It has not extended, and I hope will not extend, the principles of the cases decided to such regulations as may be adopted by the States prescribing the qualifications of voters; but such thing may occur. I only stop now to repeat that not one Senator in this Hall, and not perhaps one judge worthy of the name in the Union, would insist that Congress possesses the power to apply the principles of this bill to the loyal States. If so, Congress would indeed be supreme, and I can imagine no power beyond its constitutional grasp.

While we may well admit that Missouri and New York and Massachusetts may regulate in their own way the qualifications of their respective electors and of their State officers, none of us will now claim such power for Congress. Hence it follows that if this legislation finds sanction with the Supreme Court it must be by virtue of some condition or circumstance attaching to the seceded and not to the loyal States. It must result from some power of the Constitution dominant in peace, but quickened and developed by rebellion and war. If there be no such latent power this legislation will fall to the ground, and such men only will vote and hold offices in the rebel States as may be permitted by the States themselves. This is the position of our Democratic friends. They insist that no war can be waged by the United States against a State or States of the Union, except in suppression of rebellion, and so soon as armed force is subdued the rebel States have the constitutional right to resume their places instanter in the Union, to send their representatives to Congress, and demand all their former privileges, immunities, and honors if you please, subject only to the simple right of the Federal authorities to cause offenders against the law to be arraigned in the courts and tried for their treason.

This position, it will be seen, enables a State, or a confederation of States, as recently, to commence and carry on a war to dissolve the Union so long as there is prospect of success, and when that prospect is removed or the war itself becomes irksome or unprofitable to the rebels, to declare the war at an end and a state of peace to exist. This gives the choice of war or peace; it tells rebellious communities they may take their choice to rule by force or, that failing, they may return and rule by the ballot and in the legislative councils of the nation. They may rebel to secure a certain criminal purpose; to obtain an object which, being obtained, would render reunion impossible; and failing to secure it through the bloody paths of war, they may under this theory abandon the war, not because the object is abandoned, but because war is not the best means to secure it. Then the moment the war is abandoned all power of the United States to put away and remove forever the disturbing element, to place it beyond the reach of future hope or to take guarantees for the future peace and security of the whole nation, according to this theory, ceases. If this be true, all the incidents and rights of war, which, by the settled principles of the international law were well understood when our Constitution was made, have no application at all to war waged by the United States; at least they have no application to a civil war such as we have just passed through. Many of our Republican friends, on the other hand, it seems to me, fall into error because of their unwillingness to abandon the idea of punishing traitors under and by virtue of the national sovereignty. This idea should, in my judgment, be given up, and given up at once. I do not believe now that any man will be hung for treason committed in the late war. I doubt whether any one should be hung unless he voluntarily and without superior orders violated the rules of civilized warfare. And this would bring us back again to consider what are the rules of civilized war. We must go to the international law to find them. Hence I utterly reject the idea of resorting to the trial and execution of traitors as a proper security for the future. Such a course would simply disgrace us in the eyes of Christian nations as an act of cruelty wanton in itself, wholly devoid of those sanctions now justified by good Governments, and not founded on any principle of indemnity for the past or security for the future. Our security exists in guarantees as broad as the causes of the war. If the war had been confined to irregular individual action, the punishment of individuals might suffice. But it was a war of communities, cemented into a great national power. The security then must be, not personal, but political; it must relate to communities. And to descend now to personal punishments would scarcely become a nation so great as ours.

We recognized the rebel power during the war as an independent nation, not of right, but in fact. The rebellion became a great territorial war; not an insurrection, but a civil war; the greatest ever known on earth. Civilization, humanity, common sense, forced us to recognize them as belligerents. We treated with them during the war, and so did other nations as great and perhaps as respectable as ourselves. Now, that armed force is subdued, we must proceed to arrange for permanent peace. In arranging peace I know of no plan except that recognized by the laws of reason, nature, and common sense, which, from inherent necessity, as well as from their admitted justice and long use by the nations of the world, have become fixed as part of the international law.

Mr. DAVIS. Allow me to ask the honorable Senator from whence that power is derived.

Mr. HENDERSON. What power?

Mr. DAVIS. The power to recognize the rebel States as an independent nation.

Mr. HENDERSON. I suppose we, like all nations of the world, must recognize the established principles of international law. Congress, by the Constitution, may declare war, may grant letters of marque and reprisal, may raise and support armies, and provide and maintain a navy. These powers look to a condition of war, and war, I presume, when once declared by the United States carries with it all the incidents known and recognized by the laws of nations.

The Senator asks whence the authority to recognize the rebel power as an independent power. I answer that the Constitution enables Congress to declare war. The same Constitution enables it to provide for every phase the war may assume. Congress may treat for the exchange of prisoners or send commissioners to treat for peace. It may provide for a blockade of ports and enforce the rules of international law against other nations. Our rights against neutrals would be quite incom-

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plete were we in an actual state of war and neither ourselves nor other nations recognized in the enemy a belligerent.

But the Senator's objection, I presume, comes from the fact that this was a civil war, a war of the sovereign against rebels, and hence the ordinary rules of war cannot apply.

I read from Vattel on this subject:

"When a nation becomes divided into two parties absolutely independent, and no longer acknowledging a common superior, the State is dissolved and the war between the two parties stands on the same ground, in every respect, as a public war between two different nations. Whether a republic be split into two factions, each maintaining that it alone constitutes the body of the State, or a kingdom be divided between two competitors for the Crown, the nation is severed into two parties, who will mutually term each other rebels. Thus there exist in the State two separate bodies, who pretend absolute independence, and between whom there is no judge. They decide their quarrel by arms, as two different nations would do. The obligations to observe the common law of war toward each other is therefore absolute—indispensably binding on both parties, and the same which the law of nature imposes on all nations in transactions between State and State."—*Vattel*, book three, chapter eighteen, page 427.

Mr. DAVIS. Will my honorable friend permit me to ask him another question? What provision of the Constitution incorporates that principle of the law of nations which he has just read?

Mr. HENDERSON. Our Constitution was adopted by learned and able men who recognized the international law. It was a code then well established and well understood by those men. Many provisions of the Constitution refer directly to this code, and without its aid we could not interpret those provisions.

Mr. DAVIS. But suppose there is a principle or a provision of the Constitution of the United States incompatible with and contradictory to a principle of international law, which is to prevail?

Mr. HENDERSON. I do not apprehend that there is any such contradiction. The principles of international law are but the laws of nature; they are but Christian principles if I understand them properly, and I presume our Constitution was not intended by its framers to be made in disregard of those principles. The Senator from Illinois [Mr. TRUMBULL] directs my attention to some of the provisions of the Constitution on this point. For instance, power is given to Congress "to define and punish piracies and felonies committed on the high seas and offenses against the laws of nations," also, "to make rules concerning captures on land and water" and "to grant letters of marque and reprisal." In these clauses the international law is recognized——

Mr. DAVIS. In the specific cases named.

Mr. HENDERSON. It is expressly recognized in some provisions and not contravened in any that I am aware of, and hence I assume that even the American Constitution, great as I admit it to be, is subject to those established and recognized principles of reason and Christian brotherhood that control and must continue to control the conduct and intercourse of nations. Of course in times of peace our internal and municipal government is not interfered with by the international law, for no principle of it is then applicable to the subject. But even in peace the power to appoint embassadors, ministers, consuls, and other agents of like character is to be exercised in accordance with that law, and their duties are regulated by it. And no power, in my judgment exists in Congress to authorize these agents, in their intercourse abroad, to violate or disregard it. But in this case there is no power left to treat with. The enemy is completely conquered. The war was to expel the usurping rebel authorities. If the seceded States had always been independent, never connected with us by the Federal Constitution, no one will doubt the absolute power and jurisdiction of Congress in the premises.

Vattel likewise settles this question:

"If the entire State be conquered, if the nation be subdued, in what manner can the victor treat it without transgressing the bounds of justice? What are his rights over the conquered country?"

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"The whole right of the conqueror is derived from justifiable self-defense, which comprehends the support and prosecution of his rights. When, therefore, he has totally subdued a hostile nation, he undoubtedly may, in the first place, do himself justice respecting the object which had given rise to the war, and indemnify himself for the expenses and damages he has sustained by it; he may, according to the exigency of the case, subject the nation to punishment, by way of example; he may even, if prudence so require, render her incapable of doing mischief with the same case in future. But for the attainment of these different objects he is to prefer the gentlest methods, still bearing in mind that the doing of harm to an enemy is no further authorized by the law of nature than in the precise degree which is necessary for justifiable self-defense and reasonable security for the time to come."

Again, says this humane and distinguished author:

"In general, he [the conqueror] ought to consult the true interests of his own State, and by sound policy to reconcile them, as far as possible, with those of the conquered country." * * * * * *

"When a sovereign, arrogating to himself the absolute disposal of a people whom he has conquered, attempts to reduce them to slavery, he perpetuates the state of warfare between that nation and himself. The Scythians said to Alexander the Great, 'There is never any friendship between the master and slave: in the midst of peace the rights of war still subsist.' Should it be said that in such a case there may be peace, and a kind of compact by which the conqueror consents to spare the lives of the vanquished on condition that they acknowledge themselves his slaves, he who makes such an assertion is ignorant that war gives no right to take away the life of an enemy who has laid down his arms and submitted. But let us not dispute the point; let the man who holds such principles of jurisprudence keep them for his own use and benefit; he will deserve to be a subject to such a law. But men of spirit, to whom life is nothing, less than nothing, unless sweetened with liberty, will always conceive themselves at war with that oppressor, though actual hostilities are suspended on their part through want of ability. We may, therefore, safely venture to add, that if the conquered country is to be really subject to the conqueror as to its lawful sovereign, he must rule it according to the ends for which civil government has been established."

Are not these principles of international law in strict conformity with our own Constitution? Surely there is no contradiction between them. The Constitution simply provides for enforcing these humane principles of general law when it is made the duty of the United States to protect each State against invasion and domestic violence, and to "guaranty to every State a republican form of government." Vattel says that if a war is waged only against the rulers of the conquered State, when the conqueror expel the rulers he must govern the State according to its laws or as the old rulers should have governed. But if the people willingly participated and aided their rulers, then the war may be against both; and in such case he says: "He," the conqueror, "may, according to the degree of indocility apparent in their disposition, govern them with a tighter rein, so as to curb and subdue their impetuous spirit," &c. "But this forced condition," continues the author, "ought to cease from the moment the danger is over. Then at length," he says, "everything is to be rendered conformable to the rules of a wise Government," &c.

Whatever may be the situation of the rebels, whether conquered public enemies or subdued traitors, all our severity toward them should be limited by our own proper defense and safety. If we intend they shall again be citizens of a common country we should not oppress. This same author says:

"What fidelity, what assistance can you expect from an oppressed people? Do you wish that your conquest may prove a real addition to your strength and be well affected to you? Treat it as a father, as a true sovereign."

Now, it appears to me that the question of reconstruction is a great political problem which must be dealt with by the political or law-making power of the nation, and the measures that may be adopted as necessary to restore the rebel States to their former relations, provided they are in harmony with the established principles of international law, such as Christian nations now adopt for the settlement of questions entering into and provoking wars between independent Powers, cannot and should not be interfered with by the judiciary department of the Government. Should the law-making power propose to sell prisoners into slavery it might be answered that our own Constitution, in strict harmony with international law, forbids such barbarity; that no such incident is now recognized as following a state of war.

Hence we may justify the enfranchisement of the blacks on two grounds: first, they were themselves a conquered, subject people, held by the enemy in slavery; and Vattel, speaking of such a people, says:

"If they have not freely aided her [the enemy nation] in the war against us, we certainly ought so to use our victory as not merely to give them a new master, but to break their chains. To deliver an oppressed people is a noble fruit of victory: it is a valuable gain to acquire a faithful friend."

And second, it may be justified on the ground that the future safety and security of the conqueror demand the extension of the suffrage. It may be that without such extension it would be inadvisable to return at once to those principles of popular government to which our people are accustomed and without which they will not long be satisfied. The proposed disfranchisement is much more difficult to justify. It may be said that the same necessity existing for one calls for the other. Reason assents readily to the proposition that he who performs the duties of citizen, regardless of color, should have a voice in making the laws that govern him and his fellow-citizens. But that same reason thus impressed revolts when a good man, convinced of error and repentant of sin, is still disfranchised on the plea of the public good. The difficulty is that a double argument is needed, one that contradicts and answers itself. The argument has to war against reason, and they who support it, having to urge it in one case and answer it in another, become gradually condemned in the eyes of consistent people, if not in their own consciences. If necessary for safety of the nation, it may be justified, but it cannot be justified beyond reasonable security.

At the last session of Congress a constitutional amendment was adopted and put before the States for ratification, and by many it has been assumed that on its being ratified by the seceded States they would be admitted to representation. The amendment was just in its terms and ought long since to have been accepted. The only provision to which exception could be taken was the one disfranchising those who had taken an oath to support the Constitution of the United States from holding office. This in itself was no hardship, and had some limitation of time been put upon its continuance it might have been accepted. To deny the privilege of holding office to the leaders of the rebellion is but just. The hardship of the amendment, if there be any, consists in the fact that the voters are required to disfranchise the prominent men in whom they formerly placed trust. It required the followers, not tacitly to submit to the disfranchisement of their leaders, but by their votes to assist in the work. On my theory the conqueror possesses the power to prescribe his own terms of adjustment, subject only to the recognized principles of international law, and if disfranchisement were absolutely essential for national safety it could be resorted to.

In my opinion the error of our action, if any error existed at all, is to be found in the fact that we did not then prescribe the terms of reconstruction and proceed boldly to the work. To adopt the constitutional amendment requires some sort of humiliation at the hands of the southern voter. It requires that he shall turn upon his trusted leader and become instrumental in doing an act which some of them regard as dishonorable. They say they are willing to submit to it as the act of the conqueror, but they themselves will take no part in it. It is enough to say that either from this cause or some other the amendment has not found favor with the people of the seceded States. Some other States have also rejected it, and it may be as well now to look out for other terms of adjustment. Whether Congress would accept the southern States on the terms of the amendment is perhaps questionable; but so

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far as they are concerned they relieve us from settling the question. They take the responsibility and reject the terms of settlement for themselves.

Mr. DOOLITTLE. I would like to ask my honorable friend a question. How did the South reject it?

Mr. HENDERSON. By their existing Legislatures.

Mr. DOOLITTLE. Have they any Legislatures that are capable of rejecting it? I should like the Senator to answer the question.

Mr. HENDERSON. My friend is in the habit of asking this question, and prides himself that it cannot be answered. It is a favorite question, and no answer perhaps would be satisfactory to him.

Mr. DOOLITTLE. I ask a practical question: have they got any Legislatures that they can reject a constitutional amendment?

Mr. HENDERSON. I did not say that they have. Whether they have legal Legislatures or not is not pertinent to the argument I was pursuing. Those bodies are certainly competent to give an expression of popular sentiment. No white person was disfranchised from voting, and I take it for granted the delegates or representatives express on this subject the wishes of those who elected them. The Senator no doubt insists that they are valid Legislatures, and he will see at once that from his own stand-point the position taken by me is correct. I simply said they have rejected the amendment. Whether the rejection be valid or invalid, entitled to much or little weight, does not in the least affect my argument.

Mr. DOOLITTLE. The gentleman is avoiding the question. He says these States have rejected the constitutional amendment. How can they reject it if they have not any Legislatures? It was to the Legislatures that you submitted it. You did not submit it to anybody else. If they have no Legislatures they cannot reject it; and therefore to make war upon them because they have rejected it, when you assume that they have no Legislatures which had any power to reject it, is both illogical and unjust.

Mr. HENDERSON. On the point of the Senator's interruption I had said nothing, and must express surprise that he persists in pushing a question that is wholly impertinent with so much zeal and excitement. As to the validity or invalidity of the existing governments in the seceding States I had not spoken and did not intend to say a word. I care nothing for mere formality. If these governments promised us the security of which I have spoken, and we could rely upon them for the protection of person and property and for future attachment to the Union of the States, I for one would not hesitate to accept them. But the Senator will not rest, it seems, without having my opinion upon that subject. I therefore tell him it is clearly within the power of Congress to recognize them or reject them. I do not condemn the President for attempting to establish civil government. Bad as it may be, it is certainly better than no government at all, and in my judgment it is better even than pure military law. But in whatever light we view them they are without legal validity as State governments. Whatever the President may think of them, Congress is not bound to recognize them. If they were erected by virtue of the war power, before they can be binding on Congress or have any right to challenge recognition by that body, the law-making power, representing the sovereignty of the nation, must have prescribed the terms and conditions of their creation. If, on the other hand, they were erected by virtue of the Constitution, then they are equally invalid, for the United States alone, and not the President can guaranty republican forms of government to the States. I did not intend to enter on this branch of the subject at all, but the Senator insists on it, and I give him the benefit of my opinion. I hope he will not get excited again. [Laughter.]

Mr. DOOLITTLE. If my honorable friend supposes I am angry he does not know me. I am not at all angry. My friend has said what has been said all around me, what is said every day: the people of the South have rejected the constitutional amendment, and therefore we will march upon them and force them to adopt it at the point of the bayonet, and establish military power over them until they do adopt it. I simply put to my friend the question, how have they rejected it. He answered, by their Legislatures they have rejected it. I ask him the question, have they got Legislatures that are capable of rejecting it. In the first place he answers yes, and then he sees at once where that will lead him: if they have got Legislatures that can reject it, then they are States organized, with Legislatures with power to reject a constitutional amendment.

Mr. HENDERSON. Mr. President, am I entitled to the floor or not?

The PRESIDENT *pro tempore*. The Chair understood the Senator from Missouri to yield to the Senator from Wisconsin.

Mr. HENDERSON. I did not yield the last time. I yielded several times, but I cannot yield longer to have the same question repeated over and over again. If I have not answered, then I cannot answer, and that is all of it.

The PRESIDENT *pro tempore*. The Senator from Missouri is entitled to the floor, and must not be interrupted without his consent.

Mr. HENDERSON. I do not wish to be discourteous to the Senator, but it is my duty to say to him that he either misapprehends my position or mistakes his own. I said the constitutional amendment had not been adopted. I further said that Congress would not likely accept the southern States without its adoption. My impression was that many members of Congress would require even more than this. I thought, therefore, that this plan would prove a failure, and I was proceeding to discover what plan should now be adopted. Does the Senator controvert any of these positions? He cannot. But with a considerable degree of excitement he charges upon me the purpose to compel the South to adopt the constitutional amendment at the point of the bayonet. Upon what does the Senator found the charge? I spoke against the military bill and did not vote for it on its final passage, although modified, as I have already stated, by the Sherman amendment. I do not want military government. I ask the establishment by Congress of a civil government in each State. I want that government placed in loyal hands. I would let that government make and administer the laws. I am no more favorable to military rule than the honorable Senator himself.

Mr. DOOLITTLE. I withdraw the charge as against the Senator.

Mr. HENDERSON. I do not yield the floor.

The PRESIDENT *pro tempore*. The Senator from Wisconsin must not interrupt the Senator from Missouri without his consent.

Mr. DOOLITTLE. I withdraw the charge as against the Senator. I meant to charge it on the bill.

The PRESIDENT *pro tempore*. The Senator from Wisconsin is out of order.

Mr. HENDERSON. I regret that I have been drawn aside from the course I intended to pursue. For myself, I distinctly avow that I am in favor of an early restoration of the southern States. Candor compels me to say that we are much further from the point of reunion than we were on the day Lee surrendered. Reconstruction has now become a political question. Until it ceases to be such there can be no reunion worth having. If the Republican party regards it as a political necessity to exclude the South, no reconstruction can take place until a political revolution is wrought in the North. When that comes reconstruction ceases to be necessary for the purposes of the Democratic party. For many years the slave furnished food for party consumption. Unfortunately, no party did much for him, though each party professed to be his best friend. If, unfortunately, the southern question should occupy this position restoration may be long delayed. Men will find themselves drifted along in party currents without power of resistance. Party is a relentless tyrant. It looks upon hesitancy to do its mandates as downright treason. He who falters in zeal is suspected, and he who flinches from action is promptly ostracised.

Should this southern question be removed from the forum of patriotism and placed among the planks of party platforms, it may prove not only sad for the South, but disastrous for the loyal States themselves.

If military power is absolutely necessary, I would not hesitate to use it, but I do not like to judge of that necessity. If disfranchisement is necessary, I would not hesitate to resort to that; but it will be exceedingly difficult for us to determine how far it should be carried. What would be advisable in this respect in South Carolina might not be proper in Louisiana. Hence I have always doubted the propriety of any inflexible or iron rule of disfranchisement. I have said that the constitutional amendment will not likely be indorsed. It is just as improbable, I fear, that the present measure will meet with such acceptance in the South as to insure speedy reconstruction under it. Therefore I would not be at all surprised, that, after a year or two lost in this experiment, we shall be forced at last to do what I would now gladly do.

For five years we waged continual war to overthrow the rebel governments of the seceded States. When the war closed it was our plain duty to establish local civil governments in each one of the States. Congress failed to provide for such governments. Every sensible man admits the superiority of civil over military government for the administration of justice. Indeed, peace corrupts the military, as war demoralizes and breaks down the civil authority. I might trust to military power for justice in time of war, when honor is then bright as the sword itself; but in peace honor too often cankers while the sword rusts.

This feeling, entertained by everybody, and no less perhaps by the President than by others, induced him to attempt the reorganization of civil governments. In doing so he exercised the undoubted rights of a conqueror. He prescribed the qualifications of voters, appointed governors, with powers executive and legislative. He dictated the organic laws of the States and controlled their ordinary legislation. When the laws failed to meet his approval he set them aside by military orders. This was complained of by our Democratic friends as earnestly as they now complain of the proposed action of Congress. It was no less complained of in the southern States. It was denounced as usurpation and tyranny. But notwithstanding all these precautions of the President, it is now insisted by Congress that the State governments are still in rebel hands. It is urged that they who controlled during the war still control.

Now, under circumstances like these, what is our plain duty? If I had my way I would appoint a loyal Governor, and a loyal council of ten or fifteen members to act as a Legislature in each State. Let them be appointed by the President and confirmed by the Senate. I would give them the entire power, executive and legislative, in the respective States. Under certain prescribed limitations on the subject of suffrage, I would leave to them the entire subject of electoral qualifications. To them I would intrust the question of disfranchisement. In that way we could avoid this unprofitable and angry discussion in the two Houses of Congress. We would get rid of the existing governments, which are daily condemned, though suffered to exist. Indeed, one of the very amendments we are now considering to a certain extent recognizes these provisional governments, and contemplates their continued existence by fixing the qualifications of voters who are to participate in the election under them. Our party friends in the House and even here have had bickerings

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and quarrels over these perplexing questions, which probably should be committed to local governments.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator that allusions to the other House, especially of a disparaging character, are out of order.

Mr. HENDERSON. I was not aware that I spoke of the House of Representatives in a disparaging manner. I have a right to speak of the amendment that they sent here.

The PRESIDENT *pro tempore*. The Chair understood the Senator to speak of the House of Representatives as having been quarreling. The Chair considers such a remark as disparaging to the House and not in order.

Mr. HENDERSON. I of course must submit; but I certainly did not intend any reflection on the House of Representatives. I meant to say that there had been a contest between the two Houses and among members of the two Houses upon these points. I certainly have a right to express my opinion in regard to an amendment which the House has adopted and sent to us for action, and which is now pending.

Take, for instance, the State of Arkansas. From a third to a half of the people are and ever have been loyal to the Government. It is admitted that the present government there is in the hands of those who waged war against us. Instead of recognizing the further continuance of that government, which will carry the State further and further every day from restoration, would it not be better to assert the jurisdiction of Congress in the premises by setting up a loyal government and placing it in the hands of those who are friendly to the Union? As a military government is utterly incapable of administering justice, the proposed administration must be of a civil nature. The Governor and Legislature should be residents of the State, men of acknowledged patriotism and undoubted moral integrity and worth. Such men can be obtained in each seceded State. In these men the people would have confidence. Their administration of public affairs, founded upon justice and moderation, would soon silence all opposition and command the respect and approval of all well-disposed citizens. To them should be intrusted the entire machinery of State government. They should call conventions when necessary, order elections, fix the qualifications for office and regulate the elective franchise until the State could be admitted with a constitution settling these questions. They should be intrusted with full legislative power, with authority to appoint judicial and executive officers, to prescribe their duties, and to aid and assist them in the enforcement of the laws. Should it become necessary, the Legislative Council or the Governor should be authorized to call upon the United States for military protection against insurrection or domestic violence. Beyond this I would not extend the military arm in the seceded States.

When this is done, reconstruction is an accomplished fact. Until it is done, all is doubt and uncertainty. As a true friend of restoration, prompt, speedy, and effective—believing as I do that this is the only safe, certain, and constitutional mode of reconstruction, and convinced as I am that the best interests of every part of the nation imperatively demand the supremacy of the civil over the military power as a means of preserving peace and republican liberty, I can but regret that some plan of this sort has not been adopted.

I have not interfered with the subject simply because it could not be debated except upon propositions coming from the Reconstruction Committee. Any propositions offered stood committed to it without debate. But so thoroughly am I satisfied of the legality, expediency, and necessity of some such plan as this that I shall feel it my duty at the beginning of the next session to present it and urge it upon the consideration of Congress.

Reluctantly I come to the support of the pending measure. I may vote for it, but the vote will not carry my assent. It has the consent of my party friends, who think, perhaps, it is better than nothing. In that opinion I scarcely concur. In its military features it is worse than nothing. It asserts the supremacy of Congress, but fails to enforce its power. Reconstruction is left dependent first upon the caprices of the South, and second upon the interests or whims of parties now represented here. It is a subject too important to be trifled with. True patriotism should be equally deaf to the complaints of usurpation from the South, and the dictates of prejudice or party success from the North. If the South must be taxed, it must be represented. If represented at all, it must be through its loyal men. The national Union must be preserved, and no man opposed to its preservation must ask to exercise power as a means to carry out his opposition. The national faith is pledged to protect the liberties of the black man, and no schemes to violate that faith should be tolerated. The national honor is plighted to its defenders in the field and also to its honest creditors. This honor must not be tarnished. A great war has been closed in a great civil revolution, the responsibilities and duties of which must be accepted in good faith. The past must soon be forgotten, and men must prepare themselves for the future. That future can be made prosperous and happy. It needs only that prejudice be discarded. The spirit of vengeance must not be cherished. The promptings of avarice must be expelled and the true principles of republican government enforced, whatever may become of politicians or their schemes.

Mr. FESSENDEN. I wish simply to call the attention of the Senate to the fact that we shall probably be obliged, from the pressure of business and the little time that is left to us, to sit here every night; and as there is, of course, no disposition to protract this debate merely for the sake of protracting it, and as every gentleman's mind is unquestionably made up, I cannot help suggesting to our friends that we be allowed to take the question now, in order that we may have some rest to prepare ourselves for the nights when we must sit late in order to finish the business.

Mr. DOOLITTLE. I only wish to say to my honorable friend from Missouri [Mr. HENDERSON] that he has altogether mistaken me; that although I may have spoken in the heat of the moment very earnestly, I had not the slightest feeling toward him personally. I was simply speaking of the ideas that were passing between him and myself. Toward him, certainly, I have never entertained anything but the kindest feelings of personal regard.

Mr. DAVIS. The honorable Senator from Missouri just before he took his seat assumed the position that Louisiana and the other States of the South were still States, but without governments. If they are States, I ask the honorable Senator from whence he derives the power to Congress to make governments for them? I intended to put that question to the honorable Senator from Wisconsin, [Mr. HOWE,] who made a speech this afternoon before the recess. He stated that he had no more doubt of the power of Congress to pass the measure under consideration than he had of its power to levy taxes. If that honorable Senator were in his seat I would ask him whence he derives that power to Congress? I desire to have the Senator from Missouri answer the same question. While he was speaking the Senator from Illinois [Mr. TRUMBULL] handed him the Constitution, and directed him to some clauses in it. Now, I ask either of those gentlemen or any gentleman here to read to the Senate the clause of the Constitution that vests any power in Congress to pass this measure.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin [Mr. DOOLITTLE] to the amendment of the House of Representatives.

Mr. DOOLITTLE. Before the vote is taken I will state to the Senate that in consequence of the temporary illness of the Senator from Iowa [Mr. GRIMES] I have agreed to pair off with him, and shall therefore withhold my vote.

The question being taken by yeas and nays, resulted—yeas 8, nays 33; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Hendricks, Johnson, Nesmith, Patterson, and Saulsbury—8.

NAYS—Messrs. Brown, Cattell, Chandler, Conness, Cragin, Creswell, Edmunds, Fessenden, Fogg, Foster, Fowler, Frelinghuysen, Harris, Henderson, Howard, Howe, Kirkwood, Lane, Morgan, Morrill, Poland, Pomeroy, Ramsey, Ross, Sherman, Stewart, Sumner, Trumbull, Wade, Willey, Williams, Wilson, and Yates—33.

ABSENT—Messrs. Anthony, Dixon, Doolittle, Grimes, Guthrie, McDougall, Norton, Nye, Riddle, Sprague, and Van Winkle—11.

So the amendment to the amendment was rejected.

Mr. WILSON. I desire to offer an amendment, but if it is objected to on this side of the Chamber I shall not press it. It is to add to the sixth section of the House amendment the following words:

And all offices now held under the assumed authority of the rebel State governments shall be vacated within ninety days after the passage of this act; and it shall be the duty of the commanding officer of each military district to enforce this provision.

The amendment to the amendment was rejected.

Mr. WILSON. I do not desire to press my amendment against the wishes of our friends on this side; but I believe it is our duty to do what it proposes in some other form and in some other bill if not on this.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made by the House of Representatives.

Mr. EDMUNDS. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. DOOLITTLE, (when his name was called.) On this question I have paired off with the honorable Senator from Iowa, who if he were present would vote for concurrence, and I should vote against it.

Mr. JOHNSON, (when his name was called.) I desire to inquire of the Chair whether a vote of concurrence in the amendments of the House has the effect of passing the bill at once?

The PRESIDENT *pro tempore*. It has.

Mr. JOHNSON. Then I vote "yea."

The call of the roll having been completed, the result was announced—yeas 35, nays 7, as follows:

YEAS—Messrs. Brown, Cattell, Chandler, Conness, Cragin, Creswell, Edmunds, Fessenden, Fogg, Foster, Fowler, Frelinghuysen, Harris, Henderson, Howard, Howe, Johnson, Kirkwood, Lane, Morgan, Morrill, Poland, Pomeroy, Ramsey, Ross, Sherman, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—35.

NAYS—Messrs. Buckalew, Cowan, Davis, Hendricks, Nesmith, Patterson, and Saulsbury—7.

ABSENT—Messrs. Anthony, Dixon, Doolittle, Grimes, Guthrie, McDougall, Norton, Nye, Riddle, and Sprague—10.

So the House amendments were concurred in.

ORDER OF BUSINESS.

Mr. SUMNER. I now move that we proceed to the consideration of Senate joint resolution No. 164, relative to the Paris Exposition, in order that it may be the regular business for to-morrow at one o'clock.

The PRESIDENT *pro tempore*. It will require a different motion to effect the Senator's purpose, as there is a bill now before the Senate which was laid aside informally for action on the measure just disposed of.

Mr. POLAND. I desire to move that the Senate hold an evening session to-morrow, commencing at half past seven o'clock p. m., to enable us to complete business from the Patent Committee.

Mr. WILLIAMS. Let us settle that to-morrow.

Mr. TRUMBULL. I move that the Senate do now adjourn.

The motion was agreed to; and (at ten o'clock and forty-seven minutes p. m.) the Senate adjourned.

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HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 28, 1867.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

AGRICULTURAL REPORT.

Mr. LAFLIN, from the Committee on Printing, submitted the following resolution; on which he demanded the previous question:

Resolved, That there be printed of the Report of the Commissioner of Agriculture for the year 1866, one hundred and sixty-five thousand extra copies, namely, one hundred and forty-five thousand copies for the members of the House, and twenty thousand for the Commissioner of Agriculture.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. LAFLIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATENT OFFICE REPORT.

Mr. LAFLIN, from the same committee, also submitted the following resolution; on which he demanded the previous question:

Resolved, That there be printed of the annual Report of the Commissioner of Patents for 1866, together with the illustrations, five thousand extra copies for the use of the Commissioner of Patents, and ten thousand extra copies for the use of this House.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. LAFLIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SMITHSONIAN INSTITUTION REPORT.

Mr. LAFLIN, from the same committee, also submitted the following resolution; on which he demanded the previous question:

Resolved, That five thousand extra copies of the last Report of the Smithsonian Institution be printed, two thousand for the Institution and three thousand for the use of the members of this House; and that the same be stereotyped.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. LAFLIN moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MURDER OF UNION SOLDIERS.

Mr. LAFLIN, from the same committee, also submitted the following resolution; on which he demanded the previous question:

Resolved, That there be printed for the use of this House, ten thousand extra copies of the Reports of the select Committee on the Murder of Union Soldiers in North Carolina, with the evidence taken by said committee.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. LAFLIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BLANK FORMS.

Mr. LAFLIN, from the same committee, reported the following resolution, and called the previous question thereon; under the operation of which it was passed:

Resolved, That there be printed for the use of this House —— notifications, as follows:

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., —— 186—.

DEAR SIR: I have this day mailed to your address ——————. If you have not received it please call at the post office for it.

Very respectfully, —— ——

The same to be printed on half sheets of note paper weighing not over five pounds to the ream.

DOMINION OF CANADA.

Mr. MORRILL. I call for the regular order.

The House resumed the consideration of the regular order, being the motion of Mr. RAYMOND, pending at the adjournment of last evening, to suspend the rules for the purpose of introducing the following resolution calling for executive information:

Whereas the establishment in immediate proximity to the Territory of the United States of a powerful monarchy, under the protection and with the support of a foreign nation, cannot be regarded as otherwise than hostile to the peace and menacing to the safety of this Republic: Therefore,

Resolved, That the President of the United States be respectfully requested to inform this House whether any remonstrance has been made by this Government against the proposed consolidation of all the British North American Provinces into a single confederation under the imperial rule of an English prince, or whether the consent of the Government has been given in any way, directly or indirectly, to the consummation of this project.

Mr. RAYMOND. I have no desire to detain the House by pressing this motion under what appeared last night to be the evident disinclination of the House to suspend the rules. I therefore ask the consent of the House to introduce it merely for the purpose of having it referred to the Committee on Foreign Affairs, with leave to report at any time.

Mr. BANKS. I hope the House will consent to that.

No objection being made to the withdrawal of the motion to suspend the rules, it was accordingly withdrawn.

Several MEMBERS objected to allowing the committee to report at any time.

Mr. BANKS. I move to suspend the rules to allow the committee to report at any time.

The motion to suspend the rules was not agreed to.

The resolution was referred to the Committee on Foreign Affairs.

INDIAN APPROPRIATION BILL.

Mr. KASSON, from the Committee on Appropriations, reported back the Senate amendments to the bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1868, and asked for its consideration now.

The motion was agreed to; and the amendments of the Senate were read as follows:

First amendment:

Page 3, line four, insert:

For first installments of annuity, to be expended at the discretion of the President in such articles, goods, and provisions as he may from time to time determine, $10,000 of which may be expended in the purchase of stock animals, agricultural implements, in instructing in agricultural and mechanical pursuits, in employing mechanics, in educating their children, providing necessary and proper medicine and medical attendance, care for and support of their aged, infirm, and sick, for their helpless orphans, and in any other respect to promote their civilization, comfort, and improvement, and also for pay of head chief, $30,000.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Second amendment:

Insert:

Arickarees, Gros Ventres, and Mandans:

For first installment of annuity, to be expended in such goods, provisions and other articles as the President may from time to time determine, $5,000 of which may be expended in the purchase of stock animals, agricultural implements, in instructing in agricultural and mechanical pursuits, in employing mechanics, educating their children, providing medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their comfort and care: and also for pay of head chief, soldier chiefs, second chiefs, and Pierre Gavreau for his services to the Arickarees, $40,000.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Third amendment:

Insert:

Cheyennes of the Upper Platte river:

For this amount for the Cheyennes, near Fort Laramie, to be placed at the disposal of the Secretary of the Interior, to be expended by him or under his direction, in such manner as will tend to sustain peaceable relations with said Indians, $15,000.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Fourth amendment:

Page 10, strike out lines eight, nine, ten, and eleven, and insert:

For the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first of the forty-six installments to be paid the Chippewas of the Mississippi, as per third article treaty of August, 1847, $11,000.

The committee recommend concurrence.

The amendment was concurred in.

Fifth amendment:

Page 14, line eight, strike out after the word "tribe" the word "three" and insert "ten."

Mr. STEVENS. How will it then read?

The Clerk read the paragraph as amended by the Senate:

For insurance and transportation of annuity goods and provisions, and iron and steel for blacksmiths, for the Chippewas of Red Lake and Pembina tribe, $10,000.

Mr. KASSON. I do not understand that to be the amendment about which the gentleman from Pennsylvania [Mr. STEVENS] inquired; for the committee recommend non-concurrence in that amendment.

Mr. SCOFIELD. I asked for an explanation of the amendment.

Mr. KASSON. That can be given very briefly. It is the fourth amendment, and the appropriation is for the Chippewas of the Mississippi. The appropriations stipulated for by treaty have been omitted for several years; and the omission arose from the fact that about 1852 Congress, owing to the destitute condition of the Indians, appropriated some five installments in advance. That being done they of course stopped including this appropriation in the annual estimates, and it continued to be left out until attention was called to it by complaints of the Indians which reached the Indian Office. I have examined the treaties and the laws on the subject and I find the statement to be correct, that we have failed to make these appropriations since the time when they should have been resumed, about the year 1855; and consequently that there are now about eleven thousand dollars due from the Government to the Indians upon these annuities.

The amendment was concurred in.

Sixth amendment:

Page 14, line thirteen, insert:

For this amount to pay interest on certain non-paying stock held in trust by the Secretary of the Treasury for the Chickasaw Indians for the two fiscal years ending June 30, 1868, per tenth article of the treaty of April 28, 1866, $119,859 98.

The committee recommend non-concurrence.

Mr. KASSON. The importance of this amendment requires that I should make a statement to the House. By the treaty approved April 28, 1866, the provisions of former treaties were restored and put into full force and effect from the 30th of June, 1866.

The United States, several years ago, under former administrations of the Government, with exceeding imprudence and impropriety, invested part of the funds of these Indians in certain State and corporation stocks, among which are stocks of the State of Illinois, of the State of Indiana, of the State of Maryland, and of the State of Tennessee; and also stocks of the Nashville and Chattanooga Railroad Company, and of some other railroad company. Those stocks are all included in this estimate as non-paying stocks. I was not aware that the State of Indiana or the State of Illinois or of Maryland had repudiated their bonds in which the funds of the Indians were invested. That should be examined.

Further, the United States have had control of those southern railroads in which these investments were made; and certainly before they relinquished their control over those roads, which were held for a time by military conquest and authority, they should have taken means to protect the interests of the United States in the bonds of those railroads held for the Indians. Some branch of the Government seems to have neglected this entirely, probably from being ignorant of the facts of the case. I make this public statement now so that it may be observed in the Executive Departments that

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something remains to be done in respect to the security of the United States in this matter. I am satisfied that we are the indorsers of these bonds, because the investments were to be made in safe and good stocks, and were actually made in unsafe and bad stocks, either in part or in whole.

The committee recommend non-concurrence in order to see if some provision may not be made by which the United States will assume the debt and turn over these bonds to law officers of the Government to ascertain whether they are worth anything or not.

The amendment was non-concurred in.

Seventh amendment:

After line eleven, page 19, insert:

Crows:

For first installment of annuity, to be expended for such useful goods, provisions and other articles as the President from time to time may determine; $8,000 of which installment may be expended for the purchase of stock, animals, agricultural improvements, in the employment of mechanics, in educating their children, and providing necessary medicines and medical attendance and care.

For the support of the aged, infirm, or sick, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, and also for pay of head chief, $25,000.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Eighth amendment:

Insert the following:

For this amount for pay of sixteen half-breeds in goods or money, at the discretion of the President, fifty dollars each, $800.

The committee recommend concurrence.

The amendment was concurred in.

Ninth amendment:

Insert the following:

For this amount to be paid Pierre Chien, in consideration of the friendship and services rendered by him to the Crow Indians, $200.

The committee recommend concurrence.

The amendment was concurred in.

Tenth amendment:

Page 37, line twenty, after the word "dollar" insert the following:

Provided, That the sum hereby appropriated for pay of farmer, as well as any unexpended balance heretofore for the same object, made at the discretion of the Secretary of the Interior, be expended for subsistence, clothing, and such other useful articles as he may deem necessary.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Eleventh amendment:

On page 38, line twenty-seven, strike out "Tamer" and insert "Tamar."

Mr. KASSON. The committee recommend concurrence in this amendment, with an amendment. The true name of the county is "Tama." The committee recommend striking out "Tamar" and inserting "Tama."

The amendment to the amendment was agreed to; and the amendment, as amended, was then concurred in.

Twelfth amendment:

Insert after line twenty-two, page 43, the following:

For this amount for the Brule and Ogallalla bands of Sioux, to be placed at the disposition of the Secretary of the Interior, to be expended by him or under his direction, in such manner as will best tend to sustain peaceful relations with said Indians, $70,000.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Thirteenth amendment:

Insert the following:

Lower Brules:

For first of five installments, being twenty-five dollars for each lodge or family engaged in agricultural pursuits on their reservation, (one hundred lodges,) to be expended in stock, agricultural and other implements, and improvements, under the direction of the Secretary of the Interior, the said stock, &c., to remain the property of the United States, to be used for the benefit of said lodges or families, and in no case to be sold or alienated by said band, per sixth article treaty of October 14, 1865, for the fiscal year ending June 30, 1868, $2,500.

The committee recommend concurrence.

The amendment was concurred in.

Fourteenth amendment:

Insert the following:

For pay of farmer, per sixth article treaty of October 14, 1865, for the fiscal year ending June 30, 1868, $900.

The committee recommend concurrence.

The amendment was concurred in.

Fifteenth amendment:

For the erection of a blacksmith shop, per sixth article treaty of October 14, 1865, $500.

The committee recommend concurrence.

The amendment was concurred in.

Sixteenth amendment:

Insert the following:

For the support of one blacksmith, and for tools, iron and steel, and other articles necessary for the blacksmith shop, per sixth article treaty of October 14, 1865, for the fiscal year ending June 30, 1868, $1,500.

The committee recommend concurrence.

The amendment was concurred in.

Seventeenth amendment:

Insert the following:

Two Kettles:

For first of five installments, being twenty-five dollars for each lodge or family located on lands for agricultural purposes, (one hundred and thirteen lodges,) to be expended in agricultural implements and improvements, per fifth article treaty of October 19, 1865, for the fiscal year ending June 30, 1868, $2,825.

The committee recommend concurrence.

The amendment was concurred in.

Eighteenth amendment:

Insert the following:

Yanktonnais:

For first of five installments, being twenty-five dollars for each lodge or family located on lands for agricultural purposes, (one hundred and fifteen lodges,) to be expended in agricultural implements and for improvements, per fifth article treaty of October 20, 1865, for the fiscal year ending June 30, 1868, $2,875.

The committee recommend concurrence.

The amendment was concurred in.

Nineteenth amendment:

Insert the following:

Sans Arcs:

For first of five installments, being twenty-five dollars for each lodge or family located on land for agricultural purposes, (thirty-eight lodges,) to be expended in agricultural implements and improvements, per fifth article treaty of October 20, 1865, for fiscal year ending June 30, 1868, $950.

The committee recommend concurrence.

The amendment was concurred in.

Twentieth amendment:

On page 51, in line seven, strike out "thirty-five" and insert "seventy."

The committee recommend non-concurrence.

The amendment was non-concurred in.

Twenty-first amendment:

On page 51, strike out all after "dollars," in line nineteen, to the end of line twenty-one, as follows:

Provided, That no part of said money shall be disbursed by Alexander Cummings, the present superintendent of Indian affairs for Colorado Territory.

The committee recommend concurrence.

The amendment was concurred in.

Twenty-second amendment:

On page 53, after line twenty-three, insert the following:

For this amount to carry out the action contemplated by the act of Congress approved May 5, 1864, entitled "An act to vacate and sell the present reservations in Utah Territory, and to settle the Indians of said Territory in the Uintah valley," to be expended in removing and settling the Indians in said valley, $15,000.

The committee recommend concurrence.

The amendment was concurred in.

Twenty-third amendment:

Insert the following:

For this amount to supply deficiency in the appropriation for incidental expenses of the Indian service in Utah, for fiscal year ending June 30, 1866, $12,000.

The committee recommend concurrence.

The amendment was concurred in.

Twenty-fourth amendment:

On page 54, after line five, insert the following:

For the reappropriation of the sum carried to the surplus fund for warrant No. 172, dated June 30, 1865, under the head "For surveying and allotting to the proper persons the reserved tracts per ninth and tenth articles treaty with Sacs and Foxes and other tribes of Indians, July 15, 1830," $1,209 97.

The committee recommend concurrence.

The amendment was concurred in.

Twenty-fifth amendment:

Insert the following:

For this amount, being the balance due on the award of the Secretary of the Interior to the delegates of the southern Cherokees for costs and expenses incurred by them in negotiating the recent treaty with the United States and the Cherokee Indians, to be reimbursed to the Government of the United States out of the proceeds of the sale of the Cherokee lands, $18,825

The committee recommend concurrence.

The amendment was concurred in.

Twenty-sixth amendment:

On page 54, after line twenty, insert the following:

For additional pay of four physicians, four blacksmiths and assistants, four carpenters, four teachers, and four farmers on the four reservations in California, for the fiscal year ending June 30, 1868, $7,200.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Twenty-seventh amendment:

Insert the following:

For this amount, or so much thereof as may be necessary to purchase a saw and grist mill for the Round Valley reservation, $5,000.

The committee recommend concurrence.

The amendment was concurred in.

Twenty-eighth amendment:

On page 55, after line three, insert the following:

For the relief of the Navajo Indians now at or near Fort Sumner, to be expended under the direction of the Secretary of the Interior, $100,000: *Provided*, That no rations or supplies shall be furnished to said Indians by the War Department after the 1st day of July next.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Twenty-ninth amendment:

On page 56, after line eleven, insert the following:

To supply a deficiency in the appropriations for transporting goods purchased for the Sioux of Dakota Indians, under treaty made at Fort Sully in October, 1865, for the fiscal year ending June 30, 1867, $4,901 82.

The committee recommend concurrence.

The amendment was concurred in.

Thirtieth amendment:

Insert:

Flatheads:

For this amount, to supply a deficiency in the appropriation for the Flatheads and other confederate tribes for the fiscal year ending June 30, 1865, being the fifth installment for beneficial objects, under treaty of July 16, 1855, $1,000.

The committee recommend concurrence.

The amendment was concurred in.

Thirty-first amendment:

Insert:

Qui-nai-elts and Qui-leh-utes:

For this amount, to supply a deficiency in the appropriation for the fiscal year ending June 30, 1867, of the first of four installments on $25,000, stipulated to be paid the Qui-nai-elts and Qui-leh-utes, as per fourth article treaty of July 1, 1855, $300.

The committee recommend concurrence.

The amendment was concurred in.

Thirty-second amendment:

Insert:

To supply a deficiency for funds heretofore appropriated on account of Winnebago trust lands, and for the Arapahoes and Cheyennes of Upper Arkansas river, under treaty stipulations, and which were lost by deposit in the Merchants' National Bank, at Washington, $33,037 02.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Thirty-third amendment:

Strike out the following:

For expense of collecting and locating the Colorado River Indians in Arizona on a reservation set apart for them by section first, act of March 3, 1865, including the expense of constructing a canal for irrigating said reservation, $50,000.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Thirty-fourth amendment:

Add at the end of the bill as follows:

And be it further enacted, That whenever a vacancy shall occur in the office of any sub-Indian agent, whose salary or compensation exceeds $1,000 per annum, the same shall only be filled by some person to be appointed by the President, by and with the advice and consent of the Senate, except if such vacancy shall occur in the recess of the Senate, the same may be temporarily filled by some person to be commissioned by the President, and he shall hold his office until the end of the next session.

Mr. KASSON. The Committee on Appropriations recommend concurrence, with the following amendment:

Add:

And be it further enacted, That the sum hereinbefore appropriated to the Miamis of Indiana, or which shall hereafter be appropriated to them, shall only be paid to persons included in the corrected list referred to in the amendment of the Senate to article four of the treaty of June 5, 1854, and to the increase of their families as therein described, and to such other persons, if any, who shall have been shown to have been added to said list by the consent of said Miami Indians of Indiana, obtained in council, according to the custom of the Miami tribe of Indians, and all laws in conflict with the provisions of this section are hereby repealed.

Mr. Chairman, I wish to say that the formal

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decision of the committee has not been taken on this subject. One member of the committee, the gentleman from Indiana, [Mr. NIBLACK,] dissents from the views I entertain on the subject, and I therefore think it proper to submit the facts to the House.

Under the treaty with the Miamis of Indiana, and approved in the Senate of the United States, August 4, 1854, there was the following proviso:

"*Provided*, That no other persons other than those embraced in the corrected list agreed upon by the Miamis of Indiana, in the presence of the Commissioner of Indian Affairs, in June, 1854, comprising three hundred and two names as Miami Indians of Indiana, and the increase of the families of the persons embraced in said corrected list, shall be recipients of the payments, annuities, commutation moneys, and interest hereby stipulated to be paid to the Miami Indians of Indiana, unless other persons shall be added to said list by the consent of the said Miami Indians of Indiana, obtained in council according to the custom of the Miami tribe of Indians."

Under that clause of the treaty it was evidently improper, more than that it was illegal, in the United States to make any payments to any other Indians than those described in that clause. In 1858 the following clause, which I shall ask the Clerk to read, in violation of that treaty was inserted into the Indian appropriation bill of that year.

The Clerk read as follows:

"SEC. —. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to such persons of Miami blood as have heretofore been excluded from the annuities of the tribe since the removal of the Miamis in 1846, and since the treaty of 1854, and whose names are not included in the supplement to said treaty, their proportion of the tribal annuities from which they have been excluded; and he is also authorized and directed to enroll such persons upon the pay list of said tribe, and cause their annuities to be paid to them in future."

It will thus be observed that Congress undertook by this clause to nullify the clause of the treaty to which I have referred. That treaty provides first for three hundred and two names, ascertained by a corrected list, for the increase of the families of the persons whose names were there contained, and for such other persons as should be added by the Miamis in council according to the custom of the tribe. Congress, after the treaty was ratified and an appropriation made under it, undertook to order that the Commissioner of Indian Affairs should add arbitrarily the names of certain additional persons to receive the moneys which by the treaty were expressly confined to the persons therein described. Now, the attention of the committee has been called to this, and the object of this amendment is to confine the distribution of this fund exclusively to the persons authorized by the treaty, and in order to avoid all difficulty in the matter I have embraced in the amendment the very language of the treaty itself; so that it amounts simply to instructing the Commissioner of Indian Affairs to carry out the terms of the treaty, and nothing else. That is all I wish to say unless some gentleman has a desire for information.

Mr. NIBLACK. Does the gentleman offer this as from the Committee on Appropriations, or on his own motion?

Mr. KASSON. I stated at the opening that the committee had not passed formally upon that clause.

Mr. NIBLACK. Mr. Speaker, this is a subject which I do not pretend to be entirely familiar with, so far as the original merits of the controversy are involved. It seems that some years ago, when the Miami Indians emigrated west, a portion of that tribe remained behind in the State of Indiana, and that a controversy afterward arose between those who emigrated and those who remained as to whether those remaining behind should be entitled to the benefits of treaties with and of annuities paid by the General Government. In 1854 this subject was referred by the Secretary of the Interior to the Attorney General for his decision. The Attorney General decided that in view of the treaties which existed between the United States and the tribes, and in view of the acts of Congress on the subject amendatory of some of the existing treaties, the portion of the tribe residing in Indiana were entitled to their share in the distribution of moneys due to the Miami Indians as a class. He advised, therefore, that the Secretary of the Interior should be governed by the acts of Congress on the subject, and should continue to distribute the money thus due to all the Miami Indians, including those remaining in Indiana. Very soon after that decision was made a new treaty was formed between the Government and these Miami Indians, and in that treaty it was stipulated, as the gentleman from Iowa [Mr. KASSON] has just said, that none but those embraced in the regular list of the tribe should receive the money to be paid under it, unless additional names were added by the consent of the tribe in council, according to the custom of the tribe.

Afterward, however, in 1858, an act of Congress was passed, as appears by the portion of an act which the gentleman from Iowa has just had read at the desk, providing for the addition of certain names intended to embrace and embracing the Indians thus excluded by this treaty in 1854. Ever since 1858, therefore, this Indiana branch of the Miamis have been drawing their proportion of the annuities due to this tribe. Efforts however have been made, similar to that of the gentleman from Iowa, to modify the existing laws on the subject and to confine the distribution of moneys to those Indians embraced in the list under the treaty, thus excluding the names of Indians added. But so far that proposition has always failed, Congress refusing to disturb the arrangement made under the law.

Mr. KASSON. I would like to ask, in order to bring the debate to a focus, as the gentleman assents to the provision of the treaty, if he maintains that a law of Congress can abrogate a provision of a treaty.

Mr. NIBLACK. The Attorney General in May, 1854, expressly so decided. I will send to the Clerk's desk the book containing that decision in order to have a portion of it read.

Mr. KASSON. Do I understand this decision refers to the treaty in question?

Mr. NIBLACK. It refers to these existing treaties with the Miami Indians and covers the principle involved as to the power of Congress over Indian treaties.

Mr. KASSON. But the decision referred to is prior to the treaty.

Mr. NIBLACK. Yes, sir; but it covers the whole question so far as the principle is involved, as I have already said.

The Clerk read as follows:

"In the treaties of 1838 and 1840 the intent is manifested that those of the Miami Indians who did not remove to the new habitation assigned to the tribe should nevertheless receive their shares and proportions of the moneys and annuities engaged to the tribe. The resolutions of Congress of 1845 and 1850 did nothing more than carry out the intent and spirit of the treaties. These Indians are dependent wards and pupils under the guardianship and protection of the Government of the United States."—*Cherokee Nation vs. State of Georgia*, 1 Peters, 17.

"The resolutions of 1845 and 1850 have ordered a distribution as to the Indians residing in Indiana, *per capita* or by families, in the proportion of their numbers to those of the tribe residing west of the Mississippi river, to which non-residence the Miami tribe were consenting by the treaties of 1838 and 1840, and are consenting." * * * * *

"The political action of Congress in directing how the annuities to the Miami Indians shall be distributed, ought, in my opinion, to continue to be obeyed by the Department."

Mr. NIBLACK. Mr. Speaker, that is a portion of the opinion of the Attorney General, under date of May 4, 1854, which decides that the Indians being wards, pupils of the Government, it is competent for Congress to determine generally what shall be done in relation to them, and to override treaties. That involves, however, a question of good faith which I do not now propose to discuss, because it is not germane to this view of the subject; but that we have unlimited power to legislate for the Indians, as the wards of the nation, that opinion decides.

But, sir, about the commencement of the present Congress, some time in January or February last, a resolution was offered in this House bringing up this same question. That resolution was referred by the Committee on Indian Affairs to the Commissioner of Indian Affairs. He returned a long report, or rather addressed a letter to the chairman of the Committee on Indian Affairs in this House, embracing the history of this transaction. That, however, is too long, and I will not ask to have it read; but the Committee on Indian Affairs submitted a report based upon the information thus furnished; and that report, covering this same question, I ask to have read.

The Clerk read the report, as follows:

Mr. WINDOM, from the Committee on Indian Affairs, made the following report:

The Committee on Indian Affairs, to whom was referred the resolution directing an examination, and report by bill or otherwise, who constitute the tribe of Miami Indians of Indiana, respectfully ask leave to report:

That they have had the subject under consideration, and after a careful investigation of the facts and the law appertaining thereto, they are satisfied no further legislation is necessary on the subject. Your committee are of the opinion that the tribe of Miami Indians of Indiana consists of the persons named in the list or pay-roll, as added to by the Secretary of the Interior, under the act of June 12, 1858. In confirmation of this opinion the committee beg leave to append hereto the opinion of the Attorney General of the United States, given under date of October 26, 1865, and ask that the same may be printed as a part of this report:

ATTORNEY GENERAL'S OFFICE, *October* 26, 1865.

SIR: In the treaty betwixt the United States and the Miami Indians, (see United States Statutes-at-Large, volume ten, page 1009,) it is provided in the Senate amendments, "That no person other than those embraced in the corrected list agreed upon by the Miamis of Indiana, in the presence of the Commissioner of Indian Affairs in June, 1854, comprising three hundred and two names, as Miami Indians of Indiana, shall be the recipients of payments, annuities, commutation moneys and interest, thereby stipulated to be paid to the Miami Indians of Indiana, unless other persons shall be added to said list by the consent of the said Miami Indians of Indiana, obtained in the council according to the custom of their tribe."

By the third section of the act of June 12, 1858, (section eleven, Statutes-at-Large, 332,) it is enacted, "That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to such persons of Miami blood as have been heretofore excluded from the annuities of the tribe since the removal of the Miamis in 1846 and since the treaty of 1854, and whose names are not included in the supplement to said treaty, their proportion of the tribal annuities from which they have been excluded; and he is also authorized and directed to enroll such persons upon the pay-list of said tribe, and cause their annuities to be paid to them in future."

In October of that year, pursuant to the authority so given, the Secretary of the Interior directed that the names of sixty-eight persons should be added to the roll of the Miami Indians of Indiana, and on the 12th of November, 1862, the Secretary added other names for participation in the then future payments to the Miami Indians of Indiana, and the persons whose names were so added in 1858 and 1862 have regularly received their annuities, but the tribe in council never did, according to their custom, consent to the addition of those names or to their being paid.

In the act of March 3, 1865, (see Sessions' Acts, 1864 and 1865, page 546,) there are appropriated, "for interest on $221,257 86, uninvested, at five per cent., for Miami Indians of Indiana, per Senate's amendment of fourth article treaty June 5, 1864, $11,062 89."

In your letter of 12th of October you ask me whether, in view of the treaty and legislation aforesaid, any part of the amount appropriated by the act of March 3, 1865, can be paid to persons other than those embraced in the corrected list aforesaid, and to the increase of families embraced in said list?

In order to answer this question it must be considered, first, whether the act of 1865 repeals or modifies the act of 1858; and, secondly, if it does not repeal the act of 1858, whether payment must be made to the persons named in the corrected list mentioned in the treaty and representations only, or to them and the persons whose names have been added by the Secretary of the Interior under the authority given in the act of 1858.

As to the first branch, so far as the Miami Indians are concerned, the act of the 3d March, 1865, is one of appropriation only; such an act cannot, by construction or implication, be made to repeal or modify previous permanent legislation. The act of 1858 is not a simple act of appropriation, but expressly authorizes and directs the Secretary of the Interior to add other names to the corrected list mentioned in the treaty, and commands that the persons so added shall be upon the pay list, and that their annuities be paid to them in the future. The act of 1865 does not, in terms, repeal the act of 1858, nor are the provisions of the two in such positive conflict that both cannot stand. When the act of 1865 was passed, Congress not only had the treaty before it, but the act of 1858 also, and the fact that the authority given under that act had been exercised. The reference in the act of 1865 to "the Senate's amendment to the fourth article treaty June 5, 1854," was to show the reason for and object of the appropriation.

An intention to repeal or modify the act of 1858,

and reverse the action of the Government thereunder, cannot be inferred from such reference in such an act.

The act of 1865 does not repeal the act of 1858.

As to the second branch, a treaty is a contract betwixt Powers independent, and, for the purposes of the treaty, equal under our form of Government. Treaties are made by the President and Senate. Some treaties require legislation by Congress before they can be executed. This is known to the contracting parties, as money cannot be drawn from the Treasury except under an act of appropriation. All treaties that cannot be performed without the payment of money must be executed after Congress shall act, and then in the mode, and only in the mode, prescribed by Congress. The Executive and the judiciary are powerless to execute such treaties in any other way. It is by virtue of the act of Congress, and not of the treaty, that the money is obtained from the Treasury.

A treaty is a contract of the very highest character, and invested by the Constitution with the dignity of an act of Congress, but with a character no higher and a dignity no greater than an act of Congress made in pursuance of the Constitution. A right which is vested under either cannot be divested by an act of Congress, and yet it is in the power of Congress, by refusing the necessary appropriations, to defeat the performance of a treaty. Treaties made by the President and the Senate, that require legislation to execute them, are thus brought under the consideration and are subject to construction by Congress. When Congress has considered and construed them the several Departments are bound by such construction. The President and Senate, who made the treaty, join in the act which gave it construction.

As the construction given to a treaty by Congress, no one has a right to complain except the Power with which the treaty was entered into, and such complaint must be made to the political power of the Government, and not to the organ charged by Congress with the execution of an act.

These views are sustained, as I think, by the cases of James Turner *vs.* The American Baptist Missionary Union, 5 McLean, 344, and Charles G. Taylor *et al. vs.* Marcus Morton, 2 Curtis, 454.

I am therefore of the opinion that payment must be made according to the list or pay-roll as added to by the Secretary of the Interior under the act of June 12, 1858.

I am, sir, very respectfully, your obedient servant,

JAMES SPEED,
Attorney General.

Hon. JAMES HARLAN, *Secretary of the Interior.*

Mr. NIBLACK. I will occupy the floor but a few moments longer. It seems that two Attorney Generals have sustained the validity of the action of Congress which recognizes that portion of the tribe living in Indiana as a part of the Miami tribe of Indians notwithstanding treaty stipulations or objections from any other source under any pretense whatever.

The Secretary of the Interior, acting under the authority of Congress, and in pursuance, as we are bound to presume, of aut[illegible] conferred under existing treaty stip[illegible] referred to by the gentleman from [illegible]r. KASSON,] added these sixty-eight [illegible]mes to the list embraced in the treaty, and I think we ought to assume that that was correctly done. It is a matter which Congress cannot very well supervise, and therefore I think we ought not to attempt to regulate it by legislation without the concurrence of the Department of the Interior.

But, as has been shown by the report just read, this matter was referred to the Committee on Indian Affairs at the last session of Congress, and after examination that committee recommended that legislation similar to that proposed by this amendment should not be adopted. Therefore the proposition of the gentleman from Iowa [Mr. KASSON] is in opposition to the recommendation of the Committee on Indian Affairs at the last session of Congress, as well as to the action of the Department of the Interior under the authority of Congress.

I now ask that the Clerk read a letter from the present Commissioner of Indian Affairs to the chairman of the Committee of Indian Affairs of the Senate.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
WASHINGTON, D. C., *February* 23, 1867.

SIR: Having heard that it has been proposed to have legislation in connection with the Miami Indians of Indiana, striking at certain individuals admitted upon the pay-rolls of those Indians, by virtue of an act of Congress passed in 1858, I have the honor to inform you that attempts have been repeatedly made, similar to the one now current, and that Congress has as often refused to disturb the status of the people in interest. I would, therefore, most respectfully suggest, that before any definite action shall be taken in the premises, that your honorable committee may refer the matter to this office for facts, &c.

Very respectfully, your obedient servant,

LEWIS V. BOGY, *Commissioner.*

Hon. JOHN HENDERSON, *Chairman Committee on Indian Affairs, United States Senate.*

Mr. NIBLACK. Now, it will be seen that the Commissioner of Indian Affairs, who is charged with the execution of treaties and the payment of these annuities, asks that we will not pass the legislation proposed by the gentleman from Iowa [Mr. KASSON] without first referring this matter to his office for examination, and report by him upon the facts of the case. I therefore think we ought not, in opposition to the recommendations I have referred to, attempt to adopt the section proposed by the gentleman from Iowa.

Mr. KASSON. A very few words, if the House will observe the principal facts in the case, will settle this whole question. The first opinion of the Attorney General which has been read relates to an entirely different subject. It does not relate at all to this treaty, but was published prior to the making of the treaty. The treaty was made for the express purpose, among other things, of avoiding a difficulty that was raised by that very opinion of the Attorney General. Under the old provisions of the treaty the Miami tribe of Indians were entitled to annuities, and consequently Congress had a perfect right to say who constituted the tribe. Under the new treaty, the treaty itself declared who constituted the tribe of Miamis within the meaning of this clause. Consequently there is nothing left to the discretion of Congress or the discretion of the Attorney General. That settles the first point.

The second point is that the opinion of the second Attorney General is upon the right of the executive department to act under the control of the legislative department in expending the appropriations made by Congress. He says rightfully in that opinion that it is a question for the political department to determine what conditions and charges shall accompany the amounts appropriated; he is perfectly right in that, and he says distinctly that if Congress had not left it in doubt about the repeal of this clause of 1858 there would be no difficulty about it at all. And that is precisely what is now proposed to be done: to insert a section that shall restore the treaty and repeal the law that abrogated the treaty or attempted to abrogate it.

The whole question is therefore in a nutshell; it is whether this House is willing to declare that this treaty shall be carried into effect in its express terms or whether it shall continue to declare that sixty-eight persons who are not included at all in the treaty shall continue to draw annuities from which they are excluded by the terms of the treaty itself. I consider it almost a legislative outrage; almost as much so as if Congress were to declare that a portion of the debt owing to the Territory of Nebraska, and admitted to be owing to that Territory, should be turned away and arbitrarily appropriated to the State of Iowa.

That is the whole question involved in this case, and I call the attention of the House to the clause now proposed to be added to this bill as an additional section. It says that the money shall be paid according to that treaty, and I have incorporated in the amendment the very language of the treaty itself; and it repeals the clause which diverted the money from the Indians to whom the treaty gave it.

Mr. SPALDING. I desire to ask my colleague on the committee whether there is not a question of fact involved here, and that is: whether any additional Indians are to be embraced under the stipulation of the treaty by the order of the Indians themselves in council.

Mr. KASSON. I will say to my colleague on the committee that that question of fact is avoided entirely in the amendment, which provides that none shall be paid except the three hundred and two embraced in the corrected list and the increase of their families, as provided by that clause of the treaty, and such other persons as shall be shown to have been added by order of the Miamis in council according to the custom of their tribe. No possible exception can be taken to the amendment now proposed, as it leaves the matter stand directly upon the treaty and steers clear of all questions of fact. Any Indian whose name may be shown to have been added according to the treaty by the Miamis in council will come in under this amendment as fully as he could by any provision of law.

Now, Mr. Speaker, as I am unwilling to detain the House when there is so much pressing business, I call for the previous question.

Mr. HILL. Will the gentleman yield to me five minutes?

Mr. KASSON. Certainly.

Mr. HILL. Mr. Speaker, there is so little room for argument in this case—the simple statement of the proposition must present the matter so clearly—that I need not occupy the attention of the House for any great length of time.

As has been so clearly stated by the gentleman from Iowa, a treaty was made with the Miami tribe of Indians by the terms of which the benefit of certain annuities were set apart for the Miami Indians of Indiana designated in a certain list. Those were the terms of the treaty: that the persons embraced in a certain list of names should be treated as the Miami Indians of Indiana, entitled to the benefit of these annuities.

Mr. SPALDING. And such others as they might receive.

Mr. HILL. Not such others as they might receive, but such others as might be added to the list with the consent of that tribe in council.

Mr. SPALDING. That is it.

Mr. HILL. Now, I will state to the gentleman from Ohio [Mr. SPALDING] that there never has been another name added to that list by the consent of the tribe in council. The simple question now is whether the terms and stipulations of a solemn treaty entered into by us with these poor Indians shall be carried out with the same good faith which would be observed with regard to a treaty entered into with one of the most powerful nations of the earth. I undertake to say that if we should undertake to pursue with Great Britain or France a similar course to that which has been pursued by Congress since 1858 in reference to these Indians, we should call down upon us the guns of those nations if they retained a particle of self-respect or national pride. And there would be justice in such a resort on their part.

We have stipulated by solemn treaty that certain persons, and none others unless the tribe shall consent to it, shall receive the benefit of these annuities; yet in violation of that treaty—made not by Congress, but by a power recognized under the Constitution as separate and distinct from Congress, the treaty-making power—we by legislation, without the consent of the other party to the treaty, in direct violation of the contract, in gross violation of ordinary good faith, add the names of persons not entitled and give them portions of these annuities, the number of persons already thus added amounting to one hundred and five.

Now, sir, all I ask is that the same good faith which we observe with other nations, the same good faith that we would demand at the hands of other nations, shall be observed with regard to these poor children of the forest. I have no desire to appeal to sympathy. I base this matter on the requirements of the merest justice.

Mr. WINDOM. Will the gentleman from Indiana [Mr. HILL] yield to me for a moment?

Mr. HILL. Certainly.

Mr. WINDOM. The report which has been brought to the attention of the House by the gentleman from Indiana [Mr. NIBLACK] was made in March, 1866, by the Committee on Indian Affairs of this House. In that report the committee refer simply to the opinion of the Attorney General, basing their opinion, as

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I understand, upon nothing else than that. The resolution referred to the Committee on Indian Affairs was somewhat peculiar. It simply referred to that committee to inquire and report who constituted the Miamis of Indiana. Under the peculiar wording of the resolution the committee felt themselves at liberty to dismiss the subject by giving the opinion of the Attorney General on that point. He says who constitute that tribe, and we report his opinion as that of the highest law officer of the Government.

He says also in that opinion that complaint made to the political powers of the Government and not the Executive may change the question. Complaint is now made to the political power of the Government.

I wish to add one word further. The law authorizing the Secretary of the Interior to add to the list of three hundred and two names of the Miamis of Indiana is a clear violation of the treaty. I do not believe a fair construction of the act of 1858 permits such a thing.

Mr. HILL. The practice has been to include them under that construction given to the law by the Commissioner of Indian Affairs.

Mr. WINDOM. The act of 1854 directs him to enroll no such persons upon the list of said tribe. I understand there is a distinction between the tribe of Miamis of Indiana and the Miamis themselves. The Miamis emigrated west of the Mississippi river. The three hundred and two who remained are not a tribe, but are dealt with as individuals. I do not believe the Secretary of the Interior has the right under that treaty to say any one shall receive payment except these three hundred and two. I hope the amendment will pass.

Mr. HILL. I wish to say in regard to the letter of the Commissioner of Indian Affairs that I am at a loss to understand why he should, without referring to a single fact, without giving us the benefit of a single idea on this subject, assume to control the legislation of Congress by interposing his letter as to how this matter ought to be regulated. If the secrets of that office could be drawn out we might know why this interference has been made.

Mr. DEFREES. Mr. Speaker, this is a question which seems to have been before the House on several occasions previous to this time. It appears in 1854, after the Miami tribe of Indians had migrated to the West, some individuals claiming to be a portion of the Miami tribe formed a treaty with the United States, in which they have excluded from the benefit of the payment every one not specified in a certain list indicated. Moreover, that treaty made provision in the settlement of the names of these pretending to be Miamis the list should be revised in connection with the Secretary of the Interior.

It seems the treaty made by these three hundred and two individuals did great injustice to a portion of the Miami tribe. It did not include all those who claimed to be Miamis.

Those who were excluded came to Congress, and the matter was investigated before the proper committee, and finally a law was passed by which the Secretary of the Interior was authorized and directed to revise this list and place upon it such as may prove themselves distinctly to belong to that tribe. In 1862 others claiming to be Miamis presented their claims; after an investigation Congress came to the conclusion these persons were wrongfully excluded and provision was made by which they should be included. Ever since the passage of that law these Indians have been paid their portion.

It seems strange at this late hour, after the Indian appropriation bill had passed this House and gone to the other, this question should be raised. This matter being of a judicial character I think before we act it ought to be investigated by the Judiciary Committee.

Mr. HILL. Is it not true that the terms of the treaty provide only for certain persons?

Mr. DEFREES. It has been generally claimed Congress had the right to revise these treaties.

Mr. HILL. Can Congress nullify and abrogate a treaty?

Mr. DEFREES. I say that Congress has generally assumed to interpret these Indian treaties.

Mr. GRINNELL. I wish to say there is a similar instance in Iowa of the exclusion of Indians as peaceable and respectable as any in the country. I believe in a liberal interpretation, and in doing justice to these men who have not been parties to fraudulent treaties.

Mr. HILL. If the gentleman will permit me I will call his attention to the fact suggested by the gentleman from Minnesota, that the act of Congress under which these Indians have been drawing annuities only provided that other parties might be enrolled with the tribe, and that not a single name be added to the list in Indiana.

Mr. DEFREES. I only say this, that I do not think that certain individuals have any right to get together and claim to be the tribe because the principle tribe is west of the Mississippi. But there are persons who are left east of the Mississippi, who are claiming to be the tribe, and consequently they come in and cut off all others who can show themselves and have shown themselves to belong to that tribe. Why, sir, there is evidence sufficient to show to this House conclusively, if the opportunity was given, that these men who are claiming to have been reinstated by the act of 1858 and 1862 belong to the Miami tribe of Indians.

Mr. HILL. I beg pardon for interrupting the gentleman once more. I ask if that does not appeal to the treaty-making power to correct the treaty and define who the tribe are?

Mr. DEFREES. I think not. Now, I think great injustice would be done to these Indians at this time by cutting off the annuity. They are a class of people living in my district. Some of them are worthy men, and some few widows with families are dependent upon this annuity as a matter of support. I hope the House will not pass the amendment.

Mr. KASSON. The only point which I have heard made in addition to those already spoken of, is the assertion that these destitute Indians, as they are called, were not parties to the treaty. I wish to correct that impression. The treaty was made with the Miamis generally. A portion of the tribe deciding to remain in Indiana while the rest of the tribe went West, agreed to receive a certain portion of the annuities; and those going West agreed to give a certain portion to those remaining. Consequently they became divided. The whole tribe of Miamis agreed to it as represented in council.

Now, in the making of a treaty it is no objection to it to say that certain individuals did not agree to it. There are certain individuals in the United States who never agreed to a treaty made with France, but they are nevertheless bound by it as American citizens. So these Indians were bound by it as parties to the treaty. There was but one tribe to make the treaty; that tribe made it, and we are bound by it.

Mr. WILSON, of Iowa. I desire to ask whether there is evidence showing that persons have been added who are not really persons belonging to the Miami tribe?

Mr. KASSON. It is impossible for us to pass upon a question of fact of that kind. The charges are made that many of them have not enough Indian blood in them to show the color.

Mr. HILL. In 1858 and 1859 this matter was thoroughly investigated in this House, and there is nearly a page in the Congressional Globe of reliable testimony showing that these parties are not Miamis.

Mr. WILSON, of Iowa. That is my understanding. In the investigation that was made, the conclusion was arrived at that these persons were not of Miami blood, and therefore were not to be entitled to be put upon this list.

Mr. HILL. That conclusion was arrived at.

Mr. KASSON. I wish say, as was very properly suggested by the chairman of the Committee on Indian Affairs, that if they do belong to that tribe, they belong to the tribe that emigrated, and must come on to the main tribe for their annuities; because those who did not emigrate are expressly provided for by this bill, and they cannot detach themselves from the main tribe, even if they belong to it, and attach themselves to the minority, thus getting the benefit of the annuity going to the minority.

Mr. DEFREES. I would inquire if the descendants of Godfrey who remained east of the Mississippi are not provided for in the treaty?

Mr. KASSON. If Godfrey's name is on the list of three hundred and two then his descendants are provided for; if it is not on the corrected list they cannot be provided for under the treaty unless they have been added by the Miamis in council. Now, this treaty provides that the money shall go, and the amendment I propose says it shall go according to the treaty; and no one can conscientiously vote against it who is not willing that the money shall be otherwise appropriated than the terms of the treaty prescribe.

The previous question was seconded and the main question ordered.

Mr. DEFREES. I move to lay the amendment on the table.

The SPEAKER. That will carry the bill with it.

The motion was disagreed to.

The question recurred on the amendment to the amendment of the Senate, and it was agreed to.

The amendment, as amended, was then agreed to.

Mr. KASSON moved to reconsider the various votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KASSON. I now move a committee of conference.

The motion was agreed to; and Messrs. KASSON, WINDOM, and NIBLACK were appointed conferees on the part of the House.

SUPREME COURT.

Mr. WILSON, of Iowa. I ask unanimous consent to take from the Speaker's table Senate bill No. 534, to provide for the allotment of the members of the Supreme Court among the [redacted] and for the appointment of marsh[redacted] Supreme Court and for the Distri[redacted]mbia.

Mr. [redacted]YER. I object.

Mr. WILSON, of Iowa. I wish to say to the gentleman that it is necessary to have this allotment made. The court will adjourn to-day or to-morrow, and it is necessary to have this passed now.

Mr. BOYER. I withdraw my objection.

The bill was accordingly taken up, and read a first and second time. It is as follows:

Be it enacted, &c., That the Chief Justice of the United States and the associate justices of the Supreme Court shall be allotted among the circuits now existing by order of the court; and whenever a new allotment shall be required or found expedient by reason of alteration of one or more circuits, or of the new appointment of a Chief Justice or associate justice, or otherwise, it shall be the duty of the court to make the same; and if a new allotment shall become necessary at any other time than during the term, such allotment shall be made by the Chief Justice, and shall be binding until the next term, and until a new allotment by the court.

SEC. 2. *And be it further enacted*, That the Supreme Court may appoint a marshal for said court, whose compensation shall be $3,500 per annum; and said marshal shall take charge of all property of the United States used by said court or its members, and shall serve and execute all process and orders issuing out of said court, or made by the Chief Justice or an associate justice, in pursuance of law; and shall pay into the Treasury of the United States all fees and compensation allowed by law, and render a true account thereof, at the close of each term, to the Secretary of the Interior; and the said marshal, with the approval of the Chief Justice, may appoint assistants and messengers in place of the crier and messengers now employed, with such compensation as is or may be allowed to officers of the House of Representatives of similar grade; and all acts and parts of acts now in force relating to the marshal of the District of Columbia shall apply to the said marshal of the Supreme Court, except so far as in this act otherwise provided.

Mr. WILSON, of Iowa. I move on behalf

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of the committee to amend by adding the following as an additional section:

SEC. 3. *And be it further enacted*, That the supreme court of the District of Columbia is hereby authorized to appoint a marshal of the United States for the District of Columbia, whose powers and duties shall be the same as the powers and duties of the marshal of the United States for the District of Columbia under existing laws; and the said marshal so appointed shall receive the same compensation for his services as the marshal now receives for like services; and from and after such appointment the office of the said marshal now held under appointment by the President shall cease and determine; and the office of warden of the jail in said district is hereby abolished, and the duties of such office shall be imposed upon the marshal of said district.

Mr. WILSON, of Iowa. I call the previous question on the bill and amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to; and the bill, as amended, was ordered to be read a third time, and it was accordingly read the third time.

On motion of Mr. WILSON, of Iowa, the title of the bill was amended by adding thereto the words "and for other purposes."

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DELILAH HILL.

Mr. HOTCHKISS, by unanimous consent, introduced a bill for the relief of Delilah Hill; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PERSONAL EXPLANATION.

Mr. LE BLOND. I ask for about two minutes to make a personal explanation. I will promise not to take over two or three minutes.

No objection was made.

Mr. LE BLOND. I find in the Washington Chronicle of this morning the following telegram:

"COLUMBUS, *February* 26.

"In the House to-day Boynton's resolution to strike out the word "white" from the constitution was lost, after a lengthy debate, by a vote of 26 yeas to 50 nays."

I also find that the State of New York has also rejected the constitutional amendment by a vote of 33 to 40.

All I wish to say in way of personal explanation is that I congratulate my colleagues on this side of the House that they have been sustained by the two great States of Ohio and New York in their opposition to universal suffrage.

Mr. WARD, of New York. I rise to a question of order: the gentleman from Ohio [Mr. LE BLOND] was granted leave to make a personal explanation.

Mr. LE BLOND. I have done.

The SPEAKER. As the point of order has been raised, although the gentleman from Ohio [Mr. LE BLOND] has taken his seat, the Chair will rule upon the point of order. When the House grants unanimous consent to any member to make a personal explanation, the rulings of all Speakers, whose decisions the Chair has examined, is that the Chair cannot interrupt the member while he keeps within parliamentary rules and practices.

Mr. GARFIELD subsequently said: As my colleague [Mr. LE BLOND] has been allowed an opportunity to make a personal explanation, in which he has shown what is being done in reference to striking out the word "white" from the constitution of Ohio, I desire to have read a paper which I send to the Clerk's desk, which will show what is being done in another State.

No objection was made.

The Clerk read as follows:

"PROCLAMATION.—Whereas the laws of the State of Mississippi require that every freedman, free negro, and mulatto shall have a lawful home, and shall have written evidence thereof, by obtaining a license from the mayor, if living in any incorporated city, town, or village, and a contract in writing with some responsible person for a year; and whereas said laws prohibit freedmen, free negroes, and mulattoes from renting or leasing lands or tenements except in towns or cities, and then under the control of said corporations; and whereas the corporate authorities of Yazoo city have passed no ordinance regulating said renting or leasing, but have left the same subject to State law: now, therefore, all freedmen, free negroes, and mulattoes remaining in Yazoo city longer than the 7th of January, 1867, instant, unless under contract for the year, with some reliable and responsible person, will be considered and treated as vagrants, except mechanics, artisans, and artificers and wagoners and draymen, who have teams of their own and who give them their personal attention.

"D. JONES, *Mayor of Yazoo City.*

"YAZOO CITY, *January* 2, 1867."

Mr. GARFIELD. I have asked that this paper be read, in order that my colleague may derive additional comfort from what is being done elsewhere.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. STEVENS, from the committee of conference on the legislative, executive, and judicial appropriation bill, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, having met, after full and free conference, have been unable to agree upon a report.

THADDEUS STEVENS,
ROSCOE CONKLING,
WILLIAM E. NIBLACK,
Managers on the part of the House.
WILLIAM P. FESSENDEN,
GEORGE H. WILLIAMS,
Managers on the part of the Senate.

The report was received, and the committee accordingly discharged.

Mr. STEVENS. I move that the House ask the appointment of another committee.

The motion was agreed to.

The SPEAKER appointed as the conferees on the part of the House, Mr. FARNSWORTH, Mr. WOODBRIDGE, and Mr. ELDRIDGE.

JOHN H. OSLER.

Mr. BINGHAM, by unanimous consent, reported back from the Committee on Military Affairs a bill of the House No. 1225, for the relief of Lieutenant John H. Osler, of Guernsey county, Ohio, with a recommendation that the same do pass.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length. It provides that there be paid to John H. Osler, late first lieutenant of the twenty-sixth regiment Ohio volunteer infantry, the pay of a first lieutenant of infantry from the 9th of December, 1864, to the 27th of March, 1865, together with the three months' pay; and also the pay of a first lieutenant of infantry from the 31st of July to the 4th of October, 1865.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

POLYGAMY IN THE TERRITORIES.

Mr. COOK, by unanimous consent, made a report from the Committee on the Judiciary, to whom had been referred a memorial of the Legislative Assembly of the Territory of Utah, praying for the repeal of an act to prevent and punish polygamy, accompanied by the following resolution:

Resolved, That it is the sense of this House that the law of the United States entitled "An act to prevent and punish polygamy in the United States" ought not to be repealed, but that it should be fully enforced: and that if the judges of the courts refuse or neglect to enforce same, as alleged in the memorial of the Legislative Assembly of the Territory of Utah, they should be removed from office; and that if for reasons beyond the control of said judges said law is not enforced in any Territory it becomes the duty of the President of the United States to take care that it be faithfully executed.

Mr. COOK. I ask that the report be printed, and that the House proceed at this time to consider the resolution accompanying the report.

Mr. ROSS. I object to that. I think that the question of the tariff is of more importance now than the question of polygamy in the Territories.

Mr. COOK. I move that the report be printed, and that the resolution be recommitted to the Committee on the Judiciary.

The motion was agreed to.

Mr. COOK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had insisted on its amendments disagreed to by the House to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, asked a further conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate, Messrs. SHERMAN, POLAND, and BUCKALEW.

LEGISLATION FOR CALIFORNIA.

Mr. BIDWELL. I ask unanimous consent to make a brief statement.

The SPEAKER. Is there any objection?

There was no objection.

Mr. BIDWELL. Mr. Speaker, I desire to make a statement in the interest of those whom I in part represent. I have attended early and late upon the Committee on Public Lands, who have charge of bills in which the State of California has a great interest, and the committee have been unable to report. I now rise for the purpose of making an appeal to the House to give that committee this evening or so soon as the tariff bill may have been disposed of one hour in which to make reports. Whatever action this House may take with reference to these bills which the Committee on Public Lands may report must of course to be effectual receive the concurrence of the Senate; and unless action be taken here very soon it will be impossible to obtain action in the Senate during this Congress. The State of California will not be represented at the opening of the Fortieth Congress. The elections in our State will not be held until next September, and it will be impossible for members from that State to present themselves here before next December. I ask that the Committee on Public Lands be allowed one hour in which to present reports.

The SPEAKER. At what time?

Mr. BIDWELL. This evening, or as soon as the tariff bill may be disposed of. I leave it to the House.

Mr. STEVENS. I have no objection to the committee having this opportunity after the appropriation bills are passed.

The SPEAKER. The Chair thinks that will be at a late period of the session.

Mr. WARD, of New York. I will not object after the tariff bill is passed.

Mr. ELDRIDGE. Do I understand the gentleman from California to be making some proposition about the disposition of the tariff bill? If so I only desire to say that if he wishes to lay the bill on the table we shall be very glad to have it there.

Mr. BIDWELL. My object is not to defeat any bill which may concern the public interests.

The SPEAKER. If the gentleman from California will propose any specific time, the Chair will put the question to the House.

Mr. DAVIS. I desire to inquire whether the bill to which the gentleman from California particularly refers does not relate exclusively to granting lands in California for railroad purposes? I do not think the lands there will spoil before another session of Congress.

Mr. BIDWELL. I will ask the House to assign to-morrow evening at seven o'clock for the purpose I have indicated.

Mr. BROOMALL. I shall object unless the tariff bill be disposed of at that time.

Mr. SPALDING. I call for the regular order.

Mr. BIDWELL. I move to suspend the rules to assign one hour, commencing at half

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past seven o'clock to-morrow evening, for reports from the Committee on Public Lands.

The motion was not agreed to.

Mr. SPALDING. I call for the regular order.

Mr. HIGBY. I ask consent to move that the Committee on Public Lands be discharged from the further consideration of the bill (H. R. No. 865) for the construction of a railroad from Stockton to Copperopolis, that the bill be printed, and laid on the table. In connection with this motion I will state that if a convenient opportunity offers I shall ask the House to pass the bill before this session expires.

Mr. CONKLING and others objected.

Mr. HIGBY. I pledge myself that I will not ask any action on the bill until it has been printed, so that members may see what it is.

Mr. CONKLING. I think the bill had better wait and come up in the regular way.

ORDER OF BUSINESS.

The SPEAKER announced as the business in order during the morning hour the presentation of reports from committees, beginning with the Committee on Foreign Affairs.

HENRY E. PECK.

Mr. BANKS, from the Committee on Foreign Affairs, reported back adversely a joint resolution (H. R. No. 277) for the relief of Henry E. Peck, minister-resident and consul-general in Hayti; which was laid on the table.

JEAN AND ELIZA CHAUTEMPS.

Mr. BANKS, from the same committee, reported back the memorial and accompanying papers of Jean and Eliza Chautemps; and moved that they be referred for consideration to the State Department.

The motion was agreed to.

Mr. BANKS moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

DIPLOMATIC CORRESPONDENCE.

Mr. BANKS, from the same committee, also submitted the following resolution:

Resolved, That the President be, and is hereby, requested, if not inconsistent with the public service, to transmit to the House of Representatives the diplomatic correspondence of the Department of State not hitherto communicated up to the opening of the second session of the Thirty-Ninth Congress.

Mr. BANKS. Since the commencement of the war the President has communicated at the opening of every session of Congress the diplomatic correspondence up to that date. This was omitted at the commencement of this session, and this resolution only calls for that correspondence.

The resolution was adopted.

Mr. BANKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. ANDREW CUNNINGHAM.

Mr. BANKS, from the same committee, reported a bill for the relief of the widow of Andrew Cunningham; which was read a first and second time.

The bill provides that the widow of Andrew Cunningham, of Montreal, Canada, shall be paid the sum of $2,500, as compensation for the loss sustained by her in the death of her husband, illegally enlisted in the Army of the United States, and killed in battle at Po river, May 10, 1864.

It appears by the report that Andrew Cunningham came from Montreal to New York in January, 1864, and after remaining four days found he had been enlisted a private in company G, thirty-ninth New York volunteers. He alleged he had been invited by runners to a bar-room and the drink stupefied him, and that he knew nothing until he found himself enlisted in the Army of the United States. He was a trader in Montreal, thirty-five years of age, and left a widow and a mother who were dependent upon him. He alleged that he received no bounty but seventy-five dollars, which the officers insisted upon his taking. The case was brought to the attention of the Secretary of War, who said Cunningham had been improperly mustered into the service, and the officer so mustering him had been dismissed the service for similar acts. By special order Cunningham was ordered to be discharged, but in the meantime he was killed in battle.

Mr. SCOFIELD. I want to move to refer this to the Committee of Claims or the Committee on Invalid Pensions. There are a great many such cases. I think we ought to have such uniform legislation instead of having these stray bills coming from different committees.

Mr. BANKS. If it were a case like that presented by the gentleman from Pennsylvania I would not object; but it is one which stands alone. It is submitted by the Secretary of State, and is a question between our Government and another Government, and therefore it does not come under the head of ordinary claims.

It is a matter of public interest now, for this Government is in negotiation with other Governments, and with several successfully, for the relief of American citizens who were enlisted while happening to be abroad and who were compelled to serve in the armies of other nations. When we are pressing this, not only through the executive department but by legislation, it is proper for us to consider what we will do in a case which presents a clear case of wrong in the action of our Government.

Cunningham, to whom reference is made, came to New York for the transaction of business, and was enlisted in the Army of the United States. There is no question at all, as appears by the letter of the Secretary of War, he was improperly as well as illegally enlisted, and the officer mustering him was dismissed the service. The War Department ordered his discharge, but the necessary investigation required delay, and his discharge was not issued till the 30th of May, but he was killed at Po river on the 10th. It does not appear he was not faithfully doing his duty, and inasmuch as this is a case in which the Government cannot justify itself some reparation ought to be made.

I would say that the Committee on Foreign Affairs has carefully considered this question in all its bearings, and after very mature deliberation they were of the unanimous opinion that this bill ought to pass. There is upon the records of the Government or on file in the State Department no cases which will come within the line of precedent if this bill shall become a law, and I hope therefore it will pass.

Mr. SCOFIELD. I hope the gentleman will allow me to move to refer the bill to the Committee on Invalid Pensions.

Mr. BANKS. I cannot yield for that purpose.

Mr. SCOFIELD. I suppose the reason why there are no similar applications on file in the State Department is that no one else ever thought of applying to the Secretary of State for a pension. There are many similar cases all along the line where foreigners coming from Canada have been wrongly enlisted in the United States Army.

Mr. BANKS. The gentleman misunderstands the bill. This is not a claim for pension, pay, or for anything that comes under the laws of the United States. All such matters are settled by the proper Departments. This is a reclamation for losses made by a foreign Government upon our Government, and therefore the reference proposed by the gentleman from Pennsylvania is not appropriate and I cannot yield for his motion.

Mr. TAYLOR, of New York. I would inquire of the gentleman from Massachusetts if this man or his family has not received all the bounties that were allowed to persons enlisting in our service, and also if the widow of this man is not now receiving a pension from the Government?

Mr. BANKS. The report states that this man received seventy-five dollars of bounty, and his widow receives a pension of eight dollars a month.

Mr. SCOFIELD. I would ask the gentleman if the widow of this man is not now receiving the same pension which she would have received if she and her husband had been citizens of the United States?

Mr. BANKS. If there had been no wrong committed by the Government of the United States this widow would stand exactly as the widows of other soldiers stand.

Mr. SCOFIELD. She now gets the same pension as the widows of United States citizens get.

Mr. BANKS. She receives a pension of eight dollars a month.

Mr. SCOFIELD. I move to lay the bill upon the table. I do not see why a Canadian lady should receive more than an American lady receives under similar circumstances.

The question was put; and the House refused to lay the bill on the table—ayes 40, noes 58.

Mr. BANKS. I demand the previous question.

The previous question was seconded and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BANKS. I move the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed—yeas 56, nays 42.

Mr. BANKS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NOTT AND COMPANY.

Mr. RAYMOND, from the Committee on Foreign Affairs, reported a bill for the relief of Nott & Co.; which was read a first and second time.

The bill directs the envoy extraordinary and minister plenipotentiary of the United States to C[redacted] the chief diplomatic agent of the Un[redacted]s in China to examine the claim of [redacted] Co., American merchants doing busines[redacted] China, against the Chinese Government, for a loss of coin sustained by them in 1857 by the capture and robbery of a vessel called the Neva, and also directs that if, in his opinion, the claim ought to be paid, it shall be paid with the same rate of interest allowed on other claims from the time of the loss, out of any funds received from the Chinese Government under the treaty of 1858 for the payment of losses sustained by American citizens, and that the amount shall be paid to Nott & Co., or to the surviving copartner or copartners, or to any person duly authorized to be their agent or attorney. The bill further provides that the decision of the American minister in China as to the right of the claimants to be paid, as to the amount to be paid, and as to the parties entitled to receive the same shall be final and conclusive.

Mr. WRIGHT. I object to the consideration of the bill unless it is in order.

Mr. RAYMOND. I will state that the bill contains no appropriation. The claim is to be paid out of a fund provided by the Chinese Government for the payment of such losses.

I will state the circumstances under which this claim arises and that led the committee to report this bill. The house of Nott & Co. is an American house trading in China. In the year 1857, during the war between China and England, they shipped at Hong Kong one hundred and twenty thousand Mexican dollars in coin on board an English vessel bound for the town of Fou Chow. The vessel was under the command of European officers. She left Hong Kong and anchored five miles below that city

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for the evening, and next day she got under way; a boat then came alongside containing eight Chinamen, who asked to be taken as passengers. There were no suspicious indications about them, and they were received by the captain as passengers, bringing on board the ordinary amount of luggage. At night, when the captain and mate had retired below, and there were but three men left on deck, these eight passengers rose, secured the crew under the hatches, and took command of the vessel. The captain, on coming up the hatchway, was killed. The mate, who was armed with a double-barreled rifle, succeeded in getting into the rigging. The next morning they came to anchor and proceeded to take the coin on shore. While they were engaged in doing that the mate came down from the rigging, released the crew, drove the Chinamen overboard, and regained possession of the vessel. But it was found that $20,000 of the coin had been lost, and of that $20,000 $16,000 belonged to the American firm of Nott & Co.

Now, what makes the Chinese Government responsible for the loss is the fact that by treaty with the United States they had agreed that whenever a loss was sustained by piracy and the robbery of an American vessel it should be the duty of the Chinese officers at the port nearest to the point where the loss occurred to take measures to capture the robbers and recover the stolen property. The American consul at the nearest port made application to the Chinese authorities for that purpose, but the Chinese authorities not only refused to order a pursuit of the robbers, but refused to hold any intercourse with the American consul, inasmuch as he was a foreigner and they were at war with a foreign nation, (England,) and they treated all foreigners alike. That fact establishes a claim on the part of Nott & Co. on the Chinese Government, because by the treaty or convention of 1858 the Chinese Government assumed the payment of such losses sustained by American citizens. Instead of investigating these claims themselves, they handed over $175,000 to our Government in full settlement of all these claims, and the American Government undertook the adjustment of each particular claim as it might arise. A commission was appointed for that purpose, composed of two American citizens, and this claim was presented to and investigated by them, but for some reason which has not been stated it was rejected. It was provided by the same convention that an appeal should be allowed from the decision of the commission within a certain length of time. It happened that there was no representative of this American firm in China during the time within which such an appeal could be taken.

But when the representative arrived there the American minister had gone to a distant part of China, and did not return until long after the time provided by the commission for an appeal.

The representatives of this firm now ask that they may be allowed to make the same appeal which they would have made if their representative had been there at the time, or if, when he did arrive, the American minister had been there; and that the American minister be now authorized to hear the appeal precisely as he would have done had he been there at the time the representative of this firm arrived there.

The convention provides that in every case an appeal may be taken from the decision of the commissioner to the American minister, or the chief of the American legation in China. The only effect of this bill is to give these claimants precisely the same rights they would have had if the American minister had been on the spot at the time.

Mr. SCOFIELD. I would ask the gentleman from New York [Mr. RAYMOND] how much of this fund is left?

Mr. RAYMOND. The claims that have been paid amount to about a half million dollars. There is now remaining in the hands of the American custodian in China about two hundred and fifty thousand dollars; and if this claim should be paid, there will still be left something over two hundred thousand dollars.

Mr. LAWRENCE, of Ohio. I would inquire if it is proposed to allow interest on this claim?

Mr. KUYKENDALL. The claim is not against this Government, but against a foreign Government.

Mr. RAYMOND. I believe it is usual in the case of claims against foreign Governments to allow interest.

Mr. LAWRENCE, of Ohio. My impression is that interest should not be allowed on such claims.

Mr. RAYMOND. Our Government is not to pay either the principal or the interest. And if it has not been usual under the convention of 1858 with China to pay interest on such claims then I suppose no interest will be allowed on this claim.

Mr. LAWRENCE, of Ohio. As we are establishing what may be regarded hereafter as a precedent against our Government, although it is now in favor of our own citizens, I think we should exercise great caution.

Mr. RAYMOND. The gentleman is mistaken in supposing that we are establishing a precedent. We are simply following the uniform precedent which has been established under this very convention.

Mr. WRIGHT. I desire to ask the gentleman from New York [Mr. RAYMOND] a single question for information. The principal objection which I have to the passage of this bill arises from the fact that it is stated therein that the decision of the American minister upon a claim made by an American citizen against the Chinese Government shall be final and conclusive. My question is this: can the gentleman furnish a precedent for that mode of determining the rights of parties?

Mr. RAYMOND. In reply to the gentleman from New Jersey, [Mr. WRIGHT,] I beg leave to repeat what I have already stated, that such is the provision of the convention of 1858 between our Government and China, that the decision of the American minister upon appeal from the commission shall be final and conclusive. This bill merely conforms to the language of the convention itself.

I now call the previous question on the bill.

The previous question was seconded and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RAYMOND moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SALARY OF CONSUL AT HAMBURG.

Mr. DAWSON, from the Committee on Foreign Affairs, reported back House bill No. 1068, to regulate and fix the salary of the consul at Hamburg, with a recommendation that the same do pass.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length. It provides that the salary of the consul at Hamburg, from and after the 1st day of June, 1867, shall be $3,000 per annum, the same as of consuls at Bremen and Frankfort.

Mr. KASSON. I would inquire of my friend from Pennsylvania [Mr. DAWSON] if that was not provided for in the diplomatic appropriation bill? My recollection is that we amended the bill so as to accomplish the purpose of this bill.

Mr. DAWSON. Not that I am aware of. The diplomatic appropriation bill might have provided for a consul at Hamburg; but it did not fix the rate of salary, as this bill does.

The SPEAKER. The recollection of the Chair is that the word "Hamburg" was inserted in one of the schedules; but which schedule the Chair does not call to mind now.

Mr. KASSON. I have no opposition to offer to the proposition contained in this bill, for I think it is right. I only thought that it had been already provided for.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAWSON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MEXICAN AFFAIRS.

The SPEAKER. Reports are still in order from the Committee on Foreign Affairs. If there are no further reports from that committee, reports from the Committee on the Territories are now in order.

Mr. ANCONA. Are the Committee on Foreign Affairs through with their reports? I was out for a few moments during the presentation of their reports; but so far as I have observed, no report has been submitted with reference to Mexican affairs. Various resolutions, bills, &c., relating to this subject have during this Congress been referred to that committee; but so far as I am informed no report upon any of those propositions has been presented. I merely desire to ask for information whether any such report has been made or is in contemplation.

Mr. BANKS. The committee does not intend to make any report upon that subject at this time.

LAWS OF DAKOTA TERRITORY.

Mr. HILL, from the Committee on the Territories reported back adversely a bill (H. R. No. 736) to provide for the publication of the laws of Dakota Territory; which was laid on the table.

ARIZONA AND NEW MEXICO.

Mr. COOPER, from the Committee on the Territories, reported back a bill (H. R. No. 950) to amend the organic acts of Arizona and New Mexico, with a recommendation that it pass.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read at length. It provides in the first section that after the next annual sessions of the Legislative Assemblies of the Territories of Arizona and New Mexico the sessions shall be biennial. Members of the Council are to be elected for the term of four years, and members of the House of Representatives for the term of two years, and instead of the compensation heretofore allowed are to receive six dollars per day each during their attendance at the sessions, and four dollars for every twenty miles' travel in going to and returning from the sessions, the distance to be estimated according to the nearest traveled route.

The second section provides that each House shall have authority to elect, in addition to the officers now allowed by law, an enrolling clerk, who is to receive five dollars per day. The chief clerk is to receive six dollars per day, and the other officers elected by the Legislature five dollars per day.

The third section provides that the first election for the first biennial session of the Legislature shall be at the time of holding the general election for the Territory in the year 1868.

The fourth section provides that the seats of government of the Territories of Arizona and New Mexico, fixed by the Governors and Legislative Assemblies, shall not at any time be changed except by an act of the Assemblies duly passed, and which shall be approved, after due notice, at the first general election thereafter by a majority of the legal votes cast on that question.

The fifth section provides that every bill which shall have passed the Council and House of Representatives, shall before it becomes a law be presented to the Governor, who, if he approve, shall sign it; but if not, he shall return it, with his objections, to that House in which it originated, who shall enter the objections at length on their Journal, and proceed to reconsider it. If after such reconsideration, two thirds of that House shall agree to pass

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the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House it shall become a law. But in all such cases the votes of both Houses are to be determined by yeas and nays, to be entered on the Journal of each House respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly by their adjournment prevent its return, in which case it shall not be a law.

The sixth section provides for the repeal of all acts or parts of acts inconsistent with the provisions of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLORADO TERRITORY.

Mr. COOPER, from the same committee, also reported back House bill No. 1121, amendatory of the organic act of Colorado Territory, with the recommendation that it do pass.

The bill provides that hereafter the sessions of the Legislative Assembly of Colorado shall be biennial; that the members of the Council shall be elected for four and the members of the House for two years, and they shall receive the sum of six dollars per day instead of four dollars heretofore allowed, and they shall receive the same mileage as is now allowed by law.

It further provides each House shall elect the officers now allowed by law; that the enrolling clerk and chief clerk shall each receive six dollars per day, and all the other officers five dollars per day.

It further provides that the election for the first biennial session shall be at the general election in 1867, and that the Legislature then elected shall meet at the time now fixed by law.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IDAHO.

Mr. ASHLEY, of Ohio, by unanimous consent, moved to take from the Speaker's table Senate bill 490, to amend an act entitled "An act to provide a temporary Government for Idaho," approved March 3, 1863.

The motion was agreed to; and the bill was taken up and read a first and second time.

The bill provides that the judges of the supreme court of the Territory, or a majority of them, shall, when assembled at the seat of government of the Territory, define the judicial districts of the Territory, and assign the judges who may be appointed for the Territory to the several districts; and shall also fix and appoint the times and places for holding court in the several counties or subdivisions in each of the judicial districts, and alter the times and places of holding the courts as to them shall seem proper and convenient.

The second section provides that the next session of the Legislative Assembly of the Territory of Idaho shall be held commencing on the first Monday in December in 1868, and thereafter the Legislative Assembly of said Territory shall be held biennially, and the next election for members of the Legislative Assembly of said Territory shall be held on the second Monday in August, 1868; and thereafter said election shall be held biennially.

The third section provides that the members of the House of Representatives of said Legislative Assembly shall be elected for the term of two years, and the members of the Council of said Legislative Assembly shall be elected for the term of four years, provided that at the first election hereafter one half of the members of said Council shall be elected for the term of two years and the remaining half for the term of four years; and the districts wherein the members of the Council are to be elected for the term of four years at the next election shall be determined by proclamation of the Governor of said Territory, provided that in all counties and election districts which shall be entitled to elect two members of the Council one of said members shall be elected for two years and the other for four years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ASHLEY, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONTANA.

Mr. ASHLEY, of Ohio, by unanimous consent, moved to take from the Speaker's table Senate bill No. 501, amendatory of an act to provide a temporary government for the Territory of Montana, approved May 26, 1864.

The motion was agreed to; and the bill was taken up and read a first and second time.

The first section provides that the Legislative Assemblies of the several Territories of the United States shall not, after the passage of this act, grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies-corporate for mining, manufacturing, and other industrial pursuits.

The second section provides that the probate courts of the Territory of Montana, in their respective counties, in addition to their probate jurisdiction, are hereby authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed $500, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury, provided that they shall not have jurisdiction in any matter in controversy when the title or right to the peaceable possession of land may be in dispute or chancery or divorce causes; and provided further, that in all cases an appeal may be taken from the order, judgment, or decree of said probate court to the district court.

The third section provides that the chief justice and associate justices of said Territory and of the Territory of Idaho shall each receive an annual salary of $4,000.

The fourth section provides that the judges of the supreme court of said Territory, or a majority of them, shall, when assembled at the seat of government of said Territory, define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and shall also fix and appoint the times and places for holding the courts in the several counties or subdivisions in each of said judicial districts, and alter times and places of holding the courts as to them shall seem proper and convenient.

The fifth section provides that for the purpose of reviving the legislative functions of the Territory of Montana, which have been adjudged therein to have lapsed, the Governor of said Territory be, and he is hereby, authorized, on or before the 1st day of July, 1867, to divide said Territory into legislative districts for the election of members of the Council and House of Representatives, and to apportion among said districts the number of members of the Legislative Assembly provided for in the organic act of said Territory, and the election of said members of the Legislative Assembly shall be held at such time and shall be conducted in the manner prescribed by the Legislative Assembly of said Territory at the session thereof, begun and holden at the city of Bannack, in 1864 and 1865, and the qualifications of voters shall be the same as that prescribed by said organic act, saving and excepting the distinction therein made on account of race or color, and the Legislative Assembly, so elected shall convene at the time prescribed by said Legislative Assembly at the session last aforesaid. The apportionment provided for in this section shall be based upon such an enumeration of the qualified electors of the several legislative districts as shall appear from the election returns in the office of the secretary of said Territory, and from such other sources of information as will enable the Governor, without taking a new census, to make an apportionment which shall fairly represent the people of the several districts in both Houses of the Legislative Assembly.

The sixth section provides that all acts passed at the two sessions of the so-called Legislative Assembly of the Territory of Montana, held in 1866, are hereby disapproved and declared null and void, except such acts as the Legislative Assembly, herein authorized to be elected, shall by special act in each case reënact, provided, however, that in all claims of vested rights thereunder, the party claiming the same shall not, by reason of anything in this section contained, be precluded from making and testing said claim in the courts of said Territory; and provided further, that no legislation or pretended legislation in said Territory since the adjournment of the first Legislative Assembly shall be deemed valid until the election of the Legislative Assembly herein provided for shall take place.

The seventh section provides that from and after the 1st day of April next the salary of each of the judges of the several supreme courts in each of the organized Territories, except Montano and Idaho, shall be $2,500.

The eighth section provides that all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. STEVENS. If I understand the reading of the bill it fixes the salaries of the judges at $4,000.

Mr. ASHLEY, of Ohio. In two Territories.

Mr. STEVENS. Which two?

Mr. ASHLEY, of Ohio. Idaho and Montana.

Mr. STEVENS. I hope the gentleman will allow it to be reduced to $3,000. That is enough.

Mr. ASHLEY, of Ohio. Mr. Speaker, it costs five dollars a day, in gold, for a gentleman to board in Idaho; and before the Legislative Assembly got into the hands of the Opposition the Assembly added to the salaries paid by the Government $2,500. This was to enable them to live. But when the Opposition came into power they repealed this law, so that all they get now is what is paid by the Federal Government.

Mr. ALLISON. How long do these judges stay in the Territory?

Mr. ASHLEY, of Ohio. They cannot leave without the authority of the Attorney General.

Mr. STEVENS. I would like to know at what place it costs five dollars a day to live.

Mr. ASHLEY, of Ohio. It costs that at any place in Idaho and Montana, as I can testify from personal experience.

Mr. STEVENS. Wherever they live at all, I am sure they can live for less than that. I hope it will not go above $3,000.

Mr. ASHLEY, of Ohio. They cannot carry their provisions there for less than twelve or fifteen cents a pound. I ask the previous question.

Mr. SPALDING. I hope it will be modified and made $3,000.

Mr. CHAVES. Will the gentleman yield?

Mr. ASHLEY, of Ohio, Yes, sir.

Mr. CHAVES. I desire to ask the gentleman to allow the judges in New Mexico to be included in the raising of the salaries. It is just as expensive to live in New Mexico as it is in Idaho and Montana.

Mr. ASHLEY, of Ohio. No, sir; it is not.

Mr. CHAVES. Yes, sir; I beg your pardon. I know it, because I come from there myself.

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The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be read a third time, and it was accordingly read the third time.

Mr. ASHLEY, of Ohio. I call the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. SPALDING. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. I rise to a question of order. Is this a report of the committee?

The SPEAKER. It is a Senate bill.

Mr. STEVENS. Did it come from the Committee on the Territories in this House?

The SPEAKER. It was taken from the Speaker's table by unanimous consent.

Mr. ASHLEY, of Ohio. I ask the unanimous consent of the House to say that the Legislature of Montana, having lapsed, it is necessary to have some law there to authorize the present Governor to make an apportionment, in order that there may be a Legislature legally elected. The court of the Territory having pronounced invalid all the laws enacted by the so-called Legislature which met last year, it is very necessary that this bill pass.

One word as to the salaries. Gentlemen can live in Dakota and Nebraska and the adjacent Territories for almost, if not quite, one half what they can live for in Idaho and Montana. That is the reason we have made a distinction between the Territories of Dakota and Montana.

Mr. FINCK. What salary does the Governor of Idaho get?

Mr. ASHLEY, of Ohio. Twenty-five hundred dollars.

Mr. FINCK. Why not put the judges on the same footing?

Mr. ASHLEY, of Ohio. Governor Smith asked me, within three days, to have the proposition to increase his salary stricken out of the bill. He said if the bill came from the Senate with that proposition he would like to have it stricken out, and the bill passed as now reported.

Mr. ELDRIDGE. Where does he expect to get the balance of his living?

Mr. ASHLEY, of Ohio. It was his own proposition. He has the balance in honor.

Mr. MAYNARD. I would inquire of the gentleman whether he thinks it is wise legislation to start these new communities, necessarily composed of people of small means, emigrating from different parts of the country, with this idea of high, not to say extravagant salaries? Is it not better that in "the day of small things" they should start just as the people of his State and mine did, just as he and I started in life? It does seem to me that the same principle is applicable to these Territories.

Mr. SPALDING. I supposed the gentleman was going to move that the salaries be reduced. I ask that the call of the yeas and nays may go on.

Mr. ASHLEY, of Ohio. In reply to the gentleman from Tennessee [Mr. MAYNARD] I will state that having been over that Territory and spent five and a half months in it, and having been at the head of the Committee on the Territories for six years in this branch of Congress, understand what the cost of living is, and I say to him that no man can live in Idaho or Montana on less than $5,000 a year.

Mr. SPALDING. I object to further debate unless the gentleman modifies his proposition.

Mr. ASHLEY, of Ohio. Provisions are brought a thousand miles over land. These are not agricultural Territories, such as my State was, and such as Tennessee was. These are mining communities.

Mr. ELDRIDGE. How is the Governor to live?

Mr. ALLISON. I object to further debate.

Mr. ASHLEY, of Ohio. My colleague from the Cleveland district [Mr. SPALDING] says that he will withdraw his objection if I will permit the amendment to be modified and make it $3,500, which I will do; I am so anxious to secure the passage of the bill.

The SPEAKER. Is there any objection to making it read "$3,500."

Mr. ELDRIDGE. I think it should be the same as the salary of the Governor.

Mr. ASHLEY, of Ohio. The Governor does not ask it.

The SPEAKER. The Chair hears no objection, and the modification is made. The question is, Shall the bill pass as amended? If there is no objection, the yeas and nays will be considered as ordered upon the bill as amended.

The question was taken; and it was decided in the affirmative—yeas 105, nays 39, not voting 46; as follows:

YEAS—Messrs. Alley, Allison, Anderson, Arnell, James M. Ashley, Baker, Baldwin, Barker, Baxter, Beaman, Bidwell, Bingham, Blaine, Blow, Boutwell, Brandegee, Bromwell, Broomall, Buckland, Bundy, Sidney Clarke, Cobb, Conkling, Cook, Cullom, Davis, Dawes, Delano, Deming, Dixon, Dodge, Dumont, Eggleston, Eliot, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Hawkins, Hayes, Henderson, Hill, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Jenckes, Julian, Kelley, Kelso, Ketcham, Koontz, George V. Lawrence, Longyear, Lynch, Marvin, McClurg, McRuer, Mercur, Miller, Moorhead, Morrill, Moulton, Myers, Newell, O'Neill, Paine, Perham, Pike, Plants, Pomeroy, Price, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Spalding, Starr, Stevens, Stilwell, Stokes, Strouse, Thayer, John L. Thomas, Upson, Van Aernam, Burt Van Horn, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, James F. Wilson, and Woodbridge—105.

NAYS—Messrs. Ames, Ancona, Bergen, Boyer, Campbell, Reador W. Clarke, Cooper, Dawson, Eldridge, Farnsworth, Finck, Glossbrenner, Aaron Harding, Hise, Edwin N. Hubbell, Humphrey, Kasson, Kerr, Kuykendall, William Lawrence, Le Blond, Leftwich, Loan, Marshall, Maynard, Niblack, Nicholson, Noell, Ritter, Rogers, Ross, Shanklin, Sitgreaves, Taber, Nelson Taylor, Trimble, Trowbridge, Andrew H. Ward, and Winfield—39.

NOT VOTING—Messrs. Delos R. Ashley, Banks, Benjamin, Chanler, Culver, Darling, Defrees, Denison, Donnelly, Driggs, Eckley, Goodyear, Harris, Higby, Hogan, Asahel W. Hubbard, Hulburd, Hunter, Ingersoll, Jones, Laflin, Latham, Marston, McCullough, McIndoe, McKee, Morris, Orth, Patterson, Phelps, Radford, Samuel J. Randall, William H. Randall, Raymond, Alexander H. Rice, Rousseau, Nathaniel G. Taylor, Francis Thomas, Thornton, Robert T. Van Horn, Hamilton Ward, Elihu B. Washburne, Williams, Stephen F. Wilson, Windom, and Wright—46.

So the bill was passed.

Mr. ASHLEY, of Ohio. I move to reconsider the vote by which the bill was passed; and also move to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had agreed to the amendment of the House to the bill (S. No. 592) to provide for a temporary increase of pay to the officers of the Army of the United States, and for other purposes.

Also, that the Senate had passed a joint resolution (S. R. No. 189) authorizing Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomah and gunboat Augusta to accept presents tendered them by the Emperor of Russia, in which the concurrence of the House was requested.

NORTH MISSOURI RAILROAD COMPANY.

Mr. HOGAN, from the Committee of Ways and Means, by unanimous consent, reported a bill for the relief of the North Missouri Railroad Company, accompanied by a report; which were ordered to be printed, and recommitted to the Committee of Ways and Means.

JOHN SEDGWICK.

Mr. MOORHEAD. I ask unanimous consent to report from the Committee of Ways and Means, for consideration at this time, a bill authorizing the Secretary of the Treasury to audit and settle the accounts of John Sedgwick, collector of internal revenue for the third collection district of California.

Mr. LAWRENCE, of Ohio. I think there is a general law providing for such cases.

Mr. MOORHEAD. This bill relates to what occurred before that law was passed, and does not therefore come within the operation of that law.

Mr. LAWRENCE, of Ohio. I must object to this bill.

Mr. MOORHEAD. Then I move that the rules be suspended so that I may be able to report the bill at this time.

The question was taken; and upon a division there were—ayes 68, noes 28.

So (two thirds voting in the affirmative) the rules were suspended.

The bill was then reported from the committee and read the first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length. It authorizes the Secretary of the Treasury to audit and settle the accounts of John Sedgwick, collector of internal revenue for the third collection district of California, for the fiscal year ending June 30, 1864, as he may deem just and equitable.

Mr. MOORHEAD. Instead of saying anything myself, I will ask that the Clerk read a letter from the Commissioner of Internal Revenue, which I send to his desk.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
WASHINGTON, *February* 4, 1867.

SIR: In reply to yours of 22d January, that John Sedgwick was originally appointed as collector of internal revenue for the third collection district of California July 30, 1862, bond approved December 23, 1862, and appointment confirmed by the Senate February 3, 1863. The date of commencement of service by him is entered on the records of this Department as 15th September, 1862, from which date he is entitled to the pay and emoluments of the office.

For time prior to 30th June, 1863, expenses of administering his office were $4,622 12, which amount has been allowed Mr. Sedgwick in addition to a personal salary at the rate of $2,500 per annum.

For the fiscal year ending 30th June, 1864, his commissions as allowed amounted to $6,423 77, and expenses as shown by statement of the collector were $10,111 34, thus showing a loss of $3,687 57, allowing nothing for his personal salary. For this time, under the act of 3d March, 1863, section seventeen, the total amount which can be allowed to any collector for salary and expenses is limited to $10,000; and to reach this limit a special allowance of $3,576 23 was made by the honorable Secretary under date of 23d October, 1866.

For subsequent years there is no limit fixed by law, and consequently we call for special legislation.

Very respectfully, E. A. ROLLINS,
Commissioner.

SAMUEL V. NILES, Esq., *No. 262 I Street, Washington, D. C.*

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MOORHEAD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL CAPITOL INSURANCE COMPANY.

Mr. MERCUR, from a committee of conference, made the following report:

The committee of conference appointed upon the disagreeing votes of the two Houses upon House bill No. 234, to incorporate the National Capitol Insurance Company, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their first amendment, with the following amendment: in line nine, page 1, after the word "elsewhere" insert "subject to the laws of the several States."

That the Senate recede from their second amendment, with the following amendment: in line fourteen, page 1, after the word "elsewhere" insert "subject to the laws of the States as aforesaid."

That the Senate recede from their third amendment, and that the whole of section nine, as amended, be stricken from the bill.

That the Senate recede from their fourth amendment, with the following amendments: in line twenty-seven, page 6, strike out the word "twenty" and insert "one hundred and fifty;" after the word "dollars" in line one, page 7, insert "in shares of fifty dollars each:" in line two of same page strike out the word "twenty" and insert "one hundred and fifty;" strike out all of the tenth section after the word "insurances," in line three, page 7.

That the House concur in the fifth amendment of the Senate, with the following amendments: in line four of said amendment strike out the word "January" and insert in lieu thereof the word "February;" after the word "Interior" in line six of said amendment insert as follows: "a detailed report of

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their transactions for the preceding year;" in same line strike out the word "shall;" in line seven after the word "some" insert the word "value;" after the word "Columbia" in lines seven and eight insert "for at least ten days;" strike out the word "premiums" in lines eight and nine and insert in lieu thereof the word "profits;" at the end of said Senate amendment add the following: "together with the amount of stock subscribed and the amount actually paid in."

ULYSSES MERCUR,
MARTIN WELKER,
Managers on the part of the House.

LOT M. MORRILL,
D. T. PATTERSON,
Managers on the part of the Senate.

The committee also recommend the following amendments to the bill:

On page 2, strike out after the word "upon" in line five down to and including the word "upon" in line eight.

On same page, after the word "lives" in line nine insert "and health."

On page 3, strike out all after the word "that" in line eighteen over to and including the word "representatives," on page 4, line nine.

On page 4, strike out the words "members or" in lines eleven and twelve.

On same page, strike out all after the word "responsibilities" in line thirteen down to and including the word "company" in line fifteen, and insert in lieu thereof as follows: "beyond the amount of stock subscribed by them respectively."

On same page, strike out all of section five.

On same page, strike out the word "members" in line twenty-five and insert in lieu thereof the word "stockholders."

On same page, strike out the words "said deposit-notes or" in lines twenty-five and twenty-six.

On same page, strike out the word "thereon" in line twenty-six and insert in lieu thereof the words "on their stock."

Strike out all of section seven on pages 5 and 6.

On page 6, strike out the words "members or" in line nine.

The SPEAKER. If the Chair understands this report correctly, the conferees propose to change the orginal text of the bill. The President *pro tempore* of the Senate has twice decided—as the Chair thinks correctly—that while conference committees can in regard to disagreeing votes make a report which may be adopted by a majority in each House, yet any recommendation of such committee proposing a change in the text of the bill requires for its adoption unanimous consent in both branches.

Mr. MERCUR. The committee so understood.

The SPEAKER. The question is first on adopting the report proper of the committee of conference.

The report was agreed to.

The SPEAKER. The question recurs on changing the original text of the bill as proposed by the committee. This requires unanimous consent. Is there any objection?

Mr. WRIGHT. I object.

Mr. MERCUR. I hope that the gentleman from New Jersey will withdraw his objection for a moment, and hear a brief explanation.

The SPEAKER. Unless the proposed changes can be made by unanimous consent the bill will probably fail. The report of the conferees is agreed to; but they recommend in addition certain changes in the original text.

Mr. WRIGHT. I withdraw my objection.

Mr. ROSS. I renew the objection.

The SPEAKER. In this anomalous position of the bill, the Chair will be under the necessity of directing the Clerk to report to the Senate that the House has agreed to the conference report proper, but has refused unanimous consent to the amendments of the original text of the bill, as proposed by the committee.

Mr. SCOFIELD. Could not the report lie on the table for a short time? I think that when the matter is understood the objection will be withdrawn.

The SPEAKER. The gentleman from Pennsylvania [Mr. MERCUR] might withdraw the report.

Mr. MERCUR. I withdraw the report temporarily.

TARIFF BILL.

Mr. MORRILL. Mr. Speaker, I am about to make a last effort to obtain some action of the House upon the tariff; and before submitting the proposition which I propose to present, I desire to call the attention of the House to certain facts in regard to the bill which we have had under consideration.

At the last session of Congress we sent to the Senate a bill merely amending the tariff—a bill consisting of less than sixty pages. The Senate has taken the responsibility of sending back to us a bill covering over one hundred and twenty pages, including hundreds of articles not touched by the House bill, embracing the whole subject of the tariff, and repealing all existing laws upon the subject from the beginning to the end. While the Constitution gives the House of Representatives the exclusive right to originate revenue bills, it also confers upon the Senate the right to make amendments to such bills.

We in this instance have merely made an amendment to the tariff; but the Senate, assuming a wide stretch of power, has sent us an entirely new bill covering the whole subject. While I do not deny their technical right to do this, yet I think it is a very wide stretch of the power of that body, and most unfortunately exercised at this particular time. Beyond doubt it would, after the several fragmentary amendments we have been compelled to make to tariff laws during the recent war, be well to have the whole in one symmetrical act; but to do this requires months of patient labor upon the part of committees as well as of both Houses of Congress. The short session does not afford that time.

The Senate has kept this bill for more than two thirds of the short session of this Congress. It was not reported back to us until the 2d day of this month, and we did not get it from the printing office until the 5th. It reached us at the moment we were in the midst of the consideration of the internal tax bill, and amid the excitement attending the reconstruction question. It was impossible, therefore, for us to properly consider the bill and report it to the House from the Committee of Ways and Means until the 18th of February.

Now, sir, these revenue bills must go to the Committee of the Whole on the state of the Union. The rules so protect the minority in this House that such bills cannot at once be controlled by the majority. There is no power under Heaven nor under parliamentary law by which we can reach such a bill without the concurrence of two thirds unless it shall have first passed through the ordeal of the Committee of the Whole on the state of the Union, where amendment is interminable. Under these circumstances, Mr. Speaker, we have made such progress as was possible, and we find at this late period of the session, when we have only three more legislative days remaining, it is utterly impossible this bill should pass unless we can take it out of committee and bring it into the House.

As complaint may be made against me as to the fate of this bill, I will only say that during the past fortnight, for about the first time within twelve years, I have been compelled by domestic affliction to be absent from my place for about a week. Under these circumstances, for any one who may impute blame to me for an absence arising from sentiments that ought not to be foreign to any manly breast, I have no answer.

Now, Mr. Speaker, I am about to make a motion to discharge the Committee of the Whole on the state of the Union from the further consideration of the tariff bill. I am perfectly aware it will take a two-thirds vote to accomplish this purpose. I have no more, perhaps less, interest than any other man in this House in the result. I represent, like the gentleman from the West, almost purely an agricultural community. I believe it is important for us to keep the industrial interests of the country actively employed. If we can prevent a stagnation of business in this country, prevent a financial crisis, I have no doubt that not less than three hundred thousand immigrants will come to our shores this year for permanent residence. If, on the contrary, we have anything like general stagnation of business, anything like a financial crisis, these immigrants will not come to our shores, and we shall be deprived of much of that large accession to our strength and wealth. It must be apparent that labor finds a higher reward in America or immigrants will not flock here in any great numbers. Besides that, living as I do in an agricultural community, I am anxious to open a wider market for agricultural products. I am anxious these manufacturing and mechanical establishments should find their way into my State, for in Vermont less than any other New England State have we such establishments. Agriculture needs manufactures as much as manufactures need agriculture. They go best hand in hand.

In relation to the bill before the House I will say I have never been one of those who are in favor of high protective tariffs. I believe so much revenue for the support of the Government that a tariff with merely proper discriminations between American labor and foreign labor will be amply sufficient for the protection of all the interests of the country.

Mr. FINCK rose.

Mr. MORRILL. I decline to be interrupted now.

So far as any of the extreme rates in the bill are concerned, they have not received my concurrence. If I should have an opportunity to vote on any such points I should invariably go for the reduction of any of these extreme rates, such as excite the hostility of parties in various parts of the Hall. If there are any snow-capped peaks in the bill I hope they will be knocked off. If the Committee of the Whole on the state of the Union shall be discharged from the further consideration of the bill it will then be in the power of the House to take such action as it pleases. Members can propose such amendments as they choose. It will be entirely within the control of the House, and with its action I shall be content. I now yield to the gentleman from Ohio.

Mr. FINCK. I wish to ask whether it is the purpose of the gentleman to offer a substitute for this bill?

Mr. MORRILL. It is not.

Mr. FINCK. I wish to ask further, if we have only three legislative days, how is it possible to get the bill through and before the President, and how he can read and examine it?

Mr. MORRILL. I have great faith in the power of instinct, and I think the President will be able to understand it from his power of instinct. [Laughter.]

Mr. FINCK. I think so, too, and to veto it.

Mr. ROSS. I understand that New England does not wish this tariff, and I do not see the necessity of pressing it. The gentleman from Massachusetts [Mr. DAWES] told us yesterday that New England does not desire this tariff, and I am sure the West does not want it.

Mr. DAVIS. Will the gentleman from Vermont yield to me for a moment?

Mr. MORRILL. I will for a question, but I cannot yield for discussion.

Mr. THAYER. I would ask the gentleman from Vermont whether if the Committee of the Whole on the State of the Union shall be discharged from the further consideration of the bill he proposes to afford an opportunity for amendments to be offered in the House?

Mr. MORRILL. Certainly.

Mr. ALLISON. With the permission of the gentlemen from Vermont I desire to say a word with reference to the present position of this bill. I think it due to myself that I should say——

Mr. DAVIS. I rise to a point of order. The floor was yielded to the gentleman to ask a question and not to engage in discussion. It was refused to me for any other purpose but to ask a question.

Mr. MORRILL. I am willing to yield for explanation, but not for general debate.

Mr. DAVIS. I ask but a moment for the purpose of making an explanation of what I said yesterday.

Mr. MORRILL. I will yield for that purpose.

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Mr. ALLEY. I object to the gentleman's yielding for explanation.

The SPEAKER. The gentleman from Massachusetts can make the point of order that there is no question before the House, but if that is waived then the gentleman from Vermont has a right to yield for explanation.

Mr. ALLEY. I withdraw the objection.

Mr. DAVIS. Mr. Speaker, yesterday I raised a question in regard to the constitutional power of the Senate to return to the House a bill in the shape in which this bill has been sent here. I did not take an appeal from the decision of the Chair, and I desire now only to state the reasons why I believe that the objection which I made is sound and sustained by constitutional principles.

The Constitution provides that—

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

Now, sir, the point with me is this: that an amendment which strikes out the entire provisions of the bill and substitutes a new bill is no amendment at all. It is a creation and nothing else. If we look at the bill passed by the House of Representatives and compare it with the bill passed by the Senate we shall see that their calling their bill an amendment is a misnomer. They have taken the principal text of the House bill and amended it in certain particulars, and then they say they have stricken out the House bill and send us what by a misnomer they call an amendment. It was therefore my hope that the chairman of the Committee of Ways and Means, who reported this bill to the House, would propose either to concur or to non-concur in the Senate amendment and send the whole subject to a committee of conference, in order that we might be able to obtain some action by Congress upon this great question of the tariff. I desire to say that the country is looking to us for action upon it. The languishing interests of the manufacturers of the country appeal to us for aid, and those who represent the farming interests of the West, those who say that the farmer and the producer from the soil demands the right to purchase where he can purchase cheapest, are mistaking very much the interests of their constituents; they are looking to popularity at home on a false pretense, and the action of the country, if we do not pass a tariff bill, will convince them of the truth of what I say.

Mr. MORRILL. I will now yield for a few minutes to the gentleman from Iowa, [Mr. ALLISON.]

Mr. ALLISON. When I was interrupted by the gentleman from the State of New York, [Mr. DAVIS,] who just now imputed improper motives to the men who differ with him on this floor, I was about to state——

Mr. DAVIS. Allow me to say that I did not design to impugn the character or reflect upon the action of any member of this House. The love of popularity, I suppose, is not confined to Iowa. It is not confined to New York. We all of us love it. I only say that in matters which affect ourselves personally we may sometimes be influenced to vote against the interests of the country generally.

Mr. ALLISON. I was about to say that so far as the Committee of Ways and Means is concerned, to my knowledge it has assiduously endeavored to bring this bill before the House at the earliest possible period. From the 5th day of February up to the very hour when the bill was reported the majority of that committee were in session in the committee-room in the morning during the sessions of the House, and in the evening for the purpose of considering this bill and preparing amendments thereto. I believe that the gentlemen upon that committee will say that although I have opposed the increase of many of the rates proposed by the Committee of Ways and Means, and although I was opposed, in many instances, to the rates of duty imposed by the Senate bill, yet I have thrown no obstacles in the way of its consideration, either in the House or in the Committee of Ways and Means.

I desire now to say a word with reference to the present action of the House. If I understand the motion of the chairman of the Committee of Ways and Means, [Mr. MORRILL,] it is to take the bill out of the Committee of the Whole on the state of the Union, where it is now being considered, and place it within the control of a majority of this House in the House and to have but a single vote thereon. He tells us that there are but three living days of this session. He informs us truly that the Senate has taken into consideration the whole scope of the existing tariff. If the bill comes back again into the House, it is perfectly apparent that it must be considered only by a committee of conference, consisting of three members of the House and three members of the Senate, and that the report of this conference committee must be adopted in the House without debate and without opportunity of amendment, or that we must adopt the bill of the Senate without further consideration or amendment, affecting as it does the entire range of dutiable imports, affecting as it does materially almost every branch of industry, and changing existing values of almost every manufactured commodity in the country.

Now, sir, in my judgment a bill of this magnitude should not be passed without careful consideration in Committee of the Whole House, in order that the varied interests in the country may be properly cared for and adjusted one to another. If this consideration cannot now be given, only a few days will pass until another Congress will assemble having ample time to consider this whole subject, and in the mean time we have a law imposing high duties upon most articles imported, amply protecting nearly if not quite all the varied manufacturing industries of the country, a law which as declared by the chairman of the Committee of Ways and Means was only intended to bridge over the period of war, through which we were passing when it was enacted.

The motion of the gentleman from Vermont, chairman of the Committee of Ways and Means, should it prevail, will allow but one vote to be taken in the House upon this subject, and that without further debate or amendment, a proposition to which I cannot assent at this time. There are several vital objections to the Senate bill which would be finally passed upon by the vote to be taken under the motion of the chairman of the Committee of Ways and Means. It is perfectly apparent, as I have before stated, that even upon a conference report no debate can be had, as if this bill passes it must pass to-morrow or Saturday at farthest to receive the signature of the President or his veto before this Congress expires by limitation.

Not willing, sir, to commit a measure of this importance entirely over to a committee of three, without opportunity of revision or explanation, I shall be compelled to so vote as to keep this bill within the Committee of the Whole, when amendments may be offered and its various provisions carefully considered. If this vote has the effect to postpone for the present the consideration of this subject, I shall take my full share of the responsibility of such action.

Mr. MORRILL. I will yield now for a moment to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I wish to say a word, not precisely in response to my colleague on the Committee of Ways and Means, [Mr. ALLISON,] but to show what has been the action of the Committee of Ways and Means and what is the duty of the House at this time in reference to this bill.

As has already been said, considering the late date at which the printed bill came into our hands, and considering the work on hand at the time, both in the committee and in the House, and considering particularly the heavy pressure upon the committee by delegations and interests from all parts of the country, seeking to be heard, it would hardly have been possible to get the bill through the committee at any earlier hour. But this is now our situation. We must decide within the next half hour whether the majority in this House shall be permitted to vote for or against a tariff bill. It so happens that owing to a division of opinion among the Union men of this House the fate of this bill is likely to be determined by the vote of the Democratic members. Under the rules of the House it is possible for one more than a third of this body to prevent one less than two thirds from taking any decisive action on this bill.

Now, I appeal to those who belong to the majority on this floor, in view of the fact that there are differences in our own party, differences which before twelve months have passed may forever divide us, differences upon which political parties may be entirely recast. I ask them whether they will now precipitate a division by using the power in their hands to-day in connection with our political enemies to defeat a measure which a very large majority of their friends desire to have enacted into a law?

Of course the power is entirely in their hands. But as the Union party is responsible for the action of the House, I hope gentlemen will hesitate before they consent to aid our enemies in tying the hands of the House and thwarting the efforts of one hundred out of one hundred and sixty members. I make no charges against any man, I recognize the absolute right of each member, as I claim the right myself, to vote on all propositions as he may deem best. And if this bill is released from the Committee of the Whole, every member will have full opportunity to record his vote and make up his record.

I hope, therefore—perhaps I hope against hope—that the House will enable us to take this bill from the Committee of the Whole and submit it to the action of the House.

Mr. MORRILL. Mr. Speaker, I do this with reluctance——

Mr. ELDRIDGE. Is debate in order? I do not understand that there is any proposition before the House.

The SPEAKER. If the point of order is insisted upon, the Chair must rule that debate is not in order.

Mr. MAYNARD. I have said about all that I need to say. I therefore move that the rules be suspended, in order that the Committee of the Whole may be discharged from the further consideration of House bill No. 718, and I will merely add that if this motion does prevail, then so far as the Committee of Ways and Means are concerned we shall probably make no further effort in relation to a tariff bill at this session.

The SPEAKER. The Chair will suggest to the gentleman from Vermont [Mr. MORRILL] that unless he makes his motion more comprehensive than he has now made it, each one of the amendments which have been made in Committee of the Whole may be voted upon in the House by yeas and nays.

Mr. MORRILL. I will modify my motion so as to require that a direct vote be taken upon concurring or non-concurring in the Senate amendment.

Mr. HILL. And require the vote to be taken at once?

Mr. KASSON. Without any opportunity for further amendment?

The SPEAKER. The Chair will state the motion of the gentleman from Vermont, [Mr. MORRILL,] so that it may be understood by all the members of the House. It is that the Committee of the Whole be discharged from the further consideration of the tariff bill, and that the House proceed at once to vote upon concurring with the amendment of the Senate.

Mr. MORRILL. I am willing to include the amendments adopted by the Committee of the Whole to the amendment of the Senate.

The SPEAKER. Then if the motion is agreed to, the amendments of the Committee of Ways and Means, so far as they may have been adopted by the Committee of the Whole, will be included; those which have not been

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adopted by the Committee of the Whole will be regarded as falling.

Mr. BENJAMIN. I call for the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 106, nays 64, not voting 20; as follows:

YEAS—Messrs. Alley, Ames, Ancona, Arnell, Delos R. Ashley, James M. Ashley, Baldwin, Banks, Barker, Baxter, Beaman, Bidwell, Bingham, Blaine, Blow, Boutwell, Boyer, Brandegee, Broomall, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Conkling, Cullom, Darling, Davis, Dawes, Dawson, Delano, Deming, Dixon, Dodge, Eliot, Farnsworth, Ferry, Garfield, Grinnell, Griswold, Hale, Hart, Henderson, Higby, Holmes, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Jenckes, Kelley, Ketcham, Koontz, Laflin, Latham, George V. Lawrence, William Lawrence, Longyear, Lynch, Marvin, McClurg, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Paine, Patterson, Perham, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Sitgreaves, Spalding, Starr, Stevens, Stokes, Strouse, Thayer, John L. Thomas, Trowbridge, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, Whaley, Williams, Stephen F. Wilson, and Woodbridge—106.

NAYS—Messrs Allison, Anderson, Baker, Benjamin, Bergen, Bromwell, Campbell, Chanler, Cobb, Cook, Cooper, Defrees, Donnelly, Dumont, Eggleston, Eldridge, Farquhar, Finck, Glossbrenner, Aaron Harding, Abner C. Harding, Harris, Hawkins, Hayes, Hill, Hise, Edwin N. Hubbell, Humphrey, Hunter, Julian, Kasson, Kelso, Kerr, Kuykendall, Le Blond, Leftwich, Loan, Marshall, Maynard, McIndoe, Moulton, Niblack, Nicholson, Noell, Orth, Phelps, Radford, Ritter, Rogers, Ross, Shanklin, Sloan, Stilwell, Taber, Nelson Taylor, Francis Thomas, Thornton, Trimble, Andrew H. Ward, Henry D. Washburn, James F. Wilson, Windom, Winfield, and Wright—64.

NOT VOTING—Messrs. Culver, Denison, Driggs, Eckley, Goodyear, Hogan, Hooper, Asahel W. Hubbard, Hulburd, Ingersoll, Jones, Marston, McCullough, Samuel J. Randall, Alexander H. Rice, Rousseau, Nathaniel G. Taylor, Upson, Robert T. Van Horn, and Elihu B. Washburne—20.

So (two thirds not voting in the affirmative) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. O'NEILL. I desire to say that my colleague, Mr. SAMUEL J. RANDALL, has been called home by the death of a near relative.

Mr. GRINNELL. I desire to state that my colleague, Mr. A. W. HUBBARD, is still detained from his seat by illness. If he were here I have no doubt he would vote for this motion.

Mr. FERRY. My colleague, Mr. DRIGGS, is absent on account of sickness. If he were here he would vote for this motion.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses on the joint resolution of the House No. 222, prohibiting payments to any person not known to have been opposed to the rebellion and in favor of its suppression.

TARIFF BILL—AGAIN.

Mr. STEVENS. I move to suspend the rules to introduce the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 718, entitled "An act to provide increased revenue from imports, and for other purposes; and that the House concur in the amendment of the Senate as amended by the Committee of the Whole, with the following amendments:

Strike out on page 27, line eighteen, all after the word "proud" to the end of the twenty-first line, being the following words:

And any person or corporation may import and use railroad iron at any time within ten years upon paying the duties imposed by law, any provision in any act of Congress to the contrary notwithstanding.

And on page 15, line six, strike out the words "excluding charges in such port;" and strike out the same words in lines fifty, fifty-seven, fifty-eight, sixty-two, sixty-three, sixty-eight, seventy-one, and seventy-two.

And that the vote shall be taken without further amendment or debate.

Mr. ELDRIDGE. I rise to a point of order. This resolution embraces what purports to be an amendment to the tariff bill, and according to the ruling of the Chair no amendment is allowable until after the amendments reported by the Committee of Ways and Means have been considered.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDRIDGE] is certainly correct in his statement of the ruling of the Chair; but the gentleman from Pennsylvania [Mr. STEVENS] has moved to suspend the rules for the very purpose of doing what cannot be done under the rules.

Mr. ELDRIDGE. I have no doubt the decision of the Chair was correct, and I desire that the House shall adhere to it.

Mr. LE BLOND. I call for the yeas and nays on the motion to suspend the rules.

The SPEAKER. This resolution, as the Chair understands, proposes to retain the amendments to the Senate bill as adopted in Committee of the Whole. Or does the gentleman from Pennsylvania [Mr. STEVENS] propose to relieve the bill of the amendments agreed to in Committee of the Whole? Which is his purpose?

Mr. STEVENS. I am willing to take the bill as thus far amended, with the amendments stated in the resolution.

Mr. LE BLOND. I rise to a question of order; though I am not sure that my point is entirely well taken, unless there can be a division of the proposition submitted by the gentleman from Pennsylvania. By a vote just taken the House has refused to discharge the Committee of the Whole from the consideration of this bill. This resolution proposes the same thing, but it embraces in addition a proposition to amend the bill in certain respects. Now, so far as regards the discharge of the Committee of the Whole, it seems to me that that proposition is out of order, the House having just refused such a proposition.

The SPEAKER. The gentleman from Ohio [Mr. LE BLOND] is certainly aware that this resolution differs in some points from the proposition just voted upon by the House, and——

Mr. LE BLOND. Is it not susceptible of division?

The SPEAKER. A motion to suspend the rules is not divisible nor amendable nor debatable.

Mr. LE BLOND. This is a motion to suspend the rules to discharge the Committee of the Whole, and to adopt certain amendments.

The SPEAKER. It is all included in one motion.

Mr. LE BLOND. Can we not have a division, so as to vote separately upon the question of discharging the Committee of the Whole on the state of the Union?

The SPEAKER. A motion to suspend the rules is not divisible, but must be put as moved. Any gentleman might move to suspend all the rules of the House, and if two thirds so decided, an entirely new code of parliamentary rules might be adopted for the government of this body. *A fortiori*, anything less than this can be accomplished by a two thirds vote.

Mr. STEVENS. Upon reflection I believe that the clause with reference to railroad iron was stricken from the bill in Committee of the Whole. I therefore modify my resolution by striking out the part in reference to that.

This leaves as the only amendment the striking out of the clauses with reference to charges upon wool.

Mr. PAINE. I should be glad to understand whether the resolution of the gentleman from Pennsylvania contemplates a concurrence in the substitute of the Senate with the amendments adopted by the House in Committee of the Whole?

Mr. STEVENS. With the amendments already adopted in Committee of the Whole.

The resolution was again read.

Mr. HARDING, of Illinois. I have an amendment which, if accepted, I will say I propose to vote for this bill. My amendment is as follows:

On animals living, namely, on horses, mares, colts, asses, and mules, fifty per cent. *ad valorem;* on neat cattle, fifty per cent. *ad valorem;* on sheep, goats, calves, and swine, fifty per cent. *ad valorem;* on all kinds not otherwise herein provided for, fifty per cent. *ad valorem: Provided*, That all animals imported from Europe for breeding purposes only shall be admitted duty free.

On apples, garden fruit, and edible vegetables and roots, in a green or fresh state, not otherwise herein provided for, ten per cent. *ad valorem.*

On barley, not including pearl or hulled, thirty cents per bushel.

On barley, pearl or hulled, one cent per pound.

On beans, (except vanilla and castor,) forty per cent. *ad valorem.*

On broom corn, fifty per cent. *ad valorem.*

On Indian corn, twenty cents per bushel.

On corn meal, thirty per cent. *ad valorem.*

On butter, five cents per pound.

On buckwheat, twenty cents per bushel.

On flour and meal, middlings, and mill-feed of wheat, rye, oats, or other grain not herein otherwise provided for, fifty per cent. *ad valorem.*

On fruits preserved in spirits or brandy, two dollars per gallon; on fruits preserved in sugar or molasses, and on all other sweetmeats, fifty per cent. *ad valorem: Provided*, That all preserved fruits and pickled fruits in jars, bottles, or other packages, shall pay duty on the entire cost as put up, the cost of packages included.

On fish, namely: on smoked salmon and halibut, two dollars per one hundred pounds; on smoked herring, two dollars per one hundred pounds; on pickled salmon, white fish, and trout, four dollars per barrel; on pickled mackerel, shad, and halibut, four dollars per barrel; on pickled herring and alewives, two dollars per barrel: *Provided*, That any pickled fish in packages other than barrels shall pay in proportion to the rates charged for similar fish in barrels: *And provided further*, That all fish imported in bulk (other than fresh) shall pay at the above rates, estimating two hundred pounds to the barrel. On all pickled fish, not otherwise provided for, two dollars per one hundred pounds; on all dry fish, one half cent per pound; on sardines and anchovies, and all preparations of the same, fifty per per cent. *ad valorem.*

On hay, fifty per cent. *ad valorem.*

On hops, eight cents per pound.

On meats, namely: on beef not cured, and on beef dried, two cents per pound; on beef cured, in barrels, five dollars per barrel of two hundred pounds; on pork, in any form, not cured, three cents per pound; on pork, in barrels, five dollars per barrel of two hundred pounds; on dressed poultry, five cents per pound; on all other meats not cured, two cents per pound; on all prepared or canned meats and sausages, fifty per cent. *ad valorem.*

On malt, fifty per cent. *ad valorem.*

On oats, twenty cents per bushel.

On oil-cake, fifty per cent. *ad valorem: Provided*, That no drawback shall be allowed on oil-cake manufactured of imported linseed, when exported to foreign countries.

On peas, fifty cents per bushel.

On timothy, clover, and other grass seeds, fifty per cent. *ad valorem.*

On all garden seeds, fifty per cent. *ad valorem.*

On canary seed, two dollars per bushel of sixty pounds.

On tallow, lard, and marrow, three cents per pound.

On wheat, fifty cents per bushel.

Mr. STEVENS. I consent to have that added to my resolution.

Mr. MORRILL. I ask the gentleman to allow me to move another amendment.

Mr. STEVENS. If I yield to the gentleman from Vermont I do not know with what grace I can decline to yield to others. I must, therefore, demand the previous question.

Mr. F. THOMAS. I wish the Speaker to explain to the House whether I am right or wrong as to the conception I have in reference to this matter. If the House agree to this proposition and it is sent to the Senate and the Senate non-concur, is there not then ground for a committee of conference which will open up this whole subject?

Mr. STEVENS. It only opens up the matters on which the two Houses disagree.

Mr. F. THOMAS. I desire to know the opinion of the Chair, whether that committee of conference may reopen the entire subject-matter between the two Houses.

The SPEAKER. If two thirds vote for this proposition and the Senate non-concur in the amendment, and it should go to a committee of conference, that committee would be confined exclusively to the amendments to the Senate amendment which have been agreed to, and this one passed by the House.

Mr. WASHBURN, of Indiana. Would the committee of conference have the right to strike out the amendment of my friend from Illinois?

The SPEAKER. The committee would have the control of the amendments agreed to in the Committee of the Whole and by vote of this House.

Mr. STEVENS. I insist on my motion to suspend the rule.

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Mr. HARDING, of Illinois. I withdraw my amendment.

The SPEAKER. The gentleman from Pennsylvania has accepted it, and it cannot be withdrawn without his consent.

Mr. STEVENS. I do not withdraw it.

The SPEAKER. One vote settles this whole question so far as this action is concerned. It is made broadly, so as one vote shall settle it.

Mr. HOOPER, of Massachusetts. What becomes of the amendments of the Committee of Ways and Means which have not been acted on?

The SPEAKER. They are cut off by the operation of this resolution.

Mr. ELDRIDGE. I wish to inquire if the vote to suspend the rules on the proposition of the gentleman from Pennsylvania will determine the whole question?

The SPEAKER. It does. If the rules are suspended the Senate amendment will be concurred in as amended.

Mr. CHANLER. Is it in order to move to divide the question?

The SPEAKER. It is not.

Mr. ANCONA. I wish to inquire whether all action will be concluded upon all points; that is to say, whether a committee of conference will have power to change any of the provisions of the bill as fixed by the Senate and as concurred in by the House if the rules are suspended.

The SPEAKER. It will not. So far as the Committee of the Whole have acted upon the amendment of the Senate that action will remain, but the remaining part of the Senate amendment as concurred in by the House will thereby be entirely removed from the action of the committee of conference, except by the unanimous consent of both Houses.

Mr. STEVENS. The gentleman from Illinois desires me to say that he does not withdraw his amendment.

Mr. HARDING, of Illinois. I stand by my amendment. I do not withdraw it.

The question being taken on the motion to suspend the rules, there were—yeas 102, nays 69, not voting 19; as follows:

YEAS—Messrs. Alley, Ames, Arnell, Delos R. Ashley, James M. Ashley, Baldwin, Banks, Barker, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Boyer, Brandegee, Broomall, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Conkling, Darling, Davis, Dawes, Delano, Deming, Dixon, Donnelly, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Henderson, Higby, Holmes, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Jenckes, Kelley, Ketcham, Koontz, Laflin, Latham, George V. Lawrence, William Lawrence, Longyear, Lynch, Marvin, McClurg, McIndoe, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Paine, Patterson, Perham, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Spalding, Starr, Stevens, Stokes, Strouse, Thayer, John L. Thomas, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, Whaley, Williams, Stephen F. Wilson, and Woodbridge—102.

NAYS—Messrs. Allison, Ancona, Anderson, Baker, Benjamin, Bergen, Blow, Bromwell, Campbell, Chanler, Cobb, Cook, Cooper, Cullom, Dawson, Defrees, Dodge, Eggleston, Eldridge, Eliot, Farquhar, Finck, Glossbrenner, Aaron Harding, Harris, Hawkins, Hayes, Hill, Hise, Hogan, Hooper, Edwin N. Hubbell, Humphrey, Hunter, Julian, Kasson, Kelso, Kerr, Kuykendall, Le Blond, Leftwich, Loan, Marshall, Maynard, McCullough, Moulton, Niblack, Nicholson, Noell, Orth, Phelps, Radford, Ritter, Rogers, Ross, Shanklin, Sloan, Stilwell, Taber, Nathaniel G. Taylor, Nelson Taylor, Francis Thomas, Thornton, Trimble, Andrew H. Ward, Henry D. Washburn, James F. Wilson, Winfield, and Wright—69.

NOT VOTING—Messrs. Culver, Denison, Driggs, Dumont, Eckley, Farnsworth, Goodyear, Asahel W. Hubbard, Hulburd, Ingersoll, Jones, Marston, Samuel J. Randall, Alexander H. Rice, Rousseau, Sitgreaves, Robert T. Van Horn, Elihu B. Washburne, and Windom—19.

So (two thirds not voting in favor thereof) the rules were not suspended.

PATENT SPECIFICATIONS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, in answer to a resolution of the House of the 7th ultimo, relative to the contract for the printing of specifications of patents; which was referred to the Committee on Printing, and ordered to be printed.

LEAVE OF ABSENCE.

The SPEAKER asked and obtained leave of absence for the remainder of the session for Mr. RANDALL, of Pennsylvania, who was called away on account of the death of his father-in-law.

TEMPORARY TARIFF.

Mr. MORRILL. I ask leave to introduce a joint resolution to increase temporarily the duties on imports, which I send to the Clerk's desk for consideration now.

The SPEAKER. The joint resolution will be reported for information, after which the Chair will ask for objections, if there are any.

The joint resolution was read, as follows:

Be it resolved by the Senate and House of Representatives, &c., That from and after ten days from the passage of this joint resolution there shall be levied, collected, and paid on all goods, wares, and merchandise imported into the United States and now subject to duty under existing laws, an additional duty equal to one fifth or twenty per cent. of the duties and rates of duties, including specific and *ad valorem* rates, now imposed by law upon all such goods, wares, and merchandise: *Provided*, That no additional duty shall be levied, collected, or paid on sugar, tea, coffee, salt, or coal.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. WRIGHT and Mr. FINCK objected.

Mr. MORRILL. I move to suspend the rules in order to enable me to offer this resolution for action at this time.

Mr. FINCK. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. KASSON. I desire to inquire whether railroad iron is included in this resolution, so that twenty per cent. will be added to the duty upon it?

Mr. MORRILL. I will modify my resolution so that railroad iron shall be among the exceptions.

The question was taken; and there were—yeas 95, nays 71, not voting 24; as follows:

YEAS—Messrs. Alley, Ames, Anderson, Arnell, James M. Ashley, Baldwin, Banks, Barker, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Brandegee, Broomall, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Conkling, Darling, Davis, Dawes, Delano, Deming, Dixon, Dodge, Donnelly, Ferry, Garfield, Grinnell, Griswold, Hale, Hart, Henderson, Higby, Holmes, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Jenckes, Kelley, Ketcham, Koontz, Laflin, George V. Lawrence, William Lawrence, Longyear, Lynch, Marvin, McClurg, McIndoe, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Paine, Patterson, Perham, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Starr, Stevens, Stokes, Thayer, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, Williams, Stephen F. Wilson, and Windom—95.

NAYS—Messrs. Allison, Ancona, Baker, Benjamin, Bergen, Blow, Boyer, Bromwell, Campbell, Chanler, Cobb, Cook, Cooper, Cullom, Dawson, Defrees, Dumont, Eggleston, Eliot, Finck, Glossbrenner, Aaron Harding, Abner C. Harding, Harris, Hawkins, Hayes, Hill, Hise, Hogan, Edwin N. Hubbell, Humphrey, Hunter, Julian, Kasson, Kelso, Kerr, Kuykendall, Latham, Le Blond, Leftwich, Loan, Marshall, Maynard, McCullough, Moulton, Niblack, Nicholson, Noell, Orth, Phelps, Radford, Ritter, Rogers, Ross, Shanklin, Sitgreaves, Strouse, Taber, Nathaniel G. Taylor, Nelson Taylor, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Andrew H. Ward, Henry D. Washburn, Whaley, James F. Wilson, Winfield, and Wright—71.

NOT VOTING—Messrs. Delos R. Ashley, Culver, Denison, Driggs, Eckley, Eldridge, Farnsworth, Farquhar, Goodyear, Hooper, Asahel W. Hubbard, Ingersoll, Jones, Marston, Samuel J. Randall, Alexander H. Rice, John H. Rice, Rousseau, Sloan, Spalding, Stilwell, Robert T. Van Horn, Elihu B. Washburne, and Woodbridge—24.

So (two thirds not voting in favor thereof) the rules were not suspended.

Mr. HALE. I desire to state that Mr. WOODBRIDGE, of Vermont, and Mr. ELDRIDGE, of Wisconsin, are absent from the House, in attendance upon a committee of conference.

Mr. MORRILL. Mr. FARNSWORTH, of Illinois, is also absent for the same reason.

TARIFF ON WOOL.

Mr. KASSON. I desire to offer a joint resolution, the substance of which I will state in order to avoid the necessity for reading it; it embraces the sections of the tariff bill, as reported by the Committee of Ways and Means, relating to wool and woolens, and nothing else.

Mr. MORRILL. The House have already acted upon that subject; a bill relating to it was passed by this House, and is now pending before the Senate.

The SPEAKER. The Chair will state that some time last session a bill was passed by this House at the instance of the gentleman from Ohio [Mr. BINGHAM] in regard to wool and woolens which has not yet been acted upon in the Senate. The Chair does not remember exactly the name of the bill; but probably the gentleman from Ohio, [Mr. DELANO,] who is now upon the floor, and who was a supporter of the bill, can explain it to the House.

Mr. DELANO. The bill embraced so much of the tariff bill as related to wool and woolens—the tariff bill that passed this House at the last session—and it is now before the Senate.

Mr. BINGHAM. The bill which has gone to the Senate does not contain the words of exception which are found everywhere running through the sections of this bill, to wit, "excepting charges," and the use of which I look upon as a contrivance by which wool may be imported into this country without any duty at all. Therefore, if this measure is to be offered, I ask that the words "excepting charges" be struck out.

Mr. ANCONA. I call for the regular order of business.

ARMY APPROPRIATION BILL.

Mr. STEVENS. I move that the Senate amendments to the Army bill (H. R. No. 112) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, be taken from the Speaker's table and referred to the Committee on Appropriations.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 175) to audit and pay the claim of Tuller & Fisher of Missouri; and

An act (H. R. No. 878) to quiet title to land in the towns of Santa Clara and Petaluma, in the State of California.

PAYMENT OF GOVERNMENT OFFICERS.

Mr. DELANO, from a committee of conference, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House joint resolution No. 322, prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, that the Senate recede from the first amendment, disagreed to by the House, and agree to the bill as passed by the House, with the Senate other amendments.

C. DELANO,
JOHN B. ALLEY,
A. THORNTON,
Managers on the part of the House.

LYMAN TRUMBULL,
GEORGE G. FOGG,
J. W. NESMITH,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. ANCONA. Is it in order to have that bill reported?

The SPEAKER. The House having agreed to the report of the committee of conference the bill is passed.

Mr. McKEE. I desire to make a remark in regard to that bill. I understand that the committee of conference added a section to the House bill.

The SPEAKER. It is not so stated in the conference report. There was a single Senate amendment to the bill, which the House refused to agree to and which was referred to a committee of conference. That committee have reported; and, the Senate receding from their amendment, when they adopted the re-

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port of the committee of conference, the bill had passed, and the adoption of the report by the House was merely a formal matter.

TARIFF ON WOOL—AGAIN.

Mr. KASSON. I desire to know whether my resolution has yet been received by the House?

The SPEAKER. It has not.

Mr KASSON. I understand that the bill referred to by the gentleman from Ohio [Mr. BINGHAM] is not this bill. This is the bill as it comes from the Committee of Ways and Means. I hope it will pass; and I move to suspend the rules for the purpose of passing the bill as reported by the Committee of Ways and Means.

Mr. ROSS. It will be read first, I suppose?

The SPEAKER. It will if the motion to suspend the rules should prevail; the bill will then be before the House for its consideration.

Mr. KASSON. I demand the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

Mr. KASSON. I will say that the joint resolution I desire to introduce is an extract from the tariff bill as reported from the Committee of Ways and Means.

Mr. GRISWOLD. Is debate in order?

The SPEAKER. It is not; a motion to suspend the rules is not debatable.

The question was taken; and it was decided in the negative—yeas 90, nays 64, not voting 36; as follows:

YEAS—Messrs. Allison, Anderson, James M. Ashley, Banks, Barker, Baxter, Beaman, Bingham, Blaine, Blow, Brandegee, Broomall, Buckland, Bundy, Sidney Clarke, Cobb, Conkling, Cullom, Darling, Defrees, Delano, Deming, Dixon, Dumont, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Higby, Hill, Holmes, Hotchkiss, Chester D. Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Jenckes, Julian, Kasson, Kelley, Ketcham, Koontz, Laflin, Latham, George V. Lawrence, William Lawrence, Longyear, Marvin, McClurg, McIndoe, McKee, McRuer, Mercur, Morris, Moulton, Newell, O'Neill, Orth, Paine, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, John H. Rice, Rollins, Ross, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Spalding, Starr, Stokes, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Henry D. Washburn, Welker, James F. Wilson, Stephen F. Wilson, and Windom—90.

NAYS—Messrs. Alley, Ames, Ancona, Baker, Baldwin, Bergen, Boutwell, Boyer, Bromwell, Campbell, Chanler, Reader W. Clarke, Cooper, Davis, Dawes, Dodge, Eggleston, Eliot, Glossbrenner, Aaron Harding, Harris, Hawkins, Hogan, Hooper, Edwin N. Hubbell, Humphrey, Hunter, Kelso, Kerr, Le Blond, Leftwich, Loan, Lynch, Marshall, McCullough, Miller, Moorhead, Morrill, Myers, Niblack, Nicholson, Noell, Radford, Raymond, Ritter, Rogers, Shanklin, Sitgreaves, Stevens, Strouse, Taber, Nathaniel G. Taylor, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Andrew H. Ward, Warner, William B. Washburn, Whaley, Williams, and Wright—64.

NOT VOTING—Messrs. Arnell, Delos R. Ashley, Benjamin, Bidwell, Cook, Culver, Dawson, Denison, Donnelly, Driggs, Eckley, Eldridge, Farnsworth, Finck, Goodyear, Hayes, Henderson, Hise, Asahel W. Hubbard, Demas Hubbard, Ingersoll, Jones, Kuykendall, Marston, Maynard, Phelps, Plants, Samuel J. Randall, Alexander H. Rice, Rousseau, Stilwell, Robert T. Van Horn, Elihu B. Washburne, Wentworth, Winfield, and Woodbridge—36.

So (two thirds not voting in the affirmative) the rules were not suspended.

During the roll-call,

Mr. MORRILL said: I desire to make an inquiry of the Chair, upon the answer to which my vote will depend. I desire to know if the rules are suspended and this joint resolution is introduced, and the House then refuse to second the call for the previous question, can I move, as a substitute for that joint resolution, the proposition to lay a general increase of tariff of twenty per cent.?

The SPEAKER. The Chair is of the opinion, and would so rule, that if the joint resolution proposed by the gentleman from Iowa [Mr. KASSON] is introduced under a suspension of the rules, it being a joint resolution in relation to the tariff on wools and woolens, it would not be in order to move any amendment to it not germane to the subject embraced in the bill; otherwise an entire tariff bill might be put on it by way of amendment.

Mr. MORRILL. Then as a bill has already passed the House and been sent to the Senate, in relation to the tariff on wool, I cannot vote for any humbug like the one proposed by my free-trade friend from Iowa, [Mr. KASSON.] I therefore vote "no."

Mr. MOORHEAD. Under the ruling of the Chair I vote "no."

Mr. SCHENCK. Going it blind, I vote "ay." [Laughter.]

The result of the vote was announced as above recorded.

The hour of half past four o'clock p. m. having arrived, the House, pursuant to order, took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

NAVIGATION OF MISSISSIPPI RIVER.

The SPEAKER laid before the House resolutions of the Board of Trade of St. Louis, relative to the improvement of the Rock Island and Des Moines rapids in the Mississippi river; which were referred to the Committee on Commerce.

HOMESTEADS IN SOUTHERN STATES.

Mr. JULIAN. I rise to a privileged question, and call up the motion to reconsider the vote by which the House recommitted to the Committee on Public Lands House bill No. 1183, amendatory of an act for the disposal of the public lands for homestead actual settlements in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

The motion to reconsider was agreed to.

The question recurred upon the motion to recommit the bill.

Mr. JULIAN. I withdraw the motion to recommit, and ask that the bill be put upon its passage at this time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length. It provides that the act of Congress entitled "An act for the disposal of the public lands for homestead actual settlements in the States of Alabama, Mississippi, Lousiana, Arkansas, and Florida," approved June 21, 1866, be so amended that hereafter any person applying for the benefit of said act shall be required to make oath that he has not borne arms against the United States or given aid and comfort to its enemies.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. LE BLOND. I would inquire who are the persons who are to receive the benefits of this act?

Mr. JULIAN. Any persons who may apply for land under it to the extent of eighty acres.

Mr. LE BLOND. I call for the yeas and nays on the passage of this bill.

The question was taken; and there were—ayes 9, noes 51; not one fifth voting in the affirmative.

Before the result was announced,

Mr. ANCONA called for tellers on ordering the yeas and nays.

The question was taken; and there were—ayes thirteen; not one fifth of a quorum.

So tellers were refused; and the yeas and nays were not ordered.

Mr. KASSON. If the gentleman from Indiana [Mr. JULIAN] will yield to me for a moment, I desire to make a single remark.

I understand that the bill provides for allowing homesteads upon waste land in the southern States to persons who can take the oath of loyalty. I wish to say to my friend from Indiana that I think he proposes to extend this exclusion further than it has ever been extended heretofore. It seems to me that we ought to allow to every man who is willing and able to work the opportunity to go upon waste lands and earn his living. I hardly see the propriety of debarring a man who has been a rebel from the opportunity to earn his own bread by the sweat of his brow. If this is the effect of the bill it seems to me open to objection. I hope that my friend will not press it without at least some debate, so that we may understand the terms of the bill in this respect.

Mr. JULIAN. The proposition before the House is to extend the operation of the homestead law over the southern States. The homestead law of 1862 requires an oath of loyalty on the part of any man who enters land under it. This bill proposes that the same principle which has been applied to the North shall be extended to the South. In other words, as between those who have been loyal to the Government and those who have been rebels in arms against it the bill discriminates in favor of the former.

Mr. KASSON. May I ask my friend whether it is quite correct to say that the bill discriminates in favor of those who have been loyal? The lands are open to all. The loyal men will get them under any arrangement. The effect of the bill, it seems to me, is not discrimination in their favor, but an exclusion of men who have been in the rebel service.

Mr. JULIAN. The effect of the bill will be to prefer loyal to disloyal men, as between those two classes; and I think that we ought thus to discriminate.

Mr. KASSON. I should have no objection to declaring that in case of two applications for the same piece of land the loyal man should have the preference. But the bill in its present form proposes the complete exclusion of every man who has been disloyal.

Mr. JULIAN. I will state to the gentleman that in the whole extent of territory covered by this bill there is not land enough for the loyal men of the South, and I prefer that loyal men should have so much as there is. As matters stand now, the fact is notorious that loyal men are excluded by the disloyal throughout the South. I desire, as far as possible, to prevent this.

Mr. FINCK. I wish to inquire of the gentleman from Indiana whether he proposes to except from this exclusion those who have been pardoned by the President's proclamation?

Mr. JULIAN. The bill makes no exception of that kind.

Mr. FINCK. Will the gentleman allow an amendment of that kind to be inserted in the bill?

Mr. JULIAN. I cannot yield for that purpose. I demand the previous question on the passage of the bill.

Mr. FINCK. I move to lay the bill on the table, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 26, nays 90, not voting 74; as follows:

YEAS—Messrs. Ancona, Bergen, Campbell, Chanler, Cooper, Dawson, Finck, Glossbrenner, Goodyear, Aaron Harding, Hawkins, Hise, Hogan, Edwin N. Hubbell, Humphrey, Kerr, Le Blond, Leftwich, McRuer, Nicholson, Ritter, Shanklin, Sitgreaves, Taber, Trimble, and Andrew H. Ward—26.

NAYS—Messrs. Alley, Allison, Ames, James M. Ashley, Baker, Banks, Baxter, Beaman, Bidwell, Boutwell, Brandegee, Bromwell, Broomall, Buckland, Reader W. Clarke, Cobb, Conkling, Cullom, Darling, Davis, Dawes, Defrees, Dumont, Eggleston, Eliot, Farquhar, Ferry, Grinnell, Griswold, Hayes, Higby, Hill, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Hulburd, Jenckes, Julian, Kasson, Kelley, Koontz, Kuykendall, Laflin, Latham, William Lawrence, Longyear, Marvin, McClurg, McKee, Mercur, Miller, Moorhead, Morrill, Morris, Myers, O'Neill, Orth, Paine, Patterson, Perham, Pike, Plants, William H. Randall, John H. Rice, Rollins, Sawyer, Scofield, Shellabarger, Sloan, Spalding, Starr, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Williams, Stephen F. Wilson, and Windom—90.

NOT VOTING—Messrs. Anderson, Arnell, Delos R. Ashley, Baldwin, Barker, Benjamin, Bingham, Blaine, Blow, Boyer, Bundy, Sidney Clarke, Cook, Culver, Delano, Deming, Denison, Dixon, Dodge, Donnelly, Driggs, Eckley, Eldridge, Farnsworth, Garfield, Hale, Abner C. Harding, Harris, Hart, Henderson, Asahel W. Hubbard, James R. Hubbell, Hunter, Ingersoll, Jones, Kelso, Ketcham, George V. Lawrence, Loan, Lynch, Marshall, Marston, Maynard, McCullough, McIndoe, Moulton, Newell, Niblack, Noell, Phelps, Pomeroy, Price, Radford, Sam-

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uel J. Randall, Raymond, Alexander H. Rice, Rogers, Ross, Rousseau, Schenck, Stevens, Stilwell, Stokes, Strouse, Nathaniel G. Taylor, Nelson Taylor, Thornton, Burt Van Horn, Robert T. Van Horn, Elihu B. Washburne, James F. Wilson, Winfield, Woodbridge, and Wright—74.

So the House refused to lay the bill on the table.

During the vote,

Mr. CONKLING stated that Mr. WOODBRIDGE, Mr. FARNSWORTH, and Mr. ELDRIDGE were absent attending a committee of conference.

Mr. HOOPER, of Massachusetts, stated that his colleague, Mr. RICE, was detained at home by illness.

The vote was then announced as above recorded.

The question recurred on seconding the demand for the previous question.

Mr. HILL. The word "voluntarily" should be inserted, so as to refer to those who voluntarily bore arms.

Mr. JULIAN. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time so that a motion to amend will be in order.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body insisted on its amendments disagreed to by the House to House bill No. 1039, making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1868, and requested a conference on the disagreeing votes of the two Houses, and had appointed Mr. HENDERSON, Mr. MORRILL, and Mr. SHERMAN managers of said conference on its part.

HOMESTEADS IN SOUTHERN STATES—AGAIN.

The question recurred on the motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time; and being taken, it was agreed to.

Mr. KASSON. Now that the bill is open again for amendment, I wish to say there were men who were conscripted into the rebel service who seized the first opportunity to escape into our lines. A regiment I understand was in our service, commanded by an honorable member from Tennessee, [Mr. STOKES,] which was made up almost entirely of such conscripts.

I move to insert after the word "not" the word "voluntarily," so as to provide for those who were forced into the rebel service. At the end of the bill I also move to add the following:

Provided, That said oath shall not be required of any person who during the late war enlisted in the military or naval service of the United States, and who shall have been honorably discharged therefrom.

Mr. JULIAN. There may be those who were honorably discharged from our service and went into the rebel service afterward.

Mr. KASSON. There must have been few of them; but I will add—

And not thereafter have rendered any aid or comfort to the rebellion.

Mr. JULIAN. I now demand the previous question.

Mr. FINCK. I hope gentlemen will also include those who were pardoned by the President.

Mr. JULIAN. I cannot yield for any such purpose.

The previous question was seconded and the main question ordered.

Mr. KASSON's amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time.

The House divided on the passage of the bill; and there were—ayes 64, noes 33.

Mr. ANCONA demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 97, nays 30, not voting 63; as follows:

YEAS—Messrs. Alley, Allison, Ames, Arnell, James M. Ashley, Baker, Banks, Baxter, Beaman, Bingham, Blaine, Brandegee, Bromwell, Broomall, Buckland, Reader W. Clarke, Cobb, Conkling, Cook, Cullom, Darling, Davis, Defrees, Delano, Dixon, Dodge, Dumont, Eliot, Farquhar, Griswold, Hawkins, Hayes, Higby, Hill, Holmes, Hooper, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Hulburd, Jenckes, Julian, Kelley, Kelso, Koontz, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marvin, Maynard, McClurg, McIndoe, McKee, McRuer, Mercur, Miller, Morrill, Morris, Moulton, Myers, Newell, O'Neill, Orth, Paine, Perham, Pike, Plants, Pomeroy, Price, William H. Randall, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Spalding, Starr, Stokes, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Stephen F. Wilson, and Windom—97.

NAYS—Messrs. Ancona, Bergen, Campbell, Chanler, Cooper, Dawson, Finck, Glossbrenner, Goodyear, Aaron Harding, Hise, Hogan, Edwin N. Hubbell, Humphrey, Kerr, Kuykendall, Latham, Le Blond, Leftwich, Marshall, Niblack, Nicholson, Ritter, Shanklin, Sitgreaves Taber, Trimble, Andrew H. Ward, Winfield, and Wright—30.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, Baldwin, Barker, Benjamin, Bidwell, Blow, Boutwell, Boyer, Bundy, Sidney Clarke, Culver, Dawes, Deming, Denison, Donnelly, Driggs, Eckley, Eggleston, Eldridge, Farnsworth, Ferry, Garfield, Grinnell, Hale, Abner C. Harding, Harris, Hart, Henderson, Hotchkiss, Asahel W. Hubbard, James R. Hubbell, Hunter, Ingersoll, Jones, Kasson, Ketcham, Laflin, Marston, McCullough, Moorhead, Noell, Patterson, Phelps, Radford, Samuel J. Randall, Raymond, Alexander H. Rice, John H. Rice, Rogers, Ross, Rousseau, Stevens, Stilwell, Strouse, Nathaniel G. Taylor, Nelson Taylor, Thornton Robert T. Van Horn, Elihu B. Washburne, Williams, James F. Wilson, and Woodbridge—63.

So the bill was passed.

COMMITTEE ON PUBLIC LANDS.

Mr. JULIAN. I ask unanimous consent of the House that to-morrow evening at half past seven o'clock the Committee on Public Lands shall have half an hour for the purpose of reporting a very important bill.

Mr. SCOFIELD. I object.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had disagreed to the amendment of the House to Senate bill No. 534, to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the circuit.

BANKRUPT BILL.

Mr. DAWES. I move that the House proceed to business on the Speaker's table.

The motion was agreed to.

The first business on the Speaker's table was the consideration of the message of the Senate, insisting upon its amendments to the bankrupt bill and asking for a committee of conference.

Mr. JENCKES. I move that the House insist upon its disagreement and reciprocate the request of the Senate for a committee of conference.

Mr. STEVENS. I move to lay the bill on the table, and on that I call the yeas and nays.

On ordering the yeas and nays there were—ayes seventeen.

Mr. FINCK. I demand tellers on ordering the yeas and nays.

Tellers were ordered; and the Chair appointed Messrs. FINCK and JENCKES.

The House divided; and the tellers reported—ayes twenty-eight.

So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 65, nays 73, not voting 52; as follows:

YEAS—Messrs. Ancona, Arnell, Baker, Bingham, Blaine, Bromwell, Broomall, Campbell, Reader W. Clarke, Cobb, Cook, Cullom, Dawson, Defrees, Delano, Dumont, Eldridge, Finck, Garfield, Aaron Harding, Abner C. Harding, Hawkins, Hayes, Hill, Hise, Chester D. Hubbard, Julian, Kelso, Kerr, Koontz, Kuykendall, George V. Lawrence, William Lawrence, Le Blond, Leftwich, Loan, Marshall, Maynard, McClurg, McKee, Mercur, Miller, Morrill, Moulton, Niblack, O'Neill, Patterson, Perham, Pike, Plants, Price, William H. Randall, Ritter, Rollins, Sawyer, Schenck, Shanklin, Shellabarger, Stevens, Stokes, Andrew H. Ward, William B. Washburn, Welker, James F. Wilson, and Stephen F. Wilson—65.

NAYS—Messrs. Alley, Allison, Ames, James M. Ashley, Banks, Barker, Beaman, Bergen, Bidwell, Brandegee, Buckland, Chanler, Conkling, Cooper, Darling, Davis, Dawes, Deming, Dixon, Dodge, Eliot, Farnsworth, Ferry, Goodyear, Griswold, Hale, Higby, Holmes, Hooper, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Kasson, Kelley, Ketcham, Laflin, Latham, Longyear, Lynch, Marvin, McIndoe, McRuer, Moorhead, Morris, Newell, Pomeroy, Radford, John H. Rice, Scofield, Sitgreaves, Sloan, Spalding, Taber, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Trimble, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, Wentworth, Windom, Woodbridge, and Wright—73.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, Baldwin, Baxter, Benjamin, Blow, Boutwell, Boyer, Bundy, Sidney Clarke, Culver, Denison, Donnelly, Driggs, Eckley, Eggleston, Farquhar, Glossbrenner, Grinnell, Harris, Hart, Henderson, Hogan, Hotchkiss, Asahel W. Hubbard, James R. Hubbell, Ingersoll, Jones, Marston, McCullough, Myers, Nicholson, Noell, Orth, Paine, Phelps, Samuel J. Randall, Raymond, Alexander H. Rice, Rogers, Ross, Rousseau, Starr, Stilwell, Strouse, Nathaniel G. Taylor, Thornton, Robert T. Van Horn, Elihu B. Washburne, Whaley, Williams, and Winfield—52.

So the bill was not laid on the table.

During the roll-call,

Mr. PAINE stated that he was paired with Mr. RICE, of Massachusetts, who would vote "no;" he [Mr. PAINE] would vote "ay."

Mr. EGGLESTON stated that he had paired with Mr. DRIGGS, who would vote "no;" he [Mr. EGGLESTON] would vote "ay."

The question recurred on the motion of Mr. JENCKES for a committee of conference, and it was agreed to; and Messrs. JENCKES, DAWES, and DAWSON were appointed on the part of the House.

RELIEF OF GOVERNMENT CONTRACTORS.

Mr. SLOAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 220) for the relief of certain contractors for the construction of vessels-of-war and steam-machinery having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate agree to the House amendment, with the following amendments:

After the word "same" in the fourth line insert the words "under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864."

Add to the House amendment the following amendments:

Provided, That the Secretary of the Navy, under the resolution, shall investigate the claim of W. H. Webb for constructing the steamer Dunderburg, applying the provisions of this resolution in such investigation, except that proper consideration shall be given to the increased cost incurred by said Webb by reason of any alteration in the plans and specifications for the Dunderburg made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price.

J. C. SLOAN,
C. DELANO,
Managers on the part of the House.

T. A. HENDRICKS,
H. B. ANTHONY,
W. T. WILLEY,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. SLOAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPREME COURT.

Mr. WILSON, of Iowa. I ask unanimous consent that the House take up the message last received from the Senate in regard to Senate bill No. 534, to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court.

No objection being made, the message was taken up. The Senate had disagreed to the amendment of the House.

Mr. WILSON, of Iowa. I move that the House insist upon its amendment, and ask for a committee of conference.

The motion was agreed to; and Messrs. WILSON, of Iowa, WILLIAMS, and RADFORD were appointed conferees on the part of the House.

GOVERNMENT PROPERTY AT CAMP CHASE.

The next business on the Speaker's table was the consideration of the amendment of the

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Senate to House joint resolution No. 266, granting certain public property to the State of Ohio.

The amendment of the Senate was to strike out the words "used in the erection of the State asylum for the idiotic," and insert in lieu thereof the words "appropriated by the State Legislature to the use and benefit of homes for disabled soldiers."

Mr. SCHENCK. I move that the House non-concur in the amendment, and ask for a committee of conference.

The motion was agreed to; and Messrs. GARFIELD, BLAINE, and HUNTER were appointed conferees on the part of the House.

INSPECTION OF INDIAN AFFAIRS.

The next business in order on the Speaker's table was the consideration of the message of the Senate disagreeing to the amendment of the House to Senate bill No. 204, to provide for an annual inspection in Indian affairs, and for other purposes.

Mr. KASSON. I move that the House insist upon its amendment, and ask for a committee of conference.

Mr. ROSS. I move that the House concur in the Senate amendment.

Mr. WINDOM. I move that the House recede.

Mr. KASSON. I simply wish the House to understand that this is the question we passed upon after full debate some days ago, and I hope the House will grant a committee of conference in order to see whether it is not possible to agree with the Senate upon such a system as shall combine the military jurisdiction, so far as the police government over the warlike Indians is concerned, with the peace establishment in the other direction. I think the importance of the subject demands that effort. I call the previous question.

Mr. ROSS. Will the gentleman yield to me?

Mr. KASSON. If it does not take over five minutes. We have very little time.

Mr. ROSS. I am in hopes the House will concur in the Senate amendment. It is very apparent that unless this is done there will be no bill passed during this session to reorganize the Indian Bureau of the Government. It will be recollected that the measure was carried in this House by a very small majority—some three or four—to transfer this bureau to the military department. The committees that have had this question under examination concur with great unanimity in opposition to transferring it to the War Department, and for the purpose of trying to do something for the benefit of the Indians I hope in reorganizing this bureau the House will concur in the action of the Senate.

Mr. HALE. Will the gentleman from Indiana [Mr. KASSON] yield to me two or three minutes?

Mr. KASSON. Yes, sir.

Mr. HALE. The House will bear in mind that the original bill introduced here was one from the Senate providing for a system of inspection and superintendence to some extent in addition to the ordinary machinery of Indian affairs. The House struck out the entire bill and substituted one of an entirely different character, transferring the Indian Bureau to the War Department. For that substitute I voted, believing that it was desirable it should be so transferred. But it strikes me the two measures are not inconsistent, and as it seems to me there is no probability of our carrying through the two Houses at this late period a bill providing for the transfer proposed by the House, I do believe it is the part of wisdom that we concur in the original Senate bill, and provide for a system of inspection, leaving the transfer from the Interior to the War Department to be effected by a future Congress, as I trust it will be.

Mr. KASSON. The objection to that proposition is that it does not accomplish the object sought by the House at all; it still leaves the Indians under the control of the civil establishment and continues the present evil. I have much more hope of reconciling the Senate than my friend has.

Mr. ROSS. We have very little time. I hope the gentleman will not discuss this matter much. [Laughter.]

Mr. KASSON. I now demand the previous question.

The previous question was seconded and the main question ordered.

The question was, upon the motion of Mr. WINDOM, that the House recede from its disagreement with the Senate upon this bill.

The question was taken; and upon a division, there were—ayes 50, noes 58.

Before the result of the vote was announced, Mr. WINDOM called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 59, nays 82, not voting 49; as follows:

YEAS—Messrs. Arnell, Baker, Banks, Baxter, Beaman, Bundy, Campbell, Reader W. Clarke, Cook, Cooper, Davis, Donnelly, Farquhar, Finck, Glossbrenner, Goodyear, Grinnell, Hale, Aaron Harding, Hawkins, Higby, Hise, Hogan, Hooper, Chester D. Hubbard, Demas Hubbard, Jenckes, Julian, Kelso, Kerr, Kuykendall, Le Blond, Leftwich, Marshall, Myers, Newell, Niblack, Nicholson, Noell, Paine, Perham, Plants, Price, Radford, Ritter, Ross, Shanklin, Stokes, Taber, Francis Thomas, Trimble, Van Aernam, Andrew H. Ward, Warner, Henry D. Washburn, William B. Washburn, Whaley, Windom, and Woodbridge—59.

NAYS—Messrs. Alley, Ancona, Baldwin, Bergen, Bidwell, Bingham, Blaine, Blow, Brandegee, Bromwell, Buckland, Sidney Clarke, Cobb, Conkling, Cullom, Darling, Dawes, Dawson, Defrees, Delano, Deming, Dixon, Dumont, Eggleston, Eliot, Farnsworth, Garfield, Griswold, Abner C. Harding, Hayes, Hill, Holmes, John H. Hubbard, Edwin N. Hubbell, Kasson, Kelley, Ketcham, Koontz, Laflin, Latham, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marvin, Maynard, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Moulton, O'Neill, Orth, Patterson, Pike, Pomeroy, William H. Randall, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Sitgreaves, Sloan, Spalding, Stevens, Nelson Taylor, Thayer, John L. Thomas, Trowbridge, Upson, Burt Van Horn, Hamilton Ward, Welker, Wentworth, Williams, James F. Wilson, and Wright—82.

NOT VOTING—Messrs. Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Barker, Benjamin, Boutwell, Boyer, Broomall, Chanler, Culver, Denison, Dodge, Driggs, Eckley, Eldridge, Ferry, Harris, Hart, Henderson, Hotchkiss, Asahel W. Hubbard, James R. Hubbell, Hulburd, Humphrey, Hunter, Ingersoll, Jones, Marston, McClurg, McCullough, McIndoe, Phelps, Samuel J. Randall, Raymond, Alexander H. Rice, John H. Rice, Rogers, Rousseau, Starr, Stilwell, Strouse, Nathaniel G. Taylor, Thornton, Robert T. Van Horn, Elihu B. Washburne, Stephen F. Wilson, and Winfield—49.

So the motion of Mr. WINDOM was not agreed to.

The question recurred upon the motion of Mr. KASSON, that the House still further insist upon its disagreement, and ask for a committee of conference.

The motion was agreed to.

Mr. KASSON moved to reconsider the vote last taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed as the conferees on the part of the House, Mr. KASSON, Mr. SCHENCK, and Mr. WINDOM.

ENROLLED BILLS SIGNED.

Mr. COBB, from the Committee on Enrolled Bills reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 490) to amend an act entitled "An act to provide a temporary government for the Territory of Idaho," approved March 3, 1863; and

An act (S. No. 592) to provide for a temporary increase of the pay of officers in the Army of the United States, and for other purposes.

ARIZONA, IDAHO, UTAH, MONTANA.

The next business upon the Speaker's table was the amendment of the Senate to the bill of the House No. 746, for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana.

The amendment of the Senate was to strike out all after the enacting clause and insert the following:

That the President, by and with the advice and consent of the Senate, shall be, and is hereby, authorized to appoint a surveyor general for Montana, whose annual salary shall be $3,000, and whose power, authority, and duties shall be the same as those provided by law for the surveyor general of Oregon. He shall have as proper allowance for clerk hire, office rent, and fuel what is now allowed by law to the surveyor general of Oregon.

SEC. 2. *And be it further enacted*, That the public lands within the Territories of Montana and Arizona, to which the Indian title is or shall be extinguished, shall each, respectively, constitute a new land district, to be called the Montana district, and the Arizona district, respectively. And the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for each of said districts, respectively, who shall be required to reside at the places at which such officers shall be located, and they shall have the same power, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law for the regulation of land offices of the United States in other Territories.

SEC. 3. *And be it further enacted*, That the Secretary of the Interior is hereby authorized to locate said offices of surveyor general and register and receiver of public moneys.

SEC. 4. *And be it further enacted*, That the Territory of Arizona is hereby attached to the surveying district of California.

Mr. JULIAN. I move that the House nonconcur in the Senate amendment, and ask the appointment of a committee of conference.

The motion was agreed to.

LIGHT-HOUSES.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No 1166) entitled "An act to authorize the building of light-houses therein mentioned, and for other purposes."

The amendments of the Senate were read as follows:

On page 1, after line five insert "at a cost not exceeding $10,000."

On same page, after line seven insert "at a cost not exceeding $14,000."

On same page, after line nine insert "at a cost not exceeding $10,000."

Insert the following:

For building a light-house at Pigeon river or vicinity, Lake Superior, Minnesota, $15,000.

On page 1, after line eleven insert "at a cost not exceeding $15,000."

On same page, strike out lines twelve and thirteen.

On same page, after line fifteen insert "at a cost not exceeding $15,000."

After line seven insert "at a cost not exceeding $15,000."

After line nineteen insert "at a cost not exceeding $16,000."

After line twenty-one insert "at a cost not exceeding $45,000."

On page 2, strike out lines one, two, three, four, and five.

On same page, in line seventeen strike out "responsible."

Mr. LONGYEAR. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

Mr. LONGYEAR moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIVER AND HARBOR IMPROVEMENTS.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No. 1154) entitled "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes."

The amendments of the Senate were read, as follows:

On page 3, in line eleven, after the word "Sandusky" insert "Harbor Bay; and"

On same page, at the end of line sixteen insert "to be expended in accordance with the plans and specifications of Colonel T. J. Cram, in his report of December 10, 1866."

Strike out all of line twenty-seven, on page 3, and line one, on page 4.

On page 5, after line twenty-three insert "for improving the harbor of Burlington, Vermont, $18,000."

On page 7, in line two strike out "$1,000,000" and insert "according to such plan as the Secretary of War shall, on the report of a board of engineers, approve, $500,000: *Provided, however*, That any canal that may be constructed to the said Des Moines or lower rapids of the Mississippi river, shall be and remain free to the navigation and commerce of said river, and no tolls shall ever be collected thereon."

On page 7, after line ten insert "for building and operating one dredge or snag-boat on the Wisconsin river, $40,000."

On page 7, after line fourteen, insert the following:

To improve the navigation of the Willamette river, Oregon, below the city of Portland, $30,000.

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For removing snags and boulders throughout the Minnesota river, $37,500.

For improvement of Providence river, Rhode Island, off Pawtucket bar and at the Crag, $25,000.

For improvement of the Pawtucket river, Rhode Island, $17,000.

On page 7, strike out all after line fourteen to the end of line twenty-seven.

On page 8, after the word "that" in line one insert the following:

The appropriation of $75,000 for constructing works and improving the entrance into the harbor of Michigan City, Indiana, made in and by the act approved June 23, 1866, shall be expended for the purpose aforesaid upon the terms and in the manner hereinafter provided for other appropriations under this act: *Provided*, That it shall be first shown to the satisfaction of the Secretary of War that the sum of $100,000 has been expended by the Michigan City Harbor Company in the construction of a safe and convenient harbor at that place; and provided that the passage of vessels to and from said harbor shall be free and not subject to toll or charge.

On page 10, after the word "namely" in line eleven insert the following:

At the harbor of San Francisco, California, with a view to the removal of Blossom Rock, if the same should be found necessary and essential to commerce.

On page 10, after "Elizabeth" in line nineteen insert "the Union river and the Gut, opposite the city of Bath."

On page 10, at the end of line twenty insert the following:

At Block Island, in the State of Rhode Island; the reefs in Lake Michigan, near the harbor of Racine, in Wisconsin, with a view to light-house and breakwater thereon, and the Potomac river, in the District of Columbia.

On page 10, after "and" in line seven insert "to continue the survey."

On page 11, line one, insert "in accordance with the recommendation of General J. H. Wilson in his report of January 12, 1867."

Mr. EGGLESTON. I move that the House concur in all the amendments except the first one, and to non-concur in that. That is an error of the Senator from Ohio in supposing we made a mistake when he was mistaken himself.

Mr. SCOFIELD. I hope we will non-concur. The Senate have put back all those objectionable things and a good many more that the House refused to sanction the other day.

Mr. WILSON, of Iowa. I would suggest to the gentleman from Pennsylvania the things to which he refers are not in this bill. The appropriation for Des Moines rapids has been reduced from $1,000,000 to $500,000.

Mr. SCOFIELD. I was not paying attention at the time, and perhaps I may be mistaken.

Mr. EGGLESTON. I would not force a vote on any gentleman that was not fair.

The motion was agreed to.

Mr. WILSON, of Iowa, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUTENANT JOHN H. HAMLIN.

The next business upon the Speaker's table was the consideration of the following amendments of the Senate to House joint resolution No. 268, to pay Lieutenant John H. Hamlin for military services:

Strike out "eighth" and insert "first." Strike out "January" and insert "July;" and also strike out "being the date on which he joined his regiment and entered on duty as a second lieutenant;" so that the joint resolution will then read:

That the Paymaster General of the United States Army be, and he is hereby, directed to pay to John H. Hamlin, of Michigan, late a first lieutenant in the seventh regiment of Michigan cavalry, the full pay and allowances of a second lieutenant of cavalry for the time from the 1st day of July, 1863, to the 28th day of March, 1864, when he was mustered in as a first lieutenant.

Mr. SCHENCK. I think the Senate are mistaken, but we had better concur in the amendments and pass the bill.

The amendments of the Senate were concurred in.

RICHARD CHENERY.

The next business upon the Speaker's table was the following Senate amendment to House bill No. 588, for the relief of Richard Chenery.

Strike out all after the enacting clause and insert the following:

That the Secretary of the Interior is hereby authorized to examine the claim of Richard Chenery, of California, for $8,000 alleged to be due him for beef furnished to George P. Armstrong, temporary Indian agent for the tribes of Indians on Russian river and at Clear Lake, and for which said Armstrong executed receipts, dated March 23 and May 23, 1852, and if he shall believe, from such examination, that the property was furnished in good faith and that the Government is justly indebted to the claimant, as alleged, he shall cause the amount so found to be due to be paid to the said Chenery or his legal representatives: *Provided*, That in no event shall any greater sum than $8,000 be paid: *And provided further*, That the sum paid shall be accepted in full and lasting discharge of this claim.

Mr. WINDOM moved that the House concur.

The motion was agreed to.

Mr. WINDOM moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF COMPOUND-INTEREST NOTES.

The next business upon the Speaker's table was the following amendment from the Senate to House bill No. 1220, to provide ways and means for the payment of the compound-interest notes:

Strike out the following:

The Secretary of the Treasury is hereby authorized and directed to redeem compound-interest notes with the accrued interest, and issue therefor United States legal-tender notes without interest, not exceeding in amount $100,000,000.

Insert in lieu thereof the following:

SEC. 1. That for the purpose of redeeming and retiring any compound-interest notes outstanding the Secretary of the Treasury is hereby authorized and directed to issue temporary loan certificates in the manner prescribed by section four of the act entitled "An act to authorize the issue of United States notes and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February 25, 1862, bearing interest at a rate not exceeding three per cent. per annum, principal and interest payable in lawful money on demand; and said certificates of temporary loan may constitute and be held by any national bank holding or owning the same as a part of the reserve provided for in sections thirty-one and thirty-two of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864: *Provided*, That not less than two fifths of the entire reserve of such bank shall consist of lawful money of the United States: *And provided further*, That the amount of such temporary certificates, at any time outstanding, shall not exceed $100,000,000.

SEC. 2. That no national bank shall either pay or receive interest on any portion of its reserve, when deposited in any other national bank, and the compound-interest notes shall not be held or counted as a part of their reserve after the 1st day of July next.

Mr. PRICE. I move to non-concur in the amendment of the Senate, and that a conference be requested on the disagreeing votes of the two Houses.

The SPEAKER. The Chair recognizes the gentleman from Iowa because the gentleman from Pennsylvania [Mr. RANDALL] who reported the bill is absent on account of the death of his father-in-law, and has left the bill in his charge.

Mr. HOOPER, of Massachusetts. The bill belongs to the Committee on Banking and Currency.

Mr. CONKLING. If I get an opportunity I shall move to concur.

Mr. LYNCH. I move to lay the bill on the table.

The SPEAKER. The gentleman from Maine moves to lay the bill on the table, but the Chair cannot entertain that motion as the gentleman from Iowa [Mr. PRICE] is entitled to the floor.

Mr. PRICE. I move to non-concur in the amendments of the Senate, and to ask a committee of conference.

Mr. CONKLING. I move to concur, and on that motion I wish to say a word or two.

The SPEAKER. The gentleman from Iowa [Mr. PRICE] is entitled to the floor.

Mr. PRICE. I wish to say a few words only if I can have the attention of the House.

Mr. CONKLING. I ask the Chair if the first question is not on the motion to concur?

The SPEAKER. It will be unless a motion to lay upon the table shall be made; but the gentleman cannot move to concur while the gentleman from Iowa is upon the floor.

Mr. CONKLING. I know I cannot make the motion while the gentleman from Iowa is upon the floor.

Mr. PRICE. I thought the gentleman could not make the motion while I had the floor.

Mr. CONKLING. We agree about that.

The SPEAKER. The gentleman could make the motion even after the previous question was seconded.

Mr. CONKLING. The previous question has not been moved.

The SPEAKER. The Chair is aware of that; but the motion could be made even under the operation of the previous question. It has been held so repeatedly.

Mr. PRICE resumed the floor.

Mr. LYNCH. What has become of my motion to lay the bill on the table?

The SPEAKER. The gentleman from Iowa was upon the floor, and therefore the gentleman could not make the motion.

Mr. LYNCH. The Chair entertained the motion.

The SPEAKER. The gentleman is mistaken. The Chair could not recognize the gentleman from Maine when the gentleman from Iowa was upon the floor.

Mr. POMEROY. I would inquire if any committee of the House has the paternity of this bill?

The SPEAKER. The Chair thinks not.

Mr. PRICE. Then it must be an orphan. [Laughter.]

Mr. POMEROY. I do not seek to father it at all.

Mr. PRICE. I am willing to father it.

Mr. HOOPER, of Massachusetts. I rise to a question of order. I would inquire if this bill is not a bill reported to the House by the Committee on Banking and Currency. The Speaker will remember that the question was raised in regard to this very bill, whether the chairman of the Committee on Banking and Currency was not entitled to report it, and the Chair said he would recognize his right unless he waived it; and the chairman of the committee, the gentleman from New York, [Mr. POMEROY,] then waived his right so as to allow the gentleman from Pennsylvania, [Mr. RANDALL,] a member of the committee, to report the bill.

The SPEAKER. That is substantially a point of order which the Chair has already overruled, and he again overrules it on the distinct ground that when the bill with the Senate amendment was first reported by the Clerk, no gentleman in the Hall rose to claim the floor except the gentleman from Iowa, [Mr. PRICE,] and the Chair recognized him. The Chair cannot recognize any gentleman in his seat, neither the chairman of the Committee on Banking and Currency nor the gentleman from Massachusetts. [Laughter.]

Mr. POMEROY. I raise the question of order whether any person has liberty to rise and move to make a disposition of a bill when it is announced from the Speaker's table.

The SPEAKER. Certainly some gentleman must make a motion in regard to it.

Mr. POMEROY. Have not the committee from which the bill has emanated priority over other members?

The SPEAKER. Yes, if they claim the floor.

Mr. POMEROY. I would inquire if this bill did not belong to the Committee on Banking and Currency?

The SPEAKER. Did the gentleman who is chairman of that committee claim the floor by addressing the Chair when the bill was taken up?

Mr. POMEROY. I did not hear it announced.

The SPEAKER. That was not the fault of the Clerk or the Speaker. It is presumed by the rules that every gentleman is listening to what is going on in the House, and the gentleman from Iowa [Mr. PRICE] was the only gentleman who claimed the floor when this bill came up.

Mr. HOOPER, of Massachusetts. I wish to state that I did hear the title of this bill read at the Clerk's desk; but it never struck me that any gentleman not a member of the

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Committee on Banking and Currency would have the presumption to claim the floor, [laughter,] and so I waited for the chairman of the committee [Mr. POMEROY] to rise.

Mr. PRICE. I think I can explain this matter to the satisfaction of the House in five minutes.

Mr. STEVENS. Will the gentleman from Iowa allow me to say that this bill never belonged to the Committee on Banking and Currency. I made the bill which went to the Senate. It passed through the House on my motion to amend, and there was not a vestige of banking and currency left in the bill, and I hope there never will be. [Laughter.]

Mr. PRICE again resumed the floor.

Mr. PAINE. I rise to a point of order. I heard the Speaker state a moment ago that the gentleman from Maine [Mr. LYNCH] moved to lay the bill upon the table. I agree with the Speaker that it was impossible for him to make that motion while the gentleman from Iowa [Mr. PRICE] occupied the floor, but I inferred from the statement of the Chair that for a time at least the gentleman from Iowa had yielded the floor to enable the gentleman from Maine to make that motion. Either therefore the Chair was mistaken in supposing that he had yielded the floor, or the motion to lay on the table was properly made.

The SPEAKER. The Chair overrules the point of order, and will state to the gentleman from Wisconsin that he is mistaken as to the facts. The Chair repeated the motion of the gentleman from Maine, but stated that that motion could not be made while the gentleman from Iowa was upon the floor. The first part of the sentence the gentleman from Wisconsin heard; the remainder, it would appear, he did not hear.

Mr. PRICE. I wish to say to the House in the first place that when I took the floor on this bill, I did it, not because I am upon the Committee on Banking and Currency, not because I had any better right to take the floor than any other gentleman present, but for the reason that I had received a letter from Mr. RANDALL, of Pennsylvania, who would certainly have had a right to take the floor if he had been present, stating that on account of a death in his family, he was compelled to go home and wished I would take charge of the bill. I suppose that will be considered a very good reason by every one present; even by my amiable and venerable friend from Massachusetts, [Mr. HOOPER.] [Laughter.]

In reference to yielding the floor, I have learned one thing since I have been a member of this House, and that is that after a man takes the floor on any question, it is exceedingly dangerous for him to take his seat unless he wishes to relinquish the floor, and therefore I have kept my feet ever since I rose and moved a non-concurrence in the amendment of the Senate and to ask a committee of conference.

Now, having fixed the preliminaries, I want to say to the House that the only question to be settled in this matter is the question whether the country is prepared to pay several million dollars in the shape of interest for years of the coming future.

Mr. KUYKENDALL. For the benefit of the banks.

Mr. PRICE. Yes, as my friend very properly and justly suggests, for the benefit of the banks; to place upon the statute-book of the nation a declaration that we will pay out of the pockets of the people to the bankers of the country four or five million dollars in the shape of interest when it can be just as well and wisely avoided by passing a bill for the issue of non-interest-bearing notes.

The whole question is in a nut-shell; it might be amplified and elaborated for an hour, but that is all there is in it. The currency of the country will remain, as I think I showed a few days ago in discussing this bill, at about the same volume, except the $4,000,000 now authorized to be retired and the only question; talk about it as you will, view it from what stand-point you may, for this Congress to decide is whether they will have notes paying interest, taxing the people of the country with that burden, or whether they will authorize the issue of notes bearing no interest to fill the vacuum occasioned by the retirement of the compound-interest notes. It is for that reason, and that alone, that I propose to non-concur in the amendment of the Senate and ask a committee of conference, believing that the matter can be amicably arranged between the two Houses.

I now yield for five minutes to the gentleman from New York, [Mr. CONKLING.]

Mr. CONKLING. I have moved that the House concur in the amendments of the Senate, not because I believe it necessary to pass this bill in order to accomplish the purpose which the Senate have in view, but because I believe concurrence with the Senate is likely to prevent the passage of a bill which I should deem a disaster. There being outstanding a large sum of compound-interest notes, so-called, one hundred millions and upward, a large part of which is held by the national banks as their required reserve, three ways present themselves of making provision for them.

One way is to take from the Treasury some part of that gold which at times men have been troubled to divine the reason of holding, and with it pay as far as it will pay compound-interest notes at maturity, in order that they may be canceled and destroyed, trusting to the income of the Treasury from internal revenue, customs duties, and miscellaneous sources to redeem the residue of these notes as they fall due from time to time.

Another mode is to exercise a power which I think the Secretary of the Treasury already has by existing law, the same power conferred in one form in the amendment of the Senate, namely, to issue certificates of indebtedness of some sort. This power can be found in the statutes now, I think, with only one restriction——

Mr. HOOPER, of Massachusetts, (in his seat.) Certificates of temporary loan.

Mr. CONKLING. A friend behind me says "certificates of temporary loan." I will not struggle about phrases or terms. I have not affirmed that they should be what are technically known as "certificates of indebtedness," "clearing-house certificates," "exchequer bills," or "certificates of temporary loan." It is enough for my purpose if the laws as they stand invest the Secretary of the Treasury with the power to issue evidences of indebtedness with only one restriction, to wit, that they shall not bear more than six per cent. interest. The issue of such securities with any rate of interest, however low, and not above six per cent. is, as I understand it, warranted by existing statutes, and thus a second mode is found of retiring the compound-interest notes at the lowest attainable rate of interest upon the substitutes taking their place.

I may say, in passing, that we are not afflicted with a Secretary of the Treasury who is tender-footed in marching up to the line which Congress sets for him, and marching over it whenever he chooses to do so. We passed a bill at the last session restricting to $4,000,000 a month the maximum of legal-tender notes which the Secretary of the Treasury might retire and cancel; and yet in the face of that act, if my recollection serves me truly, when the day had come that the utmost total amount he might legally have retired could not exceed $20,000,000, he had in fact retired over thirty-six million dollars. Some statutes with some officials are rather loosening than binding. I mention this to show that the House need not be afraid that the Secretary of the Treasury is too abstinent of jurisdiction to avail himself of all the powers he possesses.

But there is another mode of retiring these compound-interest notes; and that is, to issue more paper money, legal-tender notes as they are called, under the specious idea of saving interest to the people of this country. Sir, there was once a great deal to be said upon the question of interest and how to save it; a great deal which I once vainly struggled to obtain the privilege of saying in this Hall when the national bank bill was first on its passage; a great deal which has never yet been answered by the financiers or the statesmen who originated that measure, and I beg leave to say that in my judgment it never will be successfully answered except by the vested rights which have intervened and the good faith which has become plighted. But the proposition now is that in order to save interest we can afford at this day, when we have descended safely in the scale of prices from gold at 280 toward par, when we have come down somewhere within the reach or at least near the hopes of the poor, to go once more into the business of kite-flying and issue suddenly another hundred million of legal-tender notes, inflating the currency to that extent, and sending prices wild again for the purpose, forsooth, of furnishing the Secretary of the Treasury with the means of taking up these compound-interest notes when they shall become due.

The last act issuing legal-tender notes contained a provision that no more should ever be issued upon any pretext, and this provision was in the nature of a compact, a covenant with the people of the country, which should be inviolable. Why should we violate it now?

We do not know precisely when these notes fall due; and I understand that in this respect we are as well informed as anybody else, because I am told that in paying off these compound-interest notes no record has been kept in the Treasury Department of the notes taken up and canceled nor of the dates of those notes. Hence no one can tell the dates of those that are outstanding, nor when they fall due. We know that they fall due within a range of months, and we know that they fall due in amounts of a certain general range; but precisely when or precisely in what amounts we know not, because the Department as I understand is deficient in that particularity and correctness in this respect which can be found in the rudest and simplest mode of keeping accounts. We may as well understand how these matters are conducted.

But finishing what I intended to say: as the gentleman loaning me the floor seems to wish to resume it, my purpose in moving to concur in the Senate amendments is to bring the House at once to a vote upon the question whether we are ready, in the face of the power already conferred upon the Secretary of the Treasury, enabling him to provide for these notes in the most economical way that the markets of the world permit, whether we are prepared, in the face of provisions already inscribed upon the statute-book, to say that no surplus gold shall be devoted to this purpose, that no existing resources shall be employed, that no existing power shall be invoked, but that we, assuming the responsiblity of administering the Treasury Department, while the control will nevertheless remain in the hands of the Minister of Finance, will indicate and insist upon a policy which must inevitably inflate the currency, which must inevitably toss values wildly up and cut us loose from those moorings which are slowly bringing down prices from starvation rates somewhere near the reach of the poor and of those who are compelled to live upon fixed incomes.

With one other remark I will cease to encroach further upon the courtesy of the gentleman from Iowa. I am not one of those who believe, as I understand some persons do, that we can with impunity descend at a single jump or fall from that point to which we have ascended upon the wings of expansion down to the basis of hard money. On the contrary, I believe that if the return to specie payments were brought about suddenly and remorselessly a period of financial gloom would pass over the country as an eclipse passes over the sun, leaving the land strewn with evidences of commercial disaster. But, sir, I also believe that it is safely within the power and clearly within the duty of the Government to fix its face like flint in the direction of a return to wholesome

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values and to specie currency, to a time when a piece of paper bearing the impress of the Government will be the symbol of real money behind it, and not merely an irredeemable promise to pay.

Where that point is in the future, perhaps "in the sea of years," I do not undertake to say. Suffice it to know that we are drifting, nay, rowing in the wrong direction, when, without the shadow of necessity, we take upon ourselves to direct the Minister of Finance to add to the currency of the country $100,000,000 more, with all the chances that may be involved in the proceeding.

I hope the House will concur in the Senate amendment, because we give but little additional power, but leave the question substantially where it is, and avoid the danger that a conference committee will report in favor of the issue of more paper money.

Mr. STEVENS. I hope the gentleman from Iowa will give me five minutes—not as measured by my friend from New York—but five minutes.

Mr. PRICE. Certainly, I yield to the gentleman.

Mr. STEVENS. I do not understand the logic of the gentleman from New York. He says the Secretary has the power now. If so, why give it to him again?

Mr. CONKLING. Does the gentleman ask that question to be answered? I should like to answer it, and I can do it in one word. Everybody knows the gentleman from Iowa, [Mr. PRICE,] moving this conference committee, will be chairman of it, and that the committee appointed under parliamentary law will be in favor of the bill as passed by this House, which is for $100,000,000 more of currency. That is why I do not want to concur.

Mr. STEVENS. The gentleman from Iowa has so clearly stated this matter that it is hardly worth while to repeat it. There are $100,000,000 legal-tender notes out to-day bearing six per cent. interest. That all admit. What do we propose? We propose, in lieu of that $100,0000,000 legal-tender notes, bearing six per cent. interest, to issue $100,000,000 of greenbacks, bearing no interest, to take the other up. And yet there are wise men about here who say that is inflation—wise men, who do not see that we save nearly six millions by it.

I cannot understand the gentleman's logic. I suppose I am obtuse, and will have to go to night-school to learn; but according to my present benighted ideas the objection made is the most absurd thing in the world. We are now retiring $48,000,000 a year, and when you pass the House bill you leave that contraction of $4,000,000 a month still to go on. Some gentlemen seem to wish to create this notion of inflation for the benefit of the speculators. The House passed on this the other day, and it then decided by the yeas and nays, in the most emphatic manner, in favor of the proposition I advocate. I do not suppose, like a set of whipped school-boys, we are to change now and vote the other way.

Mr. PRICE. I now yield five minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. CONKLING. The gentleman from Ohio allows me a moment of his time. The gentleman from Pennsylvania does not understand: he says that when you take up $100,000,000 of loan or investment and issue in its place $100,000,000 of money to circulate you inflate the currency. Everybody else in this House will understand that when you take up securities bearing interest, held and hoarded in the vaults of the banks, $100,000,000 of loan, and put into circulation $100,000,000 of money, you do inflate the currency. I am obliged to the gentleman from Ohio for his courtesy, and will not trespass further on his time.

Mr. GARFIELD. Mr. Speaker, in one hour this House will dispose of one of the most important measures of the session next to reconstruction, and I wish to say to the distinguished and venerable gentleman from Pennsylvania [Mr. STEVENS] that I am willing to go to his school and learn of him, but I appeal from his teachings of to-day to his teachings of three years ago.

When the bill was brought forward in the House in 1862, the gentleman is recorded in the Globe as opening his speech as follows:

"Mr. Speaker, this bill is a matter of necessity and not of choice. I hope this issue of $150,000,000 will be the last. I would be grieved to see any further expansion of the currency."

That was in the early spring of 1862, when but $60,000,000 of United States notes had been issued, and when he was proposing to issue $150,000,000 more. That $150,000,000 was issued, and $100,000,000 more, and $400,000,000 more, deluge on deluge, until the enormous total has swelled to $1,100,000,000! It is now nearly $900,000,000, and yet the gentleman talks of wanting more. I know of nothing which better illustrates the mania for paper money than the "Rum Maniac," as portrayed by Dr. Nott. The poor victim whom rum had ruined in family and property was in the madhouse, and in his insane ravings called on all the friends of his early years to save him; but the refrain of every prayer was—

"Will no one pity, no one come?
Oh give me rum, oh give me rum."

No one came to satisfy his burning thirst, but at last in his delirium he saw amid the flames of hell seething cauldrons of fiery rum, and springing forward, shouted with exultation:

"Open your gates, I come, I come!
In hell they never want for rum."

[Laughter.]

The vast volume of irredeemable paper money now afloat has played the chief part in disturbing all the normal relations of business. Business men and legislators have taken paper money in such overwhelming doses that they are crazed, and like the lotus-eaters wish to return no more to solid values. Forgetting the past, forgetting their own teachings, their votes and their records of a year ago, they join in the crazy cry, "Paper money," "Oh, give us more paper money!"

Why, sir, at the last session but six members of the House were found to vote against a resolution that we ought to return to specie payments, and to do it we must contract the currency. That was the almost unanimous opinion of this House at the beginning of the last session. We commenced the work of contraction cautiously and slowly, but when these gentlemen found it pressed them only a little they cry out like the maniac: "Press us no more;" "give us more paper money." A man's hand is hopelessly shattered; it must be amputated or he dies; but the moment the surgeon's knife touches the skin he blubbers like a boy, and cries "Don't cut it; take away the knife; the natural laws of circulation will amputate it by and by." Yes, gangrene and death will soon settle the difficulty and save him from the hurt of the knife.

I hope this House will resist the clamor on this subject and struggle to prevent the evil that has always followed inflation, and return by steady degrees toward resumption of specie payment, not rapidly, not suddenly, but by a steady, courageous process of contracting the volume of the currency.

From 1834 to 1861 the average amount of paper currency in this country was but $134,000,000. It is to-day seven times as much, and yet gentlemen ask for more. In 1861, under a system of free banking in many of the States, when hundreds of banks were struggling to push their paper into circulation, they could not get the people to use more than $202,000,000 of paper money; but gentlemen are courageous enough to affirm that $900,000,000 are not now enough. Eighty million dollars of compound-interest notes have been used as bank reserves without authority of law, and it is proposed to legalize that amount of inflation and $20,000,000 more.

[Here the hammer fell.]

Mr. PRICE. I yield two minutes to the gentleman from New York, [Mr. POMEROY.]

Mr. POMEROY. I wish simply to say to the members of the House that I propose to deal with this question as a simple practical business question, laying aside all theories in regard to gold and paper money. The House very well understands that I am desirous of the most rapid possible contraction toward a specie basis; and yet I have not favored and have not been disposed to favor, during this session of Congress, any measure which looked toward any greater contraction than has already been provided by preëxisting law. But we are brought to face this practical question: there were issued of these interest-bearing greenbacks $150,000,000, with the expectation that after the interest had accumulated upon them to some extent they would cease to float as currency in the country. That expected result was attained; that paper soon ceased to become a part of the circulation of the country. One hundred millions of it are now held by the banks as their reserve fund or otherwise, on which the Government is paying interest at six per cent. compounded. A large part of that paper is falling due this current year. Whatever power the Secretary of the Treasury may have, and I agree fully with my colleague on that subject, I understand that he requires further legislation by Congress before issuing loan certificates or certificates of indebtedness.

Now, then, I appeal to the candor and good sense of this House to sustain me in saying that neither the Thirty-Ninth nor the Fortieth Congress will authorize the issue of one dollar more of greenback currency. That is a fact, and we must look at it as such. I do not care whether men are in favor of expansion or contraction, more greenback currency cannot be had. The gentleman from Pennsylvania knows as well as I do that neither this Congress nor the next will issue another dollar.

Now, what is to be the result? If this bill of the Senate is defeated the Secretary of the Treasury must pay off these interest-bearing notes which are now held by the banks as a reserve, and the banks must make the reserve good by withdrawing from circulation legal tenders to supply their place; so that instead of an expansion there will come a contraction within a year that will make the bones of business crack.

Now, I for one desire to be relieved from the responsibility of all this. I repeat, I am for contraction, for the fastest possible contraction, and I have favored this bill of the Senate because I wish there might be contraction no faster than the business interests of the country can stand with safety. But if, in this struggle for further expansion, this bill is defeated, then no legislation can be had in regard to this matter, then there must come contraction; and let the responsibility rest with those who claim to be in favor of expansion, and not with us who claim to be in favor of an honest, fair, moderate contraction.

[Here the hammer fell.]

The SPEAKER. The gentleman from Iowa [Mr. PRICE] is still entitled to the floor.

Mr. PRICE. I yield three minutes to the gentleman from Maine, [Mr. LYNCH.]

Mr. LYNCH. I do not propose to go into a discussion of this question in the three minutes allowed me; but I wish simply to say that the bill now before us is substantially the same that was voted down the other day in this House, or rather that for which the amendment of the gentleman from Pennsylvania [Mr. STEVENS] was substituted. That bill went back to the Senate, and they returned to us precisely the same bill; and now upon that the gentleman from Iowa [Mr. PRICE] proposes to have a committee of conference.

Now, sir, I have no sort of confidence in any favorable result from a committee of conference upon this bill at this time; and if the House vote down that proposition, as I hope they will, I shall move, as I attempted to move when the gentleman from Iowa [Mr. PRICE] was on the floor, to lay this whole matter on the table.

The compound-interest notes for which this bill proposes to provide will not mature until

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December of the present year; and by that time the Fortieth Congress will be in session and can deal with this matter much better than we can deal with it here now under the marked disagreement which exists among gentlemen upon this side of the House. Therefore, if the motion of the gentleman from Iowa [Mr. PRICE] does not prevail, I will move to lay the bill on the table.

Mr. MORRILL. I ask the gentlemen from Iowa [Mr. PRICE] to yield to me for five minutes.

Mr. PRICE. I will say to the gentleman from Vermont that I cannot possibly do so, in justice to the other gentleman who have appealed to me to yield them portions of my time. There are not less than twenty of them; and the friends of the bill are finding fault with me because I have yielded my time so far to the opponents of it.

A MEMBER. Has the bill any friends?

Mr. PRICE. Yes, it appears to have some; and like most measures and most men, its friends increase in number in proportion to the growth of its popularity and the prospects of its success. A short time ago this bill was without father or mother; and now there are at least fifty men who are anxious to be both father and mother to it. [Laughter.] I think the House will agree with me.

Mr. HOOPER of Massachusetts. Will the gentleman yield to me a moment. I wish to state——

Mr. PRICE. I cannot yield to the gentleman now. I think I will not be charged with being unreasonable in refusing to yield further when it is remembered that the opponents of this bill have occupied nearly all the time that has been spent in the discussion of it.

Now, sir, we have had this subject treated in almost every possible way. One gentleman has gone up into the ethereal regions to a point to which the keenest vision can scarcely penetrate. My friend from Ohio, on the other hand, has gone for his illustrations down into that region of despair from whence those who go there are said never to return. [Laughter.] The discussion has raged—

"From grave to gay, from lively to severe;"

and gentlemen have attempted by all the arts of rhetoric and oratory to bring this bill into disrepute. But after all that has been said, after all these various kinds of attack upon it, we come back to the naked, plain, common-sense proposition, "Will this country continue to pay annually from three to seven million dollars for a circulating medium, or shall we have a circulating medium without any interest?" Hide it as you may, dodge it as you will, that is the question, and you cannot avoid it. And when gentlemen upon this floor say that this is a proposition to inflate the currency, I ask them to show me, either by figures or by rhetoric, how it comes that if you take $100,000,000 of greenbacks that are bearing interest out of the vaults of the banks of the country, and at once put back into those vaults $100,000,000 of legal-tender notes bearing no interest, you thereby inflate the currency?

Mr. Speaker, I want to call the attention of the House to another fact. My friend upon the left, [Mr. CONKLING,] with an eloquence that I can never hope to equal, insists that we are out upon a sea of inflation, boundless, fathomless, without a bottom or a shore. The chairman of the Committee on Banking and Currency, [Mr. POMEROY,] on the other hand, claims that this bill proposes a contraction that will ruin the country in a very short period.

Now, sir, any bill that will allow two gentlemen as eminent for their abilities as these gentlemen are to prove two diametrically different propositions in regard to it, from the same stand-point, must be a measure fraught either with great danger or great good to the country—which is to result from this bill I leave it for this House to determine.

In one moment it expands beyond the reach of human calculation; in the very next moment, an opponent of the bill taking the very same ground, but viewing the subject from a different stand-point, there is contraction to such an extent that no man can find a dollar in his pocket. Now, the very fact that gentlemen who are opposed to this bill are driven to such straits as these, in my judgment, ought to prove that their ground is not tenable, and that this bill as it comes to us from the Senate ought not to be allowed to pass.

Now, I will say to members of this House that if the amendment of the Senate is non-concurred in, and a committee of conference is charged with the consideration of this subject, in my opinion this bill will be placed in some such shape as will provide for the proper employment of this reserved fund which my friend from New York [Mr. CONKLING] is so anxious to get out of the Treasury. And I will say to him that I agree with him entirely in regard to the use to be made of that reserve fund; as I agree also with him in a great deal of what he has said; but not in all. I take all the sugar that he has put about the pill, but I am opposed to taking the pill itself.

A committee of conference can so arrange this bill as not only to allow but to compel the Secretary of the Treasury—I do not like to use the word "compel" in reference to a public officer and functionary, but I will use it in this case—to compel the Secretary of the Treasury to use the surplus fund in the Treasury for the purpose of retiring those compound-interest notes, and to issue legal-tender notes bearing no interest no faster than will be absolutely necessary to take up the amount of compound-interest notes falling due over and beyond what the surplus fund in the Treasury can take up. If that can be done I think we will have accomplished a good work. I do not say it can be done; I only say it may be done, and if so it will be "a consummation most devoutly to be wished."

I will close all I now propose to say by repeating what I said at the outset of my remarks: that by this proposition we put upon the country legal-tender notes bearing no interest, which take no money out of the pockets of the tax-payers, in the place of the compound-interest notes, upon which we are now paying interest at the rate of about eight million dollars a year. And if this bill, or one like it, shall not become a law, we will be compelled to fund these compound-interest notes into long bonds, upon which we should have to pay about the same amount of interest; all of which would be saved to the country by retiring these compound-interest notes, by the issue of legal-tender notes bearing no interest.

I now call the previous question upon this question, and hope it will be seconded by the House, and that we shall now come to a vote.

Mr. LYNCH. I move to lay this bill upon the table.

Mr. CONKLING. I hope the gentleman from Maine [Mr. LYNCH] will withdraw that motion and let us first take a vote upon seconding the previous question.

Mr. MORRILL. I would inquire of the Chair if the previous question should not be seconded would there not then be an opportunity for me and others to occupy five minutes or so in debating this bill?

The SPEAKER. If the motion to lay the bill upon the table should not prevail, and the call for the previous question should not be seconded, then the bill would be open to discussion. But the Chair cannot now say whom he would then feel bound to recognize as being entitled to the floor.

Mr. CONKLING. I rise to a question of order. Even if the call for the previous question should be seconded, would it not be in order for the gentleman from Maine [Mr. LYNCH] at any time afterward to move to lay this bill on the table?

The SPEAKER. That is hardly a question of order. But the Chair will state that if the motion to lay on the table is now withdrawn it would be in order for the gentleman from Maine, or any other gentleman, to renew it, even after the previous question should be seconded, if he could get the opportunity.

Mr. LYNCH. I insist upon my motion to lay this bill upon the table; and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 13, nays 127, not voting 50; as follows:

YEAS—Messrs. Ancona, Baldwin, Bidwell, Goodyear, Hale, Aaron Harding, Koontz, George V. Lawrence, Le Blond, Lynch, Morrill, Hamilton Ward, and Wentworth—13.

NAYS—Messrs. Alley, Allison, Ames, Arnell, Baker, Banks, Baxter, Beaman, Bergen, Bingham, Blaine, Blow, Boutwell, Brandegee, Bromwell, Broomall, Buckland, Bundy, Campbell, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Cooper, Cullom, Darling, Davis, Dawes, Defrees, Delano, Deming, Dixon, Dodge, Donnelly, Dumont, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Finck, Garfield, Glossbrenner, Grinnell, Griswold, Abner C. Harding, Hawkins, Hayes, Higby, Hill, Hise, Hogan, Holmes, Hooper, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, Hunter, Jenckes, Julian, Kasson, Kelley, Kelso, Kerr, Ketcham, Kuykendall, Laflin, Latham, William Lawrence, Leftwich, Loan, Longyear, Marshall, Marvin, Maynard, McClurg, McKee, Mercur, Miller, Moorhead, Morris, Moulton, Myers, Newell, Niblack, Nicholson, O'Neill, Orth, Paine, Patterson, Perham, Pomeroy, Price, Radford, William H. Randall, Ritter, Rollins, Ross, Sawyer, Schenck, Scofield, Shanklin, Shellabarger, Sitgreaves, Spalding, Starr, Stevens, Stokes, Taber, Nelson Taylor, Thayer, Trimble, Trowbridge, Upson, Van Aernam, Burt Van Horn, Andrew H. Ward, Warner, Henry D. Washburn, Welker, Whaley, James F. Wilson, Stephen F. Wilson, Windom, Woodbridge, and Wright—127.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, James M. Ashley, Barker, Benjamin, Boyer, Conkling, Culver, Dawson, Denison, Driggs, Eckley, Eldridge, Harris, Hart, Henderson, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Humphrey, Ingersoll, Jones, Marston, McCullough, McIndoe, McRuer, Noell, Phelps, Pike, Plants, Samuel J. Randall, Raymond, Alexander H. Rice, John H. Rice, Rogers, Rousseau, Sloan, Stilwell, Strouse, Nathaniel G. Taylor, Francis Thomas, John L. Thomas, Thornton, Robert T. Van Horn, Elihu B. Washburne, William B. Washburn, Williams, and Winfield—50.

During the call of the roll,

Mr. DAWSON said: On this question I have paired with the gentleman from Ohio, [Mr. ASHLEY.]

The result of the vote was announced as above stated.

The question recurred on seconding the demand for the previous question.

On the question there were—ayes 81, noes 29.

Mr. MORRILL. I call for tellers.

Tellers were ordered; and Messrs. MORRILL and PRICE were appointed.

The House divided; and the tellers reported—ayes 77, noes 31.

So the previous question was seconded.

The main question was ordered.

The SPEAKER. The first question is upon the motion of the gentleman from New York, [Mr. CONKLING,] that the House concur in the Senate amendment.

Mr. GARFIELD. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 56, nays 83, not voting 51; as follows:

YEAS—Messrs. Alley, Ames, Baldwin, Banks, Bidwell, Blaine, Brandegee, Broomall, Conkling, Cooper, Darling, Davis, Dawes, Deming, Dixon, Dodge, Eliot, Finck, Garfield, Glossbrenner, Griswold, Hise, Hogan, Holmes, Hooper, Demas Hubbard, Humphrey, Hunter, Jenckes, Kasson, Ketcham, Koontz, Laflin, Latham, George V. Lawrence, Le Blond, Marvin, McRuer, Mercur, Moorhead, Morrill, Morris, Newell, Nicholson, Patterson, Pomeroy, Rollins, Scofield, Spalding, Taber, Burt Van Horn, Andrew H. Ward, Hamilton Ward, William B. Washburn, Wentworth, and Woodbridge—56.

NAYS—Messrs. Allison, Ancona, Arnell, Baker, Beaman, Bergen, Bingham, Blow, Boutwell, Bromwell, Buckland, Bundy, Campbell, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Cullom, Defrees, Delano, Eggleston, Farnsworth, Farquhar, Ferry, Goodyear, Grinnell, Hale, Abner C. Harding, Hawkins, Hayes, Higby, Hill, Chester D. Hubbard, John H. Hubbard, Julian, Kelley, Kelso, Kerr, Kuykendall, William Lawrence, Leftwich, Loan, Longyear, Lynch, Marshall, Maynard, McClurg, McKee, Miller, Myers, Niblack, Noell, O'Neill, Orth, Paine, Perham, Pike, Price, William H. Randall, Ross, Sawyer, Schenck, Shanklin, Shellabarger, Sitgreaves, Sloan, Starr, Stevens, Stokes, Nelson Taylor, Thayer, Trimble, Trowbridge, Upson, Van Aernam, Warner, Welker, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Wright—83.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, James M. Ashley, Barker, Baxter, Benjamin, Boyer, Chanler, Culver, Dawson, Denison, Donnelly, Driggs, Dumont, Eckley, Eldridge, Aaron Harding, Harris,

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Hart, Henderson, Hotchkiss, Asahel W. Hubbard, Edwin N. Hubbell, James R. Hubbell, Hulburd, Ingersoll, Jones, Marston, McCullough, McIndoe, Moulton, Phelps, Plants, Radford, Samuel J. Randall, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rousseau, Stilwell, Strouse, Nathaniel G. Taylor, Francis Thomas, John L. Thomas, Thornton, Robert T. Van Horn, Elihu B. Washburne, Henry D. Washburn, and Winfield—51.

So the House refused to concur in the amendment of the Senate.

The SPEAKER. The question recurs on the motion that the House non-concur and ask the appointment of a committee of conference.

The motion was agreed to.

Mr. PRICE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUE OF GENERAL WINFIELD SCOTT.

The next business on the Speaker's table was Senate amendments to joint resolution (H. R. No. 205) for the erection of an equestrian statue to the memory of Brevet Lieutenant General Winfield Scott.

The amendments were read, as follows:

After the word "hereby" in line one, page 1, insert "authorized and."

In line two, page 1, strike out "and authorized."

Strike out all after the word "placed" in line six, page 1, and insert "on Franklin Square, in the city of Washington, or such other place in the said city as the Secretary of War may designate."

Mr. BINGHAM. I move that the House concur.

The motion was agreed to.

Mr. BINGHAM moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a bill (H. R. No. 1173) entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes," with amendments, in which the concurrence of the House was requested.

And then, on motion of Mr. CONKLING, (at ten o'clock and thirty-five minutes p. m) the House adjourned.

PETITION.

The following petition was presented under the rule, and referred to the appropriate committee:

By Mr. CULLOM: The petition of numerous citizens of McLean county, Illinois, asking Congress to stop by proper legislation the further contraction of the currency.

IN SENATE.

THURSDAY, *February* 21, 1867.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

CREDENTIALS.

Mr. YATES presented the credentials of Hon. LYMAN TRUMBULL, elected a Senator by the Legislature of the State of Illinois for the term of six years commencing on the 4th day of March, 1867; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. WILSON presented resolutions of the Soldiers' and Sailors' Union of Washington city, District of Columbia, remonstrating against the passage of any bounty act which shall deduct the amount of State, county, or other local bounties from the Government allowance, which were referred to the Committee on Military Affairs and the Militia.

He also presented a memorial of citizens of North Carolina, remonstrating against the exclusion from the bounty of the Government of that class of soldiers who served in the Union armies and had previously been connected with the armies of the rebellion; which was referred to the Committee on Military Affairs and the Militia.

Mr. YATES presented a petition of soldiers of Illinois regiments, praying that a bounty of eight and one third dollars per month may be allowed to all soldiers who served in the Union Army during the late rebellion, for the time they served, deducting the amount of bounty already received; which was referred to the Committee on Military Affairs and the Militia.

Mr. EDMUNDS presented the petition of Sylvanus Blodget, a soldier of the war of 1812, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. ANTHONY. I desire to present a petition from citizens of Doniphan county, Kansas. I do not know why it is sent to me unless it is that I am from one of the States to be benefited by the change proposed. It is a petition for reconstructing the boundaries of the States. The petitioners suggest that the map would be very greatly improved by adding to Rhode Island that portion of Massachusetts which lies east and south of the island; and as that part of Massachusetts was all stolen from Rhode Island originally I think that part of the proposition is very judicious.

Mr. CONNESS. To whom do they propose to give the rest of Massachusetts? [Laughter.]

Mr. ANTHONY. They do not interfere with California, but they request that Delaware shall have all the eastern shore of Maryland, and that Maryland shall be compensated out of Virginia, with a strip of Pennsylvania; and that Wisconsin shall have the upper peninsula of Michigan, which the petitioners think would make the map of the United States more geometrical. I suppose that this petition ought to go to the Committee on Reconstruction, but I have not entire confidence that that committee would consider it properly, and I therefore move that it lie upon the table.

The motion was agreed to.

Mr. FESSENDEN. I present a memorial of citizens of Michigan, remonstrating against any curtailment of the national currency with the view of a return to specie payments within a limited time, and against the passage of any act requiring the national banks to redeem their circulation in New York or prohibiting them from paying or receiving interest on bank balances. As that subject will not probably come before any committee at the present session, I move that this memorial lie on the table.

The motion was agreed to.

Mr. MORRILL. I desire to present resolutions of the Legislature of Maine, relative to the ship-building interest of that State. I will read them:

Resolved, That this Legislature views with alarm the depressed and suffering condition of the ship-building interests of the State, which condition has arisen, in a large degree, from the heavy duties imposed by Congress upon the foreign materials entering into the construction of ships, and other burdens imposed by Government, and which are depriving our ship-builders of a successful competition with foreign-built ships, especially with those of the British North American Provinces.

Resolved, That the memorial to Congress, adopted by the ship-builders of Maine, assembled in convention at Augusta on the 30th and 31st days of January last, in which is set forth the depressed and suffering condition of the ship-building and ship-owning interests of this State, as having been caused by the onerous burdens imposed by the Government, and indicating in what manner relief should be afforded, should receive from Congress that attention which the great importance of the interests involved demands.

Resolved, That our Senators and Representatives in Congress be requested to use their best efforts to procure such legislation as will afford to the ship-builders and ship-owners of Maine that relief which they so ardently desire.

Resolved, That the Governor be, and is hereby, requested to forward a copy of these resolves, with a copy of said memorial, to each of the Senators and Representatives in Congress from this State.

In connection with these resolutions of the Legislature of Maine, I desire to present to the Senate the memorial of a committee appointed by a convention of ship-builders and ship-owners of Maine. They say:

"Your memorialists are a committee raised for a specific purpose by a large and intelligent convention of ship-builders and ship-owners held in Augusta, Maine, January 30, 1867.

"The following is the resolve under which they act:

"*Resolved*, That a committee consisting of Hon. Samuel Cony, Hon. N. G. Hichborn, Hon. E. W. Stetson, Hon. Isaiah Stetson, and Hon. J. P. Morse, be raised to memorialize Congress and ask that the ship-building interest of Maine be relieved from the heavy burdens imposed by Congress upon this important branch of industry, through a drawback on duties on all foreign articles entering into the construction of ships."

I move that these resolutions and the memorial be printed and referred to the Committee on Finance.

The motion was agreed to.

DONATION OF CERTAIN PROPERTY TO OHIO.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia, to whom was referred the joint resolution (H. R. No. 266) granting certain public property to the State of Ohio, to report it with an amendment, and as it is very brief I should like to put it on its passage.

Mr. DOOLITTLE. If it gives rise to no debate I shall not object.

Mr. WILSON. It is very brief, indeed, and will take no time.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the resolution at this time. Is there any objection?

Mr. DOOLITTLE. I do not object if it does not give rise to debate. It will be remembered that yesterday morning a very important bill was under consideration and was laid over informally to take up the reconstruction bill, and that bill will come up as a matter of course this morning.

Mr. WILSON. If any debate arises on this resolution I will not press it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to donate the buildings, sheds, furniture, lumber, and other property, now at Camp Chase, near Columbus, in the State of Ohio, to the State, to be used in the erection of the State asylum for the idiotic.

The Committee on Military Affairs and the Militia reported the joint resolution with an amendment in line six, to strike out the words "used in the erection of a State asylum for the idiotic," and to insert "appropriated by the State Legislature to the use and benefit of homes for disabled soldiers."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time. It was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills of the Senate:

A bill (S. No. 515) granting a pension to Mrs. Ernestine Becker;

A bill (S. No. 518) granting a pension to Olivia W. Cannon; and

A bill (S. No. 421) to authorize the construction of a submerged tubular bridge across the Mississippi river at the city of St. Louis.

PENSION BILLS.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1068) for the relief of Mary A. Cross.

A bill (H. R. No. 1153) for the relief of Mrs. Rachel McClelland;

A bill (H. R. No. 1189) granting arrears of pension to Sally Allen;

A bill (H. R. No. 1190) granting a pension to Mary Fitzpatrick;

A bill (H. R. No. 1191) increasing the pension of Isabella Fogg;

A bill (H. R. No. 1092) for the relief of Milton Velzy;

A bill (H. R. No. 1192) granting arrears of pension to Lewis A. Norton;

A bill (H. R. No. 1193) for the relief of Lewis A. Daniel;

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A bill (H. R. No. 1194) granting back pension to Mary J. Dexter;
A bill (H. R. No. 1195) for the relief of Mary B. Fowler;
A bill (H. R. No. 1196) granting a pension to Peter Fisher;
A bill (H. R. No. 1197) for the relief of Charles Valence;
A bill (H. R. No. 1198) for the relief of the orphan children of John Faris;
A bill (H. R. No. 1199) for the relief of William H. Hafer;
A bill (H. R. No. 1200) for the relief of Ann I. Duchmann;
A bill (H. R. N. 1201) for the relief of George W. Knabb;
A bill (H. R. No. 1203) for the relief of Rufus L. Harvey;
A bill (H. R. No. 1204) granting a pension to John Rogers;
A bill (H. R. No. 1205) granting a pension to William Gleason;
A bill (H. R. No. 1206) granting a pension to Joseph Wrenn;
A bill (H. R. No. 1207) granting a pension to Charles Maus;
A bill (H. R. No. 1208) increasing the pension of John Russell;
A bill (H. R. No. 1209) granting back pension to Margaret Boucher;
A bill (H. R. No. 1210) increasing the pension of Levi M. Roberts;
A bill (H. R. No. 1211) granting a pension to Effie J. Harvey;
A bill (H. R. No. 1212) for the relief of Nancy Hinton;
A bill (H. R. No. 1213) for the relief of Elizabeth Staley;
A bill (H. R. No. 1214) for the relief of Daniel McMahon;
A bill (H. R. No. 1215) for the relief of Thomas Glasgow;
A bill (H. R. No. 1216) granting a pension to Mary Hosea;
A bill (H. R. No. 1217) granting a pension to David B. Champion;
A bill (H. R. No. 1218) for the relief of James Riddle;
A joint resolution (H. R. No. 294) for the relief of Obadiah Aderton;
A joint resolution (H. R. No. 295) for the relief of Daniel Cole; and
A joint resolution (H. R. No. 296) for the relief of the orphan children of William Whelan.

These bills and joint resolutions were severally read twice by their titles, and referred to the Committee on Pensions.

The message further announced that the House had disagreed to the amendments of the Senate to the bill of the House (H. R. No. 811) for the relief of certain drafted men, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. S. E. ANCONA, of Pennsylvania, Mr. J. A. BINGHAM, of Ohio, and Mr. J. H. KETCHAM, of New York, managers at the same on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill of the House (H. R. No. 1134) declaring and fixing the rights of volunteers as a part of the Army, asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. R. C. SCHENCK, of Ohio, Mr. H. E. PAINE, of Wisconsin, and Mr. C. SITGREAVES, of New Jersey, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; which were therefore signed by the President *pro tempore* of the Senate:

A bill (S. No. 497) granting a pension to Mrs. Adeline M. Gould;
A bill (S. No. 498) granting a pension to Mrs. Josephine Slocum;
A bill (S. No. 512) for the relief of Kennedy O'Brien;
A bill (S. No. 514) for the relief of Charles Appleton;
A bill (S. No. 535) for the benefit of Mrs. Jerusha Page;
A bill (S. No. 554) granting a pension to John Carter;
A bill (S. No. 556) for the relief of Caroline McGee, of Greene county, Tennessee, widow of Lemuel McGee, deceased;
A bill (S. No. 558) for the relief of Mary A. Smith, of Johnson county, Tennessee, widow of Alexander D. Smith, deceased;
A bill (S. No. 580) granting a pension to Charles N. Weiss;
A bill (H. R. No. 219) for the relief of Catharine Mock;
A bill (H. R. No. 589) for the relief of Delia A. Jacobs, late Delia A. Fitzgerald;
A bill (H. R. No. 760) for the relief of James C. Cook;
A bill (H. R. No. 1143) to provide for the more efficient government of the rebel States;
A joint resolution (S. R. No. 171) for the relief of Martha McCook; and
A joint resolution (H. R. No. 293) authorizing the employment of a vessel for the transportation of provisions to the people of the southern States.

REPORTS OF COMMITTEES.

Mr. HOWARD. I am directed by the Committee on the Pacific Railroad, to whom were referred the following bills, to ask to be discharged from their further consideration:

A bill (S. No. 484) to secure the speedy construction of the Union Pacific railroad, southern branch and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes;

A bill (S. No. 518) to amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific ocean," approved July 27, 1866, and to facilitate the early construction of the Atlantic and Pacific railroad;

A bill (S. No. 520) to aid in the construction of the Kansas and Neosho Valley railroad, connecting the great lakes, Iowa, Missouri, and Kansas, with Texas on the Gulf of Mexico, and the Southwest with the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes;

A bill (S. No. 539) to expedite the construction of the Southern Pacific railroad;

A bill (S. No. 567) to authorize and provide for the construction of a military and postal road from Galveston, in the State of Texas, to Fort Gibson, in the Indian Territory, with a branch to Little Rock, in Arkansas;

A bill (S. No. 591) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862;

A bill (S. No. 600) granting lands to aid in the construction of a railroad and telegraph line from the city of Lawrence, in the State of Kansas, to the boundary line between the United States and Mexico, in the direction of the city of Guayamas, on the Gulf of California; and

A bill (S. No. 516) additional to an act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route.

In respect to these several bills which I have reported back to the Senate, asking to be discharged from their further consideration, the committee also instruct me to say that owing to the pressure of other business at the present session of Congress they have deemed this the most expedient course; but they do not make these reports with a view to prejudice the merits of any of these bills.

The reports were agreed to.

Mr. HOWARD, from the Committee on the Pacific Railroad, to whom were referred the memorials of the Chamber of Commerce of Memphis, Tennessee, praying that the Union Pacific railroad, southern branch, may be as liberally endowed as the Union Pacific railroad and its northern branches, and the memorial of the president of the St. Paul and Pacific Railroad Company of Minnesota, praying for a grant of land and money equal to that made to the Northern Pacific Railroad Company and the Union Pacific Railroad Company, asked to be discharged from their further consideration; which was agreed to.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 937) to authorize changes in location of lights and other aids to navigation on the southern coasts of the United States, reported it without amendment.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 805) to restore the possession of lands confiscated by the authorities of the States lately in rebellion, reported it with an amendment.

Mr. ANTHONY, from the Committee on Post Offices and Post Roads, to whom was referred the memorial of the State Historical Society of Iowa, praying for a modifiation of the postal laws, so as to permit postage on pamphlets, paper, books, &c., forwarded to historical societies to be paid on delivery, reported a bill (S. No. 618) to amend the laws relating to the Post Office Department; which was read and passed to a second reading.

Mr. MORRILL, from the Committee on Commerce, to whom was referred the joint resolution (H. R. No. 283) authorizing the Secretary of State to present to Captain James G. Smith, of the British brig Victoria, a gold chronometer, in token of appreciation of his services in rescuing from death the master, officers, crew, and passengers on board of the American brig E. H. Fitler, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1167) to authorize entry and clearance of vessels at the ports of Boothbay and Saint George, Maine, reported it without amendment.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 616) to reduce the number of members of the levy court of the county of Washington, District of Columbia, reported it without amendment.

Mr. CONNESS, from the Committee on Post Offices and Post Roads, to whom was referred the bill (S. No. 603) to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands, reported it with an amendment.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1868, to report it with amendments; and I give notice that I shall call it up for consideration on Saturday next.

FORT GRATIOT MILITARY RESERVE.

Mr. HOWARD. I am directed by the Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 607) to amend an act granting the right of way over the military reserve at Fort Gratiot, Michigan, to report it without amendment and recommend its passage; and I hope, if there be no objection, that the bill may be put upon its passage at once. I do not think it will occasion any debate at all. The committee have looked into it. I think its passage is quite necessary for the benefit of the public as connected with a railroad that has possession of a portion of the military reserve.

The PRESIDENT *pro tempore*. It requires the unanimous consent of the Senate to consider the bill on the day it is reported. Is there any objection?

Mr. DOOLITTLE. I shall not raise any objection on the statement of the honorable

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Senator that it will lead to no discussion. I desire the Senate to-day to proceed with the Indian bill that was up yesterday.

Mr. HOWARD. If it leads to discussion it may be laid aside.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act entitled "An act granting the right of way over, and depot grounds upon, the military reserve of Fort Gratiot, in the State of Michigan," passed February 7, 1859, by inserting in the last proviso, after the word "wood," the words "fire-proof;" so that it shall read, "that all buildings to be erected upon said reservation shall be of wood or fire-proof."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAXES ERRONEOUSLY PAID BY BANKS.

Mr. VAN WINKLE. I am directed by the Committee on Finance, to whom was referred the petition of Benjamin W. Horn, cashier of the Providence National Bank, of Providence, Rhode Island, praying that the amount of certain taxes alleged to have been erroneously assessed and paid may be refunded, to report a recommendation that the further consideration of the petition may be postponed indefinitely.

The report was agreed to.

Mr. VAN WINKLE. I am also directed by the Committee on Finance, to whom was referred the joint resolution (S. R. No. 178) in relation to national banking associations, granting them the relief claimed in the petition which I have just reported, to report it without amendment, and recommend its passage; and as it is simply to facilitate the business of the Treasury Department I ask that it may be considered now.

Mr. DOOLITTLE. I will ask the honorable Senator if it is a resolution that will lead to discussion?

Mr. VAN WINKLE and Mr. ANTHONY. None at all.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that in all cases where a national bank has paid, or may pay, in excess of what may be or has been found due from the bank on account of the duty required to be paid to the Treasurer of the United States, the bank so having paid or paying such excess of duty may state an account therefor, which, on being certified by the Treasurer of the United States and found correct by the First Comptroller of the Treasury, shall be refunded in the ordinary manner by warrant on the Treasury.

Mr. VAN WINKLE. I will state in a very few words that this is to enable the Treasury to pay back certain taxes paid into the Treasury under an erroneous construction of that Department. The courts have acted upon the subject and pronounced the construction erroneous, and this resolution is simply to enable the Treasury Department to pay back taxes which have been paid in by the national banks under an erroneous construction of the law.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EZRA B. GORDON.

Mr. LANE. There are a couple of pension bills on the table which have been returned from the House with amendments. The Committee on Pensions have examined them and recommend a concurrence in the amendments of the House. They are mere verbal amendments, and I hope the Senate will concur in them and let the bills become laws. I ask for their present consideration. I will first call up Senate bill No. 602.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 602) granting a pension to Ezra B. Gordon, which was to strike out all of the bill after the word "roll" in line seven, and to insert "subject to the provisions of the pension laws."

The amendment was concurred in.

PATRICK MEEHAN.

On motion of Mr. LANE, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 513) granting a pension to Patrick Meehan, which was in lines seven and eight to strike out the words "at the rate of fifteen dollars per month," and to insert "subject to the provisions of the pension laws."

The amendment was concurred in.

BUSINESS OF COMMITTEE ON COMMERCE.

Mr. CHANDLER. It will be necessary for the Committee on Commerce to have one day to close its business, and I desire to fix a day for the consideration of business from that Committee. I move that Saturday next be set apart for that purpose.

Mr. SHERMAN. On Saturday I propose to call up the Indian appropriation bill, which has been reported from the Committee on Finance to-day.

Mr. CHANDLER. Will Monday suit better? It will suit me just as well as Saturday.

Mr. SHERMAN. On Saturday I shall call up the Indian appropriation bill.

Mr. CHANDLER. I am willing to say Monday.

Mr. CONNESS. You do not want a whole day.

Mr. CHANDLER. I shall require one day, perhaps two days. I vary my motion so as to name Monday next for the consideration of business reported by the Committee on Commerce.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 619) to confirm certain sales made by the direct tax commissioners for South Carolina to persons in the Army, Navy, or Marine corps, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 180) to authorize a trial of the comparative power of resistance of iron-clad ships and stone fortifications to the fire of heavy artillery; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

POST OFFICE ADDRESS OF SENATORS.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate is hereby directed to furnish to the official publishers of the Debates in Congress, to be inserted therein at the close of each session the name and post office address of each Senator, and of each officer of the Senate, with a diagram of the Senate Chamber showing the seats of Senators.

CLINTON BRIDGE.

Mr. KIRKWOOD. I ask the Senate to proceed to the consideration of House bill No. 965.

Mr. DOOLITTLE. I have no objection to that bill being disposed of if it leads to no debate; but I suggest that the bill in relation to Indian affairs was under consideration in the Senate yesterday and laid aside informally to dispose of the reconstruction bill, and if the Senate will allow that bill to come up I shall have no objection to allowing this bill to come up informally.

Mr. KIRKWOOD. I think this bill will not lead to any discussion.

Mr. DOOLITTLE. I move that the Senate postpone all prior orders and take up Senate bill No. 204, which was the bill under consideration yesterday morning.

The PRESIDENT *pro tempore*. The motion of the Senator from Iowa is already made.

Mr. KIRKWOOD. I hope I shall be allowed to get this bill up.

Mr. DOOLITTLE. With the understanding that it will lead to no debate I shall not object; but if it does I shall move to take up the bill which was under consideration yesterday.

Mr. KIRKWOOD. If it leads to any extended debate it can be laid aside.

The motion of Mr. KIRKWOOD was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 965) declaring Clinton bridge, across the Mississippi river, at Clinton, in the State of Iowa, a post route.

It provides that the bridge across the Mississippi river erected by the Albany Bridge Company, and the Chicago, Iowa, and Nebraska Railroad Company, under the authority of the States of Iowa and Illinois, between the towns of Clinton, Iowa, and Albany, Illinois, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission of the mails, troops, and munitions of war of the United States, than the rate per mile paid for their transportation over the railroads or public highways leading to the bridge.

The draw of the bridge is to be opened promptly upon reasonable signal for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of the bridge, except when trains are passing over it; but in no case is unnecessary delay to occur in opening the draw during or after the passage of trains.

In case of any litigation hereafter arising from any alleged obstruction to the free navigation of the river, the cause may be tried before the circuit court of the United States of any State in which any portion of the obstruction or bridge touches.

The right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of the river by the construction of said bridge is expressly reserved.

Mr. DOOLITTLE. I should like to inquire of the chairman of the Committee on Post Offices and Post Roads whether this bridge bill conforms to the other bridge bills on the Mississippi, or whether it authorizes a bridge of a different character?

Mr. RAMSEY. There is a slight difference. The bridge was built previous to the passage of the general law of the last session. The deviation from the rules established by that law will doubtless be explained by the gentleman more particularly in charge of the bill from the committee.

Mr. HENDERSON. At the last session of Congress we passed through both Houses a bill legalizing all the bridges that might be built on the Mississippi with a span of one hundred and sixty feet. I understand that the bridge which is now to be made a post road and legalized has a span of only one hundred and twenty feet.

Mr. VAN WINKLE. One hundred and twenty-eight feet. If the gentleman will permit me, there is a report in this case which sets forth all the particulars and will explain the bill to Senators better than could be done by word of mouth. I ask that that report may be read.

The Secretary read the following report, submitted by Mr. VAN WINKLE, from the Committee on Post Offices and Post Roads on the 14th instant:

The Committee on Post Offices and Post Roads, to whom was referred House bill No. 965, declaring Clinton bridge, across the Mississippi river, at Clinton, in the State of Iowa, a post route, respectfully report:

That the object of the said bill is to legalize the railroad bridge across the Mississippi river at Clinton, Iowa, and to establish the same as a post route and that the said bridge was constructed at an expense of nearly half a million dollars, under authority granted by the States of Illinois and Iowa, and was used for the passage of railroad trains about two years since, and long before the passage of the act of Congress approved July 25, 1866, prescribing, among other things, the width of the draws of bridges constructed across the said river. The Clinton bridge was begun some time after the bridge at Rock Island came into use, and it is evident, from the evidence before the committee, that in the location and construction of the Clinton bridge every effort was made to avoid the alleged faults of the former structure, and to create as little obstruction to the navigation

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of the river as is compatible with the existence of a draw-bridge.

Believing, then, that the Clinton bridge was planned and constructed in good faith, with a due regard to the easy approach to, and passage of steamers and other vessels through its draw with the least possible detention, and in the absence of any regulation imposed by law, the committee directed their attention to the inquiry whether the said bridge, from its location, mode of construction, or the dimensions of its parts, presents any obstruction to navigation so serious as to demand its removal or alteration. To determine this they carefully examined a large mass of written evidence given under oath, consisting partly of depositions taken before the House Committee on Post Offices, &c., which accompanies this report. But inasmuch as General Warren, a distinguished engineer of the United States Army, had been detailed by the Secretary of War to examine the Upper Mississippi and report upon the subject of constructing railroad bridges across it under a law of the last session, and had made some progress in the survey, the committee called him before them. With the aid of a map of the site of the bridge and of the course of the river for some distance above and below, the engineer detailed the information he had acquired on the subject, which he subsequently condensed into a written statement, which accompanies this report. It is proper, however, to state that General Warren was but one day at the site of the bridge, and this at nearly the lowest stage of water.

From this statement it appears that "the channel-way in which the pivot-pier and turning bridge are placed is not less than forty feet deep, and the current does not exceed two miles an hour. The clear spaces each side of the pivot-pier are on the Iowa side, one hundred and twenty-eight feet, and one hundred and nineteen on the other." It will be perceived that these openings are several feet wider than those of the Rock Island bridge, while it also appears that at the site of the piers the thread of the current is parallel with them, although for some thousand feet above the bridge the current follows the curve of the Iowa shore.

In the course of his letter General Warren specifies seven principal requirements of a perfect draw-bridge. He concedes that the Clinton bridge fulfills four of these; the remaining three, in which he thinks it is deficient, are the following:

"1. The open spaces of the draw should be in the channel-way at a point where it is permanent at all times and stages of the water, and both openings should be available."

"In the Clinton bridge but one draw space is useful.

"2. The current should not only be in the direction of the draw-piers where they are placed, but should have the same direction from one thousand feet above the bridge to three hundred feet below at least.

"This requirement is not met by the Clinton bridge.

"3. Where the steamboat pilot when approaching the bridge at night could have the bridge and opening clearly defined against the sky or its reflection on the water surface.

"This is not the case with the Clinton bridge."

These requirements are unquestionably correct in theory, but the departure from them may be so inconsiderable, or there may be such compensating features in the case as to render variance from them hardly worthy of attention. The mass of evidence before the committee renders it highly probable that such is the case in the present instance. The committee, therefore, present the following brief synopsis of the sworn testimony before them, showing what has been the actual effect of the bridge upon the navigation of the river.

In the first place, it appears that there is always a depth of water of thirty feet and upward in the main channel, or between the draw-piers, even when the river is at the lowest stage; and that whenever the river rises a few feet it spreads over a large extent of land, so that the current at, and for some distance both above and below the bridge, never exceeds the rate of two miles per hour. These facts certainly render the approach to and entrance of the draw-openings much safer and more practicable than they would be under other conditions, and the slow current certainly tends to mitigate all objections that can be drawn from a want of the above requirements.

A record has been kept at the bridge from the time of its erection to the close of 1866, embracing a period of nearly two years, from which it appears that during that time 1,914 steamboats, 1,211 barges, and 984 rafts passed the bridge. Of the barges, 396 were towed up, 353 were towed down, and 50 were dropped down with lines. In 1865 there were 76, and in 1866 there were 74 different boats which made the above number of passages through the bridge. And yet the whole number of boats and barges that even touched the piers in passing was only 36, and it is believed that about one half of them did so purposely or for their own convenience. These numerous passages were made in all states of wind, weather, and water, and by night as well as day, and it is not uncommon for boats, even with barges in tow, to pass through without slacking their speed. The only accident that occurred in 1866 by which property was injured was to the steamer Starlight, which, with barges in tow, passed down without checking her speed on the night of the 1st of July. At the time some extensive saw-mills below the bridge were firing up with sawdust, and owing to the state of the atmosphere, the smoke settled on the river and obscured the lights of the bridge. One of the barges struck the pivot-pier, became leaky, and was landed just below the bridge.

Of the eight hundred and sixty-five steamboats which passed the bridge in 1866, of which one hundred and forty-three passed during the night, but two were detained in consequence of wind and weather. Each were detained eight hours. All the rest passed without other delay than that caused by checking their speed. No accident, except the above-mentioned, occurred to any steamboat passing in the night.

The opposition to the bridge is principally made by the Northern Line Packet Company of St. Louis. Their boats, fifteen in number, made five hundred and thirty-six passages through the bridge in 1866, but not one of these boats, or any barge towed by them, was injured or delayed by the bridge during that year.

Other facts of a similar tendency as evidence could be cited, but the committee forbear. They believe what has been stated fully justifies them in recommending, as they do, the passage of the House bill on which this report is based without amendment, particularly as the right is retained by Congress to alter or amend it at pleasure, thus enabling that body to require such alterations or additional constructions as will obviate all such objections as future experience may show to exist.

Mr. VAN WINKLE. I call the particular attention of the Senate to the last remark in the report and to the last section of the bill. The committee have reported the bill as it passed the House, without amendment. The last section provides that it shall always be in the power of Congress to alter or amend this act at their pleasure, so as to require such alterations to be made in the bridge, or such constructions, or whatever may be necessary for the perfect safety of steamboats passing through it as experience may demonstrate to be proper or requisite. The report of General Warren, who was detailed by the Secretary of War to examine the Upper Mississippi with a particular view to the location of bridges on that river and the state of the bridges there, is among the papers here. He is very careful, as a scientific man should be unquestionably, in all his statements. He admits that he had but one day's time to spend at the bridge, and his remarks are founded on the observation he was able to make in that time and upon what was related to him by others in whom he had confidence. While he states some seven or eight requisites which are desirable in order to make a perfect draw-bridge, he admits that this bridge is only deficient in three, which are enumerated in the report.

He lays the most stress upon the fact that there is a curve in the river running up from the bridge on the Iowa shore, and that boats approaching the bridge are necessarily bound to follow that curve, so that they do not approach squarely to the opening. While he admits that the piers stand parallel to the current, and that there is every facility there for passing the bridge without difficulty, he says that this curve renders the passage not so certain as it would be if the pilot approaching the bridge, at the distance of a thousand feet could look directly through the bridge. The committee have in their report cited evidence which convinced them that while that is correct in theory and while it would be better perhaps if the bridge stood in such a position that the daylight could be seen through the opening from that distance above, yet it has not proved in practice to be any difficulty at all. The evidence shows that steamboats with barges in tow coming down the river, without slacking their speed, pass under the bridge, and that there has been no difficulty which was not occasioned by extraordinary circumstances such as it was imposible to avoid; as, for instance, the boat that is mentioned in the report and which injured one of her barges by striking it against the pivot-pier. It was under peculiar circumstances. There was a lowering atmosphere at the time and some saw-mills in the neighborhood—there are very extensive saw-mills there—lighting their fires with sawdust, which makes a dense smoke, and that smoke settling on the face of the river obscured the lights of the bridge. It appears also that two boats have been detained at that bridge during the year 1866 for the period of eight hours each, and including that the detention will not average seven minutes to each boat. That has been the experience at the bridge. A very correct and full record has been kept of every boat, the state of the wind and weather, the height of the river, and other circumstances of that kind, which enable even unscientific men, as I suppose most of the committee are, or at least not experts about bridges, to determine with a good deal of satisfaction to themselves that the bridge does not offer any unusual obstruction or any obstruction that can be avoided where there is a draw-bridge.

I think the Supreme Court of the United States have once decided—I forget in what case—that a draw-bridge properly constructed was not such an obstruction to navigation as could be abated. This bridge was built before the passage of any law of Congress on the subject of the construction of bridges. The bridge has been built, the committee are entirely satisfied, in good faith with a view to comply with all the requirements of a good bridge that were possible on the occasion. Having had the warning given by the Rock Island bridge, the piers of which do not stand parallel to the current, this company went two miles down the river in order to find a suitable site, and were thereby obliged to build a bridge structure over a larger extent of low land at an increased expense. It seems to me, therefore, the good faith of the company in erecting this bridge must be entirely evident to every Senator.

Now, this bridge having been built and in operation a year or more before Congress legislated on the subject or prescribed the width of the draws, before in fact they had made any requirements, this bridge having been built in good faith, accommodating the public as it does in the trains that pass over it daily, it being proved that it has been well kept—it being admitted by General Warren that the draw is opened promptly on all occasions, and that there is very little or no detention on that account—all these things being admitted, as they will be by anybody who will peruse even General Warren's report or examine the other testimony that is there, the question is simply this: shall we now compel the abatement of this bridge or the destruction of it, you may say, because nothing less than that could alter what is insuperable from the structure that has been chosen, and which appears to be as good a one as can be found in that part of the country? Shall we put these people to the expense of rebuilding their bridge; or shall we suffer it to remain under the provisions of this bill, preserving the right to Congress to require any alterations in it hereafter that experience may suggest are necessary? It appears to me that every consideration of duty to our fellow-citizens who are engaged in this matter and common justice between man and man require of us, until the bridge is shown actually to be injurious to the navigation of the river, to let it remain, preserving the power, as this bill does, to alter it when we shall think the occasion demands it.

Mr. EDMUNDS. I move to amend the fourth section of the bill by inserting after the word "amend" in the second line the words "and repeal;" and in lines two, three, and four to strike out the words "so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge;" so that the section will read:

That the right to alter, or amend, and repeal this act is hereby expressly reserved.

The object of this amendment is to reserve to Congress the supreme control over the navigation of the river, so that if at any time hereafter it shall appear necessary for the public interests to pass any law on the subject, even going to the extent of repealing this whole authority, we shall have the power to do it. It is the same provision that was inserted in the bill of the last session touching the passage of a railroad over a river, I think at Cleveland, Ohio, and another touching the passage of Lake Champlain between Vermont and New York, near the Canadian border. I think it a very proper and necessary control which ought to be reserved over all acts of this description. I trust the amendment will not be objected to.

Mr. KIRKWOOD. I think the Senator from Vermont does not precisely view this question in its proper light. The bills to which he

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refers were bills authorizing the erection of bridges; and of course what may have been inserted in such bills might by possibility be regarded in the light of a contract with reference to those bridges. This is not that case. Here a bridge has already been built, was built before the passage of the law passed at the last session regulating bridges across the same river, and this bridge, having been built before the passage of that law, does not conform in all particulars to that law. The object of the present bill is to legalize for the present the bridge as built. There can no implication arise from the building of a bridge under a law in which a contract was made that it might be built in a particular way. The purpose and scope of this bill is but to say that so long as Congress may find that this bridge as it stands presents no material obstruction to the navigation of the river it shall be considered a post route, but with power in Congress to amend or alter the law in any way so as to remove any obstruction that future experience may show it does present. Now, the proviso in this bill is the same as that in the general law passed at the last session with reference to bridges over this river throughout its length. Section thirteen of that law reads thus:

"The right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of bridges is hereby expressly reserved."

In the general law that we passed at the last session authorizing the building of bridges across this river, we reserved the right to ourselves to alter that law or amend it as we might see fit, in order to preserve the navigation of the river, if experience should show that the bridges built under the law presented obstructions. So we do in this bill. We say, in substance, in this bill: although the bridge already built does not comply with the provisions of the law passed after it was built, yet experience thus far has shown that it is not a material obstruction to the navigation of the river; and so long as experience shall continue to show that to be the case, so long as actual experience, year by year, shall show that the navigation of the river suffers no material injury by reason of this bridge, so long it may be considered a post route. But if in the future experience should show that by reason of a change in the mode of navigation or otherwise the bridge shall become a material obstruction, then the power is reserved to Congress to amend and alter the act so as to remove any obstruction that experience may show has arisen. I think the right and power of Congress is fully reserved as it stands, and at this late period of the session I should prefer that the bill should not be amended.

Mr. DOOLITTLE. I made the inquiry on this subject, and from the statements made by the honorable gentleman on the committee, as the power is reserved in Congress hereafter to change the draw in that bridge if it is found to be insufficient, and as the bridge is an existing fact, and has been actually made at great expense, I shall not make any resistance to the passage of this bill.

Mr. CONNESS. I cannot hear the Senator.

Mr. DOOLITTLE. I say I shall not make any resistance to the passage of the bill, inasmuch as it retains in Congress the power hereafter to compel the building of a wider draw, if it should be necessary.

Mr. POLAND. I believe I was entitled at one o'clock to the consideration of a bill that was up for consideration last night. I do not desire to interfere with this measure if it be understood that I can have a vote on that bill when this closes.

Mr. DOOLITTLE. I take it that the bill which is properly pending before the Senate is the Indian bill, which is pending between the House and the Senate, and which was laid aside to allow this bridge bill to come up, supposing that there would be no discussion upon it.

Mr. POLAND. I believe the Senator from Wisconsin is mistaken. I profess to know nothing in relation to my rights under the rules; but it was announced by the Chair last night that the bill before the Senate was the one that was partially considered, of which I had the care. I rely upon that.

Mr. DOOLITTLE. I did not understand that any bill was taken up last evening at the adjournment. The bill in relation to Indian affairs was under consideration in the Senate at the time the reconstruction bill came in from the House, and it was laid aside informally to let that go on. It did go on until it was finished, and when we got through with it the adjournment took place, as I understand. No new bill was substituted.

Mr. HENDERSON. The business of the Committee on Patents was the special order for last night.

Mr. DOOLITTLE. I was not aware of that fact. I will ask the Senator if his bill is one that is likely to give rise to debate?

Mr. POLAND. No, sir; I think it will take two minutes perhaps.

Mr. DOOLITTLE. Then I stand corrected in relation to the business; but this Indian bill is one which must be disposed of before the Indian appropriation bill comes up, and the Senator from Ohio has given notice that the Indian appropriation bill is to come up on Saturday.

Mr. WADE. I have been waiting a long time to obtain an opportunity to take up again the amendment to the Constitution which we had up once before. I think nearly all, if not all, the Senate of all parties are in favor of that proposition. The session is drawing toward a close, and it will have to pass both branches. I think we can dispose of it in a short time, inasmuch as I do not understand that there will be any serious opposition to it. I am very anxious that it should be taken up and disposed of. I gave notice more than ten days ago that I should ask the Senate to take it up on the very first opportunity that I could get; but on every occasion I found a wrangle made among other Senators with regard to other matters, and we have had a great and important measure before the Senate that it seemed proper should supersede all other business. I have been content until now; but I think I ought to ask the Senate now to postpone all other orders and take that up. I presume we can settle upon its provisions very soon, inasmuch as I do not understand that there is any serious opposition to it in any quarter.

Mr. POMEROY. I had supposed that the Senator from Ohio would call for a vote on the Colorado question. The amendment to the Constitution is a provision which, of course, I intend to support; but I thought our first duty was to settle the question whether Colorado should be admitted or not. I hope at a very early period, if the Senator from Ohio will call up anything, he will call up that measure.

Mr. WADE. I have not by any means forgotten Colorado. It is in my mind night and day. I am as anxious to take it up as anybody; but I want to settle it right when we do take it up. I want all the power I can get to carry it through; because I know the people want it; I know it ought to be done, and I shall not lose sight of that. But, then, that measure only presents one single question that can be passed upon very soon. I hope we shall agree now to take up this, which I think one of the most important measures that we can take up. I make that motion.

The PRESIDENT *pro tempore*. Will the Senator repeat his motion?

Mr. WADE. My motion is to postpone the present and all other orders and proceed to the consideration of the joint resolution (S. R. No. 33) proposing to amend the Constitution of the United States so as to limit the term of the President of the United States.

Mr. TRUMBULL. I am in favor of the constitutional amendment which the Senator from Ohio desires to call up, and I reported it from the Judiciary Committee, but I shall not vote to postpone the matter now under consideration to take it up. I hope we may have time to act upon it; but I wish to say to the Senator from Ohio and to other Senators that I have struggled here nearly every morning for two weeks to get up bills which are upon the table, and have been upon the Calendar for a long time, of public importance, and I have been unable to get the attention of the Senate to them. Here is a bill upon your table to prevent whipping in the rebellious States.

Mr. SUMNER. Rebel States.

Mr. TRUMBULL. Never mind about the precise term, whether "rebel" or "rebellious," I presume I am understood. There is a bill here to prevent the payment of money on claims which are set up for services rendered before the war by men who went into rebellion. It is a House bill. Then there is a House bill to dispense with the services of certain commissioners who are engaged in some of the late slave-holding States in assessing damages and the claims of persons who claim to have been the owners of slaves who entered the Union Army. There is a bill pending to establish a Department of Education. All these subjects ought to be considered by the Senate; and therefore I shall vote against the Senator's motion now. I hope we shall waste no time in its discussion. Let us dispose of the bill we have under consideration, and then there is the bill which the Senator from Wisconsin is urging all the time, that ought to be considered before the Indian appropriation bill. We must go on with this ordinary legislation; but I think if we get into a debate on the constitutional amendment we shall have to lose a good many bills that it is necessary to pass. If there is time afterward, let us take up the constitutional amendment and dispose of it; but let us do this essential business at any rate.

Mr. WADE. This is the most essential of all measures, and I think it supersedes in importance any bill before the Senate. It is true, it is not of that immediate, pressing necessity that an individual bill bears upon the minds of some men; but when we contemplate the future, it is very important. This is probably the only time we shall ever be able to amend the Constitution in this respect, as it seems we all desire to amend it, because in ordinary times the proposition itself is so invidious and meets party lines in such a manner ordinarily, that although everybody has wanted the Constitution amended in this way for a good many years, this seems to be the only occasion when it is possible to do it. If this opportunity is lost and the Government passes into its regular channels in the course it has pursued heretofore, it will be exceedingly difficult and perhaps impossible to ingraft upon the Constitution this amendment that everybody seems to be in favor of, and which our greatest statesmen for many years have been anxious to adopt. I hope we shall not fail to do it now. I know very well that we shall have a session right after this, and if anything should fail us now it would not be fatal.

Mr. FESSENDEN. What is the question before the Senate?

The PRESIDENT *pro tempore*. On the motion of the Senator from Ohio to postpone the present and all prior orders, and proceed to the consideration of the resolution proposing an amendment to the Constitution of the United States.

Mr. FESSENDEN. I hope that will not be done, because I am very strongly of the impression that we ought to finish this Indian bill to-day. The day after to-morrow we must take up the Indian appropriation bill, and this Indian bill must be disposed of before that comes up, because if it is passed it will make certain very essential changes, and it ought to be considered first. I hope, therefore, that we shall take up the bill which the Senator from Wisconsin has charge of, in order that the way may be clear for the Indian appropriation bill,

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which must pass, and which cannot be acted on before that time.

Mr. SUMNER. Perhaps the Indian bill may be disposed of promptly without debate by a motion that the Senate do not concur in the amendment of the House, and ask for a committee of conference. I will suggest that in advance, so that that question may be eliminated from our discussions.

Mr. WILLIAMS. I do not agree to that. That bill I consider of too much consequence to be disposed of in that summary manner.

Mr. SUMNER. I made the suggestion with a view to the economy of time, and after consultation with several Senators who are much interested in the measure. Of course we are all interested in it. It is a measure of very great public interest.

Then with regard to other matters, I must confess that the Senator from Illinois has presented an array of measures which certainly do challenge the attention of the Senate. There is one of those providing for a Bureau of Education, which I think at this moment of infinite importance.

I should not, however, have said a word now except that it is my duty to call attention to a joint resolution reported from the Committee on Foreign Relations, which ought to be acted upon promptly. It was reported as long ago as February 6, and I have not been able to get it before the Senate from that time to this. It is a joint resolution supplementary to other joint resolutions to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867. Action on that resolution ought to be prompt, or it will be of very little avail. We have already entered into the preliminary arrangements, and it seems to be our duty to go on and complete them. I merely throw out this suggestion now in order to ask the attention of the Senate in advance to this measure. I should like to bring it forward to-day if I could.

Mr. FESSENDEN. I wish to suggest to my friend that this Indian bill involves a very important question, as I understand. It is whether the control of Indian affairs shall be taken from the Interior Department and transferred to the War Department. I think that is a very important question. The Senator suggests a committee of conference upon it. I want to suggest to him whether it would not be exceedingly dangerous to leave a question of that importance to a secret conclave of six members? Would it not be attended with very great danger if the Senate were to abdicate their authority on that great subject? [Laughter.]

Mr. SUMNER. There is great force in that argument.

Mr. KIRKWOOD. I will suggest, with a great deal of deference to older members of the Senate, that we sometimes consume a great deal of what they claim to be very valuable time in talking about what we shall do next.

Mr. CONNESS. I ask the Senator from Ohio to withdraw his motion at present and let this pending bill be voted upon. It will not occupy five minutes of time, I think.

Mr. WADE. I will endeavor to see if I can get a day fixed sometime during this session when the Senate will agree to have this measure taken up.

Mr. CONNESS. We will join you on any other occasion.

Mr. WADE. I will say Saturday.

Mr. SHERMAN. The Indian appropriation bill comes up on Saturday.

Mr. WADE. What day can gentlemen, who have important measures in charge, name when they suppose we could take it up? Say next week; Tuesday or Wednesday.

Mr. FESSENDEN. In my judgment we cannot name any day for the consideration of a particular subject. How much time have we left? Just look at it: we have now before us the Indian appropriation bill, the Army appropriation bill, the Navy appropriation bill, what is called the omnibus bill or the civil appropriation bill, a deficiency bill, probably, and in addition to that we have the internal revenue bill, now under debate in the House, and the tariff bill.

Mr. WADE. They are not ready yet.

Mr. FESSENDEN. They are not ready yet, but they are being got ready. All those bills are essential to be acted upon. At this period of the session, I think it exceedingly important that we should hurry them as much as possible, and not take up subjects that can be dispensed with. My own opinion is, in relation to the business of to-day, that as soon as we have passed the bill, if we shall pass it, which stands in the way of the Indian appropriation bill, which is awaiting action upon it, we should clear ourselves of another difficulty which is ahead of us, and that is, to act upon the Calendar of nominations. Those appointments should be acted upon. Great numbers have been rejected. Great numbers more will be rejected if the advice of the committees is taken, which is very probable, and new nominations must be sent in and acted upon before we adjourn to fill those vacancies. I think myself that as soon as the Indian bill is disposed of, we ought to go into executive session and dispose of the Calendar; and then, if there is any time left, we can take up these other bills which seem to be pressing and pass them. My own judgment is that that is the proper course to take, in view of what is ahead of us. If we put off disposing of the executive Calendar, until the very last period of the session, we shall adjourn with a very large number of nominations not acted upon; while if we dispose of them early, we can receive nominations to fill the places of those rejected. I hope that that course will be taken. Although I am in favor of some sort of measure, I do not know exactly in what form, but the general idea of the measure suggested by the honorable Senator from Ohio, the Senator will reflect that that is a matter that can be acted upon at the very last moment, as it has not to go any further than ourselves.

Mr. WADE. Well, Mr. President, I should like to give notice of a time when I shall endeavor to get this up. I do not believe it is going to excite a great deal of debate, because every one is in favor of it. I find nobody here, and I have canvassed the Senate pretty closely, who is not in favor of it. I shall endeavor to get it up on Tuesday next, and for the present I withdraw my motion.

The PRESIDENT *pro tempore*. The motion of the Senator from Ohio is withdrawn. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] to the fourth section of the bill (H. R. No. 965) declaring Clinton bridge across the Mississippi river, at Clinton, in the State of Iowa, a post route.

Mr. HOWE. Now, I wish the Senator from Vermont would withdraw that amendment and let the bill pass as it stands. It seems to me there are very great reasons why he should withdraw it. The form of this section is modeled after a precedent already on the statute-book. That is a good reason for adhering to this form, it seems to me. But, in addition to that, there is another good reason, which is, that the power reserved to Congress in the section as it stands is ample. If Congress reserves to itself the power so to alter or amend this act as to prevent any material obstruction of that river hereafter, it will always have the control, being the judge of what is a material obstruction, to insist upon any alteration of the bridge so as to avoid that. Why reserve a power in terms to repeal the act when it has the power given to it to so amend it as to prevent any material obstruction? I would not resist this amendment at all but for the fact that it will send the bill back to the House of Representatives, and we are near the close of the session; it is an important measure; very important interests hang upon it; and I do not wish it to be subjected to that risk.

Mr. EDMUNDS. I do not think it right for us to legislate improperly, or to omit any proper legislation on the ground that the session is near a close, and that a bill of the House which needs to be amended must, if amended, go back there for further consideration. It appears to me to be a very dangerous mode of legislating, to do that. The question, therefore, is whether the amendment which I propose is one that ought to be made, intrinsically considered.

The question, then, is whether in allowing obstructions to the public rivers of the country—as bridges are to a certain degree, no matter how perfectly they are constructed—it is right for Congress to reserve complete control over the subject, so as to have the power at any future time to require the absolute removal of the bridge completely? Now, I think that the proper policy for this country is, over all its harbors, public works, and public rivers, to reserve that control.

If that be so, then the question is, whether this act and the act of last summer, upon which this is said to be modeled, does that thing? The act of last summer, and this act, provides that Congress shall have the power to alter or amend for a specific purpose, so as to prevent any material obstruction. What is a material obstruction of the river under such an act would be a question for the courts and not for Congress, I take it. It excludes from the act the word "repeal," which has been usual where a legislative body has desired to retain complete control over a subject. Now, therefore, unless the reservation of the power to alter and amend is equivalent to a reservation of the power to repeal, this bill does not contain what it ought to contain, if I am right in stating what the policy of the Government ought to be. The difference between a power to repeal and a power to alter and amend is, I think, in the eyes of courts and lawyers, a distinguishable difference; and it is a difference of something more than phraseology, of substance, and intent. If the Senate think it is fit for Congress to surrender full control of any part of its paramount authorities over this subject, then I have nothing more to say; but as I do not think so, I felt it to be my duty to offer the amendment.

When a similar bill last summer passed this body, declaring a bridge over Lake Champlain to be a lawful structure, which had not been erected in conformity to law, as this bridge has not, it is said it was provided that the act should be subject to amendment or repeal at the pleasure of Congress. I do not say that that was the deliberate sense of the Senate on a contest, for the reason that having the matter in charge I inserted the provision myself, and of course it met the approval of the Senate as a right and proper thing. So I do not use that as a precedent where upon a contest the Senate has settled a policy; but I only speak of it as a precedent which shows what in my judgment the true course of legislation is. I do not wish to occupy the time of the Senate in more than stating the ground on which I have proceeded.

The amendment was rejected; there being on a division—ayes 12, noes 15.

Mr. HENDERSON. I move to insert at the end of the first section of the bill the following proviso:

Provided, That nothing contained in this act shall have the effect to defeat any suit or other proceedings against said bridge or the company constructing it now pending in the courts; nor shall it in any manner affect any right of action already accrued.

Mr. HOWE. I do not see the necessity for that amendment. This bill has passed the House of Representatives, and it is reported back by the Committee on Post Offices and Post Roads of the Senate just in the form in which it stands, after a most laborious examination of the case, and I do not think it ought to be embarrassed by amendments that are not absolutely necessary to the perfection of the bill.

Mr. JOHNSON. If the honorable member

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will permit me, I will state what I understand to be the law on the subject.

Mr. HOWE. Certainly.

Mr. JOHNSON. In the Wheeling bridge case the Supreme Court decided that the bridge was an obstruction to the navigation of the river. They did not change that opinion at any subsequent time; but after that decision was given Congress passed an act making the bridge a post route, and the court then held that that of itself, notwithstanding the opinion that the bridge was to come down before the act was passed, made the bridge a legal structure and took from Pennsylvania the right which she had originally to sue and took away the right which had been consummated by a judgment in favor of the State directing the bridge to be taken down. Now, in this case there are I understand suits already pending against the bridge company. If you make it a legal structure now, according to the Wheeling bridge case those suits necessarily fall. It is therefore for Congress to decide whether they will take from a party a right to sue, which he has attempted to exercise by bringing a suit by legislation of this kind.

Mr. HOWE. If I remember the case of the Wheeling bridge, the litigation with which the act of Congress interfered was a litigation commenced for the purpose of removing the bridge as a nuisance, and there was a judgment of abatement against the bridge. The act of Congress then intervened and declared it a legal structure or made it a legal structure, and of course when by the authority of the nation it was declared a legal structure a judgment of abatement could not be executed. But I ask the Senator from Maryland if this bill as it stands now, supposing it to become a law, will prevent any man who has been injured by the existence of this bridge from recovering damages?

Mr. JOHNSON. I think it will. If the honorable member will excuse me for interrupting him, I think the decision was that the legalizing act related back to the time the bridge was first built, and therefore exempted the company from any liability for any acts of loss or any damages suffered by any person in the navigation of the river consequent upon the manner in which the bridge had been originally constructed. If so, these suits, if there are any, will fall.

Mr. HOWE. My recollection of the judgment in the case of the Wheeling bridge was very different from that; that it only affected the judgment of abatement and affected the right of no man in the world to damages; and I cannot conceive that this act would operate to defeat the suit of any man who may have sued the bridge company for damages already sustained or who may hereafter sue for damages sustained before this act shall become the law of the land. But suppose there were a suit pending now for the very purpose of abating this bridge—I do not know whether there is or not——

Mr. VAN WINKLE. If the Senator from Wisconsin will permit me, I understand that not only are there no suits pending against the bridge company for damages, but no suit has ever been brought for that purpose. The only suit pending was an injunction commenced by the Northern Line Packet Company of St. Louis, to abate the bridge and prevent the use of it. I think by the law a month's time is given them to offer their proofs and so on; but they failed entirely to do so, and the bill is now set down as an original bill, and remains upon the records of the court. Whether they intend to proceed with it or not I do not know. There are no suits for damages, and have been none.

Mr. HOWE. Then there is a suit pending for the abatement of the bridge, and the purpose of this amendment is to leave that suit in full force.

Mr. HENDERSON. Let us get the evidence under that.

Mr. HOWE. The Committee on Post Offices and Post Roads in both Houses have taken testimony upon the question whether this was a material obstruction or not. They have reported here that it is not a material obstruction. This company was authorized to build the bridge by the two States of Iowa and Illinois. They had not any instructions from either of those States, nor from any law in the world as to precisely what kind of a bridge should be built. They put their money in there at the peril of losing it if they did not build a bridge which would protect navigation, which would not furnish reasonable facilities to the commerce on the river. They have spent $480,000. The question is whether they shall be protected in that expenditure. Congress at the last session, in providing for bridges elsewhere on the Mississippi, adopted a wider draw. This bridge has stood there two years. How it operates upon the commerce is known, is established by testimony; and now they ask protection for the capital they have put in it. It does not seem to me that Congress will use capital right when it allows it to be destroyed upon such allegations as are presented here.

Mr. HENDERSON. I hope this amendment will be adopted. If it is the purpose of Congress to adopt a measure of this character, lessening the width of the draws of the bridges upon the Mississippi, I surely shall not enter into any further objection than I did at the last session. But as was very properly stated by the Senator from Maryland, if I remember the Wheeling bridge case aright, this amendment ought to be adopted. Now, a suit it seems is pending already to abate this bridge; a suit instituted by a company, saying that they are grievously injured by the construction of the bridge. At the last session we authorized the construction of bridges with draws of a hundred and sixty feet. The Post Office Committee at this session report to us a bill to legalize a bridge that has been constructed under State law, with a draw of a hundred and twenty-eight feet on one side of the river, and a draw on the other side of a hundred and nineteen feet, which is utterly useless, as I understand from the report. It has been examined by a competent engineer, General Warren, and out of the seven requisites of a draw-bridge, he says this bridge wants three, and three very important ones. He says:

"1. The open spaces of the draw should be in the channel-way at a point where it is permanent at all times and stages of the water, and both openings should be available.

"In the Clinton bridge but one draw space is useful.

"2. The current should not only be in the direction of the draw-piers, where they are placed, but should have the same direction from one thousand feet above the bridge to three hundred feet below at least.

"This requirement is not met by the Clinton bridge.

"3. Where the steamboat pilot when approaching the bridge at night could have the bridge and opening clearly defined against the sky, or its reflection on the water surface.

"This is not the case with the Clinton bridge."

The chief objection, in my judgment, is the second point made by the engineer, that the current is not in the direction of this draw for the distance above and below that is required, and thereby the channel may be changed and thrown under another part of the bridge, and the present draw rendered utterly useless. Here we propose to legalize this bridge with a draw of a hundred and twenty-eight feet, when we said at the last session that no bridges should be constructed with a draw of less than one hundred and sixty feet. That is a material change. If this be done, why may not Congress at the next session say that another bridge shall be constructed with a draw of a hundred feet, and at a subsequent session eighty feet, at the next session afterward forty feet; and I suppose that abundance of testimony could be produced that such a bridge would be no obstruction to navigation. Who the witnesses are that testified on this matter before the committee I cannot state; but the committee undertake to tell us:

"These requirements are unquestionably correct in theory, but the departure from them may be so inconsiderable, or there may be such compensating features in the case, as to render variance from them hardly worthy of attention."

Upon what testimony this conclusion is based I cannot tell. If testimony can be procured to vary three very essential requisites of a bridge so as not to interfere with navigation, I apprehend that at the next session other very important requirements may be dispensed with, and we shall go on getting bridges of narrower and narrower span until we get them reduced to the width of forty feet, which is about the width of the beam, I suppose, of the steamers that ply upon the river.

The Senator from Wisconsin says that this company have invested $480,000 in building the bridge. What right had they to bridge a navigable stream at all except in the mode and manner pointed out by Congress? In other cases companies have appealed to Congress to say upon what terms bridges could be constructed, except in the Rock Island bridge case, and that bridge has caused the loss of an immense amount of property on account of the want of the second requisite referred to by General Warren, that the current did not flow on parallel lines with the abutments. I suppose, however, that in this particular case, as the water passes through, it may be upon a parallel.

Mr. VAN WINKLE. Allow me to correct the Senator. General Warren says expressly that the piers are in the direct line of the current.

Mr. HENDERSON. Right at that point, but not above and below.

Mr. VAN WINKLE. Where the curve affects it, is one thousand feet above, and he is of opinion that that could be remedied by a little cut-off a short way above where it makes an eddy. But the Senator will permit me to say now as to what the committee stated in the passage of the report from which he has read, that the committee go on to cite only a portion of the evidence before them to show that there has been no practical obstruction on the part of this bridge to boats going through by day or by night, in all winds and all weathers, with their barges at their sides, without slacking. The boats of the St. Louis Company made five hundred and thirty-six passages in one year without a single one of them touching the piers. The evidence before the committee warranted the conclusion that the bridge was no obstruction. We have evidence also that while the insurance companies raised their rates as to boats passing the Rock Island bridge, they have made no increase of rates as to this bridge.

Mr. HENDERSON. The committee say in their report, and now the Senator repeats that the Northern Line Packet Company that is making objection to the existence of the bridge, and that has instituted a suit for the abatement of the bridge, is a St. Louis company. I should like to ask the Senator if the testimony before the committee established that fact?

Mr. VAN WINKLE. Only from its name, which I understand to be the Northern Packet Line Company of St. Louis, or something like that. I think "St. Louis" is a part of the name.

Mr. HENDERSON. I can state to the Senator that if I understand properly the origin and condition of the company, it is principally owned in St. Paul. Perhaps the Senator from Minnesota can enlighten me on that subject. It is not a St. Louis company; I understand a large portion of the stock is owned in the northern towns upon the Mississippi river.

Mr. RAMSEY. I understand that the stock of the company is almost entirely owned in the city of St. Louis.

Mr. HENDERSON. That certainly has not been in accordance with my information on the subject.

Mr. RAMSEY. Much of the stock of the Northwestern Company is owned in Galena, Dubuque, and towns further up; but most of the stock of the Northern Line Packet Company, as it is called, is held in St. Louis.

Mr. VAN WINKLE. Let me say to the Senator from Missouri that in designating it as a St. Louis company, I had no intention to cast a slur on that company. My object was

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simply to designate the company that was contesting the matter.

Mr. HENDERSON. I have no idea that the Senator intended any such thing; but it was considered at the last session when this subject was up that St. Louis was interfering with the building of bridges on the Mississippi river. It has been repeatedly said that St. Louis interests wished to prevent the building of any railroad bridges across that river. I thought that the statement in the report was very well calculated to carry out that idea, suggested at the last session, that it was the commercial and trading interests of St. Louis that continually presented these objections against the construction of bridges. Now, in my judgment, the people of St. Louis are no more opposed to the construction of proper bridges on the river than the people of any other town on the Mississippi river or anywhere else. They do not desire to present any obstructions to railroad interests; they desire that railroads may transport their freight and passengers across the river; they ask that bridges may be constructed; but they believe that when they are constructed without proper draws they will be an obstruction to navigation. In other words, they want to consult and foster and uphold both interests.

I think that the amendment I have offered ought to be adopted. There is a suit pending to abate this bridge. The parties built it without an act of Congress, without any authority at all. Those who wished to build bridges at Quincy and St. Louis did not undertake to construct them until they came to Congress and ascertained on what terms they would be allowed to do so. If we are to legalize an act of this sort because an enormous amount of money is invested in the enterprise, may not some other individuals or railroad companies within the next year or two construct bridges across the river with draws sixty feet wide, and will not the argument which is urged by the Senator from Wisconsin be just as strong in that case as it is now? Will he not be able to say, "Parties put their money in these bridges on the idea that they were to realize something, and now is Congress going to so act as to make them lose their money?" The argument would be as strong in that case as in this.

Now, what does the bill do? In the first place it legalizes the structure. The committee tell us that this bridge has been in operation for two years without any injury to any interest. If nobody has been injured by it, why is it necessary to get an act of Congress to legalize it? I suppose nobody can succeed in an effort to abate it as a nuisance unless it really is a nuisance; and nobody can succeed in obtaining damages unless he has been actually injured. Then what is the necessity for an act of Congress legalizing the bridge? I do not see any. If it is a nuisance, why not let us take the evidence of individuals who live there, and let us get that evidence in such a shape that we can see it? All that my amendment does is to provide that if it is an obstruction to the navigation of the river, and if proved so hereafter, any pending suit shall not be affected by this proceeding. If it be true that the parties are not prosecuting their injunction against the bridge, no damage will be done. If they do not propose to go any further with it, as suggested by the Senator from West Virginia, why not then adopt the amendment? If they are really in earnest, the amendment ought to be adopted, because I think evidence taken before a court ought to have as much weight with the Senate as evidence taken before a committee. I have entire respect for the Committee on Post Offices and Post Roads of this body; it is an able committee, but I am not informed who testified before them. They seem to have had testimony; but there may be thousands and thousands who would testify to the contrary. I suppose forty witnesses to each one that testified before the committee that the bridge was no obstruction could be found who would testify to the contrary. I am not informed that even ten witnesses testified before this committee, or that two testified. The report itself does not show that even two testified.

Did anybody representing the steamboat interests of the Mississippi river testify?—not the St. Louis interest, but the Galena interest, the St. Paul interest—did anybody of that sort testify before the committee? And if so, did they say it was no obstruction? Let the amendment be adopted, and if any rights have accrued in favor of individuals, let them prosecute those rights.

Mr. CONNESS. Allow me, as a member of the committee, to say to the Senator on the point he makes that I answer yes; there was abundant testimony from those interests before that committee, and that testimony was closely and carefully examined. There was also testimony from engineers, including General Warren, and that was closely examined; and the committee came to the fairest conclusion they could in view of all the testimony, and I think the only conclusion the case admits of.

Mr. HENDERSON. I was not informed of the testimony; I have not got it on the record. The committee do not say in their report that they examined even a single witness. They say they had evidence, but whether it was documentary or otherwise I do not know. I did not know, before the Senator from California informed me, what the testimony was.

Mr. CONNESS. I will tell the Senator, with his permission, what class of testimony was before the committee. It was documentary evidence, such as were presented in the case when it was before the courts of law, full, ample, and complete upon the subject, presenting that side of the case in its strongest light.

Mr. HENDERSON. The committee themselves show that a right of action has accrued in at least one case; and that was the case of the Starlight, which lost a barge. A right of action certainly accrued in favor of the steamboat Starlight. Now, according to my understanding of the decision of the Supreme Court in the Wheeling Bridge case, if we pass this act it does result that that suit will be destroyed. It is true that was an action to abate the bridge at Wheeling by the Commonwealth of Pennsylvania, and as was very properly said by the Senator from Maryland, the court, after it was made a post road, held that that action made it a legal bridge from the time of its construction; and this bill makes this bridge a legal structure *ab initio*. Then if any right of action has accrued in favor of the party I cannot see how judgment can be rendered against the bridge company, provided that decision be founded upon correct principles, even if the party has been damaged.

Now, will the Senate vary their decision of the last session, which required the bridges on the Mississippi to be one hundred and sixty feet span, and determine that a structure of but a hundred and twenty-eight feet span, wanting three of the seven requisites of a good draw-bridge in the opinion of an engineer appointed to examine it, wanting three important elements of a good bridge that does not destroy navigation, shall be legalized even to such an extent as to destroy rights of action already accrued? I think not. If a right of action has accrued, let that action be prosecuted, and if the party is entitled to a judgment, let him recover that judgment. It is but right, and I hope the amendment will be adopted.

Mr. KIRKWOOD. I will tax the patience of the Senate for only a very few moments to notice some of the points made by the Senator from Missouri. He says in substance that this bridge has been built in violation of the law at the last session of Congress, that the draws are narrower than those authorized by the law of the last session, and that if we legalize this bridge as the bill proposes we give authority to other men to go on and build other bridges in violation of that law with draws one hundred feet wide and then eighty feet wide and then sixty feet wide, and so on. That is not a fair statement of this case. These men have not gone on and built a bridge in violation of that law. Their bridge was built before that law was passed, and therefore it could not have been a violation of that law. That bridge was in existence and in use and had been for twelve months before you passed your law of the last session. What are the facts about it?

A railroad bridge had been built at Rock Island, and had been in use some ten years. Certain objections existed to that bridge; suits had been brought to abate the bridge, and they had been pending during these ten years, certain specific reasons being alleged why the bridge was an obstruction to navigation. In building this bridge those points were avoided, those difficulties were overcome, great pains were taken and great expense incurred to avoid the very difficulties that the same men who are now litigating against this bridge alleged to be the difficulties with the Rock Island bridge. It is therefore not correct to assume, as the argument of the Senator from Missouri seems to imply, that these men have gone on regardless of your law and put up a bridge in violation of the terms of your law. The truth is they had built that bridge before your law was passed, and in building it they took great pains and expended much money to avoid the very difficulties which were alleged against the Rock Island bridge by the same gentlemen who are now trying to remove this bridge for other alleged deficiencies. If any person goes on and builds a bridge over the Mississippi river now of less span of draw than was prescribed by the act of Congress of last session, he does it in violation of your law; but, I repeat, this bridge was built before that law was passed.

The Senator asks why it is necessary to have a law of this kind at all, because he says if the bridge is not a nuisance it will not be abated. The very difficulty is because of the law passed at your last session. Were it not for that law there would not be any difficulty. The men who are pressing for the destruction of this bridge bring in a law passed by Congress after the bridge was built, and make that the main point on which they rely for the judgment they hope to obtain for the abatement of this bridge. They come in and say, "Congress has shown by its legislation that this bridge is not a proper bridge to be built across the river; the law of Congress passed at the last session gives the deliberate judgment of Congress against this bridge;" and they seek to make use of that act and make it an all-powerful argument before the courts, where a suit is pending for the destruction of the bridge.

I do not know that it is necessary to go over the facts of this case again, they were so ably presented by the Senator from West Virginia. The bridge has been there two years, and but one single steamer has had her aft-guards broken, and that did not interrupt or delay her trip an hour. It is claimed, I cannot say how truly, by those in the interest of the bridge, that it was owing to her own neglect, or the neglect of those who were in command of her and managed her. Aside from that, in two entire years that this bridge has been in use, there have been two barges injured; one was small, with some three hundred or four hundred bushels of oats on it; and the other was damaged, so that after going down below the bridge a quarter or a half mile it was drawn up on the beach and part of its cargo injured. That is all the injury that has occurred in two years; and if my recollection is right, the same St. Louis company that has been litigating with the Rock Island Bridge Company for the last ten or twelve years, and is now litigating with this bridge company during the entire of last year, did not lose a dollar. I think the barge injured last year did not belong to that company.

Some stress is laid upon the statements made by General Warren. I listened as a member of the committee to what he had to say with a great deal of interest and a great deal of respect. He was there, however, but a single

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day, as his own statement showed. In regard to one of his objections, which is that but one of these draws can be used, the testimony shows that the opinion even of an experienced engineer may be erroneous. As has been stated to the Senate already, there has been a record carefully kept of every boat and of every barge and of every raft that has passed that bridge during the entire time it has been standing, the hour of the day or of the night when it passed, and everything pertaining to its passage; and that record shows that the opinion expressed by General Warren that the west draw cannot be used is an entire mistake, because nearly or quite one half the passages that have been made have been made through that draw.

Mr. HENDERSON. Do I understand the Senator from Iowa to assert that the engineer, General Warren, made a mistake about that matter?

Mr. KIRKWOOD. He expresses an opinion in his statement that the draw upon the Iowa side of the river is not of much benefit to navigation. That, the Senator will find, is one of the reasons alleged against the bridge. Now, the record shows as indisputably as any fact can be shown, that very nearly half the number of passages under the bridge have been through that very draw. He was there but a single day; and it is a matter but of opinion on his part at most, and that opinion is contrary to the fact.

The current does pass the draws of this bridge at right-angles. He says so expressly and clearly and indisputably; but he says that above the bridge on the right bank, the Iowa bank, the shore is curving, so that there is not a straight line of a thousand feet above the draw, and he thinks that there ought to be a straight line of a thousand feet above the draw. Now, in that he may be technically right; it would not do for me to set up my opinion against his, of course; but concede that he is right, how far does the fact that there is a curve in the bank above practically affect the question? We have the answer in the record made during two years.

It seems to me that if we adopt this amendment of the Senator from Missouri we might just as well not pass the bill. If I understand the effect of this amendment, it, if adopted, will make the law mean this: that this is a lawful bridge and a post route; but if the courts shall find that it is an obstruction to the river, then it is not a lawful bridge and a post route. The amendment of the Senator is thus an entire destruction of the whole intention and purpose of the bill; and if the desire be to defeat the bill, it might as well be done directly as by indirection. If the intention is to defeat the object of the bill, you may just as well vote it down as attach to it the amendment of the Senator from Missouri.

Mr. TRUMBULL. As I understand the legal effect of the amendment proposed by the Senator from Missouri, it is a defeat of the bill. The bill without his amendment would not take away the right of private action for an injury that had been done by this bridge heretofore. If a private party has suffered, and has a right of action already accrued against this bridge company, or has commenced a suit for a private injury, he can maintain that suit notwithstanding the passage of the law. But the bill would have the effect to stop a public prosecution against the bridge, an indictment to abate it as a nuisance, and such is intended to be its effect. Otherwise, as the Senator from Iowa says, there would be no object in passing the law. The declaration of Congress that this bridge shall be a post road and a lawful structure will be of no benefit to the parties who have constructed the bridge, if, notwithstanding this declaration, it may be abated as a nuisance in the precise way that it could be if there were no law on the subject. This bridge was constructed before Congress took action in relation to the construction of bridges over the Mississippi river; and hence it is not obnoxious to the charge of the Senator from Missouri that it is built in defiance of that law. A party who should build a bridge hereafter could not allege the passage of this law to protect him, because these parties built this bridge under the authority of the States of Illinois and Iowa before Congress acted.

This bridge thus constructed is a part of the great line of railway reaching from the Atlantic to the Pacific ocean; and let me say to the Senate that you may place a car on the railroads on the sea-board and it may pass to-day all the way to the bank of the Missouri river opposite Omaha, and as soon as the Missouri shall be bridged, as authority has already been granted by Congress to bridge it, that car may pass more than three hundred miles beyond Omaha on its way to the Pacific ocean. This bridge is on that great line of travel, the only line that to-day connects you with the Pacific railroad which you are constructing, and on which you are expending millions of money. Is this connection to be cut and this bridge to be taken down, although it has been built in good faith, and has been no obstruction to navigation as the facts prove; a bridge which, after a most careful examination by a committee of this body, has been reported to be no substantial or material interference with the navigation? Of course any bridge to some extent would be an interference with the navigation of the river. The placing of abutments in a river a mile wide, with a channel twenty feet wide, if you please, would be some obstruction, an obstruction to the extent of the space occupied by the abutments.

Now, it does seem to me that this amendment should not be adopted. If it is adopted it is destructive of the very object which has led these parties to apply to Congress. If I had time I would go into this whole question again; but I know how impatient the Senate is. We have settled the question that bridges are to be built, and now when we are pressed for time I do not feel at liberty to go over the general ground of discussion which came up in the Senate a year ago when this whole question was up, and the Senator from Missouri expressed his views somewhat at length upon it.

Mr. BROWN. I was not in my seat when the bill was called up, and did not anticipate that it would be called up to-day for discussion, and indeed I have not had access to any of the testimony that was submitted before the committee, and therefore am not prepared to discuss the more material points in connection with it which have been brought up here for comment; but I can say that so far as the case stands the objection to legalizing this construction has been so fully and so ably presented by my colleague, and indeed so exhaustively presented by him, that I do not deem it necessary to repeat anything that has been said in that connection, and I would not rise now even to add a remark except it were to enter a protest in behalf of those I represent against this action of Congress.

The city of St. Louis, which has been alluded to here, is not opposed, so far as its interests are concerned, to the construction of bridges across the Mississippi. On the contrary, there are many of its citizens who are now moving in that direction, and who deem that such structures are necessary to the development of the whole western country. But the city of St. Louis is also a point at which centers the commerce of the whole valley, and all the interests both above and below find their representation and find their expression at that point, and it is that expression which has protested against this structure being legalized. It is not simply the expression of merchants in the city of St. Louis, but it is the expression of those who are connected with that whole commerce up the Mississippi river who consider this as an obstruction, and who do not desire to see it legalized in this manner and at this time.

So far as the act of the last session of Congress is concerned, it seems to me very strange that the Committee on Post Offices and Post Roads, which had the subject then under consideration, which reviewed it carefully, and which came forward and presented limitations and provisos under which bridges would be safe across that stream, should now travel back across its own record and ask us to pass a bill to legalize a bridge which contravenes in essential particulars those safeguards which they presented to us for action and asked us to approve. I think their own action is the best answer to the present recommendation.

For my own part, it is known that I have been favorable to bridging the Mississippi and all the western streams. I do not participate in a great deal of the antipathy that is felt by many to any structures crossing those streams, whether that antipathy result from local jealousy or otherwise. I think it is a necessity of commerce and trade that we should have uninterrupted communication across that river at all points where it is practicable to effect it, and I think that legislation may perhaps be needed for further assisting in the construction of bridges even lower down than the city of St. Louis; but I do desire that in all legislation of that kind we may as far as practicable require that the corporations which enjoy this great privilege shall so construct them as not to interfere with the rights of others, and especially with such large interests as are involved in the commerce of that river. I think that the amendment which my colleague has offered touching the question of suits that are already pending is one eminently proper to be put upon this bill, and I hope the Senate will concur in it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri, [Mr. HENDERSON.]

Mr. HENDERSON called for the yeas and nays, and they were ordered; and being taken resulted—yeas 9, nays 24; as follows:

YEAS—Messrs. Brown, Creswell, Edmunds, Foster, Henderson, Johnson, McDougall, Nesmith, and Sumner—9.

NAYS—Messrs. Buckalew, Chandler, Conness, Doolittle, Fessenden, Fowler, Hendricks, Howe, Kirkwood, Lane, Morgan, Morrill, Poland, Pomeroy, Ross, Sherman, Sprague, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—24.

ABSENT—Messrs. Anthony, Cattell, Cowan, Cragin, Davis, Dixon, Fogg, Frelinghuysen, Grimes, Guthrie, Harris, Howard, Norton, Nye, Patterson, Ramsey, Riddle, Saulsbury, and Stewart—19.

So the amendment was rejected.

The bill was reported to the Senate, ordered to a third reading, and read the third time.

Mr. BROWN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken resulted—yeas 30, nays 3; as follows:

YEAS—Messrs. Anthony, Chandler, Conness, Creswell, Doolittle, Fessenden, Foster, Fowler, Hendricks, Howard, Howe, Kirkwood, Lane, Morgan, Morrill, Poland, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—30.

NAYS—Messrs. Brown, Buckalew, and Henderson—3.

ABSENT—Messrs. Cattell, Cowan, Cragin, Davis, Dixon, Edmunds, Fogg, Frelinghuysen, Grimes, Guthrie, Harris, Johnson, McDougall, Nesmith, Norton, Nye, Patterson, Riddle, and Saulsbury—19.

So the bill was passed.

DRAFTED MEN.

On motion by Mr. WILSON, the Senate proceeded to consider its amendments to the bill of the House (H. R. No. 811) for the relief of certain drafted men, disagreed to by the House of Representatives; and

On motion by Mr. WILSON,

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WILSON, Mr. COWAN, and Mr. NESMITH.

RIGHTS OF VOLUNTEERS.

On motion of Mr. WILSON, the Senate proceeded to consider its amendments to the bill of the House (H. R. No. 1134) declaring and fixing the rights of volunteers as a part of the Army, disagreed to by the House of Representatives; and,

On motion of Mr. WILSON,

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of

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Representatives, and agree to the conference asked by the House on the disagreeing votes of both Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WILSON, Mr. HOWARD, and Mr. FRELINGHUYSEN.

COMPOUND-INTEREST NOTES.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed a bill (H. R. No. 1220) to provide ways and means for the payment of compound-interest notes; and it was read twice by its title, and referred to the Committee on Finance.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 607) to amend an act granting the right of way over the military reserve at Fort Gratiot, Michigan, and it was signed by the President *pro tempore*.

INDIAN AFFAIRS.

Mr. HENDERSON. I move that the Senate take up bill No. 204, on which a House amendment is pending. The Committee on Finance desire that the Committee on Indian Affairs should be prepared on Saturday morning to proceed with the consideration of the Indian appropriation bill; and the decision of the Senate on the bill which I now propose to take up will materially affect our action, and indeed we cannot well proceed with the appropriation bill until some action is had on this. It is highly important that it should be considered and disposed of.

Mr. POLAND. From what little I know in reference to the course of proceeding, I understand that the bill which was under consideration last evening was the unfinished business of yesterday and was entitled to be taken up at one o'clock. It was so announced by the Chair; but another subject being under consideration at that time I did not desire to stand in the way of it, but consented that it be laid aside until the bill should be finished. I do not care now to have it taken up if we can have some time assigned for it and for other bills in my charge from the Committee on Patents. An evening was set last week for the consideration of business from that committee; it was postponed until last evening; last evening business from that committee was unfinished. If the Senate will consent that I shall have this evening to finish that business and also some other bills in my charge from the Committee on Public Buildings and Grounds, I shall be entirely content. I should be glad to have some time fixed when nobody else desires to do anything.

Mr. SUMNER. You will never find such a time.

Mr. POLAND. I move that we have an evening session this evening, commencing at half past seven o'clock, with the understanding that it is to be devoted to the business I have suggested.

The PRESIDENT *pro tempore*. The Chair will entertain the motion of the Senator from Vermont if there be no objection.

Mr. FESSENDEN. I hope that will not be done. It is impossible at this period of the session to assign any particular time for the consideration of particular business.

Mr. POLAND. If the Senator from Maine objects to that, I desire to know whether I am not now entitled to proceed with the bill which was under consideration last evening?

Mr. FESSENDEN. There will be no objection to the Senator taking up his bill as soon as the vote is taken on the bill called up by the Senator from Missouri.

Mr. TRUMBULL. I hope the course proposed by the Senator from Vermont will not be pursued. I do not believe the patents covered by his bills ought to be extended; it is introducing a new principle here to authorize the Commissioner to extend patents to parties who neglected to apply for an extension at the proper time, as prescribed by law.

Mr. SHERMAN. It is not in order for the Senator from Vermont to move now to take up any other bill, if I am correctly informed of the state of the question. The Senator from Missouri moved to postpone all prior orders and take up a certain bill. I presume no other bill can be interposed until that motion is disposed of.

The PRESIDENT *pro tempore*. The motion of the Senator from Missouri is the one before the Senate.

Mr. BUCKALEW. In order to facilitate business, I move that we proceed to the consideration of executive business.

Mr. HENDERSON and Mr. SHERMAN. Let us first get through with this Indian bill.

Mr. BUCKALEW. Well, if we can get through with that bill in a short time I withdraw my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri.

The motion was agreed to; and the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 204) to provide for an annual inspection into Indian affairs, and for other purposes.

Mr. SHERMAN. Although I am in favor of the House amendment as it stands, yet the Committee on Indian Affairs having unanimously reported against it, it is idle for us to attempt to carry it. I therefore move that the Senate disagree to the House amendment, so that the bill may go back to the House, leaving it in their power to ask for a committee of conference if they want one. This course will expedite business. There is no use in wasting time upon the House amendment, because, being against the unanimous report of the Committee on Indian Affairs, it is idle to attempt to carry it at this stage of the session.

Mr. CONNESS. With all the respect I feel for the unanimous report of one of the standing committees, I am not prepared to believe that the Senate will not hear some testimony which is ready for presentation in favor of the proposition of transferring the management of Indian affairs to the War Department.

Mr. SHERMAN. The Senator will appreciate the reason why I make this motion.

Mr. CONNESS. I do appreciate the reason.

Mr. SHERMAN. We have no time now to enter into an elaborate discussion, and the Senator from Missouri, the chairman of the Committee on Indian Affairs, has himself informed us that at the next session of Congress the committee will take up the subject, with a disposition on his part at least to favor this measure. Under the circumstances is it worth while for us to consume important time in the discussion of a proposition about which there is a great difference of opinion; a proposition carried by a very close vote in the other House, and which, while the Military Committee reported for, the Committee on Indian Affairs reported against?

Mr. NESMITH. I beg to correct the Senator; both committees reported against it.

Mr. SHERMAN. Under these circumstances any consumption of time on the measure will I think only be wasted. We must have an executive session to-day. The condition of the executive business is such that it is necessary to have an executive session. If we dispose of this bill there will be no trouble in going into executive session and getting rid of the executive Calendar.

Mr. CONNESS. I am aware of and appreciate the reasons given by the honorable Senator as to the necessity of saving time; but, sir, there is something that strikes me as being fit to be stated, though I do not wish to open up a discussion. The honorable Senator from Oregon rises and reminds the Senator from Ohio that there is also a report from the Committee on Military Affairs against this proposition. Now, I should like to inquire whether that honorable Senator is not a member of both committees, and whether he did not vote in both on the proposition. I think the honorable Senator is not the only instance in which that has been done. It does happen that many Senators on the Committee on Indian Affairs are also members of the other committee, and it appears to me that upon this proposition they have had an opportunity to vote twice, and thus command the votes of two committees of this body.

Mr. NESMITH. With the permission of the Senator from California, as he has proposed the question, I will state to him that I am a member of both committees, and that I did vote in each committee against the proposition to transfer this bureau to the War Department; but if I had voted otherwise, and voted in favor of it, the majority in each committee would have been overwhelming against me, and it would not have changed the result.

Mr. CONNESS. There are other Senators in the honorable Senator's position; and while I am willing even to accept the proposition which has been made by the Senator from Ohio, I do not wish it to be said in the Senate that there are reports of two standing committees against the measure of the House upon its merits, and I would very much prefer that the Senators had contented themselves with one report on that subject. I think, as I suggested, there are other cases of Senators who are members of both committees, and this obtaining the reports of two standing committees against a proposition which I believe is a good one, a sound one, one that ought to be carried, is not exactly the thing.

Mr. NESMITH. I will state to the Senator that there is only one member of the Military Committee besides myself who is on the Indian Committee. There are two members who are on both committees. When the subject was under consideration in the Military Committee there was no other member of the Indian Committee present than myself, and if I had voted in favor of the proposition to transfer the Indian Bureau to the War Department it could not possibly have changed the result.

Mr. WILLIAMS. I am opposed to the bill that was reported to the Senate from the Committee on Indian Affairs, and in favor of the amendment proposed by the House of Representatives; and I am not quite willing that this matter should be disposed of in the Senate in a summary way and without any discussion by a dissent from the House amendment, because that amounts to a judgment of the Senate against that amendment; and then the whole bill with the amendment will be referred to a committee of conference. I have heretofore had a good deal of confidence in conference committees; but recently my faith has been greatly shaken by statements made in the Senate by Senators; and in this matter, which I conceive to be one of great importance, I am not willing that a committee of conference should have the subject under consideration after the Senate has pronounced its judgment against the amendment proposed by the House of Representatives. If it be desirable to save time now, and if there be no other way, I wish to have this question left open until the next session; and I would prefer to make a motion to postpone the bill indefinitely. That will leave the Indian department in the hands of the Secretary of the Interior. That will not change the condition of Indian affairs. But I do not wish that at this time a judgment of the Senate should be pronounced against the proposition to transfer the Indian Bureau to the War Department, for I am satisfied that it will be of great advantage to the country, and that that fact can be made to appear.

Mr. CONNESS. I desire to suggest to the Senator that the course proposed by him will spare the expense of the commission contemplated by the bill, which, as I think, will be a waste of public means.

Mr. WILLIAMS. I submit a motion that the bill be indefinitely postponed.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

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Mr. DOOLITTLE. I desire to say a word on this bill.

Mr. SHERMAN. It is evident now that a debate is inevitable upon this question of postponement; I know Senators will debate it on both sides; and there is no use, at this stage of the session, in wasting time. I need not say that there is a pressure of business in executive session.

Mr. DOOLITTLE. I hope my honorable friend from Ohio will allow me to say a single word. The Senate, after the fullest consideration at the last session, passed this bill, and deliberately voted down a proposition to transfer the Indian Bureau to the War Department. It is certainly no objection to the bill that the Committee on Indian Affairs have favored it, and that the Committee on Military Affairs also reported against the proposed transfer of the bureau.

Mr. SHERMAN. I think my motion is not debatable.

Mr. DOOLITTLE. I am not going into the discussion of the question. It is no objection to the bill that two standing committees of this body have reported against the House amendment, and that a special committee raised by the two Houses of Congress unanimously reported the bill before the Senate after the fullest consideration, and that the Committees on Indian Affairs of the two Houses are unanimous in the support of the bill as the best practical measure to bring about a better administration of Indian affairs. It is surely no objection to the bill that these facts exist; and I say to my friend from Ohio that there are involved in the bill very great considerations, and it ought to be passed at this session and this day if possible. If no other gentleman wishes to go into the discussion of the merits of the bill I do not desire to do so.

Mr. BROWN. Certainly it will be discussed if it comes up.

Mr. DOOLITTLE. If the bill must be discussed, as a matter of course we may as well meet the discussion to-day as at any other time.

Mr. SHERMAN. The question is on my motion to go into executive session.

The PRESIDENT *pro tempore*. That is the motion before the Senate.

Mr. SHERMAN. It is not debatable.

The PRESIDENT *pro tempore*. It is debatable within certain limits, though it is difficult to define the precise limitations.

Mr. SHERMAN. I know from what Senators have said to me in regard to this matter that the discussion will consume a great deal of time, and I think we ought to proceed to the consideration of executive business.

Mr. HENDERSON. I should be much obliged to the Senator from Ohio if he would not press his motion for an executive session until we dispose of this measure in some way.

Mr. SHERMAN. This motion will leave it as the unfinished business for to-morrow.

Mr. HENDERSON. I know it; but I desire to have a meeting of the Committee on Indian Affairs to-morrow to decide on the amendments to be proposed to the Indian appropriation bill, and if we spend the day to-morrow discussing this measure in the Senate, of course the committee will not be able to take up the appropriation bill to-morrow morning and agree on the amendments. The Senator from Ohio, who has charge of that appropriation bill from the Committee on Finance, insists on it being taken up on Saturday, whether we be prepared or not. He has just put in my hands many recommendations from the Department, and I do not know how to consider them until we settle this question.

The suggestion made by the Senator from Ohio is, I think, the best one for the disposition of this subject; and that is to non-concur in the House amendment and let the bill go back to the House. Then, if the House want a committee of conference, let them ask for it; if they want the bill dropped, be it so, then I shall know to-morrow exactly what to do. The House can take it up and dispose of it to-morrow morning. I do not wish to consume the time of the Senate, and I will not take time now to discuss this measure. It is useless and unnecessary to do so; and I hope members of the Committee on Indian Affairs will not provoke discussion. I trust the Senate will adopt the suggestion of the Senator from Ohio, non-concur in the House amendment, and then if they ask for a conference we can settle the matter. We have no time now at the heel of the session to discuss these matters.

Mr. TRUMBULL. The motion of the Senator from Oregon to postpone the bill indefinitely, of course opens the whole subject. There is nothing gained by that. You might just as well act upon the bill and vote it down or pass it, because if we vote to postpone indefinitely that kills the bill.

Mr. WILLIAMS. I understand that; but I stated that my object was to adjourn the discussion until the next session.

Mr. TRUMBULL. Of course nothing is gained by such a motion: its adoption kills the bill.

Mr. FESSENDEN. If the bill is not passed at this session it is killed.

Mr. TRUMBULL. Of course; we understand that; and that is the object of the motion; but nothing is gained by such a motion. I would be entirely willing to assent to the proposition of the Senator from Ohio, and I should not have said a word if he had not alluded to a committee of conference in connection with this bill. I did not want it to go to the House of Representatives that the Senate desires a committee of conference in reference to it.

Mr. SHERMAN. I did not allude to a committee of conference, except that I said that if we disagreed we could send the bill back to the House and they could ask for a committee of conference.

Mr. TRUMBULL. If the Senator had left out his reference to a committee of conference and let the House understand the view of the Senate, I should have no objection to taking the course suggested by him. There seems to be a very great difference of opinion between the Senators from California and Oregon and other Senators here. I do not wish to open up any discussion in regard to the measure; but I object to going into executive session this afternoon, because I think we can get the vote quicker now than at any other time. If Senators will discuss it, let them discuss it to-day, and let us hold on to it until we finish it. I think we can soon get a vote. If the Senator from Oregon and the Senator from California insist upon discussing it, let them do so to-day. I do not know, however, that either of them does; and I think the Senator from California declined to discuss it further to-day. If we can get a vote on it soon, it will be much better than to delay it. I hope we shall not go into executive session until we dispose of it.

Mr. SUMNER. I hope the motion to go into executive session will not be agreed to. It seems to me it is a bad economy of this very precious time of ours. We have this bill before us, and a suggestion has been made by the Senator from Ohio which promises to bring it, at least for the present, to a certain close. Why need it be discussed at this stage of the session when there are two committees of this body against it? I am for discussion always if there is any reasonable time, and if there is any chance of any practical result. Now we have not time, and there is no chance of any practical result. It seems to me that it should not be discussed now; we should not open that field. I therefore went with the Senator from Ohio when he proposed that we should return the bill to the House. Let us do that without any discussion, save our time, and then proceed with important matters that are on our Calendar. All the Senators about me have bills in their charge which they wish to press; I have.

Mr. SHERMAN. The Senator from Massachusetts will allow me to say that if we go into executive session any member can rise at any moment and move that the doors be opened, and that the Senate proceed with legislative business. If when we get into executive session, the Senator does not see the necessity for it he can at once move that the doors be opened.

Mr. SUMNER. We are all aware of the importance of an executive session, but then I think it is more important at present to get this bill out of the way.

Mr. TRUMBULL. Let us occupy the next hour on this bill and see what we can do with it.

Mr. SUMNER. I think that better.

Mr. WILLIAMS. I think the suggestion of the honorable Senator from Massachusetts comes with rather an ill grace from him, because, if I am not mistaken, he often discusses at great length in this body propositions of his own, when he knows that they will not receive more than half a dozen votes in this body. Now, he suggests that because two committees have reported against the House amendment to this bill there shall therefore be no discussion upon it. I do not know that it necessarily follows that a bill will pass because one committee or two committees favor its passage.

Now, sir, what is the great necessity for the passage of this bill? It simply creates eight or ten offices with salaries of $4,000 apiece, and multiplies the expenses and the officers of the Indian department. That is its only practical effect, and yet it is urged here as though the salvation of the country depended upon its passage. I say that I am not willing that the judgment of the Senate shall be taken at this time against the House amendment without discussion, although I am very unwilling to occupy the time of the Senate. This is a great question; it is a question upon which a conference committee cannot act, because it is a simple question as to whether the Interior Department or the War Department shall have the charge of Indian affairs. How can you compromise that. One or the other must necessarily recede from its position, and therefore it is a question that must be decided without a conference committee, and I do object to the judgment of the Senate being forced against the proposition to put the Indian affairs of the country under the control of the Military Department of the Government without discussion, because I have lived from my boyhood to this time in western States and Territories, where I have had an opportunity to see the working of the present system, and I am convinced that the Military Department ought to have the charge of Indian affairs.

Mr. WILSON. Eight years ago I voted in the Military Committee to report a bill to transfer the Indian Bureau to the War Department; I think since that time I have introduced two or three bills for that purpose, and my judgment has been in favor of that policy. The other day I introduced a bill which was prepared with the greatest possible care, not by myself, but by Colonel Parker, on General Grant's staff, in accordance with the report he made to General Grant. His bill was approved by General Grant and was in harmony with the report and the facts stated in it. That bill was taken up in the Military Committee; and as the House of Representatives had put this amendment on this bill, accomplishing the same purpose, it was suggested that that bill be indefinitely postponed. Some members of the committee who are in favor of the transfer assented to that suggestion, knowing that the question would come up on the House amendment to this bill; and hence the committee directed me to report against the bill I had introduced. I did so and it was indefinitely postponed.

So much for the action of the Committee on Military Affairs. Senators will see how much such action is worth, and to what extent it should influence the action of the Senate.

Mr. CONNESS. It is not worth anything.

Mr. WILSON. That is my opinion. Now, I wish simply to say that this is a great question; it is a question that ought to be discussed two or three days in the Senate, and that ought not to go to a committee of confer-

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ence. We have no time to discuss it now, and I do not think it ought to be forced to a vote.

Mr. SHERMAN. I rise to suggest that this is a business question. The question is not now on the bill.

The PRESIDENT *pro tempore*. The motion is that the Senate proceed to the consideration of executive business, and although the motion is nominally debatable, the rule requires that debate should be restricted to reasons why the Senate should or should not go into executive session.

Mr. TRUMBULL. I ask for the yeas and nays on the motion, because it is a defeat of this measure.

The yeas and nays were ordered.

Mr. DOOLITTLE. I beg that my honorable friend from Illinois and other friends of the bill will not say that going into executive session to-day defeats the bill. It leaves it as the unfinished business, and to-morrow at one o'clock I shall insist upon this bill being taken up and a vote being had upon it. If the Senate now go into executive session, I do not look upon that as any defeat of the bill. It has been announced by the Finance Committee that the Indian appropriation bill is to be taken up on Saturday, and it is well understood that that bill cannot be acted on until this bill is disposed of. I hope my honorable friend will not regard the mere question of going into executive session as a test question on the bill.

Mr. TRUMBULL. It is most manifest that if the Senate gives this bill the go-by to-day the Senator from Wisconsin will not be able to get it concluded to-morrow. It is now but a few minutes after three o'clock. We all understand that we may as well go into executive session an hour hence as now. Let us see what is to become of this bill; and if there is not strength enough to pass the Senate bill, let us agree to the House amendment, and dispose of the question. It should not be left in the condition it now is. The last thing to do is to do nothing. I think it important that we should act upon the bill. I shall abstain from discussing it myself at any considerable length, although I have very decided opinions in regard to the matter; and I hope the Senate will decide now on this vote, which is not a debatable question to any extent, whether we are to consider this bill at this session. I shall regard it as decided by this vote.

Mr. BUCKALEW. I shall vote to go into executive session; but I object to the test stated by the Senator from Illinois.

The question being taken by yeas and nays resulted—yeas 24, nays 13; as follows:

YEAS—Messrs. Brown, Buckalew, Cattell, Chandler, Conness, Creswell, Dixon, Edmunds, Fessenden, Fogg, Foster, Fowler, Harris, Johnson, Morgan, Patterson, Ramsey, Sherman, Sprague, Stewart Van Winkle, Willey, Williams, and Wilson—24.

NAYS—Messrs. Doolittle, Henderson, Hendricks, Howard, Howe, Lane, Morrill, Nesmith, Pomeroy, Ross, Sumner, Trumbull, and Yates—13.

ABSENT—Messrs. Anthony, Cowan, Cragin, Davis, Frelinghuysen, Grimes, Guthrie, Kirkwood, McDougall, Norton, Nye, Poland, Riddle, Saulsbury, and Wade—15.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After an hour and a half spent in executive session, the doors were reopened, and the Senate took a recess until half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at seven and a half o'clock p. m.

JOSHUA H. BUTTERWORTH.

Mr. WILLEY. The Committee on Patents and the Patent Office, to whom was referred the petition of Joshua H. Butterworth, praying for an extension of his patent for his improvement in bank and safe locks, have instructed me to submit a report accompanied by a bill for his relief, and to ask that the bill may be put on its passage at the present time if there be no objection.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks that the bill now reported by him may be considered at the present time. It requires the unanimous consent of the Senate to consider it at this time.

Mr. EDMUNDS. Let the title of the bill be read for information.

The PRESIDENT *pro tempore*. The bill is entitled to be read once, as it is a report from a committee.

The bill (S. No. 620) for the relief of Joshua H. Butterworth was read a first time by its title, and passed to a second reading.

The PRESIDENT *pro tempore*. Is there any objection to the consideration of the bill?

Mr. WILLEY. It will not take a moment.

Mr. DOOLITTLE. The unfinished business is the Indian bill, but if this bill will give rise to no discussion I have no objection to the unfinished business being laid aside informally to allow it to be passed.

Mr. WILLEY. If it leads to discussion I will withdraw it.

Mr. DOOLITTLE. If it can be considered informally, I have no objection.

The PRESIDENT *pro tempore*. No objection being made, the bill will be read.

Mr. DOOLITTLE. It is with that understanding that the Indian bill is laid aside informally.

The PRESIDENT *pro tempore*. No objection being made to the consideration of the bill it will be read. If any objection is made the bill will not be read.

The bill was read the second time, and considered as in Committee of the Whole. It authorizes the Commissioner of Patents to proceed upon, determine, and decide the application of Joshua H. Butterworth, for an extension of his patent for an improvement in safe and bank locks the same as though the patent had not been extended once already; and the Commissioner is to examine the application and decide upon it on the same evidence and in the same manner as in other cases where extensions of patents are applied for, and without regard to the time when the application is made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENURE OF OFFICE OF JUDGE ADVOCATES.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 1130) to amend section twelve chapter two hundred and ninety-nine of the laws of the first session of the Thirty-Ninth Congress, to report it without amendment; and as it is a bill of but one section of eleven lines, I should like to have it put upon its passage now. It will not take a moment.

The PRESIDENT *pro tempore*. It requires unanimous consent of the Senate to consider the bill on the day it is reported.

Mr. EDMUNDS. Let the title of the bill be read for information.

The Secretary read the title of the bill.

Mr. EDMUNDS. I am obliged to ask for the reading of the whole bill. The title does not indicate what it means.

The Secretary read the bill, as follows:

Be it enacted &c., That the last clause of section twelve, of chapter two hundred and ninety-nine, of the laws of first session Thirty-Ninth Congress, approved July 28, 1866, is hereby amended by repealing all after and including the words "until otherwise provided by law," so as to place the judge advocates thereby authorized to be retained in service upon the same footing in respect to tenure of office and otherwise as other officers of the Army of the United States.

The PRESIDENT *pro tempore*. Is there any objection to the present consideration of this bill?

Mr. DOOLITTLE. I have no objection if it is understood that the unfinished business is laid aside informally, and that this bill will not lead to debate. If it does, I shall insist on proceeding with the unfinished business.

Mr. WILSON. This will not take any time.

Mr. CONNESS. I do not know how much this bargain will affect——

Mr. WILSON. I make no bargain.

Mr. DOOLITTLE. There is no bargain.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

MILITARY WAGON-ROAD IN OREGON.

Mr. WILLIAMS. I have a little bill that I should like to put on its passage. It is a House bill reported from the Committee on Public Lands without amendment, and it will take but a minute or two to pass it. I move that the Senate proceed to its consideration. It is House bill No. 910.

The PRESIDENT *pro tempore*. The title of the bill will be read for information.

The SECRETARY. A bill (H. R. No. 910) granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia river, to Fort Boisé, on the Snake river.

Mr. DOOLITTLE. I am apprehensive that that bill may lead to some discussion and displace the unfinished business of the morning. The Senator from Oregon will understand that I have no disposition to interfere with him. If the bill can be passed without any discussion whatever I make no objection.

Mr. NESMITH. I do not suppose the present bill will lead to any discussion. It has passed the House and been reported without amendment by the Committee on Public Lands of the Senate.

Mr. WILLIAMS. I do not think there will be any debate upon it.

Mr. DOOLITTLE. Then by common consent the unfinished business can lay aside informally, and let this bill be acted upon if it will lead to no discussion. If it does, I shall call for the unfinished business.

The PRESIDENT *pro tempore*. The question is on the motion that the Senate now proceed to the consideration of the bill indicated by the Senator from Oregon.

The motion was agreed to.

Mr. DOOLITTLE. I understand that it is by unanimous consent that this bill is taken up.

The PRESIDENT *pro tempore*. The Chair puts the question to the Senate. He does not understand that there is any division asked for, and the Chair announces that the Senate vote to proceed to the consideration of the bill. The bill will be read.

The Secretary read the bill, which proposes to grant to the State of Oregon, to aid in the construction of a military wagon-road from Dalles City, on the Columbia river, by way of Camp Watson, Cañon City, and Mormon or Humboldt Basin, to a point on Snake river opposite Fort Boisé, in Idaho Territory, alternate sections of public lands, designated by odd numbers, to the extent of three sections in width on each side of the road; to be exclusively applied to the construction of the road, and to no other purpose; and to be disposed of only as the work progresses.

Mr. EDMUNDS. I should like to inquire of my friend from Oregon how much land is covered by this grant; how many acres?

Mr. WILLIAMS. I am not able to state, but I can state that the road is to be constructed through the mountains and the desert, and I presume all the land that can be seen on the route of this road is not worth enough to pay for surveying it. If there is any valuable land there I do not know where it is. It is simply to build a road from the Columbia river out toward Idaho, through the mountainous and desert part of Oregon. There may be along the road some valleys that will be of some value; but the land generally in that vicinity is not worth anything except for mineral purposes. I cannot state how much land this grant embraces.

Mr. POMEROY. Where the lands are not occupied by reservations, and where they are not occupied by settlers, there will be three sections to the mile. The distance I do not know precisely; but there are three sections to

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the mile where the land is not occupied as reservations or by preëmptors.

Mr. NESMITH. The distance is about three hundred and fifty miles, and there are three sections of land to the mile granted. I will say that a portion of the way the land is covered by an Indian reservation; that all the country intervening in this three hundred and fifty miles, or nearly all, is an arid and sterile region, and I do not think the land to-day would sell for ten cents an acre. It is through an unsettled portion of the country, connecting the navigable point on the Columbia river with the great mining region. It is necessary that the country should be opened up in order to facilitate communication between the navigable waters of the Columbia and this great mining region lying east. The land has been opened to preëmption, that which is not covered by occupancy for the last twenty years, and I do not think there are twenty sections of it that have ever been taken up. It might have been taken either under the homestead law or under the donation to actual settlers. The land is comparatively valueless. It is thought that it can be used probably in the construction of this road and the opening up of the country so as to facilitate settlement. It is a country entirely destitute of timber, and the only purpose for which it is valuable is grazing.

Mr. EDMUNDS. It is very unusual I think to pass bills of this description without a report from the Department of the Interior or the Commissioner of the General Land Office as to the extent, location, and so on, of the land granted; but I am not disposed to quarrel with this bill on that ground. I should be glad to be informed by the chairman of the committee or by my friend from Oregon whether there is in this bill the usual exception of mineral lands.

Mr. WILLIAMS. Yes, sir; it expressly excepts all mineral lands.

Mr. EDMUNDS. I should like the Secretary to read that clause in the bill.

The Secretary read the following proviso to the first section:

And provided further, That the grant hereby made shall not embrace any mineral lands of the United States.

Mr. POMEROY. Bills of this character, I will state for the information of the Senator from Vermont, are all drawn from one model. Wherever there is anything reported from the committee that has not been passed by the Senate in previous land grants, we always make an express statement to that effect, because we have one model and one system for all land-grant roads that have passed this body within the last four or six years. They all contain precisely the same grant in the same form.

Mr. EDMUNDS. I will state, for the information of the Senator from Kansas, to reciprocate his courteous information to me, that as far as my observation has gone there has been another model, and that is, that we do not grant lands until we know from the Land Office how much and what they are; and therefore on principle this bill ought not to pass until the Senate is officially informed of the extent and location of these lands; but, as I said before, I believe personally that this particular bill is a fair and just one from what I know in general about it, although I was not present in committee when it was considered, and so I am not disposed to object to the bill on that ground; but I should not wish it to be used as a precedent for granting away the public lands when we do not know how much or what they are.

Mr. POMEROY. These land grants extend over the unsurveyed lands of the United States, and the Commissioner of the General Land Office knows as little about the unsurveyed lands of the United States as I do. He has no means of knowing. When the bill defines how many sections per mile is conveyed nobody knows how many acres are granted any better than the Senate do who pass the bill. You can get nothing in the Land Office on that subject.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill of the House (H. R. No. 965) declaring Clinton bridge, across the Mississippi river at Clinton, in the State of Iowa, a post route; and that it had passed the bill of the Senate (S. No. 283) for the relief of Edward St. Clair Clarke.

The message also announced that the House of Representatives had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1188) for the relief of James Tetlow; and

A joint resolution (H. R. No. 297) instructing the Secretary of the Interior to order a survey for a bridge or bridges across the Potomac.

INDIAN AFFAIRS.

Mr. DOOLITTLE. I now desire to proceed with the unfinished business, which is Senate bill No. 204.

Mr. POMEROY. I hope the Senator will allow me to call up a couple of bills that have passed the House of Representatives and been reported by the Committee on Public Lands of the Senate.

Mr. DOOLITTLE. This bill has passed the Senate and House of Representatives both, and is now pending on a disagreement between the two Houses, and it is very important that the question should be acted upon, as the Indian appropriation bill is behind it, and it is necessary to act upon this bill before that is acted upon.

Mr. POMEROY. The State of Tennessee did not accept their land grant for an agricultural college within the time required. They were not represented in Congress. I have here a joint resolution which has passed the House merely extending the time to enable the State of Tennessee to accept the agricultural college land grant, and there is nothing else in it. The State was in no condition to accept it before. This resolution has passed the House and is in the Senate, and it will take but a moment to pass it through the Senate, and thus enable the State of Tennessee to accept that land grant.

Mr. DOOLITTLE. That is a measure that can be called up at any time. We shall soon dispose of this bill and then we can take that up afterward. I have no objection to that resolution. My courtesy and good nature in yielding first to the right and then to the left I fear will absolutely destroy all the chance I have to get the unfinished business proceeded with before the Senate.

Mr. CONNESS. I rise for information. I desire to inquire whether there is such a thing as unfinished business having precedence now or not? Have we not proceeded to business, and is there such a thing as unfinished business before the Senate at this time?

The PRESIDENT *pro tempore*. The Chair thinks, strictly, there is; still the Senator from Wisconsin moves that the Senate proceed to the consideration of the bill named by him, and the Chair was about to put the motion when debate began upon it.

Mr. CONNESS. I have no objection to that; but when it is put I hope the bill will not be taken up.

Mr. DOOLITTLE. If it is necessary that I should, under the circumstances, make a motion and take the sense of the Senate, I will take the sense of the Senate. This bill was under consideration yesterday, and gave way for the reconstruction bill. It is understood generally that it is important that it should be disposed of. It was before the Senate to-day as unfinished business when we went into executive session; and when any person has proceeded to take up any measure this evening it has been by unanimous consent as I have understood, for I distinctly stated every time that a measure has been proposed that I yielded informally with the unanimous consent of the Senate if it would lead to no debate. If I had supposed that I was allowing this bill to lose its place, I should have objected to every measure presented here. That was my understanding.

Mr. WILLIAMS. I deem it proper to say that was my understanding also. I understood the measure I called up was taken up informally.

Mr. POMEROY. The last measure was taken up by a vote of the Senate.

Mr. DOOLITTLE. I hope the Senate will consider this as unfinished business and let us go on with it.

Mr. MORRILL. Call for it.

Mr. DOOLITTLE. I have called for it, but I understand the Chair to intimate that it is necessary to make a motion to take it up.

The PRESIDENT *pro tempore*. The Chair understood the Senator as making a motion, and was about putting the motion to the Senate.

Mr. POMEROY. The Senator from Wisconsin has not made any motion.

The PRESIDENT *pro tempore*. The Chair understood him to make a motion. If he withdraws it, that of course ends it.

Mr. DOOLITTLE. I may have been so understood by the Chair. My intention was to call up the unfinished business.

Mr. POMEROY. I submit that he can call up the unfinished business only by a motion.

Mr. DOOLITTLE. This bill was pending when we went into executive session. My friend from California raises the point whether it is unfinished business. We will not get into a discussion about that; but as the shortest way to it I will take the sense of the Senate.

Mr. POMEROY. I move that the Senate proceed——

Mr. DOOLITTLE. I do not yield the floor to a motion to displace my bill.

Mr. BUCKALEW. Make your motion.

Mr. DOOLITTLE. I will inquire of the Chair if the Chair understands that this is the unfinished business. If it is not, then I submit a motion to take it up.

The PRESIDENT *pro tempore*. The Chair understands that it was unfinished business, but still would prefer to submit the question to a vote of the Senate.

Mr. DOOLITTLE. Then I will take the sense of the Senate. I move to take up the unfinished business.

Mr. CONNESS. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROWN. I ask that the bill may be reported that the Senator calls for, that we may hear what it is.

The Secretary read the title of the bill as follows:

A bill (S. No. 204) to provide for an annual inspection into Indian affairs, and for other purposes.

Mr. CONNESS. I hope the Senate will not proceed with the consideration of this bill to-night. First, the Senate is thin, and it is perhaps one of the most important bills that has been presented during the session. I can well understand the disposition there is on the part of some Senators to consider this bill, if it is to be considered at all, before what is called the Indian appropriation bill shall be considered, but I very much prefer that the Indian appropriation bill shall be considered without any reference to this measure. What is it that we propose to consider? A bill to establish, I do not know how many, something less than a score of additional offices in connection with the management of Indian affairs, to add to the present enormous expenditure; to put a new set of agents and superintendents watching and superintending over those that exist, and to give them large salaries, thousands of dollars; as has been well described, to select one as a military officer, another from the religious denominations of the country, and some civilian, and to set aside in doing that the important and able reports that have been made by our great military commanders. At

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this very moment, when our military posts on the western frontiers are being captured and general disorder exists under the present administration of Indian affairs, we are called upon not simply to perpetuate it, but to increase the number of officers under the present system. Now, Mr. President, it appears to me we ought to wait until we have at least a full Senate to consider it.

Mr. EDMUNDS. Do not discuss its merits on the question of taking it up.

Mr. CONNESS. Well, Mr. President, I will say to the Senator behind me that I have no disposition to discuss the merits of the case more than to present the importance of the issue that we have before us. I am very free to say that this bill cannot pass, if I can hinder it, until it is discussed.

Mr. EDMUNDS. I agree to that; but do not discuss it in the mean time.

Mr. POMEROY. I should not object to the consideration of the bill indicated in the motion of the Senator from Wisconsin in a full Senate and at the proper time; but this evening it was very generally understood that some miscellaneous matters could be attended to that do not and cannot command the attention of the Senate during the day. The Committee on Military Affairs have had an evening; the Committee on Pensions, the Committee on Patents, and the Committee on the District of Columbia have also had evenings assigned to them; and the Committee on Public Lands have a few bills which have passed the House of Representatives which they thought the Senate might perhaps consider this evening and pass. I submit to the Senator from Wisconsin whether it would not be at least fair to allow those bills to arrest the attention of the Senate for a few moments this evening. I do not suppose any of them will require the least discussion; but they have passed the House, and there are great interests at stake in their passing the Senate at the present session. This joint resolution in relation to Tennessee has to pass the Senate, if it pass at all, with an amendment; and that amendment will carry it back to the House of Representatives, and it will fail entirely unless it reaches the House at an earlier day than it will be likely to reach it if it is put off beyond this evening. I think that the Senator from Wisconsin should at least leave such a bill of the character I have named to pass the body. I cannot conceive of a reason why he should want to resist the passage of such a bill and others of the same character, that cannot occupy the attention of the Senate more than a few moments; and by that time the Senate might be fuller than it now is, and we could proceed to the consideration of the bill in which he feels an interest, and which he knows very well I intend to support. With this view of the matter, I thought he would at least allow the Senate to be occupied by these bills for a few minutes. Then I did not understand how the Senator from Wisconsin had particularly the management of that bill, which was reported by the chairman of the Indian Committee; and I cannot understand why he particularly should call it up.

Mr. DOOLITTLE. This bill was reported first by a special committee appointed by the two Houses of Congress, of which I had the honor of being chairman. It was submitted also to the Committee on Indian Affairs at a time when, to a certain extent, the responsibility of that committee was thrown upon me. It passed at the last session of the Senate; it went to the House of Representatives; it has come back here with an amendment; and as between the honorable chairman of the Committee on Indian Affairs at the present time and myself there has been an understanding in relation to this bill that I should try to get it before the Senate, I certainly have had no intention to take any responsibility which does not belong to me in relation to this bill. I suppose that I have some responsibility in connection with it, being still upon the Committee on Indian Affairs, and having had charge of the bill heretofore.

Now, sir, in the course of the day, during the afternoon and morning, several speeches have been made by gentlemen in opposition to the bill as it passed the Senate, and not one word has been said by one of its friends. I shall not go into its discussion now. I only say to gentlemen that I agree entirely with the Senator from California that it is a very important bill. It contains within itself the elements of saving more millions and tens of millions of dollars to this Government than any bill that has ever been devised in relation to Indian affairs. It is a bill which has no connection whatever with politics. For once politics can be eschewed and we can discuss the thing upon its merits and with a view to economy to the Government and humanity toward the Indian tribes and toward ourselves. I shall not go into the merits of it. I say it is important. If the Senate are willing to take up this question, as the honorable Senator from California suggests, in the day time to-morrow, I am perfectly willing to agree to that. I have no disposition to press the bill against other business; but, sir, you know very well how it was on yesterday. I took it up and it was pressed aside by this reconstruction bill which came from the House. The whole of yesterday and last night was occupied. This bill was called up to-day, and upon a motion to go into executive session it was put aside. It was the unfinished business; and if it has lost its place to-night as unfinished business, it was not because I intended it should lose its place, but because I said, in courtesy to other gentlemen around me who desired to take up bills, that I was willing it should stand aside informally to accommodate them if they would not involve us in any discussion. The Chair supposed from this course of proceeding that this bill had lost its place as unfinished business; and this is the position in which I now stand.

I am not to be charged as not trying to call this up in a full Senate. I wish every Senator were here. I have some facts to present to Senators, and I should be glad to have the ear of every Senator, the Senator from California as well as every other. The facts which I wish to present to him, which have no connection with any possible political question, for this bill seeks to get rid of politics in the administration of our Indian affairs and to organize a system which shall be tempered with humanity, with firmness, with justice, and at the same time have some regard for that race with which we are dealing——

Mr. CONNESS. Will the Senator excuse me if I inquire why these frequent allusions to political matters? Does he mean to intimate that I am influenced by political considerations in this connection?

Mr. DOOLITTLE. Not at all, sir.

Mr. CONNESS. I do not understand the Senator.

Mr. DOOLITTLE. I say this: I say to the honorable Senator, almost all important legislation which comes up here, more or less, has some political question or bearing which has disturbed the Senate for a long time. This measure, as I humbly trust, as I believe, as I hope, has nothing of the sort in it, and we can discuss it on its merits whenever we get to it, and pass upon its merits. That is precisely the situation. I am perfectly indifferent; it is just as the Senate chooses, to have it to-night or to-morrow. For myself I would rather every Senator would be in his seat when the facts are to be presented.

The PRESIDENT *pro tempore*. The Chair would correct an error he made in his suggestion to the Senator from Wisconsin. The Chair decided that this bill was not unfinished business. The Chair understood it to be the unfinished business; but he saw that there was difference of opinion among Senators on the subject, and he preferred therefore to submit the question on motion to the Senate.

Mr. BROWN. I think the Senator from Wisconsin is taking an unfair advantage in endeavoring to bring this bill up at this time. If my recollection serves me, he distinctly gave notice to-day, when a vote was taken on going into executive session, which was considered a test vote on this subject, that he would move to take this bill up at one o'clock to-morrow. I will say further that there are Senators who desire to discuss this bill who are not now present, and that it would be injustice to them to take it up in their absence—gentlemen who are very much opposed to it, who believe it will be a great disaster instead of a benefit, as the Senator contends. For my own part, I am free to say that I think the whole system of Indian affairs, as it has been managed under the Interior Department, has been the cause of more slaughter, has been the cause of more expenditure to the Government, three times over, than would have been the case had it been under the authority of the Secretary of War. All the wars nearly and all the encroachments that we have had, and all the murders we have had on the border, have been owing to the policy which has been pursued since this bureau has been under the Interior Department. That is my deliberate conviction, founded upon a more intimate knowledge, perhaps, of these Indian relations than is possessed by many other Senators here present.

In the remarks that have been made reference has been made to the action of the Military Committee, of which I am a member. I do not think there is any authority for quoting here the action of that committee as favoring this bill at all. When the question came up in committee it was simply a question whether we should act on the bill referred to us by the Senator from Massachusetts; and it was stated in explanation that a provision transferring the Indian Bureau to the War Department was attached by the House of Representatives to this bill, and therefore there was no longer any necessity for acting upon that measure then before us. And it was so reported, and its indefinite postponement moved for that reason, and that without any special discussion before the committee, and when the committee was not full. I say, therefore, there is no authority for claiming that it was a full expression of the Military Committee on this subject. When the question comes up properly for discussion I may have something further to say about the bill; but I think at the present time to take it up would be doing injustice to those who desire to be heard on the question.

Mr. WADE. I consider this one of the most important questions we have had before us for a long time. I do not think at this period we are quite well enough informed to decide it as we should. There is another session close by when we shall not be limited by time, when we can take it up and debate and settle it intelligently. Now, in order to endeavor to get rid of this debate, which I perceive will prevent the transaction of all other business this evening, I move to lay on the table this motion to take up the bill; and that will be a test question whether we are willing to go on with it or not.

Mr. DOOLITTLE. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. DOOLITTLE. I desire to reply to some statements made by the Senator from Missouri [Mr. BROWN] in relation to the facts which transpired this afternoon. Will the Senator from Ohio withdraw his motion for that purpose?

Mr. WADE. I withdraw it if there is anything personal to be said; but I shall renew it again.

Mr. DOOLITTLE. The Senator from Missouri I think confounded something that may have been said by the Senator from Illinois, not now in his seat, [Mr. TRUMBULL,] with what I said. It is true that when the motion was made to go into executive session, the Senator from Illinois said that that would be a test question upon the bill; but the Senate will remember that I rose immediately and protested that I should not regard it as a test question;

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but that if we went into executive session this matter would come up to-morrow at one o'clock. This I said; but at that time the Senate had not determined to have an evening session. It was before we determined to take a recess, and when we went into executive session, in view of the large amount of business on the executive Calendar, it was supposed that business would take up the whole day, and that instead of meeting this evening we should adjourn till to-morrow, and in that view I said that I would call up the bill to-morrow as the unfinished business.

Now, Mr. President, a word in relation to what the Senator from Ohio [Mr. WADE] has just said about our not having time to consider this bill. This bill was reported a year and a half ago; it was fully and elaborately discussed in the Senate, and on due deliberation it was passed and sent to the other House. The House of Representatives have returned it with an amendment, and we are just as well prepared to act upon it now as we ever shall be. I deem it of exceeding importance that the bill of the Senate should become a law. As I said before, I do not wish to take it up when there is a thin Senate; I am willing to go on with it to-night or to-morrow; but I think it is fairly and properly the unfinished business. If we had not had an evening session it would come up as the unfinished business to-morrow, and I think it is now the proper unfinished business of the Senate. We could have proceeded far in its discussion but for this continued debate as to what we shall do.

Mr. WADE. I renew my motion, in order to test the sense of the Senate whether they will go on with this or some other bill. I move to lay on the table the motion of the Senator from Wisconsin.

Mr. CONNESS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 14, nays 17; as follows:

YEAS—Messrs. Brown, Cattell, Chandler, Conness, Frelinghuysen, Howard, Howe, Kirkwood, Ross, Sherman, Sumner, Wade, Williams, and Wilson—14.
NAYS—Messrs. Buckalew, Davis, Doolittle, Edmunds, Fogg, Foster, Fowler, Henderson, Hendricks, Morgan, Morrill, Nesmith, Patterson, Pomeroy, Ramsey, Sprague, and Van Winkle—17.
ABSENT—Messrs. Anthony, Cowan, Cragin, Creswell, Dixon, Fessenden, Grimes, Guthrie, Harris, Johnson, Lane, McDougall, Norton, Nye, Poland, Riddle, Saulsbury, Stewart, Trumbull, Willey, and Yates—21.

So the motion was not laid on the table.

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from Wisconsin.

Mr. HENDERSON. I hope the Senate will take up the bill and dispose of it.

The question being taken by yeas and nays, resulted—yeas 18, nays 12; as follows:

YEAS—Messrs. Buckalew, Davis, Doolittle, Edmunds, Fogg, Foster, Harris, Henderson, Hendricks, Morgan, Morrill, Nesmith, Patterson, Pomeroy, Ramsey, Ross, Sprague, and Van Winkle—18.
NAYS—Messrs. Anthony, Brown, Chandler, Conness, Howard, Howe, Kirkwood, Sherman, Sumner, Wade, Williams, and Wilson—12.
ABSENT—Messrs. Cattell, Cowan, Cragin, Creswell, Dixon, Fessenden, Fowler, Frelinghuysen, Grimes, Guthrie, Johnson, Lane, McDougall, Norton, Nye, Poland, Riddle, Saulsbury, Stewart, Trumbull, Willey, and Yates—22.

So the motion was agreed to; and the Senate resumed the consideration of the amendment of the House of Representatives to the bill (S. No. 204) to provide for an annual inspection into Indian affairs, and for other purposes.

Mr. HENDERSON. Without taking up the time of the Senate, I will state, as I have previously stated, that last summer when this bill was first presented I felt very favorable to the transfer of the Indian Bureau to the War Department. I thought then it would be the better policy; but when I was called upon to examine the question this winter, in the face of the facts existing in the Territories, I came to the conclusion, as did all the other members of the Committee on Indian Affairs, that it would be impolitic just now to make the change, whatever might be desirable in the future.

I hold in my hand the earnest protest of eight of the nine delegates representing the Territories of the United States in the other House against this transfer. They earnestly protest against it, believing that it would be prejudicial to the interests of the people there in the face of the present threatened difficulties with the Indians. I will state also for the information of the Senate that we have the protest I believe of almost every chief, if not of every chief, of the Indians now represented here in the city. There are a great many Indian chiefs here, and I believe they all, without an exception, signed a protest and sent it to the committee against the proposed change.

Whatever may be the best policy in the future, they believe at present that it is a declaration of war against them. They seem so to regard it; and in the light of surrounding circumstances the committee thought it advisable at present not to insist upon the change.

Now, Mr. President, some Senators say that if we non-concur in the House amendment it is a declaration that the Senate is in all time opposed to the transfer of the Indian Bureau to the War Department. I do not so regard it. I, as one member of the committee, will not look upon it as a declaration of the Senate that under ordinary circumstances they would be opposed to the change. I shall simply look upon it as a declaration that now, in the present condition of the country, it is unadvisable to make the change. I have no very strong feeling about the matter in any way. I do not desire at this period of the session to take up the time of the Senate. I hope that the proposed action will be had, that we shall non-concur with the House amendment, and let the bill go back to the House, and then they can take further action. I ask the Chair if it is in order to submit a motion that the Senate non-concur in the House amendment. I suppose that really makes no difference, however, whether the vote is taken on a motion in that form or on the vote of concurrence.

The PRESIDENT *pro tempore*. The question will be put affirmatively, Will the Senate concur? A vote in the negative will be in fact a vote to non-concur.

Mr. HENDERSON. I hope we shall take the vote without further discussion.

Mr. WILLIAMS. I regret that the Senator in charge of this bill feels bound to force it to a passage this evening, or to insist upon a final vote at this time, because there are several Senators absent who feel a deep interest in the question involved, and who I am confident did not expect that it would come up this evening. It seems to me that when it is proposed to consider legislation of this importance in the evening, notice ought to be given beforehand, so that Senators will understand what the business will be. As we very well know the evenings are ordinarily set apart for the transaction of business from committees that is not considered of any great importance; but there seems to be a disposition to hurry this bill through the Senate, and we are urged to pass it without any discussion, although everybody admits that it is one of the most important measures that has been before Congress this session.

It is represented here, as one reason why this amendment from the House should be rejected by the Senate, that the Indians suppose it is a declaration of war against them. Now, sir, if the Indians are so stupid, if they know so little about this measure as to believe that it is a declaration of war against them, then they can be induced to sign any paper to be presented here to the Senate without knowing what its contents are; and how this paper was procured from these Indians, what representations were made to them, what inducements were held out to them to sign it, I am not advised, but certainly it is no very great evidence that their statements or understanding should have influence with the Senate when they have been induced to suppose that the transfer of the Indian Bureau to the War Department is a declaration of war against them, when it amounts simply to the restoration of the Bureau to the Department of the Government to which it formerly belonged.

Reference has also been made to what the Delegates from the Territories say. Well, sir, they may know more about Indian affairs than other people do; but I am not willing to admit it, and it is a fact not to be disguised that more or less influence is brought to bear upon this question, in connection with the Indian agencies and Indian superintendencies and the numberless offices which the present system provides for persons, to say nothing of the stealings of the system which now disgrace the service of the country. I am fully persuaded, although I suppose it is perfectly useless at this time to discuss the question, that the interests of the country require the change which this amendment from the House of Representatives proposes; and I am unalterably opposed to the passage of the bill which was reported by the Senate Committee on Indian Affairs, and in lieu of which the House have proposed this amendment.

It is said that great abuses have sprung up in the administration of Indian affairs; that the officers connected with the system are corrupt; and the remedy proposed by the original bill is simply a multiplication of the officers connected with that branch of the administration of the Government. Here are the sub-Indian agents; here are the Indian agents; here are the superintendents of Indian affairs, and the Commissioner of Indian Affairs, and, as the final head, the Secretary of the Interior. Besides all these officers, commissioners are frequently appointed by the Secretary of the Interior to examine into the affairs of the Indians in different portions of the country, and committees are appointed by Congress to investigate Indian affairs, and hundreds of men are now employed in the examination into and management of Indian affairs. This bill proposes, as a remedy for all the evils of the system, and in order to prevent future corruption, to create ten or twelve new offices, at salaries of $4,000 a year apiece, and thus add to the expenses of the present system, and present a greater temptation to corruption.

The bill proposes to divide the vast Indian territory of this country into five districts, and three persons are to constitute a board to inspect Indian affairs in each district; and it is provided that they shall visit the different superintendencies and the different Indian tribes and make an examination into the management and conduct of the different officers connected with the Indian Department. We all know how such things are managed. These men will go about the country; they will see the superintendents; they will talk with the Indian agents; they will perform some little service in that way; but the effect will be nothing so far as the Indians are concerned. The difficulties which we have with the Indians are unavoidable, and grow out of the nature of things. You may appoint as many Indian agents, superintendents, and inspectors as you please; but just as long as the white people of this country and the Indians are brought in contact, just so long there will be difficulties between them. They are unavoidable, and there is no remedy for them, because the Indians can see that the advance of the whites into their territory is their destruction. They are wasting away before the advancement of civilization and the white race. They are conscious of that fact, and they are struggling in their way to save themselves from destruction, and there is a state of war between them and the whites, and there always will be. It may not always amount to open hostilities; but there is and always will be between the white people and the Indians of this nation a state of war; and the only way that peace can be preserved, the only way that the Indians can be prevented from committing depredations upon the whites, the only way that the Indians can be protected from the encroachments of vicious white men, is by a military organization. The inspectors that this bill proposes will have no more power to prevent

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Indian disturbances than the present corps of officers connected with the Indian department.

It seems to me that the advantages of turning over the Indian Bureau to the War Department are manifest. In the first place—I know it is the case in Oregon—wherever there is a reservation, and our Indian agent is appointed with his employés to take care of the Indians upon the reservation, it is necessary to have a military force there to keep the Indians from killing the agent and his employés, or at any rate to preserve the peace between the Indian agent and his employés and the Indians upon the reservation.

Mr. NESMITH. Permit me to correct my colleague. There are five reservations in Oregon and eight in Washington Territory, and there is no soldier about any of those reservations except one. The whole administration is in the hands of farmers and practical men; there are no troops about them.

Mr. POMEROY. There are ten reservations in my State, and not a military post connected with them.

Mr. WILLIAMS. I know that the superintendent of Indian affairs in Oregon has telegraphed to me several times since I have been here, urging me to apply to the War Department to provide troops for certain reservations in Oregon, and declaring that unless troops were provided and put upon those reservations a difficulty would be inevitable between the whites and the Indians upon those reservations. I do not know that it is so in all the reservations, but I know it is so in some reservations in Oregon, that troops are kept in readiness in the immediate neighborhood for use in case any difficulty should occur between the Indians upon those reservations and the white people.

Moreover, the great complaint against the present Indian system is the corruption that has grown up in the administration of Indian affairs; and it seems to me that if the military be substituted for the present system these corruptions will be greatly prevented. It is a fact well known, and I presume my colleague will not controvert this assertion, that the Indian agents in Oregon with hardly an exception, upon a salary of $1,500 a year, manage in three or four years to become immensely rich. I know two or three of the Indian agents in Oregon who held office there under the administration of Mr. Buchanan, and at the expiration of the four years were possessed of from fifty to sixty thousand dollars in gold, and took it and carried it South and used it in promoting the cause of the southern confederacy. So far as I am acquainted with the facts generally, it does happen that in some way or other the Indian agents, notwithstanding their salaries appear to be limited, manage to amass large fortunes out of the use of the public funds. And where is there any responsibility? There is none. Suppose an Indian agent by his management acquires a fortune of twenty-five or thirty or fifty thousand dollars, and his corruption is established and he is discharged from office, what does he care for the action of the department here? He has made his fortune: he is content. But if a military officer is made responsible for the administration of Indian affairs, under the same circumstances charges can be preferred against him and he be put upon his trial before a court-martial; and if it be ascertained upon trial that he has been guilty of corruption or fraud he is cashiered, discharged, and disgraced. If there be no other consideration connected with the military service, there is at least that inducement on the part of a military man to administer the affairs in an honest and upright way.

I understand that one great reason for making the proposed change is to save the enormous expense to the country which the present Indian system devolves upon us; and this expense is growing, and everywhere throughout all the country where there are any Indians it is becoming a crying and a gigantic evil, and there ought to be some remedy provided for it by law. A remedy is proposed in this bill: that the President shall, by and with the advice and consent of the Senate, nominate some civilian; that the Secretary of War shall detail an officer of the Army; and then that the religious denominations of the country shall nominate persons to the President, and out of the number they nominate he shall select some person. So we are to have a preacher and a soldier and a politician traveling around through these Indian regions together. How they are to coöperate I do not understand. I suppose that the preacher is to attend to the religious and moral interests of the Indians, while the soldier fights them and compels them to submit to the authority of the United States; and as to the part which the politician is to play upon this board I do not know, unless it is to preside and give it dignity and receive his $4,000 a year. This board is to be invested with judicial powers. The bill authorizes them to send for witnesses, to institute courts wherever they see proper, and in that way they are empowered to make as much expense to the country as they please, and nobody can tell to what this expense will amount. They will undoubtedly, judging from our past experience, accumulate enormous sums. If it be desirable, if the object of legislation on the part of Congress be to save expense, to reduce the millions upon millions which are every year paid out in order to maintain this Indian system, it seems to me that it is pursuing the wrong policy to commence by multiplying offices and adding to salaries. On the contrary, the offices should be reduced, the system should be put under military discipline and regulation, and in that way there is some chance, some possibility of reducing the expenses of the Indian department of this country.

These are some of the considerations which influence me to oppose the bill that has been proposed by the Senate committee, and to favor the amendment that has been submitted by the House of Representatives. It seems to be generally conceded by those who were acquainted with the management of this system when it was in charge of the War Department that it was more economically managed than it is under the present arrangement. We are called upon here every year to make appropriations of millions of dollars to make what is called peace with the Indians, to make treaty stipulations with them, and what is the effect? Is there any peace with the Indians? There is all the time a state of war, and troops must be placed in different positions in the Indian country for the sake of keeping them in subjection, keeping them in such a condition that they cannot commit depredations; and notwithstanding all the diligence of those who are employed under the existing Administration and all the efforts made by the troops, it is well known that everywhere upon our frontier outrages are being constantly committed by the Indians, and I think experience has demonstrated to the country by this time that there is no way in which the peace of the country can be preserved, in which the frontiers can be protected, in which the emigrants across the plains and the pioneers on the western borders can be protected, except by the exercise of military power.

You cannot persuade these Indians by anything you may give them in the way of money or presents. You may temporarily produce a state of quiet; but the difficulty lies in the fact that they see, as the white man advances, as he takes possession of their country, as he drives them back, that it is a matter of extermination with them; and they are trying in their way to protect themselves from destruction. You may send your preachers and your officers and your politicians to the Indian as much as you please, but unless they are accompanied with a military force there will be no effect produced. The Indians respect the power of the United States. Indian delegations are brought here from different portions of the country and they are impressed with the greatness of the United States and the futility of fighting the white men of this country. Such considerations influence the Indians; such considerations induce them to keep the peace. When they become satisfied that the power of the United States is irresistible, when they are convinced that it is utterly useless for them to contend against that power, they will be quiet; but any effort to make them quiet by talking to them, by sending some smooth-tongued preacher, or some officer without any power, or some politician who may be appointed to talk with them, will be all in vain. These expedients are now employed. The superintendents and Indian agents in the Indian country are constantly engaged in this way; and I do not know but they are just as good men as we are likely to have under this bill. Sir, the persons who are to fill these offices are to be appointed by the President of the United States, as the men who now manage the Indian department are appointed; and what reason is there to suppose that these men will be any better or any purer or any further removed from improper influences than those who are now holding office under the Indian department? I can see no reason for this change; and as it seems to be conceded by the chairman of the committee that the probabilities are that very soon it will be advisable to substitute military power for the present system, why not let the present system stand unchanged for the present? Why add this enormous expense to the Indian department if it be proposed next session or at some not very distant period of time to abolish the present system and substitute the military authority in its place?

I do not know but that the passage of this bill in its present shape is a foregone conclusion in the Senate; and if the Senate disagree to the House amendment, and it goes back to the House, and the House insist upon the amendment, and a committee of conference follows, I do not see any ground upon which the committee can compromise. They must either take this bill with the present system, or they must take the military power, as proposed by the House. I think that question ought to be settled without a reference to a committee of conference. So far as I am concerned I do not ask particularly to put the military in place of the civil power in the administration of Indian affairs if that be not thought advisable by those interested in the passage of the bill; but let the matter rest for a little time. Why the great urgency of passing this particular bill at this time? Suppose the matter is postponed; the Indian affairs are left in the hands of the Interior Department; there is no change effected; and then at another session we shall have ample time to consider as to whether the Indian Bureau should or should not be transferred to the War Department. Then the threatening circumstances which now surround the relations between the Indians and the whites may have passed away; and it is only those considerations that seem to influence the chairman of the Committee on Indian Affairs. Present appearances indicate, as it seems, difficulties between the Indians and the whites. If they should pass away, if a state of perfect peace should be restored, this matter may then be taken up and passed upon deliberately, and in view of all the surrounding circumstances, and we can then determine whether this change shall or shall not be made. But there seems to be, for some reason or other, a very great anxiety to pass this bill and appoint this corps of inspectors to travel around through the country.

How often, I would ask, can these inspectors visit these different Indian tribes? Take the district comprising the State of Oregon and the Territories of Idaho and Washington. Suppose the board is located in Oregon, as it probably will be, these gentlemen may possibly make one trip in a year up to Idaho; they will go up there and see the superintendent and talk with the agents; but will they go about there among those wild, untamed Indians who are scalping every white man they can find, to talk with them and undertake to persuade them that they had better conform to the require-

ments of the Government? No, sir. They will go up to Idaho; they will display their power in that Territory, no doubt; but as to their producing any effect upon the Indians it is perfectly absurd, in my judgment, to suppose any such thing. The only thing in the Territory of Idaho or elsewhere in that district that can influence these savage Indians, these wild roving untamed tribes—and those are the Indians to be dreaded, those are the Indians to be managed at this time—the only thing that can produce peace there is the exercise of the military power, that very power which the military of the country is now exercising with considerable efficiency upon that portion of the Pacific coast.

I insist, therefore, Mr. President, that this bill ought not to pass; and if the Senate will consent to put it off till next session I shall be content; but if not, I shall do what I can to substitute the amendment of the House of Representatives for the bill which was passed by the Senate.

Mr. FOWLER. I desire to ask the Senator from Oregon a question, as he has had a good deal of practical experience on this subject. Will these boards that are to be sent out require the aid of the military to escort them in the Territory?

Mr. WILLIAMS. I have no doubt that if they visit the Indian tribes, unless they go to those tribes that are perfectly quiet and content at this time, or such as may be collected on the reservations, they will require a military escort in order to protect them while traveling through their respective districts, because it is now unsafe for other people to go through those districts in many places, and there is no reason to suppose that these officials would be more safe than others unless they were protected by military power.

Mr. NESMITH. Mr. President, I am glad that my colleague has taken occasion to enlighten the Senate on the subject of Indian affairs. And inasmuch as he told us to-day that he had lived in the Indian country ever since he was a boy, I am sorry to doubt the accuracy of his facts in relation to the reservations on the Pacific coast. When he stated that military forces were being kept at all those reservations I undertook to correct him by saying that out of the four reservations in Oregon, and the eight in Washington Territory, and the ten in Kansas, there were but two reservations of the whole twenty-two where there was a single soldier. Not only are the military removed from these reservations, but there are none kept in the neighborhood. They are not visited by officers of the United States Army. I do not know that even my colleague ever went so far as to visit one of them. I have visited them all within less than two years. He insisted that there were military posts at each of those reservations; and when I undertook to correct him, those twenty-two military posts fizzled down to a telegraphic dispatch that he had got from the superintendent of Indian affairs requesting him to intercede with the authorities here to have troops placed upon the reservations. It is true that in some portions of the States and Territories on the Pacific there are disturbances among the Indian tribes, which occasionally make it necessary to have a few troops in the vicinity of the reservations in order to enforce the police regulations that are instituted by the agents; but, so far as my observation goes, those Indian reservations are all under the charge of practical men, men of experience, who have resided long in that country on the frontier, and who are familiar with Indian character and management. The change proposed, and which my colleague advocates, is to remove these practical men and to substitute for them military men. I put the question to him directly, conversant as he is with the men upon the frontier who are managing Indian affairs, whether he believes that some lieutenant, who perhaps two years ago was a saloon-keeper or a clerk in a dry goods store in some great eastern city, is better adapted and better qualified for the administration of these great agencies and these great reservations than the practical men who he knows are now upon the spot? I ask him whether a change of that kind in the superintendency of our own State would be beneficial either for the Government or for the Indians?

It is not the policy of the Government to hold the Indians under military surveillance where the necessity for the presence of the military does not actually exist. It does not exist in the great reservations on the Pacific, where attempts are now being made, however badly they may result, for the purpose of ameliorating the condition of the Indian tribes. The object which the Government has had in view, and the object which has been had in view by all men who have undertaken a just and correct administration of Indian affairs there by civilians, has been to ameliorate the condition of the Indians, to instruct them in agriculture, and to induce them to become self-sustaining by their own labor. That is the great desideratum at which the Government has attempted to arrive. I do not think the system would be bettered by the substitution of Army officers for the practical farmers and men of experience on the frontier who now manage Indian affairs.

In relation to the bill which is now pending, I may be permitted to say, perhaps, that it is a bill which has received very extensive consideration. It has received the consideration of two committees of this body, and of a joint committee of the House of Representatives and the Senate. Nearly a year was spent in the examination and investigation of the different Indian tribes by three members of this body and four members of the House of Representatives. They visited most of the great Indian tribes in the United States, and after a full, fair, and careful examination of the condition of affairs, not only the condition of the Indians, but their relation to the Government and the disbursement of money by the officers of the Indian Bureau, and the connection of the Indians with the Government through the agencies, that committee unanimously came to the conclusion that it was necessary to remedy the evil by the passage of a bill such as the Senate passed at its last session, and that has now come back from the House with this amendment.

In addition to that, at this session both the Military and the Indian Committees of this body were called upon to investigate and report upon this very subject, and the Indian Committee reported unanimously against the proposition of the House of Representatives, and the Military Committee very nearly unanimously. Perhaps I may be pardoned for alluding to the fact that when this bill was called up to-day the Senator from California [Mr. CONNESS] complained that so humble an individual as myself happened to occupy a position upon both of those committees. That, perhaps, was my misfortune, or the misfortune of the Senate, who placed me there. It was not a matter of my own choice. I was selected by the Senate to act upon both of these committees and discharge my duties to the best of my ability. I regret that the committees did not have the benefit of the advice and knowledge of the distinguished Senator from California to shed his wisdom upon the great and important considerations that are brought before those committees, so that the Senate could have been properly enlightened on the subject on which they are now called to act.

A great deal has been said in relation to the corps of inspectors for which this bill provides. It is true that the bill does provide for five inspectors, but not with the enormous salary which my colleague has represented; quite a limited salary. It provides simply for the appointment of five assistant commissioners of Indian affairs, to be accompanied by a military officer and such citizen as may be selected by the religious denominations of the country, for the purpose of visiting the Indian tribes and exercising a supervisory control over them. I do not know, and I do not pretend to say, that even the adoption of this bill is going to cure the evils which now prevail in the Indian department. I think, however, the tendency of it will be to check the abuses which are now known to exist, and which are so palpable to the country. These commissioners are to exercise a supervisory control over the agents and the superintendents. They are also vested with power to act as commissioners for the purpose of arresting persons who may be found illegally within the Indian country or who are engaged in interfering with the rights of the Indians. One great difficulty which grows out of the present administration of Indian affairs is owing to the fact of dishonesty or improper conduct upon the part of disbursing officers. These commissioners are not themselves to be disbursing officers. They are entirely removed from the temptation of peculation or improper use of public funds, as they are never to handle the money. They are simply inspectors, who are to report to the Government and keep them constantly advised of the condition of the Indians and the treatment which they are receiving at the hands of the whites, and to make such suggestions as may be expected to correct abuses. That is all there is of it. I admit that even the adoption of that system may be a failure; it may not correct present existing abuses: but it is the unanimous opinion of the committee which was charged with the investigation of this subject that it would have a tendency to correct them.

Another objection to the transfer of this bureau to the Military Department of the Government grows out of the fact that there are great questions of civil administration connected with Indian affairs, and there is a vast and complicated land system; there are land grants, there are reservations, there are complex legal questions growing out of the conflict of rights between different tribes, and between the whites and the Indians, and between railroad companies and the Indians. These legal questions, by the provisions of this amendment, are to be turned over for the decision of an Army officer, or of such person as the Secretary of War may select to superintend and supervise the Indian system.

So far as the hostile Indians are concerned, I believe they are as effectually now under the administration of the War Department as they possibly could be. The military jurisdiction over the hostile Indians is always conceded. There is no conflict between them and the civil Department that I know of where the Indians are hostile. The soldiers are then directed to go among them and fight them and kill them and do what they please and nobody interferes. It is the duty of the soldier to prosecute the war with the Indians for the protection of the frontier settlements; but under the provisions of the House amendment you propose to take the soldier from his proper and legitimate duty and make him a petty disbursing officer, and charge him with the superintendency of Indian farms. We should remember that we are proposing a vast field of labor for the military. We have already organized, by a bill which has passed both Houses of Congress, five military districts in the South, each to be presided over by a brigadier general. It takes more than half of the effective brigadiers of the Army to fill those districts which have been created by law, leaving perhaps two or three active, effective brigadier generals for all the rest of the service of the United States, and by the provisions of this amendment one of those two or three is to be selected and placed at the head of Indian affairs.

Sir, I make no remarks deprecating the ability, the capacity, the courage, or the integrity of Army officers as a class. I believe they are not surpassed for all these qualities by any class in the country. My opposition to the change suggested by this amendment is that it is taking the officer from his legitimate and proper duty and assigning him to a duty for which he is not supposed to have any qualifications by education or by practice. The

duties of an Indian agent are so diverse and so contrary to anything that an Army officer is likely to have learned by his experience that it would take him a long time to acquire a knowledge of the business. Then he will be liable at any time to be called away, and some young officer must naturally in the course of events be selected to take his place. These positions are places of great responsibility; and one great injury, one great wrong, which has existed in the administration of Indian affairs has been the constant change of officers resulting from the political action of the Government. Men have been turned out every few years and new men put in their places having no capacity for the business and no acquaintance with the Indian tribes which they are expected to control.

As I suggested before, the hostile Indians are now as effectually under the control of the War Department as they could possibly be if the House amendment should become a law. My colleague, in discussing this question, drew largely upon his imagination in reference to their being military posts at the Indian reservations. He also spoke of the conduct of certain officials in Oregon, two or three, who had accumulated fortunes of forty or fifty thousand dollars, and made their escape to the southern confederacy. There was one Indian agent in Oregon who, I believe, peculated upon the General Government, and did take away from the State some twenty or thirty thousand dollars, with which he went to the southern confederacy. If a board, such as this bill provides for, had been organized at that time, with power to suspend or arrest him, that trouble would never have occurred; that man would never have got outside of the State with the funds which he had peculated from the Government. There was no power there to arrest him then. The person in charge of the superintendency at the time made an attempt to have him arrested, as he had before tried, by correspondence with Washington, to have him removed and taken from the charge of the agency; but it was impossible to do so either from a laxity here on the part of the Department or a failure to respond to his requisition. But that is an evil which is as likely to occur under military as under civil administration. How many officers of the regular Army—to whom it is now proposed to commit this business—did the very same thing at the commencement of the war? That was in the nature of things. Men in all departments of the Government were found faithless to their trusts at the commencement of the war. The fact that one individual stole or peculated from the Government and turned traitor is no argument against the general system or the continuation of the policy.

This amendment goes still further. Under the present system we have some guarantee for the faithful administration of Indian affairs. Each Indian agent and each sub-agent and each superintendent is required to execute a bond to the Government for the faithful disbursement of the public moneys placed in his hands. This amendment of the House, contrary to any system that has ever been adopted in this country relative to disbursing officers, relieves the Army officers who may be appointed to discharge this duty from that responsibility; and it entirely relieves the Government from any security upon the individual for the public moneys which may be placed in his hands. It is proposed to select officers of the Army, make them disbursing officers of these superintendencies and agencies, having sometimes $500,000 for disbursement, and the only hold it proposes to have upon them is a military court-martial. This system was found to be an error, even in the Army itself; and there is not now, I believe, a disbursing officer of the Army, either in the paymaster's department or the quartermaster's department or the subsistence department, who is not required to give bonds for the faithful disbursement of money which is placed in his hands. The provision in this amendment is that Army officers charged with the disbursement of moneys for the Indians shall not give bonds, that they shall be trusted with an indefinite amount of money for the purpose of general disbursement without offering or affording to the Government any security whatever.

I have said more, sir, upon this subject than I proposed at the commencement of the discussion; and as there are others who desire to speak on the question, I will no longer occupy the time of the Senate.

Mr. CONNESS. Mr. President, when before the recess, I happened to inquire of the honorable Senator who has just taken his seat whether some of the members who are claimed to have reported from the Committee on Military Affairs in favor of the bill reported favorably by the Committee on Indian Affairs were not also members of the Committee on Indian Affairs, the Senator from Oregon answered that he was on both committees. At the time I had no especial design of pointing out the Senator from Oregon in that respect. It had simply attracted my attention as a coincidence and a fact that two of the gentlemen upon the Committee on Indian Affairs were also members of the Committee on Military Affairs: and it occurred to me that if, after voting in favor of the bill before the Committee on Indian Affairs, they had attended the meeting of the Committee on Military Affairs and there voted in the same manner, the report made or claimed to have been made by the Committee on Military Affairs is not to be wondered at.

Upon this the honorable Senator undertakes to make a point and give a construction to what I said very different from what I had intended. I intended no reflection upon the honorable Senator, and his remarks in answer thereto I will simply say, so far as they are applied to myself, I regard as entirely gratuitous. I find on looking a little further into the matter that a majority of the Committee on Military Affairs are not in favor of the proposition coming from the Committee on Indian Affairs, and I do not know upon what ground it was stated or claimed here that such was the case. The honorable Senator from Wisconsin, who seems to have taken this business in charge, was not present he tells me at the committee meeting.

Mr. DOOLITTLE. Of the Committee on Military Affairs.

Mr. CONNESS. And the chairman of that committee is against the proposition, and so are, as I stated, a majority of its members.

Mr. NESMITH. I will say to the Senator that I have not polled the committee or made inquiries on that subject, and do not propose to do so now. What I made my statement upon was simply the action of the committee. I am aware that there were some members absent at the time. So far as the Senator complains of my remarks in relation to himself, I will simply say that I intended them as complimentary to his distinguished ability.

Mr. CONNESS. Among others who are absent to-night is the Senator from Nevada, [Mr. STEWART,] who desires to be heard by the Senate upon this subject.

Mr. BROWN. And the Senator from Iowa, [Mr. GRIMES.]

Mr. CONNESS. The Senator from Nevada I know did not expect that this measure would be called up this evening, and if it is determined to proceed to a vote to-night I shall be compelled to occupy the floor in the absence of the Senator from Nevada, which I do not wish to do to-night; but in order that that Senator may have an opportunity to be heard, and that this subject may have further consideration, I move now that the bill be postponed until to-morrow.

Mr. DOOLITTLE. I have no objection to the Senate adjourning so as to leave this question the unfinished business to come up to-morrow; but to postpone it now is to displace it from its position before the Senate, and I therefore cannot consent to that.

Mr. CONNESS. I desire to say to the honorable Senator from Wisconsin that this motion of mine is made in good faith, and being made in good faith I should feel bound in honor to vote with the Senator to-morrow to take up the bill. I desire him distinctly to understand that.

Mr. DOOLITTLE. I have no doubt of the entire good faith of the Senator from California; but the effect of the motion will be to displace this bill, so that to-morrow it will not be before the Senate. I have no objection to a motion to adjourn or a motion to go into executive session, because that will leave it as the unfinished business.

Mr. CONNESS. Then I move that the Senate now proceed to the consideration of executive business, withdrawing the motion I previously made.

Mr. SUMNER. I hope not. We have been in executive session for a long time to-day, and it is well known that we transacted a good deal of business there. There is a joint resolution which it is very important the Senate should act upon within twenty-four hours. I refer to the joint resolution with reference to the Universal Exposition at Paris. It has been reported from the Committee on Foreign Relations, and I desire to have the Senate proceed with it during the remainder of this evening. I think there can be no objection to that.

Mr. DOOLITTLE. The effect of that is precisely the same unless I am entirely mistaken, as I suppose I must have been at the beginning of the session this evening. I then found myself out of court, and it required a motion to get in.

Mr. SUMNER. Let it be understood that the Senator's bill can be taken up at one o'clock to-morrow.

Mr. DOOLITTLE. If there can be a universal understanding of the Senate that we shall take up the bill at one o'clock to-morrow and go on with it, I shall not object.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California that the Senate proceed to the consideration of executive business.

Mr. HENDERSON. I desire to state that I have occupied but little of the time of the Senate, and I do not think it is the disposition of the Committee on Indian Affairs to occupy time on this bill. If the Senate desire to consider it, it ought to be acted upon now. Unless we dispose of it by one or two o'clock to-morrow, it will be useless to consider it longer. I am sorry that the Senator from Nevada is not here, but he had the same opportunity to be here that I had. I am sick and scarcely able to come here. I do not know that there is any excuse on the part of the Senator from Nevada for being absent. The Senator from Iowa, I believe, is sick, and I have no assurance that he will be here to-morrow either to speak or to vote on the bill. I regret as much as any one that we have not the valuable experience and the good judgment of the Senator from Iowa and the Senator from Nevada; but I know of no excuse why the Senator from Nevada is not here. I hope, therefore, the Senate will consider the matter to-night.

Mr. BROWN. I do not think there is a disposition in the Senate to go into executive session. I think the question had better be taken on a motion to postpone this bill temporarily, or lay it over informally.

Mr. CONNESS. I have no objection to that, and I withdraw my motion.

Mr. BROWN. I shall have no objection to this bill coming up to-morrow at one o'clock.

Mr. SUMNER. Let us proceed with the Paris Exposition bill.

Mr. BROWN. That is another question. Permit this to be put first.

Mr. HENDRICKS. I think we might as well adjourn. We have been sitting here every night now for a week past or more. It is very hard on the secretaries, the reporters, and ourselves. I move, therefore, that the Senate do now adjourn.

The motion was agreed to; and (at nine o'clock and twenty-five minutes p. m.) the Senate adjourned.

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HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 1, 1867.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

MISCELLANEOUS APPROPRIATION BILL.

On motion of Mr. STEVENS, by unanimous consent, Senate amendments to the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, were taken from the Speaker's table and referred to the Committee on Appropriations.

ASSAY OFFICES.

Mr. KASSON. I ask unanimous consent to report, from the Committee on a uniform system of Coinage, Weights, and Measures, a bill to establish certain offices for the assay of gold and silver, in lieu of certain branch mints heretofore established. The bill is in accordance with the recommendation of the Treasury Department, and I ask leave to report it now, as the committee will not be again called this session.

The bill was read. The first section requires the Secretary of the Treasury to establish assay offices of the United States for the receipt and for the melting, assaying, and stamping of gold and silver at Denver, in Colorado, at Charlotte, in North Carolina, and at Dahlonega, in Georgia; and it appropriates the sum of $5,000 for the purchase and repairs of buildings at the branch mint at Charlotte, and the same sum for the same purpose at Dahlonega, to carry out the provisions of this section.

The second section provides that as soon as the public interest shall require the services of such officers, the President shall appoint, by and with the advice and consent of the Senate, for each of said assay offices, one superintendent, who shall perform the duties of assayer, and one treasurer, who shall perform the duties of melter; and the superintendent shall employ one clerk for his assistant, and three workmen and one watchman, if in the judgment of the Secretary of the Treasury such services shall be required. The salaries for such officers shall be as follows: for the superintendent and assayer, $2,500 a year; for the treasurer and melter, $2,500 a year; for the clerk and assistant, $1,800 a year; and the subordinates and workmen shall be paid such wages as may be determined upon by the superintendent and approved by the Secretary of the Treasury; provided that such compensation shall not exceed such wages and allowances as are customary, according to their respective trades and occupations.

The third section provides that the officers and clerks to be appointed under this act, before entering upon the execution of their offices, shall take oath or affirmation before some judge of a court of the United States or of the supreme court of the Territory, as now provided by law, faithfully and diligently to perform the duties of their respective offices; and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Director of the Mint or the Secretary of the Treasury, conditioned for the faithful performance of the duties of their offices.

The fourth section provides that the business of said offices shall be under the general control and direction of the Director of the Mint at Philadelphia, subject to the approval of the Secretary of the Treasury; and for this purpose it is made the duty of the Director to prescribe such regulations and require such returns and to establish such charges for melting, assaying, and stamping as shall appear to him necessary to carry into effect the provisions of this act.

The fifth section proposes to enact that the assay offices shall be places of deposit for public moneys, if in the opinion of the Secretary of the Treasury it shall be expedient; and the treasurer thereof is to have the custody of such moneys as the Secretary of the Treasury may direct, and for that purpose he is to be subject to such provisions of an act to provide for the better organization of the Treasury and for the collection, safe-keeping, transfer, and disbursement of the public revenue, approved August 6, 1846, as relate to the Treasury and to the branch mint at New Orleans.

The sixth section provides that the owner or owners of any gold or silver in bullion, dust, or other form, or of any foreign coin, shall be entitled to deposit the same in any of said offices; and the treasurer is to give a receipt stating the weight and description of such gold or silver, bullion, dust, or coin as aforesaid, in the manner and under such regulations as are or may be provided in like cases of deposits at the Mint of the United States. And such bullion, dust, or coin is without delay to be melted, assayed, and cast into bars or ingots, on which shall be stamped the name of the assay office, the number of the deposit from the first day of each year, its weight and fineness and value in each metal; and in this form the bullion shall be returned to the depositor upon payment by him of the established charges of the office.

The seventh section proposes to enact that all laws and parts of laws now in force for the regulation of the Mint of the United States and its branches, and for the government of officers and persons employed therein, and for the punishment of all offenses connected therewith shall be in full force in relation to the assay offices established by this act so far as the same may be applicable thereto.

The eighth section provides for the repeal of an act to establish a branch mint at Denver, Colorado Territory, approved April 21, 1862, and an act to establish branches of the Mint of the United States, approved March 3, 1835, so far as the latter relates to the branch mints at Charlotte and Dahlonega.

The ninth section proposes to authorize and require the Secretary of the Treasury to remove the machinery and implements belonging to the United States mint for the purpose of coinage in the branch mints at Charlotte and Dahlonega to the Mint at Philadelphia; but he may authorize the retention of such portion of the property, buildings, and machinery at either of those places as may be necessary for the purpose of assaying metals, as provided by this act.

The bill was received, read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KASSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR DISPENSED WITH.

Mr. STEVENS moved to dispense with the morning hour, as it was for private business only.

Mr. INGERSOLL objected.

Mr. STEVENS moved to suspend the rules.

The motion was disagreed to.

AMENDMENT OF TARIFF.

Mr. ALLEY. I ask unanimous consent to introduce the following to cure a defect in the existing law. It meets the approval of the Committee of Ways and Means.

The Clerk read as follows:

Joint resolution to amend section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph of section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864, as follows, to wit:

"On lastings, mohair cloth, silk, twist, wool, or other manufactured cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, bootees, gaiters, and buttons exclusively, not combined with India-rubber, ten per cent. *ad valorem*," be, and the same is hereby, repealed.

Mr. SPALDING. I object.

GRANT TO CALIFORNIA RAILROAD.

Mr. HIGBY. I ask unanimous consent that the Committee on Public Lands be discharged from the further consideration of a bill giving aid to construct a railroad from Stockton to Copperopolis, in California, with the amendments thereto, and that the same be laid on the table, and ordered to be printed.

There was no objection, and it was ordered accordingly.

LAWS OF NEW MEXICO.

Mr. BOUTWELL, by unanimous consent, from the Committee on the Judiciary, reported a joint resolution in relation to the laws passed by the Legislative Assembly of New Mexico; which was read a first and second time.

The joint resolution provides that the laws passed by the Legislative Assembly of the Territory of New Mexico at its last session, beginning on the 3d of December, 1866, and ending on the 3d day of February, 1867, and signed by W. F. M. Arny, acting secretary, shall have the same force and effect as if the same had been signed by the Governor duly appointed.

Mr. BOUTWELL. If the House will allow me a single word of explanation: the Governor of New Mexico was absent during the session of the Legislature, and the secretary of state, who by law would have been acting Governor, was also absent from the Territory. This does not confirm these laws in the sense in which Congress may confirm territorial legislation, but only places them in the same situation as if the Governor had signed them.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOUTWELL moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

IMPROVEMENT OF THE OHIO RIVER.

Mr. FINCK, by unanimous consent, from the Committee on Roads and Canals, reported back resolution of the House in regard to improvement of the navigation of the Ohio river, and moved that the same be laid upon the table, the subject having already been decided upon in another place.

The motion was agreed to.

DEFICIENCY BILL.

Mr. STEVENS moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and proceeded to the consideration of House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 13, 1867, and for other purposes.

The CHAIRMAN. If there is no objection the first reading of the bill will be dispensed with.

Mr. SCOFIELD. I object.

The bill was accordingly read a first time, and was afterward read by paragraphs for amendment.

The Clerk read the following paragraphs:

Engineers' office:

To meet deficiencies of the present fiscal year on account of engineer office having the supervision of the Union Pacific railroad and branches, land-grant railroads, and wagon-roads, namely:

For compensation of clerks, $3,800.

For contingencies, $500.

For per diem of one Government commissioner Central Pacific railroad of California, to attend meeting of board of Government directors, commissioners, and engineer at Washington, District of Columbia, February 1, 1866, for the purpose of fixing a standard of railroad to which the Pacific railroad and branches shall conform, seventy-five days, at ten dollars per day, $750.

For mileage of said commissioner from San Francisco to Washington, six thousand five hundred and sixty-nine miles, and back, at ten cents per mile, to attend said meeting, $1,313 80.

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For per diem of two Government commissioners of the Union Pacific railroad and Union Pacific railway, eastern division, while attending said meeting of board of Government directors, commissioners, and engineer, for purposes above stated, ten days, at ten dollars each per day, $200.

For mileage of three commissioners of said Union Pacific railroad and Union Pacific railway, eastern division, from their residences to Washington and back, to attend said meeting of board referred to above, two hundred and ninety miles, at ten cents per mile, $290.

Mr. STEVENS. I move to strike out all of the foregoing paragraphs after the words, "for contingencies, $500." By a law which we passed these companies were bound to pay all their expenses. Our Clerk inserted them here, and I move to strike them out.

Mr. HIGBY. When I can be satisfied by reference to any law that we have passed that the Pacific Railroad Company are compelled to pay the expenses that accrued previous to the passage of the law, I shall have nothing to say. But I do not so understand. I have no objection to their being compelled by law to pay the expenses of commissioners, or at least to refund to the Government whatever amount the Government might be pledged to pay to those men; but the service provided for in this bill was performed previous to the passage of the law of which the gentleman from Pennsylvania speaks. I know that one of these commissioners came from California at the call of the Secretary of War, and that he actually performed the services that are provided for in this bill. At that time there was no law requiring the Central Pacific Railroad to pay these expenses. There was nothing in the law on the subject. Now, does the gentleman claim that any law which we have passed on this subject is retroactive? I am not to be understood as speaking in favor of this company—only in favor of those men and others who performed service getting their pay somewhere. As it appears that these companies are not obliged to pay them I think the Government ought to do so, because the Government did employ them. When I become satisfied that the companies are obliged to pay these expenses I shall have nothing to say.

Mr. STEVENS. When the Government made grants to these railroad companies it expected that would end all it had to pay toward the construction of this road. It never imagined that the engineers, surveyors, and commissioners were afterward to come upon the Goverment for their pay. It supposed that when the Government did so much for the benefit of the companies the latter were to pay their own expenses. Such was the original understanding of those who passed the law. But afterward these companies came in with their charges; and last year these charges amounted to $70,000. So in July, 1866, Congress passed a law in which I find the following section, which I ask the Clerk to read.

The Clerk read as follows:

"SEC. 21. *And be it further enacted*, That whenever in any grant of land or other subsidies, made or hereafter to be made, to railroad or other corporations, the United States has reserved the right, or shall reserve it, to appoint directors, engineers, commissioners, or other agents to examine said roads, or act in conjunction with other officers of said company or companies, all the costs, charges, and pay of said directors, engineers, commissioners, or agents, shall be paid by the respective companies. Said directors, engineers, commissioners, or agents shall be paid for said services the sum of ten dollars per day for each and every day actually and necessarily employed, and ten cents per mile for each and every mile actually and necessarily traveled in discharging the duties required of them, which per diem and mileage shall be in full compensation for said services. And in case any company shall refuse or neglect to make such payments, no more patents for lands or other subsidies shall be issued to said company until these requirements are complied with."

Mr. HARDING, of Illinois. Why not strike out the first two items?

Mr. STEVENS. I understand the engineers and officers of the Government were employed.

Mr. SCOFIELD. I move to strike out lines forty-eight and forty-nine, as follows:

For models for bronze doors, $8,940.

Mr. KASSON. I wish to inquire of the Committee on Public Buildings and Grounds whether I have been correctly informed that this appropriation is for doors to be put in the Senate end of the Capitol, and to correspond with the bronze doors at this end? I am informed that the estimate is for that purpose, to go on with work already planned.

Mr. SCOFIELD. I do not care where they are to be put, I will not vote one dollar for any such doors at either end of the Capitol or anywhere else. They serve no purpose but to block up the way; they are not only useless, but they are a great nuisance. If some one will take ours and put them in a museum where those who wish can go and see them, then I may consider the propriety of voting for these new specimens of the same kind, but the idea of blocking up the passages to these Halls with such things is mere nonsense.

Mr. CONKLING. Can any gentleman tell us whether this appropriation is for doors yet to be constructed, or whether it is to pay for doors already made?

Mr. RICE, of Maine. I understand that these estimates are for the construction of bronze doors to correspond with those at this end of the Capitol, and to be placed in the Senate end. I know nothing about the matter particularly myself, but I suggest that instead of appropriating this money for these new doors we let the Senate remove our bronze doors to the other end of the Capitol. [Laughter.]

Mr. MAYNARD. Have these models been prepared and submitted, and is this an appropriation to pay for them, or is it an appropriation inviting the making and presentation of such models hereafter?

Mr. FARNSWORTH. It seems to be for work to be done in the future; because here immediately following this there is an appropriation "for material for, and casting and fitting the same."

I am very glad that a motion has been made to strike out this item. I agree entirely with the gentleman from Pennsylvania [Mr. SCOFIELD] that these doors are a nuisance, and why any person should propose to erect any more of them in the Capitol I cannot understaud. They only block up the way, and excite a momentary curiosity in the minds of strangers. If this money is to be appropriated we had far better spend it for pictures which will really ornament the Capitol and at the same time commemorate some of the great events of the war than for the erection of these fancy doors. These two appropriations amount to about thirty thousand dollars, to be expended for these bronze things merely to stand there and attract the gaze of the passers-by. The proposition is absurd, and I hope the appropriations will be struck out.

Mr. KASSON. I did not hear what the chairman of the Committee on Public Buildings and Grounds said; but unless some further light is given upon this subject, I know of no objection on the part of the committee to striking out the appropriation, and letting the Senate take care of their own brass. [Laughter.]

Mr. HILL. I desire to know whether there has ever been any law passed authorizing the making of these models. It is here proposed to appropriate something over thirty thousand dollars for these bronze doors. I fully concur with all that has been said about the utter uselessness of these doors, and if we desire to encourage art by paying for manufactures of this kind, we certainly had better select some place for them where they will not be an obstruction, as those are which we now have, and which stand there uselessly with their prongs sticking out to catch the clothes of those who have to pass them.

Mr. RICE, of Maine. As reference has been made to me as the chairman of the Committee on Public Buildings and Grounds, I would say to the gentleman from Iowa, [Mr. KASSON,] that so far as the committee are concerned this matter has not been before it at all. Neither do I know of any existing contract for the expenditure of this money for the construction of these doors, and I believe there is none such. The question, I say, has not been submitted to the Committee on Public Buildings and Grounds; and if the Committee on Appropriations do not know anything about this matter, and if they have no sufficient data upon which we may act upon it, certainly the Committee on Public Buildings and Grounds have not any such data.

I desire to say to my colleague on the right, too, that in addition to the other expenditures connected with these doors we have to pay $1,200 a year to a watchman to keep people from stealing the stealable portions of them. For these reasons I think it very bad policy to pay out the public money for the erection of any more of them.

The amendment was agreed to.

The Clerk read as follows:

For material for, and casting and fitting the same, [bronze doors,] $20,860.

Mr. STEVENS. As the other item has been stricken out this ought also to be stricken out. I therefore move to strike out the clause just read.

The motion was agreed to.

The Clerk read as follows:

For eight additional monolithic columns, $11,200.

Mr. CONKLING. I would like to hear some explanation of monolithic columns.

Mr. STEVENS. I merely desire to say that this item is necessary, in order that all these columns may be monolithic, or each of a single piece. It has been deemed by the architect of the Capitol extension to be best that all these columns should be in one piece each. That is all the explanation I have to make.

Mr. CONKLING. I have not been able to hear the explanation of the gentleman from Pennsylvania [Mr. STEVENS] and I think no one else about me has been able to hear it. I want to understand what these magnificent columns are to be for. Monolithic columns, I understand, are columns made of a single stone each.

Mr. MAYNARD. The gentleman from New York [Mr. CONKLING] will recollect the contest we had some years ago, in relation to the Capitol extension, over monolithic columns, or columns of a single piece each, and columns of two or more pieces each. We finally decided to adopt the monolithic system. The number for which this item of appropriation is to provide is a deficiency caused by breakage or some other cause; there are eight more needed to complete the full number.

Mr. DAVIS. I rise to a question of order. Is there any proposition before the House to amend? If not, then I make the point of order that this debate is not in order.

The CHAIRMAN. As general debate upon this bill has not yet been closed, it is in order to debate the bill.

Mr. DAVIS. Is there any proposition before the committee?

The CHAIRMAN. The bill is before the committee.

No amendment being offered,

The Clerk read as follows:

For ventilating, $9,000.

Mr. DAVIS. I desire to make an inquiry in regard to this item. At the last session of Congress a resolution was adopted directing the Committee on Public Buildings and Grounds, or some other committee, to examine and report in reference to some system of ventilating this Capitol which would be successful. I desire to inquire whether anything has been done by that committee, and if so, whether this amount of $9,000 for ventilating is at all connected with that report.

Mr. STEVENS. There was a joint committee appointed on the subject; but I believe the committee has never met, and nothing has been done under the resolution to which the gentleman refers.

No amendment being offered,

The Clerk read as follows:

Census Office:

For the purpose of paying the amount due to certain United States marshals and their assistants for services rendered in taking the eighth census, in the year 1860, in the following States, namely: In the State of

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California, $9,460 48; in the State of Maine, $33 06; in the State of Ohio, $49 69; in the State of Oregon, $3,160 20; in the State of Kansas, $63 40; in the State of Kentucky, $9,311 50; in the State of Maryland, $4,781 40; in the State of Missouri, $8,343; in the State of Tennessee, $20,842 18; in the Territory of New Mexico, $784 69; in the Territory of Washington, $99 09.

Mr. KASSON. I move to amend this paragraph by adding to it the total of the sums contained in it, namely, "$56,933 69."

The amendment was agreed to.

Mr. CHANLER. I move further to amend this paragraph by adding the following:

That no portion of the money provided to be paid by this act, or by any other future act for making appropriations, or any act to supply deficiencies for the service of the Government, shall be paid to any person or persons in the employment of any Department of the United States Government who during the time or term of being so employed shall belong to any political club or partisan organization.

Mr. Chairman, my object in offering this amendment is to try and assimilate the character and position of the civil employés of the Government with the military and naval officers, who ever since the establishment of this Government have been forbidden to take any active part in the political affairs of this country. There can be nothing derogatory in requiring of the civil employés of the Government the same course of conduct in this respect as is required of the heroes of our Army and Navy, who have maintained the integrity of the Government against all attacks on land and sea.

We all know that the present system of controlling Government employés is an Augean stable of political corruption and filth, which has been organized in connection with every Department of this Government. It is a fruitful source of the cancers which are eating out the purity and vitality of our representative form of government. The propositions which have been offered here by gentlemen on all sides of this House prove that this proposition of mine cannot be regarded as a partisan measure in any sense. And I can conceive of no more appropriate time for beginning this reform in that direction than this present appropriation bill for supplying deficiencies. Deficiencies in appropriations of money for carrying on the different Departments of our Government should be put under the severest restrictions. The different Departments are required by law to lay before Congress at the commencement of its sessions their various estimates for the necessary expenses of the Government.

On the contrary, instead of obeying the law, the gentlemen who surround the executive department as Secretaries and clerks retain in their own possession, and to the latest moment hold back from the people and their representatives here, all information relative to the condition of the Government, especially its financial affairs.

Now, sir, the paragraph to which I propose to append this proviso proposes to pay large sums of money for traveling through the country; and it will afford great facilities to certain persons in keeping up political organizations, thereby wasting, in political maneuvering, time for which they are paid on the presumption that it is spent in collecting returns for the census. I make no direct charge against the persons employed in this particular instance. I am not acquainted with any of them; I have nothing to say against them individually.

But it is an established fact, known to every one who has studied the movements of the political organizations of this country, that the first effort made by a successful political engineer is to secure for himself a permanent salary under the protection of the Representative who may be sent here by his assistance at primary elections. I do not say that under the pure and admirable system of political organization established by the loyal leagues of the country such things are done. My ignorance in regard to such organizations forces me to admit that in their particular instance there may or may not be corruption. But, sir, the history of political organizations shows that when exerting for partisan purposes the machinery of the Government, they are antagonistic to the free exercise of the ballot by the citizen, who is thus debarred from his proper influence in changing the tone of the Government or directing its policy. Sir, these men enrolled in the service of the body-politic, are like the Swiss Guard, who in the last century entered the service of the French monarchy, and who being hired for that specific purpose, although citizens of the only republic in Europe, shed their blood in defense of the greatest tyranny and most corrupt Government of Europe. Sir, it is time that this Swiss Guard and corrupt corps of political janizaries and dishonest denizens within the body-politic of our Government should be driven away. The whole system should be changed. I hope that this Congress may take into consideration the public interests involved in this question, and that this amendment will encounter no partisan opposition.

The amendment was not agreed to.

Mr. KASSON. I move to amend by adding the following proviso to the amendment just adopted on my motion:

Provided, That no part of the sum hereby appropriated shall be paid to or on account of any claimant who participated in the late rebellion or gave to it aid and comfort.

The amendment was agreed to.

The Clerk read as follows:

Indian Bureau:

For this amount, to carry out the act of Congress approved May 5, 1864, entitled "An act to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the Uintah valley," $15,000.

Mr. KASSON. I move to amend by striking out the paragraph just read, which has already been included in another bill.

The amendment was agreed to.

The Clerk read as follows:

For this amount, to supply a deficiency in the appropriation for incidental expenses of the Indian service in Utah, for the fiscal year ending June 30, 1864, $12,000.

Mr. KASSON. I move to amend by striking out the paragraph just read. It has already been included in another bill.

The amendment was agreed to.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary to pay the indebtedness incurred for the Indian service in the State of Oregon and Territory of Washington, in the years 1860, 1861, and 1862, $40,000.

Mr. KASSON. I move to amend by striking out the paragraph just read.

Mr. SPALDING. Mr. Chairman, I rise to oppose this amendment. I do not know why the gentleman from Iowa should move to strike out this paragraph. The Committee on Appropriations had before them letters from the Secretary of the Interior and the head of the Indian Bureau, stating that there were vouchers on file in that Department which had been there for years, showing that industrious mechanics had claims against the Government for services performed for the Indians in Oregon and Washington Territory in 1861 and 1862—claims which ought to be paid, but for which no appropriations had been made. Last year the Senate made an appropriation of $40,000 for this very purpose, but in the House that appropriation was stricken out because it was claimed that it ought to be inserted in a deficiency bill. That was the only objection.

There is no doubt in regard to the justice of these claims. The vouchers are all in the Department, and they simply want an appropriation to pay these laborers, many of whom are in necessitous circumstances. My attention was called to the matter by one of my constituents, a carpenter and joiner, who performed service for the Indian reservation to the amount of $1,300. It was in this way my attention was called to it. I called upon the Department and all the vouchers were upon file. I hope my friend will not object to it.

Mr. KASSON. My recollection of the action of the committee is substantially the same as that of my friend except in one particular. There was one claim in reference to which special attention was called. The voucher was submitted to the committee and they approved it. The evidence submitted to the committee was sufficient in this case, but I was not aware the committee had agreed to the appropriation of this entire sum to cover cases where the vouchers had not been submitted.

Mr. SPALDING. Let me refresh the memory of the gentleman from Iowa. They did first object to any other than this individual claim, but they agreed if the Department would furnish items for the other claims, with vouchers, they would make an appropriation to cover them all. Those items were sent in and this appropriation was made accordingly. That is the fact about it. I went to the Department and procured those items.

Mr. STEVENS. The action of the committee was distinct. We did agree to appropriate enough to pay $1,300 to the person mentioned by the gentleman from Ohio. We never examined any other vouchers, and in my judgment the committee never ordered this appropriation to be inserted. I move to strike out the section and insert a provision to pay the amount of $1,300 which we did agree to.

Mr. SPALDING. I cannot be mistaken about this. I can have no interest in any other person than the one named, but I want to do justice to all concerned as well as to my constituent.

Mr. STEVENS. To the claim of his constituent we do not object, but to the others we do.

Mr. KASSON. We have become aware that an unlimited number of claims come from Oregon and the amount has never been investigated by any committee of Congress. I believe that this amount was inserted one or two years ago, but it was stricken out upon the ground that it ought not to be included in an appropriation bill without having been investigated by a committee before whom all the papers and vouchers should be presented. It was further objected that the appropriation did not belong to a deficiency bill.

I do not deny the fact is as stated by the gentleman from Ohio, but I was not present when the subsequent action took place. I hope the section will not be retained.

Mr. STEVENS. What was the amount of the claim of the gentleman's constituent?

Mr. SPALDING. His name is O. W. Barnes, and the amount is $1,300.

Mr. STEVENS. I move to insert that.

Mr. SPALDING. I am thankful to the gentleman from Pennsylvania for taking care of my constituent, but really I think the other claims for which the items have been submitted are equally just, and we should vote for them with as much cheerfulness.

MESSAGE FROM THE SENATE.

The committee informally rose.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had agreed to the report of the committee of conference on the iron-clad bill.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 1166) to authorize the building of light-houses therein mentioned, and for other purposes;

An act (H. R. No. 588) for the relief of Richard Chenery;

Joint resolution (H. R. No. 268) to pay Lieutenant John H. Hamlin for military services;

Joint resolution (H. R. No. 222) prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression; and

Joint resolution (H. R. No. 205) for the erection of an equestrian statue to the memory of Brevet Lieutenant General Winfield Scott.

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SUSPENSION OF JOINT RULES.

The SPEAKER. The Chair reminds the House that by the joint rules no appropriation bill or any other can be sent to the Senate to-day or any subsequent day of this session nor to the President on the last day of the session. The Clerk will read the sixteenth and seventeenth joint rules.

The Clerk read as follows:

"No bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session.

"No joint resolution that shall have passed the House of Representatives or the Senate shall be presented to the President of the United States for his approbation on the last day of the session."

Mr. STEVENS. I move that those two rules be suspended.

No objection being made, the foregoing rules were suspended.

DEFICIENCY APPROPRIATION BILL—AGAIN.

The committee resumed its session.

Mr. HENDERSON. Mr. Chairman, I cannot see the justice or propriety of striking out a part of this claim from the simple fact that there is a friend here to advocate the claim of one party. I understand the Interior Department has produced the vouchers of the whole amount of indebtedness that this is intended to cover, and why a part of the debt shall be paid and the balance rejected is a matter that I cannot comprehend. I understand that one part of the claim is just as good as the other, and I hope we will pass it as it came from the Interior Department.

Mr. SCOFIELD. I am opposed to this whole clause. It is inserted in violation of the rules of the House. I know it is too late to take exception to it now, because exception is required to be made before the bill is referred to the Committee of the Whole. I know the chairman of the committee holds the rules very firmly, because I went to him last session with a very meritorious case, and although feeling as kindly toward me as perhaps toward anybody he refused to put the appropriation in, though it was put in afterward by the committee. Now, I think the rules ought to be sustained, not only by the chairman of the committee, but by the whole committee. It is well known that we do not ask these bills to be read before they are referred to the Committee of the Whole, and then it is too late to raise objection. Therefore it is the more important that the committee should enforce the rule so as to prevent mere claims being inserted in this bill and insist that they should go where other claims have to go, namely, to the Committee of Claims.

Mr. STEVENS. Will my colleague allow me to say that the committee were doubtful whether this came within the rule.

Mr. DENNY. I hope the committee will not strike this out. I happen to know something of the justice and necessity of it. I find that vouchers are on file in the Department, and I know, so far as the Territory of Washington is concerned, that the claim is just and proper. I hope, therefore, this House will not deny this appropriation. I do not propose to say anything more on the subject, but simply to appeal to the good sense and justice of the committee to allow the appropriation.

Mr. KASSON. There is no disposition on the part of the committee to refuse an appropriation which they are satisfied is due. The only objection they have to this is that there is no testimony on which they could act showing that these expenditures, which previous appropriations did not provide for, were necessary and that the amounts claimed were justly due.

Mr. HENDERSON. I do not see why we should make an exception of this kind, and I hope the precedent will not prevail here of doing justice to a man who happens to have a special friend on the floor and of doing injustice to one who does not happen to have that good fortune. I hope the idea will be established: that the man who is at home, and has no special friend here, will get justice as well as if he were present or were represented here. It is agreed, I believe, on all hands that the recommendation of the Department covers the whole $40,000.

Mr. STEVENS. The gentleman says that this party has an advocate here. It is no such thing—only this, that he produced vouchers for the claim which left us beyond all doubt as to the propriety of the claim. I move that the committee rise to close debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, and had come to no resolution thereon.

Mr. STEVENS. I move that when the House resolve itself again into the Committee of the Whole on the state of the Union on the special order all debate on the pending paragraph be closed in two minutes.

The motion was agreed to.

Mr. STEVENS. I now move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union to take up the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and resumed the consideration of the amendment of the Senate in the nature of a substitute to House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes.

Mr. SPALDING. I think the committee had better allow this appropriation of $40,000. I have satisfied myself at the Interior Department that these claims are justly due. They have the vouchers there and want the appropriation. Now, if we strike out this clause and simply put in the claim which I advocate, I am satisfied that the Senate will strike it out in consequence of the violation of the rule alluded to by the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Again, I do not like to put an individual claim in the bill to the exclusion of others equally meritorious, and if this appropriation of $40,000 is stricken out I do not wish this claim inserted.

Mr. STEVENS. I withdraw my amendment, and concur in the motion of my colleague, [Mr. SCOFIELD,] to strike out the whole paragraph.

The question being on Mr. SCOFIELD's motion,

Mr. SCOFIELD demanded tellers.

Tellers were ordered; and Messrs. SCOFIELD and HENDERSON were appointed.

The committee divided; and the tellers reported—ayes 55, noes 57.

So the motion was disagreed to.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on bill of the Senate No. 220, for the relief of certain contractors for the construction of vessels-of-war and steam machinery.

The message further announced that the Senate had adopted a resolution providing that the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the session.

The message further announced that the Senate had agreed to the amendments of the House to the bill of the Senate No. 501, amendatory of an act to provide temporary government for the Territory of Montana, approved May 26, 1864.

The message further announced that the Senate had receded from its first amendment, disagreed to by the House, to the bill of the House No. 1154, making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes.

The message further announced that the Senate insisted on its disagreement to the amendments of the House to the bill of the Senate No. 204, to inquire for an annual inspection of Indian affairs, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOOLITTLE, Mr. POMEROY, and Mr. CATTELL conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendment to the bill of the House (No. 1220,) to provide ways and means for the payment of the compound-interest notes, disagreed to by the House, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. SPRAGUE, and Mr. JOHNSON conferees on the part of the House.

DEFICIENCY APPROPRIATION BILL—AGAIN.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. SCHENCK. I propose to add at the end of the paragraph the following proviso:

Provided, That such payments shall be made only to the persons severally who rendered the services.

I will briefly state my reasons for offering this amendment.

The CHAIRMAN. All debate has been closed by order of the House upon this paragraph.

Mr. SCHENCK. Then I cannot explain my reasons for offering it.

Mr. HARDING, of Illinois. I move to add the words "and twenty per cent. as extra compensation," so as to put them on a par with the clerks here, for whom we appropriated $2,000,000 the other day.

Mr. SCHENCK. The gentleman's amendment is not appropriate to my amendment.

Mr. KASSON. I suggest to the gentleman this modification: "Such payment shall be made only to the original owner of the claim."

Mr. SCOFIELD. Insert also "and upon satisfactory proof to the accounting officers."

Mr. HARDING, of Illinois. I hope the amendment will not be adopted. Is debate in order?

The CHAIRMAN. It is not.

Mr. HARDING, of Illinois. I wish to say that many of the clerks in this city sold their claims in large amounts.

The CHAIRMAN. Debate is not in order.

Mr. SCHENCK. I accept the modifications suggested by the gentleman from Iowa [Mr. KASSON] and the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCHENCK's amendment, as modified, was read as follows:

Provided, That such payments shall be made only to the original owner of the claim, and upon satisfactory proof furnished the accounting officers.

The question was taken on the amendment; and it was agreed to—ayes 53, noes 50.

Mr. KASSON. I move to strike out the following clauses:

For this amount to enable the Secretary of the Interior to purchase thirty copies of the first nine volumes of the United States Statutes-at-Large, $840.

For the compensation of eight extra clerks in the office of Indian affairs for the fiscal year ending June 30, 1868, $11,200.

I will state that these items are included in another bill.

The amendment was agreed to.

Mr. WINDOM. I move to insert in place of the paragraphs which have just been stricken out the following:

For this amount, or so much thereof as may be required to pay the necessary expenses of the commission appointed by the President to visit the Indian country, near Fort Phil. Kearney, for the pur-

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pose of ascertaining the facts relative to the Indian massacre near that place on the 21st of December, 1866, including pay of commissioners, traveling expenses, presents, and rations for the Indians when necessary, and pay of guides and interpreters, $20,000.

Mr. SCOFIELD. I would inquire if this commission has already been appointed and started.

Mr. WINDOM. The President has already appointed the members of the commission, a number of whom I know.

Mr. SPALDING. I would ask the gentleman if any of these commissioners were members of Congress?

Mr. WINDOM. Not that I am aware of. I believe it is important that this commission should be appointed. One of two policies must be pursued in reference to the Indians of this country. Either a commission of this kind must be appointed and sent out there to ascertain if possible and separate the friendly from the unfriendly Indians, and thus prevent a general war by conciliating them in some way, or we must pursue the other policy suggested by General Sherman. I am in favor of the more humane policy, which will attempt to settle our differences there by making this investigation. If this be not done, then I will say to the House that I believe the policy proposed by General Sherman must be adopted by this Government in reference to these Indians. I will read what General Sherman says in a dispatch to General Grant. The dispatch is as follows:

ST. LOUIS, *December* 23, 1866.

GENERAL: Just arrived in time to attend the funeral of my adjutant general, Sawyer. I have given general instructions to General Cooke about the Sioux. I do not yet understand how the massacre of Colonel Fetterman's party could have been so complete. We must act with vindictive earnestness——

Mr. SCOFIELD. I rise to a point of order. I endeavored to get the floor for that purpose, when the gentleman from Minnesota [Mr. WINDOM] first began to speak upon this subject, but failed to obtain the recognition of the Chair. I have been told that if I delay making my point of order until the gentleman gets through it will be too late. I now make the point of order that this amendment includes additional legislation, which is not appropriate to this bill.

Mr. WINDOM. I think the point of order made by the gentleman from Pennsylvania [Mr. SCOFIELD] is made too late.

The CHAIRMAN. The Chair must decide that the point of order is made too late, the gentleman from Minnesota [Mr. WINDOM] having already occupied the floor for some time.

Mr. SCOFIELD. I rose in time, but the Chair recognized the gentleman from Minnesota, [Mr. WINDOM.]

The CHAIRMAN. The Chair did not observe the gentleman from Pennsylvania [Mr. SCOFIELD] seeking to obtain the floor.

Mr. SCOFIELD. That may be; but I certainly tried to obtain it.

Mr. WINDOM. At all events the point of order was not made in time.

The CHAIRMAN. The point of order was not made until it was too late.

Mr. WINDOM. I was proceeding to say that we must pursue the course I have advocated, or some such course as that suggested by General Sherman, whose dispatch I was reading, and which concludes as follows:

We must act with vindictive earnestness against the Sioux, even to their extermination, men, women, and children. Nothing less will reach the root of this case. W. T. SHERMAN,
Lieutenant General.

For one, although I have as little affection for the Sioux Indians as any man in this House may have, I am not prepared to adopt the policy proposed by General Sherman, who is in command of all this Indian country. I was told by a gentleman yesterday that he was taught by myself a few years ago to treat the Indians with vindictiveness. That may be so; I am aware that some years ago, after the bloody Indian massacres in the State of Minnesota, I did insist upon the hanging of thirty-nine guilty men. But I never said on this floor or anywhere else that the Government of the United States should put its heavy hand on the throats of little Indian babies and crush them. I have never asked here or elsewhere that these Indians should be ruthlessly murdered. I am not in favor of that policy at all. I am in favor of a policy which will prevent an Indian war in this country, and not the policy of making an indiscriminate slaughter of women and children, thus making us a disgrace to the whole civilized world. I hope this amendment will be adopted.

Mr. STEVENS. I hope this amendment will not be adopted. We have been sending out commission after commission to make treaties with nations and tribes of Indians and individual Indians. I never knew any one of these negotiators who did not come back richer than he went. I think if there is any propriety in this item it ought to be inserted in another bill. I hope we shall not encumber this bill by the adoption of the amendment.

Mr. CONKLING. Mr. Chairman, may we understand of whom this commission consists, how many persons constitute it, who they are, and what they are? In the absence of any statement on this point I hope this amendment will not be adopted.

Mr. WINDOM. I have heard the names of all those composing this commission, but I recollect only two or three. One is General Sully, another General Sanborn. Some of them are civilians.

Mr. CONKLING. I think we had better take this matter up at some time when we can have some information as to who these men are and what they are. I do not like to vote blindly upon a proposition of this sort.

Mr. DAVIS. I wish to inquire whether one of the commissioners named is not a general officer in the military service. I understand that to be the fact.

Mr. SCHENCK. I move to amend the amendment by striking out the last word. Mr. Chairman, I am unwilling to vote for the amendment without some clearer comprehension of it. In the first place, I understand from the statement of the chairman of the Committee on Indian Affairs, [Mr. WINDOM,] confirmed in part by the statement of the gentleman from New York, [Mr. DAVIS,] that several of these commissioners—I believe the chairman has said all—are officers in the military service of the Government. If so, they are liable to be sent upon this service in the discharge of their duties as officers, and will receive mileage in addition to their regular pay. Hence there is no need of any appropriation for their compensation. If this commission were composed of civilians there might be some necessity for such an appropriation.

Mr. WINDOM. I said that some of the commissioners were civilians. General Sanborn has been in the Army.

Mr. SCHENCK. Well, sir, we are left in the dark in regard to this matter. Some members of this commission are known to be military officers. If so, they will during their service on this commission draw their regular pay as well as an allowance for traveling expenses, unless transportation be furnished to them. Hence there is no need, so far as they are concerned, for this appropriation.

Mr. WINDOM. I presume that no part of this appropriation would go to pay those already subject to the orders of the President as military officers; it would be applied to the payment of the civilians, and also for presents and rations for the Indians, and other expenses, as specified in the amendment.

Mr. SCHENCK. That may be; but we do not know who those other members of the commission are.

Another thing strikes me as very peculiar, considering the discussion we had here recently in reference to Indian affairs. It has been contended that whatever is done with regard to the supervision or inspection of Indian affairs must be done through the civil administration; that only civilians are competent to deal fairly and justly with the Indians and to prevent depredations and murders by them. Yet here is a proposition for a commission, the appointment of which is vested in the President, without our knowing who are to constitute this commission, except that it is to consist in great part, if not altogether, of military men; and the proposition comes from the gentleman who denied the propriety of putting the inspection and supervision of Indian affairs in the hands of military men.

Mr. WINDOM. As the gentleman alludes to me, I presume he will yield for an explanation.

Mr. SCHENCK. Oh, yes.

Mr. WINDOM. I am somewhat astonished that the intelligent gentleman from Ohio should make an assertion of this kind. I have stated within the last five minutes that although I do not remember the names of all these commissioners, some of them are civilians. The gentleman is now astonished that I should propose that military officers should have anything to do with the supervision of Indian affairs. The very bill to which the gentleman has alluded, and which I reported to the House some weeks ago, contained a provision that one third of the supervisory committee should be military men. The gentleman now asserts that I am inconsistent. Sir, I proposed here a mixed commission.

Let me say further, Mr. Chairman, if I were certain of the passage of the bill, which ought to pass the House, but which failed last night again, I would not deem it necessary to make this appropriation; but as that question will be settled before this in the Senate it is necessary. If that bill should fail then we desire this supervision.

Let me add a word in reference to the expense. It will be far less expensive to keep this commission in the field than to keep armies.

Mr. SCHENCK. I have no disposition to do the honorable gentleman injustice, or put a wrong construction on what he says; but this is so far a concession that only military men should have this supervision of the Indians.

But waiving all that, what is the difference between us? I have desired this military supervision should be entire, and that the selections for it should be made in the usual way, under the authority of the Secretary of War. It seems he is opposed to that, and prefers to trust the President with the selection of the officers and civilians who are to go upon these commissions; and I should like all the more to know who is to constitute this commission before I vote on the question, if this is to be the mode of appointment.

Mr. Chairman, there have been a good many committees and commissions at one time and another sent out upon the plains. I will not pretend to deny it may be an agreeable recreation to take such a trip, and if he were in the House I would suggest to the Speaker I should like to take the trip across the plains myself, and that when he comes to make up these committees hereafter he will think of me, or if he has not the appointment himself he will use his influence in my behalf. [Laughter.] I should like to go myself across the plains.

Now, sir, how many of these commissions have resulted in the prevention of Indian wars? How many more shall we have before we get to the root of the evil?

I contend some supervision of the Indians, where there shall be force and power as well as the exercise of justice by competent authority, is far better than the patch-work of occasional temporary expedients of committees of members of Congress or mixed commissions of military men and civilians; and this proposition fails like all others to the point to which we must come if we design to produce a successful reform. I hope this appropriation for the payment of these expenses will not become a part of the law.

The amendment was disagreed to.

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Mr. GARFIELD. I move at the end of line eighty-four to insert the following:

To enable the Secretary of the Treasury to pay Isaac Strohm for additional services as a clerk in the Treasury Department from the 1st of January, 1854, to March 1, 1855, at the same rate paid for similar additional services prior to that date, $466 67.

Mr. SCOFIELD. I rise to the point of order that this is not germane to an appropriation bill.

The CHAIRMAN. The Chair overrules the point of order. It is a contingency for carrying on one of the Departments of the Government.

Mr. GARFIELD. I wish to say that this clerk was employed by the Government, and did considerable amount of extra duty, which is acknowledged by the Secretary in his letter in which I shall have read. Payment was not made owing to the want of a specific appropriation. I ask the Clerk to read the Secretary's letter.

The Clerk read as follows:

TREASURY DEPARTMENT, *March* 2, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday relative to a claim of Mr. Strohm, late a clerk in this Department, for payment for services rendered in connection with the coast survey.

A reference to the records shows that the services were rendered as claimed by Mr. Strohm. It also further appears that for similar services rendered for many years prior to the period during which Mr. Strohm performed the duties alluded to, compensation had been provided by Congress. Such provision did not cover the period of Mr. Strohm's service, and his claim therefor was consequently disallowed.

Very respectfully, W. P. FESSENDEN,
Secretary of the Treasury.

Hon. R. C. SCHENCK, *House of Representatives.*

Mr. HARDING, of Illinois. I move the following as an amendment to the amendment:

And such other clerks of the Department as have been removed for political opinions in the year 1867.

Mr. GARFIELD. I raise the point of order that the amendment is not germane to the amendment pending, and not according to any law.

The CHAIRMAN. The point of order is well taken.

Mr. HARDING, of Illinois. Is it germane to make an appropriation for one clerk and not for another?

The CHAIRMAN. The amendment is not germane to the amendment of the gentleman from Ohio.

Mr. FARNSWORTH. I rise to oppose the amendment.

Mr. HARDING, of Illinois. I rise to a point of order. I have the floor and the gentleman cannot take it from me.

The CHAIRMAN. The point is well taken; the gentleman from Illinois [Mr. HARDING] is entitled to the floor. The Chair will state that the gentleman's amendment though not germane to the pending amendment is germane to the bill.

Mr. HARDING, of Illinois. I will waive all objection to the decision of the Chair; I think it is correct. But I wish to remark, if I have the privilege of the floor and it does not distress gentlemen too much, that I approve of this amendment in comparison with the provisions of the bill which this House has passed giving twenty per cent. additional compensation to all the clerks in the civil service in and around Washington. I think in principle it is no more objectionable than that bill which took out of the Treasury about two million dollars, or as it has been stated to me, a little in excess of that amount, not to pay the debts of this Government, but to pay employés, all of whom, I believe, were receiving not less than $1,000 a year. Now, sir, the principle having been established, it does not lie against me that I design to prevent an honest clerk in this House from getting what is justly due him, or of making an exception of him. Such was not the object of my amendment. But I did wish to present to the House the consideration that an appropriation of twenty per cent. additional compensation was made under the lead of the gallant member of the Committee of Ways and Means, which was so managed as to deprive of all benefit of it those clerks who had been removed for political opinions, and it was given to those who took their places. I shall never consent that that decision was right.

Mr. STEVENS. We have been two hours on this bill, and I now move that the committee rise for the purpose of closing all general debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the Senate amendment to House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, and come to no resolution thereon.

Mr. STEVENS. I now move that when the House resolves itself again into the Committee of the Whole on the state of the Union on the special order all general debate shall terminate in one minute.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had concurred in the resolution of the House providing for the suspension of the sixteenth and seventeenth joint rules of the two Houses for the remainder of the session of Congress.

The message further announced that the Senate insisted upon its amendment, disagreed to by the House, to the bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana, had agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. STEWART, EDMUNDS, and PATTERSON conferees on the part of the Senate.

Also, that the Senate insisted upon its disagreement to the amendment of the House to the bill (S. No. 534) to provide for the allotment of members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court; had agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. TRUMBULL, HARRIS, and HENDRICKS conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 220) for the relief of certain contractors for the construction of vessels-of-war and steam-machinery; and

An act (S. No. 501) amendatory of an act to provide a temporary government for the Territory of Montana, approved May 26, 1864.

DEFICIENCY APPROPRIATION BILL—AGAIN.

Mr. STEVENS moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union to take up the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and resumed the consideration of House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, the pending question being on the amendment of Mr. GARFIELD.

Mr. SCHENCK. I move to amend *pro forma*, that I may make a brief explanation.

The letter which has been produced in support of this claim was addressed to me in March, 1865. I remember it very well. The claimant has been for several years and is now our principal engrossing clerk. In the year 1855 he was discharged from the Treasury Department on account of his political opinions, previous to which time he had been employed in that Department in addition to his regularly assigned duties in attending to the correspondence connected with the Coast Survey. For that work he was not paid.

When my attention was called to the matter I addressed a letter to the Secretary of the Treasury, Mr. Fessenden, about it. He replied to that letter, and in his reply he says:

"A reference to the records shows that the services were rendered as claimed by Mr. Strohm, and it also further appears that for similar services rendered for many years prior to the period during which Mr. Strohm performed the duties alluded to compensation had been provided by Congress. But such provision did not cover the period of Strohm's services, and his claim, therefore, was consequently disallowed."

That is, every other man who did such work was paid for it except Mr. Strohm, who got nothing because there was no appropriation covering his case. His claim has been examined by my colleague, the chairman of the Committee of Claims, [Mr. DELANO,] and he also is satisfied that it is a correct claim. I withdraw my formal motion to amend.

The amendment was agreed to.

Mr. GARFIELD. I offer the following amendment, to come in at the end of line one hundred and five:

To enable the joint Committee on the Library of Congress to purchase the painting of the first reading of the emancipation proclamation by President Lincoln, executed by Francis B. Carpenter, $25,000.

I want to say but a word upon this amendment. Without protending to any ability to judge critically of pictures——

Mr. SCOFIELD. I rise to a point of order. I find that in this auction it is "quick or gone." [Laughter.]

Mr. LAWRENCE, of Ohio. Has the point of order been decided?

Mr. GARFIELD. I hope that no point of order will be raised upon this amendment.

Mr. LAWRENCE, of Ohio. But there will be.

Mr. CONKLING. I shall most certainly make a point of order upon it even if nobody else does. I think we can find some better way of throwing away $25,000 than this.

The CHAIRMAN. The Chair decides that the point of order was made too late, because the gentleman from Ohio [Mr. GARFIELD] had begun to debate the proposition.

Mr. FARNSWORTH. Not before the gentleman from Pennsylvania [Mr. SCOFIELD] had risen to make the point of order.

Mr. UPSON. I appeal from the decision of the Chair.

Mr. SCOFIELD. Will the Chair allow me to say that the moment the Clerk had finished reading, before the gentleman from Ohio [Mr. GARFIELD] opened his mouth or could have opened it, I rose to my feet and addressed the Chair; but probably the heavier voice of the gentleman from Ohio drowned mine.

Mr. CONKLING. That is my recollection of it.

Mr. GARFIELD. I think there will be two sentences of mine found in the Globe of to-morrow, before the gentleman from Pennsylvania [Mr. SCOFIELD] opened his mouth.

The CHAIRMAN. In view of the statements of gentlemen, the Chair must decide that the point of order was made in time, and that the amendment of the gentleman from Ohio [Mr. GARFIELD] is not in order.

Mr. UPSON. I withdraw my appeal from the decision of the Chair.

The Clerk resumed the reading of the bill.

Mr. PRICE. I move to amend this bill by striking out the following:

To pay for completing the repairs and furnishing the Executive Mansion, $35,000.

I do not know that I need say anything in support of my amendment. It is very well known to every member of this House that at the last session of Congress we appropriated $30,000 for this very purpose, which money I presume has all been expended, or this would not now be called for. Now, if it requires

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$80,000 to furnish one dwelling-house, and then $35,000 to pay for the trimmings, I for one will not record my vote in favor of such wastefulness and wickedness; and I do not think the Representatives of the people ought to indorse any such wasteful and wicked expenditures.

Mr. CONKLING. If the gentleman from Iowa [Mr. PRICE] will allow me, I will state that my recollection is that we have appropriated for this Executive Mansion about seventy-six thousand dollars in all.

Mr. PRICE. So much the worse then. I am obliged to the gentleman from New York [Mr. CONKLING] for giving me that information. And now we are asked to appropriate $35,000 more.

Mr. CONKLING. A member near me says that the amount we have appropriated is twice the sum I have named.

Mr. PRICE. That is worse yet.

Mr. CONKLING. And not only that, but in order that this Executive Mansion may be made sound from roof to foundation, there is another item here which reads as follows:

To thoroughly repair the roof of the Executive Mansion, $2,500.

Now, if any gentleman on the Committee of Appropriations, or upon any other committee, will invent any mode, whatever may be its cost, of reforming this Executive Mansion, putting it in order outside and inside, making it decently wholesome, I should feel that I was discharging my duty by voting for almost any sum that I can think of now, to accomplish that purpose.

Mr. HOTCHKISS, (in his seat.) That can be done by "cleaning out" the occupant.

Mr. CONKLING. A friend behind me suggests that that can be done by "cleaning out" the occupant. But you cannot do that by continuing to make appropriations; that is the difficulty. If you could, I would be very willing for one to vote for an appropriation for that purpose.

I concur with the gentleman from Iowa [Mr. PRICE] in expressing the hope that neither this nor any other appropriation will be made for the Executive Mansion, until we can ascertain that it is necessary for expenditures that cannot be made out of the excessive sums which have been heretofore appropriated.

Mr. KASSON. I suppose I have felt as sincere a regret as any gentleman in this House respecting the amount of appropriations that have seemed to be rendered necessary for the Executive Mansion. As a matter of truth and justice, I am compelled to say that a large portion of the appropriations heretofore made have been necessary to satisfy preëxisting claims under a management of the Executive Mansion which, to say the least of it, was unfortunate. Many gentlemen will understand to what I allude.

Mr. CONKLING. I do not.

Mr. KASSON. At the close of the Administration of our late President, there was an interregnum, during which a good deal of the property in the Executive Mansion disappeared by reason of the absence of a proper custodian of the property. The house was left almost naked of available furniture. And it was necessary to make, and we did make, I think with a liberality which, to say the least of it, was just, if not more than just, the appropriation which at that time was deemed necessary.

Mr. CONKLING. Will the gentleman be kind enough to state what amount was appropriated in two or three bills pretty early in the last session for furniture in and decorations of the Executive Mansion?

Mr KASSON. I am unable to state what all the appropriations would amount to if added together; I can only make the general statement that the whole amount is very large. I now make the additional statement that the appropriation here asked for is not to pay for future expenditures. I am compelled to say that a member of the Committee of Appropriations, who has taken no part in this debate, made an examination of the Executive Mansion at the request of the committee, and reported to us upon the facts as he found them to exist there. This appropriation is, in point of fact, to pay for property that is to-day in the possession of the United States, and is now in the Executive Mansion. I regret that the gentleman who made the examination does not state himself the result of that examination as reported to the committee. All I have to say upon the subject is, that if the property now in the Executive Mansion be not paid for, we must return that property.

Mr. CONKLING. Is there an opportunity to do that?

Mr. KASSON. My friend from New York understands of course the only way in which it can be done. It is to take down the furnishings in part, so far as it can be done, and return them.

I wish to add one other statement, which is, that I sincerely believe there has not been for several years so excellent a management of this department of the Executive Mansion as exist there to-day in respect to the care of the property. Formerly, owing to a deficiency in the attendance at that Mansion a great deal of property was destroyed. Casual visitors coming in cut out pieces of the lace curtains and in other similar ways mutilated the furniture for the purpose of carrying away mementos—acting on a belief, which unfortunately is largely practiced upon by many, that as the public property is the property of the people, a minute portion of it belongs of right to each individual. In this way the Executive Mansion became more dilapidated about a year or eighteen months ago than it probably ever was before during the existence of the Government.

Mr. MAYNARD. Will the gentleman permit me to ask whether the recent change proposed in reference to the office of Commissioner of Public Buildings will have a tendency to relieve us against any such trouble in the future?

The CHAIRMAN. The time of the gentleman from Iowa [Mr. KASSON] has expired.

Mr. CONKLING. I move to amend by striking out the last word of the paragraph.

Mr. Chairman, if my recollection serves me truly, the gentleman from Iowa, [Mr. KASSON,] sometime during the last session, speaking more or less in behalf of the Committee on Appropriations, assured the House that there had been substantially no improper carrying away of property from the Presidential Mansion; that some bijouteries and matters of that sort had been removed, and that to some extent curtains and other things of that sort had been mutilated by people taking away fragments as mementos.

Mr. KASSON. Will my friend allow me to correct his recollection in that particular?

Mr. CONKLING. Certainly.

Mr. KASSON. So far as concerned one person touching whom the public prints had made charges I made a statement that the responsibility did not rest there, but that the damage and loss of the public property resulted as I have stated to-day from a species of interregnum, at a time when nobody was in active and honest charge of that property. The statement I made simply exculpated one person touching whom the public prints had made charges.

Mr. CONKLING. I recollect the zeal with which the gentleman wiped away the stain of which he speaks. I think I remember also that he gave the House to understand that beyond the carrying away of gifts and ornaments and certain things which might properly be taken, and the disposition made of a couple of vases, if I remember correctly, there had been very little of the furniture of that house taken away.

But I will admit for the purpose of the present argument that it was all taken away, that the house was stripped of curtains, carpets, furniture, and decorations. And then I want to remind the committee that not less than $76,000—I state this sum because it was afterward ciphered up and thrust in the faces of myself and others as the extravagant sum which we had voted for this purpose—not less than $76,000 I say was appropriated——

Mr. STEVENS. Will the gentleman allow me to correct him? I think if he will look at the various sums appropriated for this purpose since Mr. Lincoln's death he will find that they amount to double the sum he has named.

Mr. CONKLING. Very well, sir; then I will add a hundred per cent. to my statement, on the responsibility of the gentleman from Pennsylvania, and will endeavor to double the force of the proposition when I submit to the committee that if twice $76,000 has been spent at a time like this in the ornamentation of that house it is high time that we should resolve to spend no more.

Now, I pass over all that rumor says, what carpets have come here and not gone down upon the floor, and what has been done otherwise that is very unwholesome, on this subject. And I say if there be furniture in that House which twice $70,000 has not paid for and which can be returned to those who furnished it, let it be returned in the name of common honesty and ordinary decorum, and do not let us in addition to everything that affronts the public sense, in addition to everything that affronts common decency concerning this White House, do not let us become *particeps criminis* in lavishing enormous sums loosely and improperly on the decoration of this private and official residence.

Mr. PRICE. I have moved to strike out this paragraph for the reasons so well given by the gentleman from New York. I was not aware at the time we had spent $152,000 on this White House if the statement of the gentleman from Pennsylvania [Mr. STEVENS] be correct. I submit to this House whether $152,000 is not amply sufficient to furnish and decorate any dwelling of the size of the Executive Mansion in the land? As my friend from Minnesota says it is enough to build the house and furnish it. In the Committee of the Whole there is no laying upon the table and no ordering of the yeas and nays; but if by any possibility my motion to strike out should not prevail, I hope by some parliamentary tactics we will be able to get a vote in the House, so that the country may know who is for and who is against this extravagant appropriation.

One hundred and fifty-two thousand dollars to furnish and paint one man's house in this country! We are Republicans, are we? and yet we are going to tax the people to the extent of $152,000 to paint and furnish the President's House. Let us see whether the people are willing to be taxed for this purpose or whether they will permit those to remain here who vote for such an extravagant appropriation.

Mr. RADFORD. I desire to ask the gentleman whether the amount of $152,000 which he names does or does not include the items of appropriation in this bill? I am told that it does. I want to ask further whether the $152,000 does not include all the appropriations for a series of years as well as the appropriations contained in this bill?

Mr. PRICE. I want to say to the gentleman from New York, right here and now, that this $152,000 has been expended since the death of Mr. Lincoln.

Mr. RADFORD. It is for a series of years and includes the present amount asked for.

Mr. PRICE. Not according to the testimony.

Mr. RADFORD. It is a fact whatever the gentleman's testimony may be.

Mr. PRICE. We are dealing with the facts and figures before the committee, and if these facts are correct we have expended $152,000 for finishing and furnishing the Executive Mansion. Yet we are now asked for $35,000 additional. For one, while I have a seat upon this floor, I will protest in the name of common honesty to the people who are the taxpayers in this country against any such appropriation.

Mr. RADFORD. I would like to know whether appropriation has not been required

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to replace the furniture which it took ninety and odd trunks to carry away when the previous occupants left the White House. I know from the steward that ninety and odd trunks of goods were then taken away.

Mr. PRICE. I will say that it depends on the size of the trunks and the quality of the material packed in them so far as their value is concerned. Then we should know who placed them there and who carried them away.

[Here the hammer fell.]

Mr. MAYNARD. I move to amend by reducing it $5,000, for the purpose of saying that in the exercise of the feeling in which most of us participate, that there has been a gross misuse of the public money in this instance, it is possible we may be doing injustice to some meritorious people by striking out the entire appropriation. In order that I may vote intelligently, therefore, on this matter, I ask the Committee on Appropriations, as this is a deficiency, whether this or any portion of it goes to pay the operatives, laborers, or artisans who have been employed by the Superintendent of Public Buildings, who have carried on their work there innocently and in good faith, who have rendered honest and meritorious service, and who have not been paid? In this aspect we must necessarily do justice to these men, whether we can hold responsible our own agents afterward or not. I ask the chairman whether any portion of this is for that purpose or not?

Mr. CONKLING. If the gentleman will allow me I wish to say that I do not understand that this question presents itself at all; on the contrary, one of the oldest maxims of the law is that if a party assuming to be an agent, but not being such, makes an agreement in which he does not charge his principal, he charges himself. If the occupant of the White House, or anybody in his interest, has employed an artisan to do that which he is not authorized to do, to him, and not to the Government which he attempted illegally to represent, must that artisan look, and the law will aid him in enforcing his claim.

Mr. MAYNARD. I desire to say that that principle does not apply to this case. In the first place the occupant had nothing to do with making these repairs; they are made by the Superintendent of Public Buildings. He is an officer of the Government, and if in the exercise of his duties within the scope of his authority he has employed A, B, and C as common laborers, I should be very sorry to be placed in the attitude of sending them to this agent, who, though acting in the general scope of his authority, had exceeded the limitation fixed by the appropriation, and making them depend for their compensation upon the solvency of such a person as might happen to be their employer.

Mr. FARNSWORTH. I desire to say simply this: that the subject of repairing the White House and furnishing it was thoroughly examined by the Committee on Appropriations last session. No thorough repair or refurnishing of it has taken place for a number of years. It was very much dilapidated, a great deal of the furniture destroyed, pieces of carpet cut, many valuable things carried away, portions of table furniture lost and sets broken up. Large appropriations have been made, I do not know how much, probably $150,000 in all, for repairing the building and refurnishing it, and it now seems to be in a very good condition. The appropriation asked for is the deficiency, to pay for furnishing and work done upon and in the house already as I understand it, and not to purchase additional material or to do additional work. I suppose there is no other way than to vote it. I dislike this way of half doing business, and it is high time the House of Representatives rebuked those officers of the Government who go on from time to time and run the Government in debt which they are not in advance authorized to do by act of Congress.

I desire to say another word in reply to a remark of the gentleman from New York [Mr. RADFORD] in reference to the ninety trunks or boxes which he says were carried away from the White House. That whole matter was explained last session. The newspaper reports and rumors with which the air was filled at that time were shown to be false and without any foundation whatever. The principal part of these boxes were mere bouquet-boxes sent to officers of the Army, as was shown. The newspapers picked up the rumor and said that the occupants of the White House were sending away furniture in boxes.

Mr. RADFORD. Will the gentleman yield?

Mr. FARNSWORTH. Yes, sir.

Mr. RADFORD. I do not make the statement upon any newspaper report, but upon the authority of the steward who packed the trunks with the different kinds of goods at the time they were carried away; and I wish now to say, in addition to what I said, that an amount equal, I think, to $30,000 of this appropriation is for back indebtedness, to pay for the goods that were carried away in those trunks.

Mr. FARNSWORTH. Not by any manner of means.

Mr. RADFORD. I assert it and defy contradiction.

Mr. FARNSWORTH. I ask the gentleman where he saw the testimony of the steward to that effect.

Mr. RADFORD. I got it from his own mouth.

Mr. FARNSWORTH. We had him before our committee.

Mr. RADFORD. And he swore to that fact before the committee.

Mr. FARNSWORTH. There never was a greater mistake, unless the gentleman alludes to some other committee. Did he appear before a committee of which I am a member and swear to that?

Mr. RADFORD. I do not know what committee; but a committee of this House.

Mr. FARNSWORTH. The gentleman did not hear him swear and I did. He appeared before the Committee on Appropriations, of which I am a member, and was there examined, and he neither swore to it nor stated it.

Mr. RADFORD. He is in town.

Mr. FARNSWORTH. There is not a word of truth in it.

Mr. RADFORD. Does the gentleman deny that $30,000 of the appropriations is to cover that amount which was taken away?

Mr. FARNSWORTH. I do. These appropriations were made for the purpose of refurnishing the White House because it was in a dilapidated condition, no thorough refurnishing of it having taken place during the entire period of the war, when Washington city was more full of men than ever before or since; when everybody, soldiers and all, who flocked to Washington flocked also to the White House to see it and its inmates. The doors were open, and during those four years there must necessarily have been large dilapidations, wearing out of carpets, and destroying of furniture. The building as well as the furniture had gone into decay generally.

Mr. MAYNARD. I withdraw my amendment.

Mr. KASSON. I renew the amendment for the purpose of making a statement to the House in answer to the intimation of the gentleman from Tennessee, and some of the facts stated here. First, let me say I concur with the statement of the gentleman from Illinois [Mr. FARNSWORTH] as a member of the Committee on Appropriations; and secondly, let me state in answer to the gentleman from Tennessee that we did find that the Executive Mansion was greatly worn and the furniture very much dilapidated in consequence of the extraordinary influx of visitors during the war, and that large appropriations were necessary to fit it up for occupancy with the decency and propriety that belonged to the Executive Mansion of a great Republic.

And again, I wish to say that a portion of the expenditure now provided for I understand to be exclusively for the articles now contained in the White House, and for the work done in putting them in a proper condition, and that this appropriation is reported by the committee because the simple alternative is presented to the committee of either refusing to pay for the property that we have received, to pay the laborers for putting it in its place, or else to abandon it and leave them without any pay whatever. That is the whole question as presented by the committee, and all I desire is that the Committee of the Whole shall understand the facts.

It will be observed that the language of the appropriation is "for completing the repairs and furnishing the Executive Mansion." It is intended to close the whole account, and I have only to say that while Congress did appropriate for the subject proposed, namely, the repairs and furnishing, the amount required to complete the work has been in excess of the amount appropriated; and I think the only question really before the committee is whether they will allow the property to be returned, or so much of it as can be returned, or whether they will allow Congress to place the United States in a position of failing to pay the bills that have been incurred by authority of the persons in charge, but in excess of the appropriations heretofore made. I believe that to be the whole question, and if the committee understand it I shall very cheerfully accord with their decision, whatever it may be.

Mr. HILL. I do not understand that it is the Congress of the United States that is placing the country in this attitude. At the last session we appropriated, if I recollect right, $30,000 for repairs upon the White House. Now, that was as much as to say to those who had that matter in charge that when they had expended that sum they had gone to the extent of the authority conferred upon them by Congress; that they should not expend one dollar beyond it. The course they should have pursued then was to have expended that amount of money, and there stopped, instead of going on as they did with the general system of improving the White House under their own idea of how it ought to be improved. After expending the money they should have waited until Congress appropriated a further sum. But they have gone on and expended, not only the $30,000 appropriated, but $35,000 more.

Now, sir, if we are to abandon the principle that Congress is to appropriate the money that is to be expended by the Government we ought to vote this down, and we ought expressly to declare that we do it because we do not any longer adhere to the principle that Congress must make appropriations before the money can be expended. If we recognize the principle that money may be expended without authority in this case we may as well recognize it in any other case. Now I am not disposed to be niggardly in regard to the expenditures of the White House merely because it happens to be occupied as it is now under peculiar circumstances of the case by the present incumbent. Whatever is fair, right, and liberal I am in favor of. But whatever we give let us give it in accordance with law.

Mr. BIDWELL. I move that the committee rise for the purpose of terminating debate.

Mr. BOUTWELL. Will the gentleman withdraw it?

Mr. BIDWELL. Yes, sir.

Mr. KASSON. I should be glad to close debate on the subject, for there is a great deal of business back of this. I withdraw my amendment, but unless the debate closes very soon I shall make the motion that the committee rise.

Mr. BOUTWELL. I renew the amendment for the purpose of saying that so far as is shown by what Congress has done upon this subject the intimation made by the gentleman from Iowa [Mr. KASSON] that these expenses have been incurred in consequence of the extravagance or misconduct of anybody connected with Mr. Lincoln's Administration is not sustained, if the Committee on Appropriations have dealt ingenuously with the House and with the country.

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I find that on the 19th of December, 1865, Congress passed an act containing an appropriation of $30,000 for the furnishing and repairing of the Executive Mansion. It does not appear to have been a deficiency appropriation. But it has since appeared, if the Committee on Appropriations have diligently inquired into this matter, that the expenditures by Mr. Lincoln's Administration, which had then for eight months ceased to exist, had not amounted to more than $30,000.

Subsequently to that, and on the 7th of April, 1866, Congress appropriated $46,000, which upon the statute appears to be an appropriation for prospective expenditures; for it is distinctly stated that the appropriation is made in conformity to estimates. Therefore, in the nature of the case, if the language employed by the Committee on Appropriations was intended to express the truth the appropriation was for an expenditure thereafter to be made.

Subsequently, on the 28th of July, 1866, we appropriated $20,000 more, which by the language of the statute was also for an expenditure not then made.

Therefore if you charge to Mr. Lincoln's Administration the sum of $30,000 appropriated in December, 1865, it still appears that for expenditures at the Executive Mansion under the present Administration we have appropriated $66,000. And now we are asked to appropriate $35,000 more upon the ground of expenditures already incurred. If that money has been already expended, then it has been expended for some extravagant purpose, if for nothing more, and it has been expended without authority of law. It is no disgrace to this House or to the country that we refuse to ratify and approve that expenditure. But it is a disgrace to the country if public servants, of whatever grade or rank, by incurring expenditures without authority of law may lay an obligation upon us to meet them. The only way in which we can rebuke these people, and the only way in which we can put a stop to such expenditures in the future, is to throw upon wasteful or extravagant or dishonest public servants the necessity of paying for or returning these articles which they have purchased without authority of law. Let them also suffer the disgrace, which is only too slight a punishment for their conduct.

Mr. RADFORD. I desire to correct a slight mistake made by myself when I was last upon the floor. I then stated that of the amount appropriated for the Executive Mansion, $30,000 was for past indebtedness. I am now informed, and I believe correctly, that the amount of past indebtedness was $29,000; and the bill for that amount presented by a Mr. Alexander, of this city, was signed by Mr. Lincoln. I make that correction, adding that what I now state I believe to be the exact truth.

Mr. SPALDING. I beg leave to state for the information of this committee, that before the Committee on Appropriations consented to insert this last item in this appropriation bill, they sent a member of their committee, the gentleman from Missouri, [Mr. BLOW,] to the White House to examine into the correctness of every item included in this sum. He reported to the committee that this item of appropriation was necessary. Am I right in that? I think I am correct. The member of the committee, the gentleman from Missouri, [Mr. BLOW,] went to the White House, and with a lady there he went over all the rooms, examined the articles included in the bill, and reported to the committee that this appropriation was necessary.

Mr. KASSON. I ask for two or three minutes only, to express my regret that the gentleman from Massachusetts [Mr. BOUTWELL] has seen proper to revive again the scandals that pertained to the recent session, not the present session, but the last session of this Congress. I regret it, sir; and I distinctly state now—for I will adhere to the truth at whatever cost—that the sums to which the gentleman has referred were in large part appropriated to pay prior expenditures in excess of the appropriations, and I wish now to say that it was done simply for the reason that those appropriations were insufficient to accomplish the purpose that had been previously authorized, and that the officers of the Government who were in charge of the matter, instead of stopping the work when the amount appropriated had been exhausted, went on to complete the work authorized, without awaiting the additional appropriations. I say again that the same question arises here to-day upon this appropriation; but I will not go further into that subject, which was discussed on a former occasion; for I do not believe in washing (to use the phrase of a certain newspaper) the dirty linen of the Republic in the eyes of the world; and I will not do it.

I desire simply that the committee shall understand that the object of this appropriation was authorized, but that the expenditures exceeded the amount of the appropriation; and the only question is whether we shall now foot the bills or leave the parties who furnished the property and did the work unpaid.

For the purpose of closing debate on this section, I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union having had under consideration the Union generally, and particularly the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, had directed him to report that the committee had come to no resolution thereon.

MAIL CONTRACTS, ETC.

The SPEAKER, by unanimous consent, laid before the House a communication from the Postmaster General, transmitting in compliance with the twenty-second and twenty-fifth sections of the act of July 2, 1836, the annual report of that Department on contracts, &c.; which was referred to the Committee on Printing.

REPRESENTATION OF GEORGIA.

Mr. CAMPBELL. I rise to a question of privilege and present the credentials of Mr. J. H. Christy, claiming a seat in this House as a Representative from the sixth district of Georgia.

The SPEAKER. The credentials will be referred under the rule to the joint Committee on Reconstruction.

DEFICIENCY APPROPRIATION BILL—AGAIN.

Mr. KASSON. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union on the deficiency appropriation bill all debate on the pending section terminate in one minute.

Mr. NIBLACK. I hope the gentleman will allow a little longer time for debate. I desire to occupy five or ten minutes.

Mr. KASSON. Very well; for the purpose of accommodating my colleague on the Committee on Appropriations I will modify my motion so as to terminate debate on the pending section in five minutes.

Mr. HARDING, of Illinois. The last two paragraphs of this section are important and should not be disposed of without any debate. One of them contains an appropriation of $50,000 for the American Colonization Society.

Mr. KASSON. Very well; I modify my motion so as to terminate debate only on the pending paragraph.

The motion was agreed to.

Mr. KASSON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, to resume the consideration of the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and resumed the consideration of the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes.

Mr. NIBLACK. I move to amend the pending amendment by striking out the last word.

Mr. Chairman, as a member of the Committee on Appropriations I have given some attention to this subject, and I confess that I should feel very much mortified if the House should refuse to vote the amount of money which the committee propose to appropriate. Twenty-nine thousand dollars of the first appropriation went, as I am informed, to pay previous indebtedness, therefore the present occupants of the Executive Mansion can only be charged with the expenditure of the remainder of the appropriation. I also ascertained on inquiry that the Executive Mansion had never been thoroughly refurnished and in good condition since the days of the administration of President Pierce. We know that the family which now occupies it when they first went in found it almost entirely stripped of many things which were necessary for their comfort and convenience, and that they had to go upon the streets and purchase table linen and articles necessary for furnishing the beds in that establishment. We know that the carpets were all faded and soiled, and that the East room was in no condition to be exposed to the inspection of visitors.

The committee reported an additional appropriation last spring, which has already been referred to. The Commissioner of Public Buildings and Grounds—not the President, for he gives it no especial attention—proceeded to institute a thorough renovation of the White House. After going on for awhile he informed the committee that the amount appropriated was insufficient, and at the close of the last session we made an additional appropriation to complete the object in view.

When it was found that the appropriation was insufficient to restore the White House from the dilapidation into which it had fallen, the Commissioner and the President's family were in this dilemma: should they proceed to put it in a condition in which it could be thrown open to visitors, or should they allow it to remain as it was and exclude all visitors during the coming winter season. After taking the advice, I am informed, of some members of this House and of some of the officers of the Government, and on being advised that it was their duty to prepare for visitors, that the people expected that it would be thrown open, and that they would run no risk in throwing themselves upon the generosity of Congress in this respect, the work was proceeded with.

It was evidently the intention of the Committee on Appropriations that the Executive Mansion should be placed in a good condition, so that the present occupants could make themselves and their guests comfortable and leave it in an inhabitable condition for the occupants who should come after them. The committee were satisfied that $35,000 in addition was necessary for that purpose. This money has been expended, and the only thing now is, will Congress ratify that expenditure and pay for what has been furnished for the Executive Mansion? Any gentleman who will examine it will find that it is only enough to make it decent and comfortable for those who occupy it. Some of the rooms are still poorly carpeted and very cheaply furnished. Sir, this is a matter in which the President and his family have but very little interest comparatively. They are but the temporary occupants, and ought to be only expected to take reasonable care of the house and furniture while they occupy it. The best and most expensive rooms are only used by them when thrown open for the reception of company. We ought to feel as much interest as they in seeing that the establishment is in a fit condition for the reception of company and the inspection of the public.

[Here the hammer fell.]

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Mr. SCHENCK. I move to amend the text by adding the following:

Provided, That no further payment shall be made on any account for repairs and furnishing the Executive Mansion until such accounts shall have been submitted to a joint committee of Congress and approved by such committee.

The amendment was agreed to.

The queston then recurred on Mr. PRICE's motion to strike out.

The committee divided; and there were—ayes 38, noes 50.

Mr. PRICE demanded tellers.

Tellers were ordered; and Mr. PRICE and Mr. NIBLACK were appointed.

The committee again divided; and the tellers reported—ayes 54, noes 63.

So the motion was disagreed to.

The Clerk read as follows:

To supply a deficiency in fuel for the President's House and for the Capitol, $2,000.

Mr. CONKLING. If we can have an understanding that we shall be allowed once in the House, on the yeas and nays, to vote on these propositions I will be satisfied.

Mr. KASSON. The gentleman does not make any motion.

Mr. CONKLING. I refrain from making any motion in order to have such an understanding.

Mr. KASSON. I refer the gentleman to the chairman of the committee. I am not in charge of the bill.

Mr. CONKLING. I move to strike out the last word.

Mr. HILL. I rise to a question of order. I understand debate is not in order by an order of the House. I shall be glad to know, however, I am mistaken.

The SPEAKER. Debate was only closed on the previous paragraph.

Mr. CONKLING. The gentleman has taken up three minutes of my time, and if he will only sit down I will go on with my remarks.

If necessary to get a vote on the yeas and nays in the House we should skirmish in Committee of the Whole on these appropriations I am ready to do it.

Mr. ROSS. What is the question before the House?

Mr. CONKLING. I move to strike out the paragraph just read by the Clerk. I do not know what this fuel has been expended for, but I do know the convictions of the people have burned at the stake for a good while at the White House. I am opposed to it for the reasons which have been assigned in reference to these other amendments, and I wish the gentleman from Pennsylvania, [Mr. STEVENS,] the chairman of the Committee on Appropriations, would be kind enough to say whether we may have a vote in the House on these amendments without spending any more time here, or upon some one of them.

Mr. STEVENS. We shall have a vote upon the amendments which are adopted by the committee.

Mr. CONKLING. The gentleman will understand that I mean simply the amendments in reference to these paragraphs making appropriations for the President's House. We have passed upon one of them, and I have moved to strike out the second.

Mr. STEVENS. I will agree not to call the previous question, but will give the gentleman an opportunity to offer an amendment to strike out this paragraph.

Mr. CONKLING. Then I withdraw my amendment.

Mr. HILL. I renew the amendment of the gentleman from New York [Mr. CONKLING] merely to say that if he desires to celebrate his withdrawal from this House by a display of insolence and impudence toward his fellow-members, he is certainly welcome to all the honor he can reap in that way.

I raised a question of order in good faith; one that had heretofore been ruled upon by the Chair. I desired myself to make a motion in regard to a subsequent portion of the bill. I intended nothing derogatory to the gentleman's right to be heard in this House, and I think his remarks were very unbecoming.

Mr. CONKLING. I do not know what remarks the gentleman from Indiana refers to. If he is talking merely for the pleasure of hearing the sound of his own voice I understand it entirely; but I was not aware that I made any remark to him or about him at which he could take offense. The only remark that I can recall is, that having spent two or three minutes in settling the question of order we should go on with business. If that was any offense to the gentleman from Indiana, if he is so thin skinned as that, I am sorry for it. That is all I have to say.

Mr. LE BLOND. If I understood the gentleman from New York [Mr. CONKLING] aright, his proposition was that a vote should be taken in the House upon the paragraph that we have just passed upon as well as upon other paragraphs. Did I understand him correctly?

Mr. CONKLING. I think not, if I now understand the gentleman from Ohio. There is no understanding that I have except the promise of the chairman of the Committee on Appropriations that when we get into the House he will allow me there to move this and the two corresponding amendments.

Mr. LE BLOND. Exactly; and I wish merely to say this in reply: it seems to me that every member of this committee has quite as much power in settling this question as the chairman of the Committee on Appropriations, and when this committee has passed upon and rejected a proposition, it is out of the power of the chairman of the Committee on Appropriations or of anybody else to consent that a vote shall be taken upon it in the House, and I for one protest against any such arrangement.

The committee has already passed upon this proposition, and I do not propose to go back and give the Opposition an advantage in the House, and an opportunity to renew their attacks upon the Executive Mansion.

Mr. HILL. I withdraw the amendment.

Mr. SCHENCK. I move to amend by striking out lines one hundred and twenty-seven and one hundred and twenty-eight, as follows:

To thoroughly repair the roof of the Executive Mansion, $2,500.

I submit this motion for the purpose of calling the attention of the committee to this mode of making appropriations. We have already appropriated $35,000 for completing the repairs of and furnishing the Executive Mansion. This is an appropriation "to thoroughly repair the roof." With the same propriety we might appropriate money for thoroughly repairing the floors and the walls, and thus we might go over the whole matter again.

It appears to me that the Committee on Appropriations permit themselves to be deceived by the estimates; and in following the estimates, it seems to me that they fall into traps.

We had before us the other day a bill which provided in four different places for the same manure for the public reservations. In one place it was called "top-dressing," in another "manure," in another place it came under the designation of "hauling," and in another place an appropriation was made for the "cartage" of it. I tried to get at the matter then, but all debate had had been cut off. These items were included in the estimates of the Commissioner on Public Buildings and Grounds. I do not trust him or his estimates. I do not believe in his efficiency, and I am sorry to say I do not believe in his honesty.

Mr. KELLEY. Amen!

Mr. PIKE. How about his poetry?

Mr. SCHENCK. I think he is about as good an officer as he is a poet; but of that gentlemen can judge for themselves.

I merely wished to call attention to the fact now, so that when we vote in the House without debate, we may know that here, as in the other bill to which I have referred, the same thing is provided for over and over again.

This, I believe, is one of the amendments on which it is conceded a separate vote shall be taken in the House.

Mr. STEVENS. It is not conceded.

Mr. CONKLING. This is one of the paragraphs to which I referred.

Mr. SCHENCK. Then I insist on the motion to strike out.

Mr. STEVENS. My friend from Ohio [Mr. SCHENCK] has reflected upon the Committee on Appropriations for making four different appropriations in a former bill for the same manure. Let me say that those appropriations were for manure for four different lots, the one in front of the Capitol, the one in the rear, and two others. We did not specify them by name; but there were four lots to be provided for.

Mr. SCHENCK. The gentleman is thoroughly mistaken. I looked at the estimates, and also at the bill.

Mr. STEVENS. Well, I do not care much about the matter one way or the other.

The question was taken on Mr. SCHENCK's motion; and there were—ayes 39, noes 46; no quorum voting.

Tellers were ordered; and Messrs. SCHENCK and MARSHALL were appointed.

The committee divided; and the tellers reported—ayes 41, noes 58.

So the amendment was disagreed to.

Mr. SLOAN. I move to strike out lines one hundred and twenty-nine and one hundred and thirty, which are as follows:

To pay for a sewer on Third street and Missouri avenue, $696.

I would like to know upon what principle or for what reason the Government is to pay for building sewers on streets which are not in front of public reservations or of public property. I would inquire of the Committee on Appropriations whether this sewer is to be built in front of any reservation or public property? I know of no reason why we should build a sewer on these streets. It is a matter that should be provided for by the city government of Washington unless these streets are in front of some public reservation or public office.

Mr. STEVENS. The gentleman must know that Congress takes care of all the avenues and the city takes care of all the streets. This item is for a sewer on one of those avenues.

Mr. SLOAN. The law as it now stands does not provide that the United States Government shall take care of all the avenues of the city. It only provides that where those avenues pass by the public reservations and the public property a charge shall be made against the Government for their improvement.

Mr. STEVENS. Will the gentleman allow me to say that the old law required what I claim? The law to which the gentleman refers is a late law.

Mr. SLOAN. I have had occasion to look into this question of what the law requires the Government to do in this regard. I find that there was a law upon the statute-book providing that the Government should defray the expense of improvements so long as there was any fund derived from the sale of certain lots. Since that fund has become exhausted there has been no law requiring the Government to pay anything, although a bill was presented on the part of the city and paid, amounting to $40,000, for money expended for work for which there was no law; there was no law until 1864, when a law was passed defining what portion of this expense the Government should pay. That definition is this: that the Government shall pay for improvements on the avenues only where they are in front of the public reservations.

As I understand it, there has been no practice requiring the Government to pay for these expenses since the fund to which I have referred was exhausted, and we now have a law upon the statute-book expressly defining what improvements we shall pay for. And this appropriation is asked in direct violation of that law, and I hope it will not be granted.

The question recurred upon the amendment of Mr. SLOAN; and being taken, there were—ayes 48, noes 44; no quorum voting.

Tellers were ordered; and Mr. SLOAN and Mr. KASSON were appointed.

The committee divided; and the tellers reported that there were—ayes 52, noes 48.

So the amendment was agreed to.

Mr. DAVIS. I ask unanimous consent to turn back to the item of $10,000 for new hydrants along Pennsylvania avenue.

Mr. ROSS. I object. I would rather go ahead than turn back.

No further amendment being offered,

The Clerk read as follows:

To pay for cutting down and repairing Pennsylvania avenue, between Seventh and Eighth streets east, in consequence of the lowering of the city railroad tracks, $2,000.

Mr. PAINE. I move to strike out the paragraph just read. It is manifest to me that this is an expenditure that ought to be made by the railway company. I can see no reason why Congress should allow this railroad company to lower its track in the street and then compel Congress to pay for the expenditure necessary to cut down and repair Pennsylvania avenue. If this expense results from the lowering of the track of the railroad company it seems to me that the company itself should meet the expense. I am therefore opposed to voting $2,000 for this purpose.

Mr. STEVENS. The Committee on Appropriations had some difficulty about this item and sent one of their number to examine into it. It was found that there was a point where the railroad company was obliged to lower its track in consequence of improvements in the street ordered by the authorities.

Mr. DARLING. I move to amend by striking out the last word, for the purpose of saying that I do not know the particular merits of this appropriation. But if I am correctly informed, the railroad company was compelled to lower its track. The grade of the street was altered, and in consequence of the alteration of the grade the company was compelled to lower its track. They did so at a very great expense, an entirely unnecessary expense to them.

Mr. BRANDEGEE. Were they compelled by the Government of the United States to do so?

Mr. DARLING. I do not know whether the United States Government or the city authorities altered the grade of the street; but I know they were compelled to lower their track because the grade of the street was altered. I only mention this in vindication of the railroad company. I now withdraw my amendment to the amendment.

On the amendment, there were—ayes 81, noes 32; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Messrs. PAINE and NICHOLSON.

The committee divided; and the tellers reported—ayes 61, noes 37.

So the amendment was agreed to.

Mr. SCOFIELD. I ask unanimous consent to move an amendment, striking out lines one hundred and nineteen and one hundred and twenty which have been passed.

There was no objection.

Mr. SCOFIELD. I move to amend by striking out the following, being lines one hundred and nineteen and one hundred and twenty:

To place new hydrants along Pennsylvania avenue, $10,000.

The amendment was agreed to.

The Clerk read as follows:

To pay three additional laborers, one at reservation No. 2, one at La Fayette square, and one at Franklin square, whose appointment is hereby authorized, $2,160, for the fiscal year ending June 30, 1868.

Mr. DAVIS. I move to amend by striking out the paragraph just read. I believe there is no necessity for these additional laborers.

The amendment was agreed to.

The Clerk read the following:

For defraying the expenses of the House of Correction for Boys, in the District of Columbia, for the current year, $25,000.

Mr. SCOFIELD. I move to amend by striking out this paragraph. I do not see why we should support this house of correction. I may withdraw the amendment if any gentleman can explain the propriety of the appropriation.

Mr. STEVENS. Last year Congress incorporated this institution for the correction of juvenile offenders, and made an appropriation to aid it. It now appears that the institution is organized and in operation, but has no funds to pay its expenses for the present year.

Mr. SCOFIELD. I withdraw my amendment. I do not know but that the appropriation is right.

Mr. GRINNELL. I move to amend by striking out "twenty-five" and inserting "fifteen," so as to make the appropriation for this house of correction $15,000. It seems to me that with a population in this city of one hundred and twenty-five thousand, $25,000 is a large appropriation for an institution of this kind. This is more than it costs to sustain a State prison in a State with nine hundred thousand people.

The amendment was not agreed to.

The Clerk read as follows:

For the purpose of aiding the American Colonization Society by furnishing conveyance and support to such parties as may desire to emigrate to the Republic of Liberia, $50,000.

Mr. THAYER. I move to strike out the paragraph just read.

The day has been when the scheme of African colonization enlisted, as we all know, the sympathies and active coöperation of many of the best and most illustrious men, whose names appear upon the pages of our history. But, sir, time, which tries in its severe crucible the opinions and the acts of men, if it has ever demonstrated anything, has, in my opinion, demonstrated the total impracticability of that scheme and its entire fruitlessness of results, so far as those results are connected with the idea upon which the scheme was originally framed, namely, the translation of the African race from this country to the continent of Africa. Sir, I cannot better illustrate this remark, perhaps, than by a short anecdote. A friend of mine, who not long since returned from Liberia, informed me lately that he had the honor to be present at a state dinner given by the President of Liberia, at which were present all the high officers of that republic. In the banquet-room where this dinner was given was displayed the Liberian flag, upon which was inscribed the noble sentiment, "Love of liberty brought us here." A high officer of the Liberian Government seated at the table, when this inscription was commented upon, added, "Yes, and want of money keeps us here." [Laughter.]

For one I do not wish to be put in the catalogue of those who cannot be taught anything by the lessons of experience. I will not be among those who vainly endeavor to refute the demonstrations of history, and who are ready to vote away large sums of money raised by severe taxation of the people for the purpose of expending them on a chimerical experiment, already demonstrated to be incapable of producing the results for which it was originally undertaken.

Sir, I do not intend by what I have said any reflection upon the motives, the character, or the conduct of the gentlemen who are associated in the African colonization enterprise. I know this society embraces many good and many great men among its members, and I speak not now of the missionary phase of the enterprise or of its religious or philanthropic results; but, sir, it is impossible at this late day that we should shut our eyes to the fact that the scheme as a scheme for the transfer of the colored race from the United States to the African continent, or as a solution of the great question of different races occupying the same country, has been a failure. The day of that idea has passed away forever. Then, sir, if this be true, by what authority do we propose to expend $50,000, wrung by hard taxation from the people, upon an exploded idea and a defunct enterprise?

[Here the hammer fell.]

Mr. MAYNARD. Mr. Chairman, I do not understand the facts either in the particular or in the general as they have been stated by the gentleman from Pennsylvania. Perhaps I am not as competent to speak in reference to this matter as he is. Some facts are, however, within my personal knowledge. From the part of Tennessee where I reside a large number of colored people have gone first to the colony and next to the republic of Liberia. Several have returned, and they have returned giving such accounts of the condition of themselves and others there that when they went back they were followed by a large number who were attracted by the representations they had made.

There was in the portion of the State of Tennessee in which I live always a very strong anti-slavery feeling, and that sentiment developed itself in deeds and other acts of emancipation, followed by emigration to Liberia. It was my destiny as a member of the bar to assist in perfecting the emancipation and personal freedom of many of these persons. The accounts we have of their condition in Liberia are eminently favorable. Among those who returned I may instance among the most recent is the present attorney general of Liberia. He is a native of East Tennessee. He went there forty years ago, but came back to revisit his kindred by blood and race. He went from the town I live in to Liberia, and from his statements I undertake to say that the scheme of settling a civilized colony on the coast of Africa is not a failure.

Mr. THAYER. Let me ask the gentleman a question.

Mr. MAYNARD. I have only five minutes, but I will yield to the gentleman.

Mr. THAYER. I ask the gentleman whether he thinks it is competent for us to vote sums of money out of the public Treasury for mere missionary purposes?

Mr. MAYNARD. That is another question.

Mr. THAYER. That is the ground on which it is advocated.

Mr. MAYNARD. I am answering what the gentleman has said. I undertake to say there has been no colonization of which we have accounts that has succeeded as this has within the period of fifty years in establishing a free republic, respected and acknowledged by the civilized world, and which has made such advancement as this has.

I could give various individual instances of persons who have emigrated there and are now there. In 1862 we passed a law recognizing the Republic of Liberia, which I supported by such remarks as I was able to make. It was planting there a friendly republic, whose commerce would be important to us.

[Here the hammer fell.]

Mr. DAVIS. I move to add to the paragraph the following proviso:

Provided, however, That no part of the sum hereby appropriated shall be expended or drawn from the Treasury until after existing laws of the republic of Liberia excluding white men from the right of suffrage shall be repealed, and official evidence of such repeal shall be filed in the office of the Secretary of State of the United States. [Laughter.]

Mr. MAYNARD. I rise to oppose the amendment.

Mr. Chairman, had I the power and the position where I could exercise that power, I would have our country represented in that Government by men of color. They have very wisely ordained this feature in their constitution; for I ask gentlemen what nation of the world has ever admitted those of the dominating, conquering, land-stealing white race to which we belong to positions of power that it did not suffer in consequence of it? These people have realized by bitter and dear-bought experience that the white race are not to be trusted, and I commend their wisdom in excluding them from the ballot-box.

During the last year there emigrated to Liberia between six and seven hundred persons, and

already there are something like a thousand applicants. Gentlemen will please to remember that none ever go except those who go by their own choice and preference. The practice of the society is to furnish them transportation and give them support there for six months; and the colony now give them twenty-five acres of land; formerly they gave them but ten. And I say further, that those who have gone there send back to their kindred in this country favorable reports and invite them to emigrate thither.

I call the attention of the House to the annual message of President Warner to the Congress of Liberia in December, 1865, a document which would do no dishonor to the present occupant of the Presidential Mansion or to any of his predecessors, in which he expresses the hope that is to be built upon the disenthrallment of their race in this country. It is not only policy that there should be established upon the coast of Africa a nation with which we can always be in commercial accord, where we can establish coaling depots for our Navy, and obtain every other advantage which can be derived from such association, but it is a matter of supreme justice, it is a matter that presents itself to us upon the highest possible grounds on which any moral demand can be made upon a people. How did these men come here? Not as your ancestors and mine came, flying from oppression and seeking here an asylum. They were brought here by wrong, by crime, which we have been expiating during the last five years; and if there are thousands who desire to return to the continent where their fathers lived, and where the great body of the race will and must live, it is but just and right that we extend them aid so to do. I would not by any act of legislation do anything to compel or constrain these men to leave this country; I would simply extend to them an opportunity to go if they so desire.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The Committee informally rose, and the Speaker resumed the Chair, to receive a message from the Senate, informing the House that the Senate had appointed Mr. WILLIAMS a member of the conference committee on the disagreeing votes of the two Houses on the bill of the House (No. 1039) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1868, in place of Mr. SHERMAN, excused.

DEFICIENCY APPROPRIATION BILL—AGAIN.

The Committee of the Whole resumed its session.

Mr. KELLEY. I move to strike out the last words of the amendment.

Mr. Chairman, I am against this appropriation, and hope it will be stricken out. I do not oppose it because I accept the views of my distinguished colleague [Mr. THAYER] as to the results of Liberian colonization, but because the one great want of our country at this time is labor, to develop and convert into utilities our vast and varied resources. It would be a double folly to apply the money gathered by excessive taxation unwisely imposed on industry to aid in the expatriation of laborers from our country. I am also opposed to making any appropriation which would even by the most remote implication indicate that this Congress regards a man of less value to his country because his complexion is darker, his nose flatter, or his hair more curly than that of another man. So much for my reasons for opposing this appropriation.

But, sir, were we in possession of ample funds, I would gladly vote for such a provision in aid of a successful scheme for the civilization and Christianization of the more than a hundred millions of the people of Africa, and bringing them into commercial relations with us. I would gladly vote $50,000, year by year, from a full Treasury, for this purpose. No experiment since civilization dawned has produced results equal to this benevolent effort to settle our poor freed slaves upon the pestiferous coast of Africa. They have, in less than one generation, penetrated from the pestilential coast to the high and healthy lands of that continent. Less than fifteen thousand emigrants have brought within the fold of laws like our own, enacted and administered by a Government modeled after ours, more than three hundred thousand barbarous heathen, who listen to the teachings of Christian ministers and imbibe their convictions from our literature and our history.

When the commissioners of the Colonization Society of New Jersey sought to contract for territory on which to found a new colony, the chiefs having observed the influence of other settlements made a stipulation, paramount to all others, that their adults should have free access to any church that might be established, and their then naked children, clothed by the colonists, should have free access to any schools that might be established in the territory. The commerce of the colony is growing, and gentlemen, when they talk of want of salubrity, speak of the early traditions of the colony when settlements were confined to the coast and the low lands upon the mouths of rivers near the sea.

[Here the hammer fell.]

Mr. GRINNELL. Mr. Chairman, it seems to me it is too late to call in question the motives and purposes of those who have been engaged in the work of the Colonization Society. I do not. I give them credit for their motives, and for much good accomplished. But, sir, the times have changed; we are living in a new era. We now have no money to spend in this direction. I am opposed to the appropriation of $50,000 for this purpose in the first place, because we have no money to spare; and secondly, because I believe that those who have heretofore desired to leave our country will desire now to remain with us.

The proviso offered by the gentleman from New York [Mr. DAVIS] has some force in it, for it is true that these people in Liberia have denied to the white men there the privilege of voting. I do not wonder at that. They have had for the last fifty years a very poor example of the magnanimity of their white brethren; and I do not wonder that when they found themselves expatriated, driven from their own country, they chose to set up a Government where their oppressors should have nothing to do with the molding of their laws.

But, sir, I wish to refer to the remarks of the gentleman from Tennessee, and to say, that the colored people who have emigrated to Liberia would not desire to go there now, in this year 1867, if they were living in this country, when his own State has wiped out the institution of slavery. Ay, sir, when they shall learn in Liberia of the passage of the reconstruction bill, which places the negro, from a slave and the servant of a master for fifty years, upon an equality with the proud oppressor, they will rather throw up their hands and thank God, and wait for the vessel that shall bring them back to their native land. Sir, the time has come when it should be decreed by the world that the white man is just as good as the negro if he behaves himself. I am willing as an Abolitionist of twenty years' standing to subscribe to the doctrine that a white man now is as good as a black man, if he only behaves himself as well. [Laughter.]

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the amendment to the amendment.

Mr. KELLEY. I withdraw it.

Mr. SPALDING. I renew the amendment.

Mr. Chairman, I merely wish to state one or two facts here with regard to the propriety of appropriating the public money for this purpose. I differ from some gentlemen in regard to the success of this colony on the coast of Africa. I believe the experiment is a success. If I can believe the reports which come annually from the colony, it is a success. Now, sir, I do not ask for money from the public Treasury for the purpose of compelling the free blacks to go to the coast of Africa. No such thing. There are now eleven hundred men and women, who have been recently made free, who ask for the privilege of going to the coast of Africa and settling within the colony of Liberia. They ask for the means of transportation, and it is to enable the Colonization Society to transport these eleven hundred souls, who are now pressing their application, that this item has been placed in the bill, by virtue of a resolution passed by this House at the instance of the member from Tennessee, [Mr. MAYNARD.] I have now explained to the committee what is wanted. The decision in regard to the propriety of the measure of course rests with them.

Mr. STEVENS. I move that the committee rise for the purpose of closing debate.

Mr. HENDERSON. I hope that will not be done until Oregon can have an opportunity to express her sentiments upon this important subject.

The motion that the committee rise was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the Union generally, and particularly the special order, being House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, and had directed him to report that they had come to no resolution thereon.

Mr. STEVENS. I move that when the House again resolve itself into the Committee of the Whole on the state of the Union on the special order all debate on the pending paragraph be closed in five minutes.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. STEVENS. As several gentlemen have notified me that they have prepared amendments which they propose to offer to the deficiency appropriation bill, I will not move to go into Committee of the Whole until the evening session; but will yield now to allow the morning hour to transpire.

Mr. BIDWELL. I now ask unanimous consent that the Committee on the Public Lands have the half hour for reports which they asked for last night.

Mr. SPALDING and others objected.

Mr. BIDWELL. I move that the rules be suspended for that purpose.

The motion was not agreed to.

Mr. BLAINE. I move that the rules be suspended, in order to dispense with the morning hour, and proceed to the consideration of business upon the Speaker's table.

The question was taken; and upon a division, there were—ayes 66, noes 30.

So (two thirds voting in the affirmative) the rules were suspended.

The SPEAKER. The first business upon the Speaker's table are bills from the Senate in which the concurrence of the House is requested.

PACIFIC COAST RAILROAD COMPANY.

The SPEAKER. The first business on the Speaker's table is the bill (S. No. 133) entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the waters of the bay of San Francisco to Humboldt bay, in the State of California." This bill was under consideration on Saturday, the 16th of February last, and has been displaced since that time by other business.

The pending question was upon the following amendment:

Strike out all after the enacting clause, and insert the following:

That S. G. Whipple, George Noble, James W. Henderson, Charles Minturn, Daniel Lobdel, George Yost, T. W. Miller, Benjamin Schenk, Joseph Woods, E. L. Goold, Samuel F. Butterworth, L. L. Robinson, J. P. Robinson, George A. Youle, John M. Carter, George

Field, C. N. Kenny, Frederick Graffe, Lewis Cooper, Robert Grantz, J. B. Watson, and all such persons who shall or may be associated with them, and their successors or assigns, are hereby created and appointed a board of commissioners for the purposes and objects in this bill set forth. Within six months after the passage of this act they shall form a corporation, under the laws of the State of California authorizing the formation of corporations, for the purpose of constructing and maintaining railroads in said State; said corporation to be called the Pacific Coast Railroad Company. That said Pacific Coast Railroad Company, when duly formed under the laws of California, shall become the owners of all the rights, properties, and privileges conferred by this act, and the office of said board of commissioners shall thereupon cease and determine: *Provided*, That the Legislature of the State of California shall first designate and approve of said company, so formed, as the proper company to receive the grant herein made for the purpose of aiding the construction of said road. The said corporation is hereby authorized and empowered to lay out, locate and construct, furnish, equip, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, from a point in Sonoma or Marin counties on the waters of the bay of San Francisco, by the most feasible route, to be selected by the said corporation, to Humboldt bay, in the State of California, and maintain a ferry from the point of termination to the city of San Francisco, and is hereby vested with all the powers and privileges and immunities necessary to carry into effect the purposes of this act.

SEC. 2. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Pacific Coast Railroad Company, its successors and assigns, for the construction of a railroad and telegraph line as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also, all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

SEC. 3. *And be it further enacted*, That there be, and is hereby, granted to the Pacific Coast Railroad Company, subject to the conditions heretofore recited, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of ten alternate sections per mile on each side of said railroad line, whenever on the line thereof the United States have a full title, not reserved, sold, granted, or otherwise appropriated, and free from preemption or other claims or rights at the time the line of said road is definitely fixed and a plot thereof filed in the office of the Commissioner of the General Land Office; and whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, or covered by private land-grants, or occupied by homestead settlers, or preempted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, on the line of said road within thirty miles of the same, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers: *Provided*, That the word mineral, when it occurs in this act, shall not be held to include iron or coal.

SEC. 4. *And be it further enacted*, That whenever said Pacific Coast Railroad Company shall have ten consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners, whose compensation shall be paid by said company, to examine the same, and if it shall appear that ten miles of said road and telegraph line have been completed in a good and substantial manner, and in all respects as required by this act, the commissioners shall so report to the Secretary of the Interior, and patents of land, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to and conterminous with said completed section of said road, unless said lands are covered by the exceptions and reservations of this act, upon the final completion of said road and telegraph. And from time to time, whenever ten additional miles shall have been constructed, completed, and in readiness as aforesaid, and verified by the commissioners to the President of the United States, then patents shall be issued to said company, conveying the additional sections of land as aforesaid; and so on as fast as every ten miles of said road is completed as aforesaid.

SEC. 5. *And be it further enacted*, That said Pacific Coast railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering-places, and all other appurtenances, including furniture and rolling stock, equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established the entire length of the road; and there shall be constructed a telegraph line, of the most substantial and approved description, to be operated on the entire route: *Provided*, That said company shall not charge higher rates to the Government of the United States or their authorized officers or agents than they do individuals for like telegraphic service. And the said railroad shall be and remain a public highway for the use of the Government of the United States free of all toll or other charges upon the transportation of any property or troops of the United States, and the same shall be transported over said road at the cost charge and expense of the corporation or company owning or operating the same when so required by the Government of the United States.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for twenty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; and the odd sections of land hereby granted shall not be liable to sale or entry or preemption after said line is located; except by said company, as provided in this act; and the reserved alternate sections shall not be sold by the Government at a price less than $2 50 per acre when offered for sale.

SEC. 7. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to and accepted by said Pacific Coast Railroad Company upon and subject to the following conditions, namely: that the said company shall, within two years from the approval of this act, survey said route, and file with the Secretary of the Interior a plot showing the location of the road from the waters of the bay of San Francisco to Humboldt bay; and that the said company shall commence the work on said road within two years from the approval of this act by the President, and shall, within three years, complete not less than ten miles, and not less than ten miles each succeeding year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876: *Provided*, That the construction of any thirty miles within three years shall be construed to conform to the above condition.

SEC. 8. *And be it further enacted*, That the United States make the several conditional grants herein, and that the said Pacific Coast Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions thereof, and allow the same to continue for upward of one year, then in such case the grant hereby made and all rights and franchises created by this act shall vest in the State of California and be disposed of by the Legislature of the said State to such company or association as it may designate, and upon such terms and conditions, not inconsistent with the provisions of this act, as may, in the judgment of the said Legislature, insure the speedy construction of said road.

SEC. 9. *And be it further enacted*, That all the people of the United States shall have the right to subscribe to the stock of the Pacific Coast Railroad Company until the whole capital is taken up, by complying with the terms of subscription.

SEC. 10. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Pacific Coast Railroad Company shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within one year after the passage of this act, and not afterward, and shall be deposited in the office of the Secretary of the Interior.

SEC. 11. *And be it further enacted*, That the said company is authorized to accept to its own use any grant, donation or loan, power, franchise, aid or assistance which may be granted to or conferred upon said company by the Congress of the United States, by the Legislature of any State, county, or municipal corporation, or by any corporation, person, or persons, and said corporation is authorized to hold and enjoy any such grant, donation, loan or power, franchise, aid or assistance to its own use for the purposes aforesaid.

SEC. 12. *And be it further enacted*, That unless the Pacific Coast Railroad Company shall obtain *bona fide* subscriptions to the stock of said company to the amount of $100,000, with ten per cent. paid within two years after the passage and approval of this act, it shall be null and void.

SEC. 13. *And be it further enacted*, That Congress may at any time, having due regard for the rights of said Pacific Coast Railroad Company, add to, alter, amend, or repeal this act.

SEC. 14. *And be it further enacted*, That lots in villages, towns, and cities shall not be subject to the provisions of this act.

Mr. McRUER. As this bill has already been read twice, I presume no further reading will be required.

Mr. RADFORD. I shall ask that it be read again before the vote is taken upon its passage.

Mr. ROSS. Has this bill been considered by any committee of this House?

The SPEAKER. It has not been formally referred to any committee. But the gentleman from California [Mr. McRUER] has stated that it has been informally considered by the Committee on Public Lands.

Mr. McRUER. This bill was before the Committee on Public Lands at the last session of Congress, and was reported by that committee. It was called up for action during the evening before the last day of the session; but the pressure of business was such that the House concluded to postpone it until this session. And this session the bill has been postponed from time to time until now. It is a Senate bill, which has received the approval of the Committee on Public Lands. It is to construct a road from the bay of San Francisco to Humboldt bay, on the coast of California. It provides for a road about two hundred and forty miles in length, and grants the same amount of land that is granted to the overland road or to the California and Oregon railroad, that is, ten alternate sections per mile on each side of the road. For the most part the road runs through a wild and unsettled country, which will remain for an indefinite period of time in that condition unless there is some artificial means of communication with the markets of California.

Mr. COOK. Does the bill make any other grant than of land?

Mr. McRUER. Nothing but land.

Mr. COOK. No money?

Mr. McRUER. No, sir.

Mr. COOK. No bonds?

Mr. McRUER. No bonds.

Mr. CHANLER. I understood the gentleman to state the other day that this bill included the usual grant of coal and iron. I understand the gentleman now to say that there is nothing but land granted. I would like the gentleman to explain.

Mr. McRUER. This is in the usual form of a railroad grant. It grants the land, with the exception of mineral lands; and a proviso is added that coal and iron shall not be considered as minerals under the provisions of the bill. If the company should find a coal or iron mine upon any of the alternate sections of land they would be entitled to it under the bill.

Mr. CHANLER. Have the Committee on Public Lands ever had under consideration a grant of land in a section of country where quicksilver or cinnabar was to be found? And have they so guarded this grant as to preserve such minerals to the Government?

Mr. McRUER. They have.

Now, Mr. Speaker, I modify my substitute by inserting among the names of the corporators the names of Henry Wetherbee, A. W. Mackpherson, and Charles L. Low; and also by striking out the following proviso at the end of section seven:

Provided, That the construction of any thirty miles within three years shall be construed to conform to the above condition.

It is thought that this proviso grants a little too much latitude to the company. I will now call the previous question unless some gentleman desires to discuss the matter further.

Mr. HIGBY. I ask my colleague to yield to me.

Mr. McRUER. I will do so, of course.

Mr. HIGBY. Mr. Speaker, I have no particular interest in this bill. The proposed route of the road is not in my district, but several hundred miles from it. The route of the road is from the northern waters of San Pablo bay, commencing about thirty miles north of San Francisco; thence along in the vicinity of the Pacific coast to Humboldt bay; the length of which will be between two hundred and two hundred and fifty miles. As a member of a committee whose duty it was to make investigation into Indian affairs, I traveled over that country, and I am satisfied that there is not a member of this House who, if he had the experience which I have had, would not readily sanction a measure of this character to give land to any company that would construct a railroad through that region. If this company make that improvement, the benefit which it will be to that section of country will amply repay the Government for the grant which it makes. There is no wagon-road leading to the county of Humboldt from any other county in the State, although it has some very fine lands and quite a business population, and although there are very good roads when you get into the county. It will be a great advantage, not only to the people of that section, but to the Government, to have the road built.

Mr. JULIAN. This bill was examined at the last session of Congress by the Committee on Public Lands, and a majority of that committee reported in favor of it. But, sir, I owe it to myself as chairman of the committee to

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say that such facts have come to my knowledge since the last session of Congress as to make it incumbent upon me to vote against the measure. The grant itself is an extraordinary one. I know personally large landholders along the line of this road have been here urging the passage of this bill for the enhancement of their own private fortunes. While I do not impute wrong motives to any gentleman, still I cannot vote for this bill.

Mr. BIDWELL. What are the facts to which the gentleman refers?

Mr. JULIAN. A very strong remonstrance has been made and is now in the committee-room against the passage of the bill on account of the extent of land granted. The other is the fact I have already stated in the gentleman's hearing, that individuals owning large quantities of land along the line of the road have been urging its passage upon the ground that their private interests would be seriously injured unless it was passed.

Mr. BIDWELL. That is a most extraordinary statement. I have heard nothing of these individuals.

Mr. JULIAN. I say to my personal knowledge gentlemen have been here claiming to own large tracts of land and urging the passage of this bill.

Mr. McRUER. I desire to say if there are individuals owning large tracts of land along this line, that land will not be included in this grant, and so much the less will inure to the company. We propose if this company will construct this road, which will be a great public benefit, they shall have a certain amount of land. It will not only enhance the remainder of the public land, but will make it all inhabitable.

Now, sir, this bill has been printed for more than a year; copies have been sent to California, and the people there know what are its provisions. I have never heard a word of disapproval from any portion of the State where this road is to run. The gentleman from Indiana says a remonstrance has been sent here against it. I well know a remonstrance has come from some parties in Detroit, Michigan, who do not know anything about it. I have not seen the remonstrance, but I am sure no regard should be paid to a remonstrance from people who are three thousand miles away.

Mr. JULIAN. There is one in the committee-room.

Mr. McRUER. Is there any sent from California? I have not heard of any opposition from that State to this bill. It is not in my district. I have no interest in it, and I have not a single friend I am aware of who is. I know if this road can be constructed under this bill it will be a great public benefit. I know that the Government never will sell this land unless some such road be constructed; that no timber will ever be taken from it unless some artificial means be made to facilitate its transportation.

The lands granted are to be conterminous. The road goes for the first sixty miles through a fertile and settled district, and they will get no land until it strikes the wild uninhabited mountain land, and they only get the land according as the road is built. I am sure for everything we grant we get a corresponding good in return. I demand the previous question.

Mr. SCOFIELD. Is this given to private individuals or to a corporation?

Mr. McRUER. The corporation is to be with the approval of the State of California. The Northern Pacific railroad was incorporated in the same way.

The previous question was seconded and the main question ordered.

Mr. ROSS moved to refer the bill to the Committee on Public Lands.

Mr. SCOFIELD demanded the previous question.

Mr. DELANO moved to lay it on the table.

Mr. McRUER demanded tellers.

Tellers were ordered; and Mr. McRUER and Mr. ROSS were appointed.

The House divided; and the tellers reported—ayes 64, noes 36.

So the bill was laid on the table.

Mr. DELANO moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMUTATION OF SENTENCE.

The next business on the Speaker's table was bill of the Senate No. 460, in relation to persons imprisoned under sentence for offenses against the laws of the United States; which was read a first and second time.

Mr. WILSON. I ask that the bill be put upon its passage.

The bill was read. It provides that all prisoners who have been or shall hereafter be convicted of any offense against the laws of the United States and confined in any State prison or penitentiary, in execution of the judgment or sentence upon such conviction, who shall so conduct themselves that no charge for misconduct shall be sustained against them, shall have a deduction of one month in each year made from the term of their sentences, and shall be entitled to their discharge so much sooner, upon the certificate of the warden or keeper of such prison or penitentiary, with the approval of the Secretary of the Interior.

Mr. WILSON, of Iowa. I move the previous question on the bill.

The previous question was seconded and the main question ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAIL IN DISTRICT OF COLUMBIA.

The next business on the Speaker's table was bill of the Senate No. 55, to amend an act entitled "An act authorizing the construction of a jail in and for the District of Columbia," approved June 25, 1866; which was read a first and second time.

Mr. WELKER. I move that the bill be put on its passage.

The bill was read. The first section repeals so much of the former act as specifies the amounts to be raised and paid into the Treasury of the United States by the cities of Washington and Georgetown, respectively, before the completion of the jail.

The second section provides that it shall be the duty of the corporate authorities of Washington and Georgetown to raise, by tax or otherwise, and to pay into the Treasury of the United States at or before the completion of the jail the sum of $78,000, and also a further sum of $12,000.

The bill was ordered to a third reading; and it was according read the third time, and passed.

Mr. WELKER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ABSENCE OF TERRITORIAL OFFICERS.

The next business on the Speaker's table was bill of the Senate No. 32, to prevent the absence of territorial officers from their official duties; which was read a first and second time.

Mr. ASHLEY, of Ohio. I move that the bill be referred to the Committee on the Territories.

The motion was agreed to.

IMPROVEMENT OF WASHINGTON STREETS.

The next business upon the Speaker's table was bill of the Senate No. 272, to authorize the corporation of Washington to reduce the width of and improve the avenues and streets of that city; which was read a first and second time.

Mr. INGERSOLL. I ask that this bill be put on its passage.

The bill was read. The first section authorizes the corporation of the city of Washington, subject to such limitations and restrictions as Congress may from time to time prescribe, to regulate the width and method of improvement of the carriage-ways and foot-ways, and of all that portion of the surface not included in carriage-ways or foot-ways, of all streets or avenues in the city which exceed one hundred feet in width, excepting Pennsylvania avenue and the portion of Louisiana avenue between Fourth and Fifth streets west. It provides also that such streets or avenues as are now occupied by railroads shall have a paved carriage-way in their center and a width of one hundred feet between the curbs; that the pavements on each side shall be fifteen feet wide; that the steps shall not extend more than seven feet beyond the building lines; and that the residue of each street or avenue between the points already designated shall be reserved for trees and shrubbery; one row of trees to be planted in the pavements two feet within the lines of the curbs, and another row, parallel to the first, on the residue of each street or avenue.

By the second section, all acts inconsistent with this act are repealed.

Mr. CONKLING. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. INGERSOLL] is entitled to the floor.

Mr. CONKLING. I am very glad of it, for I want to know from the gentleman from Illinois what necessity there is for this bill?

Mr. INGERSOLL. I will state it to the gentleman.

The expense attending the paving and improving of the wide streets and avenues of this city is very great, and it has to be borne by the property-holders who own property lying contiguous to those streets and avenues. This bill authorizes the reduction of the width of the streets by increasing the width of the sidewalks to some extent, and by taking portions of the streets and avenues and putting them into parks. It allows no interference, however, with any street not exceeding one hundred feet in width, and it allows no interference whatever with Pennsylvania avenue, nor with the portion of Louisiana avenue between Fourth and Fifth streets west.

Mr. MAYNARD. This is a new bill, to which my attention has not been called until now, and it does not strike me very favorably. This city was laid out after much consideration, looking not merely to the temporary convenience of its then inhabitants, nor even to the number that it now has, but looking forward to a time not far distant when it should be the capital of a great nation, numbering its population by the hundred millions; and I can readily conceive why property-holders who live upon these streets would be very glad to see these streets narrowed and their lots enlarged, so as to give them that much additional private property and also diminish their public liabilities to that extent. It does seem to me, with all deference to my distinguished chief upon the Committee for the District of Columbia, [Mr. INGERSOLL]—and I defer to no man more profoundly than I do to him—that we had better not pass this bill until it has gone through the sifting processes that bills go through in that committee. I therefore suggest to him the propriety of allowing this bill to go over until the next Congress, when it can be considered with more deliberation.

Mr. DAWES. I hope this bill will arrest the attention of the House, for I am very confident that if they once come to understand what there is in this bill that will be pretty much the last of it. It means, if it means anything, the destruction of the symmetry and beauty of this city and the abandonment of the original plan upon which it was laid out and upon which it has been built. If it means anything and is to have any effect at all, it is to permit the corporation of Washington to narrow these streets, to pave such portions of them as they please, to make sidewalks at first, and then incorporate a portion of them into building lots, according as may be suggested

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by the owners of the lots adjoining those streets; it is to destroy the symmetry of that city which was laid out originally, as has been stated, by George Washington, and which is, as a whole, beautiful in itself and worthy of the capital of the nation. In the last moments of this session it is proposed, without arresting the attention of anybody, to abandon the whole plan and system upon which this city has been laid out. I hope if that is done at all it will only be done after all the members of the House fully understand what lies under this bill.

Mr. INGERSOLL. I am quite as glad as the gentleman from Massachusetts [Mr. DAWES] that the attention of the House has been directed to this subject. The gentleman from Massachusetts, and also my distinguished colleague upon the committee, [Mr. MAYNARD,] have taken the right position upon the great question in regard to preserving the symmetry of this city and beautifying and adorning it. Congress has heretofore, to a great extent, neglected the original plan of the founders of this city, and has left it to the corporate authorities to do the best they could with these extremely wide avenues. That best has not amounted to much, so that there is not to-day a single avenue in this city that would be considered respectable in one of the meanest incorporated towns in the country.

Mr. DAWES. Do not charge that upon Congress!

Mr. INGERSOLL. Yes, sir; Congress is responsible for it.

Mr. DAWES. Then it is because Congress did not clean out the whole city organization here and take the government of the city into its own hands.

Mr. INGERSOLL. That may be. Congress has the authority to clean out this city organization and to place the government in the hands of a commission, as has already been once done. But Congress has also exclusive jurisdiction, and has always exercised it, over the avenues of the city. If in the exercise of that jurisdiction it will improve them, beautify them, and relieve the property-holders of this enormous expense, the property-holders and inhabitants of the city will be only too glad.

Mr. DAWES. I would ask the gentleman if anybody has become a property-holder upon any one of these avenues by compulsion? I would inquire if each one has not, with his eyes open, and with a full knowledge of the width of the avenues and the enormous expense necessary to beautify them and adorn them, chosen of his own will to become a property-holder upon them?

Mr. INGERSOLL. Yes, sir; he has done it of his own accord, but under the implied promise on the part of the Government that the Government would improve the avenues and keep them paved and in good order. Having said this much, and having directed the attention of the House, at least, to the extent of the gentleman from Massachusetts, [Mr. DAWES,] and my colleague on the committee, [Mr. MAYNARD,] to the subject, I am willing that it shall be referred to the Committee for the District of Columbia, with the hope that Congress, at its next session, will do its duty in this matter.

The bill was accordingly referred to the Committee for the District of Columbia.

The next business on the Speaker's table was Senate bill No. 547, to amend an act entitled "An act to extend the time for the reversion of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road," approved July 3, 1866; which was read a first and second time.

Mr. UPSON. I will state to the House that this is a bill providing merely for an extension of the time, from February until July, for the completion of twenty miles of road. The bill contains nothing else. As the company find themselves unable to complete the road within the specified time they ask for this extension.

Mr. JULIAN. The Committee on the Public Lands have considered the bill and approve it.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. UPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRESENTATION OF TEXAS.

Mr. TRIMBLE. I rise to a question of privilege, and present the credentials of George W. Chilton, claiming a seat upon this floor as a Representative from Texas.

The SPEAKER. The credentials will be referred, under the rule, to the joint Committee on Reconstruction.

HENRY GREATHOUSE AND SAMUEL KELLY.

The next business on the Speaker's table was a bill (S. No. 338) entitled "An act for the relief of Henry Greathouse and Samuel Kelly;" which was read a first and second time, and, on motion of Mr. ALLEY, referred to the Committee on the Post Office and Post Roads.

RAILROADS IN CALIFORNIA.

The next business on the Speaker's table was a bill (S. No. 461) entitled "An act for a grant of land to the State of California to aid in the construction of certain railroads in said State;" which was read a first and second time.

Mr. BIDWELL. I wish to say in reference to this bill that the grant of land which it calls for comprises about one hundred thousand acres, which is all the land there is to grant. Sir, this bill is as meritorious as any that has been or can be presented to Congress asking for a donation of land. I believe that the grant conflicts with the interests of no other road. The construction of the proposed railroad would be a great benefit to the State of California. These parties deserve this grant as much as any private enterprise can deserve aid from the Government. But, sir, I understand that there is to be an onslaught made against this bill; that parties have written from New York in opposition to it, saying that it must be defeated at all hazards. I do not wish to consume the time of the House, but I do say that, in my judgment, no reason can be advanced against this grant that would not apply with equal force against every other grant. I object to unjust discrimination against the Pacific coast.

Mr. DARLING. Will the gentleman be good enough to state the reasons which the opponents of the bill urge?

Mr. BIDWELL. The reasons are transparent. The State of California is already falling into the grasp of monopolies, and some of those interests in these monopolies reside in New York. They have power enough to influence the New York delegation here. But I hope it will not be the disposition of this House to place California entirely at the mercy of a monopoly. I say, give every interest and every enterprise an equal chance.

Mr. JULIAN. I wish to state for the information of the House that the Committee on Public Lands have examined this measure, entirely uninfluenced by any agencies from New York or elsewhere. Looking at it upon its merits, the committee have reported upon it adversely. At the proper time I shall, if no one else makes the motion, move that the bill be laid on the table. It is an extraordinary bill, and cannot be justified by any precedent in our past legislation.

Mr. BIDWELL. I understand that the committee reported adversely upon the ground that the road would be built without this aid from the Government. If that be the ground of the objection it is altogether without foundation. I do not believe that the road can be built without aid from the Government. The route passes over a swampy country where it will be necessary to drive piles for miles. It will be necessary also to expend large amounts of money to make embankments that will stand the floods of the Sacramento river. This is a measure that ought to be carried through without delay; without the aid of the Government I do not believe that it can be. The defeat of the bill is to postpone this necessary measure and to place it practically in the hands of another company. There can be no good reason why the end asked for in this bill in the shape of a small quantity of rejected land, from which all the available land has been culled out and settled upon, should not be granted.

Mr. ROSS. Let me ask a question. I ask whether it would not be more to the interest of California to keep some of these lands for actual settlers under the homestead law than to give them to these corporations?

Mr. BIDWELL. I do not believe that in many years a single acre of this land will be taken up and settled upon unless something like this be done. Actual settlers are not so badly off even in California as to be compelled to take this waste land.

Mr. ROSS. If the land is good for nothing, why, then, does this company want it?

Mr. BIDWELL. I will answer the gentleman. Perhaps eventually it may be worth something. The company have to borrow money, and the very name of a grant of land will give them some credit.

Mr. MAYNARD. If they use it when it is acknowledged to be worth nothing to go into the market to borrow money, will we not then enable this company to practice a discreditable maneuver?

Mr. BIDWELL. I will not suppose that the company will misrepresent the quality of the land; I would not do so nor advise or aid others to do so. The small value of the land would be the true measure of the benefit to the company.

Mr. CONKLING. I am from New York, and therefore I suppose one of those to whom the gentleman refers as opposed to this bill; and I think in a few words I can justify the faith that is in me. It is an extraordinary grant in various respects. It gives away a great deal of land; it provides that lands rich in iron and coal shall not be included in the mineral lands reserved by the United States. It is also provided that none of the lands remaining to the United States not granted by the bill shall ever be sold for less than double the minimum of the usual price of the public land when sold, thus giving to the grantee virtually a monopoly in the sale of lands.

Worse than all, it proposes to aid a corporation to construct a road in competition with another road about to be built without any grant of land or any aid whatever from the Government or from anybody except those embarked in a private enterprise.

Mr. BRANDEGEE, (in his seat.) That is enough.

Mr. CONKLING. The gentleman from Connecticut [Mr. BRANDEGEE] says "that is enough," and I yield to his suggestion.

Mr. BIDWELL. What assurance is there that road will be built without any aid from the Government?

Mr. CONKLING. I will answer. The company referred to is engaged in building a road which has thus far been hard to build because it cuts through or clambers over mountains, terminating at or near Sacramento. The proposition before us is to enable another company to build a road from Sacramento to Benicia, a place near navigable waters communicating with San Francisco. The builders already at work have built a road with its western terminus at Sacramento. They will be forced by the gravitation of trade, and so by their own interest, to connect their road with San Francisco unless, pending their effort so to connect, Congress shall step in and give to another company a premium for contracting a road to

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occupy the most easy and profitable portion of the route.

Mr. BIDWELL. That is one of the most extraordinary statements I have ever heard. I demand the previous question.

Mr. CONKLING moved that the bill be laid on the table.

The motion was agreed to.

Mr. CONKLING moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHTS OF VOLUNTEERS.

Mr. SCHENCK. I submit the following privileged report:

The committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 1130) declaring and fixing the rights of volunteers as a part of the Army, having met, after full and free conference have agreed to recommend to their respective Houses, as follows:

That the Senate recede from their amendments to the first and second sections of the bill, and that the House recede from their disagreement to the additional section of the Senate and agree to the same.

ROBERT C. SCHENCK,
H. E. PAINE,
Managers on the part of the House.
HENRY WILSON,
J. M. HOWARD,
Managers on the part of the Senate.

I will merely say that we have got all we want. [Laughter.]

The report was agreed to.

Mr. SCHENCK moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CITIES AND TOWNS ON PUBLIC LANDS.

The next business on the Speaker's table was Senate bill No. 532, for the relief of the inhabitants of cities and towns upon the public lands.

Mr. JULIAN. This is a bill which has been before the Committee on the Public Lands, and we have agreed to a substitute, which I now move.

The substitute of the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

That whenever any portion of the public lands of the United States have been or shall be settled upon and occupied as a town site, and therefore not subject to entry under the agricultural preëmption laws, it shall be lawful, in case such town shall be incorporated, for the corporate authorities thereof, and if not incorporated, for the judge of the county court for the county in which such town may be situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town and the proceeds of the sales thereof, to be conducted under such rules and regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated: *Provided*, That the entry of the land intended by this act to be made, shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town site under this act, shall be filed with the register of the proper land office prior to the commencement of the public sale of the body of land in which it is included, and that the entry or declaratory statement shall include only such lands as is actually occupied by the town and the title to which is in the United States. If upon surveyed lands the entry shall in its exterior limits be made in conformity to the legal subdivisions of the public lands authorized by the act of 24th April, 1820, and where the inhabitants are in number one hundred and less than two hundred shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres: *Provided further*, That for each additional one thousand inhabitants, not five thousand in all, a further grant of three hundred and twenty acres shall be allowed: *And provided further*, That in Territory in which a land office may not have been established, declaratory statements as hereinbefore provided may be filed with the surveyor general of the surveying district in which the lands are situate, who shall transmit said declaratory statements to the General Land Office: *And provided further*, That any act of said trustees not made in conformity to the rules and regulations herein alluded to shall be void; effect to be given to the foregoing provisions according to such regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That the provisions of this act shall not apply to military or other reservations heretofore made by the United States, nor to reservations heretofore for light-houses, custom-houses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land Office by title derived from the Crown of Spain, or otherwise.

Mr. JULIAN. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the substitute of the committee was agreed to.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The hour of half past four having arrived, the House took a recess till half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

WITHDRAWAL OF PAPERS.

On motion of Mr. HILL, the Committee on Military Affairs were discharged from the consideration of the papers in the case of Rice M. Brown; and the same were withdrawn.

On motion of Mr. HILL, the papers in the case of Charles McCarthy were withdrawn from the files of the House.

INDIAN SUPERINTENDENCE.

Mr. BURLEIGH, by unanimous consent, submitted the following resolution; which, being a call for executive information, was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, instructed to lay before the House all the reports and correspondence of Indian superintendents and agents that were omitted in the report of the late Commissioner of Indian Affairs, D. N. Cooley, published October, 1866.

Mr. BURLEIGH moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNAL REVENUE FRAUDS.

Mr. LAFLIN, by unanimous consent, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That six thousand extra copies of the report of the Committee on Internal Revenue Frauds, with the testimony, be printed for the use of the House, and six thousand copies of the report without the testimony.

GOVERNMENT PRINTING.

Mr. LAFLIN. The Committee on Printing, to whom was referred the memorial of the Soldiers' and Sailors' Union of Washington, District of Columbia, asking for an investigation into the affairs of the Government printing, ask to be discharged from the further consideration of the same, and that it lie on the table.

The memorial referred to in this report calls for an investigation into the affairs of the Public Printing Office. It was charged in that memorial that political favoritism had been exhibited to the exclusion of loyal soldiers and to the introduction of men who had been civilians, and in some cases disloyal. That memorial was submitted to the joint Committee on Printing of both Houses, and has been by them most carefully examined. Witnesses touching these charges have been brought before the committee, and the report, which has just been made, is of a character similar to that which has been reported and adopted by the Senate. So far as the motives of the gentlemen presenting this memorial are concerned, the Committee on Printing have no charge to make. They were creditable to them, but on the contrary they are compelled from what they know to say that there is no just or proper foundation upon which to rest the charges made. So far from having proved these charges, they have shown to the entire satisfaction of every member of the committee of both Houses that in all matters referred to in this memorial the present superintendent was highly worthy of the post which he has filled.

And in this connection, inasmuch as he yesterday closed his official connection with the Government Printing Office, it is due to him to say that in courtesy of deportment, in energy, in efficiency, in fidelity to public trust, he has met the highest favor with all of the committee who have been brought in connection with him.

The committee were accordingly discharged from the further consideration of the memorial, and it was laid on the table.

BLANK-BOOKS FOR COMMITTEES.

Mr. LAFLIN, from the same committee, offered the following resolution:

Resolved, That no blank-books be hereafter printed or furnished for the different committees of Congress until those now in possession of said committees are exhausted; and that hereafter such books be printed at the Government Printing Office with the number of the Congress left blank.

Mr. MAYNARD. I would ask the chairman of the committee why he finds it necessary to interfere with committees of this House in respect to the stationery, blank-books, &c., which they may deem necessary for their use; whether there is any abuse of their power which calls for interference? I trust unless there is some abuse we shall not have our committees embarrassed in this respect. Every committee must be the judge of what stationery it wants and what blanks it requires.

Mr. LAFLIN. I am very glad the gentleman from Tennessee has called my attention to the fact, for I am quite well assured from what I know of the character of that gentleman that there is nothing in this resolution which can meet his opposition or the opposition of any member of the House. It in no way relates to stationery; it in no way conflicts with the rights of any committee. But every chairman of every committee understands that it has been the practice of the Government at the commencement of each session to furnish each committee of Congress with an entire new set of books.

Now, almost every chairman of a committee knows that but a very small part of these books is used for each Congress. And it is simply in the interest of economy, simply for the purpose of using up the books which each committee has, and not with any view of interfering in the slightest degree with the committees that this resolution was introduced. Suffice it to say that the committee over which I have the honor to preside, and which I venture to say has had as much business before it as a majority of the other committees of the House, find that one book which was furnished to us is amply sufficient for us for two, three, four, or perhaps five sessions of Congress.

Mr. MAYNARD. It is morally certain that on Monday next, or as soon thereafter as practicable, the gentleman from New York [Mr. LAFLIN] will be appointed the chairman of the same committee. If the facts are as he has stated, then he can retain the book he now has, and not make a requisition for another. And so with other committees.

Now, I think it would be better to leave this matter of books to the discretion of the committees. The adoption of this resolution would be an imputation upon the chairman of the committees of this House, by intimating that they would abuse the trust which we place in them, and for one I am not willing to put my name on record in favor of any such resolution.

Mr. DAWES. I do not think the gentleman from Tennessee [Mr. MAYNARD] fully understands this resolution.

Mr. MAYNARD. Perhaps not. I understand it to refer to the record-books of committees.

Mr. LAFLIN. If the remarks of the gentleman from Tennessee [Mr. MAYNARD] were correct, if they were in accordance with the

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experiences of past Congresses, there might be some force in them. When I came upon the Committee on Printing as a new member and was appointed its chairman, I never gave any orders for any books for my committee, and yet I found placed upon my desk an entire set of new books, and I also found among the archives of the committee books that were amply sufficient to have supplied the committee for one, two, or three sessions. Now, there is nothing in the resolution I have offered which will interfere with the right of any committee to order any books they may need. It certainly was not intended to accomplish any such purpose. But I do not desire to discuss this subject any further, and I call the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. LAFLIN moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF THE TARIFF.

Mr. ALLEY. I again ask consent of the House to offer a joint resolution which was objected to this morning. The gentlemen who objected, not understanding the case then, have withdrawn their objections. I will say that it meets the approbation of the Committee of Ways and Means; it is reported not only with their consent, but with their desire. It is merely to correct a defect in the tariff.

Mr. ROSS. Let the joint resolution be read, and then I will state whether I object to it or not.

The joint resolution was read, as follows:

A joint resolution to amend section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph of section five of an act entitled "An act to increase duties on imports and for other purposes," approved June 30, 1864, as follows, to wit: "On lastings, mohair cloth, silk twist, or other manufactured cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, boots, bootees, gaiters, and buttons exclusively, not combined with India-rubber, ten per cent. *ad valorem*," be, and the same is hereby, repealed.

Mr. ROSS. I guess that bill must go over.

Mr. ALLEY. If the House will hear me for two minutes, I think there will be no objection to this resolution.

Mr. ROSS. I object.

CANAL IN CALIFORNIA.

Mr. BIDWELL. I ask unanimous consent to report from the Committee on Public Lands House bill No. 906, granting lands to aid in the construction of a canal in the State of California.

Mr. ROSS. I object.

Mr. BIDWELL. Let me make one word of explanation. This bill has been agreed upon in the Committee of Public Lands.

Mr. ROSS. I object. I insist upon the regular order of business.

WILLIAM PIERCE.

Mr. LYNCH. I rise to a privileged question, and call up the motion to reconsider the vote by which the House laid upon the table Senate bill No. 231, for the relief of William Pierce. This is a bill providing for the issue of duplicate bonds to the amount of $350, of what are known as Oregon war bonds. These bonds were sent by mail on board the steamer Golden Gate from San Francisco to Panama, in July, 1862. The steamer, with nearly all the mails, was lost on the passage, and that portion of the mails which was returned to the post office in San Francisco did not contain these bonds, as is certified to by the postmaster of San Francisco. These bonds were coupon bonds, and, as appears by the letter of the Secretary of the Treasury, neither the bonds nor the coupons had been presented for redemption at the Treasury up to February 26, 1866, the date of the letter, nearly four years after the loss. An accurate description of the bonds, with their numbers, accompanies the petition. Upon the proof submitted to the Committee on Claims of the Senate this bill was passed by that body.

Mr. Speaker, unless there is a rule of the Committee of Claims of this House which precludes them from reporting any bill contemplating the issue of duplicate bonds, I do not understand why they have reported against this bill. The proof in this case is as strong as it could be in any case. There is no doubt that the bonds were mailed. The bill provides that a satisfactory bond of indemnity shall be given by the party to whom the duplicate bonds are to be issued, and who is responsible for a hundred times the amount of the bonds.

Mr. WASHBURN, of Massachusetts. Mr. Speaker, this bill was reported upon adversely by the Committee of Claims, and the committee were unanimous in that report.

Now, sir, in reference to bills proposing the issue of duplicate coupon bonds, some fault has been found with the committee by members of this House because in some instances the committee have reported in favor of claims where money and bonds were lost, while in other cases they have reported adversely. But I confess I am surprised that any member understanding the facts of this case should hesitate for one moment to approve the action of the committee upon it.

I can state in a few words the facts of the case. The allegation of the party asking a duplication of these bonds is that he took some coupon bonds of the State of Oregon—Oregon war bonds, as they are called—to the amount of $350, and deposited them in the mail, to be sent to his brother in the State of Maine. The only evidence that those bonds were ever deposited in the mail is the testimony of this individual himself; so that the case depends upon his testimony alone.

Mr. BLAINE. I rise to a point of order: I ask whether a motion to reconsider the vote by which a bill has been laid on the table is debatable?

The SPEAKER. It is not, if any gentleman objects.

Mr. BLAINE. Well, sir, I do not like to appear ill-natured, but at this period of the session time is very precious, and as, by the rules, this motion is not debatable, I think I must insist upon the point of order.

The SPEAKER. As members were explaining the bill the Chair did not feel it to be his duty to check debate until some member should raise the point of order; but as the point of order has now been raised the Chair must sustain it. A motion to reconsider a vote laying a bill on the table is not debatable, as the original motion is not debatable.

The motion to reconsider was not agreed to.

Mr. BLAINE. I call for the regular order.

The House resumed the consideration of business on the Speaker's table.

NATHAN SARGENT DUSTIN.

The next business on the Speaker's table was the bill (S. No. 470) entitled "An act to authorize the change of a name; which was read a first and second time.

Mr. BALDWIN. This is a bill to which no one can object, and I hope that it will now be put on its passage.

The bill, which was read, provides that Nathan Sargent Dustin be authorized to change his name by dropping therefrom the word "Dustin;" the act to take effect from January 1, 1867.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BALDWIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOWARD UNIVERSITY OF THE DISTRICT.

The next business upon the Speaker's table was Senate bill No. 529, to incorporate the Howard University of the District of Columbia; which was read a first and second time.

Mr. INGERSOLL. I move that the bill be put on its passage.

The bill was read *in extenso*.

The bill was then ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. INGERSOLL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PHARMACEUTICAL ASSOCIATION.

The next business upon the Speaker's table was Senate bill No. 175, to incorporate the Pharmaceutical Association of the District of Columbia; which was read a first and second time.

Mr. ROSS moved that it be referred to the Committee for the District of Columbia.

The motion was agreed to.

TREASURY DEPARTMENT.

The next business upon the Speaker's table was Senate bill No. 493, supplemental to an act to establish the Treasury Department, approved the 2d of September, 1789; which was read a first and second time.

The bill provides that the Secretary of the Treasury shall have power, by an appointment under his hand and official seal, to delegate to one of the Assistant Secretaries of the Treasury authority to sign in his stead all warrants for the payment of money into the public Treasury, and all warrants for the disbursement from the public Treasury of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them; and such warrants so signed shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself.

Mr. MORRILL. I move that the bill be put on its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEMPSEY REECE.

The next business on the Speaker's table was Senate joint resolution No. 160, for the relief of Dempsey Reece, of Indiana; which was read a first and second time.

The joint resolution provides that the Postmaster General be required to receive proposals for carrying the United States mail on route No. 12068. between Newcastle and Mechanicsburg, in the State of Indiana; and when such bid shall be accepted, Dempsey Reece, the present contractor, shall be discharged from any further performance of his contract; and that the joint resolution shall take effect and be in force from and after its passage.

Mr. ROSS. I would like to know what this joint resolution is for?

Mr. FARQUHAR. It is to relieve a contractor on a small mail route in the State of Indiana, where the party instructed the postmaster to make his bid, directing it to be made at $500, but the postmaster made it at $200. The evidence amply proves this fact, and the joint resolution only provides for releasing the contractor on the reletting of the contract.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FARQUHAR moved to reconsider the vote by which the joint resolution was passed: and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGENCIES OF INSURANCE COMPANIES.

The next business upon the Speaker's table was Senate bill No. 477, to amend an act entitled "An act to continue, alter, and amend the charter of the city of Washington," approved May 17, 1848; which was read a first and second time.

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The bill provides that the second section of the act to continue, alter, and amend the charter of the city of Washington, approved May 17, 1848, shall be so amended as to read, "To license, tax, and regulate agencies of all kinds of insurance companies: *Provided*, That the tax or license shall not exceed one per cent. upon the cash premiums received;" and that all acts and parts of acts inconsistent with this act be repealed.

Mr. WELKER. I am instructed by the Committee for the District of Columbia to move the following amendment:

Insert after section one the following:
Provided, further, That each company deposits $300 in United States bonds with the bank of Washington, as a guarantee that the one per cent. shall be paid to the corporation of Washington upon the cash premiums received semi-annually, the depositor to draw interest upon said bonds and to receive them back when all arrears are paid and the company desires to close business.

Mr. ROSS. I offer the following amendment to the amendment:

Provided further, That hereafter no license shall be granted for the sale of ardent spirits. [Laughter.]

Mr. INGERSOLL. I rise to a question of order. I submit that that amendment is not germane to this bill.

The SPEAKER. The Chair sustains the point of order. The amendment to the amendment of the gentleman from Illinois is not germane to the bill, which relates to the tax on insurance companies.

The amendment was then agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WELKER moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

STREET RAILWAYS IN THE DISTRICT.

The next business in order on the Speaker's table was Senate bill No. 570, extending the time for the completion of certain street railways; which was read a first and second time.

The bill provides that section seventeen of the act to incorporate the Metropolitan Railroad Company in the District Columbia, approved July 1, 1864, shall be further amended so as to extend the time for the completion of their railroad lines, except that part thereof between Seventeenth street and the Capitol, for three years from the 1st day of January, 1866.

Mr. INGERSOLL. I offer the following as an additional section to the bill:

SEC. 2. *And be it further enacted*, That the said Metropolitan Railroad Company be, and is hereby, authorized to occupy and use, for the conveyance of passengers, such portions of the railway of the Washington and Georgetown Railroad Company, and upon such terms as may be mutually agreed upon between the said companies; and in pursuance of such agreement the trips made by the cars of the Metropolitan Railroad Company shall be deemed to be in lieu of an equal number of trips required of the Washington and Georgetown Railroad Company under its charter: *Provided*, That this section shall not be construed as conferring any right or franchise whatever upon said Metropolitan Railroad Company, except upon the full consent and agreement of said Washington and Georgetown Railroad Company.

Amend the title by substituting therefor "An act relating to certain street railways in the District of Columbia."

Mr. ALLISON. I would like to have some explanation of that provision from the gentleman who offers it. It seems to me to be a very important provision to be thrust in here at this late hour of the session.

Mr. INGERSOLL. I will explain in a few words the object of the amendment which I offer. The corporation known as the Metropolitan Railroad Company now has authority to run its cars from Seventeenth street up here by the north side of the Capitol. If this amendment should be adopted, it will authorize the two companies, the Washington and Georgetown Company and the Metropolitan Railroad Company, to make a contract whereby the Metropolitan Railroad Company may extend their road by switches, so as to connect with the Washington and Georgetown Railroad, and make through trips on the road of the Washington and Georgetown Railroad Company. But, in order to protect the rights of the Washington and Georgetown Railroad Company, there is a proviso to the amendment that there shall be no right conferred on the railroad company known as the F Street Company except by the consent and mutual agreement of the two companies, and upon such terms as the Washington and Georgetown Railroad Company may see fit to agree to.

I cannot see any objection to the amendment. It leaves it entirely at the will of the two companies as a matter of contract.

Mr. ALLISON. If I understand the amendment correctly from the reading of it, it releases the Washington and Georgetown Railroad Company from the necessity of making certain trips which they are now required by law to make. Am I mistaken in that?

Mr. INGERSOLL. Allow me to say that the trips to be made under the provisions of this amendment by the Metropolitan Railroad Company are to be made, if such is the agreement with the Washington and Georgetown Railroad Company, in lieu of trips which are now imposed by law on the Washington and Georgetown Railroad Company. It will be a matter of contract, and this provision will only allow the new company to do the service instead of the old company.

Mr. DARLING. The Washington and Georgetown Railroad Company have not asked for this, and do not want it. It is an invasion of their franchise, and, in my judgment, will ultimately lead to a fraud upon the people of this District by attempting to collect on the cars of the Metropolitan Railroad Company, and under their charter, fares which cannot be collected from the people under the charter of the Washington and Georgetown Railroad Company. They are limited to six cents as the fare at which they must carry passengers from Georgetown to the navy-yard. The Metropolitan Company are entitled to charge seven cents; and if this provision shall be adopted, and if by any arrangement they can connect their track with that of the Washington and Georgetown Railroad Company and run their cars over its track to the navy-yard or, at the other end, to Georgetown, they can exact from every passenger the sum of seven cents.

Now, the Washington and Georgetown Railroad Company do not ask this and do not want it. They are ready and willing to fulfill all their obligations to the people of the District under the charter which they have obtained from Congress.

Mr. MAYNARD. This proposition was submitted to me the other day. I had no conference in regard to it with the chairman of the Committee for the District of Columbia, [Mr. INGERSOLL,] but I conferred with the gentleman from New York, [Mr. DARLING,] who has just spoken, and who is personally very largely interested in the Washington and Georgetown Railroad Company, as I understand, and he said then, as he says now, that he was opposed to this legislation. It seems to me, without stopping to inquire into any reasons, that, taking into consideration the mere fact that it is legislation not desired by, but distasteful to that company, we ought not to engage in it. I promised the gentleman from New York on that occasion, as one of the members of the committee, that no such legislation should be attempted by me, and that if brought up it would receive my opposition in the House.

I am satisfied from the examination we have made of the affairs of these companies during this winter that we ought not to engage in any legislation which, in the opinion of the Washington and Georgetown Railroad Company, is derogatory to their rights and interests.

I hope this amendment will not be pressed by my friend and colleague on the Committee for the District of Columbia from Illinois. We have had no examination of this provision before our committee; we have had no discussion upon it here; and I hope the bill will be permitted to pass in its present shape, as there is no objection to it, and the next Congress can legislate on the subject if anything of this kind shall be agreed to by the two companies.

Mr. DARLING. There is no possible objection to extending the time for the construction of this road *ad infinitum*.

Mr. MAYNARD. I hope my friend from Illinois will consent to let his amendment lie over until the next Congress, and let the bill pass in its present shape.

Mr. INGERSOLL. I have heard from no quarter whatever, except from the gentleman from New York, [Mr. DARLING,] to-night any objection to the passage of this bill with this amendment attached to it. I cannot imagine how it can be detrimental to the interests of the Washington and Georgetown Railroad Company, for there can be no right exercised under the amendment except by the consent of that company. I do not desire to infringe upon their rights, but if this is an infringement in any sense of the word they have only to object to it.

Mr. ALLISON. Will not the effect of this provision be a consolidation sooner or later of these two railroad companies, making them one corporation?

Mr. INGERSOLL. Well, that is more than I can answer. This bill does no such thing. I cannot say what some future bill may do.

Mr. ALLISON. I mean under the provisions of this bill.

Mr. INGERSOLL. I think not. Under the provisions of this bill there could be no consolidation of the two companies.

Mr. DARLING. It will relieve the Metropolitan Railroad Company from the conditions of their charter, and enable them to make trips between Georgetown and the navy-yard by passing over the tracks of the Washington and Georgetown Railroad Company on that part of the route over which their own road is not constructed, if they can get leave to do it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to Senate bill No. 534, to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court.

STREET RAILWAYS IN THE DISTRICT—AGAIN.

Mr. INGERSOLL. I entertain the highest respect for the opinions, not only of the gentleman from New York, [Mr. DARLING,] but of my distinguished colleague from Tennessee, [Mr. MAYNARD.] I would be glad if I could feel at liberty to withdraw this amendment and allow this bill to pass as it comes to us from the Senate. But I prefer that the House shall take the responsibility of disposing of my amendment rather than to withdraw it.

Mr. DARLING. I am opposed to this amendment on any ground. When Congress gives a franchise to a corporation I hold that that corporation should be held to a strict accountability in all the respects contained in their charter, and that they should be required faithfully to carry out all those provisions. The Georgetown and Alexandria Railroad Company was the pioneer enterprise in this city, and it was built for the accommodation of the people of this city by capital brought here from other cities. It was built within six months, comprising eighteen miles of track, because the charter of the company required that to be done, and the road has been run ever since faithfully in conformity with the provisions of its charter. The Metropolitan Railroad Company has had its time for building its road extended from time to time, and it now comes here and asks for a still further extension of time. There is no objection to that, because its completion is not necessary to the convenience and wants of the people of the District.

And nobody will object to having the time extended in which this company shall construct its road.

But I take it that Congress will object to allowing the Metropolitan Railroad Company a privilege by which it will escape forever from the requirements of their charter, by tacking on at the ends of their already constructed road such arrangements as will enable them to run their cars on the rails of another company and take from them the rights which Congress has already given them.

Mr. INGERSOLL. I now call the previous question.

The previous question was seconded and the main question ordered.

The first question was upon the amendment of Mr. INGERSOLL; and being taken, there were—ayes thirteen, noes not counted.

So the amendment was not agreed to.

The bill was then read the third time, and passed.

Mr. INGERSOLL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL THEOLOGICAL INSTITUTE.

The next business upon the Speaker's table was Senate bill No. 589, to amend an act entitled "An act to incorporate the National Theological Institute," and to define and extend the powers of the same; which was read a first and second time.

The first section changes the name of the corporation to "The National Theological Institute and University."

The second section provides that the corporation may hold property in real estate, in value not exceeding $250,000 at any one time.

The third section provides that the corporation shall be authorized to extend its privileges and facilities of instruction to others than those connected with the Christian ministry, to confer degrees, and to do all other acts and things which pertain to universities in the United States, the terms of admission to such privileges being the same as those usual to such universities.

The bill was read the third time, and passed.

Mr. WELKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALLOTMENT OF SUPREME JUDGES.

Mr. WILSON, of Iowa, made the following report from a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to Senate bill No. 534, to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its amendments and agree to the bill as passed by the Senate.

JAMES F. WILSON,
W. RADFORD,
THOMAS WILLIAMS,
Managers on the part of the House.
LYMAN TRUMBULL,
IRA HARRIS,
THOMAS A. HENDRICKS,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON, ALEXANDRIA, ETC., RAILROAD.

The House resumed the consideration of business on the Speaker's table; and the first business was a bill (S. No. 264) to grant certain privileges to the Alexandria, Washington, and Georgetown Railroad Company, in the District of Columbia; which was read a first and second time.

The bill, which was read at length, proposes to grant to the Alexandria, Washington, and Georgetown Railroad Company the consent of Congress to use steam power in drawing the cars of the company on the structure across the Potomac river erected by the company under the provisions of the act to extend the charter of the Alexandria and Washington Railroad Company, and for other purposes, approved March 3, 1863, and along the railway now laid by the company, or which may be hereafter laid, under the provisions of that act, along Maryland avenue and First street west, in the city of Washington, to the present depot of the Washington branch of the Baltimore and Ohio railroad, subject always and in all particulars to such restrictions and regulations concerning the use of such steam power as the corporation of Washington may by its ordinances at any time impose upon or at any time require of the railroad company.

The bill was ordered to a third reading, read the third time, and passed.

Mr. INGERSOLL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIMITED PARTNERSHIP IN THE DISTRICT.

The next business on the Speaker's table was Senate bill entitled "An act authorizing limited partnerships in the District of Columbia; which was read a first and second time.

Mr. INGERSOLL. I desire that this bill shall be put upon its passage now.

Mr. ROSS. I move that it be referred to the Committee on the Judiciary.

Mr. INGERSOLL. I do not yield for that motion. There can be no good reason for such a motion. This bill is almost an exact copy of a New York statute concerning limited partnerships. It has been thoroughly examined and matured by the Senate Committee on the District of Columbia, and there can be no objection to it. It is a measure much needed in this District, as there is no law of this kind now applicable here.

Mr. DAVIS. From the reading of this bill, so far as I have been able to hear it, it appears to correspond closely with the New York statute on the same subject. I believe that it will be useful and beneficent in its operation, and I hope it may be passed.

Mr. PAINE. I wish to call attention to one clause of this bill which provides for a limited partnership consisting of a single individual. I think this is without parallel in Federal or State legislation. I cannot vote for any such provision.

Mr. INGERSOLL. I think that my friend from Wisconsin [Mr. PAINE] will find on a more careful examination of the bill that it is not liable to the objection which he suggests. The bill does not authorize such a partnership as he mentions. It simply allows the business of a firm to be done in the name of one man.

Mr. DAVIS. The statute of New York allows a man, on the publication of a suitable notice as to the extent of his interest, to embark his capital in a special partnership without any liability beyond the amount which he contributes, the only consideration being that he shall not engage in directing the business of the partnership. The general partners in the concern attend to the business of the firm. The world knows full well the condition on which capital is embarked. Every man feels the relation existing between general and special partners. No one is deceived unless he desires to be deceived. Therefore I say there is nothing wrong in such a firm. That provision is in this bill, and I see no objection to it.

Mr. MAYNARD. I submit to my friend over the way that the bill does not present to my mind the same objection that it does to his, and I refer him to the language of the second section.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. INGERSOLL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 460) in relation to persons imprisoned under sentence for offenses against the laws of the United States;

An act (S. No. 547) to amend an act entitled "An act to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, in the State of Michigan, and for the completion of said road," approved July 3, 1866; and

An act (S. No. 550) to amend an act entitled "An act authorizing the construction of a jail in and for the District of Columbia," approved June 25, 1866.

SPECIAL COMMISSIONER OF REVENUE.

Mr. DAVIS. I ask unanimous consent to introduce a joint resolution providing that section sixty-six of the act approved July 13, 1866, entitled "An act to amend an act to provide internal revenue to support the Government, and for other purposes, approved June 13, 1864," authorizing the Secretary of the Treasury to appoint a special commissioner of the revenue, be hereby repealed, and that said office of special commissioner be abolished.

Mr. ROSS. I object.

ARMY APPROPRIATION BILL.

Mr. STEVENS, from the Committee on Appropriations, reported back amendments of the Senate to House bill No. 1126, making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, and moved to suspend the rules in order to consider them in the House without reference to the Committee of the Whole on the state of the Union.

There was no objection, and it was ordered accordingly.

The House then proceeded to consider the amendments of the Senate *seriatim*, as follows:

First amendment:

Page 2, after line eleven insert the following:
For the erection of a bridge at Rock Island, Illinois, as recommended by the chief of Ordnance, $250,000.

Mr. STEVENS. The Committee on Appropriations recommended concurrence in this amendment.

Mr. SCOFIELD. I move to non-concur. This is a matter we have already once defeated.

Mr. DAVIS. I hope it will be voted down.

Mr. PRICE. I hope it will be adopted. It is made on the recommendation of the Secretary of War and the chief of Ordnance.

The House divided; and there were—ayes 63, noes 34.

Mr. SCOFIELD. I demand the yeas and nays and also the previous question.

Mr. PRICE. I hope the gentleman will not insist on the previous question until a brief explanation has been made of this matter.

Mr. SCOFIELD. I will withdraw the demand for the previous question for the present.

Mr. Speaker, this Congress has embarked in almost everything during this session, but I believe this is the first time that it has gone into the bridge business. I recollect that an old gentleman, writing to me once a letter of advice and instruction, told me to "beware of bridges." [Laughter.] I now yield five minutes to the gentleman from Iowa.

Mr. PRICE. I am obliged to the gentleman from Pennsylvania for yielding to me. I hope I will have the attention of the House while I make a brief explanation of this mat-

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ter. It will be remembered in the Committee of the Whole the other day this appropriation was put into this bill, and I then stated to the House the report from the Secretary of War and the chief of Ordnance had come in so late that the Committee on Appropriations did not have time to examine it. We have received recommendations from the proper Departments saying it was necessary that the Government should have communication between the main land and the property belonging to it on Rock Island. That committee put the appropriation into the bill, but when it came to be considered in the House, under the operation of the previous question it was stricken out. The bill went to the Senate in that shape. When there the chief of Ordnance and the Secretary of War did write these letters explaining why the appropriation should be made, asking and urging that it should be done, and the Senate in accordance with the recommendation of these officers placed that appropriation in the bill.

Now, I want to say to gentlemen of the House that the only effect of this thing is to put a bridge across the Mississippi so as to enable the Government to use the property that it now owns, and for which it has paid several hundred thousand dollars, to advantage. And in addition to that, the bridge built in accordance with the law passed at the last session will have to be paid for in part by the railroad company. Now, when gentlemen consider that the railroad company have already a bridge there, and need not add one dollar to the expense, so far as they are concerned, if it is allowed to remain there, but that this arrangement compels them to take that bridge away, and thereby remove an obstacle in the Mississippi river, which was the object of the law in part, and compels the railroad company to pay for one half of the cost of the bridge, which would otherwise have to be paid for in whole by the Government, I think there can be no doubt of the propriety of this measure. If this bridge was not needed by the Government for its own use the Secretary of War and the chief of Ordnance would not have recommended it. It is so plain a case that any gentleman acquainted with the fact need not hesitate for a moment how to vote in regard to it.

Mr. MORRIS. I would be pleased to have the gentleman explain under what circumstances the Government located this arsenal without providing any practical means of access to it.

Mr. PRICE. I thank the gentleman for his question, because it gives me an opportunity to say what otherwise I might have forgotten. The Government owns all that island, and there is no other place in the Northwest so well calculated for an army and arsenal as that. Now, as the island belongs to the Government and therefore costs nothing, is it not worth while to pay the expense of a roadway to it so as to be able to use it to advantage?

Mr. SLOAN. Is there not already a bridge there which the Government can use?

Mr. PRICE. I have tried to make the House understand that the bridge belongs to the railroad company, and is an obstruction to the navigation of the Mississippi, and that under the law of the last session the company are compelled to remove it; and now we compel the company to build a part of the new bridge. The present bridge is of no kind of use to the Government, because there is no wagon-road over it. The law passed last session provides that there shall be a wagon-road from the main land to the island to enable the Government to get to its property, and it compels the railroad company to pay part of the expense.

[Here the hammer fell.]

Mr. SCOFIELD. I yield three minutes to the gentleman from New York.

Mr. DAVIS. I believe I know something about the location of this bridge, and something about the necessity of the Government incurring this appropriation. The present bridge, built by the Rock Island Railroad Company, is at a point in the river situated, in regard to the channel, as to prevent its being used permanently for a bridge. Since its construction the United States Government has appropriated money for an armory and arsenal, and now it is necessary for the Government to have communication from the Iowa shore to the island. At that point it is convenient and proper that a bridge should be built. It may be built in connection with the Rock Island railroad, crossing the river from the island to the western shore; and if the Government contributes $250,000 for that purpose it will be the most economical arrangement which can be made, both for the Government and the company. It will, moreover, accommodate the commerce of the Mississippi; because at that point a bridge may be constructed for railroad purposes far more convenient for navigation than at any other point within ten miles of that spot. Therefore I submit that, inasmuch as communication cannot be made between the Iowa shore and the island on which the armory is situated at a less cost than $250,000, it is right, proper, and just that the Government should contribute toward the erection of a railroad bridge from that shore to Rock Island.

Mr. SLOAN. I simply desire to state that I am informed that the present bridge would answer every purpose except that it has been built at right angles with the stream, so that it obstructs vessels in passing through, and that the railroad company would be compelled for that reason to take it down and build one that would not obstruct navigation. The people of Iowa and Illinois were very anxious to have the arsenal located upon this island. Now, I think if that is the fact, that it is a little unfair for them, after they have induced the Government to locate the arsenal there, to call upon it to build a part of this bridge, especially when this railroad company would be compelled to build the bridge themselves in order to avoid ruinous litigation.

Mr. PRICE. The gentleman from Wisconsin is entirely mistaken. If he will yield to me for a moment I will show him——

Mr. SLOAN. If I had time I would be very glad to yield to the gentleman, but I have not. All I desire to say is, that if the statement that I have mentioned is true, we ought not to vote away this appropriation. But if it is not true, I think the Government ought to make an appropriation to help to build this bridge, and I am willing to give my vote in favor of it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SCOFIELD] is again entitled to the floor.

Mr. SCOFIELD. I yield three minutes to the gentleman from Ohio, [Mr. SCHENCK.]

Mr. SCHENCK. It strikes me that some of these gentlemen have not yet hit the point in this case. It was an absolute necessity, in order that the Government might occupy Rock Island for military purposes, that the location of the railroad should be changed. The whole matter was before the Military Committee at the last session of this Congress. It was thoroughly investigated; all the maps, estimates, and everything connected with it were before that committee. The committee made a report on the subject, and, upon a full explanation of the whole matter a bill was passed by the House, and afterward by the Senate, and is now a law upon the statute-book. The first two sections of that law show why the railroad track had to be changed, and why changes had to be made in the bridges connecting either with the Iowa or the Illinois shore. I ask, therefore, to have those two sections of that law read; merely remarking before they are read that this island, belonging to the United States, and being entirely occupied and needed for the uses of the Government, is yet so limited in extent as to have made necessary the purchase of another adjacent small island. Communication has to be kept up also by bridges with both shores. But the two portions of this main island on either side of the railroad which crosses it were disconnected from each other so that you could not go from one part of the arsenal grounds to the other without passing circuitously and at great inconvenience under archways and along the shore under the railroad. It was deemed essentially necessary, therefore, to change the track of the railway and to throw it across the lower point of the island; and there was equal necessity for changing the position of the bridges on either side, connecting with the Illinois and Iowa shores.

I ask that these two sections of this law may now be read, in order to show what Congress did in reference to this matter, what authority they gave for the change, and what pledge they gave in regard to it.

Mr. SCOFIELD. The House is impatient to reach a vote. I have yielded all my time to the friends of this bill; and having heard what they had to say, I am satisfied that we might just as well be asked to contribute to build a bridge anywhere else in the country where the Government owns adjacent property.

Now, if this were a proposition to build a bridge across the Alleghany river at or near Warren in my district, and where I live, I suppose I should feel in regard to it just as the gentleman from Iowa [Mr. PRICE] feels in regard to this project; but that is no good reason why this appropriation should be made.

Mr. SCHENCK. Will the gentleman allow me to ask him a question?

Mr. SCOFIELD. I cannot yield. I have only to say further that when the United States are asked to undertake a system of internal improvement, and none of the improvements come in my district, I do not think that I am bound to vote for it. [Laughter.]

Mr. SCHENCK. Has the gentleman ever read the second section of the bill passed by this Congress at its last session, pledging the Government to this project and showing the necessity for it?

Mr. SCOFIELD. I heard it discussed by the gentleman from Iowa, [Mr. PRICE.] We had this question up a few days ago, and we had the same extraordinary zeal manifested by certain gentlemen in favor of this bill that we have now, and we had also the same intimation that we have had to-night—an intimation which we always have whenever there is any project before us for wasting the funds of the United States—that somebody who favors it knows a great deal more about it than those who oppose it. The prodigals are always learned in their own estimation, and they always consider the economists very ignorant.

Mr. DELANO. I desire to ask the gentleman from Pennsylvania [Mr. SCOFIELD] a question. I desire to know whether the present bridge is such an obstruction to the navigation of the river at that point as to require that it should be rebuilt, and whether this is an effort on the part of those who are compelled to rebuild this bridge to get the Government to aid them?

Mr. SCOFIELD. The gentleman from Ohio [Mr. DELANO] has heard the debate upon this subject and can answer that question as well as I can. I now call the previous question.

Mr. DAVIS. I desire to inquire of the Chair whether, if the call for the previous question should not be seconded, there would be time for explanation or answer to the remarks made by the gentleman from Pennsylvania, [Mr. SCOFIELD.]

The SPEAKER *pro tempore*, [Mr. DONNELLY.] If the call for the previous question should not be seconded, debate would continue.

Mr. DAVIS. Then I hope the previous question will not be seconded.

Mr. GRINNELL. I ask the gentleman from Pennsylvania [Mr. SCOFIELD] to allow his colleague [Mr. STEVENS] to have read a few lines from a document to show the necessity for this bridge.

Mr. SCOFIELD. I insist upon my call for the previous question.

Mr. SCHENCK. I ask the reporters of the

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Globe to insert in their report the two sections I asked to have read.

[The two sections are as follows:

An act making further provisions for the establishment of an armory and arsenal of construction, deposit, and repair on Rock Island, in the State of Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized and directed to change, fix, and establish the position of the railroad across Rock Island and the bridge across the Mississippi river, at and on the island of Rock Island, so as best to accord with the purposes of the Government in its occupancy of said island for military purposes: and, in order to effect this, he is authorized to grant to the railroad company a permanent location and right of way on and across Rock Island, to be fixed and designated by him, with such quantity of land, to be occupied and held by the company for railroad purposes, as may be necessary therefor; and that the said grant and change be made on such terms and conditions, previously arranged between the Secretary of War and the companies and parties in interest, as will best effect and secure the purposes of the Government in occupying the island.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and is hereby, authorized to grant to the companies and parties in interest such other aid, pecuniary or otherwise, toward effecting the change in the present location of their road and bridge, and establishing thereon a wagon-road for the use of the Government of the United States to connect said island with the cities of Davenport and Rock Island, to be so constructed as not materially to interfere with, obstruct, or impair the navigation of the Mississippi river, as may be adjudged to be fair and equitable by the board of commissioners authorized under the act of April 19, 1864, entitled "An act in addition to an act for the establishment of certain arsenals," and may be approved by him.]

The previous question was seconded, and the main question ordered.

The question was on concurring in the amendment of the Senate appropriating $250,000 for the purpose of building a bridge at Rock Island.

Mr. SCOFIELD. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 40, nays 103, not voting 42; as follows:

YEAS—Messrs. Alley, Allison, James M. Ashley, Baker, Barker, Bidwell, Bingham, Sidney Clarke, Cobb, Cook, Cullom, Davis, Dodge, Dumont, Grinnell, Abner C. Harding, Hill, Hooper, Ingersoll, Kuykendall, Lynch, McIndoe, Moorhead, Moulton, Myers, Newell, O'Neill, Orth, Perham, Pike, Price, John H. Rice, Ross, Sawyer, Schenck, Sloan, Stevens, Henry D. Washburn, James F. Wilson, and Windom—40.

NAYS—Messrs. Ancona, Anderson, Arnell, Baldwin, Banks, Baxter, Beaman, Benjamin, Bergen, Blow, Boutwell, Boyer, Brandegee, Bromwell, Broomall, Buckland, Campbell, Chanler, Reader W. Clarke, Cooper, Darling, Dawes, Dawson, Delano, Deming, Denison, Dixon, Donnelly, Eckley, Eggleston, Eliot, Farquhar, Ferry, Finck, Garfield, Glossbrenner, Goodyear, Aaron Harding, Harris, Hawkins, Hayes, Hise, Hogan, Holmes, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, James R. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Jones, Julian, Kelley, Kerr, Ketcham, Koontz, Lafin, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Longyear, Marshall, Marston, Marvin, Maynard, McClurg, McKee, Mercur, Miller, Morrill, Niblack, Nicholson, Paine, Patterson, Radford, William H. Randall, Ritter, Rollins, Scofield, Shanklin, Shellabarger, Stokes, Strouse, Taber, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Upson, Burt Van Horn, Andrew H. Ward, Hamilton Ward, Warner, William B. Washburn, Welker, Wentworth, Whaley, Winfield, and Wright—103.

NOT VOTING—Messrs. Ames, Delos R. Ashley, Blaine, Bundy, Conkling, Culver, Defrees, Driggs, Eldridge, Farnsworth, Griswold, Hale, Hart, Henderson, Higby, Asahel W. Hubbard, Kasson, Kelso, Leftwich, McCullough, McRuer, Morris, Noell, Phelps, Plants, Pomeroy, Samuel J. Randall, Raymond, Alexander H. Rice, Rogers, Rousseau, Sitgreaves, Spalding, Starr, Stilwell, Nathaniel G. Taylor, Van Aernam, Robert T. Van Horn, Elihu B. Washburne, Williams, Stephen F. Wilson, and Woodbridge—42.

So the amendment was non-concurred in.

Mr. SCOFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1134) declaring and fixing the rights of volunteers as a part of the Army; and

An act (H. R. No. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes.

ARMY APPROPRIATION BILL—AGAIN.

The House resumed the consideration of the amendments of the Senate to the Army appropriation bill.

Second amendment:

On page 3, line twenty-one, after "dollars" insert "or so much thereof as may be necessary."

The committee recommend concurrence.

The amendment was concurred in.

Third amendment:

On page 3, after line twenty-five insert:

To enable the Secretary of War to pay the expenses of making and completing the survey of a national park in Washington, in compliance with a resolution of the Senate passed on the 18th of July 1866, $2,500.

The committee recommend concurrence.

Mr. WILSON of Iowa. I move that this amendment of the Senate be non-concurred in.

The SPEAKER. The question will be upon concurring in the amendment of the Senate.

Mr. WILSON, of Iowa. I call the previous question on that.

The previous question was seconded and the main question ordered.

The question was taken; and the amendment of the Senate was non-concurred in.

Mr. WILSON, of Iowa, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Fourth amendment:

On page 5, line five, strike out "by" and insert "through."

Mr. WILSON, of Iowa. What difference will that make?

The SPEAKER, The Clerk will read the clause as amended.

The Clerk read as follows:

His inability through the next in rank, &c.

The committee recommend concurrence.

The amendment was concurred in.

Fifth amendment:

On page 5, after "headquarters" in line seven insert "except at his own request."

The committee recommend concurrence.

The amendment was concurred in.

Sixth amendment:

Add the following as a new section:

SEC. 3. *And be it further enacted*, That the operation of section three of the joint resolution relative to appointments to the Military Academy, approved June 16, 1866, be, and the same is hereby, suspended for one year.

The committee recommend concurrence.

Mr. DAVIS. I should like to know the provisions of the section which this amendment proposes to suspend.

Mr. STEVENS. I believe the section has reference to the appointment of cadets from the southern States. I am not quite sure. If the section is at hand, I ask that it be read.

The Clerk read as follows:

"SEC. 3. *And be it further resolved*, That in all appointments of cadets to the Military Academy after those who enter the present year, the person authorized to nominate shall nominate not less than five candidates for each vacancy, all of whom shall be actual residents of the congressional district, Territory, or District of Columbia, entitled to the appointment; and the selection of one shall be made from the candidates according to their respective merits and qualifications, under such rules and regulations as the Secretary of War shall from time to time prescribe. And in like manner the President of the United States shall be authorized hereafter to nominate fifty at large each year, instead of ten as now provided by law, who shall be examined under like regulations, and of whom the ten who may be reported as most meritorious and best qualified shall be appointed: *Provided, however*, That not more than two of these shall be appointed in any year from one State."

Mr. ROSS. I move to amend the amendment of the Senate by striking out the words "for one year," so as to suspend the section indefinitely.

Mr. SCHENCK. I suggest to the gentleman to modify his amendment so as to strike out the words "suspended for one year" and insert "repealed." The section proposes a rather cumbrous system. It was agreed upon as a compromise in committee of conference. It has never gone into operation, and I think it never can.

Mr. ROSS. I accept the gentleman's suggestion and modify my amendment accordingly.

The amendment to the amendment of the Senate was agreed to.

The amendment, as amended, was concurred in.

Seventh amendment:

Add the following as a new section:

SEC. 4. *And be it further enacted*, That the sum of $150,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be disbursed by the Secretary of War in the erection of fire-proof buildings at or near the city of Jeffersonville, in the State of Indiana, to be used as store-houses for Government property.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Eighth amendment:

Add the following as a new section:

SEC. 5. *And be it further enacted*, That it shall be the duty of the officers of the Army and Navy, and of the Freedmen's Bureau, to prohibit and prevent whipping or maiming of the person as a punishment of any crime, misdemeanor, or offense by any pretended civil authority in any State lately in rebellion until the civil government of such State shall have been restored and shall have been recognized by the Congress of the United States.

Mr. FINCK. I raise a point of order on that amendment. It is not germane to the bill.

The SPEAKER. The Chair cannot entertain a point of order upon an amendment which has been adopted by the Senate and is sent to this House for concurrence. No such thing is recognized in the whole history of the Government. The Senate has the right to adopt such amendments as it may deem proper; and the House may concur or non-concur with amendments, as it chooses. A point of order cannot be made in this House upon a Senate amendment coming before this House for concurrence or non-concurrence.

Mr. WRIGHT. I move to amend the Senate amendment by inserting after the word "civil" the words "or military;" so as to read "civil or military authority."

Mr. ROSS. I move to strike out "rebel," so that it will apply to all the States alike.

The SPEAKER. There is now an amendment to an amendment pending.

The question recurred on Mr. WRIGHT's amendment to the amendment.

The House divided; and there were—ayes 60, noes 36.

Mr. SCOFIELD called for tellers.

Tellers were ordered; and Mr. SCOFIELD and Mr. WRIGHT were appointed.

The House again divided; and the tellers reported—ayes 72, noes 35.

So the amendment to the amendment was agreed to.

Mr. WRIGHT moved to reconsider the vote by which the amendment to the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROSS. I move to strike out "any State in rebellion" and insert "any State or Territory or the District of Columbia."

Mr. GRINNELL. I move to add "or any county."

The amendment to the amendment was disagreed to.

Mr. Ross's amendment was also rejected.

The question then recurred on the Senate amendment.

Mr. LE BLOND. Is it open to debate?

The SPEAKER. It is.

Mr. LE BLOND. Mr. Speaker, I disapprove of this system of legislation. The Senate amendment is not germane to the bill, and ought not to have been put in it; but the practice has attained here of incorporating all manner of vicious and unconstitutional legislation in our appropriation bills. In this manner it is smuggled through, for the reason no one is

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looking for general legislation in an appropriation bill where by the rules of the House it is prohibited. But, sir, it is in keeping with much of our legislation.

Now, sir, inasmuch as we are upon the subject of universal power in Congress, I wish to carry the doctrine home to my colleagues. I wish to apply the doctrine of the majority here, and especially of my colleagues on that side of the House, to Ohio and them; and for that purpose I wish the Clerk to read the resolution I send to the desk.

The Clerk read as follows:

Whereas the Legislature of Ohio, on the 26th instant, by a vote of 26 to 50, refused to strike out of the constitution of said State the word "white," thereby repudiating, not only the action of the Republican party in Congress, "who are the people," but have refused to make the government of Ohio "republican in form" according to the standard established by Congress: Therefore,

Resolved, That the Committee on Reconstruction be, and are hereby, instructed to report to this House a bill establishing a military government over the people of the "so-called State" of Ohio until such times as the people thereof shall adopt a republican form of government, which shall be submitted and approved of by Congress; and that the members of Congress representing said so-called State be, and they are hereby, excluded from seats in Congress until such time as said so-called State shall be reconstructed.

[Laughter.]

Mr. LE BLOND. Now, sir, no one upon this side proposes, or could by any possibility vote for it if offered as an amendment, yet I deem it but proper, and indeed I feel it an imperative duty, to present it, to enable my universal suffrage colleagues from Ohio to take it up and have it incorporated in the bill. I now turn it over to its foster-fathers to be reared under the guardian care of the military and the Freedmen's Bureau. I hope they will act promptly and preserve their consistency.

It declares that Congress is the people. So you have affirmed repeatedly. It declares by reason of the Ohio Legislature refusing to grant suffrage "without regard to race, color, or previous condition of slavery," said State government is not republican in form. This is the standard you have fixed for ten States of this Union, and if good for ten it is good for all. It provides for a military government in Ohio, just as you provide in the South. It denies representation to the State, just as you deny it to the ten Southern States. It looks to Ohio being represented in future when she reforms her constitution and makes it republican in form according, not to the Constitution of the United States, for that would be anti-republican, but according to the congressional standard.

This you require of the South. It requires the Committee on Reconstruction to report the bill as all bills on reconstruction must come from that committee, upon the hypothesis that that committee possess all the brains of Congress. So it is not objectionable in that regard.

In drafting the preamble and resolution, I endeavored to make it conform to all your new doctrines, and think I have succeeded well. Now, what objection can you have to it? None I am sure. Now, if you wish to be consistent and believe your doctrines to be sound in principle and wholesome for the people, apply them everywhere; make all the States come under the rules. What is good for Virginia is good for Ohio.

Besides, the Republicans in the Ohio Legislature are disloyal by the congressional standard, and usurpers. They have exercised constitutional powers and set at defiance the will of Congress, and ought to be punished. To deprive them of representation would be one of the punishments Congress inflicts upon the South, and in that regard is in the spirit of our legislation. Besides, they had the audacity to affirm by solemn vote in a deliberative body that a negro was not as good as a white man after all that has been said by Congress in favor of the negro, and Congress, you know, is the people, and *vox populi vox Dei*. Hence, they defy the people and God, and deserve punishment.

Now, sir, having said thus much in explanation of my resolution, I turn it over to those who ought to be its true advocates, with the hope that it will not be slaughtered in the house of its friends. [Laughter.]

Mr. STEVENS. I am almost inclined to agree to the resolution. I do not know but what we ought to guaranty republican governments to the States both of Ohio and Pennsylvania.

Mr. GRINNELL. I hope we shall sustain this amendment, because it proposes to prohibit unusual punishments, maiming and whipping. The history of the times shows that this is necessary. The accounts come up to us from all parts of the southern country that men are being scourged daily for crime. As regards the condition of Ohio, alluded to by the gentleman from Ohio, [Mr. LE BLOND,] I believe that the action of the State of Tennessee will make impartial suffrage easy both for his State and mine. I am anxious to see any politician in his State or mine rise, after this notorious and honorable example, and oppose impartial suffrage without regard to race or color.

A MEMBER. Or sex.

Mr. GRINNELL. Sir, I have held for years that South Carolina, while she disfranchised a majority of her people, never had a republican form of government. She never had it in the eye of the Constitution nor in the eyes of honorable men throughout the world. Now, we should allow all men to vote, unconvicted of crime. Let us adopt this principle. But in the mean time we should say that none of those old pirates and slave-drivers shall wreak their vengeance upon the unprotected black man. I call the previous question.

Mr. LE BLOND. Will the gentleman yield for a question?

Mr. GRINNELL. I will answer it, and then renew the call for the previous question.

Mr. LE BLOND. I wish to inquire of the gentleman whether the framers of the Constitution were wise men, or as wise as himself, when they regarded South Carolina and all the southern States as having republican forms of government?

Mr. GRINNELL. I have only to say that "the days of that ignorance God winked at," but now he calls upon "all men everywhere," including the gentleman from Ohio, "to repent" and do justice. [Laughter.]

Mr. LE BLOND. Washington and Jefferson and their compeers, I suppose, were ignorant men. [Laughter.]

Mr. GRINNELL. I am sorry the gentleman does not accept the issue of the day and vote for justice. I renew the demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of the Senate, as amended, was agreed to.

Ninth amendment:

Add the following as a new section:

SEC. 6. *And be it further enacted*, That all militia forces now organized or in service in either of the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas be forthwith disbanded, and that the further organizing, arming, or calling into service of the said militia forces, or any part thereof, is hereby prohibited, under any circumstances whatever, until the same shall be authorized by Congress.

The committee recommend concurrence.

The amendment was concurred in.

Tenth amendment:

Add the following as a new section:

SEC. —. *And be it further enacted*, That the Postmaster General be authorized to pay, under such regulations as the Secretary of War shall prescribe, in addition to the amount received by them for the traveling expenses of such California and Nevada volunteers as were discharged in New Mexico, Arizona, or Utah, at points distant from the place or places of enlistment, such proportionate sums, according to the distance traveled, as have been paid to the troops of other States similarly situated; and such amount as shall be necessary to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The committee recommend concurrence, with the following amendment:

Provided, That the provisions of this section shall only apply to the volunteers aforesaid who actually returned to their homes in the State of their enlistment upon their discharge.

The amendment to the amendment was agreed to.

Mr. ROSS. I move another amendment, as follows:

Provided, That the provisions of this section shall not apply to any volunteers who were engaged in the massacre of the Indians, under Chivington.

It will be recollected that the Colorado volunteers were those who massacred the Indians under Chivington. I do not think they ought to have any extra pay.

The CHAIRMAN. The amendment of the Senate refers only to California and Nevada. Colorado is not mentioned.

Mr. HOGAN. I move to add after the word "Nevada," "Missouri." A large number of Missouri volunteers were discharged, some of them in Texas, others in Georgia, others in Virginia. They were required to go home, receiving no compensation.

Mr. SCHENCK. My impression is that the gentleman is shooting in the wrong direction. This amendment of the Senate applies to those who were discharged in those distant Territories. If these Missouri men were discharged in Texas, the gentleman's amendment ought to read "discharged in Texas;" but by putting in the word "Missouri," it will apply only to those discharged in Missouri.

Mr. HOGAN. I do not mean that. I mean simply those who were discharged away from the State in which they were mustered into the service.

Mr. SCHENCK. As the gentleman phrases his amendment it would apply to those discharged in Missouri. He means the Missouri troops discharged in some other place.

Mr. HOGAN. Yes, sir.

Mr. SCHENCK. While up, I will say that I think the cases were not nearly so numerous as might be supposed where there was no sufficient pay or transportation given, though there were some very hard cases of discharge in Nevada and Colorado of troops belonging in California and belonging on this side. In every case they did receive transportation or allowances for it, but the difficulty was, being discharged there, they received, for instance, in going to Michigan or New York some eighty or ninety dollars, whereas it cost them from one hundred and twenty-five to three hundred dollars to return to their homes. This amendment of the Senate is but the bill that was sent to them from the Military Committee of the House, having passed this House substantially in the same form. But there ought to be some restriction confining it to the men who did not elect to remain in the Territories. We found that a great many of these men when discharged requested to be discharged there, instead of being taken home, because they desired to settle and become miners. They ought not, if a year or two afterward they choose to go home, to receive two or three hundred dollars for going home.

Mr. HIGBY. I believe the law is guarded in that respect, providing for those who did actually return home. That is the provision that is added by the committee.

Mr. BIDWELL. I wish to say that there were a few soldiers who enlisted in California and who were discharged in Arizona, New Mexico, and Texas, a thousand miles almost from where they enlisted. There has been considerable correspondenee on the subject between the Governor of California and General Carlton, all of which goes to show that those cases were extremely hard, and I should regret if the gentleman from Missouri insists upon his amendment, which will destroy the whole provision. The cases of those soldiers who enlisted in California were extremely hard. They did not, perhaps, even know exactly what they were entitled to. I believe there was a want of transportation, and being discharged in Texas, New Mexico, and Arizona, they have to find their way home, thousands of miles, at an expense of two, three, or four hundred dollars apiece, whereas they received

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only the small amount of eighty or ninety dollars allowed them by law. I hope, therefore, the gentleman will not insist upon his amendment.

Mr. HOGAN. I do not wish to embarrass the proposition offered by the chairman of the Committee on Military Affairs. I simply wished to make a statement. The opinion I have is that some of the Missouri troops were discharged in Texas and some of them in Georgia and South Carolina. As I have learned from them, they received no compensation nor transportation home. I have not, however, had the matter investigated, and I may have been misinformed in regard to it. Under existing circumstances, therefore, I deem it advisable to withdraw the proposition I made rather than to embarrass the amendment.

Mr. TROWBRIDGE. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of the Senate, as amended, was agreed to.

Mr. STEVENS. I move a committee of conference.

The motion was agreed to; and Messrs. STEVENS, BANKS, and SHELLABARGER were appointed conferees on the part of the House.

WITHDRAWAL OF PAPERS.

On motion of Mr. DENISON, the papers relative to the claim of Captain John Reichard were withdrawn from the files of the House.

BANKRUPT BILL.

Mr. JENCKES submitted the following report from a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the bill to establish a uniform system of bankruptcy throughout the United States (H. R. No. 598) having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendment No. 26 to the thirty-third section of said bill.

That the House recede from its non-concurrence with the Senate in the other amendments made to said bill by the Senate, and concur in the same.

THOMAS A. JENCKES,
HENRY L. DAWES,
Managers on the part of the House.
LUKE P. POLAND,
EDWIN D. MORGAN,
JAMES A. McDOUGALL,
Managers on the part of the Senate.

Mr. MAYNARD. I rise to make an inquiry of the Chair. Can we divide the question so as to vote for some of these propositions and against the others.

The SPEAKER. A conference report must be voted upon as a whole.

Mr. MAYNARD. Will a motion to lay the conference report on the table be in order?

The SPEAKER. Such a motion would be in order at the proper time; but the gentleman from Rhode Island [Mr. JENCKES] is now entitled to the floor.

Mr. MAYNARD. I would inquire what would be the effect of a motion to lay this report on the table.

The SPEAKER. The effect would be, if carried, to take the bill with it, and for that reason the bill must always be present when the report of the committee of conference is considered.

Mr. JENCKES. This report is precisely the recommendation of the select committee of this House upon this subject. I now ask a vote upon it.

Mr. MAYNARD. I move to lay the report of the committee of conference on the table, and upon that motion I call for the yeas and nays.

Mr. CONKLING. I would appeal to the gentleman from Tennessee [Mr. MAYNARD] to withdraw for a moment his motion to lay the report on the table in order to enable the gentleman Rhode Island [Mr. JENCKES] to state to the House, as I suppose he is very well prepared to do, what are the points of difference and what are the points of agreement in respect to this bill between the two Houses, so that we may know precisely what we vote to lay on the table or what we vote to concur in.

Mr. MAYNARD. I have no objection. I will withdraw my motion to lay on the table for that purpose.

Mr. JENCKES. On a former occasion I explained to the House these amendments very fully, and therefore to-night I did not consider it necessary to take up the time of the House at this late hour of the session in repeating what I then said. I will state, however, that although the amendments of the Senate are somewhat numerous, yet more than nine tenths of them are formal and verbal only, correcting the text, making more clear what was supposed to be not clear enough, and excluding here and there some redundant words. In fact, there are but two essential changes involved in the Senate amendments. One is the changing of the appointment of the officers called registrars from the circuit court of the United States to the district courts of the United States, still retaining, however, the clause which provides that these officers shall be appointed upon the nomination and recommendation of the Chief Justice of the Supreme Court of the United States. It seemed to the committee of this House to be immaterial whether these officers were appointed by the circuit or the district courts of the United States so long as their nomination and recommendation remained where the House provided it should remain, in the control of the Chief Justice.

The only other amendment of any consequence was in relation to the restricting clause applicable to corporations, confining it to moneyed, business, and trading corporations, which has been made more definite by the amendment of the Senate. There was another clause in the House bill which provided that if bankruptcy should occur more than one year after this act should take effect the bankrupt should not receive his discharge unless he obtained a certificate of recommendation from a majority of his creditors, or paid fifty per cent. upon the claims against him. The Senate struck out that provision. The committee of conference recommend that the Senate recede from that amendment, leaving the bill in that respect as it passed the House.

These are the only material amendments which have been made to the bill. I do not consider it important to detain the House to explain the merely verbal or formal amendments. In the view of the House committee who considered the subject they were improvements upon the text of the bill, and in no instance did they make any alteration in the principle or scope of the bill. These, the only essential points of difference, having been reconciled by the agreement of the conference committee, I hope that the report will be agreed to. I demand the previous question.

Mr. MAYNARD. I desire to state that in making the motion to lay the report on the table, I do it in a spirit of hostility to the bill and for the purpose of defeating it. I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 71, nays 83, not voting 36; as follows:

YEAS—Messrs. Ancona, Arnell, Delos R. Ashley, Baker, Barker, Bingham, Blaine, Bromwell, Broomall, Campbell, Reader W. Clarke, Cobb, Cooper, Cullom, Defrees, Delano, Denison, Dumont, Eckley, Eldridge, Farquhar, Finck, Garfield, Abner C. Harding, Hawkins, Hayes, Hill, Hise, Chester D. Hubbard, James R. Hubbell, Ingersoll, Julian, Kerr, Koontz, Kuykendall, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Lynch, Marshall, Marston, Maynard, McClurg, Mercur, Miller, Morrill, Moulton, Myers, Niblack, O'Neill, Orth, Paine, Patterson, Perham, Pike, Price, William H. Randall, Rollins, Sawyer, Schenck, Shanklin, Shellabarger, Stevens, Stokes, Andrew H. Ward, William B. Washburn, Welker, Whaley, and James F. Wilson—71.

NAYS—Messrs. Alley, Allison, Ames, Banks, Baxter, Beaman, Bergen, Bidwell, Blow, Boutwell, Boyer, Brandegee, Buckland, Bundy, Chanler, Sidney Clarke, Conkling, Darling, Davis, Dawes, Dawson, Deming, Dixon, Dodge, Donnelly, Eliot, Farnsworth, Ferry, Glossbrenner, Goodyear, Griswold, Hale, Hart, Higby, Hogan, Holmes, Hooper, Hotchkiss, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Jones, Kelley, Ketcham, Laflin, Longyear, Marvin, McRuer, Moorhead, Morris, Newell, Pomeroy, Radford, Raymond, Alexander H. Rice, John H. Rice, Rogers, Scofield, Sloan, Spalding, Starr, Strouse, Taber, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, Wentworth, Woodbridge, and Wright—83.

NOT VOTING—Messrs. Anderson, James M. Ashley, Baldwin, Benjamin, Cook, Culver, Driggs, Eggleston, Grinnell, Aaron Harding, Harris, Henderson, Asahel W. Hubbard, Kasson, Kelso, Leftwich, McCullough, McIndoe, McKee, Nicholson, Noell, Phelps, Plants, Samuel J. Randall, Ritter, Ross, Rousseau, Sitgreaves, Stilwell, Nathaniel G. Taylor, Robert T. Van Horn, Elihu B. Washburne, Williams, Stephen F. Wilson, Windom, and Winfield—36.

So the House refused to lay the report on table.

During the roll-call the following announcements were made:

Mr. EGGLESTON. On this question I have paired with the gentleman from Michigan, Mr. DRIGGS. If he were here he would vote "no," and I would vote "ay."

Mr. COOK. I am paired on this question with the gentleman from Iowa, Mr. KASSON. If he were here he would vote against the motion to lay on the table, and I would vote in favor of that motion.

Mr. BINGHAM. I desire to announce that my colleague, Mr. PLANTS, is absent from the House by reason of illness.

Mr. McKEE. On this question I am paired with the gentleman from Maryland, Mr. PHELPS. If he were present he would vote against this motion, and I should vote in favor of it.

The result of the vote was announced as above stated.

The question recurred on seconding the demand for the previous question on agreeing to the report of the committee of conference.

Mr. BLAINE (at half past ten o'clock p. m.) moved that the House adjourn.

On the motion, there were—ayes 58, noes 59.

Mr. BLAINE called for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. Before the vote is taken on this motion to adjourn, I wish to say that it is highly desirable that the House should remain in session for perhaps half an hour longer, as we expect the tax bill to be returned from the Senate with various amendments.

The question was taken; and it was decided in the negative—yeas 57, nays 91, not voting 42; as follows:

YEAS—Messrs. Allison, Ancona, Arnell, Delos R. Ashley, Baker, Barker, Bingham, Blaine, Boyer, Bromwell, Campbell, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Cooper, Defrees, Delano, Eckley, Eggleston, Eldridge, Farquhar, Finck, Garfield, Abner C. Harding, Hawkins, Hill, Hise, Ingersoll, Kerr, Koontz, Latham, George V. Lawrence, William Lawrence, Loan, Marston, Maynard, McClurg, McKee, Mercur, Nicholson, Orth, Patterson, Perham, Pike, Price, William H. Randall, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Stokes, Andrew H. Ward, Welker, and James F. Wilson—57.

NAYS—Messrs. Alley, Ames, James M. Ashley, Banks, Baxter, Beaman, Bergen, Bidwell, Blow, Boutwell, Brandegee, Broomall, Buckland, Chanler, Conkling, Darling, Davis, Dawson, Deming, Dixon, Dodge, Donnelly, Dumont, Eliot, Farnsworth, Ferry, Goodyear, Griswold, Hale, Hart, Hayes, Hogan, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, James R. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Jones, Julian, Kelley, Ketcham, Kuykendall, Laflin, Le Blond, Longyear, Lynch, Marvin, McRuer, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Paine, Pomeroy, Radford, Alexander H. Rice, John H. Rice, Rogers, Ross, Spalding, Starr, Strouse, Taber, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Henry D. Washburn, William B. Washburn, Wentworth, Williams, Stephen F. Wilson, Woodbridge, and Wright—91.

NOT VOTING—Messrs. Anderson, Baldwin, Benjamin, Bundy, Cullom, Culver, Dawes, Denison, Driggs, Glossbrenner, Grinnell, Aaron Harding, Harris, Henderson, Higby, Asahel W. Hubbard, Kasson, Kelso, Leftwich, Marshall, McCullough, McIndoe, Moulton, Niblack, Noell, Phelps, Plants, Samuel J. Randall, Raymond, Ritter, Rousseau, Shanklin, Sitgreaves, Stevens, Stilwell, Nathaniel G. Taylor, Robert T. Van Horn, Warner, Elihu B. Washburne, Whaley, Windom, and Winfield—42.

So the House refused to adjourn.

The question recurred on seconding the previous question.

The House divided; and there were—ayes 82, nays 64.

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Mr. LAWRENCE, of Ohio, demanded the yeas and nays on ordering the main question.

The yeas and nays were ordered.

Mr. HALE. I rise to a privileged question. As it is evident the leaders of the House are filibustering to defeat the bankrupt bill, I move that the House adjourn.

Mr. FARNSWORTH. Is there any public business remaining to be disposed of?

The SPEAKER. The tax bill is to come back from the Senate. If it is not acted upon to-night the Chair is of opinion the bill will be lost.

Mr. HALE. At the request of my friend from Rhode Island I withdraw the motion.

Mr. LAWRENCE, of Ohio. I move that the House adjourn; and on that motion demand the yeas and nays.

The yeas and nays were not ordered.

The House refused to adjourn.

The question was then taken on ordering the main question; and it was decided in the affirmative—yeas 86, nays 56, not voting 48; as follows:

YEAS—Messrs. Alley, Ames, James M. Ashley, Banks, Baxter, Beaman, Bergen, Bidwell, Blow, Boyer, Brandegee, Buckland, Bundy, Chanler, Sidney Clarke, Conkling, Darling, Davis, Deming, Dixon, Dodge, Donnelly, Eliot, Farnsworth, Ferry, Goodyear, Griswold, Hale, Hart, Higby, Hogan, Holmes, Hooper, Hotchkiss, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, James R. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Jones, Kelley, Ketcham, Kuykendall, Laflin, Longyear, Marshall, Marvin, McRuer, Moorhead, Morris, Myers, Newell, Nicholson, Paine, Pomeroy, Radford, Raymond, Alexander H. Rice, John H. Rice, Rogers, Ross, Spalding, Starr, Strouse, Taber, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Upson, Van Aernam, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Wentworth, Williams, Stephen F. Wilson, Woodbridge, and Wright—86.

NAYS—Messrs. Ancona, Arnell, Delos R. Ashley, Baker, Barker, Bingham, Blaine, Boutwell, Bromwell, Broomall, Campbell, Cobb, Cooper, Cullom, Dawson, Defrees, Dumont, Eckley, Eldridge, Farquhar, Finck, Garfield, Abner C. Harding, Hawkins, Hayes, Hill, Hise, Chester D. Hubbard, Ingersoll, Julian, Kerr, Koontz, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Maynard, McClurg, Mercur, Miller, Morrill, O'Neill, Orth, Price, William H. Randall, Rollins, Sawyer, Scofield, Shanklin, Stevens, Stokes, Andrew H. Ward, Welker, Whaley, and James F. Wilson—56.

NOT VOTING—Messrs. Allison, Anderson, Baldwin, Benjamin, Reader W. Clarke, Cook, Culver, Dawes, Delano, Denison, Driggs, Eggleston, Glossbrenner, Grinnell, Aaron Harding, Harris, Henderson, Asahel W. Hubbard, Kasson, Kelso, Leftwich, Lynch, Marston, McCullough, McIndoe, McKee, Moulton, Niblack, Noell, Patterson, Perham, Phelps, Pike, Plants, Samuel J. Randall, Ritter, Rousseau, Schenck, Shellabarger, Sitgreaves, Sloan, Stilwell, Nathaniel G. Taylor, Burt Van Horn, Robert T. Van Horn, Elihu B. Washburne, Windom, and Winfield—48.

So the main question was ordered to be now put.

During the roll-call,

Mr. WOODBRIDGE stated that Mr. BLAINE, who was in favor of the bill, had paired off with Mr. PATTERSON, who was against it.

Mr. COOK stated he was paired with Mr. KASSON, who was in favor of the bill, while he was against it.

The vote was then announced as above recorded.

The question then recurred on agreeing to the report of the committee of conference.

Mr. BINGHAM demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 78, nays 71, not voting 46; as follows:

YEAS—Messrs. Ames, James M. Ashley, Banks, Baxter, Beaman, Bergen, Bidwell, Blow, Brandegee, Buckland, Bundy, Chanler, Sidney Clarke, Conkling, Darling, Davis, Dixon, Donnelly, Eliot, Farnsworth, Ferry, Goodyear, Griswold, Hale, Hart, Hogan, Holmes, Hotchkiss, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Jones, Kelley, Ketcham, Laflin, Longyear, Marvin, McRuer, Moorhead, Morris, Newell, Pike, Pomeroy, Radford, Raymond, Alexander H. Rice, John H. Rice, Rogers, Ross, Spalding, Starr, Strouse, Taber, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, Wentworth, Woodbridge, and Wright—73.

NAYS—Messrs. Ancona, Arnell, Delos R. Ashley, Baker, Barker, Bingham, Blaine, Boutwell, Boyer, Bromwell, Broomall, Campbell, Reader W. Clarke, Cobb, Cooper, Cullom, Dawson, Defrees, Delano, Deming, Dodge, Dumont, Eckley, Eldridge, Farquhar, Finck, Garfield, Grinnell, Abner C. Harding, Hawkins, Hayes, Hill, Hise, Chester D. Hubbard, James R. Hubbell, Ingersoll, Julian, Kerr, Koontz, Kuykendall, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Marshall, Marston, Maynard, McClurg, Mercur, Miller, Morrill, Myers, O'Neill, Orth, Paine, Perham, Price, William H. Randall, Rollins, Sawyer, Schenck, Scofield, Shanklin, Shellabarger, Stokes, William B. Washburn, Welker, Whaley, James F. Wilson, and Stephen F. Wilson—71.

NOT VOTING—Messrs. Alley, Allison, Anderson, Baldwin, Benjamin, Cook, Culver, Dawes, Denison, Driggs, Eggleston, Glossbrenner, Aaron Harding, Harris, Henderson, Higby, Hooper, Asahel W. Hubbard, Kasson, Kelso, Leftwich, Lynch, McCullough, McIndoe, McKee, Moulton, Niblack, Nicholson, Noell, Patterson, Phelps, Plants, Samuel J. Randall, Ritter, Rousseau, Sitgreaves, Sloan, Stevens, Stilwell, Nathaniel G. Taylor, Robert T. Van Horn, Andrew H. Ward, Elihu B. Washburne, Williams, Windom, and Winfield—46.

So the report of the committee of conference was adopted.

During the roll-call,

Mr. McKEE stated that he had paired with Mr. PHELPS on this question or he would have voted against the report.

Mr. DAVIS stated that Mr. COOK had paired with Mr. KASSON.

The announcement of the vote as above recorded was received with mingled applause and hisses from members.

Mr. JENCKES. I move to reconsider the vote by which the report of the committee of conference was adopted; and to lay the motion to reconsider on the table.

Mr. ORTH. I demand the yeas and nays on that motion.

Mr. JENCKES. I withdraw the motion.

MESSAGE FROM THE SENATE.

A message from the Senate (received during the above roll-call) informed the House that the Senate had passed bill of the House, No. 1161, to amend existing laws relating to internal revenue, with amendments, in which he was directed to ask the concurrence of the House.

The message further informed the House that the Senate had passed bill of the House No. 1184, making appropriations for the construction, preservation, and repairs of fortifications and other works of public defense for the fiscal year ending June 30, 1868, with amendments, in which he was directed to ask the concurrence of the House.

TAX BILL.

The House resumed the consideration of the business upon the Speaker's table, the next business in order being the consideration of the amendments of the Senate to bill of the House No. 1161, to amend existing laws relating to internal revenue.

Mr. MORRILL. Mr. Speaker, I have not read the amendments of the Senate to this bill, but I understand that they are quite numerous, and I can see no mode by which we can have final action on the bill this session except by moving a non-concurrence in the amendments of the Senate and that the House ask a committee of conference. I make that motion and call the previous question upon it.

Mr. LE BLOND. What is before the House?

The SPEAKER. The amendments of the Senate to the tax bill.

Mr. LE BLOND. Is there a tariff among them?

The SPEAKER. The Chair believes there is no tariff.

Mr. WILLIAMS. I call for the reading of the amendments. I wish to know what I am to vote upon.

The SPEAKER. The gentleman has a right to demand the reading.

Mr. RADFORD. If it is in order, I desire to move that the House do now adjourn.

The SPEAKER. It is in order.

Mr. FARNSWORTH. I move to suspend the rules, so as to dispense with the reading of the amendments.

Mr. RADFORD. I move that the House do now adjourn.

The SPEAKER. The Chair desires to state to the gentleman who moves to adjourn that if the House adjourns now, in the present state of the public business, this bill will probably be lost. It will depend, of course, upon whether the majority of the House desire the bill to be lost or not.

Mr. RADFORD. How long will the reading of the amendments take?

The SPEAKER. The Chair cannot say.

Mr. RADFORD. I withdraw the motion to adjourn.

Mr. WILLIAMS. I withdraw the demand for the reading of the amendments.

Mr. FARNSWORTH. Then, of course, I withdraw my motion.

The previous question was seconded and the main question ordered; and under the operation thereof, Mr. MORRILL's motion was agreed to.

Mr. MORRILL moved to reconsider the vote by which the motion was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The SPEAKER appointed Mr. MORRILL, Mr. MOORHEAD, and Mr. HOGAN conferees on the part of the House.

And then, on motion of Mr. CONKLING, (at eleven o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MORRILL: The petition of John M. Dorsey, G. G. Hagele, David Basler, Thomas Drury, and 343 others, journeymen finishers of morocco leather, of Philadelphia, Pennsylvania, praying Congress, by a judicious adjustment of the tariff and tax laws, to protect their labor.

By Mr. ROSS: The memorial and resolutions of the River Improvement Convention.

IN SENATE.

FRIDAY, *February* 22, 1867.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. POLAND, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

THE CONSTITUTIONAL AMENDMENT.

The PRESIDENT *pro tempore* laid before the Senate resolutions of the Legislature of the State of Rhode Island and Providence Plantations, ratifying the amendment to the Constitution of the United States proposed to the several States by joint resolution of Congress, passed on the 13th day of June, 1866, to be designated article fourteen of Amendments to the Constitution; which were ordered to lie on the table.

Mr. HOWE presented resolutions of the State of Wisconsin, ratifying the amendment to the Constitution of the United States proposed to the several States by a joint resolution of Congress, passed on the 13th day of June, 1866, to be designated article fourteen of Amendments to the Constitution; which were ordered to lie on the table.

CREDENTIALS.

Mr. McDOUGALL presented the credentials of Hon. Cornelius Cole, elected a Senator by the Legislature of the State of California for the term of six years, commencing on the 4th day of March, 1867; which were read, and ordered to be filed.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 297) instructing the Secretary of the Interior to order a survey for a bridge or bridges across the Potomac was read twice by its title and referred to the Committee on Public Buildings and Grounds.

JAMES TETLOW.

The bill (H. R. No. 1188) for the relief of James Tetlow, was read twice by its title.

The PRESIDENT *pro tempore*. This bill will be referred to the Committee on Naval Affairs, if there be no objection.

Mr. GRIMES. It is hardly necessary to refer that. There is a similar bill reported from the Committee on Naval Affairs *in hæc verba*, now lying on the table. It is in charge of the Sen-

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ator from Indiana, [Mr. HENDRICKS,] who is not in.

The PRESIDENT *pro tempore*. The bill will be laid upon the table if there is no objection.

PETITIONS AND MEMORIALS.

Mr. WILSON presented the memorial of Henry B. Carrington, colonel eighteenth regiment United States infantry, praying that Army officers may be allowed commutation for quarters, and that each regiment in the Army may be allowed a full band; which was ordered to lie upon the table, the Senate having already acted on the subject.

Mr. JOHNSON. I present the petition of William J. Blackistone, of Maryland, representing that he was appointed one of the Board of Trade for the greater part of St. Mary's county, in Maryland, during the war and was subjected to very heavy expenses, and finds now that there is no provision by which he can receive any compensation, although he was informed at the time that compensation would be allowed him. I ask its reference to the Committee on Claims.

It was so referred.

Mr. HOWE presented a memorial of members of the Chamber of Commerce of Milwaukee, Wisconsin, remonstrating against the registering of foreign-built vessels; which was referred to the Committee on Commerce.

Mr. HENDRICKS presented the petition of Nobles & Co., praying to be allowed to enter ten thousand acres of land in the State of Alabama at the Government price; which was referred to the Committee on Public Lands.

He also presented a petition of citizens of Indiana, praying that Charles Ramsey may be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. SUMNER presented a petition of merchants of Boston praying that the warehouse act approved March 16, 1866, may be so amended as that tea, coffee, sugar, spices, and the raw products of the East Indies may not be subjected to the additional duty of ten per cent. as therein provided; which was referred to the Committee on Finance.

Mr. SUMNER. I also offer a petition of citizens of Altoona, Pennsylvania, in which they ask that there shall be no legislation or enforcement of any law, rule, or regulation within the United States or the Territories against any civilized portion of the inhabitants, native-born or naturalized, on account of color, race, or birth, and they ask appropriate legislation by Congress to enforce this petition.

I also offer a similar petition from citizens of Philadelphia, and another similar one from citizens of Pennsylvania generally.

I also offer the petition of the Female Anti-Slavery Society of Philadelphia, duly authenticated by their officers, in which they ask Congress to present to the loyal States for adoption such amendment or amendments to the Constitution of the United States as may be necessary to secure to the lately emancipated slaves of this country the right of suffrage. As this petition concerns directly an amendment to the Constitution, I move its reference to the Committee on the Judiciary.

Mr. TRUMBULL. The Committee on the Judiciary has acted on these questions and I do not see the necessity of referring these matters to them again. The committee have reported back several just such petitions asking for similar legislation, and we have reported various bills on the subject which are on the Calendar. I think these petitions might as well go upon the table.

Mr. SUMNER. The Senator has not reported any resolution proposing an amendment to the Constitution securing the suffrage to everybody.

Mr. TRUMBULL. No, sir.

Mr. SUMNER. That is the prayer of the last petition.

Mr. TRUMBULL. But the others do not relate to that.

Mr. SUMNER. The others can lie upon the table.

The PRESIDENT *pro tempore*. That order will be entered. Does the Senator vary his motion in regard to the last petition?

Mr. SUMNER. Let them all lie on the table.

It was so ordered.

GOVERNMENT OF SOUTH CAROLINA.

Mr. YATES. I present the petition of one thousand loyal colored citizens of Charleston, South Carolina, praying for the establishment of a territorial government there, and for protection in their civil and political rights.

In presenting this petition, Mr. President, I desire to remark, as it is very important at the present time to know the real state of affairs in the rebellious States, that these petitioners state to us that since the suspension of the provost guard and provost courts and the military tribunals there, or the curtailment of the military jurisdiction in the State of South Carolina, there is no protection for the civil and political rights of the freedmen. They testify that in the interior of the State the freedmen are barbarously and inhumanly murdered for no other crime than that they assert their rights under the proclamation of emancipation and under the amendment abolishing slavery in the United States. They testify to us that the civil courts wholly fail to do them justice; that no indictments are found for the commission of the most heinous and outrageous offenses; that no convictions are found for murders of the freedmen in that State.

Mr. President, here is evidence presented to us from a loyal source, not from men engaged in the rebellion, not from men who fought against the country, but from men who under all circumstances in the past history of the country have been true to its flag and true to the Union and to liberty. Under these circumstances, these one thousand loyal colored citizens of the United States demand protection. They represent to us their condition, and we know it must be true, as being far worse than in a state of slavery, for then they had the protection of a master, now they have arrayed against them the prejudices and the persecutions of disloyal men, of rebels who are embittered against them and prejudiced against them by reason of the noble and patriotic stand they have taken in favor of the Union. In consideration of these facts, these petitioners pray for suffrage and for protection in the exercise of suffrage. They also pray that they may have the protection extended to them which is their right as American citizens, as there is now no distinction under the Constitution of the United States between citizens or between persons, whatever may be their color, race, or previous condition.

In consequence of the importance of this petition as a document showing the true state of affairs in the State of South Carolina, given to us by loyal men, I wish to present this petition as a part of the remarks which I have made upon the present occasion. It is as follows:

CHARLESTON, SOUTH CAROLINA, *February* 16, 1867.

To the honorable the Senate and House of Representatives in Congress assembled:

We, the undersigned, colored citizens of the State of South Carolina, would respectfully represent that notwithstanding the positive recognition of the validity and justness of our claim, as an integral portion of the American people, to equality before the law by the civil rights bill, and the very ample provisions made by that and the Freedmen's Bureau for our protection, still there are many existing wrongs uncorrected, and much injustice is inflicted upon us, through violence and other means, by the white citizens of the State, who are our law-makers and its administerers.

The provost courts having been suspended and military supervision curtailed and the civil law permitted to resume its sway, outrages upon our people, especially in the interior of the State, are of common occurrence. They are murdered, in various ways abused, and in many instances for mere trivial offenses, owing to the deep-rooted animosity and the ancient spleen of barbarous slavery which waxed hot by their acquisition of freedom.

Having no political voice, the civil rights bill fails, and the civil courts fail to do them justice. Those courts do not inflict punishment on white men that outrage our people, and we, the recipients of wrong and abuse, have to submit powerless to these wicked decisions of the civil tribunal, where justice is mockery and injustice is clothed in the garb of righteousness, and life itself is imperiled. In many places they dare not even now assert the liberty secured them by the emancipation proclamation; if they do, they are outraged, threatened with death, and driven from their homes, poor, homeless, naked, hungry, and without shelter. Their wives and their children, the old, enfeebled, and decrepit, who have been worn out under the task-master, and the tender infant at the bosom, and the sick—all, all alike, are now compelled to seek refuge in temporary huts in the woods or along the public highways. Upon many plantations they are compelled either to contract for wages, by which they could not support their families, or be driven off—flight being their only refuge from tyranny and abuse. Thus our people are meanly ignored, made suffering outcasts, and their interests willfully neglected.

Permit us, under these circumstances, to express our deep gratitude for the liberal and gracious provisions of "homestead" by the Government, a provision now necessary to our safety, if not to our very existence. In addition to the above-mentioned wrongs and abuses, we are taxed to support schools and other public institutions, whose doors are barred against us. These taxes and burdens are imposed without our consent—for we are allowed no voice in representation. Slavery no longer holds us in its galling clutches, but we have dropped from its cruel shackles into the no less wicked grasp of a powerful prejudice, which would contrive for us a more ruinous fate than brutal slavery. It would make our liberty a curse instead of a blessing, and its every advocate a dangerous enemy to mankind, the glorious emancipation proclamation an edict of ruin and wretchedness, and the great triumph of Federal arms a most inglorious failure. We would state, however, that the loyal whites of the State would pray you to make the elective franchise impartial and irrespective of race or color, believing its enjoyment to be our just right, as well as for their own safety, the growth and perpetuity of free institutions, of republicanism, and the safety of the Government.

As a remedy for these, our grievances, your humble servants would most respectfully petition and humbly pray your honorable bodies to change the present State government to a territorial government, or such form that in the reorganization of civil authority in the State preparatory to its representation in Congress every man accounted a citizen of the United States and residing in South Carolina shall be authorized to have an equal voice, whereby the people of the State may be secured a republican form of government. We ask this because—

1. It is our inalienable right to enjoy every privilege secured by law to any other class of American citizens.

2. We ask it because we are vastly in the majority in South Carolina, consequently we are unwilling to be entirely legislated for and ruled by the minority, who are our enemies and unmindful of our interest. Should not the majority rule? If not, may they not be permitted to participate in ruling?

3. We ask it because when the white citizens of the State rebelled against the Government, and attempted its destruction, "when the flame that lit the battle wreck," was fanned and fed by the hot rage of a rebellious people, whose furious passions, wicked and mad designs had hurled upon the land a disastrous war, we remained loyal and true, and with heroic patriotism our brave men suffered, fought, and bled upon numerous battle-fields for union, liberty, and the preservation of the Government.

4. We ask it because we took no part in filling the land with rage and strife, war and bloodshed, with the mourning and distress of poor widows and orphans, nor did we burden the nation with its great debt, but we were the ministers of relief and comfort to our oppressrs and enemies even; but more especially to insulted and barbarously-treated Union prisoners so far as safety permitted. When we found them in their prison-pens sick, languishing, and dying from hunger, thirst, and neglect, we divided with them our last morsel.

5. We ask it in accordance with, and in the name of, the Declaration of American Independence, which declares "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these, governments are instituted among men, deriving their just powers from the consent of the governed."

6. We ask it that loyalty may become supreme, and be no longer considered a crime. Then will republican liberty be safe and we ourselves be protected from outrage and wrong.

Finally, we ask it, in the sacred name of justice, of liberty, of suffering humanity for the sake of social and political harmony, and as being for the best interest of the whole people of South Carolina.

The PRESIDENT *pro tempore*. What disposition does the Senator ask be made of the petition?

Mr. YATES. I move its reference to the joint Committee on Reconstruction.

It was so referred.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on Commerce, to whom was referred the joint resolution (H. R. No. 196) to construe an act further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes, to report the joint resolution back with the expression of

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the opinion that the same ought not to pass. I am directed to say in this connection—I have not had time to make another report—that the committee learned with surprise that the Treasury Department has in a degree nullified the act passed last year on this subject, by its construction, and that this joint resolution was intended to make that nullification legal by limiting the operation of the act within certain boundaries which the act by itself already included. The Department has undertaken, in respect to the pressure of steam upon boilers, although the language of the act is perfectly explicit and perfectly general, to declare that there is a certain class of boilers to which the law does not apply, and they have reached that conclusion by looking to the title of the law and by, having looked to the title of the law, only taking one half of the title instead of the whole in order to base such an argument upon. I do not think it very creditable to the law officers of the Treasury Department that that method of administering law is adopted there; and unless it shall be corrected by the action of the Department itself I shall, with the approbation of the committee, take some early occasion to provide by further law for the execution of the laws that we already have.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (S. No. 530) amendatory of the homestead law, and for other purposes, reported adversely thereon.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration; which was agreed to:

A bill (S. No. 391) to aid in the development of the mineral and agricultural resources of Montana;

A bill (S. No. 597) to amend an act entitled "An act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida;"

A bill (S. No. 615) for the sale of the Hot Springs reservation, in the State of Arkansas; and

A bill (H. R. No. 355) to authorize departures from the established mode of surveying in certain cases.

He also, from the same committee, to whom were referred the memorial of the University at Burlington, Iowa, and the memorial of the city council of Burlington, Iowa, in relation to the grant of a certain lot of public land in that city for educational purposes, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 733) for the discontinuance of land offices, and authorizing modifications in the limits of land districts, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 213) to extend the provisions of the act in regard to agricultural colleges to the State of Tennessee, reported it with an amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom were referred the bill (H. R. No. 899) in relation to the revenue-cutter service, and the joint resolution (H. R. No. 284) authorizing examinations of improvements in vessels, and for other purposes, in aid of navigation and for the protection of life and property at sea, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes, reported it with amendments.

Mr. HOWARD, from the Committee on the Pacific Railroad, to whom were referred resolutions of the Legislature of Kansas in favor of a grant of aid to the Union Pacific railway, southern branch, equal to that granted to the Union Pacific railway and its several northern branches, asked to be discharged from their further consideration; which was agreed to.

BOSTON POST OFFICE.

Mr. RAMSEY. The Committee on Post Offices and Post Roads, to whom was referred the joint resolution (S. R. No. 176) relative to the post office and sub-Treasury of the city of Boston, have directed me to report it back without amendment, and recommend its passage. This is a resolution simply for the appointment of a commission similar to the one appointed in the case of the post office site in the city of New York, for the selection of a site in Boston.

Mr. SUMNER. I ask the action of the Senate upon it now.

Mr. RAMSEY. It involves no liability, no money. It simply provides for a report upon the sites that may be offered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appoint the mayor and postmaster of the city of Boston, the assistant Treasurer of the United States at the city of Boston, the president of the Board of Trade of the city of Boston, Alpheus Hardy, Daniel Davies, and John A. Andrew, of Boston, a commission to select a proper site for a post office and the accommodation of the sub-Treasury in the city of Boston, and report to the Postmaster General and the Secretary of the Treasury, at their earliest convenience, the selection upon which they or the majority of them may agree, and the price at which such site can be purchased by the Government for the purposes contemplated in this resolution, if a new site should be selected; and if the report shall meet the approbation of the Postmaster General and the Secretary of the Treasury, they are to communicate it, with such additional suggestions as they may think proper, to Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. HENDRICKS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 621) for the relief of Charles Ramsey; which was read twice by its title, and referred to the Committee on Pensions.

HENRY S. DAVIS.

Mr. POLAND. I move that the Senate proceed to the consideration of House bill No. 820.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 820) for the relief of Henry S. Davis.

Mr. POLAND. This is a bill to pay a mechanic for work on the Patent Office building. It is a bill that has twice passed the House; been reported upon three times in the House favorably, and three times in the Senate favorably. It was during the last session before the Committee of the Senate on Public Buildings and Grounds, and a majority of the committee reported in favor of the claim. A very lengthy minority report was submitted by a portion of the committee. I do not know whether it is necessary that that should be read, or whether it is desired that it should be. I will state in substance what it is.

There is no dispute in reference to the performance of the labor by Mr. Davis. The only dispute was in reference to the price that he was entitled to receive as to the quality, the class of the work. This minority report is made up of long letters and correspondence from the public measurer, who claimed that Mr. Davis was not entitled to receive any more than he was paid, and a lengthy report made by the Commissioner of Patents, to whom it was once referred, no statement of facts, but a lengthy argument on the subject. I do not know whether the gentleman who made that report desires to have it read, or whether he will make a statement to the Senate verbally. It was nearly all read the other day, not wholly.

I will state further in reference to this claim that during the last session this matter was before the Senate committee and also the House committee, and a very lengthy hearing was had before the House committee in reference to it, and the evidence was taken in writing, which was laid before the committee of the Senate, and that evidence I have here. In addition to this, the committee of the House took the trouble to go up and examine the work themselves and see it.

Without taking any more time in reference to this, I have merely to say that it has once been arbitrated. The matter was left, by direction of the Secretary of the Interior, to three skilled mechanics of his own choice, who decided unanimously in favor of this claim. He has had the award of arbitrators; he has had the report of three committees in the House; he has had the report of three committees in the Senate, and the bill has passed the House. It seems to me it is time this matter was finally settled.

Mr. BROWN. Mr. President, I have no desire to embarrass the passage of this bill by any unnecessary delays in its consideration. It is perhaps right that it should have a hearing. The bill was referred to the Committee, on which I serve, on Public Buildings, for investigation, and in looking at it I became satisfied that the claim was an unjust one. In consequence, I took a great deal of pains in making an examination into its merits and into its history; and the more I examined it the more thoroughly I became satisfied that there was no earthly title or shadow of justice in the claim. It is a claim for work done some eight or nine years ago that was then settled for. It is a claim founded upon a bill of prices for which anterior work had been done and settled for without any controversy. It is a claim which has been passed upon under Mr. Holt when he was Commissioner of Patents, and also under the succeeding Commissioner of Patents, Mr. Bishop, and under the investigation of the Finance Committee of this body, and on each and every occasion has been disallowed.

Mr. McDOUGALL. If the Senator from Missouri will permit me, the Finance Committee did not disallow the claim. They declined to put it on the appropriation bill, admitting, though, that the claim was a just one unquestionably.

Mr. BROWN. That is not my information of the facts.

Mr. McDOUGALL. I was there myself.

Mr. BROWN. That is not the information I have in regard to it.

It is proper that I should state somewhat the character of this claim, and I shall do so as briefly as I may. It is for work done on the west wing of the Patent Office, the greater portion of which was shelving. This Mr. Davis had a contract previously for work done on the east wing of the Patent Office of the same kind and character for shelving. He called upon the Government measurer to know the prices that would be allowed, and was referred to the Builders' Guide as the standard of prices understood here in the District. He went ahead and completed his contract on the east wing of this kind of work. It was settled for in accordance with that standard of measurement and prices. There then came up a contract to be let for the west wing, the shelving, and other articles. He made application for that and received it, knowing that the same measurer was there, and knowing that the same standard of prices would be applied to the work. When it came to be settled for, however, he asked to have the price increased some two hundred per cent. over and above the amount which was allowed by the Builders' Guide. This the Government measurer refused to do. Thereupon there was a controversy, and the matter was referred to Mr. Holt. The result of that was, after some little *pro* and *con.* argument, Mr. Holt ordered the

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account to be settled on the statement of the Government measurer, and it was so settled; this Mr. Davis entering a protest and claiming more.

Now, I will say that of the amount claimed here in addition, $4,000 and upward, is for the article of shelving. I went down to the Patent Office myself to examine the difference between the shelving in the two wings and the character of the work, and I found it to be identically the same, with this exception: that the shelving in the west wing of the Patent Office is made of narrower plank than that in the east wing of the Patent Office; but in the agreement the allowance of six cents per foot for glued joints is made in both cases, which more than compensates for the difference in the width of planking; in fact, it makes it to the interest of the mechanic to make the plank narrower and have more joints in the shelving, so that, as far as that difference is concerned, the advantage is altogether with Mr. Davis. There is no other difference that I can find, and it is so certified here, both by the measurer and by others in the employment of the Government. It is on the strength of that work that he claims to be allowed two hundred per cent. more than is allowed in the Builders' Guide.

It is said in justification of this claim that the matter was referred to an arbitration, and that that arbitration made this allowance. It is but justice, however, to the Government to say that that reference was made apparently on a mistake of this kind: Mr. Davis alleged that there had been a mistake in the measurement, and the Commissioner decided that if there had been a mistake in the measurement it was proper that the Government should reopen the case; but when the case was reopened it did not turn out to be a mistake of measurement, but the arbitration sent in a change in the price; so that there is really no foundation to justify the reopening of the case at all.

Again, in this commission, as it is called, the Government was not represented. The measurer of the United States was not present.

Mr. POLAND. I should like to inquire of the Senator from Missouri what evidence there is that the Government was not represented in the meeting before that board of arbitrators. The three men were selected wholly by the Commissioner without the intervention of the claimant at all. I am not aware of any evidence that was before the committee or any that exists that the Government was not represented.

Mr. BROWN. The Senator asks what authority there is for the statement that the Government was not represented at that arbitration, as he calls it, the investigation. The authority that I quote is that of Mr. John C. Harkness, the United States sworn measurer, under whom this work was done, in which he says, referring to this claim, after it had been examined by Mr. Bishop, and had been pronounced wholly unfounded:

"Here I supposed the matter would rest; but after the lapse of an entire Administration, when the nation is heaving in agony, with an amount of legitimate expenses taxing her to her utmost, this unfounded claim is honored with a resurrection, and is about to be stamped with real value. I am informed that this is the result of a private examination of the case had by three gentlemen, who are contractors, and but one of them claims to be an expert in the business of measuring joinery; that Mr. Davis and his attorney were permitted to attend the committee when examining the work, while there was none to represent the United States; that Mr. Davis did on one of these occasions attempt to prejudice the interests of the Government by calling the attention of the committee to the discrepancy," &c.

Again, he says:

"Having presented a bird's-eye view of the history and facts of the case, will you permit me to inquire, Mr. Secretary—for I am sure you are well versed in such questions—

"1. If Mr. Davis, prior to the presentation of his bid, did obtain from the Government measurer a knowledge of the prices which he would apply to the several descriptions of work, and making no exceptions thereto, is he not bound, in all fairness, to abide by these prices; prices which he himself considered so liberal as to induce him to propose a large discount therefrom?

"2. If, after having executed the model cases of the east wing by measurement, he proposed to execute the same description of work at the west wing, with the knowledge that the same measurer is retained by the Government, is he not bound, in all fairness, to abide by the same prices for the same kind of work?

"3. If Mr. Davis is allowed two hundred per cent. advance upon the book price for shelving at the west wing, can he not claim, with propriety, a similar advance for the same description of shelving which he furnished at the east wing, for which he has received but the book price?"

I will only call attention to one other communication which was addressed to the committee. It is from Mr. Edward Clark, the architect of the United States Capitol extension. The question involved here is whether the shelving was of the same kind in the two wings. Mr. Clark says:

WASHINGTON, *July* 14, 1866.

SIR: Your letter relating to the prices allowed by the Government measurer for carpenters' work done at the shelving of the show-cases in the eastern and western saloons of the Patent Office building was referred by me to Mr. Harkness, the measurer.

That was a letter to be sent to Mr. Harkness.

In reply I have the honor to submit the letter of that gentleman, by which it will be seen that the shelving of the two wings are identical, with the exception that those in the western wing are in the average made of narrower boards, and consequently have more joints than those of the eastern. This has been compensated for in the allowance for the joints, which were paid for by the lineal foot.

I am, very respectfully, your obedient servant,

EDWARD CLARK,
Architect United States Capitol Extension, &c.

The CHAIRMAN *Committee on Public Buildings, United States Senate.*

Mr. President, I believe that in the examination of this case I have done my duty as a member of the committee. I have presented also the views of the minority of the committee, which have been printed and laid upon the tables of the Senators. I have no desire to protract the discussion or to insist any further upon the matter. I think the claim is a totally unjust one. It is now resurrected some nine years after it has been passed upon and pronounced unjust by the Government. I think if it is to be acted upon at all by the United States, it is simple justice to the Government itself that it should be referred to the Court of Claims, where it can have a fair and impartial hearing in view of all the facts to be elicited.

Mr. POLAND. I do not desire to occupy a moment in reference to this claim. The Senator from Missouri suggests that it should now be referred to the Court of Claims. It was referred to a board of arbitrators. There never was any dispute in relation to the quantity of the work; it was merely as to its quality. By direction of the Secretary it was referred to a board of three builders, selected by himself. They unanimously decided in favor of this claim, and it was recommended by the Secretary to be paid, and a bill was passed in the House to pay it, but in consequence of its being a private claim put on an appropriation bill it was struck out in the Senate. It came before the Committee on Claims in the Senate, of which the Senator from Kansas was chairman. That committee unanimously reported in favor of it. It has twice been reported favorably by the Committee on Public Buildings and Grounds. It has been three times reported in the House, and twice passed by the House. I trust that this suggestion of the Senator from Missouri, that it should now be sent to the Court of Claims, will not be agreed to. I think the Government has tortured this poor mechanic long enough.

Mr. BROWN. Let me call the Senator's attention to one fact. The letter of Mr. Smith says:

"After the work was completed a controversy arose in regard to the amount of the work."

Mr. POLAND. It is perfectly immaterial whether the Secretary understood what the dispute was or did not. The real dispute never was as to the quantity of the work; it was as to its quality; whether it was to be at one price or at another price; and all the builders who have examined it, the House committee who went up there during the last session to examine it for themselves, everybody that ever has examined it says that it was of the quality that it is claimed it was, and he was entitled to the higher price he asks. I hope it may be determined now finally at this time.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. BROWN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 6; as follows:

YEAS—Messrs. Buckalew, Cattell, Conness, Davis, Dixon, Doolittle, Edmunds, Fogg, Foster, Fowler, Frelinghuysen, Hendricks, Howe, Johnson, Morgan, Morrill, Norton, Patterson, Poland, Pomeroy, Ramsey, Riddle, Ross, Sumner, Trumbull, Van Winkle, Willey, and Yates—28.

NAYS—Messrs. Brown, Lane, Sherman, Sprague, Wade, and Wilson—6.

ABSENT—Messrs. Anthony, Chandler, Cowan, Cragin, Creswell, Fessenden, Grimes, Guthrie, Harris, Henderson, Howard, Kirkwood, McDougall, Nesmith, Nye, Saulsbury, Stewart, and Williams—18.

So the bill was passed.

AGRICULTURAL COLLEGE IN TENNESSEE.

Mr. POMEROY. I move that the Senate proceed to the consideration of House joint resolution No. 213, to extend the provisions of the act in regard to agricultural colleges to the State of Tennessee.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The Committee on Public Lands reported the joint resolution with an amendment striking out the following proviso:

Provided, The grant of lands so made by the act to which this refers and is amendatory shall be held by the State of Tennessee subject to this condition, that no person shall ever be employed as a professor or teacher in the said agricultural college for the State of Tennessee who had ever held military or civil office under the so-called confederate government, or under the rebel State government of Tennessee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in, and ordered to be engrossed, and the joint resolution to be read a third time. It was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution of the Senate No. 90, to suspend temporarily the collection of the direct tax within the State of West Virginia.

The message further announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill of the House No. 912, making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1868, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. P. SPALDING, of Ohio, Mr. J. A. KASSON, of Iowa, and Mr. C. A. ELDRIDGE, of Wisconsin, managers at the same on its part.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill of the House No. 904, making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1868, and for other purposes, asked a conference on the disagrecing votes of the two Houses thereon, and had appointed Mr. THADDEUS STEVENS, of Pennsylvania, Mr. JOHN F. FARNSWORTH, of Illinois, and Mr. F. C. LE BLOND, of Ohio, managers at the same on its part.

The message further announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1868; and had agreed to the forty-sixth amendment of the Senate to the bill with an amendment, asked a conference of the disagreeing votes of the two Houses thereon, and had appointed Mr. THADDEUS STEVENS, of

Pennsylvania, Mr. WILLIAM E. NIBLACK, of Indiana, and Mr. ROSCOE CONKLING, of New York, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 421) to authorize the construction of a submerged tubular bridge across the Mississippi river at the city of St. Louis;

A bill (S. No. 515) granting a pension to Mrs. Ernestine Becker;

A bill (S. No. 581) granting a pension to Olivia W. Cannon;

A bill (S. No. 558) for the relief of Mary A. Smith, of Johnson county, Tennessee, widow of Alexander D. Smith, deceased;

A bill (S. No. 556) for the relief of Caroline McGee, of Greene county, Tennessee, widow of Lemuel McGee, deceased;

A bill (S. No. 498) granting a pension to Mrs. Josephine Slocum;

A bill (H. R. No. 910) granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia river, to Fort Boisé, on the Snake river;

A bill (H. R. No. 965) declaring Clinton bridge, across the Mississippi river at Clinton, in the State of Iowa, a post route;

A bill (H. R. No. 1130) to amend section twelve, chapter two hundred and ninety-nine, of laws of the first session Thirty-Ninth Congress; and

A joint resolution (S. R. No. 171) for the relief of Martha McCook.

LEGISLATIVE, ETC., APPROPRIATION BILL.

On motion of Mr. FESSENDEN, the Senate proceeded to consider its amendments to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, disagreed to by the House of Representatives, and the amendment of the House to the forty-sixth amendment of the Senate.

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives; disagree to the amendment of the House to the forty-sixth amendment of the Senate thereto, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. FESSENDEN, Mr. WILLIAMS, and Mr. COWAN.

MILITARY ACADEMY BILL.

On motion of Mr. FESSENDEN, the Senate proceeded to consider its amendments to the bill of the House (H. R. No. 912) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1868, disagreed to by the House of Representatives.

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. HARRIS, and Mr. DOOLITTLE.

CONSULAR AND DIPLOMATIC BILL.

On motion of Mr. FESSENDEN, the Senate proceeded to consider its amendments to the bill of the House No. 904, making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1868, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SUMNER, Mr. FOGG, and Mr. JOHNSON.

INDIAN AFFAIRS.

Mr. FOWLER. I move that the Senate proceed to the consideration of Senate bill No. 557.

Mr. DOOLITTLE rose.

The PRESIDENT *pro tempore*. The morning hour is on the point of expiring, and the unfinished business of yesterday will be in order.

Mr. FOWLER. It will take but a few minutes to pass this bill. I do not desire to discuss it at all.

Mr. DOOLITTLE. I hope the Senator from Tennessee will let the regular order come up, and then, informally, I shall have no objection to his occupying a few moments in the passage of that bill; but I wish to go on with the regular order at one o'clock.

The PRESIDENT *pro tempore*. The unfinished business is the order of the day, and is now before the Senate, being the bill (S. No. 204) to provide for an annual inspection into Indian Affairs, and for other purposes, the amendment of the House of Representatives thereto being the pending question.

Mr. DOOLITTLE. Mr. President, I deem this bill one of the most important, aside from the great question of reconstruction, which has been presented to the present Congress. I believe that it involves the character of the Government. I believe that it involves more money, and if properly considered and acted upon by Congress can save to this Government more money, than any other legislation that is now pending. I believe that our character as a nation is involved in it; and therefore Senators will excuse me if I speak with earnestness, for I confess I feel very deeply the importance of this measure.

For nearly ten years, by the pleasure of the Senate, the responsibility of Indian affairs has to a considerable extent been thrown upon me. It has been a thankless task; a responsibility which has brought labor without any compensation. In the course of this long period I think I have obtained some information in relation to Indian affairs which I should not have obtained as a matter of course had I been engaged in the business mainly which comes from the other committees of the Senate.

In the views which are entertained by myself on this subject I am sustained unanimously by the Committee on Indian Affairs of this body, unanimously also by the Committee on Indian Affairs of the House of Representatives, and unanimously sustained by the special committee raised by the two Houses, who were instructed to inquire into and to report to Congress what legislation was necessary to bring about, if possible, a better administration of Indian affairs.

Mr. President, in the examination of this question I am not unaware of the difficulties which exist in the proper administration of Indian affairs. I agree with the honorable Senator from Oregon, who is not now in his seat, [Mr. WILLIAMS,] that there are difficulties in relation to the administration of Indian affairs which no law of Congress, no administration of the laws of Congress can entirely remove. They are difficulties which grow out of the nature of the disease itself, irremediable, incurable, which grow, out of the contact of a superior with an inferior race; the one race rushing onward to every Territory into all the valleys and the mountain gorges all over the vast domain of the United States, which of necessity brings in contact with the Indian tribes men of the most hardy, adventurous, not to say sometimes the most reckless character in the world. The contact of these people with the Indians in our Territories produces results which no legislation can remove. Whichever way the system is administered, whether by the War Department or without the War Department, there are diseases here and difficulties which are beyond the power of man to remove. But, sir, while it is impossible for us radically to remove all these difficulties and to make a perfect administration of Indian affairs, I do insist that there is such a thing as ameliorating these diseases, and it is toward the amelioration of the system that we wish to direct the attention of Congress and to call the serious judgment of Congress to it.

Sir, I know how difficult it is to get the ear of Congress or the ear of the Senate on anything which concerns our Indian relations. Allow me, however, to state some facts. Does my friend from Ohio [Mr. SHERMAN] know that six thousand Indians under the War Department in New Mexico cost us at the rate of $1,500,000 a year just to feed and clothe them, to say nothing about the expenses of the troops which are required to keep them upon the reservations and to keep the peace in New Mexico? Yes, sir, $1,500,000 expended to feed and clothe six thousand Indians alone, which appropriation is more than one half of the whole Indian appropriations besides. I ask gentlemen who sit around me here, who ever heard about this expenditure by the War Department? I ask the chairman of the Committee on Military Affairs, I ask the chairman of the Committee on Finance, did he ever know that the War Department were expending $1,500,000 annually merely to feed and clothe six thousand Indians? Not one word is said about that. No estimate is made for it. How is it that this $1,500,000 given to these six thousand Indians can pass through Congress and nobody know anything about it? Simply because it comes in the estimates for the Army. You will vote $50,000,000 without inquiring a word if it is only said to be necessary for the Army. Transportation for the Army, commissary supplies for the Army, pass without question. But when you come to the matter of appropriations for the Indian bureau the estimates must be itemized and they must present their claim, that we claim so much for such a tribe of Indians, so much for another, so much for carrying out a treaty with this tribe of Indians or with that tribe of Indians, and when these estimates are presented to Congress, item after item, Congress can look into them and make objections to them. These various items are to be passed on by the Committee on Finance and by the Committee on Indian Affairs. Our attention is arrested and brought to them.

By reference to the speech of an honorable gentleman of the House of Representatives on the 1st of February last, I find he states that the whole amount of the expenditures for the Indian Bureau under the appropriation bill was $2,468,050, and for transportation on that sum $127,368; while the cost of providing by the War Department for six thousand Indians alone was $1,500,000. We know nothing about that. I know it is a very easy way to dispose of these expenses in Indian affairs to turn the matter over to the War Department. It will then come in one grand item, $50,000,000 at a time; there will be no discussion in Congress. It will be said, "Why that is to support the Army; that is to feed the Army;" and no one will raise any objection whatever.

But, Mr. President, this $2,500,000 which is expended by the Indian Bureau in Indian affairs is of very little importance compared with the amount of expenditures which we incur by the Indian wars which grow up on the frontier; and the question arises, What is the best method of preventing Indian wars? Is it the best mode of preventing these Indian wars to turn the whole of those tribes over to the War Department and put them under the absolute control of officers of the Army? That is the question. Gentlemen sometimes say it is this Indian system that gets up the Indian wars. Mr. President, how little have these gentlemen looked into the real facts? I propose, in the few moments that I stand before

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you, to bring before the attention of the Senate the precise facts, as proved by the testimony of witnesses, to show how the great Indian wars have arisen since I have recollection on the subject.

I will go no further back than the great Indian war in the States of Illinois and Wisconsin in 1832, called the Black Hawk War, the war with the Sacs and Foxes. The Sacs and Foxes occupied a part of Illinois and Wisconsin, the valley of the Rock river, the most beautiful portion of the West, to-day filled with civilization and population. I may say from the mouth of the Rock river up into the State of Wisconsin for one hundred and fifty miles villages and cities are growing upon its banks beautiful beyond description. In the advance of white settlements it was necessary that the Indian title to that beautiful country occupied by the Sacs and Foxes should be extinguished. A treaty was made for the purpose of extinguishing the Indian title. This was before the Indian Bureau was transferred to the Interior Department, for the Interior Department was not yet created. These Indians, under Black Hawk, were in the neighborhood of their villages at Rock Island, and felt reluctant to cross the Mississippi river and forever surrender their hunting grounds and their cultivated places and the graves of their fathers. General Atkinson, in command of the Army, came up the river with steamboats and keel-boats for the purpose of driving those Indians by force across the Mississippi river, against the remonstrances of the agent. The agent of the Indians pleaded with the military not to undertake by force to drive them over the river; that if they would give to him a few blankets, some tobacco and presents, he would endeavor to persuade the Indians to cross the river, and avoid all bloodshed. But that is not the way in which the War Department deals with Indians. They undertake always to deal by force, to issue the order "the Indians must go." The military forces were advanced upon them to compel them to leave the homes of their fathers and to cross the Mississippi; and war was the consequence. We undertake to say that under the Constitution of the United States the power to declare war is in the Congress of the United States and in Congress alone; but I tell you, sir, that the whole history of our dealings with our Indian tribes has been to transfer the power to declare war to some commander of the forces upon our frontiers. Without any act of Congress, without any direction by the Government, by the mere act, it may be, of a lieutenant, it may be of a captain or a major or a colonel in command of the military forces upon the frontier, they make war on a nation of Indians, which, before its termination, involves the expenditure of millions upon millions of dollars, and we simply foot the bill. Why, sir, the report of the Secretary of War, which I have before me, tells us that the expenses of Indian wars in 1864 and 1865 amounted to $30,530,942 98. The war in the Northwest under General Sully cost this Government between six and seven million dollars, and there was but one Indian killed in the whole expedition. Why, sir? Because upon those plains they are too fleet, too rapid in their movements to be overtaken by the troops which we can send into the field.

Now, Mr. President, let me state some other facts. How did the war arise in New Mexico with the Utes and the Apaches? It was a war begun by the troops in New Mexico, as appears by an investigation which was made by Major Griner, who was detailed for the purpose of inquiring into the facts. I quote from his testimony on page 378. He says:

"In my experience I have never known a serious difficulty in the Territory between the Indians and citizens which did not originate mainly with the latter. One of the first exciting difficulties in the Territory arose from the capture of Mrs. White, a very beautiful woman, and her little daughter, by the Jicarilla Apaches. I was appointed to investigate it. I found that at Las Vegas the troops had, without any sufficient cause or provocation, fired upon the Indians, and they in revenge joined with some Utes and attacked the next train coming from the States, killing Mr. White and others, and capturing his wife and child; and also the stage, with ten passengers, was taken, and all killed. A war was the consequence."

Here was the beginning of that war which cost this Government probably $5,000,000; that is, the war with the Apaches. The troops commenced the war without provocation, they fired upon the Indians.

How was it with the commencement of the war with the Navajoes? That war commenced in this way: a Navajo Indian in the camp at Fort Defiance, having some little controversy with a negro servant boy, shot an arrow and killed him. A demand was made by Major Brooks, or those who were in command of our troops, on the whole Navajo nation for the surrender of this Indian. They had no power by which to compel the surrender. They declared that unless that Indian was surrendered war would be the consequence. An appeal was made to General Garland, then in command of the department. General Garland decided that he would stand by Major Brooks, and enforce that demand of the actual surrender of the Navajo Indian who had killed this negro boy and had fled, or he would commence war against the Navajo nation. They refused to surrender him; and upon their refusal war was declared against the Navajoes; and it was undertaken. That war resulted in four campaigns against the Navajoes before they finally surrendered. One campaign was made under Colonel De Bonneville. He made a failure. General Sumner made a campaign against them. He followed and pursued them, and drove them to their impregnable fortress in the Cañon de Chelly. That cañon is perhaps more remarkable than any other in the United States. The walls rise perpendicularly for a thousand feet on each side, in which the Indians had their homes. At the foot of the valley they raised their corn and their crops. But General Sumner going into this valley was compelled to retreat. He was not permitted to remain there one single night. The Indians rolled down stones upon the heads of the troops, and it was impossible for them to remain there, and he was compelled to retreat. General Canby undertook the capture of the Navajoes also. He entered into this same impregnable fortification of these Indians, and he was compelled to retreat also. Finally Kit Carson undertook another campaign, and before winter set in he had passed around to the foot of the valley and destroyed their crops and all the means of subsistence of these Navajo Indians; and when winter came on, being deprived of all provisions, they were compelled to surrender, and did surrender to the number of seven or eight thousand. These seven or eight thousand Indians, taken as prisoners of war, were transferred to the reservation upon which they now live, at what is called the Bosque Redondo. I have no doubt that the war against the Navajoes, which was begun by the Army for a single offense committed by a single Indian, cost this Government more than thirty million dollars.

Again, sir, how did the great war commence with the Sioux? It commenced from the blunder and folly of a little lieutenant in command of troops on the frontier. An emigrant was passing with his train toward the West. Some Indian, it is supposed, killed one of the animals belonging to this train; and this lieutenant was sent out with all the pomp and circumstance of war to direct the Indians to surrender the Indian who had been guilty of killing this animal. It was refused. The Indians proposed to pay for the animal in buffalo robes. That was refused; the Indian himself must be surrendered. The lieutenant gave them a fixed time within which to surrender that Indian, on pain of his commencing war upon the camps and lodges of the Indians. They refused to surrender him. He fired upon the Indians; and in less than half an hour he and his whole command were killed and scalped. That is the way the war began with the Sioux.

Mr. WILLIAMS. I should like to inquire of the Senator how he knows those facts if they were all killed?

Mr. DOOLITTLE. I know these facts from testimony taken before the committee, the testimony of Colonel Bent, Colonel Kit Carson, and other gentleman whose testimony was taken by the committee, and also from the interpreter of the Indians, Mr. John Smith, who had himself married an Indian woman, and was familiar with the Indians and spoke their language. We have also the additional fact that a report has been made to the War Department that he and his whole command were killed and scalped. He was sent out with orders to demand the surrender of the Indians or he would fire upon them. It is the case of Lieutenant Grattan——

Mr. NESMITH. The Senator from Wisconsin will permit me to suggest that there is a report from the War Department stating all these facts.

Mr. DOOLITTLE. Yes, sir; I have no doubt they all appear in the War Department. It was called the "Grattan affair." I say that "affair" by those troops under the command of a little lieutenant on the frontier originated that war. Up to that time and before that time white men and Indians all over the plains could hunt buffalo together. Our relations with all the great tribes upon the plains were peaceable; but war was begun in that way, begun by the troops who were sent out on the frontier.

But suppose we look a little closer into this matter for a moment. Col. Bent says, speaking of that Sioux war:

"This war originated as follows: some Mormons on their way to Salt Lake were driving some stock; either a cow or an ox gave out, the Indians killed the animal, and the Mormons reported the fact to the commanding officer at Fort Laramie; the officer sent down for the Indian who killed the animal, but the Indians refused to send him, as he was not present and could not be found, offering at the same time to pay for the animal killed; the officer then sent Lieutenant Grattan with eighteen men to the Indian camp, where there were some three hundred warriors, to fetch the Indian away; he demanded that the Indian should be delivered in fifteen minutes or he would fire on them; the Indian not being forthcoming at the time, Lieutenant Grattan fired on the Indians, and in a few minutes he and his command were all massacred. This occurred in 1854, and was the commencement of the Sioux war, which lasted some time, the Cheyenne band of the North Platte becoming involved in it."

You remember that that war lasted for a long time. There were two or three campaigns against the Sioux. It lasted until General Harney, some two or three years afterward, pursued them and continued to pursue them to their winter home, where he, by attacking their camps—men, women, and children—did finally subjugate them to such an extent that they came to terms of peace; and for a time there was a kind of peace existing between the Sioux and the United States.

Now, sir, how did the famous war between the Cheyennes and Arapahoes and the United States begin. Colonel Bent states the origin of that? He says:

"Having been living near the mouth of the Purgatoire, on the Arkansas river, in Colorado Territory, for the last thirty-six years, and during all that time have resided near or at what is known as Bent's Old Fort, I have had considerable experience in Indian affairs from my long residence in the country. Since I have been there nearly every instance of difficulties between the Indians and the whites arose from aggressions on the Indians by the whites. Some of these aggressions are of recent date. About three years ago the Arapahoes were encamped near Fort Lyon; a soldier had obtained some whisky, and went to the Arapaho village after dark; he met an Indian or two outside"—

And then the evidence goes on to state what I hardly deem proper to read in this presence, what occurred between the soldier and the Indians. It is enough to say that a difficulty arose in reference to the treatment of the Indian women by the soldiers on that occasion. A controversy arose—

"The Indian refused to return the whisky, when the soldier pulled out his revolver, fired, and broke the Indian's arm. The soldier then made his escape and could never be identified by his officers or by the Indians. The matter created great confusion among the Indians, but was finally settled without a fight."

He then goes on to tell how the war arose between the Cheyennes and the whites:

"I understood from some officers under Colonel Chivington that the hostilities between the Chey-

ennes and the whites were commenced by Colonel Chivington's orders, who sent an officer down the Platte to see some Indians who, it was said, had stolen some stock, with orders to disarm all the Indians he met."

And on that subject there were several witnesses who gave their testimony, that it was alleged some of the Indians had stolen some stock, and a lieutenant with some troops was sent after those Indians with an order to arrest them and disarm them. This lieutenant proceeded to execute the order. He pursued and overtook the Indians, and without having any interpreter, without being able to speak one word in the Indian tongue, or to enable the Indians to understand what demands he made, after they shook hands with them apparently in friendship, our soldiers commenced to seize their bows and arrows and disarm the the Indians, to which they would not submit. A fight immediately commenced, and then began the war between the Cheyennes and the whites. The blundering folly of these lieutenants on the frontiers, more than all other causes, has brought on these controversies between the whites and Indians, which lead to war. This is what the testimony shows; I am not speaking at random:

"The officer proceeded until he met some Indians coming in with some animals they had found belonging to the whites. He rode up to the Indians in what they thought to be a friendly manner, and, I think, shook hands with the Indians, and after doing that he and his men made a grab for the Indians' arms. The Indians tried to run; the soldiers fired at them, wounding two; one fell from his horse, but the Indians rallied and got him off before the whites could get hold of them. This was a party of Cheyennes, I think seven in number. This was the first actual conflict between this tribe and the whites. Very soon after Lieutenant Ayres was sent down to pursue the Cheyennes; to continue down the Republican and Smoky Hill fork to Fort Larned. He met a party of Cheyennes on Smoky Hill, who were going out on a hunt; they had just left Fort Larned. One of the chiefs who had been on to Washington the spring previous was with the party. He went up to the soldiers, shook hands with them, showed the lieutenant the medal he got from the President, stating that his Great Father, when giving him the medal, told him to be always friendly to the whites. This chief, Lean Bear, was then shot by one of the soldiers; a fight then commenced; there were two other Indians killed, three soldiers killed, and ten or twelve wounded. The troops then commenced retreating, and a running fight was kept up for ten or fifteen miles; the Indians finally left them, the soldiers going to Fort Larned."

Now, Mr. President, that is the manner in which the great Indian war on the plains originated. We are coming down to the origin of the difficulty. It originates from the course pursued by troops under the command of these little lieutenants. I do not say that all men in command of our troops would be guilty of the same indiscretion. I am only speaking of the commencement of the difficulties in these cases.

Mr. CONNESS. Just at this time, if it will not interrupt the Senator, I should like to know from him at what rank an Army officer could command his respect? Nearly a dozen times already he has emphasized the words "little lieutenants." Now, Mr. President, little lieutenants are sometimes big men, quite as big ——— I will not say that; but I should like to know at what rank a soldier would have the respect of the honorable Senator?

Mr. DOOLITTLE. I do not wish to speak with disrespect of lieutenants.

Mr. CONNESS. The Senator has been doing it.

Mr. DOOLITTLE. I have given an account of what was done by Lieutenant Grattan, and what was done by the lieutenant of whom I have just read. What I mean is, that those lieutenants are generally young men, inexperienced, not knowing how to manage, control, and govern a race like the Indians with whom they come in contact. If the best men and the wisest men could be selected for Indian agents, and the wisest and best men could be selected to have command of our troops upon the frontier, they would avoid, I have no doubt, these difficulties. I was only stating to the Senate the real facts, the beginning, the origin of these Indian wars; for it is these Indian wars which produce the great amount of expenditures that we desire to avoid.

Sir, let me state a fact, which is stated in the report of the committee, a fact within my personal knowledge. When that portion of the committee who were charged with the investigation of affairs there, arrived at Fort Larned in the southwest part of Kansas, Colonel Ford had already issued an order for fifteen hundred troops to cross the Arkansas on the south side to fight with the Camanches, where there is not a single white man residing, and where, if he had advanced with his fifteen hundred men, he could not have found one of them and obtain a fight. If we were to enter upon a war with the Camanches we would be required to have, as he stated in his testimony when we came to examine him afterward, at least ten thousand men, four thousand of whom should be mounted; for in his testimony he states, what all the world knows, that the Camanches are the best horsemen on the continent. The committee prevailed upon him to countermand the order he had issued and call back his troops, and not to enter upon a war with the Camanches on the south side of the Arkansas till he should have positive orders from headquarters. The order was countermanded, and the troops were withdrawn. I only speak of that to show the necessity of the presence of men who have judgment and discretion, men connected with the Army or men connected with the civil administration of affairs, to advise and control and give direction to these relations between ourselves and the Indian tribes, and who know how to preserve the peace as well as how to make war.

Sir, had a war been entered upon at that time which would have involved us in a war with the Camanches, it would have cost as much as any of the Indian wars which we have had on our hands in years gone by. According to the report of the Secretary of War, our Indian wars of 1864–65 cost over thirty million dollars. This war with the Camanches, had it been undertaken, would have cost us anywhere from ten to fifteen, twenty, or thirty millions, and would have required two or three years to bring it to a successful termination. I insist that the troops upon the frontiers are as responsible for the commencing of those wars as any other cause.

I know the argument which is used in favor of the transfer of the Indian Bureau to the War Department. That question upon both sides has been considered by the committee. The argument is stated in this language:

"The argument in favor of it is that in case of hostilities the military forces must assume control of our relations to the hostile tribes, and therefore it is better for the War Department to have the entire control, both in peace and in war; secondly, that the annuity goods and clothing paid to Indians under treaty stipulations will be more faithfully and honestly made by officers of the regular Army who hold their places for life, and are subject to military trials for misconduct, than when made by the agents and superintendents appointed under the Interior Department; and thirdly, that it would prevent conflict between different Departments in the administration of their affairs."

I have the candor to say that these suggestions are not without force. I feel that there is some force in them, and I balance the weight of these suggestions against the suggestions which are to be made on the other side. I do not deny that it would be an improvement upon our Indian system if all our Indian teachers and agents and farmers held their offices for life. That is the system in Great Britain. They appoint their Indian agents and teachers and missionaries substantially for life, and they do not require to keep any troops in the neighborhood of their Indian tribes. Of course they are situated differently from what we are. We are rushing forward in the tide of emigration, bringing us necessarily in contact with the Indians. They are not doing so in the Province of Upper Canada and in the great British Columbia. That is the reason, doubtless, why there are no conflicts and quarrels between the whites and Indians about the administration of affairs in Canada. I admit if it were possible for us to have Indian agents selected to hold their office for a long term of years, so as to make it their life business, their profession, their ambition, it would be better than our present system.

But, sir, when gentlemen say that officers of the Army, who, with their commands, must as a matter of course move from post to post, whose business and whose profession it is to deal with troops, to manage troops, to fight with troops, that that profession fits and adapts men to take charge of reservations, to become agents for Indians, to become farmers, to show them how to work, it is, in my judgment, a great mistake. If all the relations which we bear to the Indian tribes were relations of hostility, if we were to be always at war with them, I admit the management of Indian affairs should go at once to the Army, to their absolute and unqualified control. But, sir, the relations of peace are the relations which we desire to establish and to cultivate with the Indian tribes; and while troops, as a matter of course, are to be used upon the frontier to sustain the civil administration, we should put those troops there in aid of the civil administration of the Government rather than put them there in supreme power over the civil administration of the Government.

There are other considerations, Mr. President. I do not desire to take up the time of the Senate at any considerable length; but there is this consideration which, in my judgment, should urge the Senate to vote against the amendment proposed by the House and in favor of the Senate bill: there is now lying upon your table, Senators, a letter from the Secretary of the Interior, asking for an appropriation of $150,000, for the purpose of sending special commissioners to the Indian tribes in order to preserve the peace upon the frontier. The bill of the Senate provides, not for special commissioners, but for the organization of a board, whose constant duty it will be to inspect, to supervise, to take control and charge of our relations with the Indians in the various districts into which they are to be divided. Those boards are to be constituted in such a manner as to prevent them from being political appointments. One is to be assigned as an officer from the regular Army; one is to be selected from those persons who shall be named, not by any particular religious denomination or religious body, but who shall be named by the meetings or conventions of any of those bodies. Some gentlemen have said that this is connecting church and State, connecting Indian affairs with the church; that this man must necessarily be a minister. Sir, no such thing is required or is necessary at all; but the purpose is to prevent its being a political appointment; the purpose is to satisfy the sense of humanity and justice of this nation, which is shocked from year to year in the administration of Indian affairs. I say to that sense of justice and propriety of this whole nation, that if the proposition is now made to deliver the whole of the Indian tribes over to the absolute, unqualified control of the War Department, to be administered by the Army and the officers of the Army, it is to deliver them over to the shortest road to extermination.

The Senator from Oregon [Mr. WILLIAMS] says that this is appointing a large number of officers and incurring a large amount of expense. How many officers are to be appointed under this bill? Ten, and only ten. There are to be five inspection districts, and two new appointments for each district, and one officer from the Army assigned annually to join in constituting this board. The whole of the additional expense under the bill will be $40,000. Sir, if the expenses under this bill were to be $250,000 it would be still a great economy to the Government. These men, charged as they are under the third section with power to suspend agents, superintendents, and all the employés of the Department; empowered to listen to the complaints which may be made by the Indian tribes; empowered to make peace with the Indian tribes, are to be a constant and standing commission. They are to be the ears and eyes of the Department of the Government dealing with the Indians, to keep and preserve

the peace. I believe that this board, so constituted, would preserve the peace upon our frontiers.

Let me suppose a case. California, Nevada, and Arizona are to constitute one district. Suppose that my friend from California or some gentleman from California or from that district of equal capacity and standing and integrity should take charge as chief inspector of this board; suppose that a colonel or a general of the Army were detailed to go with him; suppose that some gentleman of high character should be named to become a visitor and join with them, and to that board were given the power to look after all the Indian affairs of California, Nevada, and Arizona; I mean to superintend their administration within that district. I would not be afraid to guaranty that there would not be an Indian war within that Territory if such a board so constituted, with power to see the Indians, to hear their complaints, to make peace, and to superintend the administration of affairs. Just so if Oregon, which is to be united with Washington and Idaho, were put under the charge of a similar board. Just so if Minnesota and Dakota and Upper Montana were placed under the superintendence or the inspection of a board like that. I believe that it would save us from Indian wars; and if these boards should save us from but one Indian war in ten years it would pay the whole expense of them. I know that the simple presence of three members of the congressional committee at Fort Larned, giving their advice, saved a war with the Camanches on the south side of the Arkansas. I know that these boards, constituted as proposed, seeing the officers of the Army in command of troops; seeing also the Indian tribes; seeing also all the officers of the Government dealing with the Indian tribes, superintending their affairs, with power to suspend any agent or employé of the Indian department, would bring to the administration efficiency and success. I do not say that it would remove all our Indian difficulties, because they are a disease which can never be completely cured. The most that we can hope for is amelioration.

Mr. CHANDLER. Is the Senator through?

Mr. DOOLITTLE. Yes, sir; but I desire to take a vote of the Senate on this bill.

Mr. CHANDLER. I am utterly opposed to the bill before the Senate, and I am likewise opposed to the amendment; and I have been laboring for some time to take up a bill which is very important, indeed, the Niagara ship-canal bill. It must be evident to every Senator that we shall never get a vote on this bill. We have now squandered some three or four days upon it. We have but seven or eight days left; and in order to get rid of this question that we never can get rid of any other way, I move that it be laid on the table for the purpose of taking up the Niagara ship-canal bill.

Mr. DOOLITTLE. I hope we shall have a vote on the bill itself.

Mr. FESSENDEN. We shall never get a vote if we have these long speeches on it.

Mr. DOOLITTLE. Let us have the speeches. There is no more important question before Congress than this very bill. I ask for the yeas and nays on the motion.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 19; as follows:

YEAS—Messrs. Brown, Cattell, Chandler, Conness, Fowler, Howard, Howe, Kirkwood, Lane, Sherman, Stewart, Wade, Williams, and Yates—14.

NAYS—Messrs. Anthony, Buckalew, Davis, Dixon, Doolittle, Edmunds, Fessenden, Fogg, Foster, Henderson, Hendricks, Morrill, Nesmith, Pomeroy, Ross, Sprague, Trumbull, Van Winkle, and Willey—19.

ABSENT—Messrs. Cowan, Cragin, Creswell, Frelinghuysen, Grimes, Guthrie, Harris, Johnson, McDougall, Morgan, Norton, Nye, Patterson, Poland, Ramsey, Riddle, Saulsbury, Sumner, and Wilson—19.

So the motion was not agreed to.

Mr. STEWART. Mr. President, I commenced submitting a few remarks upon the bill which is now before us the other day, but was interrupted by the reception of the military government bill from the House of Representatives. Perhaps I said on that occasion all that it is necessary for me to say. However, I wish to call the especial attention of Senators to the fact that most of the difficulty in the management of our Indian affairs arises out of the fact that nobody is responsible for the Indian department; that there is no head; that there is nobody who has a right to control or who is responsible for our treatment of the Indians. The two Departments are constantly working at cross purposes. Each is blaming the other. When there is an Indian war without consultation with the military, a little Indian agent will slip in and make a treaty of peace with the Indians before the war is properly concluded, giving the Indians time to recuperate; giving them time for the grass to grow, and then they start again with the war. There is no fixed and firm policy. If the Indian Bureau is to constitute a part of the Interior Department turn the whole matter over to the Interior Department; do not have two contending parties.

Sir, this subject has come under my personal observation for the last fifteen or eighteen years. Every time murders are committed, every time anything is complained of, the War Department charge it to the Interior Department, and the Interior Department charge it to the War Department. This difficulty is realized in full by the War Department. In the report of General Grant, in which he submits for the consideration of Congress the reports of different military officers, these difficulties are enumerated, and any one on a moment's reflection can see that they are insurmountable. While this question is before Congress let it be settled. Either take it out of the hands of the War Department altogether and have no soldiers there at all, and send your missionaries and your peace-makers and have it understood that there is to be no protection except what they can give by persuading the savages to be humane and not kill any more than is absolutely necessary; have that understood, or have it understood that there is a responsible Department dealing with the Indians; that they must comply with their contracts; that they must comply with their treaties; and that this Government has power to enforce its treaty obligations. This is very forcibly put by Brigadier General Pope in his report. He says:

"GENERAL: In compliance with your suggestions, I have the honor to submit the following leading reasons why the Indian Bureau should be retransferred to the War Department. The views which I shall submit are by no means original, but are well-settled opinions of every officer of the Army who has had experience of the subject, and are and have been entertained for years by nearly every citizen of the Territories not directly or indirectly connected with the present system of Indian management."

I indorse that.

Mr. HOWARD. Will the Senator inform me from what document he is reading?

Mr. STEWART. I am reading from a letter of Major General Pope. It is indorsed by General Grant, and sent to the Committee on Military Affairs of the House of Representatives.

Mr. HENDRICKS. What does General Grant say indorsing it?

Mr. STEWART. He submits it to the consideration of the committee:

"Respectfully forwarded to the Secretary of War, with request that these copies be sent to the Military Committees of the United States Senate and House of Representatives and the honorable Secretary of the Interior."

Mr. HENDRICKS. That is not an indorsement.

Mr. STEWART. I indorse this statement, for I have seen this difficulty. If it wants an indorsement, I am prepared to indorse it personally. I have seen the difficulty, and any man who has lived in the Territories must have seen it:

"1. Under present circumstances there is a divided jurisdiction over Indian affairs."

That is true.

"While the Indians are officially at peace, according to treaties negotiated with them by the civil officers of the Indian Bureau, the military forces stationed in the Indian country have no jurisdiction over the Indians, and, of consequence, no certain knowledge of their feelings or purposes, and no power to take an action, either of a precautionary or aggressive character."

That is when a treaty has been made, they are officially at peace, and they remain officially at peace until after the killing is done:

"The first that is known of Indian hostilities is a sudden report that the Indians have commenced a war, and have devastated many miles of settlements, or massacred parties of emigrants or travelers. By the time such information reaches the military commander the worst has been accomplished, and the Indians have escaped from the scene of outrage. Nothing is left to the military except pursuit, and generally unavailing pursuit. The Indian agents are careful never to locate their agencies at the military posts for reasons very well understood. It is not in human nature that two sets of officials, responsible to different heads, and not in accord either in opinion or purpose, should act together harmoniously; and instead of combined, there is very certain to be conflicting action. The results are what might be expected. It would be far better to devolve the whole management of Indians upon one or the other Department, so as to secure at least consistent and uniform policy."

This I indorse, because I have seen it. I have heard the excuses of both parties and seen these difficulties in the Territories where I have lived, and where they came under my personal observation. When any outrage occurred, and we called upon the military, they would attribute it to some action of the Indian agents, and the Indian agents would be full of their excuses and their representations. Nobody can be held responsible. If our pioneers are to be murdered every year by the hundreds, as they are now; if our thoroughfares are to be obstructed; if the progress of the settlement of the great West is to be retarded by Indian depredations, I am anxious to know what Department is responsible for it. I want to give the control of Indian affairs exclusively to one Department, so that we can look to that Department, and there shall be no excuses for misconduct:

"At war, the Indians are under the control of the military; at peace, under the control of the civil officers. Exactly what constitutes Indian hostilities is not agreed on; and besides this, as soon as the military forces, after a hard campaign, conducted with great hardship and at large expense, have succeeded in forcing the Indians into such a position that punishment is possible, the Indian, seeing the result and the impossibility of avoiding it, immediately proclaims his wish to make peace. The Indian agent, anxious for manifest reasons, to negotiate a treaty, at once interferes 'to protect' (as he expresses it) the Indians from the troops, and arrests the further prosecution of the military expedition, just at the moment when results are to be obtained by it, and the whole labor and cost of the campaign are lost."

Here you spend millions in sending out your armies to fight the Indians, and as soon as the armies have any prospect of success, the Indian has perfect protection from the Army by going to an Indian agent and making peace. As soon as the Army is withdrawn he proceeds to destroy the frontier settlements, to murder women and children; he is again pursued by the Army; and as soon as the Army have it in their power to obtain practical results by his destruction or capture, he proceeds to the Indian agent again and makes peace. So he cares nothing for the Army; he does not fear your Army because he has complete protection when he goes to the Indian agent; and thus it is that we have nothing but crimination and recrimination between the two Departments and constant slaughter of the pioneers.

Mr. MORRILL. Will the honorable Senator allow me to ask him whether he understands that by law we have divided any authority between the War Department and the Interior Department with regard to the care and management of the Indians?

Mr. STEWART. Yes, sir, by law.

Mr. MORRILL. Will the Senator refer me to that law?

Mr. STEWART. I will tell the Senator just exactly how the law stands. The law provides that when the Indian is at war he shall be under the control of the War Department.

Mr. MORRILL. What statute says that?

Mr. STEWART. What statute gives the control of Indian affairs to the Army in case of war? I apprehend they can do it independent of statute. I think when any party makes war against us there is plenty of law authorizing the Military Department to protect the inhabitants in case of a war with the Indians.

Mr. MORRILL. If my honorable friend refers to a practice on the part of the Army

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then I am not at issue with him; but if he maintains that there is any law which authorizes the interference of the military I take issue with him.

Mr. STEWART. I undertake to say that there is law authorizing the interference of the military, or every military man in the United States is directly or indirectly a murderer.

Mr. CONNESS. If the Senator from Nevada will permit me, we were told only a few moments since by the honorable Senator from Wisconsin that it had cost $1,500,000 in the Territory of New Mexico under the administration of the War Department or a military commander there to feed six thousand Indians and take care of them. Now, I should like to suggest to the honorable Senator from Maine whether that is all being done without law and without authority of law, or whether it argues a general control or not. If it is true, it is a very sad truth; and I shall speak of that in another connection. They are held as prisoners said one Senator. It is under appropriations said another Senator. Why, sir, they are under the direction of military control and have been kept there for eighteen months last past; and more too, says the Senator from Wisconsin. Is not that a joint control?

Mr. MORRILL. The honorable Senator comes very near proving what I suggested when I spoke of the practice of the military as opposed to the law in the case. I have no controversy to settle with the honorable Senator from California on this question, and I might very respectfully refer him to the honorable Senator to whom he referred as having made the statement. But I have yet to learn that there is any divided authority on this question. The Interior Department has the absolute and unqualified control of this whole subject, and any interference on the part of the military is unauthorized. Of course, when we are in a state of war whether with the Indians or any other people, we are under the rules of war; but the management of the Indians is confided exclusively by law to the Interior Department of the Government.

Mr. STEWART. Then, according to the Senator from Maine, we are expending from ten to thirty millions per annum to carry on Indian wars without authority of law. I undertake to say that the War Department is guilty of one grand embezzlement, and the Army of the United States are guilty of the crime of murder, if they have no legal authority to spend this money and no legal authority to make war upon the Indians. But, sir, I apprehend that the Secretary of War and General Grant and all our Army officers are not in the sad predicament of having squandered thirty millions of money without authority of law, and having made war upon the Indians and killed them without authority of law. If they have done so, if their acts were not legal, we had better have them tried at once for the embezzlement of the money and for the murder of the Indians. I suppose our statute-books are full of laws which authorize the military authorities to protect the inhabitants and make appropriations for that purpose.

But if it be true that this thing is entirely under the control of the Department of the Interior, why do they complain of the War Department not doing its duty? Why do they shift the responsibility? Why do they not protect the frontier inhabitants? Why do they allow our highways to be blocked up? Why do they allow the women and children upon the plains to be murdered yearly, almost daily? Why do they permit these things? Sir, the system is a failure. Every gentleman who has lived in the Territories where it has operated will bear testimony that it is a failure. It is said that by patching it up a little and giving a few more officers they can remedy it. Taking up this morning one of the leading papers of my State, the Gold Hill Daily News, edited by a gentleman who has lived many years in that country, I find an article on this very subject, from which I will read an extract:

"The recent shocking massacre at Fort Phil. Kearney calls public attention afresh to the defects of our Indian policy. This policy is only perpetual war. The worst class of politicians seek Indian agencies for the opportunities they afford for plunder; the Indians are cheated and abused and kept in perpetual exasperation; they make treaties only to break them, and the border settlements and great routes of travel across the continent are rendered unsafe by them. The first thing to be done in the way of remedy for these abuses on both sides is to transfer the control of Indian affairs to the War Department. The Army has nothing else to do at present, and there is no service it can render of more importance than to effect a permanent settlement of the Indian difficulties. General Grant advocated this in his annual report, and Generals Sherman and Pope, and indeed all our commanders who have had anything to do with the Indians, agree that this is the true policy.

This is the sentiment of every journal published in that region and of every public man who has lived there long enough to see the workings of the system. It is time a remedy were applied. The results of this conflicting jurisdiction between the War Department and the Interior Department is visited not upon these Departments, but upon the pioneers and the innocent inhabitants. The Indians are not benefited. A large amount of money is appropriated to each Department for this service. The transfer will certainly not increase the amount to be expended.

But it is complained that the Army officers are not suitable persons for this business. I believe the Army, as now constituted, is well fitted for it. This results from the fact that those now in the service have been selected as a general thing for meritorious deeds; selected on account of their high character. Certainly men in the military service under present circumstances can be trusted more than irresponsible persons who are appointed for political reasons. If we turn this bureau over to the War Department the officers of the Army will be responsible; as military men they can be called to account, they can be tried, they can be removed for breach of duty. With the present efficient organization of the Army I believe the War Department will hold its agents to a strict accountability. There is more pride, more character in the Army than there was before it did the important service it has rendered in the suppression of the rebellion. Men of character are in it, and I say the War Department can select from the Army and appoint to this duty men who will be more responsible, men who will be more likely to be trusted by the community, men who will have the confidence of the community, men who will discharge their duties under the obligations of their official oath and under the obligations of the Army regulations better than A, B, and C, picked up we do not know where for mere political services which they have rendered, and placed in charge of this important trust.

Besides, under the present system, as soon as an agent gets to know anything about his business he is probably removed. Removals frequently take place every four years. An Indian agent is not left in office long enough to become familiar with the business he has to attend to. You are constantly educating men for this business, and as soon as they become familiar with it turning them out. The Army is so organized that when you get a good man in the right place he is likely to be kept there; he will be kept there long enough to do some good. The complaint of the present system, made by the Senator from Wisconsin, is that the officers are changed too often. Turn it over to the War Department and there will be no necessity for frequent changes.

But, sir, it has been suggested that turning it over to the War Department means the extermination of the Indians. I deny it. They can be put upon their reservations and kept there if you have responsible agents; but if no one is responsible for them that system will not be carried out. I deny that this transfer means extermination. The War Department is just as humane as the Interior Department. It does not mean extermination; it means protection. The War Department is the Department to which we have to look for protection in the end. Tell me not that officers of the Army will be more cruel and unjust to the Indians than mere speculating Indian agents! Such a suggestion is a reflection upon the Army that ought to be repelled at once. Besides, the Indian respects shoulder-straps; he respects the warrior, and he likes to deal with warriors, and he does not look upon anybody as honorable unless he is a warrior. Every Indian that is of any account is a warrior. Let him deal with those that he respects as a class. Civilians he has a great contempt for. He will use them to avoid punishment by the Army, and cheat them the next hour.

I believe the proposed change will save expense. I believe it will protect the frontier inhabitants. I believe the experiment ought to be tried, and ought to be tried now, or as soon as the interests of the country will admit, for the present system is a failure. If you give the War Department the sole control, they have the machinery to accomplish the purpose; they have the right men at the head of affairs in that Department to do it, and they can accomplish it. The other Department has not the machinery to enforce its mandates, has not the power to keep its employés in office whenever there is a change in the politics of the Administration. It has no control really over the subject with which it is dealing; is acting constantly in connection with the War Department in one sense, and yet constantly in conflict with it, so that the two Departments are working at cross purposes. The present system has been tried for twenty years and is a failure. Now, let the War Department have exclusive jurisdiction, and let us hold it responsible. Mr. Stanton, General Grant, and the whole Army are willing to take this responsibility; and if they do not keep the peace somebody will be responsible for the management of Indian affairs. Now nobody is. There has not been an Indian disturbance in my recollection but there has been a dispute as to who has been to blame for it. The fact has been patent that somebody has been to blame; somebody has been negligent; somebody has failed to perform his duty. The settlers have suffered. As everybody acknowledges, the present condition of things is such that each Department charges it upon the other, and in that way each avoids the responsibility, and we who live among the Indians suffer.

I fear this bill, because it adds more officers, more power to continue the present system. I do not believe patching it up with more Indian agents is going to better it. It merely strengthens a bad system and makes more officers, and it will make it more difficult to get rid of the system next year. If we cannot change it now to the War Department let us kill the bill. Do not strengthen a bad system. There are now Indian agents enough if they were good for anything, if the system would work, if they had any power or responsibility. Adding more Indian agents will have the effect of giving more influence to continue the system. I am opposed to the system, and I am opposed to having more officers under it. We have officers enough paid by the Government now. Let us have officers amenable to military law, who can be punished if they do wrong. They are willing to take the responsibility; and I say it is the duty of Congress to turn over the Indian Bureau to the War Department at once.

Mr. HENDRICKS. It is not my purpose to participate to any extent in this debate. I deem it proper, however, to answer one point made by the Senator from Nevada. The burden of his argument is that there is a divided jurisdiction over the Indians; the Indian department, the civil department, has its jurisdiction, and the Military Department also has a jurisdiction; and they conflict and produce the evils of which complaint is made. I am surprised to hear that proposition from the Senator from Nevada. It is only two or three days since he voted for a bill extending this very divided jurisdiction over ten of the States of this Union, in which there is no war, and in express terms saying that the military may

permit the civil courts to exercise their jurisdiction; so that in ten of the States, under the policy of the Senator from Nevada, if a man wishes to bring an action of debt he must have the permission of the military; or if some poor woman who has been abused by her husband desires to bring her bill of divorce and secure the control of some of the property and the custody of her children, she must go to some lieutenant to get his permission that the court may try her cause. The Senator is the author of that policy to some extent; and why he should complain that there should be a divided jurisdiction where the Indians are sometimes at peace and sometimes at war I cannot understand. I can see with some force in there being a divided jurisdiction among the Indians depending upon the question of peace or war. But why the Senator should have been an able advocate of that policy in regard to the white people of the country I cannot quite understand. I think the Senator's course upon that bill a few days ago is a complete answer to the speech he has made just now.

Mr. STEWART. Allow me a word on that point.

Mr. HENDRICKS. Certainly.

Mr. STEWART. The bill that we passed the other day does make the military superior to the civil jurisdiction. It was complained that there was conflicting jurisdiction in the southern States, and that life and property were not protected. You have now given the military sufficient power to protect them. Then there is a kind of government there that we call a provisional government; and we let it go along in subordination to the military government. We have no local governments among the Indians organized by the whites that we propose to let go along as these governments in the South; but the Indians have a kind of government among themselves, and we do not propose to interfere with the Indian local, tribal government, so long as they exercise that without trespassing on the whites. We want to keep them in the exercise of their local government within the bounds of reason and humanity. And we are willing to divide the jurisdiction over the Indians, allowing the War Department power to make the Indians behave themselves in their intercourse with the whites, and allowing the Indians to manage their tribal affairs in their own way, so far as they are not in conflict with humanity and the rights of the whites. But we do not propose to have two Departments of this Government exercising authority over them independently of their local governments. We have not turned the people of the South over to both the Interior and the War Departments, and I think if we had done so we should have committed a great mistake; but we have said that the War Department shall exercise sufficient jurisdiction to protect life and property, and the provisional governments shall act in subordination to the military governments until the States are organized. I admit that that is a remedy which can only be justified on the ground of necessity. That necessity we believe exists. I hope the South will relieve themselves of it soon. I hope they will learn to do right and organize their governments on a purely Republican principle; and when they do, we shall be happy to relieve them from this military government. We have only exercised what military jurisdiction we thought necessary while they were emerging from the chaotic state in which this war left them, so that there could be some freedom of speech and some chance to organize governments on the republican principle down there. To save them from anarchy we propose to exercise this power temporarily. I was unwilling to pass a purely military bill unless it had this other provision in it.

In regard to the Indians, I propose to have a military government which shall protect the whites and Indians from conflicts with each other, and let the Indians go on with their tribal government so far as it does not conflict with that. And whenever they shall have developed a civilized government I will withdraw the military. I am willing to insert a provision in this bill declaring that whenever the Indians shall have organized civil society and are capable of taking care of themselves, when they respect the laws of the United States, when they cease to commit depredations, the military shall be withdrawn. The Senator from Indiana may have the same kind of legislation for the Indians that we have adopted for the southern States. I think it will be some time before they can organize such governments, before they learn to take care of themselves. I do not think such a provision in the bill would be of much account. I do not regard my position on this question as at all in conflict with the vote I gave the other day. It is in perfect harmony with it. I voted for the military bill as a necessity to keep order in the South. I vote now for turning the charge of Indian affairs over to the military, for the purpose of keeping order and peace in the Territories, and I declare that it is necessary; and any gentleman who has lived there and seen the situation must see the propriety of having some head, some responsibility, some military control for the protection of life and property. I think my position is entirely consistent.

Mr. HENDRICKS. As a general proposition, a man is rather unfortunate in debate when it requires a longer speech to explain himself than the original speech; but if the Senator from Nevada is satisfied with his explanation of his original speech, of course I am. When interrupted by the Senator I was about to say that I am not quite prepared to adopt the doctrine that has been announced by one of the most eminent of the military men of our country, that the only remedy is the extermination of the Indians, and that, too, by military power. However I may honor that distinguished citizen and soldier as a military man, I do not agree to that proposition. I think, sir, that it could only come from a military man, a man whose business it is to take human life in case of war.

I admit the bad qualities of the Indians; but I am not prepared to say that they have no good qualities. I admit their frequent wrongs upon the settlers; but I am not prepared to say that no wrongs have been done upon them. I believe almost as often the wrongs have been first upon Indians as the Indians have committed wrongs upon the whites. These people are to be taken care of by the Government of the United States. We have taken their lands away from them; we have located them at our pleasure; the question now is, shall they be given up to the War Department to be exterminated? If we attach this service to the War Department now after a lieutenant general of the Army has announced the doctrine that when a tribe is at war with the United States the only remedy is extermination, then we adopt in my judgment that doctrine. I suppose I should hardly be excused by the Senate in referring to the opinion expressed by Colonel Carrington. He says that he spares none, and they spare none. When he says he spares none I think he refers to the squaws and the children, not to the warriors.

I do not agree to such doctrines. I think we should take care of the Indians the best way we can. It is a very difficult question to decide. I dare say many Indian agents have been unfaithful to their trust, but certainly we can find some honest men in this country that will strive to save the Indians from destruction and constant wrong. This bill contemplates that, that we shall select some one who to some extent shall be the guardian of these poor people. I shall support it because I think that the bill does propose some remedy for the evil which we all feel.

Mr. BUCKALEW. Mr. President, if I did not think that I could condense what I have to say on this measure within a brief space of time I should not rise to occupy the attention of the Senate. As I am in favor of the passage of the original bill adopted by the Senate, I am of course disinclined by protracting the debate to endanger that passage; but there have been a few things said in this debate which deserve a reply—I mean things said with reference to the practical aspects of the measure itself, not upon those general considerations which have been introduced into the debate.

In the first place we were to be alarmed by the appearance of great expense if we adopted the original bill of the Senate. We were told that these inspectors were to receive large salaries; that the amount of contribution to this object from the Treasury would be very considerable. By referring to the second section of the bill it will be found that the amount of salary fixed in that section is to cover all expenditures whatever in connection with the performance of duty by these officers, all expenses incurred by them. The amount is to be in full, not only for their services, but also for all mileage and expenses incurred by them. In those portions of the country on the Pacific coast, and upon and beyond the western border, these officers will be subjected to unusual expenses, besides long and laborious journeys. We provide, however, that the amount of compensation fixed as salary shall cover not only the item of salary, but all other matters of expenditures in connection with their services.

Another thing: one of the three inspectors in the case of each board is to be an officer of the Army of the United States, detailed by the Secretary of War to this particular service, and it is carefully provided that he shall serve without additional pay or allowance, but shall be entitled during the continuance of his service simply to the pay provided by law for him as an officer of the Army.

It appears, then, that of the three inspectors one is to receive no pay other than that which without the passage of this bill he would receive as an officer of the Army, and it appears also that the compensation to be paid to the other two members of the board is a moderate and reasonable amount; taking into consideration the fact that they are excluded from all allowance for mileage or for those large personal expenditures to which they will be subjected in preparing supplies for themselves in entering into the Indian country, and for all other personal outlays whatsoever.

On the ground of expense the amount to be incurred by this bill is small; it is not extravagant nor even large, and no just objection lies against the measure on that ground.

Then, sir, objection has been made that one of these inspectors in the board of visitation and inspection may possibly be a minister of the Gospel, may possibly be a person in orders, one who ministers in the sanctuary. Such persons may be detailed to this service. I think language that sounded very much like contempt has been indulged in with reference to the proposition for selecting such persons.

Mr. President, I think that the board of inspection provided for in this bill will be selected under as many guarantees for efficient and proper service as can be provided. In the first place, one of the members is to be detailed by the Secretary of War, and therefore the War Department will be represented in this board. The second one is to be appointed by the President, by and with the advice and consent of the Senate, from among such persons as may be named to him or recommended to him by the various religious societies of the country. Observe the guarantees for the selection of a proper person in that case. In the first place, our great, our important religious societies of this country are to name persons to the President. Afterward he is to select one so named, and then the selection is to be submitted to the Senate for its judgment and approval. Can you ask more securities than you have here that you will have a proper and fit man named and detailed to this particular service? The third member of the board is to be appointed by the President also, by and with the advice and consent of the Senate. As to

him, however, there is no requirement that any religious body or any public organization whatever shall originally name him.

In a word, sir, this board of inspection is to be constituted of members, one of whom is to be specially detailed from the Army by the Secretary of War; the other two members of it are to be appointed by the President, by and with the advice and consent of the Senate; and one of those appointed in the latter manner is to be named to the President by the religious societies of the country.

Now, sir, what were the objects of the original measure as passed by the Senate at the last session? Those objects were important in the highest degree, and they were as noble as they were important. One object of the measure was to prevent frauds in the management of our Indian relations, an object which has been insisted upon even by those who oppose this measure in the present debate. A second object was to prevent Indian wars, to establish such a system of inspection and management over our Indian relations that collisions between the races would not take place, in consequence of which we should be involved in prolonged and expensive wars on the border. Both these objects were of a capital and leading character, and, in the judgment of the Committee on Indian Affairs when they reported this measure, they were as necessary to the welfare of the Indian tribes as to the peace and security of the border. For there was another object in this bill, and one that in my opinion ought to commend the bill to the favor of the Senate and that was, the encouragement of civilization and of improvement among the Indian tribes. Sir, you have a choice here between the original proposition and the amendment of the House, and that choice consists in this: you are to choose between the missionary and the soldier; you are to choose between Christianity and the sword; you are to choose between peace, civilization, and humanity on the one hand, and violence, force, and devastation on the other.

Sir, I am not one of those who believe that no Government is possible upon the earth but one of sheer force, one of violence, one of brute strength. I believe that humanity, even in its most depraved condition, under its most unfavorable aspects, even among savage tribes, was so constituted by the Author of our being that it will respond to the appeals of Christianity and of kindness; that it will respond to the appeal of the missionary and of the patriot, when it is made in a proper manner and under proper auspices; and that you are not bound, even in your treatment of such tribes, to send the sword and the torch among them and announce a principle of extermination. At small expense you will extend over an enormous extent of country, not organized into States, and where Indians are found, a system of visitation, a system of inspection, a system of management and control, which, in the opinion of those who have investigated this subject, will produce most salutary results in saving this Government from expense, in saving the border from war, and in improving the mental and moral condition of the Indian tribes. And, sir, I look upon that feature of the bill which has been so much denounced to-day, the selection of one member of each board of inspection from nominees of religious societies, as connecting itself with missionary enterprise, with religious instruction, and with the progress of civilization among these tribes, and that it of itself, if we secured nothing else by this bill, would be invaluable.

There is but one additional point on which I shall speak. It is obvious that a majority of the Senate are indisposed to turn over this whole subject to the War Department at this time, however it may be in the future, after the subject shall have undergone debate at a subsequent session of Congress. At present it is evident from the votes already taken that the Senate will not turn our Indian administration over to the control of the War Department. The practical question, therefore, before us is between doing nothing and passing the original bill, matured by the appropriate committee, and adopted by the Senate heretofore. That is, you have a choice between entering upon this proposed reform which bears the character I have assigned it, and doing nothing, allowing these alleged abuses of Indian agents, these imperfections of our present system to go on without any mitigation or correction whatever until perhaps a year hence, when you may possibly take up this subject for renewed discussion. Now, sir, assume that this is an experiment merely, is it not one which invites a trial, and at all events shall we not secure for a future session a large body of valuable experience and information by adopting this bill? In the first place, you will have from all portions of our country where the Indians are located a mass of independent information from these boards of inspection which you create by this bill. You will then be enabled to judge better than you can now judge whether military management or civil management is the better system to adopt for the future. For my part, so far as I have been able to investigate this subject and form opinions upon it, I am perfectly willing to try the experiment which has been proposed by the proper committee of this body and heretofore sanctioned by the vote of the Senate, and under the circumstances which now surround us, when the alternative is between adopting this measure for which we formerly voted, or doing nothing at all, every reason in my opinion is in favor of action.

Mr. HOWARD. I am disinclined to adopt either of the projects now before us. I am opposed to the bill itself, which was passed by the Senate on the 19th of March last, and still more opposed to the substitution for it of the amendment adopted by the House of Representatives. I do not think it is best at this time to attempt to revolutionize our Indian system. From the foundation of the Government down to 1849 Indian affairs were intrusted to the supervision and control of the Secretary of War. That was our ancient system, and we never departed from that policy until that year, when the act organizing the Department of the Interior was passed. The fifth section of that act declares—

"That the Secretary of the Interior shall exercise the supervisory and appellate powers now exercised by the Secretary of the War Department in relation to all the acts of the Commissioner of Indian Affairs, and shall sign all requisitions for the advancement or payment of money out of the Treasury, subject to the same adjustment or control now exercised on similar estimates or accounts by the Second Auditor and Second Comptroller of the Treasury."

That act turned over all the Indian affairs to the Secretary of the Interior, and since that time we have been "running the machine" under his supervision and care. It is now proposed by the amendment of the House of Representatives to reverse this order of things, and go back to the old system of military control, and to intrust it to the management of the Secretary of War; and gentlemen urge the adoption of this amendment of the House of Representatives for the reason, as they insist, that it will be likely to prevent the occurrence of Indian wars. According to their prognostications, if we adopt this amendment, we shall steer clear of all collisions with the Indian tribes in the future, or at all events the chances for the occurrence of Indian wars will be very much diminished.

How was it before the passage of the act of 1849 and during that period in which the Secretary of War had the same power which it is now proposed to give him? We had a succession and an almost continual succession of Indian wars under the administration of the War Department, including that most bloody and expensive performance of the kind known as the Seminole war, which cost the Government of the United States between twenty and thirty million dollars, if I recollect rightly. During the same period we had another very serious Indian disturbance known as a Sac war, which took place in the then Territory of Wisconsin and partly in the Territory of Michigan. I might enumerate other collisions of the same description between the Indian tribes and the United States under the same *régime*. I think that the history of the administration of our Indian affairs up to 1849 is a warning to us not again to intrust the Indian affairs to the control of the military authorities of the United States. I think, sir, it is unsafe. Military men, or at least that class of military men who are likely to be sent to the Indians, are, for the most part, unacquainted with the Indian character and the Indian habits. They go there carrying with them all the pride, and, I regret to say, haughtiness which pertains to their profession; and I think you will find, on a careful inspection of the history of these wars, that the most of them have been provoked by little petty interferences and insults on the part of small military officers who held the Indians in contempt or did not regard their rights. I should expect, if this amendment were adopted, to see a recurrence of precisely the same thing. I do not believe that the Indian has such a respect for the epaulette, or even the sword of an American officer, as to make him more peacefully inclined in the presence of an officer than he would be in that of a civilian, and I am opposed to revolutionizing our system again.

Congress for very good reasons adopted the plan of intrusting the administration of Indian affairs to the Department of the Interior nearly twenty years ago, and I do not believe that the country has become dissatisfied with this arrangement. We have become accustomed to it. The country is accustomed to it, although it must be confessed that in this administration there is undoubtedly a great deal of corruption and fraud. I do not look for any relief in this respect by turning the business over to the Secretary of War. I do not believe that military men who come in contact with the Indians are less likely to practice fraud and imposition upon them than are civilians. I know no distinction in point of honesty and commercial honor between a soldier or an officer and a civilian, and I do not believe it exists; while, at the same time, I do believe, for I think history justifies me in the belief, that these Indian collisions are more frequently brought about by the impertinence and unjust interference of military men located among the Indians. An Indian, perhaps, in his ignorance of civilized manners, affronts a lieutenant without intending to injure his feelings and not knowing that he has done so. The young gentleman, fresh from West Point, with his epaulettes bright and clean upon his shoulder and his sword by his side, whips out the toasting-iron and returns this imaginary insult by a blow or a stab, and then comes on an Indian war that costs the Government ten or fifteen or twenty million dollars. I think that the history of the past is a warning to us not again to intrust the management of Indian affairs to military hands exclusively. I shall vote, therefore, against concurring in the amendment of the House of Representatives.

I am opposed also to the bill itself to which this amendment is offered as a substitute, though I have more respect for that than I have for the substitute. The Senator from Wisconsin [Mr. DOOLITTLE] is really fruitful in projects for governing the Indians. I do not impute to him of course any insincerity, for I believe him to be actuated by the best of motives. During the last year he brought forward a scheme for the government of all the Indian tribes as one nation, and proposed that by law they should all be subjected to the laws and jurisdiction of the United States, that they should have one or more legislative bodies.

Mr. DOOLITTLE. My friend will allow me to call his attention to the fact that it was in relation to the organization of the so-called Indian Territory, and giving them a territorial government, and then inducing the civilized tribes of the neighboring States to go into that Territory. That was the project.

Mr. HOWARD. I may be in error as to the mere details of the Senator's plans; but I know the general idea of the Senator was to

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subject all the Indians of the United States to the power and jurisdiction of the United States, and to give them a Governor to be appointed by the President by and with the advice and consent of the Senate, and a Legislature to be chosen by Indian ballots.

Mr. DOOLITTLE. In that Territory.

Mr. HOWARD. In the Indian Territory says the Senator. Well, grant you, in the Indian Territory; but that Territory includes a very large proportion of the Indian population. It was not the less objectionable, however, for being confined to that locality which he mentioned. It was the principle which I then combated, and to which I am still opposed. I do not believe that the Congress of the United States have any such power under the Constitution to govern the Indian tribes upon our continent by means of Federal legislation and Federal officers and Federal laws. The Constitution recognizes them as independent nations, the owners of the soil itself, of the continent originally, and never to be divested of that ownership except by an honest and a fair treaty. Congress has power to regulate the intercourse of the United States, the commerce of the people of the United States, with the Indian tribes. That power is granted to Congress in almost exactly the same terms which are used to convey the power to regulate foreign commerce, showing that the Indian tribes are as tribes free and independent nations, and that the United States have no right to interfere to control them, or govern them, except the simple right of being the first purchasers of the Indian title to lands.

But, Mr. President, I will go no further in that direction. This bill before us as it passed the Senate in March last, and which the honorable Senator from Wisconsin foresees is to be the great means of preventing the recurrence of Indian wars, is certainly very plausible upon its face, and if I believed as firmly and sincerely as the Senator seems to do that it would effect that great object I should be very much inclined to support it; for it is desirable for us to prevent collision with the Indians; but I do not believe that the appointment of these five boards of inspectors will have that effect. I do not see how Indian wars are to be averted by the presence of these boards of commissioners among them. I rather look to see these boards of commissioners acting as a sort of ambulatory commission, missionaries going about in their districts, and inspecting this place and that place and the other, visiting the residences of Indian agents, perhaps the wigwams of the Indians themselves, often more respectable places than the residences of the agents undoubtedly, and exercising professedly a high tutelary influence over the Indians, but which in itself is of no value at all. I fear that will be the result, and I cannot adopt the convictions which seem to animate the Senator from Wisconsin.

There are to be five boards of inspectors according to this bill, which are to consist of three commissioners, two of the board to be appointed by the President of the United States, by and with the advice and consent of the Senate, and each of those two to receive a salary at the rate of $4,000 a year; and the third member a military gentleman of a rank not beneath that of a brigadier general, and who is to receive no salary, but to be paid his traveling expenses in going about from place to place in the various Indian districts in company with the other two gentlemen of the commission. I should add that one of the other two is to be selected upon the recommendation of the various religious societies of the country.

Mr. NESMITH. The Senator from Michigan will permit me to interrupt him. He is mistaken about the rank of the military officer. The bill is silent on that subject.

Mr. HOWARD. Well, what is to be the rank of the military officer?

Mr. NESMITH. His rank is not designated by the bill.

Mr. HOWARD. He is to be an officer of the regular Army. It is not necessary that a brigadier shall be sent, I agree; a colonel, a captain, a second lieutenant may be sent as the third member of the board.

In the first place, sir, this bill requires an additional expenditure in the Indian department, for salaries, of $40,000. To that must be added the contingent expenses for travel for all these three gentlemen who are required to visit the different agencies in their Indian districts at least once a year. These five districts, therefore, are to be visited annually by the proper board of inspectors, and each board is to report to the Secretary of the Interior annually the result of those visitations. They are empowered, to be sure, to suspend from office any agent or sub-agent that may become obnoxious to them, a power which I think is rather too liable to abuse to be intrusted to such hands. I can see, it is true, occasions when the prompt exercise of the power of removal or suspension might be very necessary; but at the same time, it is in its nature an arbitrary power, and one which it is very difficult to counteract, an evil which it is very difficult indeed to correct or to remedy. They might, and undoubtedly they would, in many cases, for such is poor, frail human nature, exercise this power of suspension and removal wantonly and from interested motives. They might side with one or the other party to an Indian quarrel. That certainly would have very little tendency to put an end to the quarrel, and for my life I am not able to see the utility of these five boards of inspectors. It would be a very convenient place in which to lodge a few worn-out politicians, a few anxious ministers of the Gospel, who are to be selected upon the recommendation of religious societies. It would be a pleasant place undoubtedly for a quiet military gentleman, for certain purposes. It would enable them to survey and examine every portion of the Indian territory with a view to the selection of lands and village lots, and water lots, mines of gold and silver and precious stones, and it would enable them to afford very happy accommodations, undoubtedly, to their anxious inquiring friends about to move into the Indian country for the purpose of bettering their condition. I foresee all this in the Senator's scheme of a general inspection, and I can only say that I can see no real public advantage in it, and shall therefore vote against it. That is all I have to say on the subject at present.

Mr. McDOUGALL. Mr. President, I do not rise to remark upon the entire measure, but upon one particular feature, of placing the jurisdiction of our Indian tribes in the hands of the military. They have suffered much from the days of the Pequods and Narragansets. I have seen the military saber them close by the Rocky mountains when they were invited into camp. The right has been assumed to kill the Indian because he was a savage, and they have hunted the squaws to bring them into prison. This thing occurred in Texas after the Camanches were invited into council, and when in council they were shot down by our own men, and this made the Camanches our adversaries. Again on the banks of the Gila the same tragedy was played. It is not always, therefore, that the Indians as a general thing should feel somewhat hostile to ourselves. But, sir, I learned the use of the bow and arrow from the Oneidas in my childhood, and I have traveled among Indian tribes and I have found no nobler men than the Camanches and Arapahoes. All the Indian wants is a kind eye and careful treatment, and then he is your friend. They have, however, a very strong impression upon their minds that we are enemies of theirs. The proposition of the chairman of the Committee on Indian Affairs is to try and conciliate them by friendship. De Soto discovered the Mississippi and he was halted on its banks and died there; but the French missionary who came by the way of Quebec and Montreal and went down the Illinois river to the mouth of the Mississippi, and who established his posts all along had no controversy with the Indians, and he was regarded as their friend. In my opinion we need rather missionary labor among these men whom we call savages, but who I have found to be noble men in the exercises of my own experience. There is no people in the world who so soon recognize a kind and gentle look as the Indians of our frontier. They know that we have driven them from their original homes in Massachusetts, in New York, and Pennsylvania, and elsewhere on the Atlantic border, driven them from plain to forest, and from forest to plain, and from mountain to valley, and driven them far away from the land of their ancestors. They know and believe that, and therefore they are careful in whom they trust. Few men are fitted to discourse with them. Fitzpatrick, who was for many years our agent with the Camanches and with the southwestern tribes conterminous, could go among all the Indian tribes and converse with them, for he had a kind eye and a strong arm, and they knew him and knew he was a man to be trusted. I think it is by kindness and by the influence of Christian principles that we may save them from utter oblivion.

They inhabited this entire continent. It was their right. They fished our rivers, they hunted our plains, they sowed our fields with corn; and we with our rude barbarianism, unequaled except by the Norsemen, have driven them from mountain to valley, from forest to plain, until now they are refugees alongside the Rocky mountains, and we are inhabiting their lands, not by virtue of right, but *vi et armis*.

Sir, there has been altogether a want of just consideration for the Indian. The State of New York has done better than any other State in that respect; and the remnants of the tribes of the Six Nations still continue there protected by its laws. Where elsewhere in the States of this Union are the Indian tribes protected? Nowhere. They have been moved from the fine fields which they once owned to far beyond the Mississippi; and now our people are envying them their possessions there.

The policy of this bill I think is just. It will seek to secure to those tribes to whom we owe so much homes, protection, and civilization, such as Marquette undertook to afford to them, with the fathers of the Jesuits, who first came in the valley of the Mississippi, men who did not come with the sword to cleave, but who came with the word of Him who preached the sermon on the mount.

I am altogether opposed to returning this authority to the Military Department; for I know that a lieutenant or a captain commanding a post thinks his business is, if he sees a band of Indians, to order out his men booted and saddled; and as soon as he can approach them to draw and strike and slay and slaughter. I have seen it done, and I have felt it to be an outrage upon humanity. They are not to be overcome, unless they should be exterminated in that manner; and yet the Indians of our possessions are many of them superior men. A gentleman whom I now see in my eye may know one of them to whom I am about to refer. One of the bravest and noblest men I ever saw was a Camanche chief. He had the power over my life and the lives of all the men who were surrounding me, and he knew it. He met me as gracefully as if he had been in cashmere and a prince. I gave him my hand and invited him into my tent, with his band of one hundred and fifty warriors, and I was very short-handed.

Mr. JOHNSON. You felt perfectly safe.

Mr. McDOUGALL. From the moment I saw him dismount, and that he did not dismount his men, I felt safe. A great many of these tribes are very superior, particularly those of the Aztec race, and they should be treated with consideration. To put them in the hands of a captain of infantry commanding the post at Tucson or the post at Fort Yuma, with a crowd of boys just enlisted, who do not know anything more than to take up their arms and obey orders, is an outrage upon that race, and perhaps upon men quite as well qualified to be civilized as ourselves, lacking the present opportunity.

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Mr. CONNESS. Mr. President, I had intended speaking upon this subject; but I cannot proceed now, nor detain the Senate, and I will forego it.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives to the bill.

Mr. CONNESS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 24; as follows:

YEAS—Messrs. Chandler, Conness, Fessenden, Howe, Kirkwood, Lane, Morgan, Ramsey, Sherman, Stewart, Wade, Williams, and Wilson—13.

NAYS—Messrs. Buckalew, Davis, Dixon, Doolittle, Edmunds, Fogg, Foster, Harris, Henderson, Hendricks, Howard, Johnson, McDougall, Morrill, Nesmith, Patterson, Poland, Pomeroy, Riddle, Ross, Sprague, Sumner, Trumbull, and Yates—24.

ABSENT—Messrs. Anthony, Brown, Cattell, Cowan, Cragin, Creswell, Fowler, Frelinghuysen, Grimes, Guthrie, Norton, Nye, Saulsbury, Van Winkle, and Willey—15.

So the amendment was non-concurred in.

MAIL SERVICE TO HAWAIIAN ISLANDS.

Mr. SUMNER. I ask the Senate to proceed to the consideration of a joint resolution reported from the Committee on Foreign Relations. I will find the number of it in a moment.

Mr. CONNESS. While the Senator is finding his resolution, I think he will consent to my calling up a bill which will occupy but a very little while and which he is equally in favor of. I ask the Senate—and then I will join the Senator——

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts give way to the Senator from California?

Mr. SUMNER. I do.

Mr. CONNESS. I ask the Senate to proceed to the consideration of Senate bill No. 603.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 603) to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands. It proposes to authorize the Postmaster General to invite proposals, by public advertisement, for the period of sixty days, in one or more newspapers published in the cities of Washington, New York, Boston, and San Francisco respectively, for mail steamship service between the port of San Francisco, in the United States, and the port of Honolulu, in the Hawaiian Islands, by means of a monthly line of first-class American sea-going steamships, to be of not less than one thousand tons, Government measurement, each, and of sufficient number to perform twelve round trips per annum between those ports; and to contract with the lowest responsible bidder for the service, for a term of not more than ten years, to begin from the day the first steamship of the line shall depart from the port of San Francisco with the mails for the Hawaiian Islands; but no bid is to be considered which shall amount to more than $100,000 for the twelve round trips per annum, nor unless it be from a citizen or citizens of the United States, and accompanied by an offer of good and sufficient sureties (also citizens of the United States) for the faithful performance of such contract.

Any contract which the Postmaster General may execute under the authority of the act is to go into effect on or before the 1st day of January, 1868, and in addition to the usual stipulations of ocean mail steamship contracts is to provide that the Government of the United States shall be entitled to have transported, free of expense, on each and every steamer, a mail agent to take charge of and arrange the mail matter, to whom suitable accommodations for that purpose shall be assigned; that in case of failure from any cause to perform any of the monthly voyages stipulated for in this contract, a *pro rata* deduction may be made from the compensation on account of such omitted voyage or voyages; that suitable fines and penalties may be imposed for delays and irregularities in the performance of the service; and the Postmaster General is to have the power, at any time, to determine the contract in case of its being underlet or assigned to any other party.

The Committee on Post Offices and Post Roads reported the bill with an amendment, to add to the first section the following additional proviso:

And provided further, That before the acceptance of the said steamships by the Postmaster General for the said service they shall be subject to inspection and survey by an experienced naval constructor, to be detailed for that purpose by the Secretary of the Navy, whose report shall be made to the Postmaster General.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the bill of the Senate (S. No. 220) for the relief of certain contractors for the construction of vessels-of-war and steam machinery, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 283) for the relief of Edward St. Clair Clarke;

A bill (S. No. 513) granting a pension to Patrick Meehan; and

A bill (S. No. 602) granting a pension to Ezra B. Gordon.

PARIS EXHIBITION.

Mr. SUMNER. I now move that the Senate proceed with the consideration of the joint resolution (S. R. No. 164) supplementary to other joint resolutions to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867.

Mr. TRUMBULL. I have been struggling for the floor I do not know how many weeks to ask the Senate to take up some bills, which I think ought to be acted upon, that have been reported from the committee of which I have the honor to be chairman; but it seems impossible to get them before the Senate unless they are antagonized with something. Now, here is a resolution to take money out of the Treasury. I should like to get up a resolution reported by the Committee on the Judiciary to keep money in the Treasury. It is a joint resolution reported some time ago, which has passed the House of Representatives, to prevent the Treasurer from paying money to men who went into the rebellion on claims which they had against the Government as officers or otherwise before the war broke out. Military officers in our Army who deserted their posts and went into the rebellion and fought us during the war have been pardoned, as I understand, and are making applications now to get their back pay which they claimed before the war began. The House of Representatives a long time ago passed a resolution to prevent payments being made under such circumstances. That resolution was reported some time since by the Committee on the Judiciary, but I have been unable to get attention to it, and it is impossible that attention ever should be got to either that or half a dozen other bills that ought to be acted upon unless they are antagonized with something. I am not able to get the floor in the struggle in the morning hour. The first one who comes in makes a motion to take up some particular bill, and we have private bills brought up here to the crowding aside of the public business. I have no private bills that I desire to bring up. This morning we spent an hour here on a private claim. They ought to be attended to if money is due to private individuals, but I do think that the public business and that species of legislation which affects the nation ought to receive the attention of Congress.

Now, sir, I hope the Senate will not take up the joint resolution suggested by the Senator from Massachusetts, which is to appropriate money to send persons to this Paris Exposition. They are to have a grand exhibition at Paris, and a great many people from this country want to visit there as I suppose, and here is a provision for a lot more of commissioners to be appointed to the Paris Exhibition, to go to Paris and have a nice time this summer. I hope that that resolution will not be taken up, but that we may proceed to take up some of these measures of which I have spoken. I shall move to proceed to the consideration of House joint resolution No. 222, if this motion of the Senator from Massachusetts does not prevail.

Mr. SUMNER. I think it very profitless to undertake to antagonize one bill with another. Had the Senator made his motion I should not have antagonized this——

Mr. TRUMBULL. I could not make it.

Mr. SUMNER. I say had the Senator made it I should not have antagonized the resolution which I have charge of with his. And let me suggest to the Senator that he is unfair when he alludes to this as interesting only to private individuals. This concerns public interests just as much as the resolution of the Senator. The Senator says his resolution is not to take money from the Treasury, but if I understood him to put money into the Treasury.

Mr. TRUMBULL. To keep it there.

Mr. SUMNER. Very well; to keep it there. The resolution which I have in charge now may not be directly to put money into the Treasury of the country, but it is to put money into the pockets of the people of this country by enriching their resources, their knowledge of science, and quickening their intelligence. It is not a resolution to facilitate any visits to Europe nor to promote in any way private indulgence; but it is a resolution to enable the scientific and mineral and productive resources of our country to be exhibited in Europe. That is the character of the resolution. It is a resolution that has been carefully considered and matured in the Committee on Foreign Relations, who have had before them gentlemen from New York, and who have given several days attention to it. It is no hasty production; but it is, if I may say so, the well-ripened fruit of the best care and knowledge of the committee. I hope there will be no question about taking it up.

The motion was agreed to; and the joint resolution (S. R. No. 164) supplementary to other joint resolutions to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867, was read the second time, and considered as in Committee of the Whole. It provides:

1. That the commission of the United States at the Universal Exhibition to be held at Paris in the year 1867 shall consist of the commissioner general and honorary commissioner, whose appointment was approved by the joint resolution of January 22, 1866; also of the thirty commissioners whose appointment was provided for by the joint resolution of July 5, 1866, and of twenty commissioners whose appointment is hereinafter provided for.

2. That the commissioner general shall be the president of the commission thus constituted, with a vote on all questions that may arise.

3. That the commission shall meet at Paris as early as possible before the opening of the Exhibition upon the call of the commissioner general, and, when properly organized, shall make such rules and regulations as may be necessary for efficient action, with power to elect a vice president from their own number, who, in the absence of the commissioner general, shall preside at all meetings of the commission, and to appoint committees and chairmen of groups.

4. That the commission may designate additional persons, not exceeding twenty in num-

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ber, being citizens of the United States, known to be skilled in any branch of industry or art, who are hereby authorized to attend the Exhibition in behalf of the United States as honorary commissioners.

5. That the commission may employ a secretary and clerks for the commission, the necessary scientific assistants and draughtsmen, and may engage suitable rooms for the commission.

6. That no commissioner shall act as agent for the show or sale of any article at the Exhibition, or be interested, directly or indirectly, in any profits from any such article.

The second section of the resolution makes the following appropriations:

For additional freights from New York to Havre, $15,000.

For transportation and freight from Havre to Paris, $10,000.

For return freight of articles owned by the United States or lent to the Government by individuals, $10,000.

For marine and fire insurance on the articles thus lent, $5,000.

For additional steam-power at Paris, in the "palace" and the "annex," or supplemental building, and in grounds adjacent, $10,000.

For the exhibition of machines, agricultural and other, and for the erection of buildings to illustrate the education and agriculture of the United States, $15,000.

For the necessary expense of collecting, classifying, labeling, and packing mineralogical and metallurgical specimens, to complete the exhibition of the mineral wealth of the United States, $5,000.

For the necessary expense of labors and extra service in the offices at Paris and New York, $5,000.

For the expenses of a secretary, clerks, scientific assistants and draughtsmen, rooms, and other incidental expenses of the commission, $20,000.

By the third section it is to be the duty of the general agent at New York and of the commissioner general at Paris to transmit to Congress, through the Department of State, a detailed statement of the manner in which the expenditures herein authorized are made by them respectively.

The joint resolution was reported to the Senate without amendment.

Mr. HENDRICKS. I wish to ask the Senator from Massachusetts what amount of money was appropriated for this purpose at the last session of Congress?

Mr. SUMNER. About one hundred and fifty-six thousand dollars; and this appropriates $93,000.

Mr. HENDRICKS. Making about two hundred and fifty thousand dollars in all. I do not think such a sum of money is necessary for this business. I cannot conceive it possible—a quarter of a million of dollars! Unless it can be shown to be necessary I shall not vote for it.

Mr. McDOUGALL. This bill proposes a congress of fifty-one from America to sit at the Paris Exposition, with their expenses going and coming and other expenses there to be provided for by the Government. The appropriation made at the last session of Congress ought to have been abundantly sufficient for the purpose. I think it is a perfect absurdity to be sending these commissioners and a commissioner general to Paris to attend to this matter. They are to sit in council there and determine how our products are to be presented. Sir, there will there be present from this country men of science, men of art, men who go to exhibit their productions, and it does not require this extra, superlative legislation.

Mr. SUMNER. With regard to the necessity of this appropriation I shall content myself with a single remark. It was most carefully canvassed by the committee. Never has any measure with which I have been associated been more carefully considered. There is no single item which is mentioned in this resolution which was not adopted after the most conscientious consideration. If Senators are of opinion that the United States should abdicate the position it has already begun to assume in this great industrial congress, they should vote against this resolution; but I believe they will not be of that opinion. From every part of the country public opinion is declaring in its favor. Only a day or two ago resolutions from the Legislature of Wisconsin were presented and printed by order of the Senate asking these appropriations. They are needed in order to exhibit to Europe the mineral, the cereal, and the agricultural resources of our country. They are needed also to exhibit what we have done in mechanics and the arts. We need also scientific representatives there, who shall bring back their observations of the various countries of Europe there assembled. But, sir, I will not say another word; I am anxious to have the vote taken.

Mr. SHERMAN. I desire to offer a little amendment, to which I suppose the Senator from Massachusetts will consent. It is to insert after the words "United States," in the eighteenth line, page 3, the words "and for the collection of specimens of agricultural productions, under the joint resolution for that purpose passed at the present session."

Mr. SUMNER. I accept that.

The amendment was agreed to.

Mr. TRUMBULL. I should like to inquire of the Senator from Massachusetts whether he expects this to be an end of the appropriations that will be asked for this purpose? He asks the Senate now if we are going to back out of what we have done. I should like to inquire of the Senator from Massachusetts, who urged this matter originally upon the Senate, if he notified the country at that time that he would require a quarter of a million dollars, and if, on the other hand, he did not notify the country that the expense would be very small? I should like to know now, whether, when we meet in the next Congress, another quarter of a million dollars will not have to be appropriated for this same purpose; or whether there is the least expectation on the part of the Senator from Massachusetts that this is to be the end of these appropriations? I do not expect it to be. I look upon it as the most unwarrantable appropriation of the people's money that has been made since I have been in Congress. I shall content myself with voting against it.

I do not wish to take up time, but I have no expectation that this is the end of it, and I have no belief that the people of this country expected, when the Senator from Massachusetts started this matter, that it was to take a quarter of a million dollars to pay the expenses of agents and others in Europe in connection with this exhibition.

Mr. SUMNER. I am not aware that I have ever given any notification one way or the other that money would be demanded or would not be demanded. I was never in a position to express any opinion on that question. At each stage of this measure I have acted according to the information before me and the necessities of the hour. If hereafter, at some subsequent stage, it should seem important to the interests of the country that further appropriations should be made, I should not object, but it would be the duty of the Senate to consider it at that time; all I ask now is that the Senate shall act on the question before it. Let it not wander under the lead of the Senator from Illinois into the future; when that comes let us deal with it in the light of the future. I only ask you now to deal with the question before you.

I have already said that these appropriations are simply for the object proposed. According to all the evidence before the committee, much more was needed to the adequate representation of the resources of our country at that great exhibition. But the committee, conscientiously disposed to every possible economy, cut every item down, and you have the result in what I may call the very minimum with which our representation can be adequately conducted at Paris. The question therefore is, are you disposed to proceed with this business or abandon it? If you wish to abandon it, then you will vote against this joint resolution. But unless you are ready to adopt that extreme course, I think you will be constrained to comply with the conclusions of the committee. The committee represent the Senate; they have at heart the interests of the Senate. There are no personal or private interests represented in this joint resolution. The committee had nothing in view except the public welfare, and I believe they consulted in that regard economy as well as ever any committee of this body did.

Mr. McDOUGALL. If I remember well, at the last exhibition at Paris there was sent from Boston a commissioner, Mr. Riddle, a carriage-maker. I think he made good carriages, and rode in state in Paris. If I remember well—and I think I remember well, for about that time I was residing in this city and in office—the claims he set up, after having gone there to exhibit his own manufactures, at his own invitation, amounted to $150,000 at least. What the exact result of the action of Congress in his case was I do not now remember, though I think he obtained his appropriation. He, a single individual, going out a carriage-maker to exhibit the mode of constructing vehicles, occupied the time of the two Houses in considering his claims for months and cost the Government more than a hundred thousand dollars. If our manufacturing enterprises and our art enterprises cannot get along with what we have already afforded to them they had better withdraw.

The PRESIDENT *pro tempore*. The question is on ordering the joint resolution to be engrossed for a third reading.

Mr. COWAN called for the yeas and nays, and they were ordered.

Mr. CONNESS. I wish to say one word before the vote is taken. The great exhibition at Paris it is already settled will be the greatest of that character that has ever yet taken place. There will be congregated and brought together the practical, real, and mightiest wonders of the world. The currents of a nation's life are perhaps better represented by a nation's industries than in any other way. The degree of life that we have as a nation and its volume are to be determined by the world's representatives by the part we shall take in this great exhibition. There may have been a time when we could have decided not to appear there; but that time, I submit, has passed. We have now an interest there from which we cannot retire, which we cannot afford to yield. I hope that there can be no considerable vote in the Senate to disappoint the earnest and real expectation of all parts of the country to be thus fully represented at such a place.

Mr. WADE. When this measure was first introduced I was opposed to it both in the committee and here. I thought I foresaw that it was to be a very expensive business. But we have got to go through with it. I do not suppose now that this appropriation is more than a beginning of what we shall be involved in when everything comes to be summed up. But once embarked, having been overruled in my opposition, the first step having been taken, I see no place to back out. The dignity of the nation requires that if we go into it at all we should endeavor to make a respectable appearance. I am sorry the appropriation has to be as large as it is; but the first step was the one that cost. Being in it we have got to go through, and there is no other way that I can see; and hence I was compelled to yield to this appropriation large as it is. Even this appropriation will scarcely make us appear respectable there in my judgment. I sincerely wish we had not taken the first step; but as we have begun we must go through.

The question being taken by yeas and nays resulted—yeas 26, nays 13; as follows:

YEAS—Messrs. Brown, Conness, Dixon, Edmunds, Fessenden, Fogg, Foster, Fowler, Frelinghuysen, Harris, Henderson, Howard, Johnson, Morgan, Morrill, Pomeroy, Ramsey, Sprague, Stewart, Sumner, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—26.

NAYS—Messrs. Buckalew, Chandler, Cowan, Davis, Hendricks, Kirkwood, Lane, McDougall, Patterson, Riddle, Ross, Sherman, and Trumbull—13.

ABSENT—Messrs. Anthony, Cattell, Cragin, Creswell, Doolittle, Grimes, Guthrie, Howe, Nesmith, Norton, Nye, Poland, and Saulsbury—13.

So the resolution was ordered to be engrossed for a third reading.

The resolution was read the third time.

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Mr. TRUMBULL. I wish the attention of the Senate for one moment, to see how we have been drawn into this matter. The Senator from Massachusetts, when I put the question to him, did not remember whether he had given any assurance or not in regard to future appropriations. When this question was before the Senate at a former session, we then were applied to on the same point, and were inquired of by the Senator from Iowa [Mr. GRIMES] in what sort of an enterprise we were embarking, where it was to lead, and whether future appropriations would be necessary. In reply to that question the Senator from Massachusetts then said:

"I do not understand that there is any obligation, direct or indirect, to any future appropriation on this subject."

To-day he tells us, you have either to abandon the thing or make these appropriations. Then he did not understand that there was any obligation whatever, direct or indirect, to make future appropriations; and in that way the Senate, beguiled by the persuasive manner of the Senator, embarked in this exhibition, thought it would cost little or nothing to have the country represented abroad, to bring to notice its agricultural and mineral and scientific resources, by exhibiting them in Europe—"a very simple thing," he said. The Senate and Congress was thus beguiled and led along to make the first appropriation. Indeed, I believe originally, the first resolution did not call for any money. The proposition only fixed the salary of the general agent, and it was said to be a very small matter, involving no obligation afterward.

Mr. FESSENDEN. Like the Department of Agriculture.

Mr. TRUMBULL. Very likely; I do not know whether it was the eloquence of the Senator from Massachusetts that beguiled us into that——

Mr. FESSENDEN. No. The Senator from Illinois had something to do with it.

Mr. TRUMBULL. No, sir. The Senator from Illinois was not the author of the Agricultural Department. I suppose this appropriation is to go through; but I want to remind Senators of the easy way in which they have been led along to make these appropriations. The Senator from Massachusetts having started us on the road, will not give us as much of an assurance as he did a year ago. He said then that he did not think it involved any obligation to make future appropriations. But when he is asked to-day, he says he will give no assurance; if money be necessary hereafter, it must be voted. He has got us embarked in it, and I suppose we must go to the end of the voyage.

Mr. SUMNER. I am very glad to have the last assurance of the Senator from Illinois, that he is going with us to the end of the voyage. His company is always pleasant, and I am very glad to know that he is to be one of our fellow-travelers.

Mr. TRUMBULL. I spoke of the nation and not of myself particularly.

Mr. SUMNER. But I choose to include the Senator. We should not be happy if we had not him with us.

Now, with regard to the proposition to which he has called attention, the Senator misapprehends it. At the time I made the statement which he has read we had before us simply an initiatory resolution providing for an agency in New York. I had no reason at that time to suppose that the United States would embark further in this enterprise. It was several months afterward that the question assumed a larger character and that further appropriations were made. The appropriations which are made to-day are simply a continuation of those that were made subsequent to the time to which the Senator from Illinois has called attention. When I made those remarks which he has quoted I had no reason to suppose that we should go further in the business. I spoke honestly according to my impressions at the time; and now I speak with equal honesty when I decline to make any expression one way or the other as to appropriations in the future.

Mr. LANE. I have no doubt this measure is to pass; but I wish to recall the attention of the Senate for a moment to the inception and history of this whole scheme. When the subject was first introduced into the Senate it was stated that the French Emperor had invited this country and other countries to participate in this exhibition. It was then said that it would cost our Government nothing. When we were next called upon to act on the subject, it was said that it would cost a certain amount to carry it through; and now a further and larger amount is asked for. I opposed it from the beginning, believing that no public good would result from it. I believe so now, and I will venture to indulge in a prophecy: I say this country will not get out of the Paris Exhibition under $5,000,000 of expense, and the whole thing from beginning to end is, in my opinion, a grand humbug. I ask for the yeas and nays on the passage of the joint resolution.

Mr. SUMNER. I suggest that the yeas and nays have been taken once.

Mr. TRUMBULL. Let us have them taken again.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 10; as follows:

YEAS—Messrs. Anthony, Brown, Conness, Dixon, Doolittle, Edmunds, Fessenden, Foster, Fowler, Frelinghuysen, Harris, Henderson, Johnson, Morgan, Morrill, Pomeroy, Ramsey, Sprague, Stewart, Sumner, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—26.

NAYS—Messrs. Buckalew, Davis, Hendricks, Kirkwood, Lane, McDougall, Patterson, Ross, Sherman, and Trumbull—10.

ABSENT—Messrs. Cattell, Chandler, Cowan, Cragin, Creswell, Fogg, Grimes, Guthrie, Howard, Howe, Nesmith, Norton, Nye, Poland, Riddle, and Saulsbury—16.

So the joint resolution was passed.

Mr. BROWN. I move that the Senate do now adjourn.

Mr. SHERMAN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 23, nays 18; as follows:

YEAS—Messrs. Brown, Buckalew, Chandler, Davis, Doolittle, Edmunds, Foster, Fowler, Frelinghuysen, Henderson, Hendricks, Howard, Johnson, McDougall, Morrill, Norton, Patterson, Ramsey, Sprague, Trumbull, Van Winkle, Williams, and Yates—23.

NAYS—Messrs. Cattell, Conness, Dixon, Fessenden, Fogg, Howe, Kirkwood, Lane, Morgan, Poland, Pomeroy, Ross, Sherman, Stewart, Sumner, Wade, Willey, and Wilson—18.

ABSENT—Messrs. Anthony, Cowan, Cragin, Creswell, Grimes, Guthrie, Harris, Nesmith, Nye, Riddle, and Saulsbury—11.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 2, 1867.

The House met at eleven o'clock a. m.

The Chaplain, Rev. C. B. BOYNTON, made the following prayer:

Almighty and most merciful God, through Jesus Christ, our crucified and risen Lord, High Priest and Advocate of his people, we implore Thy blessing for this last day of the week; that thou wilt enable all these public men so to close up the labors of the week that they shall not fear to meet the record of it at Thy judgment bar. Lord be with them individually, and bless them in their private concerns as well as in their public relations. Remember all their friends and households. May the benediction of God rest on all those places dear to their hearts to-day. And we implore Thy blessing upon the Thirty-Ninth Congress in these the last days of its existence. As Thou hast, O Lord! on many occasions, manifested Thyself, as we believe, in its behalf, giving wisdom and guidance in difficult places, so we beseech Thee to enable these legislators so to close up the work that those who come after them may find no reason for pulling down and removing any portion of the structure, but may find a work well begun and well devised that they may easily finish, and so place the country on stable foundations of peace.

Will the Lord bless all our rulers to-day, and may all in the land receive from our Heavenly Father a father's benediction, wide as the wants and varied as the necessities of the people may be.

May we all so live that at the last we may be accepted of Thee through Jesus Christ, our Lord and Redeemer. Amen.

The Journal of yesterday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1867, and asked a further conference on the remaining points of disagreement between the two Houses.

MEMBER FROM NEBRASKA.

Mr. ASHLEY, of Ohio. I rise to a question of privilege. I desire to have the member from the State of Nebraska sworn in. The proclamation of the President declaring the State of Nebraska in the Union has been published this morning in the official organ. I send the credentials of the member-elect to the Chair, and ask that he be sworn in.

Mr. T. M. MARQUETTE, member-elect from the State of Nebraska, appeared, and having taken the oath to support the Constitution, and the oath prescribed by the act of July 2, 1862, took his seat.

RECONSTRUCTION.

Mr. MILLER, by unanimous consent, submitted the following preamble and resolution:

Whereas ten of the States lately in rebellion, to wit: Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, Texas, Mississippi, and Virginia, have through their Legislatures refused to ratify the amendment to the Constitution of the United States proposed by the Thirty-Ninth Congress at their first session, and known as article fourteen; therefore,

Resolved, 1. That said amendments are deemed necessary for the preservation of the Union, and required in order to guaranty to every State a republican form of government.

2. That no State lately in rebellion against the Government of the United States ought to have a representation on this floor as long as such State declines the ratification of said amendment.

3. That said amendments are offering to the late rebellious States terms precedent to the admission of representation more conciliatory than they had a right to expect, and if they continue to refuse to ratify the same conditions more stringent ought to be required.

4. That the doctrine of universal amnesty to those who endeavored in the late bloody conflict to dismember this Republic ought to be discarded by every loyal patriot.

The SPEAKER. The Chair will state that one clause of the resolution embodies a principle in regard to representation, and therefore the resolution is referred, under the rule, to the joint Committee on Reconstruction without debate.

Mr. LE BLOND. I move to insert "Massachusetts," as she has also refused to ratify the constitutional amendment.

The SPEAKER. The resolution has gone to the Committee on Reconstruction.

INDIAN APPROPRIATION BILL.

Mr. KASSON, from a committee of conference, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various tribes for the year ending 30th June, 1868, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the first amendment of the Senate, and agree to the same with an amendment, as follows: strike out the words "for first installment of annuity;" and insert "for first of payments to be made during the pleasure of Congress," and the Senate agree to the same.

That the House recede from the second amendment of the Senate, and agree to the same with an amendment, as follows: strike out the words "for first installment of annuity" and insert "for first of payments to be made during the pleasure of Congress," and the Senate agree to the same.

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That the House recede from the third amendment of the Senate, and agree to the same with the following amendments: strike out the words "Secretary of the Interior" and insert "President;" strike out the word "fifteen" and insert the word "ten," and the Senate agree to the same.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment, striking out the word "ten" and inserting the word "five," and the Senate agree to the same.

That the House recede from its disagreement to the sixth amendment of the Senate, and agree to the same with the following amendment: add at the end of the section the following proviso: "*Provided*, That the Attorney General of the United States shall be, and is hereby, instructed to inquire into the condition of the funds held in trust by the United States for said tribes and for all other tribes of Indians, and what remedy exists for the security of the United States in respect to the non-paying stock so held, the value thereof, what stocks are non-paying, and what proceedings should be taken for the security of the United States in respect to the same, and report to Congress on the first Monday of December next," and the Senate agree to the same.

That the House recede from its disagreement to the seventh amendment of the Senate, and agree to the same with an amendment, as follows: strike out the words "for first installment of annuity" and insert in lieu thereof the words "for first payments to be made during the pleasure of Congress," and the Senate agree to the Senate.

That the Senate recede from its tenth amendment.

That the House recede from its disagreement to the eleventh amendment of the Senate, and agree to the same with an amendment striking out the word "Tamer" and inserting in lieu thereof the word "Tama," and the Senate agree to the same.

That the House recede from its disagreement to the twelfth amendment of the Senate, and agree to the same with amendments, as follows: strike out the words "Secretary of the Interior" and insert in lieu thereof the word "President;" strike out the word "seventy," and insert in lieu thereof the words "thirty-five," and the Senate agree to the same.

That the House recede from its disagreement to the twentieth amendment of the Senate, and agree to the same.

That the House recede from its disagreement to the twenty-sixth amendment of the Senate, and agree to the same with amendments as follows: strike out the words "seven thousand and two," and insert in lieu thereof the words "three thousand and six;" and the Senate agree to the same.

That the House recede from its disagreement to the twenty-eighth amendment of the Senate, and agree to the same with amendments as follows: add at the end the following words:

"Except in case of extreme necessity, the facts of which shall be certified to the Secretary of War by the officer commanding that military district."

And the Senate agree to the same.

That the Senate recede from its thirty-second amendment.

That the Senate recede from its thirty-third amendment.

That the Senate recede from its disagreement to the amendment of the House to the thirty-fourth amendment of the Senate and agree to the same with the following amendment: strike out all after the enacting clause of said House amendment and insert in lieu thereof the following: "That the sum hereinbefore appropriated to the Miamis of Indiana, or which shall hereafter be appropriated to them, shall only be paid to such persons as may be, upon the opinion of the Attorney General, legally entitled to the same under the provisions of the treaty with said Indians of June 5, 1854," and Senate amendments thereto, regardless of any subsequent legislation.

JOHN A. KASSON,
WILLIAM WINDOM,
Managers on the part of the House.
JOHN B. HENDERSON,
GEORGE H. WILLIAMS,
T. O. HOWE,
Managers on the part of the Senate.

The question was upon agreeing to the report of the committee of conference.

Mr. KASSON. Upon that question I call the previous question.

Mr. SCOFIELD. I hope the gentleman will withdraw that motion for a time, and explain to the House the effect of those amendments to which the conferees on the part of the House have agreed.

Mr. KASSON. I can explain any specific amendment to which the gentleman may call my attention. I do not think it worth while at this late hour of the session to explain all the amendments.

Mr. SCOFIELD. I want to know what amendments making appropriations put on by the Senate have been agreed to by the conferees on the part of the House.

Mr. KASSON. Several of the amendments of the Senate made appropriations for certain Indian tribes with whom treaties have been made, but which treaties are not yet ratified by the Senate "for the first of annuities," &c. I am very glad to be able to State to the House that there seems now to be a disposition in the Senate to abandon the "treaty payments;" and as the first step in that direction an agreement was made to change the language employed, while they continue to provide for the immediate wants of these Indians and prevent the disappointment which would otherwise result to them, as they regard these unratified treaties as already concluded. The form of appropriation is changed from "for first installment of annuity" to "for first of payments to be made during the pleasure of Congress." That leaves it entirely in the control of Congress hereafter from year to year to regulate the amount and manner of distribution. I consider it a very great point gained.

Mr. SCOFIELD. What is the total amount of Senate appropriations to which the conferees on the part of the House have agreed?

Mr. KASSON. I have not figured it up, but I should suppose it might be some three or four hundred thousand dollars; perhaps not quite so much.

The previous question was then seconded and the main question ordered.

The question was upon agreeing to the report; and upon being taken, it was agreed to.

Mr. KASSON moved to reconsider the vote by which the report was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

AMENDMENT OF THE TARIFF.

Mr. ALLEY. I again ask unanimous consent to introduce a joint resolution to amend section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864.

The joint resolution was as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph of section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864, as follows, to wit: "On lastings, mohair cloth, silk twist, or other manufactured cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, boots, bootees, gaiters, and buttons, exclusively, not combined with India rubber, ten per cent. *ad valorem*," be, and the same is hereby, repealed.

Mr. FINCK. I object.

Mr. ALLEY. Then I must move a suspension of the rules, and I pledge myself beforehand——

Mr. FINCK. I object to debate.

The question was on the motion that the rules be suspended.

Mr. FINCK. Upon that motion I call for the yeas and nays.

Mr. ANCONA. I rise to a question of order. I call for the regular order of business.

The SPEAKER. During the last ten days of the session a motion to suspend the rules is at any time in order when a gentleman can obtain the floor to make it.

Mr. FINCK. If this resolution is introduced under a suspension of the rules will it then be open to amendment, so as to put on other articles besides those enumerated in the joint resolution?

The SPEAKER. The Chair will decide that question when it shall come up. The joint resolution if introduced will be open to any amendment which may be germane to it.

Mr. ALLEY. If the rules are suspended I suppose I will have the control of the joint resolution, and I pledge myself that no advantage whatever of that kind shall be taken of it. And I also say further that this is a resolution which every gentleman in the House will agree to if he understands it.

Mr. FARNSWORTH. Is a report of a committee of conference now in order?

The SPEAKER. A report from a committee of conference is always in order, even if a member has the floor upon another subject.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FARNSWORTH submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1868, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments Nos. 1, 2, 3, 4, 6, 8, 10, and 11.

That the House of Representatives recede from their disagreement to the amendments of the Senate Nos. 9, 18, 28, 35, 45, and 47, and agree to the same.

That the House of Representatives recede from their amendment to the forty-sixth amendment of the Senate, and agree to the same.

The committee of conference further report that they are unable to agree upon the amendments Nos. 44, 48, and 50.

J. F. FARNSWORTH,
F. E. WOODBRIDGE,
C. A. ELDRIDGE,
Managers on the part of the House.
JOHN SHERMAN,
LUKE P. POLAND,
C. R. BUCKALEW,
Managers on the part of the Senate.

Mr. SPALDING. I should like to know what they recede from.

Mr. STEVENS. I think this is wholly irregular. I do not think a conference committee can divide its report. Such a thing is not in accordance with the parliamentary law. Although it has once or twice been departed from under great pressure in this House, still it is inaugurating a new and vicious system, which I hope will not be allowed. I ask whether ever, though this report be adopted, this bill could be sent to the President?

The SPEAKER. The Chair will respond to gentleman's inquiry. He understands the committee of conference reports agreement in some and disagreement in other amendments.

Mr. FARNSWORTH. We disagree only in three amendments.

The SPEAKER. There are two cases, and only two cases, within the recollection of the Chair where this has been allowed, one in the Twenty-Ninth Congress and one in the Thirty-Fourth Congress, when Hon. Mr. BANKS, now a member of this House, was Speaker. In the latter case the two Houses agreed on all subjects of disagreement on the Army bill except in reference to the amendment of the House, that no portion of the appropriations should be used for the enforcement of certain so-called laws of the Territory of Kansas. The House insisted and the Senate refused to recede from its disagreement. After three conferences they failed to agree. They reported agreement in all but this one amendment, and a committee of conference was appointed upon that amendment; but Congress adjourned failing to agree, and the bill was lost. Members returning to their homes were arrested by the proclamation of President Pierce, calling them to meet in extra session, at which session the bill finally passed, the House receding from their disagreement.

Mr. BANKS. That is undoubtedly true; but a conference report, agreeing in part and disagreeing in part, does not settle the matter. I agree with the statement of the gentleman from Pennsylvania.

The SPEAKER. The bill would not be passed by the adoption of this report.

Mr. FARNSWORTH. I ask the Speaker to appoint another committee of conference.

Mr. STEVENS. There was a committee of conference which agreed to every item, except two, now disagreed to, and that committee agreed differently from what this one does. But we did not think it right to submit a partial report. We thought, sir, that could not be done. I knew there were one or two instances where it had been done; but the bills never came to be laws. I hope the House will reject the report, and that another committee of conference will be appointed.

Mr. FARNSWORTH. The three points on which the committee failed to agree are the ones I will state. One was the amendment of the Senate increasing the salary of the judges of the United States; another the section of the House bill providing for paying the clerks and employés of the House of Representatives according to various resolutions adopted by the House, to which the Senate refuses to agree;

and the third an amendment of the Senate increasing the salaries of some of their employés. It was supposed by the committee they had a right to agree in some and disagree in others. Before making the report I inquired of a gentleman, supposed to be a good parliamentarian, whether this was admissible, and he said it was.

Acting upon the supposition that it was correct practice to bring the two Houses in the next conference as near together as possible by narrowing down the labors of the committees to three points only, it seemed to us, if the House and Senate should concur in the report of the committee as to all the other disagreements it would facilitate action upon the subject if we made a report as far as we had gone. So far as I am concerned I have no wish in regard to the acceptance of the report. The House can do as it pleases in regard to it. If the report made by the committee of conference accords with the views of the House so far as we have agreed, I see no impropriety in the House agreeing to the report, and thus narrowing the matter down.

Mr. CONKLING. I would like to make an inquiry. Do we understand that the conference committee did agree entirely as to the salary of judges, or that they agreed as to some of the salaries and differed as to the rest?

Mr. FARNSWORTH. They came to an agreement upon this subject.

The three questions that I have mentioned, namely, the salaries of the judges the pay of employés of the House, and the increased pay of some of the employés of the Senate, are the remaining questions upon which the two Houses are at loggerheads. We agree as to all others.

I will state that amendment No. 9, from which the committee of the House recedes by this report, is in regard to the Congressional Globe. We agreed to concur in the Senate amendment. It will be recollected that the House adopted a provision giving notice to the Globe that we would terminate the contract to receive complete sets of the Globe for every new member of the House and Senate after the Fortieth Congress. In the opinion of the Senate it was necessary, in order to enable Congress to terminate its contract for publishing the debates, that a like notice should be given; therefore the Senate put in a provision giving the Globe notice that it would terminate the contract for publishing the proceedings of Congress as well as for supplying new members with complete sets of the Globe at the expiration of the Fortieth Congress, thus leaving Congress at liberty if it can make a better bargain, either with the Globe or any other publishing-house, or if it can do it cheaper at the Government Printing Office, to do so. It is simply giving the required notice and relieving ourselves from the obligation of continuing the publication.

The next amendment from which the House receded is the amendment of the Senate providing $50,000 to enable the Secretary of the Treasury to employ temporary clerks. The committee were satisfied, from investigating the subject, that it was necessary to put in the hands of the Secretary of the Treasury, as we had done in the case of the Postmaster General and some other heads of the Departments, a sum sufficient to enable him from time to time to employ temporary clerks. Frequently the House of Representatives calls upon the Secretary for information which it requires a number of extra clerks to furnish, and unless he has this sum he cannot do it.

The twenty-eighth amendment, from which the committee of the House receded, is an amendment of the Senate in reference to the Supreme Court, which provides that in case the Supreme Court directs its reporter at any time to publish a second volume he shall be allowed therefor $1,500. He is allowed now by law $2,500 for a single volume. If he is directed to publish the second volume he is to be allowed, upon depositing the necessary number of copies with the Secretary of War, $1,500 additional.

The thirty-fifth amendment from which the committee of the House receded is an amendment of the Senate increasing by some $300 the appropriation to pay the policemen employed at the President's House, which seemed to be right and proper. It is a very small matter.

The forty-fifth amendment from which we receded is an amendment of the Senate striking out the third section of the bill, which provides that parties, whether white or black, may testify in suits against the Government of the United States. It seemed to us very proper that parties in suits against the United States in the Court of Claims should not be permitted themselves to be witnesses, whether white or black. Therefore we concurred in the amendment of the Senate. The effect of the report is to prevent parties being witnesses where there is no party to testify against them. In case of suits against the Government the Government can testify only by its agents who are competent witnesses for either party.

The only remaining amendment from which the committee of the House receded is an amendment of the Senate authorizing the employment of additional clerks in the Pension Office. I have no doubt that the House will very willingly accede to that. I think every member of the House is well aware that the business of that bureau is very far in arrear. It is almost impossible for a widow to get her pension papers through under twelve months.

These are all the amendments from which we recede. The Senate recede from a larger number.

Mr. CONKLING. If the gentleman will allow me, in the hope of relieving the House from this dilemma, and believing as I do that we can agree as to all the amendments, I will move that the House disagree to this report, and that a further conference on the part of the House be appointed. I say I believe the two Houses can agree in spite of the fact that I was on one of these committees which failed to agree.

Mr. HALE. I hope the chairman of the committee will give us a statement as to what amendments the committee on the part of the Senate disagreed to.

Mr. SLOAN. Mr. Speaker, I hope the House will not consent to any increase of compensation to the present reporter of the Supreme Court for the reason that he is unfit for the position he now holds. I know nothing personally of the present reporter of the Supreme Court, but I do know that in the case of Havemyer *vs.* Iowa county, which originated in our State, he has taken occasion to indulge in a gratuitous and unfounded statement insulting to the judges of the supreme court of our State, and through them to the judges of other States where they are elected by the people. He has inserted in the report of that case a statement or an intimation that our judges were influenced to make the decision they did by a desire to court popular favor. I pronounce the statement to be absolutely false, without the slightest foundation in truth. And, sir, no man who had the slightest regard for propriety, or the least regard for what was becoming and decent in the discharge of his duties as reporter, would have indulged in such an intimation. He seems to have an irrepressible desire to write himself down a blackguard in the reports of our highest judicial tribunal. Our judges need no defense at my hands, for every one who has any knowledge on the subject will agree with me when I assert that the judges of our supreme court are as little obnoxious to the charge brought against them by this reporter as the judges of any State in the Union, without any exception.

Mr. FARNSWORTH. I think I will call the previous question. It will amount to the same as the other proposition if the House refuses to adopt the report.

Mr. CONKLING. I appeal to the gentleman to allow me a moment. Every gentleman will see that should a future conference be appointed the hope of agreeing rests very largely upon the fact that the committee may take all the subjects of concession and compromise into consideration. If the House should so vote that the next conference committee is concluded with regard to every amendment except those in reference to which the two committees have already failed to agree, it is very improbable that a future committee on the part of this House will be able to agree with a committee on the part of the Senate. But if all these amendments are left to be acted upon together as a subject of concession, if I may so say, it is very likely they will agree. Therefore I ask the gentleman, both with a view of reaching the result desired and of economizing time, to allow the House to vote upon the question of non-concurrence in this report and also of appointing a further conference committee.

Looking at the statute I am satisfied that a portion, if not all of the preceding conferees, acted under a misimpression with regard to the salary of the reporter. I find that the act of 1850, which has not been amended since, gives to the reporter additional compensation for an additional volume, and all the compensation he should have. Therefore, it is proper, with regard to this and everything else, that the third conference committee shall act in the light of all the facts as they shall reveal themselves at the time, and I trust the gentleman will allow a vote to be taken on the motion to disagree to the report, and appoint another committee, which shall be so circumstanced that the two committees will have all the opportunity that we can properly give them to come to an agreement.

Mr. FARNSWORTH. I desire to say in reply that, personally, I care nothing about this except to facilitate business. But this conference committee has experienced a great deal of difficulty in coming to an agreement as far as we did. We have labored pretty faithfully for nearly two days. After the first committee had left the matter all open, and it seemed to us it would very much narrow the labors of the next committee if they should be reduced to three points of disagreement only, provided the two Houses will accept the report.

Mr. SPALDING. How many points of difference were there altogether?

Mr. FARNSWORTH. Some thirty or forty.

Mr. SPALDING. And they are reduced to three.

Mr. FARNSWORTH. They are.

Mr. SPALDING. I understand the Senate has agreed to the report.

Mr. FARNSWORTH. It has.

Mr. CONKLING. That is precisely the reason why we ought to disagree and appoint another committee of conference.

Mr. FARNSWORTH. Because the Senate has agreed?

Mr. CONKLING. Certainly.

Mr. FARNSWORTH. It so happens that the Senate is obliged to act upon the matter first according to the rule. I suppose if the Senate had disagreed we would insist upon another committee. That is the only way we could get it before us, to let the Senate act upon it first.

Mr. CONKLING. I would like to make a remark in answer to what the gentleman has stated. He is not correctly informed when he says the other committee left this matter all open. On the contrary, we came much nearer to an agreement than the present committee. With reference especially to one amendment, the last to which the gentleman referred, the committee did practically agree; for although an agreement was not embodied in form we saw that as to that we could agree. I refer to the compensation of employés in the other House. So instead of leaving the matter open we came much nearer to an agreement than the present committee.

Mr. FARNSWORTH. I yield to the gentleman from New York, [Mr. HALE.]

Mr. HALE. I ask the gentleman from Illinois whether he proposes before he takes his seat to give a statement of the different amendments from which the Senate recedes. If not,

I wish to ask some questions in regard to one or two of those amendments.

Mr. FARNSWORTH. I do not propose to go through with a statement of all of them. They are very numerous.

Mr. HALE. Then the gentleman will allow me to ask him a question in regard to one or two of them. The gentleman has already stated that the committee recommend that the House recede in regard to the provision for terminating the contract with the Congressional Globe. I wish to ask whether the report proposes that the Senate recede from those amendments striking out the appropriations for the Globe for the coming Congress.

Mr. FARNSWORTH. Yes, sir; we propose that the Senate recede from all those.

Mr. HALE. Then the effect of the action agreed upon by the committee is merely to give the notice terminating the contract?

Mr. FARNSWORTH. Yes, sir. We propose that the Senate recede from all its amendments with reference to the Globe, except one, leaving the appropriations for the Globe stand just as they went from the House.

I now yield to the gentleman from Pennsylvania [Mr. THAYER.]

Mr. THAYER. I wish to say a word to correct what I think is an erroneous impression on the part of the gentleman from New York [Mr. CONKLING] in regard to the amendment relating to the compensation of the reporter of the Supreme Court. The gentleman seems to be under the impression that there is some general provision of law authorizing this compensation where the reporter is ordered by the court to issue an extra volume. That is not a correct impression. There is no such general law. There have been at times various acts passed authorizing an extra appropriation where extra volumes were ordered by the Supreme Court; but those provisions related to the particular instances specified. There is no general provision of law authorizing this compensation.

The reporter will be obliged by the court to print an extra volume during the present year and to furnish to the Interior Department three hundred copies of this extra volume. It is manifest that he cannot do this at his own expense, upon the ordinary compensation allowed him by existing law. In my judgment simple justice requires that the compensation which was fixed in this bill shall be allotted to this office.

ABSENCE OF TERRITORIAL OFFICERS.

The SPEAKER. The Chair desires to state that yesterday a bill entitled "An act to prevent the absence of territorial officers from their official duties," which has not been passed by the House, but referred to the Committee on the Territories, was erroneously enrolled. The error was discovered by the Speaker, but not till the bill had gone to the Senate. If there be no objection, a message will be sent to the Senate requesting the return of the bill.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a bill (H. R. No. 588) for the relief of William H. Webb, in which the concurrence of the House was requested.

The message also announced that the Senate had insisted on its amendments, disagreed to by the House to the bill (H. R. No. 1161) to amend existing laws relating to internal revenue; had agreed to the conference asked by the House, and had appointed Messrs. FESSENDEN, MORGAN, and HENDRICKS, as the conferees on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1134) declaring and fixing the rights of volunteers as a part of the Army.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FARNSWORTH. I now yield to my colleague on the committee, the gentleman from Vermont, [Mr. WOODBRIDGE.]

Mr. WOODBRIDGE. Mr. Speaker, I am not very particular whether the House agree to the report of the committee of conference or disagree to it and send the whole matter to a new committee. It will be recollected, however, that we have but very little time between this and the close of the session. This is a very long bill as well as a very important one, and considerable time will be required for its engrossment. As a committee, we spent in faithful work a large portion of two days before we arrived at the agreements which are stated in this report. It seemed to us important that we should bring the two Houses together as far as we could; that when we had relieved the bill from as many disagreements as possible, another committee of conference, having fewer questions before them, could probably arrive more expeditiously at some agreement which might be partially, if not entirely satisfactory.

The only points of difference now remaining are three in number. One relates to the payment of the employés of this House; the second relates to the payment of the employés of the Senate; and the other has reference to the proposed increase in the salaries of the judges of the United States. Upon the first two questions it is very likely an agreement might have been had; but the members of the committee on the part of the House did not deem it proper for them to agree to the demands of the Senate in relation to the payment of our own employés; and upon that we split permanently. The question now is whether the numerous matters on which the two Houses have differed shall be reopened, or whether the differences shall be reconciled so far as the committee have been able to reconcile them. I think it better that this report should be accepted and that the three remaining matters of difference should be referred to a new committee of conference.

Mr. FARNSWORTH. I now yield to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. BANKS. Mr. Speaker, the question referred to a committee of conference is a single question, and I do not think any committee has the right to divide it. But even if it be allowable under parliamentary law, as I think it is not, that the question referred to such a committee shall be divided, certainly it is not good policy for the House to permit a division, because one matter of disagreement may help to settle another by giving room for mutual concessions. If a new conference be had upon all the disagreeing votes, the labors of the committee, whose report has just been presented, would not go for naught, because the record of its action will go before the new committee. If the new committee should be disposed to agree to the same propositions of settlement the points of disagreement to that extent would be settled, and the committee could at once proceed to the reconcilement of those questions remaining undetermined; therefore no time would be lost; and by this course we should conform to the strict parliamentary rule that the question submitted to a committee of conference is a single question, and cannot be divided by the committee.

Mr. FARNSWORTH. I have already stated that, in the opinion of the committee, the adoption of this report will facilitate an agreement between the two Houses, and help to insure the passage of the bill. It can be at once enrolled, with the exception of the three sections on which there is still a disagreement. I call the previous question.

Mr. CONKLING. I rise to a point of order. I wish to inquire of the Chair whether, if the previous question be not seconded, it will then be in order for me to enter a motion to disagree to the report and appoint a committee of conference?

The SPEAKER. It will.

On seconding the call for the previous question, there were—ayes 31, noes 67.

So the previous question was not seconded.

Mr. CONKLING. I now move that the House disagree to the report of the committee of conference and ask the appointment of another committee of conference.

Mr. HALE. I rise to a question of order. Does this motion take precedence of the motion of the gentleman from Illinois, [Mr. FARNSWORTH,] that the House agree to the report?

The SPEAKER. If the report of the committee of conference proposed to settle all disagreements and pass the bill, the motion to agree to the report would have priority; but as the report leaves the question still open, the motion of the gentleman from New York [Mr. CONKLING] is in order.

Mr. CONKLING. I demand the previous question.

Mr. CHANLER. If the motion of my colleague fails, will not the effect be that the House recedes?

The SPEAKER. The question will then recur on the motion to agree to the report.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. CONKLING's motion was agreed to; there being on a division—ayes eighty-five, noes not counted.

The SPEAKER appointed as managers on the new committee of conference on the part of the House Mr. CONKLING, Mr. SCHENCK, and Mr. MCCULLOUGH.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 470) to authorize the change of a name;

An act (S. No. 477) to amend an act entitled "An act to continue, alter, and amend the charter of the city of Washington," approved May 17, 1848;

An act (S. No. 534) to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court;

An act (S. No. 589) to amend an act entitled "An act to incorporate the National Theological Institute," and to define and extend the powers of the same;

An act (S. No. 529) to incorporate the Howard University in the District of Columbia;

An act (S. No. 570) extending the time for the completion of certain street railways;

An act (S. No. 128) authorizing limited partnerships in the District of Columbia;

An act (S. No. 493) supplemental to an act to establish the Treasury Department, approved September 2, 1789;

An act (S. No. 264) to grant certain privileges to the Alexandria, Washington, and Georgetown Railroad Company in the District of Columbia; and

Joint resolution (S. R. No. 160) for the relief of Dempsey Reece, of Indiana.

AMENDMENT OF THE TARIFF.

The question then recurred on Mr. ALLEY's motion, to suspend the rules to allow him to introduce the following joint resolution:

Joint resolution to amend section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph of section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864, as follows, to wit: "On lastings, mohair cloth, silk twist, wool, or other manufactured cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, bootees, gaiters, and buttons exclusively, not combined with India-rubber, ten per cent. *ad valorem*," be, and the same is hereby, repealed.

Mr. ALLEY. In case the rules be suspended will I not retain control of the matter?

The SPEAKER. The Chair will recognize the gentleman; but the House will have the control of the resolution.

Mr. ALLEY. If any attempt of unfairness be made I pledge myself to withdraw the resolution.

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Mr. LE BLOND. Can the gentleman withdraw it?

The SPEAKER. Not without consent of the House?

Mr. LE BLOND. Then the House might attach the tariff bill to it.

The SPEAKER. Not by a majority vote.

Mr. ALLEY. This resolution passed both Houses unanimously. It has received the approval of the Committee of Ways and Means here and the Committee on Finance in the Senate. If I had two minutes to explain it I am sure it would not be objected to.

Mr. HARDING, of Kentucky. I object.

Mr. ALLEY. It is merely to prevent frauds upon the revenue.

Mr. LE BLOND demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 77, nays 70, not voting 44; as follows:

YEAS—Messrs. Alley, Ames, Anderson, James M. Ashley, Baldwin, Banks, Barker, Baxter, Beaman, Blaine, Blow, Boutwell, Brandegee, Broomall, Buckland, Cobb, Conkling, Darling, Davis, Dawes, Deming, Dixon, Dodge, Donnelly, Eckley, Farquhar, Ferry, Grinnell, Griswold, Hale, Hart, Henderson, Higby, Holmes, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Kelley, Ketcham, Laflin, George V. Lawrence, William Lawrence, Lynch, Marston, Marvin, McClurg, Mercur, Miller, Myers, Newell, O'Neill, Paine, Patterson, Perham, Pike, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Scofield, Shellabarger, Stevens, Strouse, Thayer, Hamilton Ward, William B. Washburn, Welker, Wentworth, Whaley, Williams, Stephen F. Wilson, and Windom—77.

NAYS—Messrs. Allison, Anconn, Arnell, Baker, Benjamin, Bergen, Boyer, Bromwell, Chanler, Sidney Clarke, Cooper, Cullom, Dawson, Defrees, Eggleston, Eldridge, Farnsworth, Finck, Glossbrenner, Goodyear, Aaron Harding, Abner C. Harding, Harris, Hawkins, Hayes, Hill, Hise, Hooper, Edwin N. Hubbell, Humphrey, Hunter, Ingersoll, Jones, Julian, Kasson, Kerr, Koontz, Kuykendall, Latham, Le Blond, Leftwich, Loan, Marshall, Maynard, Moulton, Niblack, Nicholson, Noell, Orth, Phelps, Plants, Price, Radford, Ritter, Ross, Shanklin, Sitgreaves, Sloan, Stilwell, Stokes, Taber, Nathaniel G. Taylor, Francis Thomas, Thornton, Trimble, Upson, Burt Van Horn, Andrew H. Ward, Henry D. Washburn, and James F. Wilson—70.

NOT VOTING—Messrs. Delos R. Ashley, Bidwell, Bingham, Bundy, Campbell, Reader W. Clarke, Cook, Culver, Delano, Denison, Driggs, Dumont, Eliot, Garfield, Hogan, Jenckes, Kelso, Longyear, Marquette, McCullough, McIndoe, McKee, McRuer, Moorhead, Morrill, Morris, Pomeroy, Samuel J. Randall, William H. Randall, Rogers, Rousseau, Schenck, Spalding, Starr, Nelson Taylor, John L. Thomas, Trowbridge, Van Aernam, Robert T. Van Horn, Warner, Elihu B. Washburne, Winfield, Woodbridge, and Wright—44.

So (two thirds not voting in the affirmative) the House refused to suspend the rules.

ARTIFICIAL LIMBS FOR SOLDIERS.

Mr. DEMING, by unanimous sconsent, from the Committee on Military Affairs, reported a joint resolution for the relief of soldiers who are entitled to artificial limbs; which was read a first and second time.

The joint resolution, which was read, provides that out of any appropriations made, or that hereafter may be made, for supplying soldiers who have served in the late rebellion with artificial limbs, the Secretary of War shall be authorized to pay to said soldiers, at their option, an amount of money equivalent to the contract price of said artificial limbs, in lieu of the order now furnished for said limbs.

Mr. ROSS. I understand this to be a resolution to provide artificial limbs for soldiers who served in the late rebellion. I object to that. [Laughter.]

Mr. CHANLER. Does the resolution propose to supply these limbs to soldiers on both sides in the late war?

Mr. DEMING. The object of the resolution is to authorize the War Department to furnish to those soldiers who are entitled to artificial limbs the equivalent of those limbs in money instead of orders for the limbs themselves.

Mr. CHANLER. I desire to have the resolution amended so that it will specify on which side these soldiers fought. I am perfectly willing to furnish legs to everybody, [laughter]——

Mr. DEMING. I modify my resolution so that it will read "for supplying soldiers who have served in the war against the late rebellion with artificial limbs."

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAFLIN. I resume the floor.

Mr. HUBBARD, of Connecticut. Will the gentleman yield to me a moment?

Mr. LAFLIN. I yield to the gentleman from Connecticut, and for the last time.

UNAUTHORIZED EXPENDITURES.

Mr. HUBBARD, of Connecticut, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Appropriations:

Resolved, That if any Government officer or contractor shall hereafter make expenditures in anticipation of appropriations and without authority of law, the Government will in no case assume to pay such expenditure.

Mr. DAWES. I rise to a question of privilege——

Mr. HOTCHKISS. I ask the gentleman to yield to me, that I may ask unanimous consent of the House to offer a resolution.

Mr. DAWES. I yield to the gentleman for that purpose.

FREE IMPORTATION OF MACHINERY.

Mr. HOTCHKISS. I ask leave to introduce the following joint resolution:

Be it resolved, &c., That for one year from and after the passage of this joint resolution machinery for the manufacture of beet sugar, and imported for that purpose solely, shall be exempt from duty.

Mr. ROSS. Supposing that it is intended to tack on a tariff bill to that resolution I object to its introduction.

Mr. HOTCHKISS. I move to suspend the rules to allow me to introduce this resolution. If gentlemen would listen attentively to the resolution there would not be an objection to it.

Mr. ROSS. I am afraid it has something to do with the tariff bill, and therefore I object. [Laughter.]

Mr. HOTCHKISS. It has nothing whatever to do with it, sir. What this resolution provides for is much needed. You want it yourself, and all your constituents want it.

Mr. CHANLER. Is it designed to admit machinery for the manufacture of sorghum?

Mr. HOTCHKISS. Beet sugar.

Mr. CHANLER. Well, that is the same thing. I am afraid that my friend is forgetting the interests of the great West.

Mr. HOTCHKISS. It is a subject with which I am very little acquainted personally. I only know that this is asked for by gentlemen who have expended very large sums of money for agricultural purposes, and who are perfectly familiar with the subject and know the necessity for it.

Mr. FINCK. I object to discussion.

The SPEAKER. The gentleman from Ohio objects to debate, and debate is not in order.

Mr. HOTCHKISS. I demand tellers on the motion to suspend the rules.

Tellers were ordered; and Mr. HOTCHKISS and Mr. ROSS were appointed.

Mr. WENTWORTH. While the House is dividing I——

The SPEAKER. Debate is not in order.

The House divided; and the tellers reported—ayes thirty-three, noes not counted.

So (two thirds not voting in the affirmative) the rules were not suspended.

TENNESSEE CONTESTED ELECTION.

Mr. DAWES. The Committee of Elections, to whom was referred the petition of Dorsey B. Thomas, contesting the right of Hon. Samuel M. Arnell, representing the sixth congressional district of Tennessee, have instructed me to make a verbal report.

Mr. Arnell was admitted to a seat in this House upon his certificate at the commencement of this session, and at that time the contest was commenced by the contestant, Mr. Thomas. Owing to a misunderstanding between the parties as to the admissibility of certain testimony, the committee asked, and the House granted, an extension of the time for taking testimony in the case, which time expired on last Saturday. The testimony was committed to the Printer, and it only came back into the hands of the committee on Tuesday of this week. The committee were engaged in hearing the parties until eleven o'clock to-day without being able to conclude that hearing; and they have instructed me to state these facts to the House, and to ask the House to discharge them from the further consideration of the case.

Before doing that, however, I am instructed to state to the House some circumstances connected with the case as a basis and as a reason for the resolution which I propose to offer if this report of the committee shall be accepted.

The contest depends mainly, Mr. Speaker, upon the proper construction of the statute of the State of Tennessee in reference to the registration of voters. The returns of votes in this case to the office of the secretary of the Commonwealth of Tennessee give to Mr. Thomas, the contestant, a majority of four hundred and eighty-five. Under the construction put upon the statute by the Governor of Tennessee, he rejected so many of the votes coming from this district, 3,000 in number, as to make the majority in favor of Mr. Arnell, to whom he accordingly gave the certificate of election.

While the case does not rest entirely upon the construction of this statute, yet it is impossible to come to any conclusion in the case without putting a construction upon it. But that statute has now ceased to be in force in Tennessee; it has been superseded by another statute——

Mr. MAYNARD. I beg to correct the gentleman. That statute has not ceased to be in force, although some of its provisions have been amended.

Mr. DAWES. I believe that the provision in respect to the question in controversy has ceased to be in force.

Mr. MAYNARD. It has been amended; some additions have been made to it.

Mr. DAWES. Mr. Speaker, I believe I am substantially correct in saying that upon the construction of that statute depends, in large measure, the determination of this case. Now, the statute, if not absolutely repealed, has been so altered that a construction of it, as it existed at the time when this election was held, could now be of no practical value; and therefore there will be no occasion hereafter, in reference to any subsequent election of members of Congress in that State, to decide the question whether in this case the Governor of Tennessee put the right construction upon the statute or not. It must now be apparent to everybody that whatever conclusion the House might come to in reference to the right of the contestant would be of no practical consequence either to him or to Mr. Arnell; and inasmuch as it would also be of no practical consequence to the people of the State of Tennessee it was deemed best—indeed, it was deemed necessary, there being no other way open for want of time—that the committee should report back the papers, and ask to be discharged from the further consideration of the case. They have instructed me to say, however, that they find no occasion to impugn the motives or the fidelity of the Governor of Tennessee; but to say that upon the question of the correctness of the construction put by him upon the statute there is room for difference of opinion, and there is difference of opinion among lawyers. In the condition of things in Tennessee the Governor, without doubt, acted up to what he believed to be his duty, and in the opinion of many he acted correctly. Upon that point, however, the Committee of Elections, for the reasons I have stated, do not desire to express an opinion.

On the other hand, the committee have instructed me to say that the contest on the part of Mr. Thomas was conducted in good faith. With a majority of four hundred and eighty-five returned for him in the registry in the office of the secretary of the Commonwealth, the committee were of opinion that it was his

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duty to contest this question and bring it before the House, and I think I express the opinion of the committee, and of all the members of the House, that any member situated in that way would have felt it his duty to have made the contest, believing, as Mr. Thomas did, that the construction put upon the statute by the Governor was not correct.

Therefore, if the House will accept this report of the committee and discharge us from the further consideration of this case I shall feel justified in offering a resolution in accordance with custom and precedent, giving to Mr. Thomas monthly pay and mileage since he began this contest, to the amount of $1,658. I believe that no member of the committee doubts that this contest has been conducted fairly and that this resolution should be adopted.

Mr. MAYNARD. I would ask the chairman of the Committee of Elections [Mr. DAWES] whether the resolution he proposes to offer is or not in accordance with the invariable rule of the House in case of an unsuccessful contestant, when the contest has been made in good faith?

Mr. DAWES. It is in accordance with the invariable rule of the House, with this exception, that they have sometimes given more. Where they have been of opinion that the contest was in good faith, they have never given less than what I shall propose in the resolution of which I have given notice.

Mr. MAYNARD. I hope there will be no objection to the resolution.

Mr. MARSHALL. I desire to say but a word or two in regard to this case. And all I will have to say will be in regard to the amount of pay that I think ought to be given to the contestant.

Mr. DAWES. I would suggest to the gentleman from Illinois [Mr. MARSHALL] that if he will wait until the House shall have accepted the report of the committee, his remarks will be more appropriate to the resolution itself.

Mr. MARSHALL. What I have to say will be very brief, and I may as well say it now.

Mr. PHELPS. Before the gentleman from Illinois [Mr. MARSHALL] begins, I would ask the gentleman from Massachusetts [Mr. DAWES] whether there is not something more requisite in order to establish ground for compensation on the part of the contestant than mere good faith; whether it is not necessary that he should have some reasonable and probable ground of contest?

Mr. DAWES. I think that is involved in "good faith;" I think we state the matter fairly when we say that there was fair ground for contest. I say distinctly that while we believe the Governor acted conscientiously, and may have been right—upon which question we do not express an opinion one way or the other, because we do not feel called upon to do so—we still say that in this particular case, without applying it to any other, no one of us, I think, with such a return in the office of the secretary of the Commonwealth, would omit to make a contest.

Mr. PHELPS. Then are we to understand that the contestant in this case acted in good faith, and had reasonable and probable ground for a contest?

Mr. DAWES. I have stated distinctly that the settlement of that question would decide the whole case. If we should say that in our opinion he had good ground for a contest that would be making up the judgment of the committee that the construction put upon the statute by the Governor was erroneous. The committee say that they have not had time to make up a judgment on that construction. And inasmuch as it will have no practical effect, either upon the seat in contest or upon any subsequent election in the district, they prefer to express no judgment. The party did not conclude their hearing, and it would be improper for us to express an opinion. We do ample justice in saying that the contestant prosecuted this contest in good faith; and situated as he was, and with his opinion about the construction of the law, any other member of the House would have prosecuted the contest; whether his opinion was correct or not, we withhold our judgment.

Mr. PHELPS. Of course I do not understand the committee as concluding this question as to the ground of contest. I simply wished to inquire whether there is such a *prima facie* case on the part of the contestant as justifies the House in awarding compensation.

Mr. DAWES. The committee, following the practice of the courts, have decided the questions involved in this case so far only as they arose and required decision. I believe I see the significance of the gentleman's question, and I think I have already sufficiently answered it.

Mr. MARSHALL. Mr. Speaker, as the present Congress is about to expire I do not propose to make any objection to the adoption of the report of the majority committee. I do not propose to offer a resolution that Mr. Thomas, the contestant, is entitled to the seat which he claims. But before the question is submitted to the House, I feel it due to myself as a member of the committee to make a brief statement, for the purpose of showing the reasons why I propose to offer an amendment to the resolution in regard to compensation.

So far as I have had an opportunity to examine this case I think that Mr. Thomas, the contestant, is entitled to the seat as a member of this House. I think that the contestant was duly elected according to the laws of the State of Tennessee, and that he ought to have received a certificate of election at the hands of the Governor of that State. I do not propose here to question the good faith or the purity of purpose of the Governor of Tennessee in his action in the premises; it is not necessary to do so, and I suppose it would not be proper for me to do so. According to the returns of the election officers in the different counties of the congressional district Mr. Thomas, the contestant, had a majority of several hundred of all the votes cast for member of Congress. Now, sir, by the law passed three years ago prescribing the duties of the Clerk of this House at the organization of Congress, that officer is directed to enter upon his roll the name of no persons except those having the certificate of the Governor of the particular State that they have been elected in accordance with the laws of the State or a law of Congress. Under this law Governor Brownlow supposed that in giving his certificate he had the right to determine the legality of the returns; and hence he took it upon himself to throw out the entire returns from several counties in the district, and upon the returns from the remaining counties he gave his certificate to Mr. Arnell, the sitting member. Upon that certificate Mr. Arnell took his seat, and has been acting as a member until the present time.

Mr. Thomas, the contestant, gave notice of contest within the time prescribed by law; but on account of an informality in presenting his case at the commencement of the present session—and the House will remember that he had no opportunity to do so at an earlier period, because the members from Tennessee were not admitted until one of the last days of the last session—on account of an informality Mr. Thomas has not been able to bring his case to trial before the committee until a very recent period. Now, under the present circumstances, at the very close of the Congress, I do not know that the committee could well have done otherwise than report the case back, as they have done, and ask to be discharged from its further consideration. But under the peculiar circumstances of the case, in view of the heavy expenses to which Mr. Thomas has been subjected, in view of the fact that he was in attendance here during the last session of this Congress, as well as during the present session, except when he was required to go home to take testimony, it must be evident, I think, that the amount of compensation proposed in the resolution of the committee will not be sufficient in all probability even to remunerate Mr. Thomas for the expenses which he has actually incurred.

Now, the case is a somewhat peculiar one. The return of the election officers gives this contestant a clear majority of the votes cast in this district, but he has been deprived of his right by the construction put upon this act of Congress, a construction I do not think this House would place upon it. We are not called on to decide that question now.

I shall make no minority report, nor even a minority suggestion in regard to the matter. The result one way or the other will benefit no one; certainly it will not benefit the country. I make this suggestion to the House that in good faith, and to carry out the ordinary purposes of the House, there should be some compensation given to Mr. Thomas; that we should at least compensate him fully for the trouble he has been at in making the contest here. It was not only his right but his duty to bring it before the House. The returning officers gave him several hundred majority in the district, and I will say that the good faith of those returning officers has never been impeached. This is all I propose to say at the present time. If opportunity be afforded to me I will move the amendment I have suggested.

Mr. DAWES. I have refrained, under the instructions of the committee and in accordance with my own judgment, from expressing an opinion on the case; and I wish to leave the record distinct as regards the committee that they do not express any judgment in the case, simply from the fact they had not time to conclude the hearing of the case and make up their judgment. We leave the claim of one or the other where it is now.

The delay which caused this result arose from the too easy manner of the contestant in prosecuting his claim, taking as service of notice that which he ought not to have accepted; and I ought to say the reason why the time was extended was because this contestant took what he supposed to be an agreement as sufficient; because there was no written agreement, he supposing a verbal one would be sufficient.

Mr. STOKES. I ask the gentleman to yield to me.

Mr. DAWES. I will if it does not involve the merits of this case or too great a consumption of time. After the report which has been made by the committee, neither the gentleman from Illinois nor the gentleman from Tennessee should go into the merits of the case. I will yield to the gentleman for five minutes.

Mr. STOKES. I would not have attempted to say a word on this subject but for the fact that the gentleman from Illinois [Mr. MARSHALL] has alluded to the action of Governor Brownlow. I desire to state, in defense of Governor Brownlow for what he did, that he acted strictly in accordance with the act of Congress of March 3, 1863, which provided that the Governor should give the certificate to the one who received the largest number of legal votes. It was made his duty to examine who had the majority of legal votes. What did he do? All over the State was heard the threat on the part of certain persons that they would override the franchise law. It was declared to be unconstitutional, and that they intended to override it. Governor Brownlow, to save trouble and difficulty, issued his proclamation, warning the people against overriding the franchise law.

Mr. COOPER. Let me ask my colleague a question.

Mr. STOKES. Not now. Governor Brownlow issued his proclamation that the law must be enforced. The law was nevertheless disregarded. He sent to the clerks of election to report to him exactly the manner in which the votes had been recorded. The clerks did report that the law had not been complied with, and where this occurred the returns were thrown out. Many counties in my district where I got my heaviest majorities were thrown out

for want of legal registration. I say this in justice to Governor Brownlow.

Mr. COOPER. I ask the gentleman from Massachusetts to yield to me to reply to my colleague.

Mr. DAWES. That would be going into a debate on the merits of the case which neither the gentleman from Tennessee nor the gentleman from Illinois ought to have indulged in. I know the gentleman and his colleague differ widely on the subject. I have stated to the House that there is room for difference of opinion; that in our opinion all parties acted in good faith, and that it is impossible for us, in the brief time we have left to us, to enter into a consideration of the correctness of their decision. I adhere to the demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to discharge the committee from the further consideration of the question was agreed to.

Mr. DAWES. I offer the following resolution, and call the previous question:

Resolved, That the Sergeant-at-Arms be directed to pay out of the contingent fund of the House the sum of $1,658 80 to D. B. Thomas, in full for time expended and expenses incurred in contesting the right of Samuel A. Arnell to a seat in this House from the sixth district of Tennessee.

Mr. MARSHALL. I ask my colleague on the committee to yield to allow me to offer an amendment.

Mr. DAWES. I will.

Mr. MARSHALL. I move to insert $2,500 in place of $1,658 80.

The previous question was seconded and the main question ordered.

The question being put on the amendment, there were—ayes 56, noes 54.

Mr. DAWES demanded tellers.

Tellers were ordered; and the Chair appointed Messrs. DAWES and MARSHALL.

The House divided; and the tellers reported —ayes 68, noes 69.

So the amendment was disagreed to.

The resolution was then agreed to.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses on the bill of the House No. 598, to establish a uniform system of bankruptcy throughout the United States.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on House bill No. 1220, to provide ways and means for the payment of compound-interest notes.

Also, that the Senate had passed House bill No. 793, to provide increased revenue on imported wool, and for other purposes.

Also, that the Senate had insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868; had agreed to the further conference asked for by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Messrs. TRUMBULL, EDMUNDS, and DAVIS.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 276) to establish a Department of Education; when the Speaker signed the same.

IMPORTATION OF SUGAR MACHINERY.

The SPEAKER. The House will resume the consideration of reports from the Committee on Printing, which have been interfered with by various privileged motions.

Mr. HOTCHKISS. Will the gentleman from New York yield?

Mr. LAFLIN. For a moment.

Mr. HOTCHKISS. I believe that all opposition to my resolution to admit machinery for making sugar free of duty for one year is withdrawn, and I think it will pass by unanimous consent.

Mr. BENJAMIN. I object.

COAST SURVEY.

Mr. LAFLIN, from the Committee on Printing, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed twenty-five hundred extra copies of the report of the Superintendent of the Coast Survey for the year 1866, of which one thousand shall be for distribution by the Superintendent of the Coast Survey, and fifteen hundred for the use of the members of this House.

SURVEY OF LAKES.

Mr. LAFLIN, from the same committee, offered the following resolution:

Resolved, That there be printed fifteen hundred extra copies of the report of the Secretary of War for the year 1866 on the survey of the western and northwestern lakes, without the appendix, five hundred of which shall be for distribution by the officer in charge of such survey, and one thousand for the use of the members of this House.

Mr. PAINE. I suggest an amendment, that it should read "northern and northwestern lakes."

Mr. LAFLIN. I accept that amendment.

The resolution, as amended, was agreed to.

PAY OF A MEMBER.

Mr. ASHLEY, of Ohio. I ask the gentleman from New York to allow me to offer a resolution.

Mr. LAFLIN. I will yield.

Mr. ASHLEY, of Ohio. I offer the following resolution:

Resolved, That the Sergeant-at-Arms of the House be, and he is hereby, instructed to pay Hon. T. M. MARQUETTE, from the State of Nebraska, the pay and mileage that would have been due him as a member of the Thirty-Ninth Congress had he been admitted to his seat on the 2d of January, 1866, the day of his election.

Mr. SPALDING. Nebraska was not a State then.

Mr. ASHLEY, of Ohio. Yes, it was a State. Gentlemen in this House ought to understand, if they do not, that Nebraska was admitted as a State by the vote of Congress at the last session, but the act was vetoed. It has since been admitted over the veto upon a condition which has been complied with. But it had elected a member of this House, and he was here during the entire last session of this House waiting for his admission, and only because Congress prescribed additional terms which it compelled the State to accept was he detained from his seat till now.

I desire to state another fact, and that is, that he was elected a Delegate to the Fortieth Congress from the Territory of Nebraska, and by the State being admitted to-day he is prevented taking his seat as such Delegate in the next Congress, which would give him more pay and mileage than he will receive under this resolution.

Mr. SPALDING. Make it a donation, then, and not call it the pay of a member of Congress.

Mr. ASHLEY, of Ohio. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. FINCK demanded the yeas and nays.

The yeas and nays were ordered.

The question being taken on agreeing to the resolution, it was decided in the negative—yeas 43, nays 105, not voting 43; as follows:

YEAS—Messrs. Anderson, Arnell, James M. Ashley, Barker, Baxter, Beaman, Bingham, Blaine, Bromwell, Buckland, Sidney Clarke, Cullom, Donnelly, Eggleston, Eliot, Farquhar, Garfield, Grinnell, Abner C. Harding, Hawkins, Hayes, Higby, Hotchkiss, Demas Hubbard, Jones, Julian, Kasson, Koontz, Loan, McClurg, Moulton, Myers, O'Neill, Paine, Perham, Price, Stilwell, Stokes, Thayer, Upson, Burt Van Horn, Henry D. Washburn, and James F. Wilson—43.

NAYS—Messrs. Alley, Allison, Ames, Ancona, Baker, Baldwin, Benjamin, Bergen, Blow, Boutwell, Boyer, Brandegee, Broomall, Campbell, Chanler, Reader W. Clarke, Cobb, Conkling, Cook, Cooper, Darling, Davis, Dawes, Defrees, Deming, Denison, Dixon, Eckley, Eldridge, Farnsworth, Ferry, Finck, Glossbrenner, Goodyear, Hale, Aaron Harding, Harris, Hart, Henderson, Hill, Hise, Holmes, Chester D. Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Ingersoll, Jenckes, Kerr, Ketcham, Laflin, George V. Lawrence, William Lawrence, Le Blond, Leftwich, Longyear, Lynch, Marshall, Marvin, Maynard, McCullough, McIndoe, McKee, McRuer, Mercur, Miller, Newell, Niblack, Nicholson, Orth, Pike, Plants, Pomeroy, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rollins, Ross, Sawyer, Schenck, Scofield, Shanklin, Sitgreaves, Sloan, Spalding, Starr, Taber, Nathaniel G. Taylor, Nelson Taylor, John L. Thomas, Thornton, Trimble, Van Aernam, Andrew H. Ward, Hamilton Ward, Warner, William B. Washburn, Wentworth, Whaley, Williams, Stephen F. Wilson, and Winfield—105.

NOT VOTING—Messrs. Delos R. Ashley, Banks, Bidwell, Bundy, Culver, Dawson, Delano, Dodge, Driggs, Dumont, Griswold, Hogan, Hooper, Asahel W. Hubbard, James R. Hubbell, Kelley, Kelso, Kuykendall, Latham, Marquette, Marston, Moorhead, Morrill, Morris, Noell, Patterson, Phelps, Radford, Samuel J. Randall, William H. Randall, Raymond, Rousseau, Shellabarger, Stevens, Strouse, Francis Thomas, Trowbridge, Robert T. Van Horn, Elihu B. Washburne, Welker, Windom, Woodbridge, and Wright—43.

So the resolution was disagreed to.

Mr. DAWES. I move to reconsider the vote by which the resolution was disagreed to, for the purpose of suggesting an amendment, which I think the House will concur in, to pay the member from Nebraska from the 1st of December, 1866. If the vote is reconsidered I will move that amendment.

Mr. SPALDING. I move to lay the motion to reconsider on the table.

On laying the motion on the table there were—ayes 69, noes 53.

Mr. ASHLEY, of Ohio. I demand tellers.

Tellers were ordered; and the Chair appointed Messrs. DAWES and SPALDING.

The House divided; and the tellers reported —ayes 67, noes 56.

So the motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House, by Mr. MOORE, one of his Secretaries, one of which was announced as a return to the House from which it originated of the bill (H. R. No. 1143) entitled an act to provide for the more efficient government of the rebel States, with the President's objections thereto.

NAMES OF PARDONED REBELS.

The SPEAKER. The Chair lays before the House various messages from the President of the United States. First the following:

To the House of Representatives:

I transmit herewith a report of the Attorney General, additional to the one submitted by him December 13, 1866, in reply to the resolution of the House of Representatives of December 10, 1866, requesting "a list of names of all persons who have been engaged in the late rebellion against the United States Government who have been pardoned by the President from April 15, 1865, to this date; that said list shall also state the rank of each person who has been so pardoned, if he has been engaged in the military service of the so-called confederate States, and the position, if he shall have held any civil office under said so-called confederate government; and shall also further state whether such person has at any time prior to April 14, 1861, held any office under the United States Government, and if so, what office, together with the reasons for granting such pardons, and also the names of the person or persons at whose solicitation such pardon was granted."

ANDREW JOHNSON.

WASHINGTON, *March* 21, 1867.

The message was laid on the table, and ordered to be printed.

REMOVALS, ETC., IN INTERIOR DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President of the United States; which was laid on the table, and ordered to be printed:

EXECUTIVE MANSION, *February* 25, 1867.

To the House of Representatives:

I transmit herewith a report from the Sec-

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retary of the Interior, in reply to the resolution of the House of Representatives of the 11th instant, calling for certain information relative to removals and appointments in his Department since the adjournment of the first session of the Thirty-Ninth Congress.

ANDREW JOHNSON.

R. M. BOYNTON AND H. M. FISHER.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President of the United States; which was laid on the table, and ordered to be printed:

To the House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, in answer to a resolution of the House of Representatives of the 21st instant, calling for a copy of a letter addressed by Richard M. Boynton and Harriet M. Fisher to the Secretary of the Navy in the month of February, 1863, together with the indorsement made thereon by the chief of the Bureau of Ordnance.

ANDREW JOHNSON.

WASHINGTON, D. C., *February* 27, 1867.

ATTEMPTED ASSASSINATION OF THE CZAR.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President of the United States; which was laid on the table, and ordered to be printed:

To the Senate and House of Representatives:

I transmit to Congress a copy of a correspondence between the Secretary of State and G. V. Fox, Esq., relative to the presentation by the latter to the Emperor of Russia of the resolution of Congress expressive of the feelings of the people of the United States in reference to the providential escape of that sovereign from an attempted assassination.

ANDREW JOHNSON.

WASHINGTON, D. C., *February* 26, 1867.

REPORT OF GENERAL INGALLS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting, in compliance with a resolution of the House of February 27, 1867, General Ingalls's report of an inspection made by him in 1866; which was laid on the table, and ordered to be printed.

GOVERNMENT OF REBEL STATES.

The SPEAKER also laid before the House the following veto message of the President of the United States:

To the House of Representatives:

I have examined the bill "to provide for the more efficient government of the rebel States" with the care and anxiety which its transcendant importance is calculated to awaken. I am unable to give it my assent for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

The bill places all the people of the ten States therein named under the absolute dominion of military rulers; and the preamble undertakes to give the reason upon which the measure is based, and the ground upon which it is justified. It declares that there exist in those States no legal governments and no adequate protection for life or property, and asserts the necessity for enforcing peace and good order within their limits. Is this true as a matter of fact?

It is not denied that the States in question have each of them an actual government, with all the powers, executive, judicial, and legislative, which properly belong to a free State. They are organized like the other States of the Union, and like them, they make, administer, and execute the laws which concern their domestic affairs. An existing *de facto* government, exercising such functions as these, is itself the law of the State upon all matters within its jurisdiction. To pronounce the supreme law-making power of an established State illegal is to say that law itself is unlawful.

The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries, are in substance and principle the same as those which prevail in the northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world. There, as well as elsewhere, offenders sometime escape for want of vigorous prosecution, and occasionally, perhaps, by the inefficiency of courts or the prejudice of jurors. It is undoubtedly true that these evils have been much increased and aggravated, North and South, by the demoralizing influences of civil war and by the rancorous passions which the contest has engendered. But that these people are maintaining local governments for themselves which habitually defeat the object of all government, and render their own lives and property insecure, is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge. All the information I have on the subject convinces me that the masses of the southern people and those who control their public acts, while they entertain diverse opinions on questions of Federal policy, are completely united in the effort to reorganize their society on the basis of peace, and to restore their mutual prosperity as rapidly and as completely as their circumstances will permit.

The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate in any State where certain events shall have happened. These events are, first, the selection of delegates to a State convention by an election at which negroes shall be allowed to vote; second, the formation of a State constitution by the convention so chosen; third, the insertion into the State constitution of a provision which will secure the right of voting at all elections to negroes, and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the constitution for ratifiation to negroes and white men not disfranchised, and its actual ratification by their vote; fifth, the submission of the State constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of the Legislature elected under the new constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purposes of order, or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment.

I submit to Congress whether this measure is not, in its whole character, scope, and object, without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure.

The ten States named in the bill are divided into five districts. For each district an officer of the Army, not below the rank of brigadier general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are, "to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace or criminals." The power thus given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law. The law of the States is now the only rule applicable to the subjects placed under his control, and that is completely displaced by the clause which declares all interference of State authority to be null and void. He alone is permitted to determine what are rights of person or property, and he may protect them in such a way as in his discretion may seem proper. It places at his free disposal all the lands and goods in his district, and he may distribute them without let or hinderance to whom he pleases. Being bound by no State law, and there being no other law to regulate the subject, he may make a criminal code of his own; and he can make it as bloody as any recorded in history, or he can reserve the privilege of acting upon the impulse of his private passions in each case that arises. He is bound by no rules of evidence; there is indeed no provision by which he is authorized or required to take any evidence at all. Everything is a crime which he chooses to call so, and all persons are condemned whom he pronounces to be guilty. He is not bound to keep any record, or make any report of his proceedings. He may arrest his victims wherever he finds them, without warrant, accusation, or proof of probable cause. If he gives them a trial before he inflicts the punishment he gives it of his grace and mercy, not because he is commanded so to do.

To a casual reader of the bill it might seem that some kind of trial was secured by it to persons accused of crime; but such is not the case. The officer "may allow local civil tribunals to try offenders," but of course this does not require that he shall do so. If any State or Federal court presumes to exercise its legal jurisdiction by the trial of a malefactor without his special permission he can break it up, and punish the judges and jurors as being themselves malefactors. He can save his friends from justice, and despoil his enemies contrary to justice.

It is also provided that "he shall have power to organize military commissions or tribunals;" but this power he is not commanded to exercise. It is merely permissive, and is to be used only "when in his judgment it may be necessary for the trial of offenders." Even if the sentence of a commission were made a prerequisite to the punishment of a party, it would be scarcely the slightest check upon the officer, who has authority to organize it as he pleases, prescribe its mode of proceeding, appoint its members from among his own subordinates, and revise all its decisions. Instead of mitigating the harshness of his single rule, such a tribunal would be used much more probably to divide the responsibility of making it more cruel and unjust.

Several provisions, dictated by the humanity of Congress, have been inserted in the bill, apparently to restrain the power of the commanding officer; but it seems to me that they are of no avail for that purpose. The fourth section provides: first, that trials shall not be unnecessarily delayed; but I think I have shown that the power is given to punish without trial, and if so, this provision is practically inoperative. Second, cruel or unusual punishment is not to be inflicted; but who is to decide what is cruel and what is unusual? The words have acquired a legal meaning by long use in the courts. Can it be expected that military officers will understand or follow a rule expressed in language so purely tech-

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nical, and not pertaining in the least degree to their profession? If not, then each officer may define cruelty according to his own temper, and if it is not usual, he will make it usual. Corporal punishment, imprisonment, the gag, the ball and chain, and the almost insupportable forms of torture invented for military punishment lie within the range of choice. Third, the sentence of a commission is not to be executed without being approved by the commander, if it affects life or liberty, and a sentence of death must be approved by the President. This applies to cases in which there has been a trial and sentence. I take it to be clear, under this bill, that the military commander may condemn to death without even the form of a trial by a military commission, so that the life of the condemned may depend upon the will of two men instead of one.

It is plain that the authority here given to the military officer amounts to absolute despotism. But, to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint; for it declares that he shall "punish or cause to be punished." Such a power has not been wielded by any monarch in England for more than five hundred years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the ten States—all persons, of every color, sex, and condition, and every stranger within their limits—to the most abject and degrading slavery. No master ever had a control so absolute over his slave as this bill gives to the military officers over both white and colored persons.

It may be answered to this that the officers of the Army are too magnanimous, just, and humane to oppress and trample upon a subjugated people. I do not doubt that Army officers are as well entitled to this kind of confidence as any other class of men. But the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely trusted in human hands. It is almost sure to be more or less abused under any circumstances, and it has always resulted in gross tyranny where the rulers who exercise it are strangers to their subjects, and come among them as the representatives of a distant power, and more especially when the power that sends them is unfriendly. Governments closely resembling that here proposed have been fairly tried in Hungary and Poland, and the suffering endured by those people roused the sympathies of the entire world. It was tried in Ireland, and, though tempered at first by principles of English law, it gave birth to cruelties so atrocious that they are never recounted without just indignation. The French Convention armed its deputies with this power, and sent them to the southern departments of the republic. The massacres, murders, and other atrocities which they committed show what the passions of the ablest men in the most civilized society will tempt them to do when wholly unrestrained by law.

The men of our race in every age have struggled to tie up the hands of their Governments and keep them within the law; because their own experience of all mankind taught them that rulers could not be relied on to concede those rights which they were not legally bound to respect. The head of a great empire has sometimes governed it with a mild and paternal sway; but the kindness of an irresponsible deputy never yields what the law does not extort from him. Between such a master and the people subjected to his domination there can be nothing but enmity; he punishes them if they resist his authority; and if they submit to it he hates them for their servility.

I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, certainly not, if we derive our authority from the Constitution, and if we are bound by the limitations which it imposes. This proposition is perfectly clear: that no branch of the Federal Government, executive, legislative, or judicial, can have any just powers except those which it derives through and exercises under the organic law of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our function and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids.

Some persons assume that the success of our arms in crushing the opposition that was made in some of the States to the execution of the Federal laws reduced these States and all their people, the innocent as well as the guilty, to the condition of vassalage, and give us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects he may deal with them according to his pleasure, because he had that power before; but when a limited monarch puts down an insurrection he must still govern according to law. If an insurrection should take place in one of our States against the authority of the State government and end in the overthrowing of those who planned it, would they take away the rights of all the people of the counties where it was favored by a part or a majority of the population? Could they for such a reason be wholly outlawed and deprived of their representation in the Legislature? I have always contended that the Government of the United States was sovereign within its constitutional sphere; that it executed its laws like the States themselves by applying its coercive power directly to individuals; and that it could put down insurrection with the same effect as a State and no other. The opposite doctrine is the worst heresy of those who advocated secession, and cannot be agreed to without admitting that heresy to be right.

Invasion, insurrection, rebellion, and domestic violence were anticipated when the Government was framed, and the means of repelling and suppressing them were wisely provided for in the Constitution; but it was not thought necessary to declare that the States in which they might occur should be expelled from the Union. Rebellions, which were invariably suppressed, occurred prior to that out of which these questions grow; but the States continued to exist and the Union remained unbroken. In Massachusetts, in Pennsylvania, in Rhode Island, and in New York, at different periods in our history, violent and armed opposition to the United States was carried on; but the relations of those States to the Federal Government were not supposed to be interrupted or changed thereby after the rebellious portions of their population were defeated and put down. It is true that in these earlier cases there was no formal expression of a determination to withdraw from the Union; but it is also true that in the southern States the ordinances of secession were treated by all the friends of the Union as mere nullities, and are now acknowledged to be so by the States themselves. If we admit that they had any force or validity or that they did in fact take the States in which they were passed out of the Union, we sweep from under our feet all the grounds upon which we stand in justifying the use of Federal force to maintain the integrity of the Government.

This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts life, liberty, and property are secured by State laws and Federal laws, and the national Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill proceeds? The title of the bill announces that it is intended "for the more efficient government" of these ten States. It is recited by way of preamble that no legal State governments "nor adequate protection for life or property" exist in those States, and that peace and good order should be thus enforced. The first thing which arrests attention upon these recitals, which prepare the way for martial law, is this: that the only foundation upon which martial law can exist under our form of Government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection—none of these appear, and none of these in fact exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause here to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Court of the United States, *ex parte* Milligan.

I will first quote from the opinion of the majority of the court:

"Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration."

We see that martial law comes in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes martial law operate as though we were in actual war, and become the cause instead of the consequence of the abrogation of civil authority. One more quotation:

"It follows, from what has been said on this subject, that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually deposed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the Army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course."

I now quote from the opinion of the minority of the court, delivered by Chief Justice Chase:

"We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists the laws of peace must prevail."

This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress in time of peace to set aside the laws of peace and substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power. Again, and if possible more emphatically, the Chief Justice, with remarkable clearness and condensation, sums up the whole matter as follows:

"There are under the Constitution three kinds of military jurisdiction—one to be exercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of the States maintaining adhesion to the national Government, when the public danger requires its exercise. The first of these may be called jurisdiction under the military law, and is found in acts of Congress prescribing Rules and Articles of War, or otherwise providing for the government of the national force; the second may be distinguished as military government, superseding as far as may be deemed expedient the local law, and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called into action by Congress, or temporarily, when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President in times of insurrection or invasion or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights."

It will be observed that of the three kinds of military jurisdiction which can be exercised or created under our Constitution, there is but one that can prevail in time of peace, and that is

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the code of laws enacted by Congress for the government of the national forces. That body of military law has no application to the citizen, nor even to the citizen soldier enrolled in the militia in time of peace. But this bill is not a part of that sort of military law, for that applies only to the soldier and not to the citizen, while, contrariwise, the military law provided by this bill applies only to the citizen and not to the soldier.

I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one, that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument. I will not enlarge on the inestimable value of the right thus secured to every freeman or speak of the danger to public liberty in all parts of the country which must ensue from a denial of it anywhere or upon any pretense. A very recent decision of the Supreme Court has traced the history, vindicated the dignity, and made known the value of this great privilege so clearly that nothing more is needed. To what extent a violation of it might be excused in war or public danger may admit of discussion, but we are providing now for a time of profound peace, where there is not an armed soldier within our borders except those who are in the service of the Government. It is in such a condition of things that an act of Congress is proposed which if carried out would deny a trial by the lawful courts and juries to nine million American citizens and to their posterity for an indefinite period. It seems to be scarcely possible that any one should seriously believe this consistent with a Constitution which declares in simple, plain, and unambiguous language that all persons shall have that right, and that no person shall ever in any case be deprived of it. The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant, at the pleasure of a military commander. The Constitution declares that "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury." This bill holds every person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that "no person shall be deprived of life, liberty, or property without due process of law." This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that "the privilege of the writ of *habeas corpus* shall not be suspended unless when in case of rebellion or invasion the public safety may require it;" whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is, a trial "without unnecessary delay." He has no hope of release from custody, except the hope, such as it is, of release by acquittal before a military commission.

The United States are bound to guaranty to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away ever vestige of republican government in ten States, and put the life, property, liberty, and honor of all the people in each of them under the domination of a single person clothed with unlimited authority?

The Parliament in England, exercising the omnipotent power which it claimed, was accustomed to pass bills of attainder; that is to say, it would convict men of treason and other crimes by legislative enactment. The person accused had a hearing, sometimes a patient and fair one; but generally party prejudice prevailed instead of justice. It often became necessary for Parliament to acknowledge its error and reverse its own action. The fathers of our country determined that no such thing should occur here. They withheld the power from Congress and thus forbade its exercise by that body; and they provided in the Constitution that no State should pass any bill of attainder. It is therefore impossible for any person in this country to be constitutionally convicted or punished for any crime by a legislative proceeding of any sort. Nevertheless, here is a bill of attainder against nine million people at once. It is based upon an accusation so vague as to be scarcely intelligible, and found to be true upon no credible evidence. Not one of the nine millions was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands, and degrades them all—even those who are admitted to be guiltless—from the rank of freemen to the condition of slaves.

The purpose and object of the bill, the general intent which pervades it from beginning to end, is to change the entire structure and character of the State governments, and to compel them by force to the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a constitution with prescribed articles in it, and afterward elect a Legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the southern part of our territory, I would simply ask the attention of Congress to that manifest, well-known, and universally acknowledged rule of constitutional law which declares that the Federal Government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of the white people and into the hands of the negroes is an arbitrary violation of this principle.

This bill imposes martial law at once, and its operations will begin so soon as the general and his troops can be put in place. The dread alternative between its harsh rule and compliance with the terms of this measure is not suspended, nor are the people afforded any time for free deliberation. The bill says to them, take martial law first, then deliberate. And when they have done all that this measure requires them to do, other conditions and contingencies, over which they have no control, yet remain to be fulfilled before they can be relieved from martial law. Another Congress must first approve the constitutions made in conformity with the will of this Congress, and must declare these States entitled to representation in both Houses. The whole question thus remains open and unsettled, and must again occupy the attention of Congress, and in the mean time the agitation which now prevails will continue to disturb all portions of the people.

The bill also denies the legality of the governments of ten of the States which participated in the ratification of the amendment to the Federal Constitution abolishing slavery forever within the jurisdiction of the United States, and practically excludes them from the Union. If this assumption of the bill be correct their concurrence cannot be considered as having been legally given, and the important fact is made to appear that the consent of three fourths of the States—the requisite number—has not been constitutionally obtained to the ratification of that amendment, thus leaving the question of slavery where it stood before the amendment was officially declared to have become a part of the Constitution.

That the measure proposed by this bill does violate the Constitution in the particulars mentioned, and in many other ways which I forbear to enumerate, is too clear to admit of the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed for reasons which I will proceed to give as briefly as possible.

In the first place, it is the only system of free government which we can hope to have as a nation. When it ceases to be the rule of our conduct we may perhaps take our choice between complete anarchy, a consolidated despotism, and a total dissolution of the Union; but national liberty, regulated by law, will have passed beyond our reach.

It is the best frame of government the world ever saw. No other is or can be so well adapted to the genius, habits, or wants of the American people. Combining the strength of a great empire with unspeakable blessings of local self-government, having a central power to defend the general interests, and recognizing the authority of the States as the guardians of industrial rights, it is "the sheet-anchor of our safety abroad and our peace at home." It was ordained "to form a more perfect Union, establish justice, insure domestic tranquillity, promote the general welfare, provide for the common defense, and secure the blessings of liberty to ourselves and our posterity." These great ends have been attained heretofore, and will be again, by faithful obedience to it; but they are certain to be lost if we treat with disregard its sacred obligations.

It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority, that we carried on a bloody war of four years' duration. Shall we now acknowledge that we sacrificed a million lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

Those who advocated the right of secession alleged in their own justification that we had no regard for law, and that their rights of property, life, and liberty would not be safe under the Constitution as administered by us. If we now verify their assertion, we prove that they were in truth and in fact fighting for their liberty, and instead of branding their leaders with the dishonoring name of traitors against a righteous and legal Government, we elevate them in history to the rank of self-sacrificing patriots, consecrate them to the admiration of the world, and place them by the side of Washington, Hampden, and Sidney. No, let us leave them to the infamy they deserve, punish them as they should be punished, according to law, and take upon ourselves no share of the odium which they should bear alone.

It is a part of our public history which can never be forgotten that both Houses of Congress, in July, 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion, the contest should cease, with the constitutional rights of the States and of individuals unimpaired. This resolution was adopted and sent forth to the world unanimously by the Senate, and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South, as well as in the North, as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse, and to which I cannot voluntarily become a party.

The evils which spring from the unsettled state of our Government will be acknowledged by all. Commercial intercourse is impeded, capital is in constant peril, public securities fluctuate in value, peace itself is not secure,

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and the sense of moral and political duty is impaired. To avert these calamities from our country it is imperatively required that we should immediately decide upon some course of administration which can be steadfastly adhered to. I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischevious; that it will but multiply the present evils instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coördinate branches of the Government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guarantees of that instrument are those which declare that "each State shall have at least one Representative," and that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." Each House is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two thirds, expel a member." Thus, as heretofore urged—

"In the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and laws are enforced by a vigilant and faithful Congress." * * * * "When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member, that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union."

And is it not far better that the work of restoration should be accomplished by simple compliance with the plain requirements of the Constitution than by a recourse to measures which in effect destroy the States, and threaten the subversion of the General Government? All that is necessary to settle this simple but important question, without further agitation or delay, is a willingness on the part of all to sustain the Constitution and to carry the provisions into practical operation. If to-morrow either branch of Congress would declare that, upon the presentation of their credentials, members constitutionally elected and loyal to the General Government would be admitted to seats in Congress, while all others would be excluded, and their places remain vacant until the selection by the people of loyal and qualified persons; and if, at the same time, assurance were given that this policy would be continued until all the States were represented in Congress, it would send a thrill of joy throughout the entire land, as indicating the inauguration of a system which must speedily bring tranquillity to the public mind.

While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children. At present ten States are denied representation, and when the Fortieth Congress assembles on the 4th day of the present month, sixteen States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

ANDREW JOHNSON.

WASHINGTON, *March* 2, 1867.

The SPEAKER. The Clerk will report the title of the bill which has been returned by the President of the United States with his objections to this House in which it originated.

The Clerk read the title, as follows:

An act to provide for the more efficient government of the rebel States.

The SPEAKER. The question under the Constitution is, "Will the House on reconsideration agree to the passage of this bill, the objections of the President to the contrary notwithstanding?"

Mr. STEVENS. I move that we proceed at once to consider that question.

Mr. ELDRIDGE. I appeal to the gentleman from Pennsylvania to allow me one minute of time.

Mr. STEVENS. Certainly.

Mr. ELDRIDGE. The minority of this House are profoundly sensible that our official duty, the best interest of our common country would require us, if it were within our physical power, to defeat this bill; but we are equally conscious that no effort of ours can prevent its passage and the consequent accomplishment of what, as we think, it contemplates, a dissolution of the Union and the overthrow and abandonment of our Constitution of Government. We would most assuredly stop it if we could; but as we understand the views of the Speaker and the majority of this House of its rules, we have no power to resist their purposes and numbers. We can only, in the name of the Constitution, in the name of the Republic, in the name of all we hold dear on earth, earnestly, solemnly protest against this action of this Congress.

Mr. STEVENS. If I understand the gentleman from Wisconsin, [Mr. ELDRIDGE,] members upon the other side are willing that this vote shall be taken without further delay. Am I correct in understanding that to be the case?

Mr. ELDRIDGE. That is so, only because you have the power.

Mr. ANCONA. I do not so understand it.

Mr. BOYER. Nor I.

Mr. ELDRIDGE. I feel that we have no power to resist the purpose of the numbers on the other side of the House to destroy this Republic by the passage of this bill.

Mr. STEVENS. I do not wish to call the previous question unless it shall be necessary.

Mr. LE BLOND. Will the gentleman from Pennsylvania [Mr. STEVENS] allow me a moment?

Mr. STEVENS. Certainly.

Mr. LE BLOND. As one member on this side of the House, believing as I do, and as I have expressed myself upon a former occasion, that the passage of this bill would be the death-knell of republican liberty upon this continent, I have but few words to say. I say to gentlemen upon the other side, and I say it plainly and frankly, that if I had assurance now that a sufficient number on this side of the House would stand with me until the end of this session to resist the passage of this bill, it never, never should become a law. I would let the question go over to the next Congress, with sixteen of the States of this Union unrepresented, and leave it to that Congress to determine whether with that number of States unrepresented they would strike a death blow to this Government in the way that is now proposed. Whether that number are here or not, who are willing to stand by me until the end of this session, I know not. But if they are, this bill with my consent shall never pass the American Congress, unless we are overpowered from physical exhaustion or restrained by the rules of the House.

Mr. STEVENS. Then I am to understand that it is not agreed that the vote may be taken upon the passage of this bill without further delay. Am I correct in that?

Mr. LE BLOND. I do not know whether there are members enough on this side willing to join me. We have had no consultation upon the subject.

Mr. ELDRIDGE. With the permission of the gentleman from Pennsylvania, [Mr. STEVENS,] I will say that we understand the Speaker will hold, and the majority of the House will sustain him in that ruling, that on this day you have the right under our rules to suspend all rules under which we can resist the passage of this bill by a resort to such measures as we have sometimes employed to delay action. That being so, we feel that it will be unavailing for us to make any effort to resist the proposed action of the House. And I understand from those friends near me, who think as I do in regard to this bill, in consideration of that view and that purpose expressed, as we understand it to have been, by the Speaker and those who have the power and the will to sustain him in his decision, that it is useless for us to make any effort for delay. Were it not so, could the rules not be suspended, I for one should feel it my duty to stand with the gentleman from Ohio, [Mr. LE BLOND,] and the few who agree with us, until the last hour of this expiring Congress should have passed, resisting by every power that God has given me the consummation of this unholy design to destroy the Republic.

Mr. BOYER. I desire to say that the gentleman from Wisconsin [Mr. ELDRIDGE] has spoken by no authority from me, and by no authority that I know of delegated to him by any of the gentlemen on this side of the House who surround me. For my own part I desire to say that I deem it my duty to employ all means within my power to defeat this bill; and I am willing to join those on this side of the House in order to effect that end by any legitimate means within our power. If there are not enough on this side to make such an effort effectual, or if physical inability should constrain us either not to begin it, or if after having begun it to cease our action, of course I must yield a reluctant assent. And that is all I desire to say at this time in reference to what I deem it the duty of members on this side to do; if the majority are determined to pass this bill, it shall not be done because I have voluntarily yielded, as a Representative of the people, anything which can in any way be used for the purpose of effecting its defeat.

Mr. STEVENS resumed the floor.

The SPEAKER. Will the gentleman from Pennsylvania [Mr. STEVENS] allow the Chair to make a remark, as he has been alluded to by the gentleman from Wisconsin, [Mr. ELDRIDGE?]

Mr. STEVENS. Certainly.

The SPEAKER. The gentleman from Wisconsin has alluded to an anticipated ruling of the Chair as if it were something new. The Speaker has stated frankly to gentlemen on both sides of the House, members of the minority as well as of the majority, what all of them know, that every Speaker who has occupied this Chair, of whatever party, has held that on Mondays after the morning hour, and during the last ten days of the session, by the rules which we have ourselves adopted, two thirds of the members present can suspend all the rules in the entire Digest—every rule stands in the way of the immediate action on a bill which the House wishes to dispose of. It is not a new decision, but is as old as the history of the gentlemen who have occupied this chair.

Mr. FINCK. I ask the gentleman from Pennsylvania to yield to me a moment.

Mr. STEVENS. Certainly.

Mr. FINCK. Mr. Speaker, in view of what has just been said by the Chair, and of the expression of my friends on this side of the House as to the method of further opposing the passage of this bill I feel it proper to say that I propose now as I have done heretofore, to stand firmly by the opponents of this measure and aid by every legitimate and parliamentary effort which may be employed to defeat this monstrous scheme to subvert constitutional government in this country.

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Mr. THAYER. I hope we will have the question now. I think we have had enough of this entertainment.

Mr. ROSS. Will it be consistent with the views of the gentleman from Pennsylvania to postpone action on this until we dispose of the tax bill? [Laughter.]

Mr. CHANLER. I hope the gentleman from Pennsylvania will allow a test vote to be taken on the postponement of the further consideration of this subject.

Mr. STEVENS. I have listened with patience to gentlemen. I would not be discourteous to any of them, for I am aware of the melancholy feelings with which they are approaching this funeral of the nation. [Laughter.] I find there is difference of opinion among the mourners to an extent which we cannot expect to harmonize. I do not desire to lose the opportunity to pass the bill at once and send it to the Senate, and to proceed to other matters; and if my friend from Maine will offer the resolution he has in his hand I will be much obliged to him.

Mr. BLAINE. I move that the rules be suspended, so that the House shall immediately proceed to vote on the question as required by the Constitution: Will the House on reconsideration agree to the passage of House bill No. 1143, the President's objection to the contrary notwithstanding?

Mr. STEVENS. I believe such a motion it is not require the previous question.

The SPEAKER. It is undebatable.

Mr. ELDRIDGE. I move to lay the bill on the table.

The SPEAKER. That motion is in order, but the motion to suspend the rules has priority. It is to suspend the rule under which the bill may be laid on the table.

Mr. ANCONA. I move to lay the motion on the table.

The SPEAKER. The Chair has repeatedly decided that a motion to lay on the table a motion for the suspension of the rules is not in order.

Mr. BLAINE. I demand the yeas and nays on the motion to lay the bill on the table.

The yeas and nays were ordered.

Mr. LE BLOND. I move to take a recess.

The SPEAKER. The Chair declines to entertain the motion for the reason that this is a motion to suspend the rules under which he can make that motion.

Mr. FINCK. From that decision I take an appeal.

Mr. LE BLOND demanded the yeas and nays.

The yeas and nays were ordered.

Mr. ANCONA moved to lay the appeal on the table, but subsequently withdrew it.

The question was taken, Shall the decision of the Chair stand as the judgment of the House? and it was decided in the affirmative—yeas 178, nays 4, not voting 14; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ancona, Anderson, Arnell, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Barker, Baxter, Beaman, Benjamin, Bergen, Bidwell, Bingham, Blaine, Blow, Boutwell, Boyer, Brandegee, Bromwell, Broomall, Buckland, Bundy, Campbell, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Cooper, Cullom, Darling, Davis, Dawes, Defrees, Delano, Deming, Denison, Dixon, Dodge, Donnelly, Dumont, Eckley, Eggleston, Eldridge, Eliot, Farnsworth, Farquhar, Ferry, Finck, Garfield, Glossbrenner, Goodyear, Grinnell, Griswold, Abner C. Harding, Hart, Hawkins, Hayes, Henderson, Higby, Hill, Hogan, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, James R. Hubbell, Hulburd, Humphrey, Hunter, Ingersoll, Jenckes, Jones, Julian, Kasson, Kelley, Kerr, Ketcham, Koontz, Kuykendall, Laflin, George V. Lawrence, William Lawrence, Le Blond, Leftwich, Loan, Longyear, Lynch, Marquette, Marshall, Marston, Marvin, Maynard, McClurg, McCullough, McIndoe, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, Niblack, Noell, O'Neill, Orth, Paine, Patterson, Perham, Phelps, Pike, Plants, Pomeroy, Price, Radford, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rollins, Ross, Rousseau, Sawyer, Schenck, Scofield, Shellabarger, Sitgreaves, Sloan, Spalding, Starr, Stevens, Stilwell, Stokes, Strouse, Taber, Nathaniel G. Taylor, Nelson Taylor, Thayer, Francis Thomas, John L. Thomas, Thornton, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, Windom, Winfield, and Woodbridge—173.

NAYS—Messrs. Aaron Harding, Shanklin, Trimble, and Andrew H. Ward—4.

NOT VOTING—Messrs. Culver, Dawson, Driggs, Hale, Harris, Hise, Kelso, Latham, Nicholson, Samuel J. Randall, Robert T. Van Horn, Elihu B. Washburne, Whaley, and Wright—14.

So the decision of the chair was sustained.

During the roll-call,

Mr. FINCK said: I think the decision of the Chair is right, and I therefore vote "ay."

Mr. BOYER said: Upon reflection I think the decision of the Chair is right, and I vote "ay."

The result of the vote having been announced as above recorded, the question recurred on Mr. BLAINE'S motion to suspend the rules, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 136, nays 43, not voting 12; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Barker, Baxter, Beaman, Benjamin, Bidwell, Bingham, Blaine, Blow, Boutwell, Brandegee, Bromwell, Broomall, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Cullom, Darling, Davis, Dawes, Defrees, Delano, Deming, Dixon, Dodge, Donnelly, Dumont, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Abner C. Harding, Hart, Hawkins, Hayes, Henderson, Higby, Hill, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Ingersoll, Jenckes, Julian, Kasson, Kelley, Ketcham, Koontz, Kuykendall, Laflin, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marquette, Marston, Marvin, Maynard, McClurg, McIndoe, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, O'Neill, Orth, Paine, Patterson, Perham, Pike, Plants, Pomeroy, Price, Raymond, Alexander H. Rice, John H. Rice, Rollins, Rousseau, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Spalding, Starr, Stevens, Stilwell, Stokes, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—136.

NAYS—Messrs. Ancona, Bergen, Boyer, Campbell, Chanler, Cooper, Dawson, Denison, Eldridge, Finck, Glossbrenner, Goodyear, Aaron Harding, Harris, Hise, Hogan, Edwin N. Hubbell, Humphrey, Hunter, Jones, Kerr, Le Blond, Leftwich, Marshall, McCullough, Niblack, Nicholson, Noell, Phelps, Radford, Ritter, Rogers, Ross, Shanklin, Sitgreaves, Strouse, Taber, Nathaniel G. Taylor, Nelson Taylor, Thornton, Trimble, Andrew H. Ward, and Winfield—43.

NOT VOTING—Messrs. Arnell, Culver, Driggs, Hale, Asahel W. Hubbard, Kelso, Latham, Samuel J. Randall, William H. Randall, Robert T. Van Horn, Elihu B. Washburne, and Wright—12.

So (two thirds voting in the affirmative) the rules were suspended, and Mr. BLAINE'S motion was agreed to.

The SPEAKER. In accordance with the order incorporated in the motion first adopted the House will proceed immediately to vote on the question, "Will the House on reconsideration agree to the passage of the bill, the objections of the President to the contrary notwithstanding?"

Mr. ELDRIDGE. I wish to inquire if the Chair will now entertain a motion to lay the bill upon the table?

The SPEAKER. The Chair cannot entertain that motion now.

Mr. ELDRIDGE. Is there any other motion that the Chair will entertain, or must the House come at once to a direct vote on the passage of the bill over the veto?

The SPEAKER. The order of the House is that the House shall proceed immediately to vote, under the Constitution on the question: Will the House pass the bill, the objections of the President to the contrary notwithstanding? The Chair could not suspend that vote even if the hour for taking a recess had arrived, and the Constitution requires that the question shall be taken by yeas and nays.

The question was taken; and there were—ayes 135, nays 48, not voting 9; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnell, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Barker, Baxter, Beaman, Benjamin, Bidwell, Bingham, Blaine, Blow, Boutwell, Brandegee, Bromwell, Broomall, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Cullom, Darling, Davis, Dawes, Defrees, Delano, Deming, Dixon, Dodge, Donnelly, Dumont, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Abner C. Harding, Hart, Hayes, Henderson, Higby, Hill, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Ingersoll, Jenckes, Julian, Kasson, Kelley, Ketcham, Koontz, Laflin, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marquette, Marston, Marvin, Maynard, McClurg, McIndoe, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, O'Neill, Orth, Paine, Patterson, Perham, Phelps, Plants, Pomeroy, Price, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Spalding, Starr, Stevens, Stokes, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, Woodbridge, and the Speaker—135.

NAYS—Messrs. Ancona, Bergen, Boyer, Campbell, Chanler, Cooper, Dawson, Denison, Eldridge, Finck, Glossbrenner, Goodyear, Hale, Aaron Harding, Harris, Hawkins, Hise, Hogan, Edwin N. Hubbell, Humphrey, Hunter, Jones, Kerr, Kuykendall, Le Blond, Leftwich, Marshall, McCullough, Niblack, Nicholson, Noell, Phelps, Radford, Ritter, Rogers, Ross, Rousseau, Shanklin, Sitgreaves, Stilwell, Strouse, Taber, Nathaniel G. Taylor, Nelson Taylor, Thornton, Trimble, Andrew H. Ward, and Winfield—48.

NOT VOTING—Messrs. Culver, Driggs, Kelso, Latham, Samuel J. Randall, William H. Randall, Robert T. Van Horn, Elihu B. Washburne, and Wright—9.

The SPEAKER. On the question, "Will the House, on reconsideration, agree to the passage of an act to provide for the more efficient government of the rebel States, the objections of the President to the contrary notwithstanding—the yeas are 135, and the nays 48; so (two thirds having voted in the affirmative,) the bill has again passed the House." [Great applause on the floor and in the galleries.]

PAY OF A CONTESTANT.

Mr. DAWES. I rise to ask the consent of the House to correct a clerical error in the resolution passed this morning giving compensation to Mr. Thomas, who contested the seat of Mr. ARNELL. The resolution as adopted directed the Sergeant-at-Arms to pay him out of the contingent fund of the House. The Sergeant-at-Arms does not disburse the contingent fund of the House. I ask that the words "Sergeant-at-Arms" be stricken out.

The SPEAKER. The Clerk of the House disburses the contingent fund of the House.

Mr. HILL. I will not object on condition that the gentleman intended to be the recipient of this money shall receive no part of it until he takes the test oath. If the resolution can be so modified I will not object.

Mr. DAWES. The oath that we take?

Mr. HILL. Yes.

Mr. DAWES. I have no objection to that.

Mr. FINCK. I rise to a point of order. I would ask if such a thing was ever required of a contestant before?

The SPEAKER. That is hardly a question of order. It is for the House to determine whether they will require it or not.

Mr. FINCK. I submit that it has never been required heretofore.

Mr. DAWES. It never has been required, but there is no objection to it in this case.

Mr. FINCK. I suppose not, but I do not like the precedent.

The resolution adopted this morning was accordingly modified in the manner suggested by Mr. DAWES and Mr. HILL.

ARMY APPROPRIATION CONFERENCE REPORT.

Mr. STEVENS. I rise to a privileged question. I submit a report from the committee of conference, which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, having met, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the House recede from their disagreement to the first amendment of the Senate and agree to the same with the following amendment: Strike out the words "and fifty," in line four, and add at the end of said amendment the following:

Resolved, That the ownership of said bridge shall be and remain in the United States, and the Rock Island and Pacific Railroad Company shall have the right of way over said bridge for all purposes of transit across the island and river upon the condition that the said company shall, before any money

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is expended by the Government, agree to pay and shall secure to the United States—first, half the cost of said bridge, and second, half the expense of keeping said bridge in repair; and upon guarantying said conditions to the satisfaction of the Secretary of War by contract or otherwise, the said company shall have free use of said bridge for purposes of transit, but, without any claim to the ownership thereof.

That the Senate agree to the amendment of the House to the sixth amendment of the Senate, with an amendment, as follows: strike out the words "the operations of;" and that the House agree to the same.

That the House recede from their disagreement to the seventh amendment of the Senate and agree to the same.

That the Senate agree to the amendment of the House to the eighth amendment of the Senate.

That the House recede from their disagreement to the tenth amendment of the Senate, and agree to the same.

And that the Senate recede from their third amendment to the bill.

THADDEUS STEVENS,
SAMUEL SHELLABARGER,
N. P. BANKS,
Managers on the part of the House.
HENRY WILSON,
H. S. LANE,
S. J. KIRKWOOD,
Managers on the part of the Senate.

Mr. STEVENS. I demand the previous question on agreeing to the report.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted—ayes 72, noes 30.

Mr. STEVENS moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed without amendment bill of the House No. 589, to declare valid and conclusive certain proclamations of the President and acts done in pursuance thereof, or under his orders, in the suppression of the late rebellion against the United States.

COMPOUND-INTEREST NOTES.

Mr. PRICE submitted the following report from a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 1220, entitled "An act to furnish ways and means for the payment of the compound-interest notes," after a full conference have agreed that the House recede from its disagreement to the Senate amendment, and agree to the same with amendments, as follows: strike out "one hundred" in last line of first section of said amendment and insert "fifty;" and strike out the second section of said amendment, and that the Senate agree to the said amendments to their amendment.

HIRAM PRICE,
THEODORE M. POMEROY,
Managers on the part of the House.
JOHN SHERMAN,
REVERDY JOHNSON,
WILLIAM SPRAGUE,
Managers on the part of the Senate.

The question was upon agreeing to the report of the committee.

Mr. ANCONA. I ask that the bill be read as proposed to be amended.

The SPEAKER. It will require unanimous consent to have the bill read at this time.

Mr. BEAMAN. I object.

Mr. ANCONA. Then I ask the gentleman from Iowa [Mr. PRICE] to explain the bill.

Mr. PRICE. Mr. Speaker, it will be remembered by the House that the amendment of the Senate to the bill passed by the House provided that $100,000,000 of notes bearing interest at the rate of three per cent. be issued, which were intended to take the place of $100,000,000 of the compound-interest notes falling due within the year; that was the substance of the first section of the Senate amendment.

The second section of the amendment provided that no national bank should be allowed to keep its deposits in a bank that paid interest upon them; also, that no national bank should be allowed to keep, as a part of its reserve fund, any of the compound-interest notes now outstanding. The conferees on the part of the Senate have agreed to strike out of the Senate amendment that entire second section.

Mr. WENTWORTH. I must ask the Chair to enforce order. There is so much conversation here that we cannot hear what is said by the gentleman from Iowa, [Mr. PRICE.]

The SPEAKER. Gentlemen must preserve order. Persons who desire to converse will retire to the cloak rooms.

Mr. PRICE. Might I be allowed to say a word or two parenthetically? And that is, that I thought about an hour since, that the House ought to congratulate itself upon the fact that while the message from the President was being read there was good order in this Hall for about three quarters of an hour. [Laughter.] I do not know when before I have witnessed such a thing, and I do not know that I shall ever witness it again.

The SPEAKER. The preservation of order in this Hall must depend upon the members themselves. The Chair can only admonish them; he cannot compel them to cease conversation.

Mr. PRICE. The Chair will understand that what I said was intended rather in justification of the Chair.

The SPEAKER. The Chair so understood it.

Mr. PRICE. While my voice is not the strongest it certainly is not the weakest in this Hall, and when I speak, with ordinary attention on the part of members, I can be heard distinctly in every part of the House. But a few minutes since gentlemen not more than fifteen feet distant from me said they could not hear me.

I will now repeat, to some extent, my explanation of the amendment of the Senate, and the action recommended by the committee of conference. The amendment of the Senate as it came to us embraced two sections; the first section provided that $100,000,000 of notes bearing three per cent. interest should be issued by the Secretary of the Treasury to take the place of $100,000,000 of compound-interest notes now outstanding and falling due within the ensuing year. The second section provided that no national bank should be allowed to hold, as a part of its reserve fund, any compound-interest notes; and also that no national bank should be allowed to keep its deposits or balances with any bank that paid interest on such deposits or balances.

The action recommended by the committee of conference is simply this: to strike from the amendment of the Senate the entire second section, and to amend the first section by striking out $100,000,000 and inserting $50,000,000. Therefore the effect would be to authorize the issue of $50,000,000 of notes bearing three per cent. interest, to take the place of $50,000,000 of compound-interest notes, now supposed to be held by the national banks as a portion of their required reserve. So far as the effect of that is concerned it is simply to place a three per cent. note where a six per cent. note now is; neither contracting nor expanding the currency. As I have already said, these are the only changes recommended in the Senate amendment. The House bill provided for the retirement of $100,000,000 of compound-interest notes; this bill will provide for the retirement of only $50,000,000. That leaves the additional $50,000,000 with no provision whatever for their retirement, unless the House are willing to take the assurance of the gentlemen who composed the committee of conference on the part of the Senate, and who say——

A MEMBER. You have no right to state what they say.

Mr. PRICE. A friend near me says I have no right to state what they said. I suppose I have a right to say this: that the balance of these compound-interest notes can be taken up by using of the reserve fund in the Treasury the amount over and above that which is necessary to pay the accruing interest on the public debt; or they can be taken up under the provisions of the existing law, which authorizes the Secretary of the Treasury to issue $50,000,000 of legal-tender notes as a temporary loan.

Mr. GARFIELD. With the permission of the gentleman from Iowa, I wish to inquire of him whether there is anything in the bill, as agreed upon by the conference committee, which will legalize the keeping of compound-interest notes by the banks as a part of their reserve?

Mr. PRICE. The bill, if passed in the form agreed upon by the committee, will leave the law in that respect precisely as it has been from the beginning; there will be no change whatever in that respect.

Mr. ROSS. I would like to inquire of the gentleman whether he concurs in this report?

Mr. PRICE. I have signed the report.

Mr. THAYER. I desire to ask the gentleman whether the report does not surrender the whole principle contended for by the House in the bill which we passed?

Mr. PRICE. Mr. Speaker, I have stated to the House the result of the action of the conference committee. I have asked no gentleman to vote for the adoption of this report; and I wish to say now that it does not make a particle of difference to me whether members vote for it or not. I am not here to advocate it further than to say this: if we make no new provision we allow the Secretary of the Treasury to issue $100,000,000 of five-twenty bonds to take up $100,000,000 of compound-interest notes; and if that be done the currency will be contracted to the extent of $100,000,000 within the next year. Under the arrangement embodied in the report $50,000,000 of this amount will be provided for, while the other $50,000,000 may be taken up either in that way or in the manner I have already indicated. It is for the House to decide whether it will adopt the report of the conference committee, as giving us a bill which is better than no legislation, or whether it will reject the report and allow the law to stand as it now is.

Mr. LYNCH. I wish to inquire of the gentleman from Iowa whether this report of the conference committee does not provide for a contraction of the currency to the amount of $50,000,000 more than the bill which we voted down; whether the issuing of $50,000,000 of these demand notes instead of $100,000,000 will not necessitate the substitution of $50,000,000 of legal-tender notes by the banks, instead of the $50,000,000 of these demand notes, which the other bill provided for?

Mr. PRICE. I will try to answer that question, although I thought I had already made the matter plain.

There are, in round numbers, $100,000,000 of these compound-interest notes to be provided for; in fact, the amount is much more than that, but we call it that. This amount must be taken up within the present year. If we take them up with long bonds, we contract the currency to the extent of $100,000,000. That is so plain that no man can mistake it. If we take up $50,000,000 of these compound-interest notes with these other notes, then, so far as concerns those $50,000,000, there is neither contraction nor expansion, but the volume of the currency is left precisely as it was. In reference to the other $50,000,000, it will depend entirely upon the Secretary of the Treasury as to how they shall be taken up. If he takes them up with bonds bearing six per cent. interest then there will be a contraction of the currency to that extent. If he takes them up with money now on hand, or money which under existing laws he is authorized to use in that way, then there will be no contraction. I leave the question with the House, which it will decide for itself.

Mr. THAYER. I want to ask the gentleman from Iowa whether he does not regard it as morally certain that the Secretary of the Treasury will not take up the compound-interest notes with legal-tender notes?

Mr. PRICE. Every gentleman must decide that question for himself.

Mr. HOTCHKISS. I ask the gentleman from Iowa whether I am to understand that this report of the committee of conference is $50,000,000 worse than the bill we have passed and $50,000,000 better than none at all? I

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understand if we pass this we are better by $50,000.000 than if we reject it.

Mr. PRICE. I will answer the gentleman from New York.

Mr. ROSS. Let the gentleman also tell us whether one committee of conference has not surrendered.

Mr. PRICE. I will answer the gentleman from New York. He asks whether the report of the committee of conference is not $50,000,000 worse than the bill passed by the House, and $50,000,000 better than nothing at all. That is pretty nearly true, but not entirely so. It is $50,000,000 better than nothing, but not $50,000,000 worse than the bill passed by the House, for the reason that the Secretary of the Treasury may take up the compound-interest notes with the money he has now on hand. I yield now to the gentleman from Pennsylvania, who is a member of the conference committee.

Mr. STEVENS. I have risen to state exactly the condition of the compromise, not to argue it, as I did not sign the report. Our bill provided for redeeming $100,000,000 of compound-interest notes by issuing non-interest-bearing notes to that amount to take their place. The Senate provided three per cent. scrip instead of legal-tender notes, and they were to be held as reserve by the bank. The committee of conference have not adopted the principle of the House, but have surrendered it so far as to agree to one half of the amount, not one half of the principle of the Senate, but the one half of the sum. I now call the previous question.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that he was directed to communicate to it Senate bill No. 453, concerning the tenure of certain civil offices, with the message of the President returning the same with his objections, and the proceedings of the Senate thereon.

COMPOUND-INTEREST NOTES—AGAIN.

The previous question was seconded and the main question ordered.

Mr. LYNCH moved to lay the report of the committee of conference on the table.

The motion was disagreed to.

The question then recurred on concurring in the report of the committee of conference.

Mr. BENJAMIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 83, nays 83, not voting 25; as follows:

YEAS—Messrs. Ames, Arnell, Delos R. Ashley, Baldwin, Banks, Bergen, Bidwell, Blaine, Boyer, Brandegee, Broomall, Campbell, Chanler, Sidney Clarke, Conkling, Cooper, Darling, Davis, Dawes, Deming, Dixon, Dodge, Donnelly, Eliot, Garfield, Glossbrenner, Goodyear, Griswold, Hale, Hart, Henderson, Hogan, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Jenckes, Kasson, Ketcham, Laflin, George V. Lawrence, Marvin, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Newell, Nicholson, Patterson, Pike, Pomeroy, Price, Radford, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rollins, Scofield, Shanklin, Shellabarger, Sitgreaves, Spalding, Stokes, Taber, Francis Thomas, Upson, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Wentworth, Williams, and Winfield—83.

NAYS—Messrs. Allison, Ancona, Anderson, James M. Ashley, Baker, Barker, Baxter, Beaman, Benjamin, Bingham, Boutwell, Bromwell, Buckland, Bundy, Reader W. Clarke, Cobb, Cook, Cullom, Dawson, Defrees, Delano, Dumont, Eckley, Eggleston, Eldridge, Farnsworth, Farquhar, Ferry, Finck, Grinnell, Abner C. Harding, Harris, Hawkins, Hayes, Higby, Hill, Hise, James R. Hubbell, Ingersoll, Jones, Julian, Kelley, Kerr, Koontz, Kuykendall, William Lawrence, Le Blond, Leftwich, Loan, Lynch, Marshall, Marston, Maynard, McClurg, McKee, Moulton, Myers, Niblack, Noell, O'Neill, Orth, Paine, Perham, William H. Randall, Ross, Sawyer, Schenck, Sloan, Starr, Stevens, Stillwell, Nathaniel G. Taylor, Thayer, Thornton, Trimble, Trowbridge, Van Aernam, Henry D. Washburn, Welker, Whaley, James F. Wilson, Stephen F. Wilson, and Windom—83.

NOT VOTING—Messrs. Alley, Blow, Culver, Denison, Driggs, Aaron Harding, Demas Hubbard, Kelso, Latham, Longyear, Marquette, McCullough, McIndoe, Phelps, Plants, Samuel J. Randall, Rousseau, Strouse, Nelson Taylor, John L. Thomas, Robert T. Van Horn, Andrew H. Ward, Elihu B. Washburne, Woodbridge, and Wright—25.

There being a tie,

The SPEAKER voted in the affirmative.

So the report of the committee of conference was adopted.

Mr. CONKLING. I move to reconsider the vote by which the House agreed to the report of the committee of conference; and also to lay the motion to reconsider on the table.

Mr. THAYER. On the latter motion I demand the yeas and nays.

Mr. CONKLING. I withdraw the motion.

Mr. INGERSOLL. I renew it.

The SPEAKER. Did the gentleman vote with the majority?

Mr. INGERSOLL. No, sir.

The SPEAKER. Then he cannot make it.

Mr. ROGERS. I voted with the majority and I make the motion to reconsider.

Mr. GLOSSBRENNER. I move to lay the motion on the table.

Mr. THAYER. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 72, nays 82, not voting 37; as follows:

YEAS—Messrs. Alley, Ames, Arnell, Baldwin, Banks, Bergen, Bidwell, Blaine, Brandegee, Broomall, Campbell, Chanler, Conkling, Cooper, Darling, Davis, Dawes, Dixon, Dodge, Eliot, Garfield, Glossbrenner, Goodyear, Griswold, Hale, Harris, Hart, Henderson, Hogan, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, John H. Hubbard, Edwin N. Hubbell, Humphrey, Jenckes, Jones, Kasson, Ketcham, Laflin, George V. Lawrence, Marvin, McRuer, Mercur, Miller, Moorhead, Morrill, Newell, Nicholson, Pike, Pomeroy, Price, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rollins, Scofield, Sitgreaves, Spalding, Taber, Francis Thomas, Upson, Burt Van Horn, Hamilton Ward, Warner, William B. Washburn, Wentworth, Williams, and Winfield—72.

NAYS—Messrs. Allison, Ancona, Anderson, Delos R. Ashley, James M. Ashley, Baker, Barker, Beaman, Bingham, Boutwell, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Cullom, Dawson, Delano, Deming, Eckley, Eggleston, Eldridge, Farnsworth, Farquhar, Ferry, Finck, Grinnell, Aaron Harding, Abner C. Harding, Hawkins, Hayes, Higby, Hill, Hise, James R. Hubbell, Ingersoll, Julian, Kelley, Kelso, Koontz, Kuykendall, William Lawrence, Le Blond, Leftwich, Loan, Lynch, Marquette, Marston, Maynard, McClurg, McKee, Moulton, Myers, Niblack, Noell, O'Neill, Orth, Paine, Perham, William H. Randall, Ross, Sawyer, Schenck, Shanklin, Shellabarger, Sloan, Starr, Stevens, Nathaniel G. Taylor, Thayer, Thornton, Trimble, Trowbridge, Van Aernam, Henry D. Washburn, Welker, Whaley, James F. Wilson, Stephen F. Wilson, and Windom—82.

NOT VOTING—Messrs. Baxter, Benjamin, Blow, Boyer, Culver, Defrees, Denison, Donnelly, Driggs, Dumont, Asahel W. Hubbard, Demas Hubbard, Hulburd, Hunter, Kerr, Latham, Longyear, Marshall, McCullough, McIndoe, Morris, Patterson, Phelps, Plants, Radford, Samuel J. Randall, Rousseau, Stillwell, Stokes, Strouse, Nelson Taylor, John L. Thomas, Robert T. Van Horn, Andrew H. Ward, Elihu B. Washburne, Woodbridge, and Wright—37.

So the motion to reconsider was not laid on the table.

During the call of the yeas and nays, the hour of half past four having arrived, the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

WITHDRAWAL OF PAPERS.

On motion of Mr. CLARKE, of Ohio, by unanimous consent, the papers in the case of Mary N. Stickney, heir of John Burrett, were withdrawn from the files of the House.

On motion of Mr. SPALDING, the application of the owners of the bark Thermites, the schooner Widderlite, and the schooner Etowah for registers were withdrawn from the files of the House.

On motion of Mr. PIKE, the papers in the case of the owners of the bark Ange Gardien, were withdrawn from the files of the House.

On motion of Mr. VAN AERNAM, the papers in the case of William G. Ingraham were withdrawn from the files of the House.

NAVAL APPROPRIATION BILL.

On motion of Mr. RICE, by unanimous consent, the amendments of the Senate to the bill (H. R. No. 1176) making appropriations for the naval service for the year ending June 30, 1868, were taken from the Speaker's table and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The SPEAKER stated that the pending question before the House was on the motion to reconsider the vote by which the House this afternoon agreed to the report of the committee of conference on the bill in relation to compound-interest notes.

MISCELLANEOUS APPROPRIATION BILL.

Mr. STEVENS. As the House is not yet full, if there is no objection, I move to take up the amendments of the Senate to House bill No. 1173, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes.

No objection being made the amendments of the Senate were taken up from the Speaker's table and considered.

Sundry verbal amendments were concurred in or non-concurred in upon the recommendation of the committee; other amendments were acted upon as follows:

Thirteenth amendment:

Insert:

For a new light-house at Punta Arenas, California, $64,000.

The committee recommend concurrence.

The amendment was concurred in.

Fourteenth amendment:

Insert:

For a new light-house at Cape Blanco, Oregon, $75,000.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Sixteenth amendment:

Insert:

For purchase of a site and erection of a building for custom-house and post office at Machias, Maine, $20,000.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Seventeenth amendment:

Insert:

For custom-house and post office at Astoria, Oregon, $25,000: *Provided*, That vessels may load and unload at the city of Portland, in said State, under such regulations as may be prescribed by the Secretary of the Treasury.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Twenty-ninth amendment:

Insert:

For construction of a new greenhouse, with central dome and a wing to correspond in size with the present greenhouse in the Botanic Garden, to be built of iron and glass, according to a plan prepared by the architect of the Capitol extension, and approved by the joint Committee on the Library, $35,000, the same to be expended under the direction of the joint Committee of the Library of Congress.

The committee recommend concurrence.

On concurring in the amendment no quorum voted.

Tellers were ordered; and Messrs. ASHLEY, of Ohio, and WARD, of New York, were appointed.

The House divided; and the tellers reported —ayes 58, noes 50.

So the amendment was concurred in.

Thirty-eighth amendment:

Insert:

To enable the Commissioner of Agriculture to erect a Department of Agriculture on reservation No. 2, in the city of Washington, according to the plan proposed by him, to be constructed under the general supervision of law relative to construction of public buildings, $100,000.

The committee recommend non-concurrence.

Mr. DELANO. I understand this is an appropriation introduced by the Senate for the purpose of erecting a building for the Agricultural Department. The importance of the interest which is represented by this Department demands our fostering care and attention, although I am not, as I think I do not intend to be, prodigal of the public funds, yet I believe this appropriation is demanded. I hope ere long that the time will come when this Government will have a department of industry when this agricultural bureau will become one of the

bureaus of that department, and I think this is a proper time to commence this work.

Mr. MAYNARD. I would inquire whether this contemplates the beginning of another large public building or whether it is merely laying the corner-stone?

Mr. FARNSWORTH. It is only for a survey of the ground. [Laughter.]

Mr. DELANO. I do not understand that it contemplates a large public building, but one that will accommodate the necessities of this Department. It has now no building and no place commensurate with its wants and necessities, and unless we intend to do as the Government has heretofore done, ignore the agricultural interest of the country, I hope we shall vote for this appropriation.

Mr. MAYNARD. I do not propose to argue this question. It contemplates, as I understand, the erection of another public building. I think it is hardly a suitable time, at this period of the session, to enter upon such a work, and that we had better postpone it till the next Congress, when it can be considered more maturely. It is a work not for a few years, but for the far distant future of this great capital of the nation.

Mr. BIDWELL. I hope the House will concur in this amendment. It is certainly necessary, if there is to be a Department of Agriculture, to have some building in which to transact the business of that Department. The present accommodations are wholly unsuited for the wants of the bureau. I believe that $100,000 laid out according to the plan proposed, which I have seen, will make a building that will answer for a number of years for the Department. Unless you begin now to do something to answer the agricultural wants of the country they will outgrow the means provided by Congress. It seems to me that of all the Departments of the Government none deserves greater encouragement than that of agriculture. I am looking forward to the time when that will be one of the Executive Departments of the Government. Do gentlemen say that the great agricultural interest of this country ought not to be represented in the Cabinet? If so what interest ought to be there represented? I hope the House will concur in the amendment of the Senate.

Mr. STEVENS. I cannot at this late hour afford to talk. I move the previous question on the amendment.

The previous question was seconded and the main question ordered; and under the operation thereof, there were—ayes 30, noes 69.

Mr. BIDWELL. I call the yeas and nays.

The yeas and nays were refused.

Mr. ANCONA. I call for tellers on concurring in the amendment.

Tellers were ordered; and the Chair appointed Messrs. ANCONA and ELIOT.

The House divided; and the tellers reported—ayes thirty-two, noes not counted.

So the amendment of the Senate was nonconcurred in.

Mr. SCOFIELD. I move to reconsider the vote by which the House agreed to the appropriation of $35,000 for the erection of a Government greenhouse. I think the amendment was not understood. Some gentlemen thought it was for repairs of the greenhouse and the White House, others that it was for some other purpose.

Mr. STEVENS. I move to lay the motion on the table.

Mr. SCOFIELD. I only want a vote by division or tellers.

Mr. STEVENS. With that understanding I withdraw it.

The question being put, there were—ayes 53, noes 62.

Mr. LAWRENCE, of Ohio. I call the yeas and yeas.

On ordering the yeas and nays there were—ayes sixteen.

Mr. LAWRENCE, of Ohio. I call for tellers. I dislike to consume the time, but I hope we shall vote this down.

Tellers were ordered; and the Chair appointed Messrs. SCOFIELD and STEVENS.

The House divided; and the tellers reported—ayes 54, noes 68.

So the motion to reconsider was not agreed to.

Forty-third amendment:

On page 21, after line seventeen, insert the following additional section:

SEC. —. *And be it further enacted*, That the office of Commissioner of Public Buildings is hereby abolished; and it shall be the duty of the President, by and with the advice and consent of the Senate, to appoint a competent civil engineer, whose compensation shall be $4,000 per annum, who shall perform all the duties now required by law of the Commissioner of Public Buildings, and who shall also have the superintendence of the Washington aqueduct and of all public works and improvements of the Government of the United States in the District of Columbia, unless otherwise provided by law; and the President *pro tempore* of the Senate and the Speaker of the House of Representatives shall hereafter appoint the members of the Capitol police.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Forty-sixth amendment:

On page 23, line three, after "number" insert "now allowed by law."

The committee recommend non-concurrence.

The amendment was non-concurred in.

Forty-seventh amendment:

On page 23, line three, after "number" strike out all to "in" on line five.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Forty-eighth amendment:

On page 23, line fourteen, after "exceeding" insert "two dollars per page for the publication of treaties and laws, and not exceeding."

The committee recommend non-concurrence.

The amendment was non-concurred in.

Forty-ninth amendment:

On page 23, line fifteen, after "space" insert "for the publication of advertisements."

The committee recommend non-concurrence.

The amendment was non-concurred in.

Fifty-second amendment:

On page 24, after line three, insert:

Provided, That the rates fixed in this section to be paid for the publication of the treaties and laws of the United States in the States therein designated, shall also be paid for the same publication in all the States not designated in this section.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Fifty-third amendment:

At the end of the bill add the following new section:

SEC. —. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to pay to such persons as were actually employed as assistant assessors in the collection of internal revenue in the rebel States prior to the 1st day of August, 1866, compensation at the rate prescribed by law; and an amount sufficient for that purpose is hereby appropriated out of any money in the Treasury, not otherwise appropriated.

The committee recommend non-concurrence.

The amendment was non-concurred in.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 793) to provide increased revenue from imported wool, and for other purposes;

An act (H. R. No. 859) to declare valid and conclusive certain proclamations of the President, and acts done in pursuance thereof, or of his orders, in the suppression of the late rebellion against the United States; and

Joint resolution (H. R. No. 300) authorizing the Secretary of the Treasury to audit and settle the accounts of John Sedgwick, collector of internal revenue for the third collection district of California.

MISCELLANEOUS APPROPRIATION BILL—AGAIN.

The House resumed the consideration of the amendments of the Senate to the miscellaneous appropriation bill.

Fifty-fourth amendment:

Add the following new section:

SEC. —. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to sell at public auction the following property belonging to the United States, namely: the building and grounds known as the old custom-house at Alexandria, Virginia; the building and grounds known as the old custom-house at New Haven, Connecticut; the building and grounds known as the old custom-house at Portsmouth, New Hampshire; the parcel of ground known as the old custom-house lot at Norfolk, Virginia; the parcel or lot of ground purchased in the city of Perth Amboy, New Jersey, for the erection of a custom-house, and the custom-house and grounds at Sackett's Harbor, New York; and is hereby authorized to make, execute, and deliver the needful conveyances to the purchaser or purchasers thereof.

The committee recommend concurrence.

Mr. LE BLOND. I suppose if the question is raised in regard to that not being germane to this bill, it would perhaps be stricken out.

The SPEAKER. Points of order cannot be made on amendments made by the Senate in accordance with their rules.

Mr. LE BLOND. I understand that this is an amendment reported from the Committee on Appropriations.

The SPEAKER. This is a Senate amendment.

Mr. LE BLOND. I would inquire of the chairman of the Committee on Appropriations [Mr. STEVENS] what is the reason for this appropriation?

Mr. STEVENS. This amendment originated with the Senate, and not in our committee. It is now held by the authorities, I understand, that this property is no longer necessary for the purposes of the Government.

The amendment was concurred in.

Fifty-fifth amendment:

Add the following new section:

SEC. —. *And be it further enacted*, That the Secretary of the Interior be directed to procure an examination to be made of the condition of the public buildings in the Territory of New Mexico, and report to the next Congress an estimate of what amount is necessary to complete the same.

The committee recommend concurrence.

The amendment was concurred in.

Fifty-sixth amendment:

Add the following as a new section:

And be it further enacted, That all advertisements, notices, and proposals for contracts for all the Executive Departments of the Government and the laws passed by Congress, and executive proclamations and treaties, shall hereafter be advertised by publication in the two daily papers published in the District of Columbia, now selected under the act of the first session of the Thirty-Ninth Congress, making appropriation for the service of the Post Office Department during the fiscal year ending the 30th June, 1867, and for other purposes, until otherwise ordered by Congress, and in no other District of Columbia papers: *Provided*, That the charges for such publications shall not be higher than such as are paid by individuals for advertising in said papers: *And provided also*, That the same publications shall be made in each of said papers equally as to frequency.

The committee recommend concurrence, with an amendment, adding the following:

Provided, That whenever any of the Executive Departments shall order any printing of any kind which cannot be done at the Public Printing Office, the Clerk of the House and the Secretary of the Senate shall name the printing office at which it shall be executed; and the rates therefor shall not exceed such as are paid by individuals for advertising in said papers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed, without amendment, joint resolutions and bills of the following titles:

Joint resolution (H. R. No. 282) for the relief of James J. Hudnall;

Joint resolution (H. R. No. 254) for the relief of Almanson Eaton, receiver of public money for the Land Office at Stevens' Point, Wisconsin;

An act (H. R. No. 483) for the relief of Norman J. Hall;

An act (H. R. No. 1168) for the relief of Mrs. Elizabeth F. Chipman, widow of Major Charles Chipman, deceased;

An act (H. R. No. 825) for the relief of Henry Rudd, of Henry county, Iowa;

An act (H. R. No. 346) for the relief of Hugh Leddy; and

An act (H. R. No. 966) for the relief of Ernest F. Kleinschmidt, of Cincinnati, Ohio.

The message also announced that the Senate had passed an act (H. R. No. 1095) to

authorize the Secretary of the Treasury to pay a certain draft to W. W. Potter, late military agent of the State of New York, with an amendment, in which the concurrence of the House was requested.

MISCELLANEOUS APPROPRIATION BILL—AGAIN.

Mr. NIBLACK. I desire to inquire of the chairman of the Committee on Appropriations what two papers the amendment refers to as having been selected under the act of last session for the publication of these advertisements?

Mr. STEVENS. The two papers having the largest circulation have been the Star and the Chronicle. They are the papers which have been selected.

Mr. NIBLACK. Well, sir, I think it is an extraordinary proposition that the heads of the Executive Departments shall not be allowed to control the little patronage that may grow out of this matter of printing. I believe that this is the first time in the history of any Administration that the attempt has been made to deprive the executive officers of this Government of the privilege of distributing their little patronage of this sort to whomsoever they may feel inclined to give it. They are charged with the execution of the laws in this respect; they are charged with the making of these contracts; they are held responsible to the country to some extent for the enforcement of these laws and the proper making of these contracts; and as an incident to the exercise of their official duties they ought certainly to be allowed the poor privilege of designating what particular printing offices shall do the little work that is necessary in the way of publication of notices, &c.

We have a law, or at least a bill which we have passed on this subject will very soon be a law, preventing these executive officers from being removed except with the consent of the Senate. The Senate, therefore, is to have under its charge the appointment of these executive officers, or at least is to control their appointment in this negative way. We permit them to control the appointments to office under them, to appoint whomsoever they choose, and yet, as I have already said, they are to be denied the poor privilege of saying who shall do their printing.

I understand no further amendment is in order; but I would suggest to the chairman to modify the last proviso so as to say that the printing shall not be done in any paper in which the Secretary of the Senate or the Clerk of this House has an interest. The position of those gentlemen would suggest this modification. Delicacy on their part would seem to demand it, although I do not understand this House is much affected by delicacy on any subject. One of them, at least, ought not to be put in the position of selecting his own paper in which these advertisements shall be published, as his duty to his party might seem to him to require. I think the whole thing is extraordinary.

Mr. LE BLOND. I think the gentleman who owns the Chronicle was never known to have any kind of delicacy, and of course he would decide for himself.

Mr. NIBLACK. It is an innovation which I for one cannot favor. My object in rising was to hear what the chairman of the committee had to say. I was not present when the proviso was adopted in committee.

Mr. STEVENS. In regard to advertisements there is a law long since passed in conformity with this arrangement that these advertisements should be published in the two papers having the largest circulation. That law is not altered at all.

While I am up I will say there is an error in transcribing; it should be "Government Printing Office" instead of the "Public Printing Office."

The residue of the provision is for printing blanks, not advertisements, as they are provided for by the law, but for the printing of blanks, ordered largely by the Departments. I will say frankly to the gentleman it has been found on inquiry, ever since the late rebellion, in our party none of the Executive Departments have permitted a single blank to be printed in a Republican office. They have sent every blank in the last two years to the Republican, an apostate paper in this town, to the National Intelligencer, and to another paper more legitimately the organ of the present Administration, the Constitutional Union. Every blank, without a single exception, has been sent to this office ever since the time I have spoken of. It is to control that, I confess, this provision has been put into this bill. It is a matter of strict justice to the large part of the community represented in this House.

Before sitting down, as I cannot modify the amendment of the committee, I move to strike out "Secretary of the Senate." I now call the previous question.

The amendments to the Senate amendment were severally agreed to; and then the amendment of the Senate, as amended, was concurred in.

Fifty-seventh amendment:

Insert:

And be it further enacted, That all laws and parts of laws conflicting with the above provisions with respect to the official advertising in the District of Columbia be, and are hereby, repealed.

The committee recommend concurrence.

The amendment was concurred in.

Fifty-eighth amendment:

Add:

And be it further enacted, That the Secretary of War is authorized at his discretion to increase the pay of the clerks at the United States armory at Springfield, Massachusetts, to $1,200 per annum, instead of $800, as now fixed by law.

The committee recommend concurrence.

The amendment was concurred in.

Fifty-ninth amendment:

Add:

And be it further enacted, That the laws relating to the Army, the Navy, the Militia, and the Marine corps of the United States be published officially in the "United States Army and Navy Journal," at such rates as are fixed by the Secretary of State for publishing the laws of the United States.

The committee recommend concurrence.

The amendment was concurred in.

Mr. STEVENS moved that a committee of conference be requested on the disagreeing votes between the two Houses.

The motion was agreed to.

The SPEAKER appointed Mr. STEVENS, Mr. VAN AERNAM, and Mr. NIBLACK as managers of said conference on its part.

COMPOUND-INTEREST NOTES.

The SPEAKER stated the question recurred on the motion to reconsider the vote by which the House adopted the report of the committee of conference on the compound-interest note bill.

Mr. ROGERS. I withdraw the motion to reconsider.

The SPEAKER. Then the report stands agreed to.

TENURE OF CIVIL OFFICES.

The SPEAKER laid before the House the following message of the Senate:

IN SENATE, *March* 2, 1867.

The President of the United States having returned to the Senate, in which it originated, bill entitled "An act regulating the tenure of certain civil offices," with his objections thereto, the Senate proceeded in pursuance to the Constitution to reconsider the same, and resolved said bill pass, two thirds agreeing to pass the same.

The SPEAKER then laid before the House the following veto message of the President of the United States:

To the Senate of the United States:

I have carefully examined the bill to regulate the tenure of certain civil offices. The material portion of the bill is contained in the first section, and is of the effect following, namely:

That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been appointed by the President, with the advice and consent of the Senate, and duly qualified; and that the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

These provisions are qualified by a reservation in the fourth section, "that nothing contained in the bill shall be construed to extend the term of any office the duration of which is limited by law." In effect the bill provides that the President shall not remove from their places any of the civil officers whose terms of service are not limited by law without the advice and consent of the Senate of the United States. The bill, in this respect, conflicts, in my judgment, with the Constitution of the United States. The question, as Congress is well aware, is by no means a new one. That the power of removal is constitutionally vested in the President of the United States is a principle which has been not more distinctly declared by judicial authority and judicial commentators than it has been uniformly practiced upon by the legislative and executive departments of the Government. The question arose in the House of Representatives so early as the 16th day of June, 1789, on the bill for establishing an executive Department, denominated "The Department of Foreign Affairs." The first clause of the bill, after recapitulating the functions of that officer and defining his duties, had these words: "To be removable from office by the President of the United States." It was moved to strike out these words, and the motion was sustained with great ability and vigor. It was insisted that the President could not constitutionally exercise the power of removal exclusive of the Senate; that the Federalist so interpreted the Constitution when arguing for its adoption by the several States; that the Constitution had nowhere given the President power of removal, either expressly or by strong implication; but, on the contrary, had distinctly provided for removals from office by impeachment only. A construction which denied the power of removal by the President was further maintained by arguments drawn from the danger of the abuse of the power; from the supposed tendency of an exposure of public officers to capricious removal, to impair the efficiency of the civil service; from the alleged injustice and hardship of displacing incumbents, dependent upon their official stations, without sufficient consideration; from a supposed want of responsibility on the part of the President, and from an imagined defect of guarantees against a vicious President, who might incline to abuse the power.

On the other hand, an exclusive power of removal by the President was defended as a true exposition of the text of the Constitution. It was maintained that there are certain causes for which persons ought to be removed from office without being guilty of treason, bribery, or malfeasance, and that the nature of things demands that it should be so. "Suppose," it was said, "a man becomes insane by the visitation of God, and is likely to ruin our affairs: are the hands of Government to be confined from warding off the evil? Suppose a person in office not possessing the talents he was judged to have at the time of the appointment, is the error not to be corrected; suppose he acquire vicious habits and incurable indolence, or totally neglect the duties of his office, which shall work mischief to the public welfare, is there no way to arrest the threatened danger? Suppose he become odious and unpopular by reason of the measures he pursues, and this he may do without committing any positive offense against the law, must he preserve his office in despite of the popular will? Suppose him grasping for his own aggrandizement and the elevation of his connections by every means short of the treason defined by the Constitution, hurrying your affairs to the precipice of destruction, endangering your domestic tranquility, plundering you of the means of defense,

alienating the affections of your allies, and promoting the spirit of discord, must the tardy, tedious, desultory road, by way of impeachment, be traveled to overtake the man who, barely confining himself within the letter of the law, is employed in drawing off the vital principle of the Government?" The nature of things, the great objects of society, the express objects of the Constitution itself require that this thing should be otherwise. To unite the Senate with the President "in the exercise of the power," it was said, "would involve us" in the most serious difficulty. "Suppose a discovery of any of these events should take place when the Senate is not in session, how is the remedy to be applied? The evil could be avoided in no other way than by the Senate sitting always." In regard to the danger of the power being abused if exercised by one man, it was said "that the danger is as great with respect to the Senate, who are assembled from various parts of the continent, with different impressions and opinions;" that such a body is more likely to misuse the power of removal than the man whom the united voice of America calls to the presidential chair. As the nature of Government requires the power of removal, it was maintained "that it should be exercised in this way by the hand capable of exerting itself with effect, and the power must be conferred on the President by the Constitution as the executive officer of the Government." Mr. Madison, whose adverse opinion in the Federalist had been relied upon by those who denied the exclusive power, now participated in the debate. He declared that he had reviewed his former opinions, and he summed up the whole case as follows:

"The Constitution affirms that the executive power is vested in the President. Are there exceptions to this proposition? Yes, there are. The Constitution says that in appointing to office the Senate shall be associated with the President, unless in the case of inferior officers, when the law shall otherwise direct. Have we (that is, Congress) a right to extend this exception? I believe not. If the Constitution has invested all executive power in the President, I return to assert that the Legislature has no right to diminish or modify his executive authority. The question now resolves itself into this: is the power of displacing an executive power? I conceive that if any power whatever is in the Executive, it is in the power of appointing, overseeing, and controlling those who execute the laws. If the Constitution had not qualified the power of the President in appointing to office by associating the Senate with him in that business, would it not be clear that he would have the right by virtue of his executive power to make such appointment? Should we be authorized, in defiance of that clause in the Constitution—'the executive power shall be vested in the President'—to unite the Senate with the President in the appointment to office? I conceive not. It is admitted that we should not be authorized to do this. I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an executive nature as the other; and the first is authorized by being excepted out of the general rule established by the Constitution in these words: 'The executive power shall be vested in the President.'"

The question thus ably and exhaustively argued was decided by the House of Representatives, by a vote of 34 to 20, in favor of the principle that the executive power of removal is vested by the Constitution in the Executive, and in the Senate by the casting vote of the Vice President. The question has often been raised in subsequent times of high excitement, and the practice of the Government has nevertheless conformed in all cases to the decision thus early made.

The question was revived during the Administration of President Jackson, who made, as is well recollected, a very large number of removals, which were made an occasion of close and rigorous scrutiny and remonstrance. The subject was long and earnestly debated in the Senate, and the early construction of the Constitution was nevertheless freely accepted as binding and conclusive upon Congress.

The question came before the Supreme Court of the United States in January, 1839, *ex parte* Herren. It was declared by the court on that occasion that the power of removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of the Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate, and the great question was whether the removal was to be by the President alone or with the concurrence of the Senate, both constituting the appointing power. No one denied the power of the President and Senate jointly to remove where the tenure of the office was not fixed by the Constitution, which was a full recognition of the principle that the power of removal was incident to the power of appointment; but it was very early adopted as a practical construction of the Constitution that this power was vested in the President alone, and such would appear to have been the legislative construction of the Constitution, for in the organization of the three great Departments of State, War, and Treasury, in 1789, provision was made for the appointment of a subordinate officer by the head of the Department, who should have charge of the records, books, and papers appertaining to the office when the head of the Department should be removed from office by the President of the United States. When the Navy Department was established, in the year 1798, provision was made for the charge and custody of the books, records, and documents of the Department in case of vacancy in the office of Secretary, by removal or otherwise. It is not here said "by removal of the President," as it is done with respect to the heads of the other Departments; yet there can be no doubt that he holds his office with the same tenure as the other Secretaries, and is removable by the President. The change of phraseology arose probably from its having become the settled and well-understood construction of the Constitution that the power of removal was vested in the President alone in such cases, although the appointment of the officer is by the President and Senate. (13 Peters, page 139.)

Our most distinguished and accepted commentators upon the Constitution concur in the construction thus early given by Congress, and thus sanctioned by the Supreme Court. After a full analysis of the congressional debate to which I have referred, Mr. Justice Story comes to this conclusion:

"After a most animated discussion, the vote finally taken in the House of Representatives was affirmative of the power of removal in the President without any coöperation of the Senate, by the vote of 34 members against 20. In the Senate the clause in the bill affirming the power was carried by the casting vote of the Vice President. That the final decision of this question so made was greatly influenced by the exalted character of the President then in office was asserted at the time, and has always been believed; yet the doctrine was opposed as well as supported by the highest talent and patriotism of the country. The public have acquiesced in this decision, and it constitutes perhaps the most extraordinary case in the history of the Government of a power conferred by implication on the Executive by the assent of a bare majority of Congress which has not been questioned on many other occasions."

The commentator adds:

"Nor is this general acquiescence and silence without a satisfactory explanation."

Chancellor Kent's remarks on the subject are as follows: "On the first organization of the Government it was made a question whether the power of removal in case of officers appointed to hold at pleasure resided nowhere but in the body which appointed," and of course whether the consent of the Senate was not requisite to remove. This was the construction given to the Constitution while it was pending for ratification before the State conventions by the author of the Federalist. But the construction which was given to the Constitution by Congress after great consideration and discussion was different. The words of the act (establishing the Treasury Department) are, "and whenever the same shall be removed from office by the President of the United States, or in any case of vacancy in the office, the assistant shall act." This amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as a decisive authority in the case.

It applies equally to every other officer of the Government appointed by the President whose term of duration is not specially declared. It is supported by the weighty reason that the subordinate officers in the executive department ought to hold at the pleasure of the head of the department, because he is invested generally with the executive authority, and the participation in that authority by the Senate was an exception to a general principle, and ought to be taken strictly. The President is the great responsible officer for the execution of the law, and the power of removal was incidental to that duty, and might often be requisite to fulfill it. Thus has the important question presented by this bill been settled, in the language of the late Daniel Webster, (who, while dissenting from it, admitted that it was settled,) by construction, settled by the practice of the Government, and settled by statute. The events of the last war furnished a practical confirmation of the wisdom of the Constitution as it has hitherto been maintained in many of its parts, including that which is now the subject of consideration. When the war broke out rebel enemies, traitors, abettors, and sympathizers were found in every department of the Government, as well in the civil service as in the land and naval military service. They were found in Congress and among the keepers of the Capitol, in foreign missions, in each and all of the Executive Departments, in the judicial service, in the Post Office, and among the agents for conducting Indian affairs, and upon probable suspicion they were promptly displaced by my predecessor, so far as they held their offices under executive authority, and their duties were confided to new and loyal successors. No complaints against that power or doubts of its wisdom were entertained in any quarter. I sincerely trust and believe that no such civil war is likely to occur again. I cannot doubt, however, that in whatever form and on whatever occasion sedition can rise, an effort to hinder or embarrass or defeat the legitimate action of this Government, whether by preventing the collection of revenue or disturbing the public peace, or separating the States or betraying the country to a foreign enemy, the power of removal from office by the Executive, as it has heretofore existed and been practiced, will be found indispensable. Under these circumstances, as a depository of the executive authority of the nation, I do not feel at liberty to unite with Congress in reversing it by giving my approval of the bill.

At the early day when the question was settled, and indeed at the several periods when it has subsequently been agitated, the success of the Constitution of the United States as a new and peculiar system of free representative government was held doubtful in other countries, and was even a subject of patriotic apprehension among the American people themselves. A trial of nearly eighty years, through the vicissitudes of foreign conflicts and of civil war, is confidently regarded as having extinguished all such doubts and apprehensions for the future. During that eighty years the people of the United States have enjoyed a measure of security, peace, prosperity, and happiness never surpassed by any nation. It cannot be doubted that the triumphant success of the Constitution is due to the wonderful wisdom with which the functions of government were distributed between the three principal departments—the legislative, the executive, and the judicial—and to the fidelity with which each has confined itself or been confined by the general voice of the nation within its peculiar and proper sphere.

While a just, proper, and watchful jealousy of executive power constantly prevails, as it ought ever to prevail, yet it is equally true that an efficient Executive, capable, in the language of the oath prescribed to the President, of executing the laws within the sphere of executive action, of preserving, protecting, and defending the Constitution of the United States, is an indispensable security for tranquillity at home, and peace, honor, and safety abroad. Governments have been erected in many countries upon our model. If one or many of them have thus far failed in fully securing to their people the benefits which we have derived from

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our system, it may be confidently asserted that their misfortune has resulted from their unfortunate failure to maintain the integrity of each of the three great departments while preserving harmony among them all.

Having at an early period accepted the Constitution in regard to the executive office in the sense in which it was interpreted with the concurrence of its founders, I have found no sufficient grounds in the arguments now opposed to that construction or in any assumed necessity of the times for changing those opinions. For these reasons I return the bill to the Senate, in which House it originated, for the further consideration of Congress, which the Constitution prescribes. Insomuch as the several parts of the bill which I have not considered are matters chiefly of detail, and are based altogether upon the theory of the Constitution from which I am obliged to dissent, I have not thought it necessary to examine them with a view to make them an occasion of distinct and special objections. Experience, I think, has shown that it is the easiest, as it is also the most attractive, of studies to frame constitutions for the self-government of free States and nations.

But I think experience has equally shown that it is the most difficult of all political labors to preserve and maintain such free constitutions of self-government when once happily established. I know no other way in which they can be preserved and maintained except by a constant adherence to them through the various vicissitudes of national existence, with such adaptations as may become necessary, always to be effected, however, through the agencies and in the forms prescribed in the original constitutions themselves. Whenever administration fails or seems to fail in securing any of the great ends for which republican government is established, the proper course seems to be to renew the original spirit and forms of the Constitution itself.

ANDREW JOHNSON.

WASHINGTON, *March* 2, 1867.

The SPEAKER. The question under the Constitution is: "Will the House, on reconsideration, agree to the passage of the bill, the objections of the President to the contrary notwithstanding?"

Mr. HALE. Mr. Speaker, this bill and another covering the same subject occupied the attention of this House for many days and received a full and thorough discussion. At this hour of the session it is not of course expected that it is possible that that discussion can be renewed. I presume there will be no disposition on the part of the House, or any portion of it, to reopen the discussion or to take any other course upon the bill than to come at once to the vote provided by the Constitution; and for the purpose of obviating the necessity of all formal motions by way of the previous question or otherwise, I ask, unless there are gentlemen who have suggestions to make, which I will listen to if desired, that by unanimous consent the bill be put at once upon its passage in the form prescribed by the Constitution.

The SPEAKER. Is there objection? The Chair hears none. The question is: "Shall the bill pass, the objections of the President to the contrary notwithstanding?" The Constitution requires that that question shall be taken by yeas and nays.

The question was taken; and there were—yeas 133, nays 37, not voting 21; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnell, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Barker, Baxter, Beaman, Benjamin, Bidwell, Bingham, Blaine, Boutwell, Brandegee, Bromwell, Broomall, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Cullom, Darling, Davis, Dawes, Defrees, Delano, Deming, Dixon, Dodge, Donnelly, Dumont, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Hawkins, Hayes, Henderson, Higby, Hill, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Ingersoll, Jenckes, Julian, Kasson, Kelley, Ketcham, Koontz, Laflin, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marquette, Marston, Marvin, Maynard, McClurg, McIndoe, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, O'Neill, Orth, Paine, Patterson, Perham, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Spalding, Starr, Stokes, Thayer, Francis Thomas, Trowbridge, Upson, Van Aernam, Burt Van Horn, Robert T. Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—133.

NAYS—Messrs. Ancona, Bergen, Boyer, Campbell, Chanler, Cooper, Dawson, Eldridge, Finck, Glossbrenner, Goodyear, Aaron Harding, Hise, Hogan, Edwin N. Hubbell, Humphrey, Hunter, Jones, Le Blond, Leftwich, Marshall, McCullough, Niblack, Nicholson, Radford, Ritter, Rogers, Ross, Shanklin, Sitgreaves, Strouse, Taber, Nelson Taylor, Thornton, Trimble, Andrew H. Ward, and Winfield—37.

NOT VOTING—Messrs. Blow, Culver, Denison, Driggs, Harris, Demas Hubbard, Kelso, Kerr, Kuykendall, Latham, Noell, Phelps, Samuel J. Randall, Rousseau, Stevens, Stilwell, Nathaniel G. Taylor, John L. Thomas, Elihu B. Washburne, Whaley, and Wright—21.

The SPEAKER. Two thirds having voted in the affirmative, and it having been certified that the Senate of the United States, after considering the objections of the President, by a two-third vote agreed, on reconsideration, to the passage of the bill, and the House on similar reconsideration having agreed to its passage by a similar vote, I do by the authority of the Constitution declare that an act regulating the tenure of certain civil offices has become a law, the objections of the President to the contrary notwithstanding. [Slight applause.]

Mr. HALE. Is a motion to reconsider and lay on the table necessary?

The SPEAKER. It is not. The vote cannot be reconsidered.

NAVAL APPROPRIATION BILL.

Mr. KASSON, from the Committee on Appropriations, reported back the amendments of the Senate to bill of the House No. 1176, making appropriations for the naval service for the year ending 30th June, 1868.

The Clerk read the first amendment of the Senate, as follows:

Page 2, after line eleven insert:

For purchase of wharf adjoining the navy-yard at Charlestown, Massachusetts, $135,000: *Provided*, That this sum shall cover the whole cost of the property and it can be acquired on terms satisfactory to the Secretary of the Navy.

The Committee on Appropriations recommended concurrence in the amendments.

Mr. BANKS. I rise to a question of order. This amendment makes an appropriation. I submit that it is necessary that it shall be first considered in Committee of the Whole.

The SPEAKER. The Chair decides that unless the rules be suspended this amendment with the other amendments to this bill must be referred to the Committee of the Whole on the state of the Union.

Mr. KASSON. Then I move to suspend the rules.

Mr. BANKS. I trust the rules will not be suspended for that purpose.

Mr. KASSON. I know of no other way in which the necessary appropriations for carrying on the naval Department can be made.

Mr. BANKS. This is not a necessary appropriation. It has been defeated in two Congresses.

Mr. KASSON. The fate of the whole bill is involved, and if objection is made to the consideration of the amendments in the House I shall move to suspend the rules.

Mr. BANKS. I object.

Mr. KASSON. Then I move to suspend the rules, so that the amendments may be considered in the House.

The question was put; and there were—ayes 52, noes 44.

So (two thirds not voting in the affirmative) the rules were not suspended.

Mr. BANKS. If the gentleman will waive this amendment I will not object to the consideration of the others in the House.

Mr. KASSON. I am perfectly willing to have a separate vote on the question of concurrence. We must have it in fact and we may as well have it in the House.

If I could see any object in going into Committee of the Whole on the state of the Union I should not object. The whole question of the appropriations necessary for the support of the Navy is united in this bill, and we can have a separate vote in the House on this amendment.

Mr. BANKS. I will not waive the point of order if this appropriation is to be forced upon the House. It is an unjust appropriation, unjust to the people of Charlestown, unnecessary to the Government, and a waste of money.

Mr. STEVENS. May I say that this objection may involve the loss of the whole bill.

Mr. BANKS. I would rather that the bill should be lost than this appropriation should be made.

Mr. STEVENS. We can have a separate vote on this amendment.

Mr. BANKS. I must persist in my objection if this amendment is to be pressed. If gentlemen will agree to a non-concurrence in the amendment I will not insist on the objection.

Mr. KASSON. We agree that there shall be a vote on it.

The SPEAKER. The Chair will state that if the bill is referred to the Committee of the Whole on the state of the Union it will come up for consideration after the deficiency bill is disposed of. The deficiency bill is now pending unfinished in the Committee of the Whole on the state of the Union.

Mr. KASSON. There is a great deal of labor to be done by the Clerks in engrossing the bill, and it is of great importance that it should be put in hand at an early time.

The SPEAKER. The gentleman from Massachusetts insists on his objection, and the amendments of the Senate are referred to the Committee of the Whole on the state of the Union.

TOWNS ON PUBLIC LANDS.

Mr. BIDWELL. I ask unanimous consent for the House to take from the Speaker's table and consider the amendment of the Senate to the amendment of the House to the bill of the Senate No. 532, for the relief of the inhabitants of cities and towns upon the public lands.

No objection was made.

The amendment of the Senate to the amendment of the House, was as follows:

Add to the end of the amendment of the House, as follows:

And provided further, That no title shall be acquired under the provisions of this act to any mine of gold, silver, cinnabar, or copper.

Mr. BIDWELL. I move the amendment of the Senate be concurred in.

The amendment was concurred in.

Mr. BIDWELL moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. STEVENS. I move that the rules be suspended, and that the House now resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended, and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and resumed the consideration of the special order, being House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes.

The pending paragraph was the following:

For the purpose of aiding the American Colonization Society by furnishing conveyance and support to such parties as may desire to emigrate to the republic of Liberia, $50,000.

The pending question was upon the amendment of Mr. DAVIS, to add to the paragraph the following:

Provided, however, That no portion of the sum hereby appropriated shall be expended or drawn from the Treasury until after the existing laws of the re-

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public of Liberia excluding white men from the right of suffrage, on account of color, shall be repealed, and official evidence of such repeal shall be filed in the office of the Secretary of State of the United States.

Mr. DAVIS. I have ever been a supporter of the American Colonization Society. I believe it has conferred vast benefits upon the people of Africa as well as upon the colored people in this country. And if this Government were now in a condition to make an appropriation of $50,000, $100,000, or $200,000 for the benefit of this society in Africa I should feel I was doing a just and proper missionary work in voting for it. But in the present condition of the country I think we would be unwise to make this appropriation; especially when we know that the republic of Liberia excludes from the right of the elective franchise any man who is not an African by blood; no white man is allowed to exercise the right of franchise within the domain of that republic.

Now, in this country we have been setting an example which I think they should follow before we expend any money for their benefit. We have opened the gates wide in the District of Columbia and allowed men to vote without reference to their race or color; and I have no doubt we will soon allow all people to vote without regard to sex.

I think it would be unwise to make this appropriation at this time; and I shall vote against the appropriation with or without the amendment which I have offered, because I do not believe that when a public debt of vast magnitude is pressing upon the country, I am opposed to it, especially when we have refused to adopt measures to increase our revenue by a proper protection of our national industry; when we have failed to adopt legislation which would invite enterprise and capital to our country. Therefore I do not think we should now go into business as a missionary society. If we have any money to appropriate for missionary services, I recommend that it should be applied in this country, and that, too, not a great way from the capital of this Republic.

Mr. MAYNARD. I will say that if we have money to appropriate for the Freedmen's Bureau we can certainly appropriate some money for this colonization society, for in my humble judgment this is the most economical mode in which we can dispose of our money. I simply desire to say that in my judgment $50,000 expended in this way is more economically, wisely, and justly expended than the same amount possibly can be for the Freedmen's Bureau.

I now append to my remarks, and make a part of them, the following address of our former consul-general at Liberia, Mr. Hanson:

Address of Hon. Abraham Hanson, consul general from the United States:

"In order to assure you how far you may give credence to my words, suffer me to state what means of information I have had.

"In May, 1862, I accepted the humble, but honorable office of commercial agent of the United States in Monrovia. In December, 1863, the position of Commissioner and consul general of the United States to the republic of Liberia was intrusted to my hands, the duties of which I still continue to discharge. I have resided in Liberia about three years. During this time I have interested myself in whatever promised to extend and strengthen the commercial and friendly relations between the two countries. I have made several visits along the coast and up the rivers, going from farm to farm, and from house to house, and thus, from verbal statements and personal observation, have acquired a knowledge of the industrious habits and domestic comforts of the citizens.

"In every direction new plantations are being commenced, and old ones materially enlarged and improved, so that I can testify that the progress in this department promises well for the future, and full development of the rich resources of the prolific soil.

"Coffee bids fair to become the basis of many an independent fortune. It is cultivated with care, and with comparatively small expense. Its maturity and fruitfulness are not retarded, but rather advanced, by the use of the intervening space for the growth of smaller plants. The entire lack of suitable machinery for milling has heretofore deterred many from engaging in this branch of agriculture; but this want, I am happy to state, is soon to be supplied, and you may expect in a few years a regular shipment of large quantities of coffee, as palatable and nutritious as any that is produced in any other part of the world.

"Sugar-cane has, I think, received a much larger share of attention than coffee, owing chiefly to the fact that it yields an earlier return. There are four steam sugar-mills along the banks of the St. Paul's river, besides several wooden mills. Had I been a commercial man I would have brought home orders for a dozen mills from parties who are generally responsible, and who offer a reasonable guarantee to secure the payment. Specimens of cane have been brought to my office more than sixteen feet in length and from seven to eight inches in circumference at the base, of one season's growth. More than one third of the juice of such cane is lost to those who have only wooden mills to express it.

"The article of cotton is not yet extensively cultivated, though I believe it is attracting more attention than formerly, and that which has been exported has commanded a high price and much praise for its superior staple.

"But it would be presumptuous in me to enter into minute details of the various productions of the soil of Liberia before such an audience as I conceive this to be. I may say for the satisfaction of the officers and members, as well as patrons of this society, that I know from observation that the glowing reports which now come to you from month to month, and which appear in your various periodicals and magazines, are in the main founded upon tangible facts.

"There is not, there need not be on all this globe, a richer soil, a soil which yields more prompt and ample returns to the labor of the industrious husbandman than that of Liberia. She has land enough to give a free home to millions who may go hence to aid in her future progress; a home where numerous, various, and substantial products may be obtained with less than half the labor required in many other countries. And, moreover, it is obvious to those who know the habits of the aborigines, their aptitude to trade, especially, that as Christian civilization and commerce advance, the door of the almost illimitable interior will be thrown open, not by force of arms, by deeds of blood, or exterminating influences, but by the firm and steady progress of the arts and sciences.

"The present condition of the people of this republic is encouraging. On every hand I have seen the proofs of useful industry. All along the rivers, as well as in the settlements on the coast, the bambo hut, the log-cabin, and sometimes the frame house, begin to give way for the commodious and substantial stone or brick edifice. They are furnished as good taste would dictate, not with what is usually termed elegance, but with modern conveniences to an extent beyond what many would expect to find in that far-off land. In accepting of the generous hospitalities of Liberian merchants and planters I have always found their tables supplied with the substantial elements of food.

"Perhaps it is expected that I should say something in reference to the climate of Liberia. From its location on the globe you will naturally infer that it is uniformly warm. My residence in Monrovia is in six degrees and nine minutes north latitude, but though so near the equator the air is tempered daily by breezes from the sea. The seasons of the year are two, the rainy and the dry; the former commences with May, and the latter with November. The thermometer averages about seventy-five degrees Fahrenheit, and seldom rises above ninety degrees in the shade. Yet, with all these elements of comfort, it is not the white man's home. Africans, who have descended from an ancestry absent from the continent for from one to two centuries, can, with good habits and proper care, survive the change and enjoy health, while the white man droops and dies.

"My observation leads me to the conclusion that a greater amount of mortality is occasioned by unseasonable anxiety, unfounded apprehensions of danger, unreasonable and immoderate bodily exercise, want of abstinence from improper food during convalescence, the want of suitable remedies during the fiercest attacks of fever, than from the actual and, if I may use the term, the unavoidable or curable effects of fever.

"Hear what the eloquent and learned Hon. E. W. Blyden said to his fellow-citizens, on the 26th of July last, the anniversary of the independence of the nation which he serves as secretary of state. Speaking of their location on the coast, he says: 'Here is a land adapted to us, given to us by Providence—peculiarly ours, to the exclusion of alien races. On every hand we can look and say it is ours. Ours are the serene skies that bend above us; ours the twinkling stars and brilliant planets, Pleiades and Venus and Jupiter; the thunder of the clouds; the roaring of the sea; the rustling of the forest; the murmur of the brooks; and the whispers of the breeze.'

"The Liberia college stands as a noble monument of the munificence of its founders. Under the presidency of Hon. J. J. Roberts, the benefactor of his race, and with the coöperation of the able faculty, a foundation is being laid, broad, deep, extensive, and permanent, to raise up instruments for Africa's redemption from thralldom and from darkness.

"As the immigrant plants his feet upon the soil of his ancestors, and directs his wandering gaze from point to point, he beholds Christian temples rearing their humble but inviting fronts. He listens to the 'church-going bell.' He hears voices, joining in hallelujahs to God, which rend the still air, and ascend as incense to the skies; while countenances irradiated with ineffable, heaven-born brightness, assure him that here Jehovah is known and worshiped; that Christ is honored and adored; and that the Holy Ghost diffuses his convincing, quickening, regenerating, sanctifying, saving power. Among all classes in Liberia, from the president down to the humblest walks of life, you can find those upon whom the badge of Christian discipleship is placed with honorable prominence.

"And now I must close by asking, who can take a careful glance at what the people of Liberia were; at the circumstances which have surrounded them; at what they have accomplished, and at what they are, and what they are doing to-day, and not pause and wonder, and give God thanks, and take courage? Liberia lives, yonder, a striking monument, not less remarkable to me than the bush burning with fire, yet unconsumed! And what is more, my humble faith in the immortal promises of God assures me that she shall continue to live and grow, for she is emphatically a foster-child of Providence. In spite of the supineness of some of her professed friends, and the sneers and open opposition of her cruel foes, she is stronger to-day in moral power and political wisdom than ever she has been before.

"Were I a member of that race, with my knowledge of the tremendous weight that still oppresses them, and of the illimitable field which invites them to Liberia, with its innumerable facilities for comfort, independence, and usefulness, I should gather my family around me, and embark on board the first vessel bound for that distant shore, even if I had to avail myself of the generous aid which the Colonization Society offers."

The CHAIRMAN. All debate is closed by order of the House upon the pending paragraph and amendment.

The question was upon the amendment of Mr. DAVIS.

The amendment was not agreed to.

The question recurred on the amendment of Mr. THAYER, to strike out the paragraph.

On the amendment there were—ayes 77, noes 22.

So the amendment was agreed to.

Mr. ROSS. I move to amend by inserting in lieu of the paragraph just stricken out, an appropriation of $25,000 for the same purpose. I offer this amendment for the purpose of saying——

The CHAIRMAN. No debate is in order, debate having been closed on the paragraph.

Mr. ROSS. Then, I withdraw the amendment.

Mr. SLOAN. I move to amend by inserting the following as a new paragraph:

No money shall be paid out of the Treasury toward the construction of the new jail for the District of Columbia, unless the letting of the contract for the building of said jail shall be suspended and delayed until perfected plans for the entire work shall have been completed and approved by a board of three, composed of disinterested and competent engineers, of which Quartermaster General Meigs shall be one; nor unless the letting of such contract shall have been open to fair and equal competition, on reasonable notice, printed in two leading newspapers published in the city of Washington after such approval of such new and perfected plans.

On agreeing to the amendment there were—ayes twenty-five, noes not counted.

So the amendment was not agreed to.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 1161) to amend existing laws relating to internal revenue.

The message also announced that the Senate had passed an act (H. R. No. 1166) making appropriations for the naval service for the year ending 30th June, 1868, with amendments, in which the concurrence of the House was requested.

The message also announced that the Senate had postponed indefinitely bills of the following titles:

An act (H. R. No. 531) for the relief of the legal representatives of Major John A. Whitall, late paymaster in the United States Army, deceased, on account of lost or stolen vouchers; and

An act (H. R. No. 824) for the relief of Edward Blanchard.

The message also announced that the Senate had passed without amendments bills and a joint resolution of the following titles:

An act (H. R. No. 1059) for the relief of Sylvanus Sawyer and William E. Ward;

An act (H. R. No. 710) to pay and discharge certain debts and expenditures to the corporation of the city of Washington; and

A joint resolution (H. R. No. 174) authorizing the Secretary of the Treasury to audit and pay the claim of John R. Beckley.

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DEFICIENCY BILL—AGAIN.

The House resumed in Committee of the Whole on the state of the Union the consideration of the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes.

The Clerk read the following:

For dredging and maintaining the channel of the river Thames, near Norwich, in the State of Connecticut, to complete the work, $36,000.

Mr. HUBBARD, of Connecticut. I move to amend by inserting at the end of the paragraph just read the following:

For deepening and improving Westport Harbor, Connecticut, $2,500.

Mr. BRANDEGEE. If my colleague insists on that amendment, I shall be under the necessity of raising the point of order that this is not a proper amendment to the pending paragraph, but should appropriately be introduced as a distinct paragraph.

The CHAIRMAN. The Chair is of opinion that the amendment is in order.

Mr. BRANDEGEE. Well, sir, I appeal to my colleague not to prejudice the appropriation which the committee has reported by the amendment which he offers.

Mr. HUBBARD, of Connecticut. I do not think that this amendment will prejudice the appropriation reported by the committee, because the House can adopt or reject the amendment as it sees fit.

Now, sir, I desire to say with reference to this amendment, that some time since an appropriation of $8,000 was made for the purpose of cutting a channel in this harbor. I am now informed and believe that unless this small appropriation of $2,500 be made for the purpose of completing this work the original appropriation will be wasted. I believe that in proposing this amendment I have the concurrence of the Committee on Appropriations. I have also a letter from the Secretary of the Treasury recommending this appropriation. The amount is but small, and I hope the House will agree to it.

Several MEMBERS. All right.

The amendment was agreed to.

Mr. DODGE. I move to insert the following:

For removing the wreck of a vessel and the sand bar occasioned thereby in the main ship channel off Sandy Hook in accordance with the report of General Humphroy, chief of the United States Engineers, and to be expended under the direction of the War Department, $6,000, or so much thereof as may be necessary.

Mr. SCOFIELD. I rise to a point of order. The amendment is not germane to the bill. It is not in pursuance of any law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROSS. I move to insert the following:

SEC. —. That the republic of Liberia constitute the sixth military district under the military bill just passed, and that a brigadier general be at once assigned to take control of the same.

[Laughter.]

The CHAIRMAN. The amendment is not in order.

The Clerk read as follows:

For services rendered by the late F. M. Rotch, in furnishing an original article "on cattle" for the Agricultural Report of 1861, $212 50, to be paid to the widow.

Mr. LAWRENCE, of Ohio. I make the point of order that this paragraph is not in order in this bill.

The CHAIRMAN. The point of order comes too late.

Mr. RICE, of Maine. I move to insert the following:

To enable the Commissioner of Public Buildings to pay to M. Reynolds, John McNally, Patrick Kilfoie, Peter Cole, and John McCarthy $100 for extra labor on President's garden and grounds prior to 4th of March, 1865, $500.

This amendment has been recommended by the Committee on Public Buildings and Grounds. These five men were laborers upon the grounds of Mr. Lincoln while he was President during the troublous times of the war. It is in evidence that Mr. Lincoln agreed they should have extra compensation. We have given them $100 each. The services rendered were meritorious. My judgment is the amount is too small.

The amendment was agreed to.

Mr. HAYES. I move the following amendment:

To enable the Committee on the Library to pay the balance due to P. R. Fendall for labor performed in editing the Writings of James Madison, $2,100.

The Committee on the Library was authorized to publish these Writings, and Mr. Fendall was employed to do a part of the work, and he did it, as every man familiar with the work knows, well. The compensation given to him is only fair and proper.

The amendment was agreed to.

Mr. ALLEY. In order to stop one of the leaks in the Treasury I offer the following amendment:

And be it further enacted, That the paragraph of section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864, as follows, to wit:

"On lastings, mohair cloth, silk twist, wool, or other manufactured cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, bootees, gaiters, and buttons exclusively, not combined with India-rubber, ten per cent. *ad valorem*," be, and the same is hereby, repealed.

Mr. KASSON. I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For defraying the expenses incurred by the Department of State by sending telegraphic dispatches over the Atlantic cable, $30,000 for the current year.

Mr. SLOAN. I move to strike out $30,000 and insert $15,000.

Mr. SCOFIELD. When $250,000 was appropriated for the contingent fund of the State Department I inquired of my colleague, the chairman of the Committee on Appropriations, what it was for. He said among other things it was for telegraphic dispatches over the Atlantic cable, law suits, &c. If we appropriated for it, then why should we again appropriate for the same purpose?

Mr. CONKLING. That was before the "long dispatch" was sent. [Laughter.]

Mr. SCOFIELD. I understand McCracken's letter came by mail, but that the inquiries to our ministers were sent by telegraph. Now, I would like to know from the Committee on Appropriations, when the State Department has already had $250,000, why he proposes to give it $30,000 more for telegraphing.

Mr. STEVENS. The reason is that none of it is found to be applicable to that. This amount of $30,000 is to pay for what we have already incurred, what we owe to that company. I will say that there was one dispatch that cost $17,000.

Mr. CONKLING. To whom was that sent?

Mr. STEVENS. To our minister in France.

Mr. CONKLING. Not to McCracken.

Mr. BOUTWELL. I would like to ask the chairman of the committee whether, under the practice of the Government, any person has any knowledge of the manner in which the contingent fund of the civil department is expended.

Mr. STEVENS. The gentleman knows as well as I do that the contingent fund is not audited by any committee of Congress.

Mr. BOUTWELL. I think there is a necessity for some process by which at least a committee of this House shall know how the contingent fund of the civil department of the Government is expended—the secret service money that has been expended during the present Administration.

Mr. MAYNARD. I understand it is the business of the House Committee on Expenditures in the State Department to examine and report on that subject.

Mr. BOUTWELL. If that committee has not examined the matter, then the proper authority should take proper means to have an examination.

Mr. STEVENS. There is no instance since the foundation of the Government where a report has been made upon the disposition of the secret service fund.

Mr. SLOAN's amendment was disagreed to.

The Clerk read as follows:

For improvements in the Supreme Court room, and the stairway and passages connected therewith, and in the manner of heating and ventilating the same, $15,000.

Mr. KASSON. I move to strike out that paragraph; the same provision has been made in another bill.

The amendment was agreed to.

Mr. BOUTWELL. I propose the following amendment as a new paragraph:

For furnishing rooms for the court of the United States at Charleston, South Carolina, $5,000.

At the present time there are neither rooms nor any conveniences whatever for the courts in the district of South Carolina. The Secretary of the Interior has apartments which he can use, but he has no money for furnishing them. The Committee on the Judiciary are satisfied that an expenditure of this sort ought to be made. The sum is believed to be reasonable, and I trust the Committee on Appropriations will not oppose it.

Mr. STEVENS. The collector of the port of Charleston was before the committee and asked for $10,000 to provide accommodations for his business in the custom-house, to repair the roof which had been injured by bombardment. The committee put in $25,000 to provide all suitable offices, being $15,000 beyond what was asked for by the collector.

Mr. BOUTWELL. I will withdraw this amendment and ask to have some words inserted in the next paragraph.

The Clerk read as follows:

For preservation and care of the unfinished custom-house building at Charleston, South Carolina, and fitting up the interior to provide suitable offices for the use of the United States, $25,000.

Mr. STEVENS. I move to insert after the word "offices" the words "including court-rooms."

The amendment was agreed to.

Mr. BIDWELL. I move the following amendment as a new paragraph:

For the payment of outstanding California war bonds, the unexpended balance of the sum heretofore appropriated for that purpose and carried to the surplus fund 30th June, 1863, namely, $10,188 63.

Mr. STEVENS. I raise the point that this is not in order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To enable the Light-House Board to erect in the lower bay of New York one or more permanent beacons, $45,000.

Mr. ALLEY. I move to strike out the word "forty," and for the reason that I do not think the Government can afford to pay that sum unless it shall adopt a proviso which I will send to the Chair. I will give my reasons for so doing, after which I will offer the proviso, believing that no gentleman upon this floor will object to its insertion here. About twenty years ago under the tariff which was passed at that time a provision was inserted that lasting, mohair cloth, and shoe-lacings——

Mr. SLOAN. I raise the point that this discussion is not in order.

The CHAIRMAN. The Chair thinks the gentleman is in order.

Mr. ALLEY. I am giving my reasons why I move to strike out the word "forty." I say that the Government cannot afford to pay $45,000 unless it will stop some leakages and prevent certain frauds upon the Treasury, among which is the one to which I refer. It occurs in this manner: under the tariff of 1846 it was provided that lasting, mohair cloth, and shoe-lacings should be imported at a duty of ten per cent. provided they were used exclusively for shoes, cut into patterns so that they could be used for no other purpose.

Mr. RADFORD. I raise the point of order that the gentleman is not confining himself to the amendment under consideration.

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The CHAIRMAN. The Chair overrules the point.

Mr. ALLEY. If they were imported in the piece they were to come in under a twenty per cent. duty. As long as it remained at twenty per cent. it was no inducement for the importers or manufacturers to import them in patterns cut expressly for shoes. But after that duty was raised to fifty per cent. a very few manufacturers in some of the large cities sent their——

Mr. HILL. I raise the point of order, that the gentleman is neither discussing his amendment nor anything pertaining to it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The Clerk read as follows:

To enable the Secretary of the Treasury to purchase the stereotype plates and copyright of the American Coast Pilot, $20,000.

Mr. LAFLIN. I move the following as an additional paragraph:

To enable the Secretary of the Treasury to settle with Louis Heyl for services rendered in the compilation of "The Digest of the Statutes of the United States upon Imports," upon such terms as in his judgment shall be just and equitable: *Provided*, That the amount paid by him shall be in full satisfaction of the above-named services, the sum of $1,000, or so much thereof as may be necessary.

Mr. SPALDING. That is already in one of the bills.

Mr. LAFLIN. I think the gentleman is very much mistaken.

Mr. SPALDING. We passed upon it this very day.

Mr. LAFLIN. If that is so I withdraw it.

The Clerk read as follows:

To enable the Secretary of the Interior to carry into effect the provision of the seventh section of the act of Congress entitled "An act granting the right of way to ditch and canal owners over public lands, and for other purposes," approved July 26, 1866, $36,000.

Mr. DAVIS. I would like some information as to where the expenditure is to be made.

Mr. HIGBY. The title of the law that we passed rather tends to mislead. It has reference to the mineral land. The law which was passed last session provided for the sale of mineral lands embracing many thousands of square miles.

Mr. LOAN. I offer the following amendment as an additional section:

SEC. —. *And be it further enacted*, That the unexpended balance of the appropriation made for defraying the expenses of the Legislative Assembly of the Territory of Nebraska, is hereby directed and set aside for the purpose of procuring a geological survey of Nebraska, said survey to be prescribed under the direction of the Commissioner of the General Land Office.

The amendment was agreed to.

Mr. SCOFIELD. Mr. Chairman, I have examined the amendment offered by the gentleman from New York [Mr. DODGE] and I am satisfied it ought to pass. I therefore withdraw my objection on the point of order I raised, so that the gentleman may offer his amendment.

Mr. DODGE. I offer the following amendment as an additional paragraph:

For removing wreck of a vessel and the sand-bar occasioned thereby in the main ship-channel of Sandy Hook, in accordance with the report of General Humphrey, chief of the United States Engineers, to be expended under the direction of the War Department $6,000, or so much of said sum as may be necessary.

I wish to say to the House that this is to remove the wreck of a large schooner that was sunk directly across the channel of Sandy Hook. The Government engineer reports that a sand-bar six feet high has already accumulated. It is a matter of importance, and the Committee on Commerce recommend that it shall be adopted.

The amendment was agreed to.

Mr. SCHENCK. I move the following section, to be inserted after the paragraph last read:

SEC. —. *And be it further enacted*, That to enable the Secretary of War to carry out the award of the Department in favor of the heirs and legal representatives of George Fisher, deceased, for military spoliations by the United States troops during the war with the Creek Indians, the appropriation contained in the first section of the original act for the relief of the claimants, approved April 12, 1848, shall not be allowed to lapse in consequence of a delay in the adjustment; and the same is hereby reënacted and made available; and that the rescinding resolution approved March 2, 1861, suspending the case be, and is hereby, repealed: *Provided*, That the Secretary of War shall examine the said award and see that no taint of fraud or mistake in calculation attaches thereto.

I wish I had an opportunity to submit the papers upon this subject which I have examined, and which have been submitted to the chairman of the Committee on Appropriations, [Mr. STEVENS.] I will state very briefly what this amendment means. The estate of Mr. Fisher, represented by Mr. Gordon, the administrator, had a claim against the Government for spoliations committed in the Creek war. The claim being recognized by Congress, a joint resolution was passed authorizing the adjustment of this claim upon the submission of the whole matter to the Secretary of War. The Secretary of War examined the whole matter, and made an award of $84,000. All of that award has been paid except about $7,000.

In the mean time it was suggested to Congress by some one that there was a miscalculation made by the Secretary of War; that there was something in the award made by him arising out of the wrong calculation which was made, and a new resolution was proposed rescinding the former action of Congress upon the subject. But it was thought by some that, notwithstanding this action, the right to the whole of the $84,000 had accrued, and that the Court of Claims could award it to the claimants. The Court of Claims, however, have decided that the only remedy is in Congress; that they consider the last resolution of Congress as preventing any action on their part.

Now, what is proposed by the amendment which I have offered is to go back and let the whole matter in regard to this remaining claim of $7,000 be submitted to the Secretary of War to make an award and see that there is no fraud or miscalculation in the award that he makes. The amendment does not make any appropriation, but proposes to allow the present Secretary of War, or any future Secretary of War before whom the case might come, to make an investigation and award as originally proposed by Congress.

The amendment was agreed to.

Mr. SLOAN. I move as an amendment to insert the following:

SEC. —. *And be it further enacted*, That no money shall be paid out of the Treasury toward the construction of the new jail for the District of Columbia unless the letting of the contract for the building of the said jail shall be suspended and delayed until perfected plans for the entire work shall have been completed and approved by a board of three, composed of disinterested and competent engineers and architects, of whom Quartermaster General M. C. Meigs and A. B. Mullett, architect of the Treasury Department, shall be two; nor——

Mr. STEVENS. I must interrupt the gentleman by rising to a point of order. My point of order is that this amendment is not germane to the bill, and is therefore not in order.

The CHAIRMAN. The Chair sustains the point of order; and rules that the amendment of the gentleman from Wisconsin [Mr. SLOAN] is not in order.

Mr. HILL. I move to amend line one hundred and eighty-four by striking out the word "thirty," with a view of making an inquiry and obtaining some information upon this subject. At the last session of Congress we passed an act, of which the seventh section is as follows:

"*And be it further enacted*, That the President of the United States be, and is hereby, authorized to establish additional land districts and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this act."

Mr. KASSON. I am not able to hear the gentleman from Indiana [Mr. HILL] well enough to determine whether the proposition he has made is in order or not. I mention this for the purpose of saying that I wish to reserve to myself the right to object to it as soon as I can find out what his proposition is.

Mr. HILL. I have made a motion to strike out the word "thirty" in line one hundred and eighty-four rather to get information than on account of any hostility to this provision.

Mr. KASSON. I thought this had been passed over entirely, and that we had been acting upon additional sections.

Mr. HILL. That point had been already made and decided in my favor before the gentleman from Iowa [Mr. KASSON] arose.

Mr. KASSON. That is in consequence of the difficulty of hearing here.

Mr. HILL. I will now proceed with my remarks. I am unable to see the necessity of appropriating $36,000 to carry out the provisions of the law referred to in this provision, when it does not appear that any such offices have been established.

The clause of this bill to which I refer is in the following words:

To enable the Secretary of the Interior to carry into effect the provisions of the seventh section of the act of Congress entitled "An act granting the right of way to ditch and canal owners over public lands, and for other purposes," approved July 26, 1866, $36,000.

Now, I am willing to yield to any gentleman here who can give me the information I desire.

Mr. KASSON. I will say in reply to the gentleman from Indiana [Mr. HILL] that under that act the establishment of land offices in a great many of the Territories where they did not exist then were provided for. How many of these land offices will be required to be established it is not possible now to state. The demand for new lands in these new Territories for settlers is increasing very rapidly; and the opinion of the Commissioner of Public Lands is that it will be necessary to establish a considerable number of these land offices; and he has asked for money enough to establish all that may be found necessary within the terms of the act that gives the authority for their establishment.

Now, the Commissioner of Public Lands has shown a disposition to economize in the disbursement of the public moneys committed to his charge. I am glad to be able to say of him that I believe him to be a thoroughly economical officer. And in view of the facts represented by him, as well as by others, the committee have thought it their duty to give him the means to carry into effect the provisions of this law. The words "or so much thereof as may be necessary" should have been inserted in this clause; but that is implied, as a matter of course. The amount proposed to be appropriated is all that is required we think to perfect the law. It may all be used, or only half of it may be used, according to the demand for perfected titles to land by new settlers in these Territories.

The CHAIRMAN. The time for debate has expired on this amendment.

Mr. HILL. I withdraw my amendment.

Mr. WASHBURN, of Indiana. I move to amend by striking out "thirty-six" and inserting "thirty-two." And I now yield to my colleague, [Mr. HILL.]

Mr. HILL. All I desire to say in reply to the explanation of the gentleman from Iowa [Mr. KASSON] is that it does not appear that this is a proper item to be placed in an appropriation bill.

Mr. HIGBY. This bill cannot be rightly understood by reference to its title. It is really a bill to divide the agricultural lands from the mineral lands and bring them into market.

Mr. HILL. It does not appear by the section referred to that any such division as is spoken of by the gentleman from California [Mr. HIGBY] was in contemplation; at least we get no light from the section of the bill referred to.

Mr. HIGBY. The section is as follows:

That the President of the United States be, and is hereby, authorized to establish additional land districts and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this act.

This act is to authorize the segregation of

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the agricultural lands in the mineral districts throughout the United States. And it is to carry out the provisions of this seventh section that this $36,000 is put into this bill.

Mr. HILL. I withdraw my amendment.

No further amendment being offered,

The Clerk read as follows:

SEC. 2. *And be it further enacted*, That upon all merchandise gaugeable by law hereafter exported upon which drawback or return duty is allowed, and upon all goods gaugeable by law withdrawn from bonded warehouses for export, there shall be levied and collected by the collectors of the several ports twelve cents per cask; and the Secretary of the Treasury be, and he is hereby, authorized and required to adjust and refund to the proprietors of the Liverpool, New York, and Philadelphia steamship line the amount of the duties paid by them on foreign coals which were consigned exclusively for the use of their steamships, and were never delivered on shore in the United States, but were transhipped in harbor, on board said steamships, and actually consumed by them without the United States and on the high seas; and the requisite amount is hereby appropriated therefor.

Mr. MORRILL. Before the words "cents per cask" I move to strike out "twelve" and insert "ten."

The amendment was agreed to.

Mr. ALLEY. I move to add the following:

That the paragraph of section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864, as follows, to wit: "On lastings, mohair cloth, silk twist, wool, or other manufactured cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, bootees, gaiters, and buttons exclusively, not combined with India-rubber, ten per cent. *ad valorem*," be, and the same is hereby, repealed.

Mr. KASSON. I wish to say that I think the perseverance of the gentleman from Massachusetts deserves success, and I make no point of order.

Mr. UPSON. I make the point of order that it is not in order to this bill.

The CHAIRMAN. The amendment is not in order.

Mr. MORRILL. I perceive this is a miscellaneous section. I do not see why anything under Heaven cannot be introduced if this be in order. If members only understood the amendment of the gentleman from Massachusetts I am sure they would not object to it. It will bring in more money than it will take out. These goods are taken across in the piece and cut into patterns and then brought back again only liable to ten per cent. duty.

Mr. ROSS. I rise to a point of order, that this debate is not in order.

Mr. MORRILL. If this is not in order then the section is not in order.

Mr. ALLEY. Does the Chair decide my amendment to be out of order?

The CHAIRMAN. The Chair has so decided.

Mr. ALLEY. I did not offer it until I had consulted several of the best parliamentarians in this House, and they told me it was in order. I take an appeal from the decision of the Chair.

The decision of the Chair was sustained.

MESSAGE FROM THE SENATE.

The committee informally rose.

A message was received from the Senate, by Mr. McDONALD, its Chief Clerk, notifying the House that that body insisted on its amendments disagreed to by the House, and that it asked for a committee of conference on the disagreeing votes of the two Houses, and had appointed Mr. SHERMAN, Mr. HARRIS, and Mr. NESMITH managers of said conference on its part.

DEFICIENCY BILL—AGAIN.

The committee resumed its session.

Mr. HILL. I move to strike out the pending section. This is no part of a deficiency appropriation bill, but properly belongs to a tariff bill.

Mr. KASSON. The section is properly in the bill, and the point of order could only be taken when the bill was introduced. It is properly here in the deficiency bill. It is to complete the service for this fiscal year by adjusting the amount in the manner proposed. A precedent has been set in another case, which I can cite if necessary.

Mr. SCOFIELD. I move to strike out these words:

And the Secretary of the Treasury be, and he is hereby, authorized and required to adjust and refund to the proprietors of the Liverpool, New York, and Philadelphia steamship line the amount of the duties paid by them on foreign coals which were consigned exclusively for the use of their steamships, and were never delivered on shore in the United States, but were transhipped in harbor, on board said steamships, and actually consumed by them without the United States and on the high seas; and the requisite amount is hereby appropriated therefor.

I know not how old that company is, but I suppose this will go back to its beginning. I would like to have what seems to be a job put in here after this other matter is struck out. It seems that we are to pay back to this company all the duties paid by them upon coal. It does not say how much. We have no report of the facts. This steamship comes here by its agent and goes around loose, in the committee-room and elsewhere, and now we find this appropriation inserted in this bill in violation of the rules of the House. It is a claim that ought to have been referred to the Committee of Claims. It is to the honor of the chairman that every rotten claim dodges his committee and seeks lodgment in some miscellaneous bill. I hope this claim will be stricken out and referred to the proper committee for investigation.

Mr. KASSON. I was not surprised at the gentleman's objection when I recollected that duty on coal was involved here, but I assure him, as his colleague from Pennsylvania is chairman of that committee, this did not pass without critical examination. The facts are simple and clear. This company was established in competition with the British steamers, which have been sustained by a subsidy. At first they started with British engines, and some place, I do not know whether they call it flue or furnace, which required coal to give a high flame, and for that purpose they used Welsh coal, as did the Cunard line. They subsequently found that this was a troublesome and expensive business, the importation of this foreign coal, and they determined to abandon it. They were therefore put to the expense of changing entirely their engines or furnaces, or whatever you may call them, and of fitting them for the use of American coal; but they made that change, and they have been for two or three years, and they now are, using furnaces to which Pennsylvania coal is supplied and in which none other than Pennsylvania coal is consumed, as was clearly shown to the committee by the evidence upon that subject. The claim in this case is the same as the claim that was made by the Cunard line.

Now, as to the necessity for this legislation. Our revenue laws require when goods are imported for reimportation that bonds shall be given; and if it be afterward shown that they have been exported, and the fact of their arrival at some foreign port be shown by the certificate of the American consul at that port, then the duties are refunded. But in this case they were unable to produce the coals at Liverpool because they had been consumed on the voyage; and consequently they were unable to produce the certificate of the American consul there as in the Cunard case. The Cunard line gave bonds, and they were released from those bonds by an act of Congress upon establishing the facts in the case. Now, it is only proposed to deal with this unsubsidized line upon the same terms with the Cunard line; and I think it is a fair case.

Mr. MAYNARD. I move to amend by striking out the last paragraph, the words, "and the requisite amount is hereby appropriated therefor;" and I ask to have read at the Clerk's desk Rule 120 of the House.

The Clerk read the rule as follows:

"120. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."

Mr. MAYNARD. Now, Mr. Chairman, this proposition that has been introduced here is in utter defiance of that rule, a rule which has been established and recognized as a rule of this House for thirty years.

This is simply a private claim which comes here without any report, without any evidence to sustain it, and which is crowded into this bill in utter defiance of the rules of the House and its established modes of doing business. I protest against any such proposition being forced upon us in this way. What evidence have we that it is right? None whatever, no witness called, no documentary evidence produced, not even a statement of the amount that we are required to appropriate. It is all guess work, mere blind guess work. We are told that it is to help a rival to the Cunard line. Then refer it to your Committee on Postal Affairs and let them examine it. Or if it is merely a claim arising out of the dealings of these parties with the Government then refer it to the Committee of Claims and let them report it upon the evidence adduced before them. This whole section is wrong. It has no business here. Under the well-settled rules of this House it ought not be permitted to stay here one moment; and I trust that the House will give force and effect to its own laws by erasing it. Then, if there is any virtue or merit in the claim, let it come in at the front door, where it ought to come in, and not as it now comes, sneaking in at the back door and through a very small hole at that. [Laughter.]

Mr. MORRILL. I move that the committee rise for the purpose of taking action upon the conference report in reference to the tax bill. It is very important that this bill should go to the Clerks so that they may be able to engross it. I think we can dispose of it in ten minutes.

Mr. SCOFIELD. Let us do it.

Mr. KASSON. Before that motion is put I deem it my right to be permitted to answer the observation of the gentleman from Tennessee [Mr. MAYNARD] in reference to this claim. He says that it was brought in here in violation of a rule of the House. That gentleman certainly knows very well that there is hardly ever a regular appropriation bill brought into the House in which there are not such items as this; and in all such cases, if any gentleman desires to reserve the point of order, he does it at the time the bill is introduced, and before it goes to the committee. It is inevitable, in the course of legislation, that new cases shall continue to be presented even up to the time of the passage of the last bill. We have habitually taken notice of such cases; and protests have been made merely as a species of side debate, without reference to the real merits of the cases presented. If the gentleman from Tennessee had made his point at the time the bill was introduced, that it was entirely new legislation, and not, as I claim, an appropriation to provide for a deficiency, then his point would have been in order. But as it is, the case is properly before the committee, and I only ask that it shall be decided upon its merits.

Mr. MILLER. Can the gentleman state when this claim accrued?

Mr. KASSON. It accrued, I think, in 1862 or 1863.

Mr. MILLER. What is the amount of it?

Mr. KASSON. I cannot tell that exactly; but no great amount. The amount is not yet adjusted; the law provides that it is to be adjusted by the Secretary of the Treasury.

Mr. SCOFIELD. I ask the gentleman to yield to me a moment. I wish to make an inquiry.

Mr. KASSON. I yield to the gentleman.

Mr. SCOFIELD. The first six lines of this section provide for levying a little tax of ten cents a cask upon casks that have been taken out of bond—casks first put in bond for exportation and then taken out. That, I suppose, is for handling the casks. But what I want to know is, why this matter and the claim of this company are put together in the same sen-

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tence, separated only by a semicolon, when they have nothing to do with each other?

Mr. KASSON. If the gentleman were serving on the Committee on Appropriations he would know that as one thing after another comes to us for the action of the committee we attach it as nearly as possible to correlative subjects. Instead of making this a separate section, as ought to have been done, the committee has attached it to this clause. That is all the explanation that is to be made.

Mr. MORRILL. I now move that the committee rise for the purpose I have indicated.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union, having had under consideration the Union generally, and particularly the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, had directed him to report that they had come to no resolution thereon.

ENROLLED JOINT RESOLUTIONS AND BILLS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 1220) to provide ways and means for the payment of compound-interest notes;

An act (H. R. No. 346) for the relief of Hugh Leddy;

An act (H. R. No. 825) for the relief of Henry Rudd, of Henry county, Iowa;

An act (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes.

An act (H. R. No. 966) for the relief of Ernest Kleinschmidt, of Cincinnati, Ohio;

An act (H. R. No. 1168) for the relief of Mrs. Elizabeth F. Chipman, widow of Major Charles Chipman, deceased;

Joint resolution (H. R. No. 282) for the relief of James Hudnall; and

Joint resolution (H. R. No. 254) for the relief of Almanson Eaton, receiver of public money for the land office at Stevens's Point, Wisconsin.

TAX BILL.

Mr. MORRILL. I rise to submit the report of the committee of conference on the bill (H. R. No. 1161) to amend existing laws relating to internal revenue. In order that as little time as possible may be consumed in this matter I will state the action of the committee, and afterward I shall be ready to answer any inquiry which any gentleman may desire to make.

The first amendment in reference to which there was a disagreement between the two Houses was upon the subject of cotton, the House having fixed the tax at three cents per pound and the Senate at two. After a long and laborious sitting, the committee finally agreed to place the tax at two and a half cents per pound.

The next point in the bill in reference to which considerable difference arose was in relation to the tax on gas companies. It will be remembered that the House struck out of the bill the provision granting gas companies the right to charge over to the consumers the tax after April, 1867. The Senate conferees were very firm in relation to that matter and asserted that not more than half a dozen of every hundred gas companies throughout the whole country are at all affected by it. Finally it was agreed that the House should recede from its non-concurrence in the Senate amendment, and the few companies restricted by their charters will be left as other parties are left who have no such restrictions.

The next question related to the tax on sugar refiners. The House had fixed the tax at two per cent. and the Senate at one and a half. The Senate receded, and the tax remains at two per cent. upon the sales of refined sugars, excluding the residuum and molasses.

The next question was with reference to copper and brass tubes, the tax on which was changed by the House from five per cent. to one fourth of one per cent. per pound. On this question the House has receded, and the tax remains at five per cent. *ad valorem*.

The next point is with reference to manufactures of glass, other than window glass, the tax on which was reduced by the Senate from five to three per cent. The House committee have acceded to that proposition, with an amendment to reduce to two and a half per cent. the tax on leather, which the Senate had placed at five per cent. and the House in the free list.

In relation to ferry-boats, the only change is to make the tax two and a half per cent. instead of three, placing them upon the same footing as other steam vessels.

The reduction of all taxes is to take effect from and after the 1st day of March, 1867.

Bar iron, rod, hoop, band, sheet and plate iron, and iron prepared for the manufacture of steel, are to be free of any tax. Locomotive and marine engines have been restored to the tax list and subject to a tax of five per cent., as heretofore.

Gas and water pipes are to be restored to the tax list.

Shell-fish, that is, preserved oysters and lobsters, are added to the free list.

With reference to boots and shoes the Senate recedes from its amendment, and these articles are to remain subject to the present tax.

Grinders of hand-mills are to be subject to only the same burdens as heretofore, the House receding from its amendment by which they were to have been exempt.

Lead pipe, sheet lead, and shot are remanded into further service on the tax list.

With regard to fabrics, the product of hand-looms, we have agreed to recommend that the House recede from its amendment, because it was demonstrated to the committee that it would include a vast number of fabrics not intended by the mover or the House to be included, and would exempt from taxation altogether too large an amount, including not only two-ply carpets, but ginghams, wire-cloth, &c.

On brandy made from grapes it will be recollected the House placed the tax at two dollars per gallon, which the Senate reduced to fifty cents. It has been agreed that the tax shall be fixed at one dollar per gallon. It is to be feared there will be something too much of grape brandy in the market, and it may not look well to place two dollars upon poor whisky and only fifty cents on good brandy.

In regard to the income tax, it has been agreed that the rent of a homestead, whether occupied by a man in his own right or in the right of his wife, is to be excepted from the amount of taxable income.

Sections sixteen to thirty-eight inclusive, mainly relating to the tax on distilled spirits, were all stricken out; but the main provisions in them have been included in some subsequent sections. The office of inspectors of spirits is abolished; and general inspectors now authorized by law will be required to give bond in the sum of $5,000. This will leave it in the power of the Government to change the inspectors from one part of the country to another, and it can always have one inspector to inspect into a bonded warehouse and another to inspect out of it, thereby abolishing one great means of fraud now open to distillers. These inspectors may be appointed without limit as to numbers, and are paid by the Government four dollars per day and traveling expenses.

It is also provided that distillers shall send their spirits, not to a private bonded warehouse, but to a general bonded warehouse, wherever there is one in such close proximity to their distilleries as to make it practicable, as it will be in all of our larger cities. Thus their liquors, instead of being in their own private establishments, will be hereafter where they can be under the supervision and control of the Government. This will probably prevent much of the fraud which has heretofore been practiced, as it is understood, in these private bonded warehouses.

Sections forty-four to fifty-one inclusive were stricken out, but the same provisions are substantially included in subsequent portions of the bill, which have been more carefully and elaborately drawn than they were when hastily brought into this House near the close of our action upon the bill.

The provisions of the House in reference to the lottery business we ascertained from the Commissioner of Internal Revenue were unsatisfactory, as it would be impossible to make these lottery dealers give any bonds. These men will carry on the business where it is made criminal and liable to severe punishment by State laws. We have collected a revenue of about fifty thousand dollars under the existing system of making the managers give bonds, while under that of compelling the dealers to give bonds we only raised about three thousand dollars.

Then foreign tonnage is placed upon the same footing as domestic tonnage, and is to pay tonnage dues but once a year only.

Those are the principal points of disagreement. If there are no questions to be propounded I will call for the previous question.

Mr. GARFIELD. What sorts of iron does the gentleman refer to?

Mr. MORRILL. Bar, rod, hoop, band, sheet, and plate iron and iron prepared for the manufacture of steel are to be exempt from tax.

Mr. FARQUHAR. I understand we dispense entirely with the system of local inspection, thus throwing open without any guard whatever the whole business of distilling.

Mr. MORRILL. They will not be exempt from inspection under the administration of the law. There is authority to appoint an indefinite number of general inspectors at four dollars a day and traveling expenses. Enough of these will be used to protect the interests of the Government.

I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. LE BLOND moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VOTE OF THANKS TO THE SPEAKER.

Mr. LE BLOND, (Mr. DAWES occupying the chair as Speaker *pro tempore*.) I submit the following resolution:

Resolved, That the thanks of this House are due, and are hereby tendered, to Hon. SCHUYLER COLFAX, its Speaker, for the courteous, dignified, able, and impartial manner in which he has discharged the duties of Presiding Officer during the present session of Congress.

Mr. Speaker, I take pleasure in being able to submit to this House the resolution just read. It expresses my convictions, and I trust the conviction of every member of the House. I can add nothing to the sentiment therein expressed other than a hope that it will be unanimously adopted.

Mr. HOGAN. I second the motion.

Mr. WINFIELD. Mr. Speaker, I rise to second the resolution offered by my friend from Ohio. And I take this occasion to say that I assent most heartily to every sentiment contained in the happily conceived and well-expressed tribute to the virtues and ability of our Presiding Officer by which the gentleman has supported his resolution.

Individually it is my desire that the country should understand this brief interruption of the ordinary proceedings of this body as intending something beyond the passage of the usual and routine resolution of compliment by an expiring Congress to its Presiding Officer.

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The official to whom this acknowledgment is tendered was summoned to the discharge of delicate and responsible duties, at a time when all the circumstances surrounding the position assigned him required the exercise of uncommon prudence and discretion to enable him to fill his allotted place with credit to himself and to the satisfaction of the House and country.

There had been organized an unhallowed conspiracy against the peace and unity of our people and Government. The war incident to this assault upon our institutions, the unalterable determination of those who loved the Union to preserve and maintain it at every cost, the diversity of sentiment as to the mode of prosecuting and as to the ultimate purposes and results of the war, had aroused constituencies and Representatives alike to the highest pitch of mental excitement; and at such a time it was surely no light task to hold the scales of legislative justice in the Representative body so evenly that while the majority should certainly realize all the facilities and advantages their preponderance of numbers entitled them to, the minority could have no cause to complain of oppression or neglect.

I take pleasure in expressing the personal conviction, and such I believe to be the unanimous sentiment of this body, that the subject of the resolution just read, and of these remarks, has succeeded in no ordinary degree in discharging the delicate duties referred to in such manner as to justify the warmest expressions of commendation and gratitude; and in uniting with those with whom I have been so pleasantly associated for the two years' term just closing, in this vote of thanks I do not hesitate to say that, in my judgment, the tribute we are about to pay has rarely, if ever, been better deserved.

Many of those who are honored with seats in the present Congress will, with its close, retire from public life, and we shall not be associated longer with the Speaker in his future legislative career as a member of this House; but I feel that I express the common sentiment of all such in saying that the urbanity and gentleness of his manners, his kindness of heart, and his justice and fairness as a Presiding Officer, have so far secured him our friendship, affection, and confidence that we shall contemplate his future history as a statesman and a private citizen with no common interest; and that our best wishes for his happiness, prosperity, and success will follow him through life wheresoever his lot may be cast.

That those who differ so widely and vitally from the Speaker upon public questions feel it due to him that the sentiments of grateful regard, embodied in the resolution just offered, should be so willingly and cheerfully expressed, teaches this useful lesson: that diversity of political sentiment does not necessarily, and should not as a matter of fact, interrupt the friendly relations which ought to exist between those who are engaged here in the work of national legislation. It has not been found essential to the preservation of amicable relations between the Presiding Officer and his political opponents upon this floor that there should be on either hand any surrender of the most perfect independence of political thought and action; and if the same courtesy in the expression of antagonistic sentiments shall be observed in the bearing of members toward each other, there will be no occurrences here the retrospect of which will mar the satisfaction with which in after life we shall look back upon our association here as legislators for our country during this eventful period of her history. [Applause in the House and galleries.]

Mr. MAYNARD. I rise for the purpose of supporting the resolution, and to suggest that, in order to make a more formal expression of our opinion, the vote be taken by yeas and nays. [Cries of "No!"]

A MEMBER. Let us have a rising vote.

Mr. MAYNARD. I accept the amendment.

The question was taken; and the resolution was unanimously adopted, every member rising to vote in the affirmative.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed over the President's veto the bill for the more efficient government of the rebel States.

Mr. STEVENS submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House be directed to present to the Secretary of State the bill entitled "An act to provide for the more efficient government of the rebel States," together with the certificates of the Clerk of the House of Representatives and the Secretary of the Senate, showing that the said act was passed by a vote of two thirds of both Houses of Congress, after the same had been returned to the House of Representatives by the President with his objections, and after the reconsideration of said act by both Houses of Congress in accordance with the Constitution.

DEFICIENCY BILL—AGAIN.

Mr. STEVENS moved all debate in Committee of the Whole on the state of the Union on the deficiency bill be closed in one minute after its consideration shall be resumed.

The motion was agreed to.

Mr. STEVENS moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and resumed the consideration of the deficiency bill.

Mr. MAYNARD, by unanimous consent, withdrew his amendment.

The amendments of Mr. SCOFIELD and Mr. HILL were disagreed to.

The Clerk read as follows:

SEC. 4. *And be it further enacted*, That the second section of an act making appropriations for sundry civil expenses of the Government, approved April 7, 1866, is hereby so amended as to authorize and require the Secretary of the Treasury to pay the contractors, Butler & Carpenter, the sum of $20,000, in full of all their claims for indemnity therein referred to.

Mr. BROOMALL. I move to strike out that section for the purpose of hearing from the committee some explanation of the matter contained in it.

Mr. DAVIS. Mr. Chairman, I have been tracing out the history of this provision. I find that in 1863 it appeared that this firm had been contractors with the Government for furnishing certain stamps or dies, and the following provision was enacted:

"That the Secretary of the Treasury is hereby authorized to allow to Butler & Carpenter, contractors for engraving internal revenue stamps, thirty per cent. of the cost of engraving special dies for that purpose, but not exceeding the amount of $20,000."

That was simply authority for the Secretary of the Treasury to allow such sum, not exceeding $20,000, for that service, as should be found due upon the basis of thirty per cent. of the cost. But in 1866 we find another provision, as follows:

"That the ninth section of the act entitled "An act making appropriations for the civil expenses of the Government for the year ending June 30, 1863, and for other purposes," approved March 3, 1863, appropriating thirty per cent. of the cost of engraving the special dies for internal revenue stamps, not to exceed in amount $20,000, be and the same is hereby so amended as to enable the Secretary to pay the contractors, Butler & Carpenter, the said sum of $20,000, in full of all claims for indemnity."

Thus it appears that we first "authorized" the Secretary to pay so much, if it was due, and then we made a provision to "enable" him to do it. But here we have a provision which compels him to do it. And yet I understand that not one single account has ever been rendered by the firm to the Secretary showing that this amount is due to them; so that if he has refused the payment it is because no vouchers have been produced. I do not believe in any such mandatory legislation, and I hope this section will be stricken from the bill.

Mr. STEVENS. After the contract was made with Butler & Carpenter to make these dies and they had made them all, it was found the Government could do better by printing them itself, and therefore it wished to be relieved from the contract. The gentlemen who made the dies claimed a large amount, some $60,000, I believe; and finally the then Secretary of the Treasury, Mr. Chase, came to us and said he thought if we would give $20,000 in lieu of the whole claim it would be the best thing we could do. The Committee of Ways and Means accordingly made that appropriation, supposing it to be a final settlement of that claim. The law was passed, but for some reason or other the accounting officers held that it was not imperative, and they were not bound to pay the amount. Again, last year, we passed an act which we thought was imperative, which we intended to be so; the committee expressly stated that it was so, and the House passed it. But these officers, because it simply authorized them to do it, say they are not required to do it. These men, from the commencement of this Administration to the present time, have been kept out of what the Secretary of the Treasury said was a fair compromise for their whole service and for making those dies at great cost. Anybody who has seen the samples must know that the expense was immense. This, therefore, is to compel the payment of what has been due for six years, and it is a shame that it has not been paid before.

Mr. MORRILL. I am quite satisfied that this is right, and if gentlemen desire to promote economy I think we will find an opportunity before we get to the end of this bill more worthy of our attention than this.

Mr. DAVIS. The objection I make is that there was to be an investigation as to the percentage to be allowed them.

The CHAIRMAN. Debate is exhausted.

Mr. UPSON. I move to perfect the section by striking out the words "and required," so as not to make it compulsory. I am sure if it is a valid claim the Secretary of the Treasury will pay it; and I think we ought not to compel him to pay it unless we investigate it, and know that it is a valid claim. To put it in the form it is reported in the bill is assuming that the Secretary will not pay a claim that he is authorized to pay, although it is just.

Mr. BINGHAM. I desire to oppose the amendment offered by the gentleman, and for the reason that under the act of the last session it was provided that the act of March 3, 1863, be so amended as to enable the Secretary of the Treasury to pay these contractors $20.000 in full of all claims for indemnity. Now, I undertake to say that no man can read that section of the law without coming to the conclusion that the Congress of the United States intended that the money should be paid. and did itself audit the claim by that act, What, then, do we propose now? In order to exclude the notion of the Secretary of the Treasury that there was any discretion lodged in him in the premises, instead of saying, as we did in the act of last session, that the act shall be so amended as to "enable" the Secretary of the Treasury to pay the money, we say that it shall be so amended as to authorize and "require" him to pay it. He never should have made that construction at all. The account was audited by the passage of the law of last session. We found the amount to be due, and expressly authorized it to be paid, and yet it has not been paid.

Mr. HILL. Has this claim ever been before the Committee of Claims of this House?

Mr. BINGHAM. I do not know, but the provision as it stands now is simply to carry out and enforce an existing law which the Secretary of the Treasury has disregarded. It is put in such a form as to compel him to regard it.

Mr. DELANO. Has it been before any committee of Congress?

Mr. BINGHAM. I suppose it must have been. The act of 1863 was so amended as to enable the Secretary of the Treasury to pay the $20,000.

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Mr. DELANO. I very much doubt if it has ever been examined at all. I suspect it has passed without the House knowing what it was doing.

Mr. BINGHAM. Finding the law as it stands I think it becomes the House to enforce its own enactment and not allow the Secretary of the Treasury to override an express provision of the law.

The CHAIRMAN. Debate is exhausted.

Mr. THAYER. I move to strike out the last word. I do not propose to take up any time in the discussion, but it seems to me that in the settlement of a question of fact in which we are compelled to decide between the Secretary of the Treasury and the official assurance given to this House by the venerable chairman of the Committee on Appropriations we ought not long to hesitate. We are assured by the chairman of the committee that these Philadelphia engravers have in good faith performed their work for the Government, and that the money is due. It appears upon the statute-book that the Secretary of the Treasury has been twice authorized by law to pay this money, but has refused to do it. He so refuses, it is alleged, upon some quibble raised in regard to the language of the statute, which by its words only "enables" him to pay. Now, it is proposed to require him to pay a debt which the committee report to be justly and honestly due. Sir, for one, I do not hesitate to say that in giving my vote upon this paragraph of the bill I prefer to follow the recommendations of my venerable colleague rather than the capricious decision of the Secretary of the Treasury; and relying upon the assurances given to the House by the committee, I hope the House will compel the Secretary of the Treasury, by the use of language which can no longer be evaded, to do that justice to these parties which in obedience to former laws he ought to have done long ago.

Mr. MAYNARD. It will be recollected——

Mr. BOUTWELL. If the gentleman will give me a minute or two, as I was the officer of the Government who made the contract with these men, I will state to the committee the position in which I understand the affair to rest. Upon advertisements being published for furnishing what are known as revenue stamps, they made a bid which was in fact much below the price for which any parties could properly perform the work. These men went on with the work and performed it faithfully in every respect, serving the Government well and at great loss to themselves. Under the original act which was passed by Congress for relieving them provision was made for taking as the property of the Government the dies which had been prepared by these contractors. The Secretary of the Treasury in good faith employed competent persons to ascertain the value of these dies, or rather the cost of producing them. It turned out that the cost of these dies was between eight and ten thousand dollars. The then Secretary of the Treasury and his successor, acting I believe in good faith, have refused to pay these contractors anything more than was authorized by law to be paid for those dies, the amount being between eight and ten thousand dollars. This is the amount, as I believe, to which the contractors are justly entitled as claimants against the Government.

But, sir, knowing, as I do, the fidelity with which the contractors performed this work, the sacrifices which they made, the energy which they exhibited in carrying it on under very difficult circumstances, I am willing for one to take the responsibility of voting to pay them $20,000, because they did good service to the Government and are well entitled to that amount. But I feel bound to say, also, that under the contract which the Government made with them they are entitled to only between eight and twelve thousand dollars, and that the Secretaries of the Treasury who have had this matter under consideration have acted, I believe, in good faith with reference to it.

Mr. MAYNARD. Will the gentleman allow me to read the section of the act of 1863, and then ask him a question in regard to it? That section provides—

"That the Secretary of the Treasury is hereby authorized to allow Butler & Carpenter, contractors for engraving internal revenue stamps, thirty per cent. of the cost of engraving special dies for that purpose, not exceeding in amount the sum of $20,000."

This act was passed at the third session of the Thirty-Seventh Congress, when the gentleman from Massachusetts [Mr. BOUTWELL] was I believe at the head of the internal revenue department. Will the gentleman be kind enough to explain why this law was not executed, and why this money was not paid by virtue of that law?

Mr. BOUTWELL. The reason is very apparent. When that section was drawn and submitted to the committee that introduced it in the House it was supposed that thirty per cent. on the cost of these dies would amount to something like twenty thousand dollars; and Butler & Carpenter were willing to accept that in full remuneration of all the service they had performed for the Government. But when an investigation was made, and competent persons were employed to ascertain the cost of producing these dies, it turned out that thirty per cent upon the cost would amount to only eight or ten thousand dollars, at most not exceeding twelve thousand dollars. Therefore the Secretary of the Treasury refused—very properly as I conceive—to pay them any more.

[Here the hammer fell.]

Mr. STEVENS. For the purpose of terminating debate I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, and had come to no resolution thereon.

Mr. STEVENS. I now move that when the House resolves itself again into the Committee of the Whole on the state of the Union on the special order all debate on the pending section shall terminate in one minute.

The motion was agreed to.

Mr. STEVENS moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union to take up the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and resumed the consideration of House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes.

The question being on the amendment of Mr. UPSON, to strike out the words "and require" in section four, it was not agreed to.

Mr. MAYNARD. I move to amend the section by striking out "twenty" and inserting "twelve," so as to make the amount of the appropriation $12,000.

The amendment was not agreed to.

The question recurring on the motion to strike out the section, it was not agreed to.

The Clerk read as follows:

SEC. 6. *And be it further enacted*, That the compensation of the crier and bailiffs of the district court of the United States for the district of Maryland shall be three dollars per day, and the temporary clerks in the Quartermaster General's office shall receive the same pay as the clerks of class one.

Mr. MAYNARD. I move to amend this section by striking out the word "crier" and inserting "criers;" by striking out "court" and inserting "courts;" and by striking out the words "for the district of Maryland;" so as to read, "criers and bailiffs of the district courts of the United States."

Mr. COOK. I ask the gentleman to yield to me that I may present an amendment which I think he will be willing to accept.

Mr. MAYNARD. I will hear it.

Mr. COOK. It is to strike out the section and insert in lieu thereof the following:

That when the entire compensation of any marshal of a district court of the United States, as reported to the Secretary of the Interior, in accordance with the third section of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1863, shall be less than the sum of $2,000 per annum, including all fees and emoluments received for services rendered by deputy, the difference, to be ascertained and allowed by the proper accounting officer of the Treasury, shall be paid to him therefrom; that the criers and bailiffs of the courts of the United States, appointed in pursuance of the act above referred to, shall, in lieu of all other compensation, be allowed the sum of three dollars per day, to be paid by the marshal and included in his accounts, the compensation to be given only for actual attendance; and when both the circuit and district courts of the United States are in session at one time, to be paid only for attendance upon one court: *Provided*, That in lieu of all other compensation allowed to the criers and bailiffs of the circuit and district courts of the United States held in the cities of Boston, New York, Philadelphia, Baltimore, Chicago, New Orleans, and San Francisco, they shall each be allowed and paid for their services the sum of $940 per annum, to be paid by, and included in the accounts of, the marshal of such district out of any money of the United States in his hands; the compensation provided by this act to commence with the present fiscal year.

Mr. MAYNARD. I will modify my amendment by accepting the amendment which has just been read, which I understand has been prepared by the Committee on the Judiciary.

This section of the bill is rather peculiar. There is, as is remarked by a gentleman near me, a charming collocation in putting criers and bailiffs of the district court of Maryland along with temporary clerks in the Quartermaster General's office. [Laughter.] My friend from Pennsylvania will perhaps be reminded of his early reading, and recall the line,

Desinit in piscem mulier formosa superne.

Mr. STEVENS. Oh, I do not understand that. [Laughter.]

Mr. MAYNARD. I hope we shall not have any such incongruous legislation.

Mr. STEVENS. Mr. Speaker, some gentleman are very fond of criticising. Having here a provision for the payment of bailiffs, I do not see any incongruity in our adding to it a provision for the payment of clerks. Other gentlemen may see the incongruity; but our committee was too stupid to see it. What the gentleman said in his Indian dialect I do not understand. [Laughter.]

Mr. COOK. I would like to say that the amendment which I have offered has been prepared by the Committee on the Judiciary, the intention having been to report it as a separate bill. It is necessary in certain of the southern States that the fees of the marshals should be increased. It appears by a report of the Secretary of the Interior that certain of the marshals in North Carolina and South Carolina receive less than $700 a year. I was informed yesterday by the district attorney for the district of North Carolina that it is impossible that process should be executed unless some provision of this kind be enacted. I hold in my hand a letter signed by the district judges of Connecticut, Vermont, and New York, stating the absolute necessity that the fees of the criers shall be advanced to the sum mentioned in this amendment in order that the services of competent men may be obtained.

Mr. HUMPHREY. I desire to ask the gentleman a question. What is the object of increasing the pay of bailiffs? I understand that they are simply constables. Half a dozen of them are appointed to take care of the court-room, to see that the court has water, and to take care of jurors. I submit that the word "bailiffs" ought to be stricken out. I think I know something about this matter. These officers are appointed to discharge the duties I have mentioned. They now get more pay than similar officers do in the State courts. Now, in my opinion, there is no reason why we should increase the pay of the constables who take

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care of the United States courts beyond what is allowed to those who take care of the State courts.

[Here the hammer fell, Mr. COOK's time having expired.]

Mr. HUMPHREY. I move to amend the amendment by striking out the word "bailiffs." I was about saying that there is no reason whatever for increasing the pay of these "constables," and that is the word that should be used. It is no use calling them "bailiffs" for the purpose of getting rid of the term "constables," which everybody understands. I do not know of any reason or of any necessity for increasing their pay. So far as the criers are concerned, there may, perhaps, be some propriety in this proposed increase of pay, as we are increasing the pay of everybody excepting those who are really deserving, but I trust the committee will not increase the pay of bailiffs.

Mr. O'NEILL. Mr. Chairman, in reply to what has been said by the gentleman from New York, and as an answer, I hope, to his objections, I will state that I do not know what the officers of this court are called in the district in which he lives and where he practices; but in the district and circuit courts of Philadelphia the bailiffs and criers are those who attend upon the courts. The bailiffs are not constables. These words "bailiffs and criers" are used in all the acts of Congress which have created these offices and continued them.

Now, sir, so far as the district and circuit courts of the eastern district of Pennsylvania are concerned, the men who hold these offices are employed there almost every day at a miserable compensation, not exceeding four or five hundred dollars a year. Their compensation has not been increased for the last forty or fifty years. They are men of intelligence and good character. They do not perform the duties of constables in the courts; they have not only to attend upon the jurors, but they are in attendance upon the court itself.

Mr. ELDRIDGE. I would inquire of the gentleman if these officers have taken the test oath? [Laughter.]

Mr. O'NEILL. Well, sir, I presume they have. This amendment is eminently just. These gentlemen have been trying for the last two Congresses to get their compensation increased. The business of the courts has so increased that they are worked as hard as any men I know of anywhere, and at this miserable compensation.

I am glad the gentleman has so modified his amendment as not to increase the compensation of many of the marshals, but these criers and bailiffs are, I think, entitled to an increase of pay, and I hope the amendment will be adopted.

Mr. STEVENS. I move that the committee rise for the purpose of closing debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly bill of the House No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, and had come to no conclusion thereon.

Mr. STEVENS. I move that all debate in Committee of the Whole on the state of the Union, on sections six and seven of the deficiency bill be closed in one minute after the committee shall resume the consideration of the same.

The motion was agreed to.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and resumed the consideration of the deficiency bill.

The CHAIRMAN. All debate on this and the succeeding section is closed in one minute by order of the House.

Mr. COOK. In that one minute I desire to say that I hold in my hand a letter signed by at least three judges of district courts of the United States, one marshal and two district attorneys, saying that competent men cannot be got to fill these offices at the rate of two dollars a day, which is all they are now receiving, and which is less than ordinary laborers are paid in the same places.

[Here the hammer fell.]

The question was taken on Mr. HUMPHREY'S amendment to the amendment, and it was disagreed to.

The CHAIRMAN stated the next question to be upon Mr. COOK'S amendment.

Mr. FARNSWORTH. I do not understand that my colleague offers that amendment as a substitute for the whole of the sixth section.

The CHAIRMAN. That was the motion of the gentleman from Illinois, [Mr. COOK.]

Mr. COOK. I will modify the amendment so as to offer it as a substitute for the last clause of the section, striking out all after the word "day" in the fourth line.

Mr. MAYNARD. I made the original motion to strike out the entire section, but I modified it so as to insert in lieu thereof what has been offered by the gentleman from Illinois.

Mr. COOK. That is true, and I cannot therefore modify the amendment.

Mr. FARNSWORTH. The amendment of my colleague has nothing to do with the subject of the temporary clerks in the Quartermaster General's office. The provision in relation to their pay ought not to be stricken out, for these temporary clerks are nearly all soldiers.

The CHAIRMAN. Debate is not in order.

Mr. STEVENS. I do not think the amendment is in order. It proposes to repeal an existing law, and I raise the question of order upon it.

The CHAIRMAN. The Chair decides that the point of order comes too late. The amendment has been fully debated, and the Chair thinks that it is in order.

Mr. STEVENS. Then I hope the gentleman from Illinois will move to add his amendment to the section, and not to strike out the section.

Mr. WILSON, of Iowa. I do not know if my colleague on the Committee on the Judiciary [Mr. COOK] has stated to the House that his amendment is recommended by that committee.

Several MEMBERS. He has so stated.

Mr. WILSON, of Iowa. Then I hope it will be adopted.

Mr. STEVENS. I should have no objection to the amendment if it did not propose to strike out the section.

The question was taken on Mr. MAYNARD'S amendment, as modified, and it was agreed to.

Mr. STEVENS. I move now to add the words "and the temporary clerks in the Quartermaster General's office shall receive the same pay as the clerks of class one."

The amendment was agreed to.

Mr. HALE. I move to strike out the seventh section of the bill, which is as follows:

And be it further enacted, That the deputy surveyor at the port of San Francisco be paid the same compensation annually that is now paid to the deputy collector at said port.

I wish to say one word in support of that amendment.

The CHAIRMAN. Debate has been closed upon this section by order of the House.

Mr. HALE. I hope I shall be allowed by general consent to say one word.

The CHAIRMAN. Unanimous consent cannot be given by the Committee of the Whole for that purpose.

Mr. HALE. I suppose, if it is not objected to, I can proceed.

Mr. HIGBY. If the gentleman is heard I shall have something to say in reply.

The CHAIRMAN. No debate is in order.

Mr. HALE. Well, I hope my motion will prevail.

The question was put; and there were—ayes 33, noes 41; no quorum voting.

Tellers were ordered; and Messrs. HALE and MCRUER were appointed.

The committee divided; and the tellers reported—ayes 43, noes 57.

So the amendment was disagreed to.

Mr. BIDWELL. I offer the following as an addition to the section:

And that the bonded clerks at the branch mint at San Francisco be paid a salary of $2,500 each, and the cashier therein be paid a salary of $3,000.

Mr. MAYNARD. I object to that amendment; it is not in order.

Mr. LAWRENCE, of Ohio. It is not germane to the section.

The CHAIRMAN. The Chair is of the opinion that the amendment is not in order.

Mr. SCHENCK. I move to insert the following as an additional section:

That the Secretary of War be, and he is hereby, authorized and empowered to carry into effect the recommendations of the commissioners appointed under the acts of April 19, 1864, and June 27, 1866, relative to the Moline Water Company and the water-power at Rock Island, as contained in the report of said commissioners.

Mr. LAWRENCE, of Ohio. I make the point of order that the amendment is not germane to the bill. I am willing, however, reserving my objection, to hear what my colleague has to say.

Mr. SCHENCK. I will explain the amendment. On the 27th of June, 1866, we passed a law appropriating $100,000 to secure water-power at the head of Rock Island. The arsenal there required further water-power, and commissioners were authorized to ascertain upon what terms an arrangement could be made with the company owning the water-power, and this appropriation of $100,000 was made to enable the Secretary of War to purchase that water-power. He was subsequently authorized by statute to make what terms he could in order that the water-power might be used for the arsenal. It was found they could not for $100,000 obtain the water-power and settle conflicting claims so the arsenal could be supplied with water-power sufficient for manufacturing there. An adjustment was made by which the Moline Water Company was permitted to retain over one quarter of the water-power and at the same time hire from the United States any surplus water-power beyond that needed by Government. This is to enable the Secretary to carry out this arrangement.

Mr. UPSON. How much additional money will be required?

Mr. HILL. I understand debate has been closed upon this section. I also make the point that the amendment is not in order.

Mr. LAWRENCE, of Ohio. That is the point I reserved.

The CHAIRMAN. The Chair rules the amendment out of order.

The Clerk read as follows:

SEC. 8. *And be it further enacted*, That in order to carry into effect the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes of Indians, confirmed by the Senate on the 21st day of February, in the year 1856, and the resolution of the Senate of the United States in pursuance thereof, made on the 9th day of March, in the year 1859, as finally adjusted by the report of the Committee on Indian Affairs made to the Senate on June 19, in the year 1860, and the tenth article of the treaty between the United States and the said Indians approved by the Senate of the United States on the 28th day of June, in the year of our Lord 1866, the sum of $900,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated; and the Secretary of the Treasury is hereby authorized and directed to issue a bond of the United States, payable to the said Choctaw tribe of Indians three years from the date of the approval of this act, without interest, for the sum of $932,560 85: *Provided*, That the said Choctaw tribe of Indians shall, in consideration of the payment of the sum hereby appropriated, receive the same in full satisfaction and discharge of all claims of the said tribe, and of the members thereof, against the United States existing prior to the 28th day of June, in the year 1866.

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Mr. NIBLACK. I move to strike out "without" and insert "with;" so it will read "with interest."

As a member of the Committee on Appropriations not agreeing to this report, I desire to say a few words. If I am properly informed, the Committee on Indian Affairs, to which such matters generally go, has not examined this subject and has not formally recommended this section.

I do not profess to be acquainted with this claim historically, but from reading the section I learn that it is based upon some old treaties first entered into some years ago and renewed during the last year. Now, I am informed by gentlemen more familiar with the subject than I am, that since the first treaties were made with these Indians the most of them were engaged in the late rebellion and were rebels during the late war, yet it seems that some new treaty has been made with them since the war, by which they are restored to all the rights they had before the war, and by which their rights are somewhat enlarged, at least so far as the amount of money is concerned which is allowed to them. Now, I cannot understand why those Indians are to have so liberal terms for having engaged in the rebellion while white men who engaged in the same rebellion are to be proscribed.

Mr. UPSON. Is it because these Indians have been rebels that the gentleman wishes to pay them interest?

Mr. NIBLACK. I will come to that presently.

Mr. CONKLING, (in his seat.) I suppose they are genuine "copperheads."

Mr. NIBLACK. If, however, the sum claimed in this section is due them under treaties, then I insist we should pay them interest. It would be dealing unjustly with them to require them to wait for three years for the half of their money without any interest; and hence the reason why I have proposed this amendment. But I am inclined to think that this is an old, stale claim, which ought at least to be subjected to a close scrutiny by this House before we attempt to pass it; the more especially when it is for so large a sum as this seems to be.

I desire to hear from the chairman of the Committee on Indian Affairs as to whether or not I am correctly informed as to the status of this tribe of Indians, or a portion of them, during the war. I desire him to state whether the Committee on Indian Affairs have examined this question, and also to give us any information he may have to communicate on this subject, and if he will consent to do so, I will yield the floor to him temporarily for that purpose.

Mr. WINDOM. In answer to the question of the gentleman from Indiana, [Mr. NIBLACK,] I will say that the Committee of Indian Affairs have not yet examined this claim. I myself have read a communication from the Secretary of the Interior in reference to it, and therefore I think I understand something about the points involved. As to the status of these Indians during the war I think it is pretty well understood they have been rebels. I believe it is also true, as has been stated, that the Senate in 1866 made a treaty with these Indians by which they agreed to revive past obligations. I am not prepared to say whether this appropriation should be made or not.

Mr. KASSON. I desire to take no part in this debate further than a simple statement of facts in regard to this subject. I will simply ask the attention of members here to a brief statement of the reasons which governed the action of the Committee on Appropriations in this regard.

There has been a claim by the Choctaw Indians against the United States for a great many years, arising out of lands which were taken and sold by the United States, the proceeds of which the Indians claim by virtue of the treaty of 1830, I think. The United States resisted that claim. A treaty was made between these Indians and the United States, which bears date June 22, 1855. By the eleventh article of that treaty, which I have now before me, it was provided as follows:

"The Government of the United States not being prepared to assent to the claims set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

First, whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 17, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be effected; or,

"Second, whether the Choctaws shall be allowed a gross sum in further and full settlement of all their claims, national and individual, against the United States, and if so, how much."

That was the clause of the treaty which was made, as I have stated, in the year 1855, and ratified by the Senate. Subsequently to that time the Senate adopted a resolution upon the subject in which they settle the rule under which the award was to be made. The committee will bear in mind that by the treaty the adjustment of the claim was referred to the Senate of the United States exclusively, without the assent of the Indians being required to such action as they should adopt, except what was involved in the treaty itself. The Senate resolution was passed at the second session of the Thirty-Fifth Congress. After reciting the eleventh article of the treaty, which I have just recited, the Senate adopted the following resolutions:

"*Resolved*, That the Choctaws be allowed the proceeds of the sales of such lands as have been sold by the United States on the 1st day of January last, deducting therefrom the costs of their survey and sale, and all proper expenditures and payments under said treaty; excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of $1 25 per acre; and further that they be also allowed twelve and a half cents per acre for the residue of said land.

"*Resolved*, That the Secretary of the Interior cause an account to be stated with the Choctaws showing what amount is due them according to the above prescribed principles of settlement, and report the same to Congress."

This was the action of the Senate, in which they declared the rules which were to determine the amount to be awarded. In pursuance of that action of the Senate, the Secretary of the Interior reported the amount of about twenty-eight hundred thousand dollars I think. That report from the Secretary of the Interior was referred to the Committee on Indian Affairs of the Senate for reëxamination and report. That Committee on Indian Affairs of the Senate subsequently reported a sum which reduced the amount stated by the Secretary of the Interior, by certain set-offs claimed to be equitably due the United States, to about twenty-three hundred thousand dollars. And there the matter was left in the Senate at the time.

Subsequently, however, an appropriation of $500,000 was made by Congress on account of this claim, which has arrived at the stage which I have mentioned and described now. That reduced the amount again to about one million eight hundred thousand dollars. There the matter has stood until since the rebellion, when a treaty was formed between the United States and these Indians, which I greatly regret ever found its place upon the statute-book. That treaty was made in April, 1866, subsequently ratified by the Senate, and proclaimed on the 10th of July, 1866. This treaty, which I think was made very improperly and very unfortunately for the United States, embraced an article which I will read. It is article forty-five of the treaty, and is as follows:

"All the rights, privileges, and immunities heretofore possessed by said nation or individuals thereof, or to which they were entitled under the treaties and resolutions heretofore made and had in connection with them, shall be, and are hereby declared to be, in full force, so far as they are consistent with the provisions of this treaty."

Thus it turns out that this tribe of Indians, which had been in hostility to the United States, were by virtue of this treaty reinstated with all their former rights, with the single exception that the annuities they were entitled to pending the war, which had not been paid, were not to be paid, but they were to be resumed from and after the 1st day of July, 1866. This brought the committee to this condition: there was an amount which was due to these Indians by virtue, first, of the treaty which submitted it to an award; secondly, by the award which determined the principles by which it was to be ascertained; thirdly, that it was reduced by certain set-offs; and fourthly, thinking it however barely possible there may be some set-offs against these Indians which arose from general appropriations for the support of destitute Indians of the southern superintendency, which the House will recollect were made against my earnest protest at the last session of Congress. This was to appropriate only to them one half of the amount in the manner I have stated, giving them certificates not negotiable for three years, while if anything were found in the next three years in the way of set-off it might reduce this sum. I believe I have stated accurately all the facts of the case.

Mr. WILSON, of Iowa. Here is a treaty made between the Government of the United States and the Choctaws.

Mr. KASSON. I suppose the gentleman refers to the treaty which provided for the award. The first was between the United States and the whole of the Indians.

Mr. MORRILL. After considerable experience here, I am not surprised at anything in the last night of a session of Congress.

Mr. NIBLACK. I desire to say, as I have succeeded in obtaining some information, that I withdraw my amendment.

Mr. MORRILL. I move to strike out the whole section.

Mr. WILSON, of Iowa. I wish to call the attention of gentlemen to what this treaty provides.

Mr. MORRILL. I desire to say a word myself.

Mr. Chairman, as I was saying, I am prepared not to be surprised at almost any proposition at the last night of a session; but I do confess this is a little larger amount than I expected it possible to be presented on the present occasion. Here comes, not from the regular committee constituted to examine such claims and to report whether they are right or wrong, but in a mere deficiency appropriation bill a proposition to appropriate $2,000,000 on a State treaty twelve years old, and one that has been ignored for the past six years.

Now, sir, I desire to call the attention of the House to the manner in which we have been treating these rebel Indians for the last five years. In the Indian appropriation bill of 1862 it was provided that all appropriations heretofore or hereafter made to carry into effect treaty stipulations or otherwise in behalf of any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the Government of the United States, including the Cherokees, Creeks, Choctaws, Chickasaws, &c., and any other affiliated tribes, may and shall be suspended and postponed wholly or in part at and during the discretion and pleasure of the President.

The committee informally rose.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that on the legislative, executive and judicial appropriation bill, that body had receded from all its amendments not agreed to by the House of Representatives, except its forty-fourth amendment, to which it still adhered.

The committee then resumed its session.

DEFICIENCY BILL—AGAIN.

Mr. MORRILL. Now, let me call attention to the law of 1864. It was then provided that the Secretary of the Interior be, and is hereby, authorized to suspend such part of the amount herein appropriated to carry into effect any

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treaty stipulations with any tribe or tribes of Indians, all or any portion of whom shall be in actual hostility to the Government of the United States, including the Creeks, Choctaws, Chickasaws, &c., and other affiliated tribes, as well as the Cherokees, as may be found necessary to support such individual members of said tribes as have been driven from their homes or reduced to want on account of their friendship for the United States, and enable them to subsist until they can support themselves in their own country. The same thing exactly was repeated in 1865.

That is the way in which we have treated this subject for the last four or five years. Now, this claim arises from a treaty of 1856. So long as these appropriations came before the Committee of Ways and Means they have been uniformly rejected, and it is a pity that many of these Indian treaties, so called, had not been made inoperative and void by the refusal of the House to make appropriations therefor from the start.

Mr. STEVENS. Did they ever come before them?

Mr. MORRILL. Yes, sir, they did while the gentleman was chairman—even those provisions of 1862 and 1864 were inserted when the gentleman himself was chairman of the Committee of Ways and Means—and I will say so far as concerns these treaties with the tribes of Indians it is perfectly notorious that you can make any treaty if you only have whisky enough on the occasion. It is a farce to call them solemn treaties. I regard them as not worth the paper on which they are written. I have been informed that when the Senate acted upon this treaty there were scarcely half the members present. It has never been considered at any rate with that attention an appropriation of this magnitude demands.

But, sir, if the claim was as pure as snow, coming here at this late hour of the session I think it would be well for us to reject it. Let us have time to examine a claim of this kind before it is pressed to a vote. If these Indians have turned rebels and sold their services to southern rebels to fight their battles and by Indian warfare to strike terror into the hearts of Union men, women, and children of the South, they have forfeited all claim they may have had upon the United States, whether arising under treaty stipulations or otherwise. I do not think we need to be in any hurry about making this appropriation, and I am quite satisfied there will be no harm in postponing it until we can determine first whether anything is due, and second, if anything is due, how much.

Mr. GRINNELL. I move to perfect the text by offering the following proviso:

Provided, That no part of this sum shall be paid until the Committee on Indian Affairs of this House shall examine the claims of the Choctaw and Chickasaw tribes of Indians under treaty stipulations, and approve of the justness of this appropriation of $900,000.

This is a very large sum; and it relates to a very suspicious portion of the people of the United States, who happen not to stand so well before the country as I wish they did. I simply propose by this proviso, inasmuch as we have not time for examination, that the claim shall go to the Committee on Indian Affairs, and if it is decided to be a just one by that committee then let it be paid. These Cherokees and Choctaws are now dealing most unmercifully with the loyal portion of their tribe. It was proposed in this treaty that a certain sum, as settled by the Commissioner, should be paid to those loyal Indians. The disloyal people are impeding its payment; they are driving out the loyal men of Fort Gibson, who are now fleeing in mid-winter barefoot and almost naked. I wish to have the treaty examined, and I do not know where the claim can go so well as to the Committee on Indian Affairs. I wish to be no party to truce or treaty breaking, but I want an examination, and I believe if the question goes to this committee we shall have a proper adjustment.

Mr. WILSON, of Iowa. I wish to call the attention of the House to one feature of this section. It provides that this claim shall be paid according to the terms of a certain adjustment made by the Committee on Indian Affairs in the Senate in their report to that body on the 19th of June, 1860. Now, there is no allegation that the report of the Committee on Indian Affairs was adopted by the Senate; and if it was not, it stands as a mere recommendation of the committee. I desire to know from the Committee on Appropriations whether there was any action by the Senate on that report, or whether it stands as a mere recommendation to the Senate by the committee as yet unacted upon.

Mr. GRINNELL. In addition to the treaty stipulations, I have it from the gentleman who was then Secretary of the Interior and from the Commissioner of Indian Affairs, that they would not allow the insertion of one dollar as being due to the Cherokees and Choctaws. I think it is due that the House should know so much in regard to it. I do not know what interpretation may be put upon the treaty; I only wish to have it thoroughly examined.

Mr. FARNSWORTH. Exception seems to be taken to this appropriation because it is an appropriation bill. Now, sir, an appropriation bill is the proper place for appropriations to carry out treaties as much as to carry out laws. A treaty is the highest law. It seems from the treaties which were presented to the Committee on Appropriations that there is an obligation resting upon the Government of the United States to pay this sum of money. The gentleman from Vermont objects to this because it comes late in the session. So there are several appropriation bills that came late in the session, and the same objection will apply to every one of these appropriations. It is true this appropriation bill comes late in the session, as deficiency bills always do.

Now, if this is a treaty obligation upon the United States, there is no escape from it. The assertion that these Indians have been hostile to the Government, that they have been rebels or are doing this or that, that they are persecuting one another, is no argument against the obligation that we are under to carry out existing treaties, especially a treaty ratified by the Senate in June last, since the war closed. I suppose no gentleman desires to violate a solemn treaty obligation. That is the only question, and there is no more propriety in referring this subject to the Committee on Indian Affairs than there would be in referring any other item of appropriation to a committee which examines that subject. With the same propriety an appropriation for the purpose of carrying on the Treasury Department should be referred to the Committee of Ways and Means, and an appropriation to carry on the Indian department to the Committee on Indian Affairs.

Mr. STEVENS. I desire a communication from the Department on this subject shall be read, and for that purpose I move to strike out the last word.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., *February* 5, 1867.

SIR: I have the honor to invite the attention of the Committee on Appropriations to a claim of the Choctaw nation of Indians against the United States growing out of treaty stipulations, and to the necessity of an appropriation to meet it.

By the eleventh article of the treaty concluded at the city of Washington on the 22d of June, 1855, between the United States and the Choctaw and Chickasaw tribes of Indians, (Statutes-at-Large, vol. xi, p. 613,) it was stipulated and agreed as follows:

"The Government of the United States, not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

"1. Whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the cost of their survey and sale and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or

"2. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and if so, how much."

Pursuant to this treaty stipulation the Senate, on the 9th of March, 1859, made their award in the form of a resolution in the following words, namely, (Senate Journal, Second Session Thirty-Fifth Congress, 1858-59, page 403:)

"Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians, provides that the following questions be submitted for decision to the Senate of the United States:

"1. Whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or

"2. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and if so, how much:

"*Resolved*, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the 1st day of January last, deducting therefrom the costs of their survey and sale and all proper expenditures and payments under said treaty; excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of $1 25 per acre; and further, that they be also allowed twelve and a half cents per acre for the residue of said lands.

"*Resolved*, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above prescribed principles of settlement and report the same to Congress." (See Reports Senate, No. 374, second session Thirty-Fifth Congress, 1858-59.)

In obedience to the direction contained in this resolution, the Secretary of the Interior caused an account to be stated, and found that according to the principles of settlement prescribed by said resolution there was due to the Choctaw Nation the sum of $2,981,247 30.

This account was transmitted to Congress on the 8th of May, 1860. In the Senate it was referred to the Committee on Indian Affairs, who revised the account and reduced the amount thus reported to be due the Choctaws to $2,332,560 85. (Senate Document, 283, first session Thirty-Sixth Congress; Senate Reports, volume two.)

Congress, by act of March 2, 1861, (Statutes-at-Large, volume twelve, page 238,) made an appropriation of $500,000 on account of this claim, in the following form:

"For payment to the Choctaw nation or tribe of Indians, on account of their claim under the eleventh and twelfth articles of the treaty with said nation or tribe, made the 22d of June, 1855, the sum of $500,000; $250,000 of which sum shall be paid in money; and for the residue the Secretary of the Treasury shall cause to be issued to the proper authorities of the nation or tribe, on their requisition, bonds of the United States, authorized by law at the present session of Congress: *Provided*, That in the future adjustment of the claim of the Choctaws, under the treaty aforesaid, the said sum shall be charged against the said Indians."

Soon after this appropriation was made the sum of $250,000 was paid the Indians in money as directed, and the $250,000, provided to be paid in bonds, having been drawn from the Treasury and used according to the direction contained in the sixth section of the act of March 3, 1866, (Statutes-at-Large, volume twelve, page 563,) there is still due the Indians under the award made by the Senate the sum of $1,832,560 85.

By treaty concluded with the Choctaws and Chickasaws on the 28th of April, 1866, it was stipulated and agreed as follows, namely: (Acts first session Thirty-Ninth Congress, pages 90 and 95.)

"ARTICLE X. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw nations, entered into prior to the late rebellion, and in force at that time, not inconsistent herewith; and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation, from and after the close of the fiscal year ending on the 30th of June, 1866."

"ARTICLE XLV. All the rights, privileges, and immunities heretofore possessed by said nations or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had in connection with them, shall be, and are hereby declared to be, in full force, so far as they are consistent with the provisions of this treaty."

These Indians are represented as being in a very destitute and necessitous condition, and are urgent in their request for an appropriation of the balance of the amount awarded to them, but which remains unpaid.

It is believed that it could not be made available to them at a more opportune occasion than the present, as it would afford relief from their present sufferings and wants, and furnish them the means of repairing to a great extent the losses to which they have been subjected during the past few years.

The balance claimed by the Choctaw nation is clearly due them, and for the payment of which the faith of the Government is solemnly pledged. I therefore recommend that the necessary appropria-

tion be made to enable this Department to pay the amount as soon as practicable, being satisfied that it will be of more value to them now than at any future period.

I have the honor to be, very respectfully, your obedient servant, O. H. BROWNING, *Secretary.*

Hon. THADDEUS STEVENS, *Chairman Committee on Appropriations, House of Representatives.*

Mr. GARFIELD. I wish to say that I have carefully examined the letter of the Secretary of the Interior in hopes of finding good ground in it or in the treaty stipulations to which it refers for rejecting this large claim; but after a very careful reading I have come to the conclusion that we cannot escape the legal obligations resting upon us to pay this claim. It makes no difference whether, as the chairman of the Committee of Ways and Means has said, the treaties were obtained by the use of whisky or any other means. I know nothing about that. They are here recorded in the volume of our laws, and in accordance with the Constitution those treaties are a part of the law of the land.

Now, what says this treaty of 1866? I will read a sentence from the tenth article of the treaty, which is a perfect answer to all that has been said about their connection in any way with the rebellion.

"The United States reaffirm all obligation arising out of treaty stipulations or acts of legislation in regard to the Choctaw and Cherokee nations entered into prior to the late rebellion, and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation from and after the 30th of June, 1866."

Mr. MAYNARD. Does that relate to anything but their annuities?

Mr. GARFIELD. To all their claims and treaty stipulations.

Mr. MAYNARD. What does that mean when it says "after the 30th of June, 1866?"

Mr. GARFIELD. It means that they are to be paid after that date.

Mr. MAYNARD. I submit that it means their annuities are to be paid after that date.

Mr. GARFIELD. If it means their annuities only, why does it say their "annuities and other moneys accruing under treaty stipulations?" Now, I say, tracing this matter down step by step, from the first adjustment of this claim by the Senate and the treaty stipulations, through the supplemental account made up by the Secretary of the Interior, which account was submitted to the Senate, and by the Senate in 1860 reduced $600,000 and then allowed, another law appropriating $500,000 still further reducing the claim, and the remainder left standing on treaty stipulations, and only suspended during the rebellion, and revived again by treaty last June, it seems to me that we are as firmly bound as the United States can be by treaty and by law to pay this claim, and I know of no way of escaping it. We of course can keep it away from these people by brute force of numbers here; but if we design to keep our treaties and pay our debts we ought to pay this claim.

Mr. STEVENS. I withdraw my amendment.

Mr. CONKLING. I renew the amendment for the purpose of saying a few words. Suppose the gentlemen who are in this Hall to-night were sitting here as the directors of a private corporation, does any man believe that upon facts like those which have been presented here we would audit and pay a claim like this? Would any body of men, responsible as a board of trustees, ever sit upon facts and circumstances like these and audit a claim of upward of eighteen hundred thousand dollars? If any man does think so, then I wish he would take the trouble, as I have done, to talk with Mr. Cooley, who is now within the sound of my voice, and who made the treaty from which the gentleman from Ohio [Mr. GARFIELD] has just read to sustain the side of the argument precisely opposite to that which I think it supports. Whoever will talk with him will find that in the estimation of this man, intelligent and well-informed upon this subject, this claim is worse than fictitious in almost all its parts.

This treaty, which he concluded with these Indians, bound the Government to pay to them $2,300,000, and something more, in satisfaction of everything, as he understood; there being a technical reservation in the treaty that if it turned out that under existing stipulations they could show themselves entitled to anything more, they might "have their day in court," so to speak, in order to establish this remaining claim.

Now, I understand—and the chairman of the Committee on Indian Affairs, [Mr. WINDOM,] who I see is attending to this debate, knows better than I do about this matter—that Indians of this same tribe, if not the tribe itself, are here, or about to be here, with even more claims for damages sustained by them during the late rebellion, by being removed, expelled, or excluded from their lands. If that shall turn out to be so, there is a provision under which an investigation shall be had, and payment probably made, as the result of that investigation.

And now, in the face of all this, on the last night of the session—as cannot be too often repeated—this claim comes here upon an appropriation bill, stated, as I understand it, at the maximum which this former treaty allows, assuming everything that it is necessary to assume in order to show that any amount is due. And I regret that the gentleman from Iowa [Mr. GRINNELL] has offered, in the best of faith no doubt, which amendment I was told some time before we reached the consideration of this section would be offered. I was not told that it would be offered by him, for I have no doubt his purpose was a good one; but I was told that the amendment would be offered, and that it was for the purpose, to use the phrase that was used to me, of "letting the House down easy," and establishing a sort of compromise about this claim, and lead us to suppose that we were doing a very safe thing, because the Indian Committee were a committee to whom we could look for right action; and then the Indian Committee were to be surrounded by men—not Indians, not copper-colored men, for they are not ordinarily the men who own a magnificent claim like this—surrounded by all the men interested in furnishing *ex parte* statements, in bringing before the committee all sorts of information, which no committee, with reasonable diligence, with no client or counsel to aid them, would be expected to trace out for the purpose of showing the fallacy of, if in truth the information was fallacious.

Mr. STEVENS. I am rather surprised, Mr. Speaker, that the usually logical gentleman from New York [Mr. CONKLING] should have quoted so many parol cases, such as it would not be admissible to introduce in an argument in court. He talks about what he heard somebody say out of doors, or perhaps in conversation in this Hall, in regard to the interpretation of this treaty. My friend, who is one of the very best lawyers in the country, knows that everything of this kind would be spurned in a court of justice; it would not be listened to for a moment.

I ask that the concluding paragraph of the report of the Secretary of the Interior may be read. I believe it has not yet been read.

The Clerk read as follows:

"The balance claimed by the Choctaw nation is clearly due them, and for the payment of which the faith of the Government is solemnly pledged. I therefore recommend that the necessary appropriation be made to enable this Department to pay the amount as soon as practicable, being satisfied that it will be of more value to them now than at any future period."

Now, sir, the question before us for determination is whether we shall repudiate the debts of the Government and dishonor the nation, or whether we shall abide by a treaty, a part of the paramount law of the land. If we refuse to pay what those treaties contracted for, what the Senate liquidated, what is ascertained by the Department to amount to-day to $1,800,000, all that the President in his veto message to-day has said about us is true, every word of it; and we are not worthy to be considered as abiding by the Constitution.

Sir, that these Indians were hostile may be true, and probably is. But, sir, by the treaty of 1866 all that was condoned; they were reinstated in all their rights by the terms of that treaty. It was provided that only the past annuities should be forfeited, and that their future annuities should commence at a certain time. Sir, this sets at rest all the stories which the gentleman from New York has heard out of doors—all this clamor about these Indians. Sir, the Indians of this Choctaw tribe are as civilized and as sober as this House, even with the aid of the Congressional Temperance Society. [Laughter.] They have as good schools as are to be found in the State of New York—schools that would be an honor to any country. These Indians went into the rebellion probably for the same reason which influenced most of the southern people—because they were slaveholders. The moment they returned to their allegiance they abolished slavery, even before it was abolished elsewhere. They are now a free people, although at the time of the rebellion there were individuals among them owning as many as one hundred and eighty negroes. They are now reinstated in their allegiance and their rights under the Government; and by a treaty, duly concluded by the Executive and the Senate, it has been solemnly decreed that this sum shall be paid them.

We are told by some gentlemen—and this also is a mere matter of parol—that there was a thin house when this matter was acted on by the Senate. Is it intended to argue that therefore the treaty is not binding? Is such logic as that to be used to influence the minds of sensible men? And is the clamor about frauds to be got up here to induce us to violate solemn contracts entered into by the Government?

Mr. Chairman, in order to terminate debate I move that the committee rise.

Mr. ELDRIDGE. I hope the gentleman will allow some little time to gentlemen on this side.

Mr. WARD, of New York. I hope we shall come to a vote on this question, that we may have some probability of passing this bill during the present Congress.

The motion of Mr. STEVENS was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union having had under consideration the Union generally, and particularly the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, had directed him to report that the committee had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 1059) for the relief of Sylvanus Sawyer and William E. Ward.

An act (H. R. No. 710) to pay and discharge certain debts and expenditures to the corporation of the city of Washington.

Joint resolution (H. R. No. 174) authorizing the Secretary of the Treasury to audit and pay the claim of John R. Beckley.

CLOSING OF DEBATE.

Mr. STEVENS. I move that all debate in the Committee of the Whole on the state of the Union, on the pending section of the deficiency bill be closed within two minutes after its consideration shall be resumed.

Mr. ELDRIDGE. I want five minutes.

Mr. STEVENS. I will say ten minutes, then.

The motion was agreed to.

MOTION FOR RECESS.

Mr. HENDERSON, (at ten minutes past one o'clock, a. m.) Mr. Speaker, this is Sun-

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day morning, and I move that the House take a recess until Monday morning.

The SPEAKER. The Chair will state, as it is his duty, that unless the appropriation bills are reported back in this night's session from the Committee of the Whole, passed by the House, sent to the Senate and passed, then sent to committees of conference, and the reports of the committees agreed to, they will probably be lost, unless the President should sign them without reading them. The Clerk has all the force he can employ engaged in engrossing, but it will take twenty hours to engross the tax bill, and it will probably have to be reported to-morrow (Sunday) evening and sent to the President.

Mr. HOGAN. I move the House continue in session until nine o'clock in the morning, and then take a recess until nine o'clock to-morrow night.

Mr. STEVENS. We cannot fix any time now for taking a recess. All we have to do is to apply ourselves to finishing up as rapidly as may be business now before us.

Mr. HOGAN. I withdraw my motion.

PRINTING OF EVIDENCE.

Mr. HOOPER, of Massachusetts, called up a motion made at the last session of Congress to reconsider the vote by which certain evidence was ordered to be printed, as it was an entirely useless expense.

The motion to reconsider was agreed to; and then the order for the printing was rescinded.

TAX BILL.

Mr. MORRILL moved that five thousand copies of the tax bill in the usual form be printed for the use of the House.

The motion, under the law, was referred to the Committee on Printing.

BANKRUPT BILL.

Mr. HILL moved that five thousand copies of the bankrupt bill be printed for the use of the House.

The motion, under the law, was referred to the Committee on Printing.

DEFICIENCY BILL—AGAIN.

Mr. STEVENS. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ALLISON in the chair,) and resumed the consideration of the deficiency appropriation bill.

The CHAIRMAN stated that all debate on the pending section in reference to the Choctaw Indians was by order of the House to be closed in ten minutes.

Mr. ELDRIDGE. Mr. Chairman, I do not expect to be able to enlighten this committee on the subject under discussion before it. I must confess I know very little about this appropropriation, and have been unable so far to learn much from anything that has been said here. We have been pretty well assured, however, that this claim has never been considered anywhere by any committee; and that it has not regularly been reported from any committee.

But the point I wish particularly brought to the attention of the House is the one to which I will refer. I am somewhat refreshed to hear the remarks which have fallen from the gentleman from Pennsylvania, [Mr. STEVENS.] I am glad to hear him enunciate the doctrine which he has to-night in regard to these rebel Indians. I remember only a short time ago when he declared in reference to the States called the rebel States, that all constitutions, all the treaties and obligations entered into with them were abrogated and dissolved by the war. I recollect how eloquently he discoursed on that subject, and how boldly he claimed the rebels were conquered subjects, in our power, to be treated as we saw fit, by what he declared to be the power of the conqueror under the laws of nations. I am glad to hear sympathy expressed on that side of the House for any persons whom they may consider ever to have been in the wrong. I do not see, however, why treaties made by the United States with these Indians were not abrogated, were not dissolved by the fierce fires of civil war which dissolved the Constitution of the United States, which dissolved the constitution of the States, which dissolved all compacts, which dissolved all obligations that ever existed between the people of the rebellious States and the people of the adhering States.

I cannot understand why the same rule should not apply to these Indians, or why we should not be absolved from all our obligations to them as well as to those white persons who took part in the rebellion. I cannot understand, Mr. Chairman, why the gentleman would not apply precisely the same rule to the rebel Indians that he would to rebel whites; and yet we see here that he would apply not only a different rule but a more kindly and generous one to the savage Indian who has been in rebellion against the United States than he would apply to those of his own race, kindred, and blood. The Indian's rebellion does not, it seems, according to the gentleman's logic, dissolve our treaties with him nor our obligations to him; but the white man's rebellion, the white man's violations of the relations between him and us, absolved us from all our obligations to him. Now, I would apply precisely the same rule to the Indian as to the white man. If we have entered into any obligation to the Indians which is binding; if we have plighted our faith; if we have recognized since the rebellion the treaties made before the rebellion, or have in any way condoned their rebellion, then I would fulfill the obligation and stand by the treaty; and I admonish the gentleman that the same rule applies to the people of the South, and that if since the war we have condoned their rebellion, if we have admitted that the relations which existed between us before the war are still in existence, if we have pardoned any of them, then let us acknowledge the obligation and preserve our faith and honor to all, without regard to race or color.

Mr. WINDOM. By the same treaty of 1866, under which it is claimed that all our liabilities to these tribes were revived, it is also provided that a commission shall be appointed to go into the Indian country and take proof of the claims of loyal Indians for damages committed against them by the Choctaws and Chickasaws who were disloyal. Now, it is insisted by the nation that we are bound to pay them under this treaty; and the committee are about to hasten through the House this section in regard to their pay, while at the same time their agents have placed upon our table a protest against paying what they are bound under the same treaty to pay for damages done to loyal Indians.

Now, sir, I am not prepared to say whether we are bound to pay this debt provided for in this eighth section or not; but this I do feel satisfied of, that if we do pay it we should at the same time require that nation to comply with their obligations, entered into by the same treaty, to pay the loyal Indians among them for the damage which they have done them. I am in favor of postponing this for the present and settling both at the same time.

Mr. GRINNELL. I rise simply to reply to the allusion that was made to me by my friend from New York, [Mr. CONKLING]—to reply to his intimation that the resolution which I introduced was intended to sugar-coat this nauseous pill.

Mr. CONKLING. Mr. Chairman, if the gentleman will allow me I will state that I said expressly that I had no doubt his purpose was to guard it, but that I had been told long before we reached that section there would be such a motion made, though not that it would be made by him.

Mr. GRINNELL. Well, I simply desire to say that during the four years that I have been here I have never yet been approached by any claimant nor by the agent of any claimant before the American Congress; and that not only have I never conversed with any of these parties, but that I do not even know their names. I believed that if this claim were referred to the Committee on Indian Affairs, under the supervision of the able chairman of that committee, for whom I have the highest respect, it would receive a fair and honest and a timely adjustment; and my resolution was designed to secure for it such an adjustment. That was my purpose. I was prejudiced against the claim. I believed, as I still believe, that the parties asking this measure are bad; I believe they are using their brothers, the loyal Indians, with cruelty; and I wish not to pay one dollar more than is required by the letter of the treaty. In the proviso which I offered I meant not "sugar-coating" of any kind, but honesty and justice to all parties concerned. I have deemed this brief statement due to myself, in view of the intimatiom made by the gentleman from New York.

Mr. FARQUHAR. Mr. Chairman, it is claimed by the chairman of the Committee on Appropriations that the rejection of this claim will be bad faith and a violation of the treaty stipulations with the Indians named. The decision of the Attorney General of the United States, as read before the House in the Miami Indian case, is in direct conflict with the opinion of the distinguished gentleman from Pennsylvania, and declares in express terms that the Congress of the United States have not only the power but the right to withhold appropriations in execution of Indian treaties, and thus indirectly defeat their purposes. It is charged, and not denied, that these Choctaw Indians were rebels and participated in arms in the attempt to destroy the Government of the United States. Sir, the distinguished gentleman from Pennsylvania has repeatedly announced to this House and the country that he favored measures to "punish traitors and make treason odious," and now that an opportunity offers to stamp the treason of those faithless recipients of our past protection and paternal care he abandons his avowed purposes, and we who would follow him are compelled to execute the wishes of the loyal men of the country. Sir, I rejoice in the opportunity of placing myself consistently on the record, and have sought opportunity to do so from the first day of this session.

Mr. GRINNELL. At the request of gentlemen about me I withdraw my amendment.

The question being then taken upon Mr. MORRILL'S motion to strike out the entire section, there were—ayes eighty-five, noes not counted.

So the motion was agreed to.

Mr. GRINNELL. I offer the following as an additional amendment:

Be it further enacted, That the Secretary of the Interior be authorized to pay to the Yancton Sioux Indian scouts, who were called into service by General Sully, in 1864, for the protection of the frontiers of Dakota and Iowa, the sum of twenty-five dollars per month each, for their services and the use of their horses for the time they were actually employed, and for this purpose the sum of $7,500 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. UPSON. I rise to a point of order. This amendment is not germane to the bill; it is independent legislation.

Mr. SCOFIELD. I make the additional point, that the appropriation here proposed is not in pursuance of any law.

The CHAIRMAN. The Chair rules that the amendment is not in order.

Mr. HALE. I submit the following amendment to the bill:

Be it further enacted, That the Secretary of the Treasury is hereby authorized and directed, in order to afford suitable fire-proof rooms in the Treasury building for the Bureau of Internal Revenue and its records and files, and to remove the same from the unsafe building where they now are, and to relieve the Treasury building from the nuisance and injury caused by the printing and manufacturing operations now carried on therein, to dispense with the present printing and engraving establishment of the Treasury, and to procure the engraving and printing of the bonds, notes, fractional currency, and other Government securities and circulating medium by

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contract with such parties as shall contract to do the same in the best and most secure manner, and on the most reasonable terms, after full competition being allowed by advertisement for proposals; and a sufficient sum to pay the expenses of such removals and changes and advertising is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. STEVENS. I raise the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The Chair decides that the amendment is not in order.

Mr. HOTCHKISS. I offer the following amendment to the bill:

Be it further enacted, That for one year from and after the passage of this act, machinery for the manufacture of beet sugar, and imported for that purpose solely, shall be exempt from duty.

Mr. STEVENS. I raise the point of order that this amendment is not germane to the bill.

The CHAIRMAN. The Chair sustains the point of order. The amendment is not in order.

Mr. STEVENS. I move that the committee rise and report the bill.

Mr. HOTCHKISS. I would inquire who objected to my amendment?

Mr. STEVENS. I did.

Mr. HOTCHKISS. Will the gentleman withdraw his objection for a moment?

Mr. STEVENS. I cannot; we have but little time left in which to finish very important legislation. I move that the committee rise and report the bill to the House.

Mr. FARQUHAR. I rise to a point of order: some time since, in stating who was entitled to the floor, the Chair distinctly stated that the gentleman from New York, in front of the Chair, was entitled to the floor; and that he would afterwards recognize the gentleman from New York, [Mr. HOTCHKISS,] on the left of the Chair.

The CHAIRMAN. The Chair did recognize the gentleman from New York, [Mr. HOTCHKISS,] who offered an amendment, which has been ruled out of order.

The committee rose informally, and the Speaker resumed the Chair.

ENROLLED BILL SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1868.

DEFICIENCY APPROPRIATION BILL—AGAIN.

The House, in the Committee of the Whole, again resumed the amendment of the deficiency appropriation bill.

Mr. HOOPER, of Utah. I offer the following, to come in as an additional section:

SEC. —. *And be it further enacted*, That the officers appointed under the provisions of the seventh section of the act entitled "An act granting the right of way to ditch and canal owners on the public lands, and for other purposes," approved July 26, 1866, shall, in addition to the duties imposed upon them by the said act, do and perform all the duties which the officers of any land district may legally do until such time as the regular land office is established.

Mr. STEVENS. I rise to a point of order. The amendment is independent legislation, and therefore not in order on an appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RICE, of Maine. I move to amend by inserting the following as an additional section:

SEC. —. *And be it further enacted*, That the Secretary of the Interior is hereby directed to examine anew the site for the jail authorized to be erected for the District of Columbia, by an act of Congress of July, 1866, and if in his opinion the site now selected is not suitable for the purpose he is hereby authorized to select a different site: *Provided*, That if a proper and eligible site can be found on any of the Government land or reservations the said jail shall be located thereon, and if no such site can be obtained then the said Secretary is authorized to purchase the most eligible tract of land upon which to locate the same, at a price not exceeding $50,000; and the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay for any tract of land purchased under the provisions of this act.

Mr. STEVENS. I rise to a point of order, that this amendment is not germane to the bill, and is independent legislation and not appropriate to this bill.

Mr. RICE, of Maine. Let me state that there has been an appropriation of $200,000 to build a jail. A site located in a swamp has been selected, not proper for this building. But the jail must be built upon the site selected, unless it is changed. And this amendment is intended——

Mr. STEVENS. I call the gentleman to order, and ask the Chair to decide upon my point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Pennsylvania, [Mr. STEVENS,] and rules the amendment of the gentleman from Maine [Mr. RICE] to be out of order.

Mr. RICE, of Maine. I appeal from the decision of the Chair.

Mr. MAYNARD. I ask that the latter part of Rule 120 be read.

Mr. STEVENS. We do not want any more rules read. Let the question be taken.

Mr. RICE, of Maine. I desire to say——

The CHAIRMAN. Debate is not in order.

Mr. LE BLOND. Does the Chair decide that the question of whether the Chair is wrong or right in his decision is not debatable? I contend that it is; and if the Chair will examine the rule he will find that it is debatable.

The CHAIRMAN. The Chair decides that by order of the House all debate on this bill is closed.

Mr. SCHENCK. I think the Chair is in error. According to my recollection the motion in the House was distinct that debate should be closed on the pending section.

The CHAIRMAN. The Chair must be governed by the orders of the House as communicated to him. The information of the action of the House received by the Chair is that all debate was closed upon this section and all amendments thereto. And the practice is established by long usage that when debate is closed on any given section or paragraph it is also closed on all amendments to or following that paragraph, whether in the form of new sections or not. And no debate is in order until another paragraph or section of the text of the bill, if there be one, is read.

Mr. STEVENS. The question now is, as I understand it, whether the decision of the Chair in ruling the amendment of the gentleman from Maine [Mr. RICE] out of order shall stand as the judgment of this committee.

The CHAIRMAN. That is the question.

The question was taken; and there were—ayes seventy-two, noes not counted.

So the decision of the Chair was sustained.

Mr. SCHENCK. I move to amend by adding the following as a new section:

And be it further enacted, That the Secretary of War be, and is hereby, authorized and empowered to carry into effect the recommendations of the commissioners appointed under the acts of April 19, 1864, and June 27, 1866, relative to the Moline Water Company and the water-power at Rock Island, Illinois, as contained in the report of said commissioners, and to make application for that purpose of the money heretofore appropriated for securing water-power at the head of Rock Island.

Mr. STEVENS. I make the point of order, that this amendment is not germane to the bill.

Mr. SCHENCK. I beg the Chair, before deciding that question, to look at the law, which will show that the amendment simply proposes an application of an appropriation already made.

The CHAIRMAN. The Chair, after examining the law, thinks that the amendment is in order.

Mr. SCHENCK. Now, Mr. Chairman, I desire to say a few words in support of this amendment.

The CHAIRMAN. Debate is not in order.

Mr. SCHENCK. Well, sir, I rise to a point of order. The gentleman from Pennsylvania moved to close debate on the pending section only, announcing to us that it was not intended to terminate debate upon new sections which might be offered. Before the vote was taken I asked the present occupant of the Chair whether the debate was to be closed on the section only, leaving new sections open to debate, and I understood from the Chair that such was the effect of the motion. Now, sir, if I am not permitted to go on and explain the amendment which I have offered I withdraw it. I am satisfied that, if it were properly understood by the House, it would encounter no objection.

The CHAIRMAN. The Chair understood the motion of the gentleman from Pennsylvania to be to close debate upon the eighth section—the last section of the bill—and all amendments thereto; and on recurring to the Journal of the Clerk, the Chair finds that to be the motion of the gentleman from Pennsylvania which was adopted.

Mr. SCHENCK. My amendment is offered as an additional section. I appeal to the gentleman from Pennsylvania himself to say whether he did not tell me and others around me that his motion applied only to the pending section and not to amendments which might be offered as additional sections.

The CHAIRMAN. The Chair can only take the record as he finds it.

Mr. SCHENCK. Then the record is wrong.

The CHAIRMAN. The Chair is compelled to rule that no debate is in order.

Mr. SCHENCK. Then the Chair decides that I cannot be permitted to explain my amendment.

The CHAIRMAN. The Chair decides that this is in the nature of an amendment to the last section of the bill.

Mr. SCHENCK. I withdraw the amendment.

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes.

ENROLLED BILL SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 523) entitled "An act for the relief of the inhabitants of cities and towns upon the public lands;" when the Speaker signed the same.

The Committee of the Whole resumed its session.

Mr. HOTCHKISS. I move to add the following:

And be it further enacted, That for one year, from and after the passage of this act, machinery for the manufacture of beet sugar and imported for that purpose shall be exempt from all duty.

Mr. HILL. I raise the point that the amendment is not in order.

Mr. MAYNARD. I send up to the Chair the law of July 26, which I ask him to read in connection with the latter part of Rule 120, and he will see by examining them that the amendment which I ask the Clerk to read is perfectly in order.

The Clerk read as follows:

And be it further enacted, That no money shall be paid out of the Treasury toward the construction of the new jail for the District of Columbia unless the letting of the contract for said jail shall be suspended and delayed until perfected plans for the entire work shall have been completed and approved by a board of three, composed of disinterested and competent engineers and architects, of whom Quartermaster General M. C. Meigs and A. B. Mullett shall be two nor unless the letting of said contract shall have been open to fair and equal competition on reasonable notice, printed in two leading newspapers published in the city of Washington, after such approval of said perfected plans.

Mr. STEVENS. I make the point of order

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that this amendment is not germane to this deficiency bill; that it has nothing in the world to do with it.

The CHAIRMAN. The Chair must overrule the point of order. It is a restriction of an appropriation already made, and therefore is in order.

Mr. LAWRENCE, of Ohio. I move the following as an amendment to the amendment:

And be it further enacted, That the Secretary of the Interior shall cause to be levied and assessed upon the taxable property of the District of Columbia and to be collected taxes sufficient pay for erecting said jail. And the Secretary of the Interior may require the municipal authorities and officers in the District of Columbia to perform such duties as he may require or prescribe to levy, assess, and collect the taxes herein authorized, and to pay the same into the Treasury of the United States.

Mr. STEVENS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLISON reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30th, 1867, and for other purposes, and had come to no resolution thereon.

Mr. STEVENS moved that all rules be suspended and the Committee of the Whole on the state of the Union be discharged from the further consideration of the deficiency appropriation bill.

The motion was agreed to.

Mr. CONKLING. In accordance with the understanding heretofore made, I move to strike out the following paragraphs in the bill:

To pay for completing the repairs and furnishing the Executive Mansion, $35,000.

To thoroughly repair the roof of the Executive Mansion, $2,500.

I do not include the paragraph in reference to fuel for the President's House, at the suggestion of my friend from Pennsylvania.

Mr. STEVENS. I now demand the previous question.

The previous question was seconded and the main question ordered.

Mr. LAWRENCE, of Ohio, demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 58, nays 82, not voting 61; as follows:

YEAS—Messrs. Alley, Ames, James M. Ashley, Baker, Beaman, Boutwell, Brandegee, Bromwell, Broomall, Bundy, Cobb, Conkling, Cook, Cullom, Defrees, Deming, Eckley, Eliot, Farquhar, Ferry, Grinnell, Abner C. Harding, Holmes, Hotchkiss, Hulburd, Julian, Kelley, William Lawrence, Loan, Lynch, Marquette, McClurg, McIndoe, McRuer, Morrill, Moulton, Orth, Paine, Patterson, Perham, Price, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Starr, Stokes, Upson, Van Aernam, Hamilton Ward, Warner, Henry D. Washburn, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, and Windom—58.

NAYS—Messrs. Allison, Ancona, Arnell, Baldwin, Banks, Barker, Baxter, Bergen, Bidwell, Bingham, Blaine, Boyer, Buckland, Chanler, Cooper, Darling, Davis, Dawes, Dawson, Delano, Dixon, Dodge, Donnelly, Eggleston, Eldridge, Farnsworth, Finck, Garfield, Hale, Hart, Hawkins, Hayes, Higby, Hogan, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Humphrey, Hunter, Jenckes, Kasson, Kerr, Ketcham, Koontz, Kuykendall, Laflin, Latham, George V. Lawrence, Le Blond, Leftwich, Marshall, Marston, Marvin, McKee, Mercur, Miller, Moorhead, Morris, Myers, Niblack, O'Neill, Phelps, Pike, Pomeroy, Raymond, Alexander H. Rice, John H. Rice, Shanklin, Sitgreaves, Stevens, Taber, Nelson Taylor, Thayer, Thornton, Trimble, Burt Van Horn, Robert T. Van Horn, Andrew H. Ward, William B. Washburn, Welker, Whaley, and Woodbridge—61.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, Benjamin, Blow, Campbell, Reader W. Clarke, Sidney Clarke, Culver, Denison, Driggs, Dumont, Glossbrenner, Goodyear, Griswold, Aaron Harding, Harris, Henderson, Hill, Hise, Hooper, Demas Hubbard, Edwin N. Hubbell, James R. Hubbell, Ingersoll, Jones, Kelso, Longyear, Maynard, McCullough, Newell, Nicholson, Noell, Plants, Radford, Samuel J. Randall, William H. Randall, Ritter, Rogers, Ross, Rousseau, Sloan, Spalding, Stilwell, Strouse, Nathaniel G. Taylor, Francis Thomas, John L. Thomas, Trowbridge, Elihu B. Washburne, Winfield, and Wright—61.

So the amendment was disagreed to.

Mr. STEVENS moved to reconsider the votes upon the various amendments; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill, as amended, was read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST ROUTE BILL.

The SPEAKER. The Chair lays before the House the amendments of the Senate to House bill No. 1182, to establish certain post routes. There is no legislation in it, nothing but post routes. It is a long bill, and if there is no objection, the amendments of the Senate will be concurred in.

No objection being made, the amendments of the Senate were concurred in.

PUBLIC EXPENDITURES.

Mr. HULBURD, by unanimous consent, from the Committee on Public Expenditures, submitted a report; which was laid on the table, and ordered to be printed.

An accompanying resolution, for the printing of four thousand extra copies, was referred to the Committee on Printing, under the law.

JOHN H. SURRATT.

Mr. WOODBRIDGE, from the Committee on the Judiciary, submitted a report relative to the arrest of John H. Surratt; and moved that it be laid on the table, and ordered to be printed.

Mr. LE BLOND. I want to hear that report read.

Mr. ELDRIDGE. Has the Committee on the Judiciary a right to report on that subject?

The SPEAKER. The Chair thinks it was authorized to report at any time.

Mr. LE BLOND. The Journal of the Clerk would settle that question.

The SPEAKER. The Chair rules upon his recollection.

Mr. SLOAN. I move to suspend the rules authorizing any member to demand the reading of the report.

Mr. LE BLOND. I demand the yeas and nays on that motion.

Mr. SLOAN. I withdraw the motion.

The Clerk read the report, in which the committee state that Mr. Surratt sailed from Canada for Liverpool about the middle of September, 1865; that information was received by Secretary Seward from Mr. Welding, then vice-consul at Liverpool, by communication dated September 27, 1865, that Surratt was at that time at Liverpool, or expected there in a day or two. After detailing all the facts intervening before the arrest of the prisoner, the committee say whether an indictment was procured does not appear from the testimony, but it does appear that no demand for the surrender of Surratt was ever made upon the British Government from the foregoing and other evidences produced. Upon investigation the committee find,

1. That the Executive did not send any detective or agent to Liverpool to identify Surratt or trace his movements, notwithstanding there was ample opportunity for doing so, as appears from the communication of Mr. Potter.

2. The Executive did not cause notice to be given to our minister at Rome that Surratt intended going there, when the Government had every reason to believe that such was his intentions.

8. That on November 24, 1865, an order was issued from the War Department, revoking the reward offered for the arrest of Surratt.

4. That from the reception of the communication revoking the order, dated August 8, 1866, up to October 16, 1866, no steps were taken either to identify or procure the arrest of Surratt, then known to be in the military service of the Pope.

The testimony of the Secretary of State, the Secretary of War, and others, herewith submitted, explaining and tending to justify the acts of the Government in the premises does not, in the opinion of the committee, excuse the great delay in even attempting to arrest a person charged with complicity in the assassination of the late President; and while the committee do not charge improper motives upon the officers of the Government, they are constrained from the testimony to report that, in their opinion, due diligence in the arrest of Surratt was not exercised by the executive department of the Government.

Mr. LE BLOND. Mr. Chairman——

The SPEAKER. The motion to lay on the table and print is not debatable.

Mr. LE BLOND. I hope the gentleman from Vermont will withdraw the motion for a few moments.

Mr. WOODBRIDGE. At this late hour in the evening I do not think it would be proper.

Mr. LE BLOND. Then I call for a division of the question; the motion to print is certainly debatable.

The SPEAKER. A division being demanded, the first question is on the motion to lay the report on the table.

The motion was agreed to.

The SPEAKER. On the motion to print the gentleman from Vermont has the floor.

Mr. WOODBRIDGE. I demand the previous question.

Mr. LE BLOND. I appeal to the gentleman to let me be heard a moment.

Mr. WOODBRIDGE. I will yield five minutes.

Mr. LE BLOND. I do not propose to enter into any argument upon this proposition. It is quite impossible that I should be able to do it, for I have no knowledge on the subject except what I have gathered from the reading of this report from the Clerk's desk. It bears upon its face a very palpable dodge. After going on detailing what has been done by the different Departments it concludes by exonerating the Secretary of State and the Secretary of War from any blame in the matter whatever; but it nevertheless does charge upon the Executive of the United States almost complicity in the assassination of the late President of the United States.

Mr. WOODBRIDGE. Oh, no.

Mr. LE BLOND. I will change the expression and say that it charges a dereliction of duty in not having this man Surratt arrested, and conniving with his non-arrest. That is substantially the report.

Now, Mr. Speaker, it does seem to me that this is carrying the matter a little too far. If this report had come from the chairman of the committee or from the gentleman from Massachusetts, [Mr. BOUTWELL,] after what he has said in this House in the early part of the session against the Executive of the United States, charging him with dereliction of duty in regard to the arrest of this man, I would not be so much surprised, for it would only go in supposed vindication of what he said. I am now inclined to think that this report is without testimony sustaining the conclusion that they came to. I do not know but it is done for the purpose of bolstering up the gentleman from Massachusetts in the expressions that he used some time ago. If there is any testimony before the committee that goes to show, either directly or indirectly, that the President of the United States has not discharged his duty and his whole duty, the committee will confer a very great favor upon me and upon the country, I am sure, by showing what that testimony is, and how far it goes to sustain the report that has been made. I would ask the Clerk whether the gentleman from Massachusetts [Mr. BOUTWELL] has signed the report?

The SPEAKER. It is signed by the gentleman who reported it [Mr. WOODBRIDGE] for the committee.

Mr. LE BLOND. The gentleman from Massachusetts [Mr. BOUTWELL] in his former speech agreed to retract and exonerate the Executive if he did not find testimony fully sustaining what he had said. Now, if there is any testimony here in any way sustaining the conclu-

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sions of the committee, I hope the gentleman from Massachusetts will call our attention to it and have it read, so that we may see whether it justifies the House in ordering the report to be printed; and here let me say that if the Executive is guilty of any wrong, I for one am as willing to sustain the committee in casting the imputation as any man in this House. But it is wrong that this report should be sent broadcast over the land to reflect upon the President unless there is testimony to sustain the report of the committee. I hope to hear from the gentleman from Massachusetts upon the subject.

Mr. WOODBRIDGE. I will not detain the House by making any remarks, but I will simply state that the Committee on the Judiciary went through a patient investigation, as they were charged to do by order of the House, and that the conclusion in this report was agreed upon by every member of the committee save one, the gentleman from New Jersey, [Mr. ROGERS,] to whom it has been submitted and who has read it. Whether he intends to submit a minority report or not I do not know.

Mr. LE BLOND. I have been informed by the gentleman from New Jersey that he did desire to present a minority report. He is not in his seat this evening, and it is possible he may be engaged in preparing it.

Mr. BOUTWELL. The gentleman from Ohio has been pleased to advert to some remarks of mine in reference to this matter at the opening of the session. The House will remember that I then spoke with some feeling. I knew for one that the executive department of the Government was in possession of information in reference to Surratt, and I had waited through weeks and months for some public evidence as to the conduct of the Administration in reference to his arrest. I may have felt too strongly upon the subject. I had known Mr. Lincoln and become attached to him. I felt deeply his death at the hand of an assassin, and I supposed it was the duty of this Government and of every officer of it to traverse every continent, to vex every sea, to invade every island of the ocean from the Arctic to the Antarctic circle in pursuit of the man who was implicated in that great tragedy. I therefore spoke with deep feeling. But I think the House will remember that neither at that time nor at any other time did I charge any man connected with the Government with willful neglect of duty in this matter. Nor does the committee now charge any man with willful neglect of duty.

The testimony will show what the explanations made by the Secretary of State have been. If the House chooses to print that testimony it will be before the country. My own view in the matter is that there has been no willful neglect on the part of anybody, but rather on the other hand that neglect of duty which came from not appreciating, as the officers of the Government ought to have appreciated, the importance of the matter. But it was none the less the duty of the committee to lay before the House and before the country all the evidence in its possession. They have given in the report prepared by the gentleman from Vermont a summary of that testimony and the results to which the committee have come. No person connected with the Government is charged with willful neglect of duty, much less with a criminal intent to screen any person connected with the assassination.

If the gentleman from Ohio [Mr. LE BLOND] had listened carefully to the report as it was read he would have observed that there is no charge whatever made in that report against the President of the United States for not using proper diligence in procuring the arrest of J. H. Surratt. The report simply says that the executive department of the Government, not necessarily the Executive himself, had been remiss in the performance of its duty.

Mr. LE BLOND. Is there anything in the statements made by the Secretary of State or the Secretary of War that justifies the committee in coming to the conclusion that the President has been remiss in his duty in regard to the arrest of Surratt?

Mr. BOUTWELL. The committee have made no charge whatever against the President, either personally or officially. They have said that they are not able to fix the responsibility exactly and precisely upon anybody. The Secretary of War may have been remiss, the Secretary of State may have been remiss, the President himself may have been remiss. The committee do not charge any willful misconduct in this matter upon any particular person. But they do say that in their opinion there has been neglect of duty upon the part of some one or all of these officers in the executive department of the Government.

Mr. RAYMOND. I would like to inquire of the gentleman from Massachusetts [Mr. BOUTWELL] for my own information, and for the information of this House, whether the alleged neglect of the executive department to pursue Surratt vigorously, ostentatiously, and publicly, from the time when they knew of his whereabouts, was not imputable probably, or at least possibly, to a desire to pursue him more carefully and more certainly than they could have done had all their movements been made known to the public?

Mr. BOUTWELL. The answer to that question is apparent from the question itself. It has not been with me a subject of complaint that they did not pursue J. H. Surratt publicly and ostentatiously. But now that we have inquired into all the proceedings of the Government in this regard, we find that not only did they not pursue him publicly and ostentatiously, but they did not in any way pursue him as the committee think they ought to have pursued him.

Mr. RAYMOND. One other question. It is quite possible that in conducting this pursuit the officers engaged in it may not have done precisely what the committee, with their further knowledge since acquired, now think ought to have been done. But unless I am mistaken in the general tenor of the testimony, the details of which I have not had an opportunity to read, there is evidence which shows that they kept track of Surratt, that the officers of this Government in foreign countries were instructed to keep track of him, but not to make any attempt to arrest him until they should have reason to believe that the demand for his surrender would be favorably responded to by the authorities of the country where he might then be found. That is all I desire to know about it.

I wish to make no imputation whatever upon the committee, and the gentleman from Massachusetts [Mr. BOUTWELL] will allow me to say that I am somewhat led to make this inquiry by his own statement of the feelings which led him to make use of the expressions which he used at the outset of this discussion. He alleged his deep interest in Mr. Lincoln, his personal acquaintance with him, his reverence and respect for him, which we all feel, as the reasons which led him to think that the Government had been remiss in this matter. Perhaps if nothing but remissness appeared we might all share that opinion; but if there is reason even to suppose that the Government was endeavoring to make this pursuit more successfully, I think it should lead to some tempering of our judgment in reference to this matter.

Mr. BOUTWELL. I can only speak for myself from the point of view suggested by the gentleman from New York, [Mr. RAYMOND.] The evidence does not disclose to my mind that those officers in the executive government to whom the country would naturally look for the conduct of a prosecution of this character, were attentive to the matter from the time, in October, 1865, when they were first informed of the whereabouts of Surratt, until November, 1866, when he was arrested.

I think I should not take up more of the time of this House with this subject. I will only say further that my associates on the committee will sustain me in the statement that from the commencement of this investigation until its conclusion I have not undertaken to exercise any influence over their deliberations or the results which they have reached.

Mr. WOODBRIDGE. I will hereby suggest that as Surratt is now within this District, and soon to be put upon his trial, it might be improper to publish the testimony which has been taken by the committee during this investigation. I will therefore modify my motion, so that the report only, and not at present the testimony, shall be printed; and on that motion I call the previous question.

Mr. ELDRIDGE. Mr. Speaker, I trust that the gentleman from Vermont [Mr. WOODBRIDGE] will allow me one word. I hope that in view of the difference of opinion in regard to the report and the evidence both will be printed together. Certainly the evidence should be published. I hope the gentleman from Vermont will not insist that the report, embracing merely the conclusions which the committee have drawn from the evidence, shall be printed without the testimony, which should accompany it. Considerations of mere justice and humanity toward Surratt would suggest that the evidence should be published.

Mr. WOODBRIDGE. Very well; I move that the report and testimony be printed. I insist on the call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion of Mr. WOODBRIDGE was adopted.

IMPEACHMENT OF THE PRESIDENT.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary to present a report relative to the official conduct of the President of the United States.

Mr. ELDRIDGE. Mr. Speaker, I wish to raise a question of order: I see by the clock that it is now almost three o'clock in the morning; and I believe this is the Sabbath day. I think we should not do any more business to-night, except it be business of necessity or charity.

The SPEAKER. This, in parliamentary view, is Saturday. The Clerk will read the report submitted by the gentleman from Iowa.

The Clerk read as follows:

The Committee on the Judiciary, charged by the House with examination of certain allegations of high crimes and misdemeanors against the President of the United States, submit the following report:

On the 7th day of January, 1867, the House, on the motion of Hon. JAMES M. ASHLEY, a Representative from the State of Ohio, adopted the following preamble and resolutions, to wit:

"I do impeach Andrew Johnson, Vice President and acting President of the United States, of high crimes and misdemeanors.

"I charge him with a usurpation of power and violation of law;

"In that he has corruptly used the appointing power;

"In that he has corruptly used the pardoning power;

"In that he has corruptly used the veto power;

"In that he has corruptly disposed of the public property of the United States;

"In that he has corruptly interfered in elections, and committed acts which, in contemplation of the Constitution, are high crimes and misdemeanors: Therefore,

"*Be it resolved*, That the Committee on the Judiciary be, and they are hereby, authorized to inquire into the official conduct of Andrew Johnson, Vice President of the United States, discharging the powers and duties of the office of President of the United States, and to report to this House whether, in their opinion, the said Andrew Johnson, while in said office, has been guilty of acts which are designed or calculated to overthrow, subvert, or corrupt the Government of the United States, or any department or office thereof; and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts, which, in contemplation of the Constitution, are high crimes and misdemeanors, requiring the interposition of the constitutional power of this House; and that said committee have power to send for persons and papers and to administer the customary oath to witnesses."

The duty imposed upon the committee by this action of the House was of the highest and gravest character. No committee during the entire history of the Government has ever been charged with a more important trust. The responsibility which it imposed was of oppressive weight, and of most unpleasant nature. Gladly would the committee have escaped from the arduous labor imposed upon it by the resolution of the House; but once imposed, prompt, deliberate, and faithful action, with a view

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to correct results, became its duty, and to this end it has directed its efforts.

Soon after the adoption of the resolution by the House, Hon. JAMES M. ASHLEY communicated to the committee, in support of his charges against the President of the United States, such facts as were in his possession, and the investigation was proceeded with, and has been continued almost without a day's interruption. A large number of witnesses have been examined, many documents collected, and everything done which could be done to reach a conclusion of the case. But the investigation covers a broad field, embraces many novel, interesting, and important questions, and involves a multitude of facts, while most of the witnesses are distant from the capital, owing to which the committee, in view of the magnitude of the interests involved in its action, have not been able to conclude its labors, and is not therefore prepared to submit a definite and final report. If the investigation had even approached completeness, the committee would not feel authorized to present the result to the House at this late period of the session, unless the charges had been so entirely negatived as to admit of no discussion, which, in the opinion of the committee, is not the case.

Certainly no affirmative report could be properly considered in the expiring hours of this Congress.

The committee not having fully investigated all the charges prepared against the President of the United States, it is deemed inexpedient to submit any conclusion beyond the statement that sufficient testimony has been brought to its notice to justify and demand a further prosecution of the investigation.

The testimony which the committee has taken will pass into the custody of the Clerk of the House, and can go into the hands of such committee as may be charged with the duty of bringing this investigation to a close, so that the labor expended upon it may not have been in vain.

The committee regrets its inability definitely to dispose of the important subject committed to its charge, and presents this report for its own justification, and for the additional purpose of notifying the succeeding Congress of the incompleteness of its labors, and that they should be completed.

JAMES F. WILSON, *Chairman.*
FRANCIS THOMAS,
D. MORRIS,
F. E. WOODBRIDGE,
GEORGE S. BOUTWELL,
THOMAS WILLIAMS,
BURTON C. COOK,
WILLIAM LAWRENCE.

Mr. WILSON, of Iowa. I move that the report be laid on the table and ordered to be printed.

Mr. ASHLEY, of Ohio. Will the gentleman yield to me for a moment?

Mr. WILSON, of Iowa. I ask a vote on the motion.

Mr. ANCONA. Mr. Speaker, I was requested by the gentleman from New Jersey, [Mr. ROGERS,] who is now absent, to present for him a report of the minority of the committee. He has been obliged to leave the House on account of indisposition.

Mr. WILSON, of Iowa. The gentleman from New Jersey informed me that he would present a minority report, and he desired me so to state if he should not be in his seat at the time of the presentation of the majority report.

Mr. ELDRIDGE. If it be in order, I would like to hear the minority report read.

The SPEAKER. If there be no objection, the Clerk will read the minority report.

There was no objection, and the Clerk read as follows:

The subscriber, one of the Judiciary Committee, to which was referred by the House the inquiry into the official conduct of his Excellency the President of the United States, with a view to his impeachment upon certain charges made by Hon. JAMES M. ASHLEY, begs leave to submit the following report:

The committee refuses to allow a report to be made giving the evidence to the House at this time upon grounds which are no doubt satisfactory to themselves, therefore I cannot report the evidence upon which my conclusion is based, which I would gladly do did the committee deem it expedient. The examination of witnesses and the records was commenced, as appears by the majority report, about the time of the reference, to wit: on the 7th day of January, 1867, and continued daily. A large number of witnesses has been examined, and everything done that could be to bring the case to a close, as appears by the majority report; and the majority have come to the conclusion "that sufficient testimony had been brought to its notice to justify and demand a further prosecution of the investigation." I have carefully examined all the evidence in the case, and do report that there is not one particle of evidence to sustain any of the charges which the House charged the committee to investigate, and that the case is wholly without a particle of evidence upon which impeachment could be founded, and that with all the effort that has been made, and the mass of evidence that has been taken, the case is entirely void of proof. I furthermore report that the most of the testimony that has been taken is of a secondary character, and such as would not be admitted in a court of justice. In view of this conclusion I can see no good in a continuation of the investigation. I am convinced that all the proof that can be produced has been before the committee, as no pains have been spared to give the case a full investigation. Why, then, keep the country in a feverish state of excitement upon this question any longer, as it is sure to end, in my opinion, in a complete vindication of the President, if justice be done him by the committee, of which I have no doubt? A. J. ROGERS.

The SPEAKER. If there is no objection, the reports will be laid on the table, and ordered to be printed.

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. CHAVES, by unanimous consent, was granted leave to print as part of the debates some remarks he had prepared on the Indian appropriation bill. [The remarks will be found in the Appendix.]

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CONKLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, having met, after full and free conference have been unable to agree.

ROSCOE CONKLING,
ROBERT C. SCHENCK,
Managers on the part of the House.
LYMAN TRUMBULL,
GEORGE F. EDMUNDS,
GARRETT DAVIS,
Managers on the part of the Senate.

Mr. CONKLING. Mr. Speaker, as the bill referred to in this report is of some consequence and liable to go over to the next Congress, I think it would be hardly right and just to the House, or perhaps to the public, to allow this report to be voted on without any explanation.

The Senate originally adopted a large number of amendments to this bill. It is the bill making appropriations for the legislative, executive, and judicial departments of the Government, I will state in reply to the inquiries of gentlemen about me; but, as I was about to say, the Senate originally adopted a large number of amendments in which the Committee on Appropriations now concurred in most instances *pro forma* for the purpose of ascertaining precisely the reasons of the Senate for retaining possession of this phraseology and matters of detail.

Three conferences have now been appointed on the disagreeing votes of the two Houses, this House having followed the recommendation of the Committee on Appropriations. In the first meeting of the conference committee a large number of the Senate amendments were readily concurred in by the managers on the part of the House, that concurrence being expressive of the judgment of both Houses and of the committee of the House originating the bill. A second conference took place of which I know nothing except as it has been reported to the House. To-day a third conference being ordered, the managers on the part of the House were met at the commencement by an announcement of the managers on the part of the Senate that they required us to drop at once the proposition to concur in a large number of amendments in which it had been the design of the Committee on Appropriations originally to concur, and in which the first conference did in fact concur, they taking the parliamentary position that, speaking as they did on behalf of the Senate, and originating as these amendments did in that body, they had the right, without the consent of the managers on the part of the House, to recede from so many of their amendments as they pleased, and would thereby, whether we consented or not, withdraw them absolutely from the consideration of the conference. The managers on the part of the House took the position that the differences of the two Houses being committed to this conference, we had as much right to concur upon the points in respect to which the two Houses differed as they had to recede. Thus standing, a large number of points of difference was not left between the two Houses.

We came, in the next place, to a proposition in the bill, a section by itself. I pause a moment to reflect. It was the second section, I think, of the bill, the object of which was to carry into effect certain resolutions of this House, passed in some instances as late as the 27th of July last, and in some instances earlier. The yeas and nays, as we understand and remember, being taken in most instances in expressing the will of the House on those resolutions. In some instances the vote was almost unanimous. By these resolutions certain sums, for reasons explained at the time, were given to the employés of this House. The Senate refused to concur in this amendment. They refused throughout to concur, in the last conference as well as in the first. They pointed, or their managers did, to one section of the statute, one applicable to themselves, which imposed upon the House an inhibition as to expending its contingent fund in paying salaries to its employés, unless by the action of the two Houses prior to doing so.

Our answer to that was, the House had not undertaken to do any such thing, but on the contrary, acting within the letter of the law, had by resolution denominated certain sums which they had considered just and fair to persons in the employment of the House, and therefore we said this operated as no restriction upon the function which this House exercised; and standing upon what we believe to be the right of this House, whether providently and guardedly exercised at times or not, to say, without dictation from the Senate, what sum it sees fit and proper to adopt as a recompense for the labor rendered here, we insisted on the part of the House, believing that we were expected to do so, that that prerogative should not be grasped by the Senate, but that it should be left with us.

Taking that position, we were met with a distinct refusal on the part of the Senate managers to recede at all, and thus we were left upon the many points of difference to which I referred before, and upon this point at variance with each other, and we deemed it unnecessary, therefore, to proceed to the consideration of the other provisions of the bill, upon which all the conference committees had disagreed, and determined to report our action to the House and to ask that our report be received and that the committee be discharged, and if this bill shall go over, as doubtless it will, to the next Congress, I do not know that there will be any particular loss.

Mr. SCOFIELD. I desire to ask the gentleman what the whole amount of this money would be which the House desires to appropriate and which the Senate refuses to concur in.

Mr. CONKLING. It is impossible, and I think it would be on a somewhat careful scrutiny impossible to state the precise amount, because these resolutions do not raise the pay of the officers of the House by any percentage or any mode of graduation, but they raise it by the addition of arbitrary sums to the salaries of the various employés of the House.

The ground taken by the managers on the part of the Senate was that because twenty per cent. was added at the last session of Congress to the pay of the officers and employés of this House, that measure in some way superseded or absorbed the effect of these resolutions, although some of them were passed before the House voted this twenty per cent. increase of pay, and others were passed afterward. We, on the contrary, maintained that, from the fact that of this House having at this session and at the last session increased by twenty per cent. the pay of the various officers of the House, it could hardly be held that we had thereby concluded ourselves from doing what, in the judgment of the House, is fit and just in remunerating its officers for the labor they perform.

Mr. FARNSWORTH. This is the same bill upon which I made a partial report from a committee of conference this morning, agreeing upon all but two or three items in the bill. I

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understand that since the disagreement of the last committee of conference the Senate have receded from all their amendments to the bill, save the one which strikes out this section. To that amendment they adhere, thus leaving the bill now with only one point of disagreement, and that upon the section paying the employés of this House according to the various resolutions which have been referred to.

The question was propounded by some gentleman upon the floor a few moments ago, as to how much money would be required to meet these resolutions. The second committee of conference, of which I was a member, made some investigation and inquiry with regard to that. We were informed by the Clerk of this House, who I think had carefully examined the subject, for his attention was called to it last summer, and some correspondence took place between him and the Comptroller with reference to his power under the law to pay out money according to those resolutions; he stated that it would take at least $30,000, or between thirty and forty thousand dollars to meet those resolutions.

The resolutions are all printed on a slip and can be read by any member who sees fit to send for the document. They are a series of resolutions. The first one, perhaps, declares that the assistant doorkeeper shall have the same salary as some other officer named. Then on some other day a resolution was adopted that some other officer should have the same salary as another named officer; and so, from time to time, resolutions were passed raising the salary of different officers of the House so as to correspond with the salary of other officers designated. And then another resolution was adopted giving twenty-five per cent. increase to all the officers of the House who receive a salary of $1,200 or less.

The Senate took the ground that having agreed to pay all the employés both of the Senate and of the House twenty per cent. on their salaries, there was no expectation on their part that they would be called upon to pay this twenty-five per cent. in addition to the other increase of salary to the officers of the House.

The second committee of conference agreed upon all the amendments *pro* and *con*, with the exception of that one really, although *pro forma* we left two others as disagreed to. Now the disagreement is narrowed down to that one amendment, and, Mr. Speaker, although I agree we ought to be allowed to fix the compensation of our own employés, yet it scarcely seems fitting; it seems to me it will scarcely do for the House to stand upon that one provision of the bill, and thus lose the bill which provides for the carrying on of the Departments of the Government. I submit the question, therefore, to the House, for the Senate seem to be inexorable and determined as to this amendment, and so far as the argument is concerned, so far as the law of the case is concerned, they are no doubt right in holding that we cannot pay out of the contingent fund or any other fund increased salaries or any salaries except such as are provided for by law.

Now, shall we lose the appropriation bill by standing upon this one amendment? My sympathies are with the clerks and employés, but I think we had better waive the matter now and let it go over to the next session of Congress rather than lose this bill.

Mr. GARFIELD. I desire to make an inquiry of the gentleman who has charge of this matter. This is an old question in the House. I believe I was on a conference committee two or three years ago which had the same subject before it. The facts have partly passed out of my mind, and I am therefore not able to speak upon the subject with the clearness that I could have done at that time. I desire to ask the gentleman from New York, [Mr. CONKLING,] who has charge of this matter, to tell me whether I am right in my recollection that the Senate made a point under a law of 1858, under which they claim that we are bound not to use our contingent fund in a certain way, and that we have now so used it, and ask them to ratify an illegal use of our contingent fund, and that they declare that they will not thus ratify an illegal act? I ask the gentleman, who, from his more immediate connection with the matter, must be better informed upon it than I am, to state specifically what the point is in that direction, so that we may see clearly whether we are standing on lawful ground or not? If we are, I hope that the House will maintain its position and let the bill fail again and again before we give up the point; but if we are not, then I agree with the gentleman from Illinois [Mr. FARNSWORTH] that we had better not lose the bill.

Mr. CONKLING. I yield to the gentleman from Vermont [Mr. WOODBRIDGE] to answer the question.

Mr. WOODBRIDGE. I sincerely hope that the House will not agree to the action of the Senate upon this bill. It is true that under the law of 1858 we cannot, by a resolution of this body, make an appropriation of the contingent fund or any other fund for the payment of our employés.

In the conference committee of which I was a member, that law was examined and we ascertained its force. The objection on the part of the conferees of the Senate seemed to be that they could not assent to any appropriation which we had indicated by means of a resolution of the House, which was against the law of 1858. They said they did not care as to the amount of the salaries of our officers, but that they would not recognize a resolution passed by the House appropriating money in that way.

We then proposed to consider the resolutions passed by the House, not as operative and legal, but merely as an indication of the wish of the House as to what their various employés should be paid; and then we proposed to fix the compensation of our clerks and employés by naming as salaries for them what they would have received had the resolutions of the House been legal and payments made under them; proposing also that when the salaries thus established came to be paid there should be deducted from them the twenty per cent. which was paid to the employés of each House under the legislation of Congress at its last session. This would have given to some of the employés of this House more compensation than they are now receiving, while to others it would not have given so much. But even upon that proposition we differed; the conferees on the part of the Senate absolutely and positively declined to accept that as a basis of action.

We then proposed to take the bill reported by the Committee on Accounts of this House as the basis of the salaries of the employés of this House. But to that the conferees on the part of the Senate objected; and indeed they objected to everything which we proposed. It is true, they professed to be willing to recommend an appropriation of $10,000 to be divided among the employés of this House according to the various sums proposed by the resolutions already passed, or in such other manner as the House might designate. To this of course the conferees on the part of the House could not agree; because, first, it was not carrying out the oft-expressed will of the House in regard to the matter; and secondly, because the division of the money would cause difficulties and create dissatisfaction and perhaps dissension among the employés of the House.

Your committee earnestly endeavored to bring this matter to some conclusion, claiming that as a matter of courtesy on the part of the Senate they should permit the House of Representatives to designate and fix the salaries of their own employés. But we could not agree.

And now I sincerely hope that even if this bill should fall, this House will stand up for its rights, its dignity, and its honor, and in support of the obligations it has incurred to these men, and never assent to the dictation of the other branch of Congress in relation to the manner in which we shall use our money for the compensation of our own employés. It can do no serious harm even if this bill should not pass now, but go over to the next Congress.

Mr. GRINNELL. I wish to inquire whether this is the point involved: that the exactions of the Senate are such that they cannot be yielded to by this House without compromising its dignity? This is an old question in legislative bodies. I have known it to arise in the Legislature of the State of Iowa. One or the other House must yield; and I suppose we must do so. I am glad the gentleman from New York [Mr. CONKLING] has such a high and exalted sense of the dignity of this body, and I have no doubt that to-morrow afternoon he will carry that high sense of our dignity to the other wing of this building, when he takes his seat in the body which sits there. But I would not stand upon a mere point of dignity. I think we can afford to say little about dignity if we only do justice.

Mr. KASSON. I wish to call the attention of this House to the provision of the law which has been referred to in this debate. Preparatory to that, however, I wish to say that this question is an annual question in committees of conference and on this bill. I have myself served for two successive sessions on committees of conference in which this same question has been raised. And I recollect that in the last committee of conference upon this subject, of which I was a member, the Senate yielded to the House on the third meeting of the conference committee rather than allow the bill to be lost.

Now, I think that one or two questions arise here which are worthy the serious attention of this House; as the only point upon which I apprehend we can insist is that of either the right or the dignity of the House of Representatives. Section five of the sundry civil bill of 1858 provides:

"That no part of the appropriations which may be at any time made for the contingent expenses of either House of Congress shall be applied to any other than the ordinary expenditures of the Senate and House of Representatives, nor as extra allowance to any clerk, messenger, or attendant of the said two Houses, or either of them, nor as payment or compensation to any clerk, messenger, or other attendant of the said two Houses, or either of them, unless such clerk, messenger, or other attendant be so employed by a resolution of one of said Houses."

Let me say that former investigations have shown that the reason for the adoption of this law was that it had been in the habit of both Houses up to that time to make at the end of each session an appropriation of some twenty per cent., more or less, as an extra allowance to its employés. The Senate had done it at the session immediately preceding this act of 1858; for the sixth section of this law provides that—

"The extra compensation paid out of the contingent fund of the Senate to clerks of committees under the resolution of 14th March, 1857, be allowed at the Treasury."

The object, therefore, of this clause of the law was to put an end to that system of arbitrary raising of salaries by the separate action of each House and without the forms of law. There, then, stands the law unrepealed to-day.

Now, the next point to which I wish to call the attention of the House is that, by a usage which has long prevailed in conference committees, it has been customary rather than lose a bill, or rather than oblige either House to sacrifice what it may consider its rights and its dignity, to demand that the House, whichever it may be that proposes to change in effect the existing law, shall recede rather than bring about the loss of the bill. It seems to me, therefore, that the question really presented now is not one involving the rights or dignity of the House or the Senate. The question is rather whether, in the face of this law, the House can sacrifice the entire legislative, executive, and judicial appropriation bill to the consideration proposed here, which is practically in contravention of this clause of the statute of 1858, which I have read. For my part I think that if the point were presented to

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the House simply as a question of increasing the salaries of clerks in the Treasury Department, or any other Department of the Government, or in any part of the United States, the House could hardly think it right to sacrifice the entire bill if the Senate did not yield.

I regret, sir, that it is necessary to come to such a disagreement as that to which we have come with the Senate upon this subject; but at the same time I think candor compels us to admit that, as the Senate has on one, if not two, former occasions receded upon this same point, and as the law stands as it does we cannot insist, as a matter pertaining to the rights or dignity of the House, that the Senate shall yield to us at this time.

Mr. CONKLING. I now yield the floor to the gentleman from Wisconsin, [Mr. ELDRIDGE.]

Mr. ELDRIDGE. Mr. Speaker, I do not know that the employés of this House are any special protegés of mine. I do not know whether they are all "loyal" or not, [laughter,] though probably that question is not involved here. But, sir, I know, from the investigation which I have made as a member of this conference committee, that the honor of this House is pledged by its resolutions to pay the employés of the House according to those resolutions. And I know further that the Senate committee, whose members I met, said that the question of money was of no account; that the only objection they had to agreeing to the proposition which we made to them was that they did not desire to recognize the resolutions of the House; that they considered them irregular and illegal; that they did not wish to concede the right of the House to pass such resolutions with reference to its employés. When they had thus declared that the amount of money involved was not the ground of their objection, we proposed that we should compute the aggregate of the various sums which the House had pledged itself to pay its employés and insert in the bill an appropriation for the gross amount, not recognizing, however, by the language of the bill the validity of the resolutions. But this proposition, which we thought ought to meet the views of the Senate was not acceded to.

Now, sir, I do not understand that the question of dignity is the only question involved here. It seems to me that this matter is one affecting the honor and good faith of the House. I insist that we have solemnly pledged ourselves to pay our employés according to the resolutions which we have adopted, and that the obligation we have assumed should be faithfully met.

Mr. CONKLING. I will now yield, and for the last time, to my friend from Ohio, who is a member of this committee of conference.

Mr. SCHENCK. The course taken by the Senate has narrowed down the differences between the two Houses to a single point. A proposition was made for a conference on that single point, and perhaps we may yet have one on it. I think it right, however, as a member of the committee, sustaining the rights of the House, as well as struggling for something like justice on all the points submitted, to say gentlemen are not entirely correct with regard to the point in which this House cannot be considered in any degree to have done any wrong.

Now, while we were precluded by the statute passed in 1858, covering this subject, providing that no part of the appropriations which may at any time be made for the contingent expenses of either House of Congress, &c., shall be used in the compensation of any clerk, messenger, &c., still I hold that does not apply at all to the question between the House and the Senate. The House is precluded and the Senate is precluded from using its contingent fund for any purpose of that kind. Now, this House has not sought to use its contingent fund for any such purpose. It has not violated the statute, but it has involved itself in obligations by resolutions to pay certain sums to its employés. It goes to the Senate in an appropriation bill and asks the consent of the Senate to take money out of the Treasury in the manner in which it can be taken out by act of appropriation. We do not use our own contingent fund nor ask them to use theirs, but having promised this money we ask them to unite with us in passing an act of legislation which will appropriate money, so that we may keep our promise.

When has the House of Representatives ever objected to any resolution or proposition made by the Senate involving their obligations or promises to anybody connected with the administration of the Senate? When has the House refused to concur? Everybody knows while some of our officers are as well or better paid, that many officers of the Senate receive in the shape of contingent appropriations additional payments more than corresponding officers in this House. We have left it to the Senate to determine for themselves, with all the facts before them, how their officers serve them and what those officers deserve. We ask for the same thing ourselves. While we bow to the law and do not propose to take it and thus keep it a matter of secret for ourselves, we go to the Senate and ask frankly of them to unite with us in appropriating money to redeem our promise. And that is the whole of it.

It is not, sir, because of any violation of the law. There has been no violation of the law on the part of the House. There has been no use of the contingent fund. But how has the Senate been treated on other occasions? Look at the last appropriation bill and you will find it contains an appropriation of $2,500 to pay the expenses of the survey of a park ordered by resolution of the Senate. That is in one of the appropriation bills which the clerks are now at work engrossing. The Senate, not in the exercise of its discretion in relation to its own employés, but in relation to a matter of public interest and concern, without consulting the House of Representatives, has passed a resolution giving $2,500, or pledging $2,500 if they do not name the sum, directing a survey for a park to be made, and they come in and in one of the items ask for an appropriation to meet that resolution by which the Senate has thus pledged itself. This is in an appropriation bill now being enrolled.

Now, my object in rising is clear when I say the whole matter sums itself up in the question whether each House is allowed to be the judge of what ought to be voted to its own employés. It seems to me it would not be consistent for this House to permit its promise to be disregarded when all it asks of the Senate is to unite in the necessary act of legislation to carry that promise out.

Mr. THAYER. Will the gentleman yield to me for a moment?

Mr. CONKLING. Yes, sir.

Mr. THAYER. Mr. Speaker, it appears to me that in this matter the Senate has made a point of order upon us. We make appropriations in the ordinary form in our bill, and we are met with the objection that the appropriation is not authorized by any existing legislation, or that certain alleged existing legislation is irregular and contrary to law. Now, Mr. Speaker, I have heard you rule several times lately that it had been repeatedly decided and had become parliamentary law that no point of order could be made upon an amendment which came here from the Senate. I think if that rule is to have any force at all it ought to be reciprocal. It comes just to this, that the Senate when we make an appropriation, not denied, as I understand from the committee, to be in itself proper and just, makes upon us the point of order that it is not justified by any preceding legislation.

Now, sir, I am for subjecting the Senate, so far as we have the power to do it, to the same rule that we are subjected to in acting upon their amendments and their bills which come here, and of applying the same rule to both. It is evident that they have resorted to a mere technicality to defeat an often-expressed will of this House, and for one I am in favor of standing by that oft-expressed opinion and by the resolution recommended by this committee.

Mr. CONKLING. Mr. Speaker, I do not know of any interest that I feel or any obligation resting upon me especially to act as the champion of the dignity or the rights of this House. But before demanding the previous question I want to make two remarks; and first in answer to a question propounded to me by the gentleman from Ohio, [Mr. GARFIELD.] If this House has done an illegal and unwarrantable thing, unquestionably the speediest way to recede from it is the most proper way.

Without referring to the statute, I submit to members of this House whether they are prepared now to accept the proposition that they have no right to say whether a page on this floor shall have a dollar a day or not except under the permission and favor of the other House. That is a most extraordinary proposition. It is as remarkable in its character as it is little in the fact. Now I undertake to say that there is nothing in any of these statutes that goes against the position this House assumes. On the contrary, there is an existing section, which has not been referred to here at all, which, if it means anything, means that to the House alone belongs appropriately the duty of graduating the scale of recompense which these officers shall receive. I undertake to say that there is nothing in the law inhibiting the House from fixing the tariff of these compensations. The House has done exactly and nothing more than what it might properly do in this regard.

One other suggestion. The gentleman from Illinois says that the Senate having receded has left but a single leg on which the House can stand in the loss of this bill. I do not so understand it. On the contrary, I understand from the chairman of the Committee on Appropriations—and I regret that he is not here to express himself on this subject—that the disagreement to a great many of these amendments was merely formal in order that they might retain control of phraseology and details, the committee meaning and the House meaning in various particulars to have this bill as the Senate proposed it should be and as they themselves would have proposed amendments to make it; but now, by receding from these amendments *en masse*, the Senate deprives the House and deprives its committee of all opportunity and power to make this bill in essential regard as the committee of the House think it should be.

Mr. FARNSWORTH. With the permission of the gentleman I would like to say one word. I understand that the Senate has receded from all its amendments to this bill with the exception of this one. I agree with the gentleman that the bill would have been very much improved had some of the amendments of the Senate been adopted, those for instance that I reported to-day from the second committee of conference and asked the House to adopt.

Mr. CONKLING. I had just stated that the Senate had receded from all its amendments, and the point I was making was that the Senate by so doing had taken from the jurisdiction of the House the whole body of this bill and has made it as the Committee on Appropriations meant it should not be in many essential regards. Nay, more, a conference committee is not a mere game of chance. It is not a mere copper to be flipped, nobody knowing whether it is to be head or tail when it comes down. Here is a conference committee which goes out and expresses the sense of the committee and of the House. It comes at once to an explanation and an agreement upon a large number of amendments. The Senate turns around in the face of that and reverses every one of them.

Now, if it is agreeable to the House to give the Senate a *cognovit*, if it is agreeable to admit that this House in repeated instances upon the yeas and nays acted in disregard of the law and transcended its privileges, I have

no objection to it. But in doing so, let us remember that there is more than a question of dignity, because I am told that a large number of these officers were actually paid this amount of money, and if this amendment is suffered to fail they must pay back the money which they received in good faith, and which was given to them by the House in pursuance of its strict rights.

Mr. FARNSWORTH. Out of what fund was it paid?

Mr. CONKLING. It is of no consequence for my purpose out of what fund it was paid. I am stating that these officers in good faith received their increased salaries, and that they will be compelled to restore the amount of the increase to the Treasury, because the House was guilty of illegality and of usurpation; because it amounts to that in paying these sums to these men.

Now, sir, I for one do not believe and will not admit it for the sake of saving this bill, even if I deemed its salvation important, which I do not; for it will not make any difference on earth whether this bill is passed now or at the session of the Congress that is to follow. But I say if it is agreeable to the House to make that admission, to submit to that proposition, I certainly have no objection; only in doing it the consequences will be that this whole bill is revolutionized, turned upside down, and made to express in many particulars what the House did not mean and what the Committee on Appropriations never would have consented to.

Having done a thing to begin with entirely illogical, and I submit entirely unworthy of the prerogatives and position of this House, perhaps it is entirely proper, according to all the logic applicable to the case, that general derangement and disorder should follow, in order that the next Congress may, by way of new legislation, take up and unravel all this business and make it over in some way. I do not believe it, therefore I move that this report be concurred in and the committee discharged; and on that motion I ask the previous question.

Mr. BALDWIN. I desire to know if at any time I can move to concur in the Senate's amendment and ask for another committee of conference. It seems to me this bill ought not to be lost.

Mr. KASSON. If this motion is adopted, does it preclude another committee of conference?

The SPEAKER. Certainly not.

Mr. FARNSWORTH. Would it be in order to move to recede?

The SPEAKER. It would; and that motion would have priority. The Senate has receded from all its amendments, and has adhered to its disagreement on the forty-fourth amendment.

Mr. SCOFIELD. If we second the previous question, will it be in order to move that the House recede from the question of difference between the two bodies?

The SPEAKER. When the previous question is seconded and the main question ordered, the question will recur on the motion to discharge the committee, as they state they are unable to agree. The bill will then be before the House, and any member can move to recede.

Mr. SCOFIELD. I do not think the country will justify us in losing this bill on such a difference as this.

Mr. SCHENCK. Debate, I believe, is out of order.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was accepted and the committee discharged.

Mr. BALDWIN. I now move that the House recede from the forty-sixth amendment, and on that I demand the previous question.

Mr. LAWRENCE, of Ohio. Is it in order to move any addition to the motion to recede?

The SPEAKER. It is not.

Mr. LAWRENCE, of Ohio. I would like to move to attach a provision which is germane to the bill.

The SPEAKER. We are far beyond the stage when such an amendment would be in order.

Mr. LE BLOND. Would it be in order to move that the House still further insist upon its non-concurrence in the amendment of the Senate, so that we may have another committee of conference?

Mr. FARNSWORTH. It is too late for that.

The SPEAKER. The motion indicated by the gentleman from Ohio [Mr. LE BLOND] would be in order should the preceding motion that the House recede from its disagreement be voted down.

Mr. LE BLOND. Then I hope that the motion to recede will be voted down.

Mr. LAWRENCE, of Ohio. I call for the yeas and nays on the motion to recede.

The question was taken on ordering the yeas and nays; and there were—ayes sixteen; not one fifth of the last vote.

Before the result of the vote was announced,

Mr. UPSON called for tellers on ordering the yeas and nays.

The question was taken on ordering tellers; and there were—ayes fifteen; not one fifth of a quorum.

So tellers were refused; and the yeas and nays were refused.

The question recurred upon agreeing to the motion that the House recede from its disagreement to the amendment of the Senate.

Mr. ANCONA. On that question I call for tellers.

Tellers were ordered; and Mr. UPSON and Mr. LE BLOND were appointed.

The House divided; and the tellers reported that there were—ayes 39, noes 64.

So the motion to recede was not agreed to.

Mr. CONKLING moved to reconsider the vote by which the House refused to recede; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LE BLOND. I move that the House still further insist upon its disagreement to the amendment of the Senate, and ask the appointment of another committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as the conferees on the part of the House, Mr. LE BLOND, Mr. POMEROY, and Mr. ALLISON.

RECORDING OF VOTES.

Mr. LATHAM. I move that the rules be suspended, in order that I may be allowed to record my vote upon the two bills passed over the President's veto to-day.

Mr. WHALEY. I ask the same privilege.

Mr. ELDRIDGE. I will not object if it does not change the result. [Laughter.]

No objection being made, the rules were accordingly suspended.

Mr. LATHAM recorded his vote in the negative.

Mr. WHALEY recorded his vote in the affirmative.

PUNISHMENT OF CERTAIN CRIMES.

Mr. LAWRENCE, of Ohio, from a committee of conference, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 604) entitled "An act to define and punish certain crimes therein named," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the two Houses of Congress agree to the Senate amendment made to said bill, with the following amendment, to wit: strike out the words "lawfully in the custody thereof" where they occur in the Senate amendment.

WILLIAM LAWRENCE,
F. E. TROWBRIDGE,
A. J. ROGERS,
Managers on the part of the House.

T. A. HENDRICKS,
IRA HARRIS,
JOHN A. J. CRESWELL,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

ORDER OF BUSINESS.

Mr. PRICE (at four o'clock a. m., Sunday) moved that the House take a recess until eight o'clock p. m.

The SPEAKER. Before putting the question the Chair will state, as it is his duty to do, being more familiar with the condition and progress of the public business at this stage of the session than other members are, that if the House now take a recess until eight o'clock this evening several important bills will fail to become laws unless the President shall sign them without reading them.

The Chair feels as sensibly as does any other member of the House the unpleasantness of having to legislate in the hours of the Sabbath; but it will be remembered that the soldiers of the Republic very often had to perform their duties on the Sabbath; and the Representatives of the people, in the discharge of the highly important duties devolved upon them, are sometimes called upon to discharge their duties on the Sabbath, or leave them unfulfilled.

There are many important questions for this Congress yet to consider and pass upon if they are to become enacted into laws. There is an important bill making appropriations for the naval service of the Government which has not yet been acted upon by this House. Its consideration has been interrupted by conference reports which are highly privileged, and other privileged motions which have prevented the House from concluding action on that bill.

Mr. SCOFIELD. I would suggest that our soldiers did not have three months beforehand, as we have had, to do their work in.

Mr. ELDRIDGE. And they acted in a state of war, while we are in a state of peace.

The SPEAKER. The Chair felt it to be his duty to make the statement he did about the condition of the public business in order that the House might act advisedly upon the motion for a recess.

The motion for a recess was not agreed to.

Mr. DELANO. I move that the House now proceed to the consideration of business upon the Speaker's table.

Mr. KASSON. I move to suspend the rules for the purpose of going into the Committee of the Whole on the naval appropriation bill.

The SPEAKER. The motion to suspend the rules to go into the Committee of the Whole on an appropriation bill takes precedence of the motion to proceed to business on the Speaker's table.

Mr. MAYNARD. I ask leave to submit a report from the select Committee on Southern Railroads.

Mr. STEVENS. I object, until we have disposed of the appropriation bill.

Mr. KASSON. I understand the gentleman from Ohio [Mr. ASHLEY] desires to submit a proposition in the nature of a question of privilege, relating to the compensation of a member of this House. I withdraw for the present the motion to suspend the rules, and yield the floor to him.

The SPEAKER. The Chair regards this resolution as involving a question of privilege, and decides that it is not necessary to suspend the rules in order to bring it before the House. The Representative from the State of Nebraska has been admitted to his seat as a member of this House, that State having complied with the requisition of the law of Congress, and having been declared a member of the Union by the proclamation of the President, as contemplated by the law providing for her admission. Under these circumstances, it is peculiarly within the province of the House to determine what compensation shall be paid to the member who has just been admitted. The resolution of the gentleman from Ohio is in order as a question of privilege.

The Clerk read the resolution, as follows:

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to pay to Hon. T. M. MARQUETTE, Representative from the State of Nebraska, as a member from the first day of the present session.

Mr. ASHLEY, of Ohio. I call for the previous question.

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Mr. MORRILL. Does that carry with it mileage?

The SPEAKER. This relates only to the question of pay. The gentleman from Nebraska is unquestionably entitled, under the law, to mileage for this session, having been sworn in as a member.

Mr. LAWRENCE, of Ohio. Mr. Speaker, if the previous question be not seconded, will it be in order to amend the resolution so as to pay him only from the time when he took his seat?

Mr. DAWES. He is already entitled to that by law.

The previous question was seconded and the main question ordered; which was upon agreeing to the resolution.

Mr. LAWRENCE, of Ohio. I call for the yeas and nays.

The yeas and nays were not ordered.

The resolution was agreed to.

Mr. ASHLEY, of Ohio, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN RAILROADS.

Mr. MAYNARD. I ask unanimous consent to submit, under the instructions of the select Committee on Southern Railroads, the following resolution:

Resolved, That the report of the select Committee on Southern Railroads, with the testimony, be printed, and that the Clerk of the House be, and is hereby, instructed and required to cause the same to be laid before the next House of Representatives for their consideration.

There being no objection, the resolution was considered, and agreed to.

NAVAL APPROPRIATION BILL.

Mr. KASSON. I am about to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union to proceed to the consideration of the naval appropriation bill. Before submitting that motion, however, I move that when the House shall resolve itself into the Committee of the Whole on the state of the Union on that bill all general debate shall terminate in one minute.

The motion was agreed to.

On motion of Mr. KASSON, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. CONKLING in the chair,) and proceeded to the consideration of the Senate amendments to the bill (H. R. No. 1176) making appropriations for the naval service for the year ending 30th June, 1868.

First amendment:

On page 2, after line eleven, insert the following: For the purchase of the wharf adjoining the navy-yard, $135,000: *Provided*, That this sum shall cover the whole cost of the property, and it can be acquired on terms satisfactory to the Secretary of the Navy.

The Committee on Appropriations recommend concurrence, with an amendment adding the following:

And provided further, That the title acquired shall be first approved by the Attorney General of the United States.

Mr. KASSON. Mr. Chairman, I propose to submit a brief statement of facts with reference to this matter, and then I shall leave the discussion of the question to the members of the Naval Committee and the gentleman from Massachusetts, [Mr. BANKS.]

This wharf adjoins the navy-yard at Charlestown, Massachusetts. For two or three years we have been pressed by the Navy Department to make this purchase in order to give deep water and water front for the Government vessels lying at that yard. In accordance with this recommendation of the Department, the Committee on Naval Affairs of this House has, on some former occasion, reported in favor of the purchase. Discussion has taken place in reference to the matter; but the proposition has never been adopted in both branches at any one session. I wish to state further that the officers of the Navy Department, and especially Rear Admiral Smith, in charge of the Bureau of Yards and Docks, and one of the most honest men in the service of the Government, have urgently and repeatedly recommended the making of this purchase by the Government.

One other fact I wish to state. No individual to my knowledge has been in Washington to urge the purchase of this property. On the contrary, sir, individuals are earnestly at work to prevent its purchase on some ground of local interest. It is a remarkable instance, the Government being anxious to purchase it while individuals are combining to prevent its purchase. The matter has been fully considered by the Committee on Naval Affairs, and I hope it will be acted on at this time.

Mr. BANKS rose.

Mr. LAWRENCE, of Ohio. Has not this been uniformly voted down by a large majority every time before this Congress? Has it not been voted down already two or three times.

Mr. KASSON. It has never been before us two or three times, and therefore could not have been voted down.

Mr. BANKS. It is with regret that I trespass upon the attention of the committee by any opposition to this appropriation, and I would not do it if I did not feel it to be my duty to the people whom I represent to make a proper presentation of this case. It is not true that no one has been here to advocate this claim. I understand one of the individuals interested has been here. It is true, however, that individuals have opposed it. The city of Charlestown is opposed to it. It takes away the vital privileges of that city. Individuals who are not interested in opposition to the city are opposed to it.

It is on that ground I speak against it. Let me say that the city of Charlestown on the point of land between the Mystic river and the Charles river has on its water-front the navy-yard referred to. It covers on the Charles river nearly all the deep-water privileges. They have surrendered to the navy-yard nearly all of the deep-water privileges of the city of Charlestown except, I believe, five or six wharves. These, between the line of the navy-yard and Bunker Hill bridge, are the only valuable water privileges the city of Charlestown has. The plan is to purchase one of these wharves and then the other, taking two thirds of the deep-water privileges of Charlestown. It deprives them first of the taxable property, and secondly of access to the sea by taking away this deep-water privilege.

I oppose it because it is not necessary for the Government of the United States. We have been through a war which has put the heaviest strain upon the Navy Department that is possible. No effort was made during the war to enlarge this yard. Now, at the close of the war, when the country, according to the document which has been read from the Clerk's desk, is in a state of entire peace, the Navy Department insists on the purchase from individuals of this wharf property. It is not necessary and ought not to be voted against the will of the people of Charlestown.

The records of the House show that heretofore in the discussion of this question very serious charges have been made against the parties who are and have been pressing this purchase. I make none of these charges. I doubt not they are all governed by proper motives. I will say, however, this property was purchased in order to sell it to the Government. It is not property which it was proposed on the part of the Government to purchase, but it was purchased by individuals to sell to the Government, and at a price more than it is worth if they did not have this in view.

Mr. KASSON. Let me say that the proposition is made on the part of the Government, which has been all along most anxious to purchase this property.

Mr. BANKS. I am speaking of the men who originally purchased it. The Government did not propose to purchase it then. It was purchased by individuals for speculation with the Government, and then the Government comes in with their proposition to buy this property from them. The gentleman says the officers of the navy-yard are disinterested and honest; but, sir, the friends of those officers in the neighborhood of Charlestown are understood to be interested, and when I state that fact the House will understand me.

This property was purchased two or three years ago for about sixty thousand dollars, and the parties now propose to sell half of it to the Government for $135,000. As soon as this puchase shall be made the parties will propose to sell the other half of it to the Government for one hundred and thirty-five or one hundred and fifty thousand dollars more, thus making between two and three hundred thousand dollars on property which was sold at above its value two or three years ago for a sum not exceeding $60,000. If they complete these two sales they will receive for the property more than four times the amount of the original purchase-money.

I believe that this committee will come to the conclusion that this property is not necessary to the Government, that the price asked is not a fair one, and that the purchase ought not to be pressed on the Government at this time, and above all that the people of Charlestown ought not to be deprived of this little remnant of deep-water privilege which has been left to them.

Sir, the people of Charlestown deserve well of the Government. They served it at its foundation with fidelity and patriotism, and ever since, from that time up to this, they have always been true to their duty. They oppose this measure. I oppose it in their name. I have no earthly interest in opposing it except on account of their opposition, and certainly I have no hostility to the prosperity of the Navy Department.

Mr. RICE, of Massachusetts. I move *pro forma* to strike out the last word of the amendment for the purpose of replying to my colleague.

Mr. Chairman, this subject is not altogether new to the members of the House who have been here for the last three or four years. It is not so new to them as it is to my friend and colleague who has just addressed the House upon the subject. He stated in the course of his remarks that during the progress of the war no effort was made on the part of the Navy Department to make a purchase of this property. In that statement he is so far mistaken as he is in some of the other statements which he has made. On the contrary, almost immediately after the war broke out and the Navy began to be considerably increased the Navy Department did apply to Congress, and it has since applied over and over again to Congress for permission to make this purchase in order that it might have at the navy-yard at Charlestown the necessary facilities for carrying on the naval establishment there.

The facts in relation to the necessity for this purchase are these: the Government of the United States has had for many years a large naval establishment at Charlestown. It has invested there many million dollars. It is the most important navy-yard in the United States with a single exception. The territory of that yard is entirely insufficient for the operations which are carried on there, and the operations are no greater than the facilities which the Government has established justify. They have gone on and made the establishment what it is, in the full confidence that, when the time should arrive that it would be necessary for them to procure an enlargement of that territory, that enlargement could be had.

Now, sir, the parties who own this property are prepared to sell it to the Government on reasonable terms. The Government itself is prepared to purchase the property on the terms upon which it is offered by its owners, so that both the owners of this property and the Government are entirely agreed that the purchase shall be made and in respect to the terms upon which it shall be made, and the price that shall be paid for it.

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The amount of land that will be taken is inconsiderable to the city of Charlestown. The city as a corporation has no other interest whatever in this property, so far as I know, than that it brings certain annual revenue to the city of Charlestown from the taxes that are imposed upon it.

Now, sir, this property is in the use of the Government to-day. I understand it is occupied by the Navy Department, and I understand also that that Department has been forced to use it because the premises attached to the yard are so small.

My friend from Massachusetts [Mr. BANKS] stated in the course of his remarks that the price originally paid for this land was but $60,000, and that now these parties desire to sell half of it to the Government for $135,000. This is a mistake. The price paid for the whole property was originally $104,000. These parties have expended upon it from twenty-five to thirty thousand dollars, making the cost of the whole property about the amount for which they propose to sell to the Government as much of it as the Government can make use of. What the Government wants is the water-front, and I wish I could have the attention of the Committee so that they might understand that fact. The Government desires the water front there, and the part that is reserved by the owners of the land is a diagonal piece at the upper part of the territory, which would be of no use whatever to the Government.

In answer to the suggestion that the price asked for this land is too high, I would remind the House that my colleague from the city of Boston [Mr. HOOPER] once said upon this floor that he was prepared to pay for this piece of property the sum which the Government proposed to pay for it.

I hope that the Committee on Appropriations will be sustained in their recommendation in regard to this amendment, and that the House will concur in it.

Mr. BANKS. I rise to oppose the amendment of my colleague, and I ask the committee to give me their attention for a moment while I reply to him. I will not argue the question as to the amount of the purchase-money of this property, because that is a disputed question; yet I venture to repeat what I said before, that the owners of it ask double as much for a portion of it as they paid for the whole. As to the fact that the Government sought to purchase this property during the war, let me say that if they had sought to make the purchase they would have done so of the original holders, and they could have purchased the whole property for sixty, eighty, or one hundred thousand dollars, while the present holders ask $135,000 for half of it.

My colleague, the chairman of the Committee on Naval Affairs, [Mr. RICE,] says that the city of Charlestown has no interest in this appropriation excepting its interest in the revenue derived from it from taxation. Sir, that is a very narrow view of the interest of the city of Charlestown in this property. It is a deep water front, which is more important to the prosperity of that city than it is to the navy-yard. Sir, the Government ought not to take it from the city of Charlestown without the consent of the people of that city, which consent, as my colleague well knows, has never yet been given.

I hope that the committee will not concur in this amendment of the Senate. Let me say again that the city of Charlestown has claims upon the sympathies and support of the Representatives of the American people, and I trust that those claims will not be overlooked here.

Mr. RICE, of Massachusetts. I withdraw my amendment to the amendment.

Mr. KASSON. I renew it *pro forma* merely for the purpose of making a very brief statement in regard to this matter. The gentleman from Massachusetts [Mr. BANKS] thought that I was in error in the statement which I made, that no one had been here opposing the purchase of this property. I wish now to repeat that statement. So far as the Committee on Appropriations is concerned, and so far as my own individual knowledge extends, I do not know of one single individual who has been here to oppose it.

Mr. BANKS. A gentleman on the Naval Committee told me that some parties interested in this matter had been here to oppose this purchase. There has been no person here representing the city of Charlestown, of course.

Mr. KASSON. I wish to say further, that it is no argument against the purchase of this property now that several years ago it could have been bought at a less price. Property near cities, as we all know, has increased very largely in value all over the country within a few years past; and that is no argument against the purchase, if, as is stated by the chairman of the Committee on Naval Affairs, the owners of the property are prepared to sell it to the Government at what is now a reasonable price, a price which would be paid for it by any private individual who wanted it.

Now, under these circumstances, I submit that the only questions for the action of the Committee of the Whole are simply whether they are convinced that the Government needs this property, and whether they are willing to appropriate this sum of money to purchase it.

Mr. HOTCHKISS. Will the gentleman state what control the city of Charlestown has over this property, what interest it has in it, and what use it could make of it?

Mr. KASSON. First, they collect taxes upon it now as private property, which they could not do if it became the property of the Government. Secondly, the merchants and business men of Charlestown wish the advantage of the water front whenever they can get it for their own private uses.

Mr. HOTCHKISS. Are they in competition with the Government for the purchase of this property?

Mr. KASSON. They have no desire to purchase it?

Mr. BANKS. This water front constitutes the value of the city of Charlestown as a commercial city; it is not a question of taxes at all.

Mr. HOTCHKISS. What is the extent of this water front?

Mr. KASSON. My information is that it is about two hundred or two hundred and fifty feet.

Mr. RICE, of Massachusetts. It is two hundred and eighty feet.

Mr. BANKS. It is about one third or two fifths of all the water front remaining to the city of Charlestown.

Mr. KASSON. The final issue really is whether the city of Charlestown shall prevent the Government of the United States from purchasing the property it needs.

Mr. STEVENS. I rise more for the purpose than anything else of repelling an insinuation that was made that the Committee on Appropriations was besieged for four years by borers upon this subject. While I was on the Committee of Ways and Means the naval authorities having the control of this matter came before us and showed that this property was necessary for the good conduct of the operations of their Department of the Government; that the Government had as much right to purchase this wharf as anybody else had; that it was necessary, for the operations of the Government at present carried on there were such as required them to run on to the property of other people; that by the purchase of this wharf the Government would simply get the water front, which now belongs to those who own this property. This they have shown us for the last four years.

I know that the mayor of Charlestown and others have been opposing the purchase of this property by the Government; while the Government has rented this very wharf, and is using this water front under rent at this time. The only question is whether the Government shall be allowed to purchase this property instead of renting it. If I understand the matter, and I have been examining it for four years, the vessels of the Government cannot lay there and swing with the tide unless they have this wharf. They are obliged now to rent it; and I cannot understand what harm there can be in allowing them to purchase it and use it as their own property. No man connected with or interested in the wharf ever spoke to me on the subject.

Mr. KASSON. I withdraw my amendment to the amendment.

The question recurred upon the amendment recommended by the Committee on Appropriations to the amendment of the Senate, to add to it the following:

And provided, That the title acquired shall be first approved by the Attorney General of the United States.

The amendment to the amendment was agreed to.

The question was on the amendment, as amended, as follows:

Page 2, after line seven, insert:

For the purchase of wharf adjoining the navy-yard, $135,000: *Provided*, That this sum shall cover the whole cost of the property, and it can be acquired on terms satisfactory to the Secretary of the Navy: *And provided*, That the title acquired shall be first approved by the Attorney General of the United States.

The question was taken; and upon a division there were—ayes 33, noes 64.

So the amendment, as amended, was nonconcurred in.

Second amendment:

Page 2, after line fourteen, insert:

Naval laboratory, New York:

For repairs and apparatus, machinery, fixtures, painting, glazing, wagons, furniture, &c., $3,500.

The committee recommend concurrence.

The amendment was concurred in.

Third amendment:

Page 4, strike out all after line four to end of line eighteen, as follows:

Provided, That the offices of civil engineer, master machinist, master carpenter, master blacksmith, master boiler-maker, master sailmaker, master plumber, master painter, master caulker, master laborer, and naval storekeeper, be, and the same are hereby, established in connection with the navy-yards at Kittery, Maine; Charlestown, Massachusetts; Brooklyn, New York; Philadelphia, Pennsylvania; and Washington, District of Columbia; and that the persons selected to fill the several offices hereby established shall be appointed by the President, by and with the advice and consent of the Senate, and shall have the immediate supervision of the work to be performed in their several departments, with authority to select and discharge such workmen as the necessities of the service may require, subject always to the approval of the commandant of the navy-yard to which they are attached.

Mr. BANKS. I hope this Committee of the Whole will not concur in this amendment of the Senate. It involves a very important question, one which will in a very short time be pressed, not only on the governments of the States, but upon the Government of the United States. Prior to and during the war the mechanical establishments in the navy-yards of the country were under the supervision of civilians who were skilled in their several departments and were appointed by the proper officers of the Government. I hold in my hand a copy of the regulations of the Navy on this subject, which were issued by Hon. Isaac Toucey, when he filled the office of Secretary of the Navy.

But very recently a far different practice has been inaugurated and established in respect to this matter. Instead of civilians skilled and practiced in the different branches of manufacture carried on in these several departments, officers of the Navy, commissioned as such, and with their uniforms and sleeve-stripes, have been appointed to superintend and control these various mechanical establishments. Now I have nothing to say against naval officers in their proper places. I believe it will be conceded, however, that it is not necessary, nor is it right and expedient, that the mechanics of this country should be put under the control and superintendence of officers of the Navy. There is no law for it, there is no precedent for it; the very contrary has been the practice of the Government from the very time when the Navy Department was first established.

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And the contrary practice has been in accordance with the express rule of the head of the Navy Department until a very recent period.

But now, after so many years of a contrary practice, a change is being introduced; and master workmen, and some other officers who are cited in the provision which the Senate amendment proposes shall be stricken from this bill, are discharged from their places, not because they are unworthy, or because they are incompetent to discharge the duties which have been devolved upon them, but in order that their places may be filled by appointments from commissioned officers of the Navy, who can thus be most conveniently provided for.

Sir, this matter involves the question of the dignity of labor; the question of the right of the mechanics of this country, when they labor for others, at least to be under the superintendency of men of eminence and skill in their own profession, of men versed in their own pursuits, of men skilled in the employments which they follow. I hope, therefore, that the Committee of the Whole of this House will not concur in the amendment which the Senate has proposed to this bill, by striking out this portion of the section under consideration.

In all parts of the world the question of labor is now beginning to receive especial and proper attention from those who are charged with the duty of legislation. The Queen of Great Britain, in her late address to the Parliament of England, devoted the one seventh part of her address to an appeal to that Parliament to introduce and support measures calculated to relieve the working classes from the difficulties under which they are now laboring; and the Emperor of France in his recent address to the French Chamber of Deputies also makes an appeal upon the same subject. The attention of the legislation of almost every State in this country has been called to this most important subject, and as we learned from the statement of the gentlemen from Iowa, [Mr. WILSON,] the chairman of the Committee on the Judiciary of this House a short time ago, that committee has prepared a bill upon this subject, which they are ready, whenever they shall have opportunity under the rules of this House, to introduce for the consideration of members of the House of Representatives of this Congress.

I hope, Mr. Chairman, that this Committee of the Whole will not adopt such legislation as will require the mechanics of this country to pursue their daily labors under the direction and control of either officers of the Navy or officers of the Army. If the House concurs in the Senate amendment this practice of placing mechanics of the country under officers of the Navy will continue. If it does not concur then our mechanics, as they have from the foundation of the Government, will be under the supervision of men skilled in their particular mechanical pursuits.

Mr. PIKE. The Naval Committee had this matter under consideration and they made this proposition, which went to the Senate, and the Senate has non-concurred. It is likely the amendment of the House made by advice of the Naval Committee was too extensive. They have established some seven or eight offices, going perhaps too far into detail. I understand the Senate desire to establish four places to be controlled in this manner. It may therefore be a matter of compromise between the two Houses.

Mr. KASSON. The committee thought it was to raise a new issue. I will not oppose the non-concurrence with a view to effecting some arrangement of the matter.

Mr. PIKE. It can readily be done, and I hope that the House will non-concur.

The amendment was non-concurred in.

Fourth amendment:

Page 4, strike out all after line eighteen to the end of line twenty-two, as follows:

For pay of some suitable person, appointed by the Secretary of the Navy, to examine the archives of the Department and other sources of information, and collect and collate the facts which may illustrate the history of the United States Navy, $1,500.

The committee recommend non-concurrence.

Mr. GRINNELL. I hope this paragraph will not be stricken out, and that the amendment of the Senate will be non-concurred in.

The amendment was non-concurred in.

Fifth amendment:

Page 6, line two, in the paragraph for preparing for publication the American Nautical Almanac, strike out $15,000 and insert $21,000.

The committee recommend concurrence.

Mr. LAWRENCE, of Ohio. I should like to have some information in regard to this matter.

Mr. KASSON. It is all right. The calculations for this American Nautical Almanac have been paid for in this way every year.

The amendment was concurred in.

Sixth amendment:

Add the following as an additional section:

And be it further enacted, That the Secretary of the Navy be, and is hereby, authorized and empowered to negotiate with the city of Brooklyn, in the State of New York, and to effect a further exchange of lands in Wallabout bay, between the United States and said city, and thereupon to make, execute, and deliver good and sufficient deeds and release therefor.

The committee recommend concurrence, with the following amendment:

Insert at the close of the Senate amendment the following proviso:

Provided, That the title acquired shall be approved by the Attorney General, and the exchange shall be effected without expenditure from the Treasury of the United States.

The amendment was agreed to; and the Senate amendment, as amended, was concurred in.

Seventh amendment:

Add the following as an additional section:

And be it further enacted, That no workingman in the navy-yards shall be required or requested to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political cause; and any officer or employé of the Government who shall offend against this provision shall be dismissed the service of the United States.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Mr. KASSON moved that the committee rise and report the amendments of the Senate to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONKLING reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the amendments of the Senate to the Navy appropriation bill, and had directed him to report the same back to the House with concurrence in some and non-concurrence in others.

The action of the Committee of the Whole on the amendments of the Senate was then concurred in.

MOLINE WATER COMPANY.

Mr. SCHENCK. I wish to introduce a joint resolution, and to give a brief explanation of why I think it ought to pass.

Mr. COOPER. I object.

Mr. SCHENCK moved to suspend the rules.

The question being taken, there were—ayes 64, noes 27.

So (two thirds having voted in favor thereof) the rules were suspended.

The joint resolution was read, as follows:

Be it resolved, &c., That the Secretary of War be, and is hereby, authorized and empowered to carry into effect the recommendations of the commissioners appointed under the acts of April 19, 1864, and June 27, 1866, relative to the Moline Water Company and the water-power at Rock Island, Illinois, as contained in the report of said commissioners, and to make application for that purpose of the money heretofore appropriated for securing water-power at the head of Rock Island.

Mr. SCHENCK. Mr. Speaker, I was interrupted when I offered this as an amendment to the appropriation bill just when I was getting to the point of the matter. I will now begin again.

In an act passed on the 27th of June last, in relation to this arsenal at Rock Island, there was an appropriation in these words, "To secure water-power at the head of Rock Island $100,000." That money is now dedicated to this purpose. It is absolutely essential in order to carry on the machinery for the manufacture of arms at that great western arsenal building at Rock Island that there should be water-power and privileges secured. They are not to be had without an arrangement made with this Moline Water Company, which has control in great part of the water-power at the head of the island.

Under the authority of the same act commissioners were appointed to ascertain upon what terms a purchase of this water-power could be made. I hold in my hand their report. They say that they have brought the Moline Water Company to an agreement of this kind, provided the Government on its part can carry it out: that the Government shall give them no money whatever, but that it shall expend $100,000 in improving the water-power and making it effective and valuable for the use of the Government, and in consideration of the release of the interest of the Water Company, will let them have the use of one fourth of the water, which will leave three fourths of the water-power that will be created to the Government. The Water Company further agree that they will rent at a stipulated price from the Government all of that three fourths of the water-power which the Government may hereafter have to spare. So it is to be a scheme by which the Government shall get the water-power by expending the money on the work itself and afterward probably making something by renting any surplus water it may have. This is all shown by the report of the commissioners. The fifth condition of the agreement with the company is in these words:

"Sixty thousand dollars of the present appropriation to be applied to the extension of the present stone dam on the Moline side, and $40,000 to the extension and repairs of the wing-dam and removal of such deposits as may be required for the extension and repairs of said wing-dam. The use of the present water-power shall not be unnecessarily obstructed during the construction of the proposed work, nor shall any rent be required until the improvement contemplated by the $100,000 appropriation shall have been made."

The Secretary of War thinks it better, instead of paying the money for the purchase of the water-power and leaving the work to be done hereafter, to demand of the company that they shall let the Government make this water-power the best it is possible to make it, and let the company have the use of the water afterward. Now, the object of this is to enable the Secretary of War to carry out that plan recommended by the commissioners, and save the payment of the money to the Water Company, using it for improving this work and paying the company or whoever now has an interest in the matter by giving them the use of a portion of the water. I think it is an exceedingly good bargain; so does the Committee on Military Affairs, and so did also another committee of this House to whom the matter was submitted. I ask the previous question.

Mr. DAVIS. I wish to state that I know something about this water-power at Rock Island. I have known it for years, and I am sure that this operation will be a very convenient one for the parties who purchased that power originally and owns so valuable an investment to get rid of it and pass it off to the Government. I know the whole cost of this thing originally. I investigated the matter for the parties who made the purchase. I think within the last year the entire interest of the stockholders of that water-power was sold to parties in Chicago on some speculation at $59,000, and the Government now has come to the conclusion that to purchase a small interest in the property it is advisable to pay $100,000 for it. I think it had better by far use steam-power, than to purchase water-power at such rates.

Mr. FARNSWORTH. I know something about this town of Moline and this water-power. It was formerly in the congressional district which I represented; and last winter I was consulted by the officer of the War Department in charge of this work, meeting General Rodman, who is in charge of the building of the arsenal, at the office of the engineer in Washington. The town of Moline is built at the head of the island on the Illinois shore. First they had, by authority of the Legislature, extended the dam

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from the shore to the island. They gradually improved the water-power, built up mills and machinery, and a flourishing town was established there. They propose this arrangement with the Government: that it shall not pay them one cent for the improvements they have made, but that it shall expend $100,000 in further improving the dam, dredging it out above so as to largely increase the volume of water and augment the fall. The arrangement, in my opinion, is an excellent one for the Government. No money is to be paid to the Moline Water-Power Company. It will undoubtedly be mutually beneficial, but particularly so to the Government. There is an almost exhaustless supply of water when the dam is properly constructed and proper dredging done above. I hope the resolution will be adopted.

Mr. SCHENCK. One single remark in reply to the gentleman from New York, [Mr. DAVIS.] Instead of getting a small interest the Government keeps three fourths of the water-power. I renew the demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. SCHENCK moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McDONALD, its Chief Clerk, announced that the Senate had insisted upon its adherence to the forty-fourth amendment to the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1868, disagreed to by the House of Representatives, had agreed to the further conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. EDMUNDS, CONNESS, and BUCKALEW conferees on the part of the Senate.

DISTRICT JAIL.

Mr. MAYNARD. A few days ago the House instructed the Committee for the District of Columbia to inquire into the proceedings of the Secretary of the Interior in reference to building a new jail ordered by an act of the last session. The committee proceeded in the discharge of their duty until they became satisfied of two things: first, that the contemplated plan was an injudicious one; and second, that the contemplated site was neither desirable nor economical. They conferred with the Quartermaster General, formerly superintendent in charge of the Capitol extension, and also with Mr. Mullet, the architect of the Treasury building, and satisfied themselves on both these points. It is understood that the proposals as they are published are to be acted upon on Monday, next week. The committee thought it desirable that the House should act upon a proposition that was attempted to be introduced into the deficiency bill, but which was ruled out of order. We now ask leave to present that proposition in the form of a joint resolution.

No objection being made, the joint resolution was read a first and second time. It is as follows:

Be it resolved by the Senate and House of Representatives, &c., That no money shall be paid out of the Treasury toward the construction of the new jail for the District of Columbia under the act of July 25, 1866, unless the letting of the contract for the building of said jail shall be suspended and delayed until perfected plans for the entire work shall have been completed and approved by a board of three, composed of disinterested and competent engineers and architects, of which Quartermaster General M. C. Meigs and A. B. Mullet, architect of the Treasury building, shall be two, nor unless the letting of said contract shall be made by a fair and equal competition on reasonable notice printed in two leading newspapers printed and published in the city of Washington after the approval of said new and perfected plan, and that the Secretary of the Interior be also authorized and directed to select a new site for such jail under said act.

Mr. LAWRENCE, of Ohio. I do not rise for the purpose of interposing any objection to the resolution. I believe it is entirely right and proper; but when the gentleman submitted this same proposition by way of amendment to the miscellaneous appropriation bill I offered an amendment to it providing that a tax should be levied on the taxable property in the District of Columbia to defray the expenses of building that jail. I desire now to submit the same amendment to this resolution. I know no reason why we should build a jail for this District at our own expense.

Mr. MAYNARD. I cannot yield for that amendment. The whole subject is disposed of in the act of last session, which provides how much money is to come from the District of Columbia. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAYNARD moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

Mr. KOONTZ, by unanimous consent, reported back from the Committee for the District of Columbia a bill to incorporate the joint stock company of the Young Men's Christian Association of the city of Washington, with an amendment in the form of a substitute.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KOONTZ moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

WISCONSIN.

Mr. SLOAN. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of joint resolution (S. R. No. 102) construing and giving effect to the joint resolution entitled "A resolution for the relief of the State of Wisconsin," approved July 1, 1864, and that the resolution be put on its passage at this time. It is simply a resolution construing a law heretofore enacted. It has passed the Senate and has been reported favorably by the Committee of Claims in this House. I am authorized to state that the gentleman who made the objection by which the resolution was sent to the Committee of the Whole desires now that it may come up for consideration.

Mr. COOPER. I object.

Mr. SLOAN. I move, then, that the rules be suspended in order to discharge the Committee of the Whole from the further consideration of the joint resolution.

Mr. WENTWORTH. Before the question is taken on that motion I ask that the resolution be read.

The joint resolution was read. It proposes to enact that the resolution entitled "A resolution for the relief of the State of Wisconsin," dated July 1, 1864, shall be so construed as to entitle the Milwaukee and Rock River Canal Company to reimbursement, out of the canal fund therein mentioned, for the amounts which are proved to have been paid out by it for interest in carrying on the work mentioned in said former resolution, in the same manner as for other sums by it expended; also for the amount which is proved to have been expended by it in necessary repairs and management of the canal after the date of said resolution, but before the date of the settlement made thereunder. But the company is not to receive more than the amount of the residue of the trust fund arising from the sale of the canal lands charged against the State in the settlement and not heretofore paid over to the company; and the Secretary of the Department of the Interior is to complete the settlement by making the further allowances to the company up to the amount of the residue of said canal lands fund; the money to be paid to the company out of any moneys in the Treasury not otherwise appropriated.

The motion to suspend the rules was not agreed to; there being—ayes forty-four, noes not counted.

LAND-GRANT RAILROAD IN CALIFORNIA.

Mr. HIGBY. I ask unanimous consent that the bill (R. R. No. 865) granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, be taken from the Speaker's table and put upon its passage.

Mr. HILL. I must object to taking up the bill out of its order.

ORDER OF BUSINESS.

Mr. DELANO. I move that the House proceed to the consideration of business on the Speaker's table.

The motion was agreed to.

JAMES M. BISHOP.

The first business on the Speaker's table was Senate amendment to the bill (H. R. No. 916) entitled "An act for the relief of James M. Bishop, who claims $236."

The amendment of the Senate was read, as follows:

Amend the title by striking out the words, "who claims $236."

The amendment was concurred in.

PAYMENT FOR SUBSISTENCE SUPPLIES, ETC.

The next business on the Speaker's table was Senate amendments to the joint resolution (H. R. No. 226) extending the provisions of section two of an act entitled "An act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864.

Mr. SCHENCK. The Senate, in amending this bill, which is one reported by the Committee on Military Affairs, has not, I think, quite understood the point of the case. I believe that in a committee of conference the matter could be satisfactorily explained. I hope, therefore, we shall non-concur in the amendments, and ask the appointment of a committee of conference.

Mr. SCOFIELD. I call for the reading of the bill.

The bill was read. It proposes to extend the provisions of section two of the act named in the title, to cover all cases where quartermasters' stores were actually furnished to the forces under the command of Major General Lewis Wallace, and duly receipted for by persons acting under his authority during the Morgan raid through the States of Indiana and Ohio, in the summer of 1863; and for the purpose of giving such receipts for property so applied such persons are to be held to be proper officers of the Government.

The amendments of the Senate were read, as follows:

On page 1, in line six, strike out the words "persons acting under his authority" and insert in lieu thereof the words "the acting quartermasters of his command."

On page 1, in line ten, strike out "persons" and insert "acting quartermasters."

Mr. SCHENCK. Mr. Speaker, at the time of Morgan's raid through Ohio and Indiana the Government troops under the command of General Wallace were necessarily obliged to obtain subsistence from the farmers and others in that section of the country. There is a general law providing that the quartermaster's department may settle for property taken for the subsistence of the Army and receipted for by the proper officers. In this case there were no properly authorized officers to give such receipts, General Wallace being obliged to employ in the service whomsoever he could get. In the bill as passed by the House

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we have provided that wherever there is satisfactory proof that such property was actually furnished for the subsistence of the troops engaged in defending Indiana and Ohio against that raid, receipts given by persons acting under the authority of General Wallace shall have the same effect as receipts given by the proper officers.

The Senate has amended the bill so as to require that the receipts shall be given by "the acting quartermasters." But as this was not an organized army, there were no regularly authorized quartermasters. The Senate, in making the amendment, has acted under a misapprehension.

Mr. MAYNARD. I hope that this bill will be passed. A similar state of things to that which the gentleman from Ohio has described prevailed in my own section of country; and I feel the full force of everything that he has said. At some future time I may ask the passage of a similar bill with reference to the people of my own State.

The amendments of the Senate were not concurred in.

Mr. SCHENCK. I move the appointment of a committee of conference.

The motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868.

The amendments were read, as follows:

On page 3, after "dollars," in line thirteen, insert the following:

For the construction and repairs of barracks for engineer troops at the depot of engineer supplies, at Willett's Point, New York, $25,000.

On page 3, strike out all of section two, and insert the following as a new section:

And be it further enacted, That in order to determine the relative powers of resistance of the turret and broadside system of iron-clad vessels-of-war, and whether or not our present heaviest guns are adequate to the rapid destruction of the heaviest plated ships now built or deemed practicable on either system, and whether or not our heaviest stone forts will resist our heaviest guns, and if not what increase in strength by adding either stone or iron or variation in form is necessary to that end, the Secretary of War and the Secretary of the Navy are hereby authorized to detail a joint board, of not less than six competent officers, three from the Army and three from the Navy, whose duty it shall be to construct and test by firing upon them such targets as they may deem necessary for the purposes above named; and the Secretary of War and the Secretary of the Navy are hereby authorized and directed to supply the board with such facilities for the purpose as they may require: *Provided*, It can be done from the unexpended funds and materials now at their disposal, the expenses to be borne equally by the War and Navy Departments, and from such funds at their disposal as the Secretary of War and Secretary of the Navy may designate respectively.

Mr. FARNSWORTH. One of the Senate amendments appropriates only $2,500 for Willett's Point. It is recommended by the Department and was originally in the bill. The other seems to me to be a proper item.

Mr. SCOFIELD. It is the beginning of another appropriation. I move that the amendments be laid on the table.

The House divided; and there were—ayes 44, noes 52.

Mr. WASHBURN, of Indiana, demanded tellers.

Tellers were ordered; and Mr. WASHBURN, of Indiana, and Mr. FARNSWORTH were appointed.

The House again divided; and the tellers reported—ayes 50, noes 55.

Mr. SCOFIELD. This bill has more lives than a cat and not half as valuable. [Laughter.] I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. FARNSWORTH moved that the House concur in the Senate amendments; and on that motion demanded the previous question.

The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 51, noes 45.

Mr. DELANO demanded tellers.

Tellers were ordered; and Mr. DELANO and Mr. ELIOT were appointed.

The House divided; and the tellers reported—ayes 54, noes 55.

Mr. BERGEN demanded the yeas and nays.

The yeas and nays were not ordered.

So the amendments were not concurred in.

MOTION FOR RECESS.

Mr. SCHENCK. By long usage it is held that the legislative day extends to twelve o'clock the next day. It is necessary we should extend this day's session, and I therefore move that we take a recess until eight o'clock this evening, to enable the Speaker to sign bills and resolutions, so that they may be sent to the President.

Mr. ELDRIDGE. I rise to a point of order. The gentleman means eight o'clock Sunday evening. At three o'clock Sunday morning the Speaker decided it was not Sunday, but that it was Saturday.

The SPEAKER. A distinguished member, Mr. Benton, was also told on Sunday it was still Saturday. The legislative day continues until the beginning of the next.

Mr. SHELLABARGER. I hope the Chair will state to the House what necessity there is for our meeting on the Sabbath. It is an offense to the religious sentiment of our people, and can only be justified by the condition of the public business. I hope the Speaker will state to the House why it is we must meet on Sunday.

The SPEAKER. The Chair will state if it is the pleasure of the majority they can vote now to take a recess until twelve o'clock on Monday. It is within their province to do so. There are two appropriation bills now in the hands of conference committees, one for the civil service and one for the support of the Navy of the United States. There is also the deficiency appropriation bill, which has not yet come back from the Senate. It contains eleven or twelve millions for our pensioners. The money for pensions is now exhausted, and pension offices have suspended, waiting for this deficiency bill to pay the widows and orphans of our soldiers. This bill is before the Senate, and no conference has yet been appointed on it. If this House takes a recess until Monday morning there will be no time for the transaction of this public business. These bills have to be considered in both Houses, sent to committees of conference, those committees have to make their reports, the bills have to be enrolled and signed by the Presiding Officers of both branches, and then sent to the President for his approval.

So also in regard to other bills that are in the hands of conference committees. The Chair supposes that by a mere formal session this evening we might comply with the rules, which require that the Committee on Enrolled Bills shall report in open House, and that the Presiding Officer shall sign the bills reported by that committee in the presence of the House. But of course it is in the power of the House to let those bills remain unreported and unsigned, and take a recess until any time they see fit.

Mr. BINGHAM. I move an amendment, that when the House adjourn it adjourn to meet at eight o'clock p. m. this day, (Sunday.)

Mr. MAYNARD. Let us take a recess until that time—not adjourn.

The SPEAKER. It will require a two-thirds vote to do that, as our time for meeting is fixed by rule at twelve o'clock.

Mr. BINGHAM. I will change my amendment, and move that the House take a recess until the hour I have named.

Mr. THAYER. I move that at eight o'clock a. m. the House take a recess until eight o'clock this evening.

Mr. SCHENCK. I rise to a question of order. I believe there is no motion pending to amend the motion which I made. My motion will appear on the Journal as made on Saturday, and being a motion to adjourn until to-morrow at eight o'clock the Journal will show that to-morrow will be Sunday, and that to-day is the 2d by legislative usage, so that the Journal will be all right. If from to-day, the 2d, we adjourn until to-morrow, of course the adjournment will be to the 3d; and I have moved to adjourn to eight p. m. because I suppose we will have to be here only for an hour or two.

Mr. BINGHAM. I beg leave to say that my colleague is quite mistaken.

The SPEAKER. The Chair cannot entertain a motion for a recess as an amendment to a motion to adjourn.

Mr. LAWRENCE, of Ohio. I think I can make a suggestion that will meet with the approval of the House. I move an amendment to the motion of my colleague, [Mr. SCHENCK,] that when the House adjourn it adjourn to meet at one o'clock on the morning of Monday, March 4.

Mr. BINGHAM. That will not do at all.

The SPEAKER. The Chair cannot entertain that motion. By the Constitution the Thirty-Ninth Congress does not exist on the 4th of March.

Mr. THAYER. Is it not in order to move that at eight o'clock this morning the House take a recess until eight o'clock this evening?

The SPEAKER. A motion to adjourn has priority of a motion for a recess.

Mr. ELDRIDGE. I move to amend the motion of the gentleman from Ohio as follows:

Resolved, That this 3d day of March, 1867, is not Sunday, but is in fact Saturday, the 2d day of March, 1867.

The SPEAKER. The Chair is of opinion that that amendment is not in order.

Mr. KASSON. I want to call the attention of the House to the fact that the chairman of the Committee on Appropriations, when he left the floor about two hours ago, informed me that the committee of conference upon the miscellaneous appropriation bill had agreed upon a report, and desired that action upon it might be had before either recess or adjournment. I feel bound to make this statement to the House before these propositions are put to a vote.

Mr. NIBLACK. We are only waiting for the Clerks to prepare the report of the committee to submit it to the House.

Mr. MAYNARD. I rise to a question of order, that if we adjourn now, on the 2d of March, the 3d being Sunday, we adjourn *sine die*, that Sunday is not legislative time, that there is no precedent in the history of this country or of England in which legislation appears by the record to have been transacted on the Lord's Day.

Mr. HILL. Let us make a little history.

Mr. MAYNARD. I trust, sir, that in this respect we shall make no innovation, and that if the necessities of legislation require us to actually prolong the 2d of March into the 3d, we shall at least let our Journal speak as the Journals of our predecessors speak upon this point.

Mr. DELANO. I appeal to my colleague [Mr. SCHENCK] to withdraw for the present his motion to adjourn, and let us proceed for some time yet in the transaction of business.

Mr. SCHENCK. I have been misunderstood. I have not made a motion to adjourn at all. My motion was that when the House adjourn it adjourn to a certain time. I now withdraw the motion.

Mr. THAYER. I move that when this House again take a recess, it be to meet at eight o'clock this evening. We have already, I believe, taken one recess to-day.

Mr. DELANO. There is no necessity for fixing now the time to which we shall take a recess.

The SPEAKER. In view of established precedents, the Chair is of opinion that the House had better take a recess for as many hours as they think proper, keeping the date of the Journal March 2.

The motion of Mr. THAYER, that when the House take a recess it be to meet at eight o'clock p. m., was agreed to.

Mr. FARQUHAR. I ask unanimous consent to offer a resolution which I think will not give rise to any debate. It is this:

Resolved, That all fines and costs imposed upon

members of this House for being absent without leave be remitted.

Mr. BALDWIN. I object.

NATIONAL CAPITAL INSURANCE COMPANY.

Mr. MERCUR, from a committee of conference, made the following report:

The committee of conference appointed upon the disagreeing votes of the two Houses upon House bill No. 234, to incorporate the National Capital Insurance Company, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their first amendment, with the following amendment: in line nine, page 1, after the word "elsewhere" insert "subject to the laws of the several States."

That the Senate recede from their second amendment, with the following amendment: in line fourteen, page 1, after the word "elsewhere" insert "subject to the laws of the States as aforesaid."

That the Senate recede from their third amendment, and that the whole of section nine, as amended, be stricken from the bill.

That the Senate recede from their fourth amendment, with the following amendments: in line twenty-seven, page 6, strike out the word "twenty" and insert "one hundred and fifty;" after the word "dollars" in line one, page 7, insert "in shares of fifty dollars each;" in line two of same page strike out the word "twenty," and insert "one hundred and fifty;" strike out all of the tenth section after the word "insurances," in line three, page 7.

That the House concur in the fifth amendment of the Senate, with the following amendments: in line four of said amendment strike out the word "January" and insert in lieu thereof the word "February;" after the word "Interior" in line six of said amendment insert as follows: "a detailed report of their transactions for the preceding year;" in same line strike out the word "shall;" in line seven after the word "some" insert the word "value;" after the word "Columbia" in lines seven and eight insert "for at least ten days;" strike out the word "premiums" in lines eight and nine and insert in lieu thereof the word "profits;" at the end of said Senate amendment add the following: "together with the amount of stock subscribed and the amount actually paid in."

ULYSSES MERCUR,
MARTIN WELKER,
Managers on the part of the House.
LOT M. MORRILL,
D. T. PATTERSON,
Managers on the part of the Senate.

The committee also recommend the following amendments to the bill:

On page 2, strike out after the word "upon" in line five down to and including the word "upon" in line eight.

On same page, after the word "lives" in line nine insert "and health."

On page 3, strike out all after the word "that" in line eighteen over to and including the word "representatives," on page 4, line nine.

On page 4, strike out the words "members or" in lines eleven and twelve.

On same page, strike out all after the word "responsibilities" in line thirteen down to and including the word "company" in line fifteen, and insert in lieu thereof as follows: "beyond the amount of stock subscribed by them respectively."

On same page, strike out all of section five.

On same page, strike out the word "members" in line twenty-five and insert in lieu thereof the word "stockholders."

On same page, strike out the words "said deposit notes or" in lines twenty-five and twenty-six.

On same page, strike out the word "thereon" in line twenty-six, and insert in lieu thereof the words "on their stock."

Strike out all of section seven on pages 5 and 6.

On page 6, strike out the words "members or" in line nine.

ULYSSES MERCUR,
MARTIN WELKER,
Managers on the part of the House.
LOT M. MORRILL,
D. T. PATTERSON,
Managers on the part of the Senate.

The SPEAKER. It will require unanimous consent to change the text of the bill.

No objection was made; and the report of the committee of conference was agreed to.

Mr. MERCUR moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. W. POTTER.

The House resumed the consideration of the business upon the Speaker's table, the next business in order being the consideration of the amendment of the Senate to bill of the House No. 1095, to authorize the Secretary of the Treasury to pay a certain draft to W. W. Potter, late acting military agent of the State of New York.

The amendment of the Senate was to add to the bill the following:

Provided, That before the payment of said warrant the said W. W. Potter shall execute a bond of indemnity to the United States, with sufficient sureties, against the claim of the payee under said warrant.

Mr. DELANO. I move that the amendment of the Senate be concurred in.

The amendment of the Senate was concurred in.

Mr. DELANO moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

F. A. GIBBONS AND F. X. KELLEY.

The next business upon the Speaker's table was Senate amendments to the House joint resolution No. 36, referring the papers in the case of F. A. Gibbons and F. X. Kelley to the Court of Claims.

The first amendment of the Senate was as follows:

Page 1, line three, strike out "for" and insert, "and the court shall be authorized, if of opinion that the ends of justice will be subserved thereby, to grant."

Mr. DELANO. I move the amendment be concurred in.

The amendment was concurred in.

Second amendment:

Page 1, line four, after "petition," insert "without prejudice to the claim by reason of the former decision of the said court."

Mr. DELANO. I move the amendment be concurred in.

The amendment was concurred in.

Mr. DELANO moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF JOHN E. BOULIGNY.

The next business upon the Speaker's table was Senate bill No. 438, for the relief of the heirs of John E. Bouligny; which was read a first and second time.

The bill was read at length. It provides that there be, and hereby is, confirmed to Mary Elizabeth Bouligny, Corinne Bouligny, and Felice Bouligny, the widow and children of John E. Bouligny, deceased, the one sixth part of the land claim of Jean Antoine Bernard d'Autrive, in the State of Louisiana, said one sixth part amounting to seventy-five thousand eight hundred and forty acres; and that, inasmuch as the said lands embraced in said claim have been already appropriated by the United States to other purposes, certificates of new location, in eighty-acre lots, be issued to the said Mary Elizabeth Bouligny, for her own benefit and that of her said minor children, in lieu of said lands, to be located at any land office in the United States, upon any public lands subject to private entry at a price not exceeding $1 25 per acre. The Commissioner of the General Land Office is hereby directed to issue said certificates of new location, in accordance with existing regulations in such cases.

Mr. THAYER. Mr. Speaker, I am instructed by the Committee on Private Land Claims to say that this bill has been by them carefully examined, and that they recommend its passage. I present on behalf of the committee the following report:

The Committee on Private Land Claims, to whom was referred Senate bill No. 438, an act for the relief of the heirs of John E. Bouligny, have had the same under consideration, and report:

That the claim for which relief is asked in this case has already undergone two official investigations under acts of Congress for the adjustment of private land claims in Louisiana. In each of these investigations the facts found established the validity and regularity of the original concession by the French Government, and its subsequent recognition and approval by the Spanish Government which succeeded.

The first of these investigations was under the act of February 6, 1835, which provided for an examination of claims by the register and receiver of the proper land district, subject to approval or rejection of the decision by Congress. Upon this investigation a favorable report on this claim was made, but it was not acted on by Congress. In 1844, Congress passed another act for the adjustment of private land claims in Louisiana. This act provided for the hearing of such claims in the district courts of the United States and their confirmation by decree of the court, subject to appeal to the Supreme Court of the United States. This claim was presented to the United States district court in Louisiana under this law, and a regular trial took place, fully contested and argued by counsel on both sides; and the court, upon the evidence in the cause, found in favor of the claimants, and made a decree of confirmation. This decree finds all the facts of the case. It will be found on pages 2 and 3 of a report made to the Thirty-Sixth Congress in the same case from the Committee on Private Land Claims. The proceedings are also detailed at length in 15 Howard's Reports, page 14, &c. The committee beg leave to refer to the reports already mentioned, where the facts of the case and the evidence of them, which is very voluminous, are fully set forth at great length. The decree of Judge McCaleb in the district court having been in favor of the claimants, an appeal was taken therefrom by the United States to the Supreme Court. In that court the decree of Judge McCaleb in the district court of Louisiana was reversed upon the ground of want of jurisdiction in the district court, the court holding that the act of Congress under which the trial had taken place extended only to imperfect titles, and that the claimants, if they had shown anything, showed a case of a perfect title. Upon this ground the decree below was reversed, four of the judges, however, taking care to express the opinion that as the cause was reversed for want of jurisdiction in the district court, it was not proper for them to pass upon the validity or invalidity of the title which had been shown.

This claim, it may also be mentioned, has passed the Senate twice. In the Thirty-Sixth Congress it passed the House, and failed in the Senate for want of time. In the Thirty-Seventh Congress it passed the House, and is stated to have been lost in the Senate by an attempt to ingraft upon the bill a proviso that the lands to be given in lieu of those appropriated and sold by the Government should be lands in the State of Louisiana, which proviso the claimants and the friends of the bill were unwilling to accept, because all the public lands of any value in Louisiana had already been disposed of by the Government.

The claim has been favorably acted upon by four congressional committees. It has also, as has been already stated, been sustained by two careful judicial investigations. These considerations have, however, not been allowed to have any undue weight with the present committee. This committee have carefully investigated the evidence in the case, and are of the opinion that the claim against the United States is just and should be allowed.

The committee, therefore, report the Senate bill with a recommendation that it do pass.

Mr. Speaker, without detaining the House at this late hour any longer than is necessary, I will give a brief history of the origin of this claim.

In August, 1717, letters-patent were issued by the King of France by which a company was created under the name of the "Western Company," to which company all the lands, coasts, ports, havens, and islands of the French Province of Louisiana were given, granted, and conceded in full property, seignory, and jurisdiction, with authority, by the eighth article of said charter, to sell, give, and grant the said lands so granted.

In the latter part of 1717 or beginning of 1718 the said company, with the view of promoting the settlement of said Province, granted to Paris Duvernay, a man of great means and influence, a tract of land fronting on the west bank of the Mississippi, opposite Bayou Manchac, having four leagues front on the Mississippi and extending in the rear back to the Atchafalaya river. Duvernay was at the time one of the counselors of the King and Intendant of the Royal Military Academy in France.

Early in 1718 the said tract of land was settled by a considerable number of persons sent out from France by said Duvernay, under the direction of one Dubuisson. Improvements were made upon the said lands, and the same were occupied and considerable portions cultivated from that time until 1765, when the agent of said Duvernay sold the same to Jean Antoine Bernard D'Autrive—in a private memorandum of D'Autrive the price is stated to have been twenty-seven thousand livres—the ancestor of the present claimants. D'Autrive took possession of the same, known as the Bayou Goula Concessia, and cultivated considerable portions of the front and made thereon a road, beginning on the Mississippi river at or near the lower line and extending to the Atchafalaya, which was known as the Portage D'Autrive, and he [D'Autrive] continued to occupy it until his death, in 1776.

November 3, 1762, a secret treaty was entered into between France and Spain by which France transferred the Province of Louisiana to

Spain, and O'Reilly, the Spanish Governor sent out to take possession, reduced the property of D'Autrive, in 1769, to twenty arpents front. This was an act of simple spoliation, and on March 12, 1772, Don Louis Audry, surveyor general of the Province of Louisiana, acting under the authority of Don Luis de Unzaga, Spanish Governor of the said Province, made a survey of a portion of said tract comprised in the aforesaid grant to Duvernay, having forty-four arpents front on the right bank of the Mississippi, with the side lines opening and extending to the Atchafalaya, as represented and described in the plat and process verbal of said survey, (on file and marked B, No. 21,) and on the 12th July, 1772, the said Unzaga, Governor of said Province, did approve the said survey conformably to the plan and process verbal of said survey made by said Audry, with the depth to the Atchafalaya, as shown by the letter of said Unzaga attached to said survey, and marked B, No. 22.

This was a recognition and confirmation of the title of D'Autrive, who was then a resident of the Province of Louisiana, or it was a grant anew of the same by the said Governor, having full power to grant the same.

A portion of said tract fronting on the Mississippi to the depth of forty arpents, and no more, was disposed of to the Spanish Government or otherwise by the heirs after the death of D'Autrive.

This grant is protected by the treaty made between the United States and the French republic April 30, 1803, and by the laws of nations, unless it can be proven to have been lost in some legitimate manner.

After the death of D'Autrive, his widow continued to reside on said land. In the year 1779 she was married to Jean Baptiste Degney. Galvez, the Spanish Governor of Louisiana, wishing to introduce Spanish families from the Canary islands as colonists into Louisiana, and to provide them with a home, as they were destitute of means, made several contracts with various individuals for the construction of small houses, to be given to said colonists; and among others he made such a contract with Degney. Degney undertook to build a number of cabins on the Bayou Goula grant, and to give up for the use of the said settlers the front of said land, with forty arpents in depth. The Governor having afterward altered his intentions, and having assigned different locations to the Spanish families, gave the land on which the cabins had been constructed to Acadian emigrants, and thus it happened that the front of said forty-four arpents was granted over again to the Acadians, though only with a depth of forty arpents. Afterward Degney and his wife and children removed to Attakapus, where they had other property, and this was neglected.

The children of Bernard Dauterior, in consequence of the neglect of their step-father to assert their rights, and of their tender age when their father died, and of the absence of recorded evidence substantiating their titles, were ignorant of their rights, and long unsuccessful in obtaining sufficient proof thereof. However, in 1821 they employed Edward Livingston as their counsel to advocate their rights in the courts of justice of the State of Louisiana and before Congress. Mr. Livingston was soon afterward elected a member of Congress, and does not appear to have given any further attention to the case.

In obedience to an act of Congress approved February 6, 1835, entitled "An act for the final adjustment of claims to lands in the State of Louisiana," the heirs filed with the register and receiver of the land office of the southeast district of Louisiana, in the year 1836, a notice and statement of their claim and evidence in support thereof, to be reported on to the Secretary of the Treasury and Congress, as provided by said act; and on the 22d November, 1837, the said register and receiver made a report recommending said claim for confirmation, but Congress did not act upon that report and claim.

In 1846 this claim was brought before the United States district court for the eastern district of Louisiana under an act of Congress passed in 1844 for the adjustment of land claims in Louisiana. This act provided for the hearing of such claims in the district courts of the United States and their confirmation by decree of the court, subject to appeal to the Supreme Court of the United States. This claim was presented to the United States district court under this law, and after a regular trial had, fully contested on both sides, and upon the legal evidence in the cause the court found it to be a valid claim and made a decree of confirmation. The decree itself made by Judge McCaleb, found specifically all the facts of the case, and they will be found on pages 2 and 3 of a report made to the Thirty-Sixth Congress in the same case from the Committee on Private Land Claims. An appeal was taken to the Supreme Court by the United States. In that court (15 Howard, 14) the case was dismissed for want of jurisdiction, and solely upon that ground, because under the act of Congress the district court was only authorized to act upon and adjudicate upon incomplete titles whereas the claimants had shown if anything a complete title, and Judges Curtis, McLean, Wayne, and Campbell expressly said that the petition should be dismissed for want of jurisdiction without prejudice to any legal title of the petitioners, and that no opinion should be expressed by that court upon any question of fact or law arising upon the evidence. (See 15 Howard, page 30.)

There have thus been two official investigations of this claim by officers of the United States under acts of Congress for the adjustment of land claims in Louisiana. In each of these investigations the facts found upon legal evidence established the validity and regularity of the original French grant, and its subsequent recognition and approval by the Spanish Government.

This claim has passed the Senate once and failed in the House for want of time. It passed the House in the Thirty-Sixth Congress, and failed in the Senate for want of time. It passed the House in the Thirty-Seventh Congress, and is stated to have been lost in the Senate by an attempt to ingraft upon the bill a proviso that the lands to be given in lieu of those appropriated by the Government should be in the State of Louisiana, which the claimants were unwilling to accept, because all the lands in Louisiana that were of any value had already been disposed of by the Government. Upon a thorough examination of the grounds upon which this claim rests, the committee are satisfied that it is a just and honest claim. The lands which belonged to John E. Bouligny have been sold by the United States; and this bill proposes to indemnify his widow and minor children by authorizing them to locate upon the public domain a like quantity of land. John E. Bouligny will be well remembered by many members of this House as a Representative in this House from the State of Louisiana at the time of the breaking out of the late rebellion. He was the only Representative from the State of Louisiana who, at the critical juncture in which his colleagues abandoned their allegiance and retired from this Hall, adhered immovably to his duty, remained in his place here and stood by his country and its flag, resolved to share its destiny and to survive or perish with its fortunes. The bill before the House proposes to extend to his wife and children an act of exact though tardy justice. I hope it will receive the unanimous support of the House.

The bill was then read the third time, and passed.

Mr. THAYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHTS OF MARRIED WOMEN.

The next business on the Speaker's table was Senate bill No. 492, to protect the rights of married women, and for other purposes, in the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

RELIEF OF DESTITUTE COLORED PEOPLE.

The next business on the Speaker's table was the joint resolution (S. R. No. 172) for the temporary relief of the destitute colored population of the District of Columbia; which was read a first and second time.

Mr. MAYNARD. This is a matter which has been under the consideration of the Committee for the District of Columbia; and while there is testimony on both sides leaving the question not entirely free from doubt, yet as in cases where charity is to be bestowed the safer rule is to let the objects of charity have the benefit of the doubt, so that our failings, if failings we have, may "lean to virtues's side." The committee are in favor of the passage of the resolution.

Mr. JULIAN. I desire to submit to the House an amendment to this bill.

Mr. MAYNARD. I do not yield the floor for that purpose till I hear the amendment.

Mr. JULIAN. The bill provides that this money shall be distributed by the Commissioner of the Freedmen's Bureau. I propose to add the names of Sayles J. Bowen and Dr. E. H. Gray.

Mr. MAYNARD. I have no objection to that amendment, and yield for the purpose of allowing it to be offered.

Mr. JULIAN. I hope, then, the amendment will be adopted.

Mr. MAYNARD. I ask that the resolution be read.

The resolution, which was read, provides for appropriating $20,000 for the temporary relief of the destitute colored population of the District of Columbia, to be expended under the direction of the Commissioner of the Freedmen's Bureau.

Mr. ELDRIDGE. I make the point of order that this is an appropriation bill, and must, under the rules, be first considered in the Committee of the Whole.

The SPEAKER. It is an appropriation bill; but the point of order is raised too late.

Mr. ELDRIDGE. At the time the gentleman from Indiana was on the floor I did not understand that the resolution had been read.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDRIDGE] had the right to demand the reading of the resolution; and as he did not make or reserve the point of order at that time he lost his right to make it. It has been repeatedly decided that this point of order must be made before the House enters upon the consideration of a bill.

Mr. ELDRIDGE. I wish to appeal to the gentleman from Tennessee to permit an amendment making the mayor of this city one of the parties by whom this money is to be distributed; and also to strike out the word "colored," so as to include in the benefits of this appropriation the poor white people as well as the colored people of the District. I desire that there shall be no distinction made on account of race or color.

Mr. MAYNARD. I will say to the gentleman from Wisconsin, that according to the information we have this relief is needed, not by the white people of the District, nor by all the colored people, but by a class of colored persons who have found their way here since the emancipation. Hence, we propose that this relief shall be limited to the class who actually need it. I cannot, therefore, yield to permit the gentleman to offer the amendment which he indicates. I will, however, allow the gentleman to offer the amendment making the mayor of the city one of the officers to distribute this relief. I am willing that the House shall vote upon that proposition.

Mr. ELDRIDGE. Does the gentleman from Tennessee [Mr. MAYNARD] propose in this bill to insist upon a distinction which this House has heretofore declared should not be recognized in our legislation? Does he mean to

keep up the distinction of race and color, and to make a discrimination in favor of the black population and against the white?

Mr. MAYNARD. Certainly not. I now yield to the gentleman from Massachusetts, [Mr. BALDWIN.]

Mr. BALDWIN. I think this bill ought not to pass, and if I could have the floor for that purpose I would move to refer it to the Committee for the District of Columbia. Since this matter first came up in the House I have inquired carefully to ascertain whether such an appropriation is needed, and I have been visited by many persons profoundly interested in the welfare of the freedmen, persons who have been constantly with the freedmen of the District four or five years as teachers, friends, and helpers. They urge strongly that such an appropriation at this time would do more harm than good, that there is no pressing need of it, and that for other reasons that seem to me just it is not desirable. It would require more time than can be afforded during these closing hours of the session to state these reasons fully. They think the appropriation should not be made, and my own inquiries have led me to the same conclusion. Therefore I hope the bill will be referred to the Committee for the District of Columbia or laid on the table.

Mr. MAYNARD. I now yield to the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCOFIELD. I was endeavoring to get the floor before the gentleman from Massachusetts [Mr. BALDWIN] spoke; and I desired to state that persons in authority here who sympathize with the freedmen and have been interested in their care have communicated to me the same opinion in substance which the gentleman from Massachusetts says he has received: first, that the necessity for this appropriation is not very pressing; and secondly, that its distribution would cause more dissatisfaction and bickering than the whole amount would be worth; that a great number of those who did not really need it would impose upon those who had the control of it, while those who would need it most would be less likely to make known their wants. It was thought under the circumstances nothing should be said on the subject. I move that it be referred to the Committee for the District of Columbia.

Mr. MAYNARD. I do not yield for that purpose. I now yield to the gentleman from New York, [Mr. HART.]

Mr. HART. I am satisfied that this bill ought not to pass. While we may imagine we are doing a great deal of good for the freedmen we may be doing them a great deal of harm. I am informed by a gentleman from the South that labor is every day becoming scarcer there. He had work to do, but he could not find men to do it. There was plenty of employment for this labor in the South, but there was not enough of labor there to do it all. I know men who have come here for the purpose of obtaining labor, offering every inducement for it, and yet they could not induce one to go South, because there was an impression among the freedmen that the Government was going to feed and take care of them. I move that the bill be laid on the table.

Mr. MAYNARD. I do not yield for that motion. I now yield to the gentleman from New York, [Mr. HOTCHKISS.]

Mr. HOTCHKISS. Our legislation on the subject of reconstruction has been based on the assertion that the blacks were to be treated precisely like the whites at the South. We were told that they were to be protected by the Government of the United States. We were told that their lives would be endangered if they went there. We were told that the loyal colored people of the South were compelled to fly from all sorts of outrages perpetrated on them there. We published all of this to the world. We are now asked to say that these colored people are at fault because they have not rushed into this danger. When they had gathered here from oppression at the South, because of their loyalty to the Government, we doled out to them a small pittance to save them from starvation, and Radicals were denounced before the people for their friendship to the colored race. Now this Congress I hope will not disgrace itself by declaring that all we have heretofore done in this matter was wrong; that these colored people were entirely at fault, and all that has been said against us was true. I hope, sir, this Congress will not disgrace itself by indorsing such a scandal. I hope it will not be done by the men who told us if we consulted the families of those who had gone among these colored people to alleviate their sufferings we would find out the truth; I hope they, at least, will not indorse this scandal.

Mr. PRICE. I think the gentleman and the House are making too much noise for a Sunday morning. [Laughter.]

Mr. HOTCHKISS. I will say, in reply to my colleague, that it was not the purpose of this committee to exercise a general authority over these people. The object was to provide for certain persons represented to be here temporarily who were not a proper charge upon the people of this District. If this resolution means anything, it means that and nothing more. The framers of the resolution contemplated nothing more than that.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that the Senate adhered to its forty-fourth amendment to the legislative, &c., appropriation bill.

RELIEF OF DESTITUTE COLORED PEOPLE.

Mr. HART. I move to lay the resolution and pending amendments on the table.

Mr. ELDRIDGE. I wish to know if we did not appropriate, under a previous resolution, $25,000 for the poor of this District.

Mr. MAYNARD. We did at the last session.

Mr. ELDRIDGE. There was such a proposition before the House at this session.

The question was put on the motion to lay the joint resolution and pending amendments on the table, and there were—ayes 81, noes 19.

Mr. JULIAN demanded the yeas and nays, but they were refused—ayes nine.

So the joint resolution was laid on the table.

LEGISLATIVE ETC., APPROPRIATION BILL.

Mr. LE BLOND submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on Senate amendment number fourty-four to House bill No. 866, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, having met after full and free conference have been unable to agree.

F. C. LE BLOND,
THEODORE M. POMEROY,
WILLIAM B. ALLISON,
Managers on the part of the House.
GEORGE F. EDMUNDS,
JOHN CONNESS,
C. R. BUCKALEW,
Managers on the part of the Senate.

The report of the committee was accepted and the committee discharged.

Mr. SCOFIELD. In what condition is this bill now?

The SPEAKER. It is before the House.

Mr. LE BLOND. I wish to make a simple statement of what I understand to be the difference between the two Houses, and will then leave the subject to the action of the House to make such further disposition of it as it may see proper. I will premise by saying that I am satisfied that unless the House recedes from its proposition the bill will fail, for the Senate evidently is determined not to yield.

I understand the difference to be this: during the first session of the Thirty-Ninth Congress, by sundry resolutions introduced into the House, certain of its clerks and employés were given additional pay, while other clerks and employés were omitted. These persons who were embraced in the resolutions went to the Secretary of the Treasury for the purpose of drawing their increased compensation, but were told by the Auditor that no payments could be made on the House resolution alone, that it required the joint action of both branches of Congress. So when we came to make provision to meet these contingencies we very properly put it in the appropriation bill of last session. Thereupon a difficulty at once arose between the two Houses, and it was finally referred to a committee of conference at the close of the last session. In that committee of conference it was agreed on the part of the conferees of both Houses that there should be paid to all the clerks and employés of the House twenty per cent. additional compensation. With that understanding the bill was passed. Under the resolutions that passed the House some of the clerks and employés would receive thirty, forty, and sixty per cent. increase, and the question of difference now is whether they shall have the increased compensation that was fixed by the resolutions before the committee of conference was appointed at the close of the last session. The Senate takes the position that the agreement of the committee of conference at the close of last session was in lieu of the House resolutions, and from that position it will not recede.

I have thus stated what I understand to be the difference between the two Houses. The matter now rests with the House to take such action as it sees fit.

Mr. MORRILL. I should be very sorry to have this bill lost in consequence of what I consider an untenable position on the part of the House. It was clearly transcending the positive enactment to which the House itself had agreed, and therefore I hope the House will not allow this bill to be lost upon this very small point. I therefore move that we concur with the Senate and recede from our disagreement, and on that I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to recede was agreed to—ayes 68, noes 34.

The SPEAKER. The House having receded the bill is passed.

Mr. MORRILL moved to reconsider the vote by which the House receded; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for certain civil expenses of the Government for the year ending June 30, 1868.

W. H. HARMAN.

The next business on the Speaker's table was Senate bill No. 598, for the relief of W. H. Harman; which was read a first and second time.

The bill authorizes and directs the Secretary of the Treasury to remit and release to the petitioner the internal revenue tax on five hundred and six gallons of whisky of his manufacture, the same having been destroyed by fire before removal from his distillery and before the sale of the same.

Mr. HUBBARD, of West Virginia. The attention of the chairman of the Committee of Ways and Means has been drawn to this bill and he makes no objection to it. I have a letter from the Commissioner of Internal Revenue recommending the passage of the bill.

Mr. FARNSWORTH. I raise the point of order that this is an appropriation bill.

The SPEAKER. It is not an appropriation bill; it is to remit and release a certain tax.

Mr. HUBBARD, of West Virginia. I send the letter to the Clerk to be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
WASHINGTON, *February* 12, 1867.

MY DEAR SIR: I herewith return the memorial of Mr. Harman for relief from an internal revenue tax, which memorial I should have passed to you in per-

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son, as I promised you, if the crowd of people in the office would allow me to leave it.

The tax, as appears by the papers, is unquestionably imposed by law. It comprised, however, so large a part of the value of the whisky destroyed that its payment since the destruction of the whisky seems very burdensome upon the tax-payer. He cannot recover the amount from a consumer, as is contemplated in the ordinary payment of an excise tax.

The only objection I have seen to the relief of Mr. Harman has been the precedent which such relief would establish. I cannot recall, however, and upon careful inquiry through the office do not learn of more than two or three such applications during the last six or eight months, and I am therefore constrained to believe that it would not be imprudent to grant the prayer of the memorial. Your judgment in this matter, however, is better than my own.

Very respectfully,

E. A. ROLLINS, *Commissioner.*

Hon. P. Y. VAN WINKLE, *United States Senate, Washington, District of Columbia.*

Mr. HUBBARD, of West Virginia. I yield to the chairman of the Committee of Ways and Means.

Mr. MORRILL. I have no personal objection to this bill. The only objection that can be raised to it is that it would set a precedent. If we remit the duties on one article that is burned, it seems to me we will have an endless amount of business, for every stock of goods that may be consumed hereafter by fire, no matter of what description, if it has paid the tax would have as just a claim upon Congress for refunding the duties as this. I think this Congress will find itself with a very large amount of business on its hands if it sets an example of this kind.

Mr. HUBBARD, of West Virginia. It is well known that the tax on this kind of manufacture is different from that on any other. It is levied immediately upon the manufactured article before it is put on the market for sale, while on other articles the assessment is made upon the sale after it has passed from the hands of the manufacturer at the end of each month; so that the loss from fire in the latter case necessarily comes out of the consumer, while in the case of the manufactures of whisky it comes out of the manufacturer who has it on hand. In this case the loss was occasioned by an incendiary.

Mr. MORRILL. Were these spirits in bond?

Mr. HUBBARD, of West Virginia. They were not.

Mr. MORRILL. If they had been in bond I would make no objection to the claim.

Mr. HUBBARD, of West Virginia. It was in the eighth district of Virginia, where there was no bonded warehouse.

Mr. FARNSWORTH. Had the tax been paid?

Mr. HUBBARD, of West Virginia. It had not.

Mr. DAVIS. How much had been made in the distillery on which no tax was ever paid? [Laughter.]

Mr. PRICE. The point in this case is, as I understand it, that this man has paid a tax on something that has subsequently been destroyed.

Mr. HUBBARD, of West Virginia. He was simply assessed.

Mr. PRICE. Well, he has become liable for the payment, and he seeks to avoid it. Now, if this principle is carried out, just see where it will lead. An assessor assesses a party; the tax is not due perhaps for six months. In the meantime a fire occurs, and the party says: "My warehouse has been burned and I have lost my property."

But, sir, I find it difficult to make myself heard amid this hurly-burly. If Demosthenes had lived in this day he never would have gone to the borders of the sea to become an orator. He would have found a better place to practice here. [Laughter.]

Mr. HUBBARD, of West Virginia. I decline to yield further, and demand the previous question.

Mr. ALLISON. I move to lay the bill on the table.

The question being put; there were—ayes 50, noes 48.

Mr. HUBBARD, of West Virginia. I demand tellers.

Mr. PHELPS. Was this property insured?

Mr. HUBBARD, of West Virginia. It was not.

Tellers were ordered; and the Chair appointed Mr. HUBBARD, of West Virginia, and Mr. ALLISON.

The House divided; and the tellers reported—ayes 55, noes 49.

So the bill was laid on the table.

Mr. WRIGHT moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISCELLANEOUS APPROPRIATION BILL.

Mr. VAN AERNAM submitted the following report from a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to amendments of the Senate numbered twelve, sixteen, seventeen, twenty-two, thirty-two, thirty-nine, forty-five, forty-six, forty-seven, forty-eight, forty-nine, and fifty-two, and agree to the same.

That the Senate recede from their amendments numbered six, eighteen, nineteen, forty-one, and fifty-three.

That the Senate recede from their thirty-fifth amendment, and agree to said clause, with an amendment as follows: Strike out "twenty-five hundred" and insert in lieu thereof "one thousand," and the House agree to the same.

That the Senate recede from their forty-second amendment, and agree to said clause, with an amendment as follows: On page 18, line twelve of the bill, after the word "mutes" insert the words "not exceeding ten in number," and the House agree to the same.

That the House recede from their disagreement to the forty-third amendment of the Senate, and agree to the same, with an amendment as follows: Strike out all of said amendment, and insert in lieu thereof the following:

And be it further enacted, That the office of Commissioner of Public Buildings is hereby abolished, and the Chief Engineer of the Army shall perform all the duties now required by law of said Commissioner, and shall also have the superintendence of the Washington aqueduct and all the public works and improvements of the Government of the United States in the District of Columbia, unless otherwise provided by law. And the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives shall hereafter appoint the members of the Capitol police.

And the Senate agree to the same.

That the Senate agree to the amendment of the House to the twentieth amendment of the Senate.

That the Senate agree to the amendment of the House to the fifty-sixth amendment of the Senate, with an amendment as follows: Strike out all of said House amendment, and insert in lieu thereof the following:

Provided, That all printing of any kind whatever by the Executive Departments shall be executed by the Government Printer where practicable, and if not, at such office as may be designated by the Clerk of the House of Representatives, at rates not exceeding the current rates for such printing.

And the House agree to the same.

THADDEUS STEVENS,
H. VAN AERNAM,
Managers on the part of the House.

JOHN SHERMAN,
IRA HARRIS,
J. W. NESMITH,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. VAN AERNAM moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SCOFIELD. I would inquire of the Chair if, in his opinion, the public business is so far advanced that the House may now safely take a recess until this evening?

The SPEAKER. The Chair will answer the inquiry of the gentleman, in order that the House may understand the condition of the public business at this time. As the Chair understands, all the important appropriation bills are now passed, except the naval appropriation bill, upon which a conference committee has been ordered. That conference committee the Chair understands has not yet had a session.

Mr. KASSON. I think that in the course of thirty minutes that committee will be ready to submit its report to the House.

The SPEAKER. There is also a committee of conference on the fortification appropriation bill, who have not yet reported. The Senate, as the Chair is informed, are now engaged in acting on the deficiency appropriation bill, on which there will probably be required a committee of conference.

The Chair thinks that after the report of the committee of conference on the naval appropriation bill has been made and acted upon, a recess can be taken until this evening; although there will have to be some legislation this evening in order to complete the public business.

Mr. DELANO. In the mean time I hope the House will proceed with the consideration of business on the Speaker's table.

FRANK PUGSLEY.

The next business on the Speaker's table was a bill (S. No. 499) entitled "An act for the relief of Frank Pugsley, late a private soldier in company I, of the third regiment of New Hampshire volunteers; which was read the first and second time.

Mr. PATTERSON. I hope that this bill will be put on its passage.

The bill, which was read, provides that in the final settlement of the accounts of Frank Pugsley, as a private soldier in company I, of the third regiment of New Hampshire volunteers, the accounting officers of the Treasury shall regard the date of his discharge from the service of the United States as of the 24th day of October, 1862, and compute his pay and allowances as such soldier to that time.

Mr. SCHENCK. I do not desire to make any opposition to this bill. I wish, however, to remark briefly in connection with it, that there has grown up, so far as the Senate is concerned, a very bad practice of not sending to this House the papers which should properly accompany their bills, and which explain the facts. In former years, whenever a bill went from one House to the other, the papers tending to show the character of the case were always sent along with it. I know nothing about this bill except what appears upon its face, and I shall make no objection to it. In the regular course of procedure it should be referred to the Committee on Military Affairs; but at this period of the session such a reference would be equivalent to the loss of the bill. I shall not, therefore, submit a motion to that effect.

Mr. PERHAM. Is there any report in the case?

The SPEAKER. The report does not accompany the bill, though it is probably in the document room, as it appears to have been ordered to be printed.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

Mr. PATTERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF WEST VIRGINIA SOLDIERS.

The next business on the Speaker's table was the joint resolution (S. R. No. 167) for the relief of certain enlisted men of the seventh regiment West Virginia volunteers; which was read the first and second time.

Mr. SCHENCK. This bill is all right, and I hope it will be passed.

The joint resolution, which was read at length, provides that the Secretary of War be directed to cause to be paid to William T. Connelt, John Keplinger, and Isaac Conrad, full pay and allowances as private soldiers from August 17, 1861, to January 9, 1863, on presentation of satisfactory proof that they were duly enlisted in the seventh regiment West Virginia volunteers as such, and that their muster into service was prevented by their capture and detention as prisoners of war, from

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September 7, 1861, to the date embraced by this resolution.

The joint resolution was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. SCHENCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACCOUNTS OF DISBURSING OFFICERS.

The next business on the Speaker's table was the joint resolution (S. R. No. 178) to facilitate the settlement of disbursing officers; which was read a first and second time.

The joint resolution, which was read at length, provides that so much of the act to provide for the more prompt settlement of the accounts of disbursing officers, approved July 17, 1862, as provides that such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be rendered directly to the proper accounting officers of the Treasury, be repealed, and that all such accounts and vouchers shall hereafter be sent to the bureau to which they pertain, and after examination there shall be passed to the proper accounting officers of the Treasury for settlement.

Mr. DAWSON. I move to amend the bill by adding the following additional section:

And be it further enacted, That the provisions of the fourth section of an act to regulate the fees, costs, and other judicial expenses of the Government in the States, Territories, and District of Columbia, and for other purposes, approved August 16, 1856, be, and the same are hereby, extended to costs arising under and since the date of the approval of an act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes, approved February 26, 1853.

The supplementary act referred to in this amendment, which was passed in 1856, provides in the fourth section that "in all the cases before mentioned an appeal shall be from the decision of the accounting officers to the Secretary of the Interior." In the adjustment of these accounts it has been found that the supplement did not extend back to cover cases which were included in the original law. The object of the amendment is to extend the fourth section of the act to include all cases covered by the act of 1858, which was the original act regulating these matters. It has been submitted to the chairman of the Committee on the Judiciary and fully meets his approval.

Mr. ALLEY. I move the following amendment to the amendment:

That the paragraph of section five of an act entitled "An act to increase duties on imports and for other purposes," approved June 30, 1864, as follows, to wit: "On lastings, mohair cloth, silk twist, or other manufactured cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, boots, bootees, gaiters, and buttons exclusively, not combined with India-rubber, ten per cent. *ad valorem*," be, and the same is hereby, repealed.

[Laughter.]

Mr. ELDRIDGE. I think that amendment should be made to read "everlasting." [Great laughter.]

Mr. THAYER. I make the point that the amendment is not in order.

Mr. ALLEY. I should like to have two minutes to explain it.

The SPEAKER. Debate is not in order.

Mr. UPSON. I ask the gentleman to reserve his amendment to a more appropriate bill.

Mr. ALLEY. I have heen trying to get it in, but it has heretofore always been cut off. It has been reported by the appropriate committees of the Senate and House twice. It meets with their approval now. It will save a quarter of a million dollars every year. If the House will permit me I will explain its practical operations. The tariff we passed twenty years ago provided that lastings, mohair cloths, &c——

Mr. HIGBY. I object to debate.

Mr. ALLEY. I withdraw my amendment for the present, as gentlemen tell me they will adopt it as a separate bill.

Mr. POMEROY. I offer the following amendment:

And be it further enacted, That from and after the passage of this act, machinery for the manufacture of beet sugar imported for that purpose solely shall be exempt from duty.

The amendment was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMENDMENT OF THE TARIFF.

Mr. ALLEY. I again ask unanimous consent to introduce a joint resolution to amend section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 20, 1864.

The joint resolution was as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph of section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864, as follows, to wit: "On lastings, mohair cloth, silk twist, or other manufactured cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, boots, bootees, gaiters, and buttons, exclusively, not combined with India-rubber, ten per cent. *ad valorem*," be, and the same is hereby, repealed.

There was no objection, and the joint resolution was received and read a first and second time.

Mr. HOTCHKISS. I submit the following amendment.

SEC. 2. *And be it further enacted*, That from and after the passage of this act, machinery for the manufacture of beet sugar imported for that purpose solely shall be exempt from duty.

The amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PERSONAL EXPLANATION.

Mr. LE BLOND. I desire to call the attention of the reporter of the Associated Press to what I propose to state. I have been, sir, in the Congress of the United States for four years; I am about to leave, and hence gentlemen here will exonerate me from having any personal interest in what I am going to say. If it were different I would not say anything on the subject.

Mr. Speaker, in looking over the reports of the Associated Press for the last four years I find the reporter, as a general thing, has reported very fully what has been stated by the opposition to the Democratic party. Of that I make no complaint; but when it comes to our side of the House I find the reports that are made are usually compressed within a space of two or three lines. Now, I understand this Associated Press is kept up by the general funds of both parties, and it is therefore only fair and just that the reporter should report for one side as fully as for the other. I have no interest in it in any future proceeding, but I have for the party to which I have the honor to belong, the Democratic party, the Union party, the party to which my friend, I fear, does not belong.

Now, sir, I make these remarks that it may go to the country, that our Democratic friends and supporters of the Associated Press may know in the future what they are to expect. I do it for the benefit of those who are to remain in Congress after I have left. This is all I have to say. I hope the Associated Press will give what I have said with reasonable fullness for the sake of the party to which I belong.

COAT OF ARMS OF NEBRASKA.

Mr. HILL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Commissioner of Public Buildings be instructed to cause to be placed upon the sole remaining panel above this Hall the coat of arms of the State of Nebraska.

STOCKTON AND COPPEROPOLIS RAILROAD.

Mr. HIGBY. The Thirty-Ninth Congress expires at twelve o'clock on the 4th of March. The State of California will have no delegation in the Fortieth Congress until after the September election. There is one matter that has been in my hands during the whole Congress, and it is about the only measure of a local character that I have had in charge. I do not know that I shall ever again be in this Hall as a Representative—it is just as likely that I shall not as that I shall—and I ask now as a favor from the House that they will let this bill be taken up and put upon its passage.

Mr. ELDRIDGE. I object. If the majority of this House would allow South Carolina the privilege of representation here on the same ground upon which it is claimed for California I would not object; but as it is I do. I want the gentleman to appreciate the position in which his party have placed those excluded States. I will not object to anything that he pleases to say; but I do object to any legislation on his behalf being allowed on the ground that his State will not be represented in the first session of the Fortieth Congress.

Mr. HIGBY. Then I move to suspend the rules in order to take from the Speaker's table, out of its order, and put upon its passage the bill granting land to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis in the State of California.

The question was upon suspending the rules; and there were—ayes 68, noes 37; two thirds not voting in the affirmative.

Mr. HIGBY. I demand tellers.

Tellers were ordered; and Messrs. HIGBY and ELDRIDGE were appointed.

The House divided; and the tellers reported —ayes 74; noes 30.

So (two thirds voting in favor thereof) the rules were suspended; and the House proceeded to the consideration of the bill.

Mr. HIGBY. I desire to have a correction made on the fifth line of page 3 of the third section of the bill by striking out the word "presented" and inserting "prescribed."

The correction was made.

Mr. HIGBY. I now move the previous question upon the passage of the bill.

Mr. ELDRIDGE. I ask the gentleman to withdraw the demand for a moment. I would like to know what quantity of land is to be granted by this bill.

Mr. HIGBY. I withdraw the demand for the present.

Mr. ELDRIDGE. I have been informed that one of these California bills takes in a tract of land forty miles wide. [Laughter.] I wish to inquire whether this is the bill?

Mr. HIGBY. This is not the bill. That bill had its funeral a few days ago.

If the House will allow me I will make a statement in reference to this bill. The road in the construction of which it is intended to aid commences at the city of Stockton, in the State of California, which is at the head of navigation on the St. Joachim river, and is to run easterly to the town of Copperopolis, in the great mineral district, a distance of about thirty-eight miles. About twenty-one miles of the road is in the St. Joachim and runs through a rich and fertile tract of country. Then it strikes into the hills and runs about seventeen miles through what we call the mineral belt, where but a small portion of the land is yet taken.

I will state now, in reply to the question which has just been asked, that I think this company will probably get at the outside from one hundred and twenty-five thousand to one hundred and fifty thousand acres of land. Provided none of the lands within the range granted by the bill had been taken up, it would probably have between two hundred and fifty and two hundred and sixty thousand acres.

Mr. MAYNARD. I call the attention of the gentleman to the sixth section, and ask him to see whether he has sufficiently guarded against the company's taking this land and disposing of it without building the road at all. It seems to me that if they should fail to commence work on the road within two years they would still hold these lands.

Mr. HIGBY. They get a certain quantity of land for every ten miles of road that they com-

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plete. Just so soon as they finish ten miles of the road they get their patent for so much land, and so on; there can be no mistake about it.

Now, the freightage upon that road between Stockton and Copperopolis will amount to from fifty thousand to seventy-five thousand tons a year. In 1865 the copper ore freighted from Copperopolis for Stockton was thirty-six thousand tons, and of course there is also a good deal of up freight. But if the road be stopped short of that point it will be comparatively worthless for business purposes.

This bill has been before the Committee on Public Lands. It was brought from that committee and laid on the Speaker's table; and I will call upon the chairman of the committee to state whether the bill was acted upon in the committee before that was done.

Mr. JULIAN. I believe this bill was acted upon favorably by the Committee on Public Lands at the last session of Congress. It was again before us at this session, and we reviewed our previous action and affirmed it.

Mr. HIGBY. I will state to the House that there is a considerable portion of the road that is already graded and a good deal of material already purchased.

Mr. MILLER. What is the probable length of the road?

Mr. HIGBY. Thirty-eight miles—it may be a little more or less, but the wagon-road is about thirty-eight miles, and I think the survey for the railroad is about the same length.

Mr. MILLER. What is the quantity of land that is to be granted to this company?

Mr. HIGBY. Five sections to the mile on each side of the road. Within six miles in the valley there was more than eighty thousand acres in wheat in 1865.

Mr. ELDRIDGE. Is there not a provision in the bill binding the United States not to sell any of their lands there at less than $2 50 an acre?

Mr. HIGBY. Yes; they are not to sell any within ten miles for less than that price.

Mr. WRIGHT. I think this is a gift enterprise, and the less we have to do with it the better.

Mr. CHANLER. Does the bill contain the usual provision reserving to the United States all mineral lands?

Mr. HIGBY. Yes, sir.

Mr. ELDRIDGE. Is there any quicksilver in that land?

Mr. HIGBY. No, sir. I now call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HIGBY. I call the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

The question was taken upon the passage of the bill; and there were—ayes 56, noes 31; no quorum voting.

Mr. ELDRIDGE. I think we may as well have the yeas and nays, and I call for them on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 77, nays 33, not voting 81; as follows:

YEAS—Messrs. Alley, Allison, Ames, Arnell, Baker, Banks, Barker, Baxter, Beaman, Bidwell, Bingham, Boutwell, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Darling, Davis, Delano, Donnelly, Eckley, Eggleston, Eliot, Farquhar, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Hayes, Higby, Hill, Holmes, Hooper, Hotchkiss, Jenckes, Julian, Kelley, Ketcham, Koontz, Loan, Lynch, Marquette, Marvin, Maynard, McClurg, McRuer, Miller, Morris, Myers, O'Neill, Paine, Patterson, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Starr, Stokes, Thayer, Upson, Burt Van Horn, Robert T. Van Horn, Henry D. Washburn, William B. Washburn, Wentworth, Whaley, James F. Wilson, Windom, and Woodbridge—77.

NAYS—Messrs. Ancona, Baldwin, Bergen, Boyer, Broomall, Buckland, Chanler, Cooper, Eldridge, Finck, Hawkins, Chester D. Hubbard, Hulburd, Humphrey, Hunter, Kerr, George V. Lawrence, William Lawrence, Le Blond, Marshall, Mercur, Moorhead, Newell, Niblack, William H. Randall, Shanklin, Taber, Trimble, Andrew H. Ward, Hamilton Ward, Welker, Stephen F. Wilson, and Wright—33.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, James M. Ashley, Benjamin, Blaine, Blow, Brandegee, Bromwell, Campbell, Conkling, Cullom, Culver, Dawes, Dawson, Defrees, Deming, Denison, Dixon, Dodge, Driggs, Dumont, Farnsworth, Ferry, Glossbrenner, Goodyear, Aaron Harding, Harris, Henderson, Hise, Hogan, Asahel W. Hubbard, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, James R. Hubbell, Ingersoll, Jones, Kasson, Kelso, Kuykendall, Laflin, Latham, Leftwich, Longyear, Marston, McCullough, McIndoe, McKee, Morrill, Moulton, Nicholson, Noell, Orth, Phelps, Plants, Pomeroy, Radford, Samuel J. Randall, Raymond, Ritter, Rogers, Ross, Rousseau, Shellabarger, Sitgreaves, Sloan, Spalding, Stevens, Stilwell, Strouse, Nathaniel G. Taylor, Nelson Taylor, Francis Thomas, John L. Thomas, Thornton, Trowbridge, Van Aernam, Warner, Elihu B. Washburne, Williams, and Winfield—81.

So the bill was passed.

Mr. HIGBY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had insisted upon its amendments to the bill of the House No. 1184, making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, and had agreed to the conference asked by the House; and had appointed as the conferees on the part of the Senate Messrs. MORGAN, MORRILL, and HENDERSON.

ORDER OF BUSINESS.

Mr. SCHENCK. I move to suspend the rules, in order to offer the following resolution for consideration at this time:

Resolved, That until the business on the Speaker's table is disposed of no other motion or business shall be in order excepting privileged questions or questions of privilege.

Mr. THAYER. I would inquire of the Chair if a motion to suspend the rules is a privileged motion?

The SPEAKER. It is.

Mr. THAYER. And cannot this resolution or rule, if adopted, be suspended by a two-thirds vote at any time?

The SPEAKER. It can.

Mr. THAYER. Then I cannot see the advantage of adopting this resolution.

The question was taken upon suspending the rules; and there were—ayes sixty-eight, noes not counted.

So the rules were suspended, and the resolution was agreed to.

REMISSION OF FINES FOR ABSENCE.

Mr. ANCONA, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That all fines and costs imposed upon members of this House for being absent without leave be remitted.

Mr. ANCONA moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

APPEALS AND WRITS OF ERROR.

The House resumed the consideration of business upon the Speaker's table, the next business being Senate bill No. 576, relating to appeals and writs of error to the Supreme Court; which was read a first and second time.

Mr. WILSON, of Iowa. I ask that the bill be put upon its passage now. I desire to offer an amendment.

The bill, which was read at length, provides that where any appeal or writ of error has been brought to the Supreme Court from any final judgment or decree of an inferior court of the United States for any judicial district in which subsequently to the rendition of such judgment or decree the regular sessions of such court have been suspended or interrupted by insurrection or rebellion, such appeal or writ of error shall be valid and effectual, notwithstanding the time limited by law for bringing the same may have previously expired; and in cases where no appeal or writ of error has been brought from any such judgment or decree, such appeal or writ of error may be brought within one year from the passage of this act. The provisions of the act are not to apply in any case in which the right to bring an appeal or writ of error had expired before such suspension or interruption of the regular sessions of the court.

Mr. WILSON, of Iowa, moved to amend by adding the following as a new section:

And be it further enacted, That where an appeal has been or may be taken from any final judgment, decree, or order of the district court of the United States for any district to a circuit court, the cause appealed by consent of parties may be heard and disposed of by the circuit court held by the district judge at any term after the appeal, in case of the absence at such term of the Chief Justice of the United States or the associated justice allotted to hold circuit courts for such district.

Mr. LE BLOND. I move that the bill and pending amendment be referred to the Committee on the Judiciary.

The SPEAKER. That motion will be in order when the gentleman from Iowa yields the floor.

Mr. WILSON, of Iowa. That motion, if adopted, would of course result in the defeat of the bill. Other members of the Judiciary Committee, as well as myself, have examined this bill, and there certainly can be no objection to it. Its simple effect is that where the time for taking an appeal from a judgment or decree had not expired before the courts were interrupted by the rebellion, the party will be allowed one year from the reopening of the courts to take his appeal.

Mr. LE BLOND. Let me say to the gentleman that, according to the law which has been recently passed, those southern States have no courts, no constitutions, no laws, except such as may be granted them by the military power to be established there.

Mr. BINGHAM. My colleague must know that the law to which he refers does not affect the United States courts.

Mr. LE BLOND. This proposition, I understand, affects all courts.

Mr. BINGHAM. The gentleman is under a great mistake.

Mr. LE BLOND. If those States are without all law they must be without all courts.

Mr. BINGHAM. My colleague is under a great mistake. This bill does not relate to any appeal from the State courts. It refers purely to appeals from the United States district courts.

Mr. LE BLOND. By the law which was passed even the State courts were ignored.

Mr. BINGHAM. My colleague still labors under a mistake. This bill has relation to the United States courts, and the law to which the gentleman refers does not affect it.

Mr. LE BLOND. It embraces United States courts as well as State courts.

Mr. BINGHAM. The gentleman is mistaken. It does not touch them.

Mr. WILSON, of Iowa. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of Mr. WILSON, of Iowa, was agreed to.

The bill, as amended, was ordered to a third reading, read the third time, and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETAINED BOUNTY OF COLORED SOLDIERS.

The next business on the Speaker's table was the bill (S. No. 595) to regulate the disposition of an irregular fund in the custody of the Freed-

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men's Bureau; which was read a first and second time.

Mr. ELIOT. I ask that this bill be put on its passage.

The bill, with its preamble, was read.

As the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands reports a retained bounty fund, derived from a portion of the State bounties of certain colored soldiers enlisted in Virginia and North Carolina, during the years 1864 and 1865, and by virtue of General Order No. 90, department of Virginia and North Carolina, series of 1864, holden by the superintendent of Freedmen's affairs, but turned over to the Freedmen's Bureau upon its organization; and as the Commissioner has in possession the names of those soldiers from whom the money was taken, and as he has uniformly returned it upon the application or discovery of legal representatives, but retains a considerable portion belonging to soldiers who are either deceased or who cannot be found, therefore the bill proposes to constitute the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, or his successor in office, the lawful custodian of this retained bounty fund, and to appoint him trustee of the same for the benefit of the colored soldiers or their lawful representatives.

The Commissioner is also specially authorized and empowered to invest the fund, or any portion of it, in securities of the United States, for the exclusive benefit of the colored soldiers or their legal representatives; but a sufficient amount in cash is to be retained uninvested to meet all lawful claims thereupon that will probably be presented for payment; and any portion of the fund which may remain unexpended when the bureau shall cease to exist, is to be accounted for by the Commissioner to the Treasury of the United States.

Mr. LE BLOND. I wish to have this bill referred to the Committee on the Judiciary. It proposes to divert funds in the hands of the Freedmen's Bureau. I think it should go to that committee before being acted upon in this House.

Mr. ELIOT. I think if the gentleman had attended to it he would not have made that mistake. It is not a diversion of the funds by the Freedmen's Bureau. They are in the hands of the Freedmen's Bureau, and are invested for the benefit of the parties concerned. If this be not allowed, then it will have to lie idle. If the Freedmen's Bureau be abolished, then it will be handed over to the Government, with interest.

Mr. LE BLOND. It had better be returned to the Treasury, where it belongs, than to be held by this bureau. No one knows when it will be claimed.

Mr. ELIOT. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABOLITION OF IMPRISONMENT FOR DEBT.

The next business upon the Speaker's table was Senate bill No. 563, supplementary to the several acts of Congress abolishing imprisonment for debt; which was read a first and second time.

The bill provides that whenever, upon mesne process or execution issuing out of any of the courts of the United States any defendant therein is arrested or imprisoned, he shall be entitled to discharge from such arrest or imprisonment in the same manner as if he were so arrested and imprisoned on like process of the State courts in the same district. And the same oath may be taken, and the same length of notice thereof shall be required as is provided by such State laws; and all modifications, conditions, and restrictions upon imprisonment for debt now existing by the laws of any State shall be applicable to process issuing out of the courts of the United States therein, and the same course of proceedings shall be adopted as now are or may be in the courts of such States. But all such proceedings shall be had before some one of the commissioners appointed by the United States circuit court to take bail and affidavits.

Mr. DAWES. I desire to have that bill put on its passage. It merely conforms process to that of the State courts.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ABOLITION OF PEONAGE.

The next business upon the Speaker's table was Senate bill No. 543, to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States; which was read a first and second time.

Mr. BINGHAM. I move that that bill be put on its passage.

The bill provides that the holding of any person to service or labor under the system known as peonage is hereby declared to be unlawful, and the same is hereby abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all laws, resolutions, regulations, or usages of the Territory of New Mexico, or of any other Territory or State of the United States, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, be, and the same are hereby, declared null and void; and any person or persons who shall hold, arrest, or return, or cause to be held, arrested, or returned, or in any manner aid in the arrest or return of any person or persons to a condition of peonage, shall, upon conviction, be punished by fine not less than $1,000 nor more than $5,000, and by imprisonment not less than one nor more than five years, or both, at the discretion of the court.

It further provides that it shall be the duty of all persons in the civil and military service of the United States in the Territory of New Mexico to aid in the enforcement of the foregoing section of this act; and that any person or persons who shall obstruct or attempt to obstruct, or in any way interfere with or to prevent the enforcement of this act, shall be liable to the pains and penalties hereby provided, and any officer or other person in the military service of the United States who shall obstruct or interfere with the duties of the said assistant commissioner, directly or indirectly, shall, on conviction before a court-martial, be dishonorably dismissed the service of the United States, and shall thereafter be ineligible to reappointment to any office of trust, honor, or profit under the Government.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DYER B. PETTIJOHN.

The next business on the Speaker's table was the consideration of Senate joint resolution No. 175, for the relief of Dyer B. Pettijohn; which was read a first and second time. It directs the Secretary of War to cause to be paid to Dyer B. Pettijohn the full pay and emoluments of a second lieutenant of infantry, of the second regiment of sharp-shooters, Minnesota volunteers, from the 30th day of May, 1863, to the 20th day of May, 1865, deducting therefrom any amount he may have received as an enlisted man during the time specified.

Mr. WINDOM. During the march of our Army from the Peninsula to Gettysburg this man received his commission as lieutenant. He was not able to be mustered in, though he made several attempts to do so. At Gettysburg he was taken prisoner and was confined in the Libby prison for nearly one year. In the mean time his company was disbanded, so that he lost his pay as lieutenant during the time his company was in the service.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PUBLIC PARK IN THE DISTRICT.

The next business on the Speaker's table was Senate bill No. 549, to establish and maintain a public park in the District of Columbia; which was read a first and second time.

The bill provides that a tract of land in the District of Columbia, along and adjacent to Rock creek, embraced within the limits and designations of the survey made by Brigadier General N. Michler, under the order of the Secretary of War, in pursuance of Senate resolution of July 18, 1866, and conforming in its boundaries as near as may be deemed expedient by the commission hereinafter established to the projected boundary lines of the park designated in said survey, shall be purchased by the United States for the purposes of a public park, free to all persons under such regulations as to police and government as may by proper authority be established.

Section two provides that for the purpose of effecting such purchase of the ground inclosed within the designated survey a commission is hereby constituted, consisting of Brevet Major General M. C. Meigs, Brigadier General N. Michler, and Brevet Major General H. G. Wright, whose duty it shall be to negotiate with the owners and receive written proposals for the sale to the United States of their respective tracts of land, or of so many of such tracts or such parts of the same as said commissioners find can be had upon reasonable terms, and as they may deem necessary or desirable for the purposes of a public park.

Section three provides for a report by the commissioners to the next Congress for action thereon; and section four makes all negotiations subject to the approval of Congress.

Mr. RICE, of Maine. It will be observed that this bill simply provides for a commission to examine a certain locality for a public park, their report to be subject to the action of Congress. I believe the time has gone by when there can be any valid objection to the establishment of a public park in the neighborhood of a great city. All through Europe in the principal cities, and in many cities of our own country, parks have been or are now being established. The earlier the work is commenced the cheaper will it be to establish them. The population of this city is increasing rapidly, and no one doubts that it is to be a great city. I believe it will forever remain the capital of the nation. I know gentlemen talk about its removal to the West, following the tendency of empire. But though a vast population is springing up in the far West, I do not believe the people of the United States will ever consent to the removal of this Capitol.

Now, the welfare of the people of this city and District, as well as those who visit from all parts of the country, can be promoted in no better way than by instituting a public park at this time. And let me say that the locality where it is contemplated to establish it is more beautiful than any place in the immediate neighborhood of any great city in the land. It has all the natural advantages to make it beautiful. It contains beautiful trees of all the varieties, mountains, valleys, and springs, everything conspiring to make it desirable.

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The report of General Michler, who was commissioned to survey it, is very thorough, and I trust every member who has not read his report will not fail to read it. One survey contains twenty-five hundred and forty acres, the other about eighteen hundred. This bill provides that the commission shall ascertain the prices at which the land may be purchased and report to Congress.

The initiation of this movement was made in the Senate under a resolution of that body. General Michler was detailed by the War Department to make a topographical survey, which he has done. The two Committees on Public Buildings and Grounds agreed to further continue the examination of the public park by appointing this commission, leaving the whole matter to Congress to determine as it shall see fit hereafter what shall be done.

I would be glad to elaborate the subject further, but I will not take up the time at this late hour of the session. I call the previous question.

Mr. SCOFIELD. I move to lay the bill on the table.

The motion was agreed to.

Mr. SCOFIELD moved to reconsider the vote by which the bill was laid on the table; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NORTON'S CANCELING STAMP.

The next business on the Speaker's table was the consideration of Senate bill No. 582, to provide for the payment of past and future use and purchase of the invention and patent upon "post-marking of letters, packets, &c., and cancellation of postage stamps thereon," made by and patented to Marcus P. Norton, of Troy, New York, April 14, 1863, and reissued August 23, 1864; which was read a first and second time.

It directs the Postmaster General to pay the sum of $100,000 to whoever shall appear to be the rightful owner or owners of the letters-patent of the United States granted to Marcus P. Norton, of the city of Troy, State of New York, on the 14th day of April, 1863, and reissued on the 23d day of August, 1864; but within thirty days of the approval of the bill, such assignees, owner or owners of the patent, are to duly assign or transfer the letters-patent and the invention therein contained to the United States of America for the use of the Government of the United States, and formally accept of the sum of $100,000, in full compensation for the past use, title to, and right to use the letters-patent and the invention therein contained.

Mr. FERRY. I have no disposition to tax the patience of the House at this late day and hour, and yet I cannot forego calling attention to this matter. It has engaged the attention of the Post Office Department, and I hold in my hand a letter from the Postmaster General, which I ask to be read.

The Clerk read as follows:

POST OFFICE DEPARTMENT,
WASHINGTON, D. C., *January* 15, 1867.

SIR: I have examined the papers sent me in regard to Norton's canceling stamp, as suggested by your letter of the 20th December.

It is difficult for me to determine the amount which ought to be allowed for the use of that invention. The Department has saved already several hundred thousand dollars by its use, and I have no doubt will continue to save large sums by its future use. The question of value to the Department has long been settled.

The necessity to the Department of its continued use is beyond question. It is also necessary that some settlement be immediately made with the owners of the patent for this canceling stamp. About the 1st day of February next the Department must again advertise for furnishing canceling stamps, and Norton's stamp is the one desired. It is the best there is. If no settlement is made by the Government so that these stamps can be made and furnished to the Department, without interference or embarrassment from the owners of the patent, it is apprehended the Department will be compelled to resort to a more expensive and less approved method of canceling stamps, and so incur great expense and suffer great loss.

I cannot undertake to fix what the value of this invention is to the Department and to the public. The fact that this Department derives the chief benefit from this improvement and that, economically, it is a necessity, is no argument against a full and fair compensation for its exclusive use. I think $20,000 entirely too small a sum, and that $50,000 is not a fair measure of the great value of this invention.

In conclusion, permit me to urge that this question be settled in some way, and on some terms at this session of Congress.

Very respectfully, &c.,

ALEXANDER W. RANDALL,
Postmaster General.

Hon. T. W. FERRY, *Of Committee on the Post Office and Post Roads.*

Mr. LAWRENCE, of Ohio. I raise the point of order that this contains an appropriation.

The SPEAKER. The Chair overrules the point of order; it is not an appropriation bill.

Mr. FERRY. I will state for the information of the House that this invention was brought to the attention of the Department in 1860, and after subsequent improvements the Post Office Department adopted the use of it in 1863. For nearly four years the Government has used it. The patentees presented the case for purchase or compensation in the Thirty-Eighth Congress; and the question of title arising, they were remanded to the courts, where an expense was incurred, as will appear by the papers, which I will not detain the House by reading, of nearly eighteen thousand dollars in prosecuting the suit to test the title of the invention. They appeared again in the first session of the Thirty-Ninth Congress. The Committee on the Post Office and Post Roads, of which I have the honor to be a member, considered the subject. A letter from Postmaster Dennison was submitted recommending the payment of the small sum of $20,000 and the costs of litigation with an implied royalty. The majority of the committee united upon the sum of $50,000, while a minority were in favor of $100,000, the parties claiming $125,000, for the past and future use and title to the invention.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the service of the Navy for the year ending the 30th of June, 1868.

Also, that the Senate had passed House joint resolution No. 304, to amend section five of an act entitled "An act to increase the duties on imports, and for other purposes."

NAVAL APPROPRIATION BILL.

Mr. KASSON submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1176) making appropriations for the naval service for the year ending June 30, 1868, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their first and fourth amendments.

That the Senate agree to the amendment of the House to the sixth amendment of the Senate.

That the Senate recede from the third amendment, and that the two Houses agree to said proviso, with the following amendment: strike out all after the word "provided," in the fifth line to the end of the paragraph at line eighteen, and insert in lieu thereof as follows:

That the civil engineer and naval storekeeper, when required at any of the navy-yards, shall be appointed by the President, by and with the advice and consent of the Senate, and the persons employed at the several navy-yards as master machinists, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sail-makers, master plumbers, master painters, and master caulkers, shall be men skilled in their several duties, and appointed from civil life.

That the House recede from their disagreement to the seventh amendment of the Senate, and agree to the same, with an amendment as follows: strike out all of said amendment after the enacting clause, and insert in lieu thereof the following:

That no officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinions, and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed the service of the United States.

T. A. HENDRICKS,
W. T. WILLEY,
WILLIAM SPRAGUE,
Managers on the part of the Senate.

JOHN A. KASSON,
N. P. BANKS,
F. A. PIKE,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. SCOFIELD. I move that the House now take a recess.

The motion was agreed to; and thereupon (at eight o'clock and forty-five minutes a. m.) the House took a recess until eight o'clock, p. m.

EVENING SESSION—SUNDAY.

The House reassembled at eight o'clock p. m., [Sunday, March 3.]

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the following bills and joint resolutions; when the Speaker signed the same:

An act (H. R. No. 234) to incorporate the National Capital Insurance Company;

An act (H. R. No. 604) to define and punish certain crimes therein named;

An act (H. R. No. 916) for the relief of James M. Bishop;

An act (H. R. No. 1095) to authorize the Secretary of the Treasury to pay certain draft to W. W. Potter, late acting military agent of the State of New York;

An act (H. R. No. 1176) making appropriations for the naval service for the year ending 30th June, 1868;

An act (H. R. No. 1182) to establish certain post roads;

An act (H. R. No. 1137) for the relief of Oliver Lumphrey;

A joint resolution (H. R. No. 36) referring the papers in the case of F. A. Gibbons and F. X. Kelley to the Court of Claims; and

A joint resolution (H. R. No. 305) to amend section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864.

Mr. COBB, from the same committee, also reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 438) for the relief of the heirs of John E. Bouligny;

An act (S. No. 499) for the relief of Frank Pugsley, late a private soldier in company I, third regiment of New Hampshire volunteers; and

A joint resolution (S. R. No. 167) for the relief of certain enlisted men of the seventh regiment of West Virginia volunteers.

PERSONAL EXPLANATION.

Mr. STEVENS. I rise to a personal explanation, though it is not often that I ask leave for any such purpose. I have made it the rule of my life not to contradict any calumny or slander that enemies may circulate against me, except that once or twice when I have been charged with entertaining the foolish opinions of infidelity, or atheism rather, I have denied it.

But I am every day receiving letters asking whether the statements contained in a certain publication in the Cincinnati Commercial are true. Of course I cannot answer all the letters that are sent to me on the subject, and I take this mode of replying to them.

It will be recollected that some time since there appeared in the Cincinnati Commercial an article which was referred to upon this floor some time since by the gentleman from Ohio, [Mr. LE BLOND.] The article purported to relate conversations between the two gentlemen from Ohio [Mr. ASHLEY and Mr. BINGHAM] and myself, in which the name of General Grant was also involved. Now, I desire to say that so far as any conversation is concerned which I am represented by that article to have had, the statement is wholly false; there is not in it even the vestige of truth out of which to fabricate the lie. There was nothing so far as I heard—I did not hear all the conversation that took place between the two gentlemen from Ohio, [Mr. ASHLEY, and Mr. BINGHAM]—but so far as I did hear the conversa-

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tion there was nothing in it to give any foundation for such a fabrication.

I desire to make this statement, because I am frequently called upon by letters to know whether this statement is true. It may seem very late for me to make this explanation. But the Speaker will remember that I have deferred it thus long at the special request of my excellent colleague from the Fayette district, [Mr. DAWSON,] who has several times objected to my making the explanation. I have no kind of hostility to anybody on that account.

When I called by letter upon the author of that article to know who gave the information upon which he based his statement, he declined to give it upon the ground that it would involve a member of Congress. Sir, I do not believe that that was the true ground of his refusal; I do not believe that any member of Congress gave him any such information. For, sir, and I may as well say it now, so far as I know, I do not know of any member of this Congress who would propagate such a falsehood against me or anybody else. So far as I know, there has been more harmony and less acrimony and animosity among members of this Congress than among the members of any other Congress with which I have had any acquaintance.

In the ardor of debate, undoubtedly we have sometimes given and received what might be considered harsh epithets; but so far as I am concerned I do not remember one of them, and there is not a member of this House toward whom I feel the least animosity. I desire to say publicly to the members upon the other side, that although they have differed from me and have sometimes been severe in their criticisms of my policy, they have always treated me with a courtesy and kindness which I deeply appreciate. That is all I have to say on this subject.

ADVERSE REPORTS.

Mr. JULIAN, by unanimous consent, reported adversely upon the following memorials; which were laid on the table:

Memorial of the Legislature of the State of Kansas, praying Congress to grant for the use and benefit of the Freedman's University sections of land in the State of Kansas from any public lands not otherwise disposed of; and

Memorial of the Governor and Legislative Assembly of the Territory of Utah, for the donation of town sites in aid of a common school fund.

NORTON'S CANCELING STAMP—AGAIN.

The House resumed the consideration of the bill (S. No. 582) entitled "An act to provide for the payment of past and future use and purchase of the invention and patent upon post-marking of letters, packets, &c., and for the cancellation of postage stamps thereon," made by and patented to Marcus P. Norton, of Troy, New York, April 14, 1863, and reissued August 23, 1864.

Mr. FERRY. I think, Mr. Speaker, the House will bear me out in the statement that I have not during the two sessions of this Congress unnecessarily taxed its patience. The subject before the House is one to which I have given considerable attention; and appreciating the value of time in these closing hours of the session I shall not consume any more than may be necessary to do justice to the merits of the question.

The device for which this bill proposes to provide compensation combines the two operations of post-marking and stamp canceling upon letters; and both are performed at one blow instead of two by the old method of two instruments; and the compensation proposed to be granted is designed to cover the past and future use of the invention by the Government, together with the title to the invention. I may state to the House that in the post office of New York the invention was tested by continued use from 1860 to 1863; and the result was such as to lead the Postmaster General to adopt it in many of the principal post offices of the country; and for the past four years the Government has been using these instruments as fast as they can be made. The late Postmaster General, Mr. Dennison, has stated by official letter that the instrument at the date of his letter had been introduced into certain leading offices in the northern States, and that the use of it had already saved to the Department two hundred and fifty-four clerks. Estimating the average salary of these clerks at $800—although I believe the average is $900—the amount thus saved by the Government is over two hundred thousand dollars, and the aggregate for the past four years would be over eight hundred thousand dollars.

This subject was before the Committee on the Post Office and Post Roads at the last session of Congress, and simultaneously before the corresponding committee of the Senate. The committee of this House acted upon the question, and I now ask leave to have read as a part of my remarks a very brief report from that committee.

The Clerk read the report, as follows:

The Committee on the Post Office and Post Roads, to whom was referred a "letter from the Postmaster General, transmitting additional papers relating to Norton's marking and canceling stamp," report that they find that letters-patent of date April 14, 1863, were granted to Marcus P. Norton, of the city of Troy, New York, and by him duly assigned to Jacob Shavor and Albert C. Corse, on the 20th day of April, 1863, and duly recorded, as required by law, and a reissue granted to said Shavor & Corse on the 23d day of August, 1864; which said invention, so patented, assigned, and reissued, was for, and upon, improvements in "post office post-marking and postage stamp canceling device," and which invention has been in practical and continuously exclusive use by and under the order and direction of the Postmaster General since the 1st of April, 1863, without compensation whatever to said patentees, nor upon any other stipulation than their consent that the same might thus be used until its utility and advantage to the Government should be effectually tested, when a fair and equitable compensation for either its use or the patent should be made to them by the Government.

The invention having been sufficiently proved, and its utility satisfactorily tested by uninterrupted use in various post offices of the States, application was made to the Thirty-Eighth Congress for compensation therefor, in accordance with the informal stipulation already referred to. Another claimant to said invention appearing, the committee of that Congress who were then considering the subject of compensation decided that, since the validity of the title to the same was called in question, that should first be determined by the courts, and the case was accordingly thereupon remanded.

By a transcript of the proceedings and judgment, now submitted as rendered in the United States circuit court of the northern district of the State of New York, it appears that the question of validity of title was tried, and decided in favor of the patentees, Shavor and Corse. Again, therefore, the patentees appear before the present Congress claiming a suitable remuneration for their invention on condition of an assignment of all their right and title to the same to the United States.

The value of this invention to the Government is verified in the nature and manner following, to wit:

Having in use the said stamp, the postmasters at Washington, District of Columbia; Baltimore, Maryland; New York city, Brooklyn, Albany, Troy, Syracuse, Rochester, and Buffalo, New York; Hartford, Connecticut; Boston, Springfield, and Worcester, Massachusetts; Cincinnati, Ohio; Detroit, Michigan; and Chicago, Illinois, formally certify that in their several offices the Government is thereby saved from one third to one half the stamping and canceling clerk hire theretofore employed, and that "it greatly facilitates the dispatch of letters for transportation in the mails;" that "it greatly economizes in time in the making up of the mails for transportation;" that "it cancels, in the most perfect and permanent manner the postage stamps on letters, packets, &c., and at the same time gives on the envelope an intelligent post-mark;" and that "it prevents frauds by the chemical cleansing or washing of postage stamps for reuse or reissue after once used."

Its utility, facility, and economy are so far established that it is being introduced to the larger post offices of the States as rapidly as they can be supplied. The Government has contracted for their manufacture with Messrs. Fairbanks & Co., of New York, at the price of six dollars each, and is now supplying offices at the average rate of five hundred per annum. From the interruption of postal facilities growing out of the late rebellion the southern States have not been supplied, but will be, as stated by the Postmaster General, as fast as the Department can effect their introduction.

The Post Office Department seems committed to their general and continuous use, so long at least as no other improvement shall commend supersedure. The nearest approach to a practical substitute for this invention is one of English device, manufactured by Turner & Co., London, and to be seen at the Washington post office. This is a more complex and expensive stamp. Its only novel merit is self-inking. The stamp employed is the same combination of stamping and canceling covered by the "Norton patent," and is claimed by him to be an infringement of his invention, and that he holds a patent for his like combination stamp under the English Crown of date February 4, 1863. The similarity of the two stamps in this respect is quite obvious. The cost of this English stamp is $100, ninety-four dollars more than the Norton make, and by the complication of its structure must by use be subject to frequent repairs. A trial of the two methods of execution, fairly tested in the presence of your committee, attested the superiority of the Norton stamp. The same number of letters (100) was stamped and canceled by the Norton stamp in twenty-eight seconds, which by the same operator required forty-five seconds with the English stamp. The Norton stamp is therefore deemed the most perfect and serviceable device extant. The Government in consulting its interest has fully committed itself to its adoption, and over three years' use determines it an indispensable requisite to the safe, rapid, and economical operation of marking, stamping, and canceling in the Postal Department.

The patentees claim, as a just compensation for the title and past and future use of their said invention the sum of $125,000.

The Postmaster General, on the other hand, in a letter on the subject, filed with the papers in the case, recommends as a proper compensation therefor the sum of $20,000, and the further sum of $12,282 70, with interest, being the amount of expenses incurred by the patentees in establishing their legal title to the invention. It is set forth in said letter from the Postmaster General that at the date thereof the Government saved by the use of said stamp the compensation of two hundred and fifty-four clerks of the various salaried classes. At an average salary of $800 per annum, this saving would amount to the sum of $203,200, and an aggregate at this rate for the three years the Government has enjoyed the use of the stamp the sum of $609,600. In view of this computable saving directly traceable to the use of this stamp and without approximating the gain by its future use in many more offices throughout the States where they are being rapidly substituted for the old discarded device, it would seem that the sum stated by the Postmaster General is not an adequate or just compensation for such undeniable and valuable benefits which the Government derives.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed the deficiency appropriation bill, with sundry amendments, in which he was directed to ask the concurrence of the House.

DEFICIENCY BILL.

Mr. STEVENS. As there are several amendments to the deficiency bill, I move that they all be non-concurred in, and that the House ask for a committee of conference on the disagreeing votes between the two Houses.

Mr. MAYNARD. I insist the amendments of the Senate shall be read, so that we may know what we are voting on.

The SPEAKER. The gentleman has the right to have the amendments read.

The amendments of the Senate were then read *in extenso*.

Mr. STEVENS. I move that the amendments just read be non-concurred in, and that the House ask for a committee of conference.

The motion was agreed to; and the Speaker appointed Mr. STEVENS, Mr. FARNSWORTH, and Mr. KASSON managers at said conference on the part of the House.

ENROLLED BILL SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 598) to establish a uniform system of bankruptcy throughout the United States.

NORTON'S CANCELING STAMP—AGAIN.

Mr. FERRY resumed the floor.

Mr. HALE. I did not understand the sum that was recommended by the Postmaster General.

Mr. FERRY. I was about to state that the report just read in the hearing of the House was founded on the sum agreed upon by the committee, to wit: $50,000. The letter of the late Postmaster General, Mr. Dennison, recommended the sum of $20,000, together with some $13,000 taxable costs, aside from attorney fees and a royalty, something like two dollars for each of these instruments. The committee agreed on $50,000. The patentees were unwilling to accept that, and that unwillingness led to action in this Congress. The Senate first took up the question, and the committee in that body were unanimous in recommending the sum of $100,000 for the past and future use and title to this device.

Mr. FINCK. I wish to ask the honorable gentleman from Michigan whether he has

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received any information of the invention of an entirely new improvement which is destined to supersede this stamp?

Mr. FERRY. I have received information of two supposed improvements, but in the opinion of the Department they are not improvements, but in fact are alleged infringements of the present device.

Mr. FINCK. I wish to ask my colleague further, before he calls the previous question, whether he will permit me to offer an amendment striking out $100,000 and inserting $50,000?

Mr. FERRY. I will give my colleague that opportunity.

Mr. FINCK. I also want to say a few words on the subject.

Mr. FERRY. If the House will bear with me I will yield a reasonable time to the gentleman as well as to others.

Mr. FINCK. I wish to ask my colleague one more question. I have a recollection in the investigation of this claim there was a conflict between certain parties as to which one was entitled to this sum if it should be awarded for this stamp. Now, does the bill of the Senate make any provision by which the Postmaster General is authorized to determine who is the rightful claimant?

Mr. FERRY. I reply to the gentleman from Ohio that the courts have already determined in whom rests the title to this invention. During the Thirty-Eighth Congress the court decided that the title was in this patentee.

Mr. FINCK. If I remember correctly there was still a question undisposed of as to which one was the rightful claimant on the record introduced before the committee. The House committee in considering the question made some provision by which the money was to be divided among the claimants. Does this bill make any such provision?

Mr. FERRY. I answer the gentleman by reminding him that the House will have seen from the reading of the bill that it provides that the Postmaster General shall pay to the parties who appear to be the owners of the device.

I was going on to state, when interrupted, that the committee in the Senate unanimously agreed upon $100,000 for this invention. I will add that it was with remarkable unanimity that the Senate agreed to that amount, and it was in the face of the letter of Postmaster General Dennison and based upon the records and merits of the case.

When the patentee refused to accept the $50,000, at the instance of the committee I addressed the present Postmaster General, Mr. Randall, asking whether the device was still in use, and whether in the opinion of his Department it was, as claimed to be, the best instrument extant. The letter which I received in reply was read here before the recess, and I wish to call the attention of the House to two points in that letter, as many members are now in the Hall who were not present then. The Postmaster General says:

"The question of value to the Department has long been settled. The necessity to the Department of its continued use is beyond question. I think $20,000 (alluding to the letter of the former Postmaster General) entirely too small a sum; and that $50,000 is not a fair measure of the great value of this invention."

This letter is dated January 15, 1867.

And now, while up, I want to call the attention of the House to another peculiarity of this device. It not only stamps the post-mark perfectly upon letters, but by the use of an elastic substance, to wit: cork, in the canceling part of the machine, the enamel of the stamp is so far broken as to allow the ink to be thrown into the body of the stamp, and so defacing it as to prevent its being cleansed by chemical process and the possibility of its fraudulent reuse by which the just revenue of the Department could be diminished. It came to the attention of the Postmaster General that in the city of New York certain parties were inviting the benevolent to send them their old stamps to be made into *papier-maché* articles, the avails of which were to be used for "the education of young men for the ministry"—affording another illustration of the tendency of fallen human nature to "steal the livery of Heaven to serve the devil in;" but it was discovered that the stamps that were sent in response to this appeal, instead of being devoted to the education of young men for the ministry, were washed by chemical process and fraudulently reused for postal purposes.

Now, this bill gives the right to use this instrument not merely to the Postal Department, but to the Government generally; and if we acquire that right, it will come into use in the internal revenue department also, which can only be properly protected by the perfect cancellation of all stamps used in its multiplied forms and ramifications. As I have said, this instrument not only breaks the stamp, but impregnates it with ink so as to effectually prevent its reuse; while by the other method, to wit, the use of iron or hard wood instead of cork, the ink is placed merely upon the surface of the stamp, does not penetrate it, and therefore does not prevent it from being cleaned and used again.

Thus it will be seen that the Government is benefited by this device in two ways: by the facilitation of its postal business, and by the protection of its internal revenue interests. As the report states, and as has been shown by satisfactory testimony, the use of this instrument wherever applied saves one half the clerical stamping force which would otherwise have to be employed; so that the sum so saved to the Government during the past four years is definitely computable and aggregates $800,000; its use for a term of years within the life of the patent, even if no greater number of offices in the land are furnished with the device, will save the Government millions.

Hence I believe that the amount proposed by the Senate committee to be paid for the title and right to use this instrument is not too much; as a minority of the House committee to whom the matter was referred such is my opinion. In fulfillment of a promise I now yield ten minutes to my colleague on the committee from Indiana, [Mr. FARQUHAR.]

Mr. HILL. I ask the gentleman to yield to me for a moment.

Mr. FERRY. I will do so.

Mr. HILL. I understand that this bill proposes to pay $100,000 for this instrument. Now, I believe that a former committee of this House reported $50,000 as a proper amount to be paid for it; and that the value of the instrument was estimated by Postmaster General Dennison at $20,000. Am I correct in this?

Mr. FERRY. Yes; Postmaster General Dennison appraised the value at $20,000, with $13,000 additional as royalty.

Mr. HILL. Then I ask the gentleman to permit me, at some stage of this bill, to offer an amendment striking out $100,000, and inserting instead the sum named by Mr. Dennison, $20,000.

Mr. FERRY. I am not willing to open the question for an amendment of that kind at present.

Mr. HILL. I do not ask the gentleman to do it now, but at some time before the bill is finally disposed of.

Mr. FERRY. I will do that. I now yield to my colleague, [Mr. FARQUHAR.]

Mr. FARQUHAR. I am very sorry, Mr. Speaker, that my friend and associate upon the committee, having occupied the attention of the House upon this subject for nearly an hour, can give me only ten minutes in which to explain to this House why we should not pay this large price for this little instrument, although it is such a wonderful economizer; for the gentleman's calculation, if carried out mathematically, will demonstrate that in the course of from fifty to one hundred years we can save enough by the use of this canceling-machine to pay our entire national debt. [Laughter.] Viewed in this light the machine is certainly fitly named; and it would be interesting to consider the problem, if one canceling-machine will save $800,000 in four years, how many such machines would it take to pay off the national debt in fifteen years? [Laughter.]

Now, sir, I desire to consider seriously for a few minutes this proposition to pay the large sum of $100,000 to some gentleman who claims and demonstrates by certificates from the Post Office Department that his inventive genius has saved to the Government $800,000 in four years. Notwithstanding this claim and these certificates, I undertake to say that the use of that machine has not saved the labor of more than fifteen men during the time it has been in use, and does not do so now. I have most reliable information from a gentleman in the employ of the Government, in one of the largest post offices in the country—perhaps the largest next to that in the city of New York, I mean Chicago—that three clerks perform the stamping duties in that office, and that this canceling-machine saves only the labor of one clerk there. He says that it would save the labor of one clerk in Boston, one in Philadelphia, probably one in Baltimore, one in this city, and two in New York. And yet this claimant comes here with his statements and certificates to show that the use of the machine in one office has saved us $200,000 a year.

Sir, the Postmaster General who preceded the present incumbent of the office reported $20,000 as the outside limit to which he would go to meet the demands of this patentee. He proposed to pay $20,000 for the past use of the stamp and for the right to use without limit in the future; and he could not be induced to consent to pay one farthing more for the right to use the machine; although he was willing to add $13,000 to make good to this claimant the expense to which he had been put in establishing his right to the patent. We are confidently told by this gentleman and his friends that this machine is the only one fit to be used, and that all others are valueless in comparison with it; and yet it took $13,000 to demonstrate its superiority to its two or three competitors.

Now, sir, $20,000 was the amount first recommended by the committee; afterward the committee were induced, by the representations made to them that the appropriation was not only as payment for the use of the stamp for the last four years, but in consideration of the continuance of its use for all time to come, to recommend an appropriation of $50,000, in order to cover all expenses and to meet all demands.

But since the committee of this House took action upon this subject, I think it has come to the knowledge of the committee this session—I know it has come to the knowledge of several members of the committee—that there is another stamp, a rival stamp, a new invention. My information is that it is a far superior stamp to the one which it is claimed here the Government of the United States should pay $100,000 for.

I am warned by the finger of the dial that I must hasten to a conclusion. I will ask gentlemen upon this floor to consider for one moment the object and purpose of this bill. It is to appropriate $100,000 to pay this man of profound genius—for what? For producing this little canceling stamp, substituting in the place of metal simply a piece of cork, and nothing else.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was delivered to the House by Colonel WILLIAM G. MOORE, his Secretary, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 588) for the relief of Richard Cheney;

An act (H. R. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law, and for other purposes;

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An act (H. R. No. 1166) to authorize the building of light-houses therein mentioned, and for other purposes;

A joint resolution (H. R. No. 205) for the erection of an equestrian statue to the memory of Brevet Lieutenant General Winfield Scott;

A joint resolution (H. R. No. 222) prohibiting the payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression; and

A joint resolution (H. R. No. 268) to pay Lieutenant John H. Hamlin for military services.

NORTON'S CANCELING STAMP—AGAIN.

The House resumed the consideration of the bill in relation to Norton's canceling stamp.

Mr. FARQUHAR. I will only say that this is a stamp by which the postage stamps on a letter are defaced by the operation of post-marking the letter.

Mr. FERRY. I now yield to the gentleman from New York, [Mr. GRISWOLD.]

Mr. ALLEY. I think, as chairman of the Committee on the Post Office and Post Roads, the gentleman might allow me to be heard.

Mr. GRISWOLD. I will waive the floor for the present.

Mr. FERRY. I will yield to the chairman of the committee [Mr. ALLEY] for five minutes.

Mr. ALLEY. I cannot discuss this question properly in five minutes.

Mr. FERRY. I will yield to him for eight minutes.

Mr. ALLEY. I decline to accept so short a time.

Mr. FERRY. Well, I will now yield to the gentleman from New York, [Mr. GRISWOLD.]

Mr. GRISWOLD. I hope the House will not be carried away by any erroneous ideas as to the intrinsic value of this device, for compensation for which application is now made to Congress. I know the applicants in this case, and I am somewhat familiar with the trouble and expense to which they have been subjected in establishing their rights to this device. I know, too, that by the concurrent testimony of the present Postmaster General and the preceding Postmaster General the value of this device to the Government is fully conceded.

It has been said that the idea of giving $100,000 for so small a device as this is perfectly preposterous. The gentleman from Indiana [Mr. FARQUHAR] says it only saves the labor of one or two men in each of the principal post offices in the United States. Assuming that the gentleman is correct in that, and that only two hundred and fifty offices throughout this country use this device, and that only $500 a week is saved thereby to the Government in clerk hire; in each year there will be saved to the Government an amount almost sufficient to pay what is here asked.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. FORNEY, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill (H. R. No. 1184) making appropriations for the construction, preservation, and care of certain fortifications and other works of defense for the fiscal year ending June 30, 1868.

The message further announced that the Senate had passed without amendment a joint resolution (H. R. No. 603) to enable the Secretary of War to carry out an agreement in relation to the water-power at the United States arsenal at Rock Island.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 543) to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States;

An act (S. No. 563) supplementary to the several acts of Congress abolishing imprisonment for debt;

An act (S. No. 595) to regulate the disposition of an irregular fund in the custody of the Freedmen's Bureau; and

Joint resolution (S. R. No. 175) for the relief of Dyer B. Pettijohn.

FORTIFICATION APPROPRIATION BILL.

Mr. WASHBURN, of Indiana, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their disagreement to the first amendment of the Senate and agree to the same.

That the Senate recede from so much of their second amendment as proposes to strike out the second section of the bill, and agree to the same; and the House agree to the section proposed to be inserted by the Senate to said second amendment.

HENRY D. WASHBURN,
WILLIAM HIGBY,
TEUNIS G. BERGEN,
Managers on the part of the House.

E. D. MORGAN,
LOT M. MORRILL,
JOHN B. HENDERSON,
Managers on the part of the Senate.

Mr. WASHBURN, of Indiana. This report leaves the fortification bill in the form in which it went from the House, with the exception of an addititional section providing for experiments in regard to fortifications.

Mr. MAYNARD. The committee, I understand, retain the provision for testing fortifications?

Mr. WASHBURN, of Indiana. Yes, sir. I request the Clerk to read the additional section.

The Clerk read as follows:

And be it further enacted, That in order to determine the relative powers of resistance of the turret and broadside systems of iron-clad vessels-of-war, and whether or not our present heaviest guns are adequate to the rapid destruction of the heaviest plated ships now built, or deemed practicable on either system, and whether or not our heaviest stone forts will resist our heaviest guns, and if not, what increase in strength, by adding either stone or iron, or variation in form, is necessary to that end, the Secretary of War and the Secretary of the Navy are hereby authorized to detail a joint board of not less than six competent officers, three from the Army and three from the Navy, whose duty it shall be to construct and test by firing upon them such targets as they may deem necessary for the purposes above named; and the Secretary of War and the Secretary of the Navy are hereby authorized and directed to supply the board with such facilities for this purpose as they may require, provided it can be done from the unexpended funds and materials now at their disposal; the expense to be borne equally by the War and Navy Departments, and from such funds at their disposal as the Secretary of War and Secretary of the Navy may designate respectively.

Mr. MAYNARD. I desire also to inquire whether the bill as reported contains the proposal submitted by the gentleman from Ohio, [Mr. LE BLOND,] providing that only fifty per cent. of the sums appropriated shall be expended during the next fiscal year?

Mr. WASHBURN, of Indiana. That provision was stricken out by the Senate; but it has been restored by the conference committee.

The report of the committee of conference was agreed to.

Mr. WASHBURN, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

The Speaker laid before the House the following message from the President of the United States:

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of State in further answer to the resolution of the House of Representatives of the 24th January, 1867.

ANDREW JOHNSON.

WASHINGTON, D. C., *March* 2, 1867.

The message, with the accompanying documents, was laid on the table, and ordered to be printed.

COTTON CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of January 4, 1867, relative to cotton claims; which was laid on the table, and ordered to be printed.

Mr. WENTWORTH submitted the following resolution:

Resolved, That there be printed for the use of the House five thousand extra copies of the report of the Secretary of the Treasury concerning cotton.

The SPEAKER. This resolution will be referred, under the law, to the Committee on Printing.

NORTON'S CANCELING STAMP—AGAIN.

Mr. GRISWOLD. I desire to say briefly, as my time is restricted, a few words in regard to the value of this device, for I conceive it is a very valuable invention. I believe no one pretends to question its value and utility. We have had the letter of the Postmaster General which speaks highly of its usefulness to the Government. We have here the patentee, with the record showing the establishment of the exclusive right before the civil tribunals of the country to this invention. We have seen that they have expended $15,000—they say $20,000—in perfecting this device which we are told saves annually to the Government more than is proposed to be paid for it altogether. Yet, sir, we are told, notwithstanding all these facts, that it is absurd to pay them this money. I hope, sir, the House will not be driven from a fair and dispassionate consideration of this question.

Mr. SCOFIELD. I wish to ask the gentleman from New York whether this device, as we are told, is anything more than a piece of cork?

Mr. GRISWOLD. It is a simple one; but by its use one man in the Post Office will do the work of two. The gentleman, with his mathematical knowledge, can easily tell how much labor it saves to the Post Office, and therefore can himself make an estimate of what it is worth.

Mr. HOOPER, of Massachusetts. What is the cost of one of these instruments?

Mr. GRISWOLD. I believe the report of the committee states it to be six dollars.

Mr. HOOPER, of Massachusetts. How many does the Government want to use? Say there are two hundred and fifty post offices at six dollars apiece, the whole cost would amount to $1,500. Now, when the Government can purchase all of these instruments that it needs for $1,500, why should it pay $100,000?

ENROLLED BILL SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1868, and for other purposes.

NORTON'S CANCELING STAMP—AGAIN.

The SPEAKER. The time allotted to the gentleman from New York has expired.

Mr. GRISWOLD. I appeal to the gentleman from Michigan to give me a few minutes more.

Mr. FERRY. I will yield to the gentleman two minutes more.

Mr. GRISWOLD. The only information I have is in the report of the Senate Committee, which is accessible to every member of the House. I ask whether the compensation for

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the use of the patent is to be measured by the cheapness of the machine. When the machine is so simple, and to be obtained at so small a price, I ask whether it is not the more valuable?

Mr. HOOPER, of Massachusetts. But why should the Government pay $100,000 for a patent right when for $1,500 they can get all the use of it that it needs?

Mr. GRISWOLD. The Government has no more right to use this patented article than this patentee has to use any other patented article without paying for it.

Mr. FINCK. I wish to ask whether anybody uses this canceling stamp except the Government of the United States?

Mr. GRISWOLD. It is only available for the purposes of the Government.

Mr. FERRY. How many minutes have I left?

The SPEAKER. Eleven minutes.

Mr. FERRY. I yield three minutes to the gentleman from Iowa, [Mr. GRINNELL.]

Mr. GRINNELL. This is an acquaintance I made some three years ago in the Committee on the Post Office and Post Roads. There is no question about its being a valuable invention, but it does not become us to make a calculation based on the foundation of my friend from Michigan. The price we are to pay is not to be established by the time and money saved. We might as well go into a calculation of the time and money saved by the steam-engine, and therefore say it shall all go to the benefit of the inventor. There are subsequent inventions which make the first one better and more useful. This invention, as I have said, is a valuable one; but I believe it is uncontradicted that another invention has recently come before the country which may entirely supersede it.

Shall we go back and inquire into the particulars of the worthiness of an invention by the dollars and cents saved? We cannot do it. We are to pay tribute to genius, we are to reward inventions so far as we can, but we are not to form any estimate based upon such calculations.

It was proposed three years ago to pay some thirty thousand dollars. That was the recommendation of a friend of the patentee. But the claim has grown to be worth from fifty to one hundred thousand dollars. I maintain that it has no such value to the American people. It becomes us, however, to decide what is fair and reasonable. Let the claim, therefore, go to the Committee of Claims for adjustment.

Mr. FERRY. I yield to the gentleman from New York, [Mr. CONKLING.]

Mr. CONKLING. I seek the floor for the purpose of making only one remark, and then making an inquiry. I wish to say that I differ entirely as to this case, and all other cases, from those who affirm that the measure of value is what an invention may have saved to the public. That would be an extraordinary rule of damages, I submit, before any tribunal in which justice is administered. I would like to know how much McCormick's reaper would be worth at this day if it were to be prized at the sum which as a labor-saving machine it has saved to the toiling millions of this nation? And the same question might be asked with regard to the sewing-machine, as well as many other useful inventions.

But I rose more especially for another purpose. The gentleman from Iowa [Mr. KASSON] administered the Post Office Department in the days when this machine had its rise and progress. I would like to hear from him something which would reconcile this conflict of judgment as to the amount which Congress ought to pay. I know but little about this, and would like for one to vote for whatever sum is just. I think if the gentleman from Iowa would favor us with his views it would probably tend to enlighten us on the subject, although I am not aware what his views are.

Mr. KASSON. I do not wish to take the floor without the consent of the gentleman in charge of the bill. If he is willing I will make a brief statement without any argument.

Mr. CONKLING. How much time has the gentleman from Michigan left?

The SPEAKER. Five minutes; at the end of which he must demand the previous question or surrender the floor to some other gentleman.

Mr. FERRY. I will yield three minutes to the gentleman from Iowa.

Mr. KASSON. The application for the adoption of this improvement was made, I believe, during my connection with the Post Office Department. I deemed it a useful invention, a labor-saving invention. The amount recommended, however, by the Senate committee surprised, I may say alarmed me. I regard it as largely in excess of a just claim, and as resting upon figures which a very brief examination will show to be erroneous. From what source those figures came I know not, only I am certain that my friend from Michigan [Mr. FERRY] is not responsible for them.

It is claimed that it saves the labor of two hundred and fifty clerks, and the estimated saving of expense drew from the gentleman from Indiana [Mr. FARQUHAR] a statement as to the probability of its canceling the national debt. The fact is the entire amount of stamps sold in 1864 was three hundred and thirty-four millions, and in 1866 three hundred and forty-seven million five hundred thousand. This invention, it is claimed, will cancel forty-five letters a minute; it would therefore cancel two thousand seven hundred an hour, or twenty-seven thousand in a day of ten hours, or nine million seven hundred and twenty thousand a year. Fifteen clerks, therefore, would cancel one hundred and forty-five millions, and thirty clerks nearly the entire amount of the stamps that have been sold annually, estimated upon that basis. Making as large allowance as you please, and it would appear that with this instrument in universal use some fifty clerks could easily cancel all the stamps that are placed annually upon the letters dropped in the post offices of the country. So it will appear from this calculation to be absolutely impossible that it saves the labor of two hundred and fifty clerks in this one kind of labor. It is simply an impossibility upon the figures.

Now, when you remember that a stamp is not delivered by the Postmaster General to all the post offices of the country, that all the rural offices are without it, and that in numerous offices the stamp is canceled with a pen, it will appear, of course, that the estimate must be exaggerated. Still, the invention is of essential use in the larger offices of the country, does save the labor of a number of clerks, and I suppose the Postmaster General was nearer correct as to what would be an equitable estimate of the obligation on the part of the United States than the committee of the Senate.

Mr. CONKLING. I would inquire of the gentleman whether any sum has ever been fixed by way of stipulation or proposition on behalf of anybody authorized to represent the claimant?

Mr. KASSON. Not during my knowledge of the facts. The party was anxious for the adoption of the invention by the Department, and wished it to be placed on trial. It was put on trial, and I have an impression, not definite enough, however, to justify a prejudice of his claim, that a sum less than that recommended by the Postmaster General would have been accepted at the time it was proposed.

Mr. CONKLING. How much?

Mr. KASSON. I do not wish to venture a statement, because my memory is not definite. If it was I would give it.

Mr. FERRY. I would reply, so far as time is allowed me, to the implication that I have drawn upon my imagination for figures, as would seem to have been indicated by my colleague. I hold in my hand a certified statement signed by the Postmaster in this city, together with his assistants and stamping clerks.

The SPEAKER. The gentleman's hour has expired.

Mr. ALLEY. Mr. Speaker, I will occupy the time of the House but a very few moments. I think I can make this case perfectly clear if the House will give me its attention.

Nearly all the gentlemen who have spoken upon this question have made misstatements. The gentleman from Iowa, [Mr. KASSON,] who administered the Post Office Department with so much credit to himself and advantage to the country, is certainly mistaken in some of his statements. He has stated that not more than thirty or forty clerks would be employed, when we have the authentic statement from the Department, from Postmaster Dennison, that two hundred and fifty clerks were employed something less than a year ago.

Mr. KASSON. The gentleman misunderstood me. I stated that upon the basis that is claimed in this report as to the saving of the machine not over fifty clerks would do all the work.

Mr. ALLEY. I am very glad this discussion has arisen, for this is a case of more importance than appears upon its face. I regard it for one as a most monstrous proposition to ask Congress to give to the claimants $125,000, for that is the claim they have made upon Congress. Now, I have received a letter from the claimant, in which he informs me that if I will vote for the bill that has come from the Senate, and so consent to grant him $100,000 for his patent, he will withdraw his suit from the Court of Claims which he now has, in which he lays the damages at $400,000, and feels quite sure, he says, that he shall obtain a judgment from that court in the sum of $200,000. He appeals to me, believing me to be in the interest of the Government, to consent that this bill shall pass the House giving him $100,000 as the easiest, best, and most economical settlement that the Government can make of the claim which he has presented.

Mr. HOOPER, of Massachusetts. Will my colleague allow me to ask whether it is true that only about two hundred and fifty of these machines are used, which cost but six dollars apiece?

Mr. ALLEY. The Government has less than one thousand in use at the present time.

Mr. DAWES. I desire to ask my colleague this question: whether as a matter of business the Post Office Committee took into consideration the suggestion made by my colleague four years ago, that they could have all the machines they wanted for five dollars apiece, amounting to five hundred or a thousand.

Mr. ALLEY. I will come to that if my colleague will allow me to go on and state the facts of the case just as they are, and the House I think will then understand the whole merits of the case. This case was presented to the Committee on the Post Office and Post Roads, and we gave it a most thorough investigation. We received from Mr. Dennison, Postmaster General at that time, a communication, in which he advised a settlement upon this basis: that $20,000 should be paid for the patent and all the rights and privileges under it, and in addition thereto the sum of twelve thousand and some odd dollars, which had been expended by these parties in suits at law, as I understood it, encouraged by the Department, in order to test the validity of the claim to the patent. The validity of this claim, I believe, was fully established, and upon that ground the Postmaster General recommended the addition of the $12,000, making the whole sum $32,000 in round numbers.

Now, it seemed to me that that was to the fullest extent all that should be allowed, $32,000. Upon a full and thorough investigation of this case—and no case was ever presented to a committee which received a more thorough investigation than this did—in my judgment that was the largest sum that should be allowed. I fully agreed with the Postmaster General that that was to the fullest extent all the allowance that should be made.

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MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had insisted upon its amendments to the bill of the House No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes; had agreed to the conference asked by the House, and had appointed as the conferees on the part of the Senate, Mr. FESSENDEN, Mr. GRIMES, and Mr. STEWART.

NORTON'S CANCELING STAMPS—AGAIN.

Mr. ALLEY. The Postmaster General did not recommend, as my friend from Michigan [Mr. FERRY] has stated, that there should be paid a royalty in addition. What he did recommend was that if the sum he recommended was not accepted, then a royalty of from one to two dollars for each of these stamps might be paid. The Government was then using something like eight hundred of these stamps, which cost six dollars apiece, and my understanding is that a very large profit is made upon the manufacture of the article at that price. But a royalty of two dollars each, even if a thousand were used by the Government, would be only $2,000. And I was not in favor of any sum exceeding that amount; and it was with reluctance that I consented that the committee should report an appropriation of even the sum of $32,000.

But some of the members of the committee took a view of the case entirely different from the view which I took. Looking at the matter from their stand-point, I think it must be admitted that their view was correct. The members of the committee will remember, however, that in the arguments which I used before the committee I took a ground precisely similar to that taken by the gentleman from New York, [Mr. GRISWOLD,] that the value of the patent had very little to do with estimating the royalty which should be paid for the use of the article; and upon that ground I estimated that the whole amount to be appropriated should not be over $20,000. Some of the committee were in favor of paying $100,000—at least one of them was, my friend from Michigan, [Mr. FERRY;] I do not know how it was with the others.

It was finally agreed, as a matter of compromise, that the sum of $50,000 should be reported, if the parties would be content with that sum, for costs of the suit and everything else. Though I declined to present that report to the House, I did consent that the gentleman from Michigan [Mr. FERRY] should report the sum of $50,000 under the authority of the committee.

But the parties having virtually refused that sum; having carried their case into the Court of Claims and demanded of the Government the sum of $400,000, and saying that they feel perfectly sure that they will succeed in getting $200,000, for one I feel absolved from any obligation to support their claim in this House for even the $50,000 which the committee reported.

Now, with regard to this matter of a new invention. It has been stated that a new invention has recently been made which will entirely supersede this one. Such appears to be the fact to this extent: the Third Assistant Postmaster General, Mr. Beverly, under whose observation these matters more particularly come, wrote me a letter the other day, in which he called my attention to this new invention; and I think he stated that he regarded it as better than this one of Mr. Norton.

As time is precious and gentlemen all around me seem to desire that I should draw my remarks to a close, I will present but one other point. These parties have claimed that unless the Government of the United States pay them for the use of this stamp, they will be under the necessity of refusing to allow the Government to use it. Having carried their claim into the Court of Claims, they intend, as I understand, to let the matter be contested there, and recover whatever sum the court may, in its judgment, award to them. That being the case, I think we have no need to fear that the Government will be deprived of its use. Even if it was, as they allege, such a great saving to the Government—and I have no doubt it is a great saving of expense—I think the Government runs no risk in losing the benefit of such an invention, inasmuch as the other invention can be used in lieu of it; and inasmuch as it is worth not a dollar for any other purpose and no other party can use it.

And this fact, in the view of other members of the committee as well as myself, had and still has considerable weight when taken in connection with the further fact that all the principal Governments of the world except our own, in granting patents, reserve to themselves the use of the patents for Government purposes. If our Government followed the example of Great Britain and other countries these gentlemen could not claim a single dollar for the use of this patent; but such has not been the policy of our Government, and therefore I for one should be willing to award to these claimaints every dollar that may be honestly and justly due them.

I now surrender the floor to the gentleman from Michigan, [Mr. FERRY,] who has charge of this bill.

Mr. FERRY. I have no desire to consume unnecessarily the time of the House with the discussion of this case; and I shall in a short time call the previous question. I think the House will acknowledge that I have to a generous extent yielded my time to the opponents of the bill. I now yield ten minutes to the gentleman from Ohio, [Mr. FINCK,] one of my colleagues on the committee.

Mr. FINCK. I move to amend the bill by striking out "$100,000" and inserting "$35,000." I think that the proposition to pay so large a sum as $100,000 for the use by the Government of this invention is one which should not receive for one moment the serious consideration of this House. It appears to me that if we pay this gentleman $35,000 we shall deal with him very liberally. I admit that the testimony in the case has disclosed that he has already expended about thirty-two thousand dollars in litigation for the purpose of establishing his right to this patent. I am willing to vote to reimburse to him this amount, and pay him $3,000 additional. This, I think, would be liberal compensation on the part of the Government.

Mr. MAYNARD. Has not this patentee refused to accept less than $100,000? Has he not said that rather than accept less he prefers to prosecute his case in the Court of Claims?

Mr. FINCK. Yes, sir. In a letter addressed to one of my colleagues on the committee this man declined to accept less than $100,000, declaring that if this were not granted to him he would prosecute his claim, and could recover $200,000.

Mr. FERRY. The report which has been read is based upon the affidavits of the postmaster in this city and the postmaster in the city of New York, both of whom state that by this invention the Government has saved one half the number of post-marking clerks formerly necessary. I desire also to state that I went myself, with other members of the committee, to witness the operation of this invention in competition with other stamping apparatus, and we witnessed what is stated in the report. In addition to that I learned from the stamping clerks themselves that by means of this invention two clerks can now perform the same amount of work that formerly required the services of four clerks. I now call the previous question.

Mr. HILL. I move that the bill and pending amendment be laid on the table.

The motion was agreed to.

Mr. WENTWORTH moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF DOCUMENTS.

Mr. LAFLIN, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed, with a prepared index, for the use of the House, twenty thousand copies of the internal tax laws as they shall stand after incorporating the provisions of the act recently passed, so that, so far as is practicable, the provisions of the different laws upon the same matter shall be printed in connection.

Mr. LAFLIN also reported, from the Committee on Printing, the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of the House, of the reports of the President of the United States and the Secretary of the Treasury concerning cotton, five thousand extra copies with the accompanying statements.

Mr. LAFLIN also reported, from the Committee on Printing, the following resolution; which was read, considered, and agreed to:

Resolved, That two thousand copies of the report and accompanying testimony of the committee on the New York custom-house be printed, and five thousand of the report only.

Mr. LAFLIN also reported, from the Committee on Printing, the following resolution:

Resolved, That five thousand extra copies of the bankrupt bill, when approved by the President, be printed in pamphlet form for the use of the House.

Mr. MAYNARD. I move to amend by striking out "when" and inserting "if;" so as to read, "if approved by the President."

The amendment was agreed to.

The resolution, as amended, was adopted.

SOUTHERN RAILROADS.

Mr. LAFLIN, from the same committee, submitted the following resolution; which was read, considered and agreed to:

Resolved, That the testimony and report of the select Committee to investigate the affairs of Southern Railroads be printed; and the Clerk of the House be, and is hereby, instructed and required to cause the same to be laid before the next House of Representatives for their consideration.

LANMAN'S CONGRESSIONAL DICTIONARY.

Mr. LAFLIN, from the same committee, made an adverse report on the following resolution and moved that it be laid on the table:

Resolved, That there be printed for the use of each member of the House the same number of Lanman's Congressional Dictionary as that ordered by the Senate for the use of each of its members.

Mr. WILSON, of Iowa. I hope the sense of the House will be tested on this resolution on the motion to lay it on the table.

Mr. LAFLIN. I do not desire to occupy the time of the House in discussing a proposition of this character, but if I was satisfied the House would not agree with the report of the committee I should wish to discuss this question. If there is any disposition not to have discussion, but to postpone this subject indefinitely, I will make that motion.

The SPEAKER. The motion to postpone indefinitely is debatable, while the motion to lay on the table is not.

Mr. CONKLING. Let us have the question on laying on the table.

Mr. LAFLIN. Very well, then.

The House divided; and there were—ayes 65, noes 50.

Mr. WASHBURN, of Indiana, demanded tellers.

Tellers were ordered; and Mr. WASHBURN, of Indiana, and Mr. LAFLIN were appointed.

The House again divided; and the tellers reported—ayes 68, noes 69.

So the resolution was not laid on the table.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. CLARKE] as representing the minority of the committee.

Mr. CLARKE, of Ohio. If the previous question be ordered, I ask the Chair whether I will be entitled to any time?

The SPEAKER. Only those who report a bill or resolution are entitled to discussion after the previous question has been seconded.

Mr. CLARKE, of Ohio. I wish to state then if the resolution is passed each member will be entitled to thirty copies. In my opinion it is a most excellent book. It contains more matter essential for the information of gentle-

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men here than any other that has been published. I look upon it as a most valuable work for public information, and especially for the use of the members of this House. A former edition was ordered by the House, and I believe two editions by the Senate.

I do not propose to enter into any extended discussion of the subject; I think there is propriety in our purchasing it. I have been laboring in the committee to get the resolution in such a position that the House could act upon it; and having said this much I will surrender the floor to the chairman of the committee.

Mr. LAFLIN. Before I proceed I wish to inquire if the previous question be seconded whether I would be entitled to the floor?

The SPEAKER. The gentleman reported the resolution adversely, but he would nevertheless be entitled to the floor if the previous question was seconded.

Mr. LAFLIN. I do not wish to occupy the floor but for a single moment. I have endeavored to present this report for the past two or three days. Since I conscientiously believe it contrary to the interests of this Government that this House should adopt a resolution of the character proposed to our committee, I have not felt authorized to make our report without some opportunity for explanation.

Now, sir, before the previous question is called I wish to make to the House two or three statements. In the first place, we have to pay the expense of printing this book. That is the first thing, costing $1 16 for each copy. But it does not stop here. We not only have to pay the expense of printing, but we go into a private copartnership with the proprietor of this work and pay him a dollar for each copy that is printed. I also wish the House to remember that the printing of this book at the present session of Congress insures and guaranties its printing for all future Congresses as long as this copyright exists. It is not simply a question whether we are to pay the compiler of this work so many thousand dollars for the work he has done, not to pay him in one grand sum to-day, but whether he is to be made a pensioner on the bounty of the Government and to receive an annuity for life.

I agree with very much that my respected and very honest colleague on the committee [Mr. CLARKE, of Ohio] has said. Indeed, under certain conditions I would like to see this book printed, but I stand here to say to the House, in somewise approximating to my ideas of what our committee ought to do in the interest of the Government, that I have been endeavoring to negotiate with the compiler of this work for the possession of his copyright.

While I would not hold myself to that proposition strictly, yet I have said to this gentleman, who is so anxious that the Committee on Printing should "just give the House an opportunity to act in the matter," that I would prefer to entertain a proposition from him for the purchase of the work at an expense of $50,000.

Mr. HILL. I simply desire to ask the gentleman by how many Congresses preceding this one this book has been ordered?

Mr. LAFLIN. The House of Representatives once ordered this book, and so has the Senate; how many copies I do not know. So far as I am concerned it does not make one particle of difference what action has been taken upon this matter; but——

Mr. MILLER. Has not the Senate ordered the book?

Mr. LAFLIN. If the gentleman will only wait till I get through my statement I will be happy to answer his questions; but I decline to be interrupted.

I have already said that the Senate have ordered it. It makes no difference to me whether the House shall order the printing of one copy or of thirty copies for each member; the principle involved is just the same. Now, let members of this House think for a moment what principle ought to govern in the publication of books at the public expense. Plainly we ought to publish in that way only such books as contain information valuable to the public, and which are of such a character that private enterprise will not or cannot afford to publish them. When we depart from this rule we launch ourselves upon "an ocean of extravagance which is both shoreless and starless;" and I would like to know how any man can make an argument in favor of publishing Lanman's Dictionary of Congress, which contains nothing but statistical information, showing where and when certain members of Congress were born, when they entered the Assemblies or Senates of their respective States, when they became members of Congress, what committees they were on, and when they died, which would not be also an argument for publishing McPherson's History of the Rebellion, or Frank Moore's Rebellion Record, or, what would perhaps be of far more value to us all, the New American Cyclopœdia, or, as my friend from Ohio [Mr. SCHENCK] suggests, Greeley's American Conflict. The moment it gets to be understood that Congress is willing to enter into private copartnerships with authors, just the moment it is discovered that all that is necessary to secure the gratuitous services of the Government as a publisher is to offer a book containing highly complimentary notices and short biographies of members of Congress, we will be flooded with applications without limit.

Now, I have no hostility to this book. I have had no conflict or quarrel with its compiler. But I have been induced to take this position, in conjunction with the gentleman from West Virginia, simply and solely upon the ground I have stated. I think I have made my own position upon this matter sufficiently clear; and now, if any gentleman desires to question me on the subject, I will be happy to answer him.

Mr. GARFIELD. I have heard it intimated by several members that measures of a threatening character have been taken to secure the passage of the resolution in reference to this book. If that is true, I think it ought to appear in this discussion, that we may know the grounds on which we are expected to act. I therefore ask the chairman of the committee or any other gentleman to state the facts in reference to this allegation.

Mr. LAFLIN. I will reply to the gentleman that there is evidence before the committee of the character that he has indicated, and that it is contained in a letter which was addressed to us officially by the compiler of this book. [Cries of "Read!" "Read!"]

Mr. LAFLIN. I will send it to the Clerk, to have that part of it read which I have marked.

The Clerk read as follows:

"It has come to my knowledge that a few members of the House have opposed me on account of the bitter personal hostility of Hon. ROBERT C. SCHENCK, and feeling that your opinion may be influenced in the same manner, I think it my duty to make a brief statement in my behalf. And I am encouraged to do this by the fact that during the late recess of Congress a number of the most prominent Representatives have written to this effect: that they had been prejudiced by Mr. SCHENCK, that they were satisfied I had been badly treated, and that they would hereafter advocate the printing of my book.

"But to the point in question. Eight years ago Mr. SCHENCK caused to be placed in my hands an elaborate and highly complimentary biography of himself for insertion in my Dictionary, which was then newly started. His interest in the matter was so great that he wrote me a letter stating that he regretted his inability to call upon me in person, and begging me to call upon him when next he visited Washington.

"That biography and the honorable member's letters are still in my possession, and, with other very curious particulars, will figure conspicuously in the history of the Dictionary of Congress which I propose to publish. Because I informed Mr. SCHENCK that I could not possibly print his essay he became greatly annoyed; and from that time to this he has done all in his power to injure me.

"With regard to all his curses and unjust slanders I am quite indifferent, excepting one"——

Mr. HALE. I rise to a point of order. Unless my friend from Ohio [Mr. SCHENCK] desires to have this letter read——

Mr. SCHENCK. I do.

Mr. HALE. Then of course I waive my point of order.

The SPEAKER. The Chair understands the point of order that the gentleman was about to raise, and if it is insisted upon he will sustain it.

Mr. HALE. I do not insist upon it.

The Clerk resumed the reading of the letter, as follows:

"That exception is the charge that I was in sympathy with the rebellion. In view of all that I have written and all that I have endured in defending the Union, this charge is simply cruel and infamous to the last degree. I was a defender of President Lincoln for years, and I enjoyed his personal friendship and good will. My warm and true friends in Congress may be counted by the score, and with two or three exceptions they are all Republicans. When Rev. Mr. Bonté was almost literally turned into the streets of Georgetown by the rebels of that place on account of his Union sentiments I was one of the two or three who stood by him to the last, and unsparingly condemned his persecutors; and to-day my rebel enemies in that place are numerous and very bitter, and make themselves happy by sneering at me as an Abolitionist.

"But I must close. If your committee, as I am inclined to believe, have any prejudices against me on account of Mr. SCHENCK'S slanders, I only ask that they will give me an opportunity to defend myself with unanswerable proofs.

"Very respectfully, your obedient servant,

"CHARLES LANMAN."

Mr. SPALDING. Does that letter contain a threat?

Mr. LAFLIN. I would like to know in what other way the gentleman would interpret Mr. Lanman's announcement that certain documents relating to a member of this House will figure conspicuously in his history of the Dictionary of Congress.

Mr. SPALDING. I can see very well that there is a matter there between Mr. Lanman and my colleague, [Mr. SCHENCK,] but I cannot see that the House is threatened in any way.

Mr. SCHENCK. You have not heard all yet.

The SPEAKER. The Chair thinks that this letter is not relevant to the resolution before the House, and as it may provoke a reply, if any gentleman makes the point of order that it is not relevant, the Chair will sustain the point of order, as he would have done before if it had been raised.

Mr. LAFLIN. I ask unanimous consent for the gentleman from Ohio to make an explanation, if he desires to do so.

Mr. RADFORD. I object.

Mr. LAFLIN. Then I move to suspend the rules in order to allow the gentleman to make an explanation.

Mr. SPALDING. Would it be in order to move to exclude the letter from the Globe?

The SPEAKER. The motion to suspend the rules is not debatable.

The question was upon suspending the rules; and (two thirds voting in favor thereof) the rules were suspended.

Mr. LAFLIN. Now I believe I am at liberty to speak of this letter, and I am very glad that I have that liberty.

It had been stated time and again that the gentleman from Ohio had written a letter to Mr. Lanman of the character described in the letter that has just been read; and when this matter was referred to us officially we felt it to be our duty to investigate it, and we called upon Mr. Lanman to appear before our committee. At that meeting of the committee my colleague from Ohio and my colleague from West Virginia were present; and if in any particular I fail to state correctly what transpired there, I beg each or either of them to correct me.

When Mr. Lanman came before the committee he submitted to us a letter from Hon. Mr. SCHENCK, of Ohio, which he alleged authorized him to make the statement which he had made. And now I wish to state to this House just what was the character of that letter. If I remember aright the letter was dated at Dayton, Ohio. I may be mistaken in that; at all events, it was dated at some place other than Washington. In the letter Mr. SCHENCK wrote Mr. Lanman that he had been informed that some one had prepared a biography of him [Mr. SCHENCK] for insertion in his [Lan-

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man's] Biographical Dictionary; that he wished to take that early opportunity to inform him that he did not desire any publication of the kind to be made until it had first come under his revision; and then stated that when he came to Washington he hoped that he should have an opportunity to see Mr. Lanman. And Mr. SCHENCK went on to state further, not by any means inviting the publication of any notice of himself, that from what he could learn of the proposed biographical notice it was of such a character that he would not like to see it published. And Mr. Lanman himself acknowledged that Mr. SCHENCK's letter afforded no proper foundation for his statement. So much for that letter. I now yield to the gentleman from Ohio [Mr. SCHENCK] if he desires to make any statement.

Mr. SCHENCK. I hardly know whether to avail myself of this permission or not. It is by no means pleasant to me to have my name brought in this connection; but perhaps I may as well make a statement here and now as anywhere else or at any other time.

If gentlemen will refer to the Congressional Globe for 1865, they will find that when this same proposition was at that time before the House for the purchase of Lanman's Dictionary, I opposed it in a few remarks which are there fully reported. The result of the debate upon that occasion was that the proposition was most emphatically defeated. The first paragraph of what I said on that occasion, as embodying my general objection, perhaps is worth reading, since I am permitted to read at all. It will be found on page 391 of the Congressional Globe, for the second session of the Thirty-Eighth Congress, and is as follows:

"Mr. Speaker, this is one of those resolutions for book purchasing and book distributing at the expense of the Government which I think ought not to pass. It is proposed to buy, for the use of members of this House and for distribution, a book which, if it has any merit, belongs to that class that ought to be obtained by application at the bookstores in the usual way by those who have occasion for it. I would as soon think of distributing any other Dictionary as a Dictionary of Congress, which, I believe, is simply intended to give a brief biography, not only of every honorable gentleman here now, but of all those who at any time heretofore have served in the legislative councils of the nation. It seems to me that it ought to be enough to defeat a resolution of this kind to refer to the fact that it is a book whose general character is such that members and their constituents ought to supply it to themselves, if they are curious in that kind of literature, without putting the public to the expense of purchasing it for them."

I then went on to criticise the book from a copy which I had before me—I wish I had one now—pointing out a large number of errors in it and objections to it. Among other things I showed that whenever there was occasion to refer to those who were noticeable for their rebel proclivities, as for instance, Jacob Thompson, the rebel member of Buchanan's Cabinet at the commencement of the late war, the notice was of a eulogistic character. But I will not now detain the House by reading that portion of my remarks on that occasion. No reference was made to Mr. Lanman personally, although he chose to so regard it, for the simple reason that I had then never seen the man; nor have I since seen him, or had the slightest personal acquaintance with him—so far as I was concerned not caring whether he was living or dead—until I had an opportunity of meeting him in the room of the Committee on Printing, in that interview to which I was invited, and of which the chairman of that committee [Mr. LAFLIN] has spoken.

Now, what was the consequence of my opposition to this proposition two years ago when it was before the House. This man Lanman wrote letters to me, stating that he understood I would be a candidate for a higher position than that of Representative, (I have the letters here now,) offering his services to assist me, and stating that we could help each other. I took no notice of his letters; and failing in that he took to writing letters of a different character. I took no notice of them. Then there came out in the papers of this city a most violent and scurrilous attack upon me, of which I took no notice. Papers containing the attack were inclosed to members of this House among others to Mr. DRIGGS, of Michigan, who, with other friends, brought them to my notice. I paid no regard to them whatever. Time wore on. Then there came to me from various parts of the country this last year, when I was a candidate for a higher position to represent my State in the other branch of Congress——

Mr. GRINNELL. Do you call that a higher position?

Mr. SCHENCK. Call it higher or lower, as you please; it is a position to which I was not elected. There came to me from various parts of the country copies of a still more virulent attack upon me, published in a copperhead paper in Bridgeport, Connecticut, the authorship of which, or the responsibility for which—I believe Mr. Lanman only admitted the authorship of one paragraph or so of the article—but the responsibility for the whole article Mr. Lanman admitted in this interview with the committee to which reference has been made. In that scurrilous attack was repeated the substance of the article which had been published in Washington two years before; and there was added to it every stale slander about myself, every lie almost that had ever been told in regard to my career. It was accompanied with such articles as one which I hold in my hand, these articles being mailed from New York, Philadelphia, and Cincinnati, and reaching me all about the same time. They contained, for instance, something of this sort, which I read from one of the originals:

"It may gratify Mr. SCHENCK to know that in reply to his speech against Mr. Lanman at least one hundred thousand copies of the inclosed editorial from a Connecticut paper will be circulated throughout the country. Others from the pen of Mr. Lanman himself are also in pickle, and will go more fully into particulars, giving abundant proof of every assertion."

If the House had a taste for garbage, I might have one of these attacks upon me read. They are, however, here on my table, and may be examined by any gentleman who is curious in this sort of literature. The substance of the whole matter is that, for having made a speech against the purchase of this book from some man whom I did not know, I have been assailed and vilified by the fellow ever since. I am not alone in this respect. The gentleman from Michigan [Mr. BEAMAN] received a letter threatening him for having moved on one occasion to lay on the table a resolution for the purchase of this book. If the gentlemen will let the House have the benefit of that letter, I will yield for the purpose of having it read as a specimen of the manner in which members are held to account for daring to attempt to economize in matters of this sort.

Mr. BEAMAN. Mr. Speaker, it was not my fortune or misfortune, as the case may be, to make any speech against Mr. Lanman or his book. But members of the House will recollect that during the last session of Congress there was introduced here a resolution similar, I suppose, to the one now under consideration, which I have not heard read. At that time I made a motion to lay the resolution on the table. I knew nothing, or at least, very little of Mr. Lanman, and had no acquaintance with him whatever. I made the motion because I deemed this book, if not an entirely useless publication, one not proper to be published by order of this House. A few days after the resolution was laid on the table, I received a letter which I send to the Clerk's desk to be read.

The Clerk read as follows:

GEORGETOWN, D. C., *June 4*, 1866.

SIR: Some time ago, when, without my knowledge, Hon. Mr. HART offered a resolution for printing the new edition of my Dictionary of Congress, you were the member who stepped forth to prevent even the reception of said resolution. That blow from you was unexpected, and I write this simply to say that your unkind treatment of me is appreciated. The time may come when you will regret this petty investment of your temporary power. Your right to dislike me as a man, and to vote against my Dictionary, I do not question; but I did not expect that I should find a personal enemy in the person of a Representative from my native State; a man, moreover, for whom I have always entertained the kindest feelings, and one whom I had supposed to be ever actuated by the ordinary teachings of Christianity. You have not treated me as you would have wished to be treated under similar circumstances.

Respectfully, your obedient servant,

CHARLES LANMAN.

Hon. F. C. BEAMAN, &c.

Mr. SCHENCK. Mr. Speaker, I could talk for an hour on this subject, stating, if it were proper or desirable, many very curious matters in connection with it. I have here a great many letters which I took the precaution to preserve after I found the course which this man was pursuing. I had forgotten that I had ever written a letter to Mr. Lanman; but it seems that being eight or nine years ago in New York, where my business called me in company with another member of Congress, I received from Mr. Lanman a circular proposing to publish my biography. I suppose there is no gentleman here who has not received many such circulars.

Mr. HILL. I would inquire of the gentleman whether the biography was to be written, like certain biographies mentioned by Lord Byron, on either side, as might be desired?

Mr. SCHENCK. I do not know about that. I learned he had in his possession something of that sort. I knew from what source it had come. I knew a friend of mine had been present when I received a circular of that kind the year preceding, and had afterward returned to me—he I think himself had received a letter, Lanman knowing his intimacy with me—asked some data about my birth, marriage, &c., and I gave them to him. When Lanman sent his circular to me again, finding he had received a biography, and apprehensive that the same had been furnished by this too partial friend of mine, which I would not care to see spread out in the form of an eulogistic notice, the form it would take, I wrote to Lanman if in possession of anything of that kind I trusted he would not publish it until I had an opportunity of seeing it, because as I knew a partial friend might make an eulogistic notice, I should prefer as a matter of good taste not to see it in print. This was about the amount of my communication to him, except the addition that he might call and see me at Washington, where I expected to be after a few days from that time.

The biography, sir, I have never seen. Whether it is a good one or not I cannot tell. I trust it is if it shall ever see the light. Upon this he put into these publications that I was slandering him all over the country and attacking him personally, because I had furnished him with a long eulogistic notice of myself and was angry at him because he would not publish it without abridgment, which I demanded he should do. It was directly the reverse; and as my colleague [Mr. CLARKE] on that committee as well as the chairman of the committee, who has just spoken, and the gentleman from Virginia [Mr. LATHAM] will remember, when he came to produce it the only letter he had, and the writing of which I had forgotten myself, I admit, so far from sustaining it, contradicted the charge he had made in every particular.

Now, then, why do I refer to this? Simply for the purpose of explaining why it is this man undertakes to make capital for himself on the ground of persecution, when the fact is he has been attempting to bully and follow with scurrilous abuse any one who, upon principles of public economy, chose to object to this publication of his dictionary? Whether he abuses me or not is of no consequence to this House or to the country; whether anything he has said is true of me or any one else is of no consequence to me or to the country; but this whole matter only tends to show how he is attempting to operate upon and enlist the sympathies of others. And, sir, I am glad this opportunity has been given in order once for all that this matter may be made fully apparent to the public.

I will not dwell upon this; but I repeat again my opposition to this book is on just the ground

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I placed it a year ago. We might as well buy Bancroft's history—better, perhaps; that we might as well buy any other dictionary than one in this shape; and I went on to criticise the dictionary, giving the instances of men spoken of as in Congress who were long since dead, and of a member spoken of as dead who was still in Congress. I showed a great many other errors connected with this dictionary. I stated some sixty-odd mistakes made of the same kind, the memoranda of which I held in my hand, having examined the dictionary with this view. He has availed himself of this criticism since then, I understand, to correct these mistakes, although I have not seen the last edition of his dictionary. I stated he had always slighted my colleague, Mr. Giddings, while, as I remarked before, he had spoken in an eulogistic manner of those who were upon the other side in this rebellion.

There was but one instance which by any possibility might be distorted into a charge that he was himself a rebel or a sympathizer with rebels, and that is what I said about Jacob Thompson. And here I have his letter in which he says after I had made that remark his attention was called to it, and he was disgusted to find what he had published eulogistic of Mr. Thompson, and could only account for it by the fact that he had written that biography some seven or eight years ago when he was a clerk under Mr. Thompson in the Department of the Interior.

Now, it is not perhaps in the best taste to allude to any notice of myself in this dictionary, particularly as my biography has, very much against my will, come to be a subject of consideration here. But there is a very curious expression in the little notice he has made of me. I am represented, not according to the fact, as any one of my military friends will remember, for my promotion came afterwards as having been appointed a brigadier general and a major general of the United States in the "troubles of 1861." He calls the rebellion "the troubles of 1861." I believe there is nothing like that except in the Nasby letter, in which the author speaks of "a little unpleasantness occurring between the two extremes of the nation." [Laughter.] I refer to that to show the *animus* of the book, and to show what a bearing it would look as if it had in that way, whether intended or not. Whether he is or has been a sympathizer with the rebellion, or whether he is or has been an extremely loyal man, or has been on both sides of the question, according as he met his customers, it is not possible for me to say, for I do not know anything about it. I can only judge of him and his work from the book itself.

Mr. Speaker, this matter of book-making under the auspices of Congress is continually growing to be a greater and greater abuse. Of late it has been in some degree checked. Here, however, is a flagrant instance of an attempt to open it with one I think of the worst of all the jobs ever attempted. For the purpose of having our vanity tickled by seeing our names in print we are expected to enter upon a career of publishing, which, while it costs the Government I do not know how much, will put into Lanman's pocket, or into the pocket of the owner of the copyright, some five thousand seven hundred dollars a year. That is the calculation handed to me this moment by some gentleman; and it may be copyrighted from year to year for every amendment in a new edition.

Mr. WASHBURN, of Indiana. How many copies does Congress take?

Mr. SCHENCK. I do not know. Once the House was inveigled into purchasing four for each member.

Mr. ROLLINS. Seven.

Mr. SCHENCK. But in the two succeeding sessions the House laid its hand upon the matter and prevented that piece of extravagance. I take credit to myself on one occasion for being instrumental in doing it, and I think my friend, the chairman of the committee, has the credit of doing the same thing. I hope when gentlemen come to vote upon the question by yeas and nays they will bear in mind how large the expense is, and will act accordingly.

Mr. BROMWELL. I suggest that some of us may find a use for this book for electioneering purposes.

Mr. SCHENCK. That may or may not be important. Sometimes the less that is known about a man the better for him. [Laughter.]

I believe I have complied with the desire of my friend from New York in making an explanation. I would not have done it except that I was so pointedly referred to, and my history so wrought up with the progress of legislation upon this subject that I could not very well afford to sit silent and not answer the appeal made to me. I return to my friend the floor.

Mr. LAFLIN. Unless there is some one who desires to be heard I will close the discussion with a brief statement, which I think will satisfy gentlemen that I am not making an improper proposition.

Several MEMBERS. Vote, vote!

Mr. LAFLIN. As there seems to be a disposition to come to a vote, I move the previous question.

Mr. HALE. I believe it is now in order to move to lay the resolution on the table.

The SPEAKER. After the previous question is seconded, the motion will be in order.

The previous question was seconded and the main question ordered.

Mr. HALE. I now move to lay it on the table.

The motion was agreed to.

Mr. LAFLIN moved to reconsider the vote by which the resolution was laid on the table; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WINDOM. I move that the House adjourn. We have nothing but dictionaries and patent cases before us, and we might as well adjourn.

The SPEAKER. That would terminate the session of Congress.

Mr. WINDOM. I change it to a motion for a recess till ten o'clock to-morrow morning.

Mr. SCHENCK. I ask the Chair to inform the House when, with safety as regards pending bills, the House can take a recess till to-morrow morning.

The SPEAKER. The Chair will state that the committees of conference are in session on the appropriation bill. The Chair heard from them a few moments ago. They sent word saying that the Senate would remain in session longer than the House in consequence of executive business. It is usual for the committee to report to the Senate first. After the action of the Senate is taken, the House can then very probably take a recess until nine or ten o'clock to-morrow. The Chair understands that the committee will probably be through within half an hour.

Mr. WINDOM. I withdraw the motion if there is anything to do.

The SPEAKER. The House will proceed to business on the Speaker's table, all other business being excluded by order of the House, except privileged reports and questions of privilege:

COURT OF CLAIMS.

Mr. SCHENCK. I submit the following privileged report:

The committee of conference on the disagreeing votes of the two Houses, on the joint resolution of the House, No. 226, extending the provisions of section two of the act entitled "An act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," approved July 14, 1864, having met, after full and free conference have agreed to recommend to their respective Houses, as follows, namely:

That the House agree to the first amendment of the Senate, with an amendment, which is to strike out the words of the said amendment and insert in lieu thereof these words; "and whose authority shall be proven to the satisfaction of the accounting officer," and that the Senate agree to the same.

That the Senate recede from its second amendment.

ROBERT C. SCHENCK,
RALPH HILL,
A. J. KUYKENDALL,
Managers on the part of the House.
S. C. POMEROY,
IRA HARRIS,
LYMAN TRUMBULL,
Managers on the part of the Senate.

The report of the committee was agreed to.

Mr. SCHENCK moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH R. MORRIS.

The next business on the Speaker's table was the consideration of the joint resolution (S. R. No. 66) for the relief of Joseph R. Morris; which was read a first and second time.

The preamble recites that it appears from the records of the Patent Office that Joseph R. Morris, of Houston, Texas, on the 13th of April, 1861, filed his petition, affidavit, specification, and drawing, and made application for a patent for "a new and useful improvement in furnaces," and paid the customary fee on such application; that on the 15th of April he deposited his model of the improvement according to law in the Patent Office; that on the 8th of June thereafter the invention was examined by the examiner, and a patent duly ordered to be issued; that on the 11th of June thereafter a circular was issued by the Patent Office to the effect that the patent was ordered to be issued in accordance with the application upon the payment of the final fee of twenty dollars; and that it appears that he was prevented from obtaining his patent by the state of civil war which interdicted all communication between the State of Texas and the Patent Office at the city of Washington. The joint resolution, therefore, authorizes the Commissioner of Patents to issue the patent to Joseph R. Morris as of the date and with like effect as though it had been issued on the 8th of June, 1861, except that the patent may be issued to run the usual number of years from the usual time of its issuance, any law to the contrary notwithstanding; provided, that if, at or prior to the day when the patent shall actually be issued, any person or persons shall be actually issuing the improvement in furnaces, such person or persons shall not be made liable in damages for such prior use, or for the continuing use of such as have already been constructed.

Mr. JENCKES. That joint resolution explains itself, and needs no explanation from me.

Mr. BOUTWELL. Is there any evidence that this man himself did not contribute to the state of things which prevented him from obtaining his patent?

Mr. JENCKES. He produced evidence of his loyalty, which satisfied the committees of both Houses of Congress.

Mr. SCOFIELD. Was there any evidence that no one else had obtained a patent for the same thing?

Mr. JENCKES. Certainly there was. The Patent Office could not grant the patent if there was anything against the novelty of the invention. It has been thoroughly examined, and the claim has been found to be just and proper.

The bill was then read the third time, and passed.

Mr. JENCKES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKING ASSOCIATIONS.

The next business on the Speaker's table was Senate joint resolution No. 178, in relation to national banking associations; which was read a first and second time.

Mr. HOOPER, of Massachusetts. I ask that this joint resolution may be put upon its passage now.

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The joint resolution was read. It provides that in all cases where a national bank has paid, or may pay, in excess of what may be or has been found due from the bank on account of the duty required to be paid to the Treasurer of the United States, the bank so having paid or paying such excess of duty may state an account therefor, which, on being certified by the Treasurer of the United States and found correct by the First Comptroller of the Treasury, shall be refunded in the ordinary manner by warrant on the Treasury.

Mr. HOOPER, of Massachusetts. I can state in a very few words the object of this joint resolution.

Several MEMBERS. It is all right.

Mr. HOOPER, of Massachusetts. Then I will not take up the time of the House by making any statement.

Mr. MORRILL. I desire merely to ask the gentleman from Massachusetts [Mr. HOOPER] whether any law has been passed in relation to taxing the stock of national banks? As the law has been they have been taxed where located.

Mr. HOOPER, of Massachusetts. This joint resolution has nothing to do with that subject.

Mr. MORRILL. Will the gentleman accept an amendment to change that?

Mr. HOOPER, of Massachusetts. That would kill the joint resolution.

Mr. BAXTER. I must object to any amendment.

Mr. HOOPER, of Massachusetts. A tax was illegally demanded of the national banks. Some of them paid the tax, others protested against it and refused to pay it. The case was tried, and it was decided by the courts that the tax had been illegally demanded. This joint resolution is merely to allow the Treasury Department to pay back to the banks the tax which they paid when the demand was made, and place them in the same position with the others that refused to pay the tax.

Mr. GARFIELD. Is there any law now under which, in circumstances like those suggested by this joint resolution, these banks can get refunded to them the money they have paid?

Mr. HOOPER, of Massachusetts. There is not. I was requested last year by the Treasurer of the United States to introduce a similar provision into the bank bill. I did so, and it stands there in the precise words in which the Treasurer gave it to me, and in a form which the House adopted upon my explanation.

The joint resolution was then read the third time, and passed.

Mr. HOOPER, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, one of its clerks, announced that the Senate had passed without amendment a bill of the House No. 865, granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California.

The message further announced that the Senate had disagreed to the amendments of the House to the joint resolution of the Senate No. 173, to facilitate the settlement of accounts of disbursing officers.

JOSHUA H. BUTTERWORTH.

The House resumed the consideration of business upon the Speaker's table, the next business being Senate bill No. 620, for the relief of Joshua H. Butterworth; which was read a first and second time.

Mr. CHANLER. I am instructed by the Committee on Patents to ask that this bill be put upon its passage.

The bill was read at length. It authorizes the Commissioner of Patents to proceed upon, determine, and decide the application of Joshua H. Butterworth, for an extension of his patent for an improvement in safe and bank locks, the same as though the patent had not been extended once already; and the Commissioner is to examine the application and decide upon it on the same evidence and in the same manner as in other cases where extensions of patents are applied for, and without regard to the time when the application is made.

Mr. PRICE. I would like to put a question to the gentleman from New York, [Mr. CHANLER,] who seems to have charge of this bill.

Mr. CHANLER. I will yield for a question.

Mr. PRICE. I wish to ask whether this is not the second extension of this patent.

Mr. CHANLER. It is.

Mr. PRICE. I thought so. That is enough.

Mr. CHANLER. The facts of this case are stated in the report made by the Senate committee. By the reading of that report gentlemen will see that this is a very meritorious case. I ask the Clerk to read it.

The Clerk read as follows:

The Committee on Patents and the Patent Office having duly considered the petition of Joshua H. Butterworth, praying an extension of his patent for bank and safe locks, beg leave to report:

That letters-patent for the improvement aforesaid were issued on 11th April, 1846, and that an extension thereof was granted from the 11th April, 1860, to the 11th April, 1867. They further report that there is satisfactory evidence that from the time of the issuing of the original letters-patent the patentee has used reasonable diligence to introduce his improvement into public use, but that from infringements upon the improvement, and other circumstances beyond his control, the true value of the improvement has but recently become appreciated by the public, and consequently he has failed to receive any adequate remuneration. Indeed, it appears that the expenditures of the petitioner has exceeded his receipts.

It also appears that the improvement is novel and is now regarded as useful.

The committee, therefore, considering that the improvement is novel in its character, is a useful invention, and that the petitioner, without fault or laches on his part, has failed to receive any remuneration for his invention, think that he is entitled to the relief he asks; and they report a bill accordingly.

Mr. CHANLER. The facts as stated in this report have been confirmed by the investigation of the House committee, and I am authorized to present the bill to the consideration of the House.

This patent is for a lock which is now used in the Treasury Department of the United States as being the best lock yet invented for the protection of bank safes, &c. But as the banking community are naturally slow in yielding their confidence to anything of this kind, the patentee has been unable thus far to remunerate himself for the great expense to which he has been subjected in bringing his invention into use. The lock is composed of a system of plates and wheels in combination, which are capable of adjustment in such a way by the owner of the safe that none but himself can open it. The lock has no key. The merits of this lock are known to many gentlemen on this floor. My colleague, [Mr. DODGE,] well known as a banker in the city of New York, has personal knowledge of the merits of this invention, and can give the House any further information which may be desired. I now yield to him.

Mr. DODGE. Mr. Speaker, I will simply say that having known the inventor of this lock for the past twenty years, I know that he has been and still is a poor struggling man, who after the labor of years is just succeeding in bringing his invention into remunerative use. I believe that this bill is perfectly just, and ought to be passed.

Mr. SCOFIELD. Mr. Speaker, I understood the gentleman from New York to say that this lock is used in the Treasury Department and is considered very safe. I want to advise the gentleman to recall that remark, for if he does not do so he cannot succeed in getting this bill through the House.

Mr. CHANLER. I should be glad to do anything to accommodate the gentleman from Pennsylvania, [Mr. SCOFIELD,] who seems to be the special guardian of the Treasury.

Mr. SCOFIELD. I only suggest to the gentleman that, in view of the prodigal spirit manifested by the appropriations made here, this House will never indorse anything that is calculated to keep money in the Treasury. [Laughter.]

Mr. CHANLER. I spoke only of the mechanism of the lock. I do not profess to be conversant with Treasury matters.

Mr. LAWRENCE, of Ohio. I hope the gentleman will not call the previous question.

Mr. CHANLER. I am solicited by gentlemen all about me to call the previous question.

Mr. LAWRENCE, of Ohio. I desire to debate the bill.

Mr. CHANLER. Members are desirous and anxious to reach other matters on the Speaker's table. I therefore demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CHANLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOSTON POST OFFICE, ETC.

The next business upon the Speaker's table was Senate joint resolution No. 176, relative to the post office and sub-Treasury at the city of Boston; which was read a first and second time.

Mr. ALLEY. I move that the joint resolution be put upon its passage.

The joint resolution provides that the mayor and postmaster of the city of Boston, the Assistant Treasurer of the United States at the city of Boston, the president of the Board of Trade of the city of Boston, Alpheus Hardy, Daniel Davis, and John A. Andrew, of said city, be appointed a commission to select a proper site for a building for a post office, and for the accommodation of the sub-Treasury in the city of Boston; and that they report to the Postmaster General and the Secretary of the Treasury at their earliest convenience the selection upon which they, or a majority of them, may agree, and the price at which said site can be purchased by the Government for the service contemplated in this resolution. If a new site be selected, and if said report meets the approval of the Postmaster General and the Secretary of the Treasury, they shall communicate the same, with such additional suggestions as they may think proper, to Congress.

Mr. ALLEY. Unless some member desires to put a question on the subject I move that the resolution be put upon its passage.

Mr. ALLISON. I desire to ask the gentleman from Massachusetts a question. That resolution provides for the selection of a site for a post office and sub-Treasury at Boston. I believe a week ago we passed a similar resolution in regard to the city of New York. They have, I understand, construed the law we passed in reference to that city as authorizing this commission to go on and purchase the post office site, and they are now examining plans and employing architects and other persons for the purpose of carrying on the work.

Mr. ALLEY. The gentleman is entirely mistaken in regard to the object of this resolution.

Mr. ROSS. What is to be the expense?

Mr. ALLEY. There is no expense about it.

Mr. BERGEN. I simply wish to inquire, since the House refused a few days ago to make an appropriation for a post office for the city of Brooklyn with twice as many inhabitants as Boston, why should we pass this joint resolution for Boston?

Mr. ALLEY. Probably if it were the same thing as that for Brooklyn I would not ask it to be passed. This contains no appropriation, but simply makes provision for the necessary preliminary inquiry. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was passed.

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Mr. ALLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OCEAN MAIL TO THE HAWAIIAN ISLANDS.

The next business on the Speaker's table was Senate bill No. 603, to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands; which was read a first and second time.

Mr. McRUER. The Committee on the Post Office and Post Roads recommends the passage of the bill with an amendment.

The bill provides:

That the Postmaster General be, and he is hereby, authorized to invite proposals, by public advertisement, for the period of sixty days, in one or more newspapers published in the cities of Washington, New York, Boston, and San Francisco, respectively, for mail steamship service between the port of San Francisco, in the United States, and the port of Honolulu, in the Hawaiian Islands, by means of a monthly line of first-class American sea-going steamships, to be of not less than one thousand tons, Government measurement, each, and of sufficient number to perform twelve round trips per annum between said ports; and to contract with the lowest responsible bidder for said service for a term of not more than ten years, to begin from the day the first steamship of the said line shall depart from the port of San Francisco with the mails for the Hawaiian Islands: *Provided*, No bid shall be considered which shall amount to more than one hundred thousand dollars for the twelve round trips per annum, nor unless the same be from a citizen or citizens of the United States, and accompanied by an offer of good and sufficient sureties (also citizens of the United States) for the faithful performance of such contract: *And provided further*, That before the acceptance of the said steamships by the Postmaster General for the said service, they shall be subject to inspection and survey by an experienced naval constructor, to be detailed for that purpose by the Secretary of the Navy, whose report shall be made to the Postmaster General.

SEC. 2. *And be it further enacted*, That any contract which the Postmaster General may execute under the authority of this act shall go into effect on or before the 1st day of January, 1868, and shall, in addition to the usual stipulations of ocean mail steamship contracts, provide that the Government of the United States shall be entitled to have transported, free of expense, on each and every steamer, a mail agent to take charge of and arrange the mail matter, to whom suitable accommodations for that purpose shall be assigned; that, in case of failure, from any cause, to perform any of the monthly voyages stipulated for in this contract, a *pro rata* deduction may be made from the compensation on account of such omitted voyage or voyages; that suitable fines and penalties may be imposed for delays and irregularities in the performance of the service; and that the Postmaster General shall have the power, at any time, to determine the contract in case of its being underlet or assigned to any other party.

Mr. McRUER. The amendment I propose is to strike out $100,000 and insert $75,000 where the same occurs, so that it will read, "But no bid shall be considered which shall amount to more than seventy-five thousand dollars."

Mr. SCOFIELD. Does the gentleman yield?

Mr. McRUER. I do not.

Mr. SCOFIELD. Here is a contract for $750,000.

Mr. McRUER. The Thirty-Eighth Congress granted a subsidy of $500,000 to establish a mail line between the port of San Francisco and some part of China, touching at Honolulu, in the Sandwich Islands. Communication with those islands was a very desirable feature of that bill, because we have very important interests there. Those islands have been developed by American commerce, and a large portion of the foreign population of the islands is American. That line has just been put in operation under favorable auspices. But Congress during the present session saw fit to release that company from its obligation to touch at the Sandwich Islands upon the consideration that it should establish an independent line between a port in Japan and the port of Shanghae, in China, and for the reason that it would enable it to make more rapid passages, and thus bring to a certain extent the commerce of Europe to our shores by the way of San Francisco.

Now, since the company has been released from that obligation this bill has been introduced into this House, having first passed the Senate, granting a subsidy of $100,000 to establish an independent line. We ask that $75,000 instead of $100,000 shall be granted. If there is any branch of American industry that requires support from the Government at this time it is our commerce, which has been to a great extent swept from the seas during the rebellion. This bill is important in a commercial view; it will increase our trade with these islands. The whaling interest demands this connection with them. That is one of the most important interests in this country.

And this bill is important politically. Before many years the Sandwich Islands will doubtless yield to the advancing tide of civilization, change its form of government, and probably become a republic. In short, this connection is demanded by every interest of this country. I move the previous question on the bill and amendment.

Mr. SCOFIELD. Will the gentleman yield?

Mr. McRUER. I will yield five minutes.

Mr. SCOFIELD. I do not want five minutes. I do not wish to lay any obstacle in the way of the passage of this bill if it ought to pass. But I wish to call attention to the fact that the bill proposes a contract for ten years at $100,000 per annum as it now stands, or $75,000 if the amendment shall be adopted. Now, we had a contract with a line of steamers running west from San Francisco and stopping at the Sandwich Islands, but during this session it was proposed to release that line and the proposition was carried. So we permitted the line to pass those islands and go straight to China and back. Now comes in a proposition to pay $1,000,000, or if the amendment is adopted $750,000 additional, for communication with Honolulu.

Mr. BLAINE. The gentleman has a very exaggerated way of stating it when he says it is $750,000. It is $75,000 a year for ten years. It is not paying out at once $750,000 for this very important aid to American commerce, but we extend it over a decade.

Mr. SCOFIELD. The gentleman is only repeating in my own language what I have said, only in not so pleasant a way. [Laughter.]

Mr. BLAINE. Ah!

Mr. ALLEY. A single word in behalf of the committee. This bill was not reported from the House committee; it came from the Senate. It was fully considered, however, by the House committee, and we agreed to report a bill fixing the subsidy at $75,000. The Pacific Mail Steamship Company took a contract to run a line of steamers from San Francisco via the Sandwich Islands to China. They were released from the performance of that portion of the contract this winter against the judgment of our committee.

I believe it was put in an appropriation bill. It was all wrong, in my opinion. It may have been done in consideration of additional service to be rendered by the company. I know nothing, however, about that. At all events this communication should not be stopped, and $100,000 is probably as low an amount as the service could be obtained for. But, in the opinion of parties who know most about it, there are those who are so much interested in the political and commercial relations of our own country with the Sandwich Islands that the subsidy may be reduced $25,000, and hence our committee were unanimous, I believe, in recommending $75,000 instead of $100,000. To this amendment I think there can be no objection.

The previous question was seconded and the main question ordered;

Mr. HILL moved to lay the bill and pending amendment on the table.

The motion was disagreed to—ayes 46, noes 61.

The amendment was agreed to; and the bill, as amended, was ordered to be read a third time, and was accordingly read the third time.

Mr. FARNSWORTH. I wish to inquire whether this Government did not have a contract with another steamship company for this same service, to take Honolulu in its route, from which we have released that company, and if we are not now proposing to give this company $75,000 per annum to perform the same service.

Mr. McRUER. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. HILL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 68, nays 49, not voting 79; as follows:

YEAS—Messrs. Alley, Allison, Ames, James M. Ashley, Banks, Barker, Baxter, Bergen, Bidwell, Bingham, Blaine, Boutwell, Sidney Clarke, Conkling, Darling, Davis, Dawes, Dixon, Dodge, Eliot, Ferry, Garfield, Grinnell, Griswold, Hale, Higby, Holmes, Hooper, Chester D. Hubbard, Demas Hubbard, Hunter, Ingersoll, Jenckes, Kelley, Laflin, Lynch, Marquette, Marston, Marvin, Maynard, McClurg, McIndoe, McRuer, Miller, Morrill, Newell, Paine, Pomeroy, Price, Raymond, Alexander H. Rice, John H. Rice, Rollins, Schenck, Upson, Van Aernam, Burt Van Horn, Robert T. Van Horn, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—68.

NAYS—Messrs. Ancona, Baker, Boyer, Broomall, Buckland, Cooper, Cullom, Dawson, Defrees, Eckley, Eldridge, Farnsworth, Finck, Abner C. Harding, Hawkins, Hayes, Hill, Hise, Hogan, James R. Hubbell, Julian, Kerr, Koontz, George V. Lawrence, William Lawrence, Le Blond, Mercur, Moorhead, Niblack, Nicholson, Nocil, Perham, Pike, Ritter, Ross, Sawyer, Scofield, Shanklin, Shellabarger, Sitgreaves, Stevens, Stokes, Taber, Thayer, Trimble, Andrew H. Ward, Henry D. Washburn, Welker, and Wentworth—49.

NOT VOTING—Messrs. Anderson, Arnell, Delos R. Ashley, Baldwin, Beaman, Benjamin, Blow, Brandegee, Bromwell, Bundy, Campbell, Chanler, Reader W. Clarke, Cobb, Cook, Culver, Delano, Deming, Denison, Donnelly, Driggs, Dumont, Eggleston, Farquhar, Glossbrenner, Goodyear, Aaron Harding, Harris, Hart, Henderson, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Jones, Kasson, Kelso, Ketcham, Kuykendall, Latham, Leftwich, Loan, Longyear, Marshall, McCullough, McKee, Morris, Moulton, Myers, O'Neill, Orth, Patterson, Phelps, Plants, Radford, Samuel J. Randall, William H. Randall, Rogers, Rousseau, Sloan, Spalding, Starr, Stilwell, Strouse, Nathaniel G. Taylor, Nelson Taylor, Francis Thomas, John L. Thomas, Thornton, Trowbridge, Hamilton Ward, Warner, Elihu B. Washburne, William B. Washburn, Whaley, Winfield, and Wright—79.

So the bill was passed.

Mr. McRUER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868;

An act (H. R. No. 761) to amend existing laws relative to internal revenue, and for other purposes; and

A joint resolution (H. R. No. 303) to enable the Secretary of War to carry out an agreement in relation to water-power for the arsenal at Rock Island.

RECESS ORDERED.

Mr. THAYER. I rise to a privileged motion. I move that when the House take another recess it be till to-morrow morning at ten o'clock.

Mr. KELLEY. Say nine o'clock.

Mr. HIGBY. I would inquire of the Speaker whether, in his opinion, two hours, from ten to twelve o'clock to-morrow morning, will be sufficient to finish the business of this Congress?

The SPEAKER. If the appropriation bills should be out of the way, two hours would be sufficient. The Chair cannot tell what the action of the Senate on the conference report on the deficiency bill will be. The conference committees have agreed and their report is now before the Senate.

Mr. HIGBY. I move to amend by making it nine instead of ten o'clock.

Mr. THAYER. I accept the amendment.

The motion, as modified, was agreed to.

LAND DISTRICTS IN TERRITORIES.

Mr. JULIAN. I desire to make a motion in relation to the action of the House upon the amendment of the Senate to the bill of the House No. 746, for the organization of land districts in the territories of Arizona, Idaho, Utah, and Montana. The Senate have disagreed to the report of the committee of conference upon that subject. The amendment of the Senate is to strike the territory of Utah from the bill as it passed the House. When it came back here I moved a non-concurrence in the amendment of the Senate, and the appointment of a committee of conference. The motion was agreed to, and the committee of conference was appointed, which committee restored Utah to its place in the bill. The Senate have refused to agree to the report of the committee of conference. I am satisfied that Utah, in common with the other Territories, ought to have the benefit of the machinery of the land office. But I am not willing that Montana should be made to suffer by the refusal of the Senate to include Utah in the provisions of the bill.

I therefore move that the committee of conference be discharged, and that the House recede from its disagreement to the amendment of the Senate.

The motion was agreed to.

Mr. JULIAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRENCH EXPOSITION.

The next business upon the Speaker's table was Senate joint resolution No. 164, supplementary to other joint resolutions to enable the people of the United States to participate in the advantages of the Universal Exposition at Paris in 1867; which was read a first and second time.

Mr. BANKS. I ask that the House proceed to act on this joint resolution.

The joint resolution was read at length. It is provided by the first resolution:

1. That the commission of the United States at the Universal Exhibition, to be held at Paris in the year 1867, shall consist of the commissioner general and honorary commissioner, whose appointment was approved by the joint resolution of January 22, 1866; also of the thirty commissioners, whose appointment was provided for by the joint resolution of July 5, 1866, and of twenty commissioners whose appointment is hereinafter provided for.

2. That the commissioner general shall be the president of the commission thus constituted, with a vote on all questions that may arise.

3. That the commission shall meet at Paris as early as possible before the opening of the Exhibition, upon the call of the commissioner general, and, when properly organized, shall make such rules and regulations as may be necessary for efficient action, with power to elect a vice president from their own number, who, in the absence of the commissioner general, shall preside at all meetings of the commission, and to appoint committees and chairmen of groups.

4. That the commission may designate additional persons, not exceeding twenty in number, being citizens of the United States, known to be skilled in any branch of industry or art, who are hereby authorized to attend the Exhibition in behalf of the United States, as honorary commissioners.

5. That the commission may employ a secretary and clerks for the commission, the necessary scientific assistants and draftsmen, and may engage suitable rooms for the commission.

6. That no commissioner shall act as agent for the show or sale of any article at the Exhibition, or be interested, directly or indirectly, in any profits from any such article.

The second resolution provides that there shall be appropriated out of any money in the Treasury not otherwise appropriated, as follows:

For additional freights from New York to Havre, $15,000.

For transportation and freight from Havre to Paris, $10,000.

For return freight of articles owned by the United States or lent to the Government by individuals, $10,000.

For marine and fire insurance on the articles thus lent, $3,000.

For additional steam-power at Paris, in the "palace" and the "annex," or supplemental building, and in grounds adjacent, $10,000.

For the exhibition of machines, agricultural and other, and for the erection of buildings to illustrate the education and agriculture of the United States, $15,000.

For the necessary expense of collecting, classifying, labeling, and packing mineralogical and metallurgical specimens, to complete the exhibition of the mineral wealth of the United States, $5,000.

For the necessary expense of laborers and extra service in the offices at Paris and New York, $5,000.

For the expenses of a secretary, clerks, scientific assistants, and draftsmen, rooms, and other incidental expenses of the commission, $20,000.

The third resolution provides that it shall be the duty of the general agent at New York, and of the commissioner general at Paris, to transmit to Congress, through the Department of State, a detailed statement of the manner in which the expenditures herein authorized are made by them respectively.

Mr. BANKS. It is not my purpose to press this resolution against the judgment of the House.

Mr. LAWRENCE, of Ohio. As this joint resolution contains an appropriation, I make the point of order that it must be first considered in Committee of the Whole.

Mr. BANKS. I feel it is my duty to ask the action of the House on this joint resolution. I will, therefore, move a suspension of the rules, in order that it may be considered in the House at this time. Before the vote is taken, I ask the privilege of making a few remarks.

Mr. LAWRENCE, of Ohio. I object to any debate on the motion to suspend the rules, which is an undebatable motion.

Mr. SCOFIELD. I would like to know the total amount of the appropriations contained in this bill, and also the aggregate sum which we have appropriated heretofore for this Exhibition.

Mr. BANKS. I move to suspend the rules; and pending that motion I shall be glad, if there be no objection, to make a statement of facts. I shall not occupy more than three or five minutes.

Mr. SCOFIELD. I shall not object if there be allowed an opportunity to reply.

The SPEAKER. If there be no objection five minutes will be allowed to the gentleman from Massachusetts, [Mr. BANKS,] and afterward five minutes to the gentleman from Pennsylvania, [Mr. SCOFIELD.]

There was no objection.

Mr. BANKS. Mr. Speaker, I do not wish to press the passage of this resolution in opposition to the general judgment of the House. I feel it my duty to ask a vote on it; and in order to avoid its being sent to the Committee of the Whole, where it would not be reached, I have moved a suspension of the rules.

Mr. Speaker, at an earlier period of this session the sum of $156,000 in paper was appropriated for this object. The appropriations embraced in the bill just read amount to $93,000; so that if this bill should be passed the aggregate appropriation for this purpose will be $249,000. The necessity for this additional appropriation arises from the fact that the provision adopted by the House for the transportation of the industrial products of the country in public vessels was disagreed to by the Senate, under the representations of the Navy Department. All freight, therefore, has to be paid in money. Another reason is that the contributions for the Exhibition from different parts of the country have been much larger than they were expected to be. A still further reason for this additional appropriation is the fact that there has been so much delay in consummating the passage of this measure that it is now necessary to use steamers instead of sailing-vessels for the purpose of transportation. Two sailing-vessels have been freighted and sent abroad with our products. A steamer is now loading at New York for the same purpose. A large portion of the freights are at Havre and New York. The western portion of the country has thus far been least represented. The agent of the State of New York, who is very earnest for the passage of this resolution, stated to me when he was here a few days since that the representation of western life — of the educational establishments, the cereal and agricultural products of the West and Southwest, contributed by Wisconsin, Minnesota, Nebraska, Iowa, Illinois, Indiana, Missouri, Arkansas, and Alabama, must, unless a further appropriation to pay for freights be made, remain either at New York, to which place they have been shipped without charge, through the liberality of the railways and express companies, or else at Havre. About twenty-five thousand of the $93,000 proposed to be appropriated in this resolution will be expended for freights, the other portion going for other charges.

I do not like to ask the House, after what has transpired here, to vote this additional sum of money; and I think it quite possible that a smaller sum would answer the purpose and secure a proper representation of the industrial interests of this country. The gentleman from Ohio, [Mr. DELANO,] upon whose motion a limitation was put in the resolution passed by the House some time since, expressed his willingness to suggest to the House a reduction of this appropriation from $93,000 to $50,000. If he were in his place now he would propose this reduction. I have only to say, Mr. Speaker, that the western portion of the country is especially interested in this additional appropriation. Great exertions have been made in collecting the industrial products of the West—mineral, agricultural, and mechanical—and they are now either at New York or Havre. Other sections of the country are also interested. A short time since every member of the Pennsylvania delegation in this House signed a paper in encouragement of the collection of representations of the mineral wealth of that State; and a most complete and perfect collection has been obtained. Machinery from New England waits for this money. I suggest a reduction from $93,000 to $50,000; but I will not press the passage of the resolution against the general wish of the House.

Mr. MAYNARD. Before the gentleman takes his seat I would be glad if he would give us some general idea of the extent to which the industry and resources of the country are likely to be exhibited at the coming Paris Exposition.

Mr. BANKS. If the House will allow me I will send an extract of a letter, written by one of the commissioners, to be read by the Clerk.

The Clerk read as follows:

"The efficiency of western exhibitors has been vitally important in saving the nation from failure. As it is, we shall have a splendid triumph, and we shall owe it almost exclusively to the West and its wonderful products. It does seem passing strange that it can be necessary to urge western men to support a measure so peculiarly calculated to promote their immediate interests so immensely, and to permanently exalt the character of their portion of the American Union in the eyes of the civilized world."

* * * * * * * * * * *

"Then, too, the enormous gain to this western continent by emigration. Who gets it but the West? While we on the Atlantic sea-board are burdened with all of the most worthless of the emigrants, who stop in our cities and fill our jails and poor-houses, the young and vigorous and thrifty all go to the western prairies to load them with golden harvests. The West, the great intelligent West, will not thank any of her members for yielding for a moment to any ill-timed feeling of parsimony. The people know

more than the politicians, and see further and deeper, and they know too much to begrudge the seed which will yield so rich a harvest. Such narrow-mindedness better becomes the atmosphere of Spain or priest-ridden Italy than the living, growing, expanding West."

Mr. ELDRIDGE. I would inquire of the gentleman from Massachusetts whether there was not referred to his committee, or to the Committee on Commerce, a joint resolution or memorial of the State of Wisconsin on this very subject?

Mr. BANKS. Resolutions have been referred to the committee from the Legislature of Wisconsin, and also I am informed from the State of Minnesota. These and many other resolutions have been referred to the Committee on Foreign Affairs, asking for the passage of this resolution.

Mr. SCOFIELD. I am aware, sir, that for the past few weeks I have made myself offensive to some members and other persons interested in the passage of certain bills making large appropriations by raising objections and calling the attention of the House to them. I wish to say to the House now, I have done that not expecting and not desiring to obstruct the passage of the appropriations, but to call the attention of the House to them, hoping others might know more about them than I did.

All I have to say about this now is that I believe it is only the first installment, large as it is, a quarter of a million, for which we are taxing the farmers in the name of the farmers for the benefit, I was going to say, of the farmers; I do not mean to apply it in any offensive sense to the gentlemen who are taking charge of this matter of the Exposition, still I believe the advantage and honor of the farming interest are far less considered than they would persuade us. Here is one quarter of a million, and another quarter of a million will have to be paid before we are through with it. I think we might as well stop here. I recollect when the gentleman from Massachusetts applied for an appropriation, which I will say was an extraordinary appropriation, which everybody thought was large and everybody said ought not to be made, but which he finally carried through by his eloquent speech on the occasion, one installment came and now another, and in the next Congress I apprehend, we will have two or three more before we will get clear of it.

Mr. MILLER. How much already has been appropriated for this purpose?

Mr. BANKS. One hundred and fifty-six thousand dollars.

Mr. ROSS. Does the gentleman think it would impair the bill if he struck out the additional twenty men which it provides for?

Mr. BANKS. I do not know who they are. Whoever is appointed will serve without pay.

Mr. GRINNELL. I wish to ask the gentleman if he is aware that the honorable gentleman from the Galena district [Mr. WASHBURNE] who made such desperate and prolonged opposition to this matter has written from Europe that this Exposition promises to be a grand affair, and that he hopes the best men will be sent, as it will redound to the glory of the nation.

Mr. BANKS. If the House will allow me, I will say in answer to the gentleman from Pennsylvania that the appropriation already made is not in excess of that contemplated by the House at the time the resolution was passed, except in one particular. It was estimated in gold by the Senate instead of in paper, as by the House, which made a difference of $56,000; and the freight was contemplated through the instrumentality of public vessels, which I think might have been done.

The Navy Department resisted that; it was surrendered by the Senate; we yielded to it in the House, and that has caused the additional appropriation which has been made. But I submit the question to the House. I will not press it against the general judgment of the Representatives of the people.

Mr. DAVIS. I think that this country ought to feel a deep interest in this Exhibition. I am just as much in favor of economy as one——

Mr. BANKS. I yield to the gentleman only for an inquiry, because the motion is to suspend the rules.

Mr. SCHENCK. I thought the rules were suspended to allow the gentleman from Massachusetts five minutes to make a reply.

The SPEAKER. They were suspended for that purpose.

Mr. BANKS. I move to suspend the rules that the House may vote at once upon the passage of the bill.

The question was taken; and there were—yeas 51, noes 46.

So (two thirds not voting in favor thereof) the rules were not suspended.

DARIEN SHIP-CANAL.

The next business on the Speaker's table was a joint resolution (S. R. No. 181) concerning the right of way for the survey and construction of a ship-canal through the Isthmus of Darien; which was read a first and second time.

Mr. ELIOT. I ask that that resolution be put upon its passage.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of State be, and is hereby, directed to take such steps as may be necessary to obtain from the United States of Colombia authority for the United States to make the necessary surveys at the Isthmus of Darien for a ship-canal to connect the waters of the Atlantic and those of the Pacific oceans, and the terms upon which such right of way may be obtained by this Government.

Mr. ROSS. Is that the resolution that we voted down a day or two ago?

The SPEAKER. This is certainly not the same. If it were it would not be here.

Mr. SCOFIELD. We passed a bill a few days ago directing the Secretary of the Navy to detail certain vessels to convey an exploring party to survey this route. This resolution directs the Secretary of State to see what can be done to acquire the right of way. There is no appropriation in it; and I suppose it ought to follow the other.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

IRON-CLAD ONONDAGA.

The next business on the Speaker's table was an act (S. No. 614) authorizing the Secretary of the Navy to transfer the United States iron-clad Onondaga to George Quintard, of New York; which was read a first and second time.

Mr. LYNCH. I hope that this bill will be now put upon its passage.

The bill was read. It authorizes and directs the Secretary of the Navy to deliver to George Quintard, of New York, for his own use and behoof, the United States iron-clad Onondaga, upon payment by him, his heirs or assigns, to the Treasury of the United States of the sum of $759,673.

Mr. LYNCH. This has the approval of the Navy Department and of the Committee on Naval Affairs.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. LYNCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRE DEPARTMENT OF WASHINGTON.

The next business on the Speaker's table was an act (S. No. 625) to amend an act entitled "An act concerning the fire department of Washington city;" which was read a first and second time.

Mr. WELKER. I am instructed by the Committee for the District of Columbia to recommend the passage of this bill.

The bill was read. It repeals so much of the act concerning the fire department of Washington as provided for the use and occupation of the Union engine-house by the city of Washington.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WELKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CUSTOMS FORFEITURES.

The next business on the Speaker's table was an act (S. No. 577) to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes; which was read a first and second time.

Mr. ELIOT. I am authorized by the Committee on Commerce to ask the House to put this bill upon its passage with three amendments, which I will send to the Clerk's desk to be read.

The amendments were read by the Clerk, as follows:

Section one, line seven, page 1, after the word "merchandise" insert the words "of greater value than $500."

Section two, page 3, line twenty-two, strike out "distinctly and specifically" and insert "the character of."

Section four, page 4, strike out from the words "the ninety-first," in line one, to the words "ninety-nine," in line four, inclusive.

The amendments were agreed to.

The question was upon ordering the bill to be read a third time.

Mr. ROSS. I do not quite comprehend the bill from merely hearing it read in this way. I do not understand why so large a portion of these forfeitures should be given to the officers. I suppose that these officers are already paid by the Government; and we do not pay our sheriff or our constable anything extra for doing his duty and arresting a thief.

Mr. ELIOT. This does not increase the amount allowed to these officers by the law now; it only changes the mode of its distribution.

Mr. ROSS. Why should it be changed?

Mr. HOOPER, of Massachusetts. If the gentleman will allow me, I will state a case which actually occurred and which bears upon this matter. There was a case in which the duty and the penalty, if it had been fully levied, would have amounted to $46,000; but it was compromised for $35,000, and the expenses, $3,000, being deducted, there was $32,000 left, half of which went into the Treasury of the United States, one quarter to the informer, and the other quarter to the naval officer, surveyor, and collector. That is according to the law now. Under the provisions of this bill the duty in all such cases must first be paid into the Treasury, and only the surplus can be so divided.

Mr. ROSS. But what propriety is there in giving the officers this proportion of the proceeds?

Mr. HOOPER, of Massachusetts. That is done now. The object is to make them more zealous. I think this is an excellent bill; it puts a stop to the black-mailing that has been going on hitherto.

Mr. ELIOT. I move the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJUSTMENT OF PRIVATE LAND CLAIMS.

The next business on the Speaker's table was Senate bill No. 578, to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States

of Florida, Louisiana, and Missouri, and for other purposes;" which was read a first and second time.

Mr. THAYER. I am instructed by the Committee on Private Land Claims to recommend that this bill be passed.

The bill was read at length. It provides that the provisions of the act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved June 22, 1860, shall be extended and continued in force for the period of three years after the passage of this act.

Mr. THAYER. In 1860 Congress passed an act appointing the land officers in the States named in this bill, the registers and receivers, commissioners to examine titles which had originated under the authorities exercising dominion before these Territories were acquired by the United States; as Congress has always been in the habit of passing. The act of 1860 required these commissioners simply to investigate the titles and report the result of their examination to the Commissioner of the General Land Office. The Commissioner of the General Land Office is required to report to Congress, and nothing comes of the examination until Congress takes action upon it.

The act of 1860, being limited in duration to five years, has now expired. The effect of this bill, if passed, will be to extend the provisions of that act for three years longer. As Congress retains the final control over all these cases, I do not perceive that any injury can possibly come from the passage of this bill. I hope, therefore, it will be passed.

The bill was read the third time, and passed.

Mr. THAYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOTION FOR A RECESS.

Mr. LAWRENCE, of Ohio, (at twelve o'clock, midnight, Sunday,) moved that the House take a recess.

The SPEAKER. The Chair will take the liberty of saying that if members desire to have the public business concluded by the expiration of this Congress a recess should not now be taken. The Chair is informed that the Senate have agreed to the report of the committee of conference upon the deficiency appropriation bill. After that report shall have been acted upon by the House, a recess may very properly be taken. But the bill may fail absolutely if a recess is taken before it is finally acted upon.

The motion of Mr. LAWRENCE, of Ohio, for a recess was not agreed to.

COINAGE, WEIGHTS, AND MEASURES.

Mr. KASSON. As I am about to close my connection with Congress, I have a slight favor to ask of this House. I ask consent to submit the following resolutions for consideration at this time:

Resolved, That the Committee on a Uniform System of Coinage, Weights, and Measures have leave hereafter to file their report, when completed, with the Clerk of the House of Representatives.

Resolved, That when said report shall be filed the usual number shall be printed, and, in addition thereto, two thousand extra copies for the use of the House and three hundred extra copies for the use of the committee.

Resolved, That the rule establishing said committee be so amended that the title thereof shall be, "The Committee on Coinage, Weights, and Measures;" and the number of members shall be seven.

I will say that the proposition to change the rule has been submitted to and approved by the Committee on the Rules, and the proposition in regard to extra copies has been submitted to and approved by the Committee on Printing.

The SPEAKER. The law requires that the motion to print extra copies shall be referred to the Committee on Printing; and it will be so referred.

Mr. LAFLIN. I am instructed by the Committee on Printing to report the following resolution, upon which I call the previous question:

Resolved, That three hundred extra copies of the report of the Committee on a Uniform System of Coinage, Weights, and Measures, this day authorized to be hereafter made, be printed with covers for the use of the committee making the report, and two thousand copies without covers for the members of the House.

Mr. ELDRIDGE. I would ask if the Committee on Printing can report such a resolution without having a session?

The SPEAKER. The Committee is authorized to report at any time and to hold its sessions, if need be, on the floor of the House while the House is in session.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution reported by the Committee on Printing was agreed to.

Mr. LAFLIN moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The resolutions offered by Mr. KASSON were then agreed to.

Mr. KASSON moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a joint resolution (S. R. No. 148) presenting the thanks of Congress to Cyrus W. Field, in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 1227, making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. STEVENS submitted the following report from a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 13, 1867, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House of Representatives recede from their disagreement to the amendments of the Senate, numbered one, three, four, five, six, seven, nine, eleven, twelve, thirteen, fifteen, sixteen, nineteen, twenty-two, twenty-three, and twenty-four, and agree to the same.

That the Senate recede from their amendments numbered two, eight, ten, fourteen, seventeen, and eighteen.

That the House of Representatives recede from their disagreement to the twentieth amendment of the Senate, and agree to the same, with an amendment, as follows: in line three of said amendment strike out the words "for the present fiscal year;" and after the word "clerks" in line four insert the following words: "to take effect from and after the 1st day of January, 1867," and the Senate agree to the same.

That the House recede from their disagreement to the twenty-first amendment of the Senate, and agree to the same, with amendments as follows: in line eight of said amendment, after the word "eastern," insert "and western;" and in same line strike out the word "district" where it first occurs and insert "districts;" and the Senate agree to the same.

THADDEUS STEVENS,
JOHN A. KASSON,
Managers on the part of the House.
W. P. FESSENDEN,
J. W. GRIMES,
W. M. STEWART,
Managers on the part of the Senate.

Mr. STEVENS. Unless some member desires to ask some question I will ask that the vote be now taken upon agreeing to this report.

Mr. CONKKING. I would like to inquire whether the salaries of the Federal judges, as now fixed by law, are raised by any amendment of the Senate in which the committee of conference recommend concurrence? If those salaries, or any of them, have been raised, I would inquire how many of them have been raised, what is the highest salary, and what the lowest proposed by this report. And then, if the gentleman from Pennsylvania [Mr. STEVENS] will allow me, I would like to make a single remark.

Mr. STEVENS. The highest salary is that of the judge for the district of California, which is now fixed by law at $5,000, and is not changed by this report. The next highest is that of Louisiana, $4,500. Then come a number of others, beginning with Massachusetts; then New York, in which I think there are three districts; then Pennsylvania and one or two of the western districts, which are raised to $4,000. All the others are $3,500. Perhaps, in order to have the matter stated accurately, the Clerk better read that provision.

The Clerk read as follows:

And be it further enacted, That the salary of the district judge of the district of California shall be $5,000; the salary of the district judge of the district of Louisiana shall be $4,500; the salaries of the district judges of the district of Massachusetts, northern, southern, and eastern districts of New York, eastern and western districts of Pennsylvania, the district of Maryland, northern district of Illinois, southern district of Ohio, and the district of New Jersey, shall be $4,000 each; and the salaries of the district judges of every other district shall be $3,500 each; and said salaries shall be in full compensation for the official services performed by said judges, and shall take effect at the commencement of the next fiscal year; and no other allowance or payment shall be made to them for traveling expenses or otherwise; and the amount necessary to pay the increased compensation herein provided shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. CONKLING. Will the gentleman from Pennsylvania state how many amendments the Senate have put on this deficiency bill?

Mr. STEVENS. I cannot tell.

Mr. CONKLING. A considerable number, I suppose, and involving a large amount.

Mr. STEVENS. A considerable amount, of which we have struck off perhaps $200,000.

Mr. CONKLING. If the gentleman will allow me, I will make a single remark.

Mr. STEVENS. Very well.

Mr. CONKLING. I desire to do so, in order to justify a little of the emphasis with which I perhaps may have spoken last night in reference to another bill about which the two Houses had disagreed.

This very amendment, raising the salaries of these judges, was among those from which the Senate last night affected to recede; though we in the conference committee saw very clearly that the design was to reserve them to be placed in some other bill. And here they come, to plague us, if not the inventor.

Now, every gentlemen will remember that according to the Constitution we can never reduce the salaries of these judges; so that for life, and I may say forever, by this bill, we are raising very largely the tariff of judicial pay.

Some of these judges are friends of mine, and as a mere matter of personal feeling I could rejoice in their good fortune. There is the judge of the northern district of New York, toward whom personally I have the kindest feelings, and I regret that for the last year he has been compelled to spend a large part of his time under medical treatment and in repose, so that he has not been able to attend to his official duties. It will seem, however, rather harsh to the chief justice of the State of New York, for example, who labors in court many months, and labors out of court if he does his duty, that gentlemen performing lighter duty shall receive hundreds of dollars more than he. It will seem to some people extraordinary, in those districts where, gentlemen around me know better than I, the judicial labors are so small, that we should fix perpetually a certain rate of compensation, the highest known by the State of New York to be paid to the highest judicial officer of the first republican State in Christendom in proportion to population.

Mr. UPSON. How much is to be performed in the eastern district of New York?

Mr. CONKLING. I will say in that regard that the judge of the eastern district will discharge the duties of his own district, and owing to the advanced age of the judge of the southern district he performs for him, too, a considerable amount of duty.

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Mr. RAYMOND. There is not a more laborious judge in the State of New York than the judge of the eastern district.

Mr. CONKLING. I have said about all I rose to say; I did not intend to detain the House but a moment; I will not make the motion; I have done enough in that way. I was about to remind the House we are now fixing minimum salaries to be paid to Federal judges in the smallest districts for the lightest labor to be performed by any judge at $3,000, which in the State of New York is deemed to be the highest salary which should be paid to the highest judicial officer in the Commonwealth; I do not hesitate to say I deem it excessive. If any gentleman will sit down and make the computation of the amount of increase of pay running for the lives of these men this will lead to, he will find it will be numbered by thousands of dollars. That is where we are, because we did not insist upon keeping those amendments before the House and make them as we think they ought to be.

Mr. STEVENS. I think, sir, every man understands perfectly well whether there is too much paid to the judges in his own neighborhood. I am quite sure that it is time we should adjourn, and therefore I demand the previous question.

Mr. SCOFIELD. I would like to know whether this is the only objectionable feature?

Mr. CONKLING. I understand there are twenty amendments receded from before to be put into this bill.

Mr. JENCKES. I ask the gentleman from Pennsylvania to yield to me for a few minutes.

Mr. STEVENS. I withdraw the previous question, and yield to the gentleman from Rhode Island.

Mr. JENCKES. I wish to say a word in reply to the remarks of the gentleman from New York as to the conduct of the Senate in the conference committee. We know nothing of it here but what the gentleman has reported. I trust that the Senate committees of conference will be animated by a different sentiment when the honorable gentleman takes his seat in that body.

It seems to me, however, that the fact stated should have no consideration or weight in this matter. Sir, in the Congress of the United States for many years it seems the least honorable part of the Government has been this of the judges. There has not been a judge on the Atlantic or lake coast who has not been called upon to decide questions in admiralty law and in the law of nations requiring the greatest legal and highest judicial talent—questions of the gravest importance submitted to men to whom we paid the small pittance of $2,000 a year. The judge of the district court of Connecticut labors now nearly ten months in the year unceasingly. The judge in Rhode Island, holding both circuit and district court, labors as long. The judge in Vermont labors nearly, if not quite as much. They are required to hold circuit courts in the absence of the supreme court judges.

Mr. Speaker, I do not consider it any argument against agreeing to this amendment that the State of New York does not pay its judges what it ought to. It does not follow that because that great State is mean in its treatment of its judges the United States of America should be mean also.

Mr. ROSS. Is there any law prohibiting these judges from resigning at any time? [Laughter.]

Mr. JENCKES. No; but there is a policy which prevents men who are competent to discharge the duties of the position from accepting these offices when they become vacant.

Mr. STEVENS. I demand the previous question upon agreeing to the report.

Mr. ALLEY. I move to lay the report on the table.

The SPEAKER. If that is done it will carry the bill with it.

Mr. WILSON, of Iowa. I hope that will not be done, because this bill contains some important appropriations.

The SPEAKER. This bill contains $11,000,000 of pension appropriations.

Mr. ALLEY. I withdraw the motion.

The question recurred upon agreeing to the report of the committee of conference.

Mr. LAWRENCE, of Ohio. I demand the yeas and nays. This bill increases salaries, and for that reason I am opposed to agreeing to the report of the committee of conference.

Upon ordering the yeas and nays upon agreeing to the report of the committee of conference, there were—ayes 10, noes 73. So (one fifth not voting in favor thereof) the yeas and nays were not ordered.

The question recurred upon agreeing to the report of the committee of conference; and being put, there were—ayes 70, noes 20; no quorum voting.

Mr. LAWRENCE, of Ohio. I demand tellers.

Tellers were ordered; and Mr. LAWRENCE, of Ohio, and Mr. DAWSON were appointed.

The House divided; and the tellers reported—ayes 75, noes 28.

So the report of the committee of conference was agreed to.

Mr. STEVENS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEVENS. I move that the House now take a recess.

The motion was agreed to; and accordingly (at twelve o'clock and fifty minutes a. m.) the House took a recess until nine a. m.

The House resumed its session at nine a. m.

WILLIAM H. WEBB.

Mr. DARLING. I desire to take from the Speaker's table the Senate bill for the relief of William H. Webb.

No objection being made, the bill was taken up, received its several readings, and was passed.

Mr. DARLING moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

DUTIES ON FOREIGN MERCHANDISE.

Mr. DARLING. I desire now to take up Senate bill No. 609, allowing duties on foreign merchandise imported into the port of Albany, to be secured and paid at that port.

No objection being made, the bill was taken from the Speaker's table, received its several readings, and was passed.

Mr. DARLING moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. DARLING. I ask the House to take up Senate bill No. 622, to repeal the provisions of the law authorizing the introduction of foreign goods into the United States without inspection at the usual ports of entry.

No objection being made, the bill was taken from the Speaker's table, and was read a first and second time.

Mr. ELIOT. I move that this bill be referred to the Committee on Commerce.

The motion was agreed to.

JAMES FULTON.

Mr. DARLING. I desire to take up Senate bill No. 557, for the relief of James Fulton, paymaster in the United States Navy.

No objection being made, the bill was taken from the Speaker's table, and read a first and second time.

The bill authorizes and directs the proper accounting officers of the Government to allow to James Fulton, paymaster in the Navy, in the settlement of his accounts, credit for the sum of $17,213 95 for clothing and small stores abstracted from the inspection building in charge of said Fulton while on duty at the navy-yard, Washington.

Mr. PRICE. I call for the reading of the report of the committee upon this bill.

The Clerk read the report of the committee, as follows:

The Committee on Naval Affairs, to whom was referred the "petition of James Fulton, paymaster United States Navy, praying to be released from all responsibility for a deficiency in the clothing and small-store account of the inspection in the Washington navy-yard, discovered in October, 1866," has had the same under consideration, and beg leave respectfully to report:

The petition sets forth that the petitioner was ordered to the Washington navy-yard as paymaster of the yard and inspector of provisions, clothing, and small stores, on the 1st of February, 1865. That soon after he reported for duty the war against the rebellion closed, and that in consequence thereof the onerous burden fell upon him of paying off, transferring, arranging the bounties, accounts, &c., of the sailors attached to the Potomac flotilla, amounting to two thousand five hundred men, besides receiving and inspecting all the provisions, clothing, and small stores turned into the inspection from the different vessels of the flotilla. That this work was in addition to his regular work of paying off monthly the officers of the station and the mechanics and laborers of the yard, amounting to one thousand five hundred men. That during a period of twenty months he disbursed $2,500,000, or $125,000 per month. That this work was so arduous that he and his clerks were compelled to work nights and Sundays to keep his books up. That in consequence of being so busily employed in the pay-office he was necessitated to intrust to the clerk of the inspection, A. N. Thompson, the duties of that department. That this man Thompson had held the position of the clerk of inspection for several years, and had been highly recommended by all former paymasters under whom he had served for honesty, capacity, &c., and that in consequence of such recommendations he was retained. The petitioner, having full confidence in Thompson, and forced to do so by the pressure of duties upon him, sets forth that he intrusted to Thompson the keys of the inspection building, which is separate from the pay-office. That Thompson availed himself of the opportunity to steal a large amount of valuable articles, such as black silk handkerchiefs and sewing silk, which he could very easily conceal under his coat and elude the vigilance of the sentry at the navy-yard gate. That not until October, 1866, was the deficiency in the clothing and small store account discovered, and that when discovered was immediately reported to the Navy Department. Thompson was immediately arrested and sent to jail, in default of bail to the amount of $10,000. He was subsequently bailed out, and is now awaiting his trial.

Accompanying the petition is a copy of the testimony of the witnesses in the case, and also of the bill found against Thompson by the grand jury of the District of Columbia, which appear to be conclusive of his guilt.

The Navy Department takes a very favorable view of Paymaster Fulton's application, as is apparent from the following correspondence:

NAVY DEPARTMENT, WASHINGTON,
February 11, 1867.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, relating to the petition of Paymaster James Fulton, and to transmit in reply a communication from the chief of the Bureau of Provisions and Clothing upon the subject.

The Department has now, as it has always had, the fullest confidence in the honesty and integrity of Paymaster Fulton, and places perfect reliance upon his statements.

The inclosures accompanying your letter are herewith returned.

Very respectfully, G. WELLES,
Secretary of the Navy.

Hon. JAMES W. GRIMES,
Chairman Naval Committee, United States Senate.

BUREAU OF PROVISIONS AND CLOTHING,
February 11, 1867.

SIR: I have the honor to acknowledge the receipt of the letter of Hon. J. W. GRIMES, chairman of the Naval Committee of the Senate, with the papers in the case of Paymaster J. Fulton, referred by you to this bureau, and to report:

That Paymaster Fulton has always maintained the highest reputation at the department and in the service for integrity and fidelity in the discharge of his duties.

Owing to the insufficient number of paymasters in the Navy at the time he was ordered to the Washington navy-yard, in February, 1865, it was impossible to assign another paymaster with whom to divide the duties, which were of so laborious and complicated a nature as would otherwise have made it advisable to do so.

His accounts for the expenditure of very large sums of money have been promptly and fully settled.

His duties in disbursing money were such that he was much absent from the inspection building, and this gave to his clerk, who was thus necessarily left in charge, the opportunity to pursue a continuous and systematic course of dishonesty.

Mr. Fulton received from his predecessor the very highest recommendation of this clerk for honesty and ability, and therefore very naturally gave him full access to articles of value at the inspection building, when other duties obliged him to give his personal attention at the pay-office, in another part of the yard.

Such confidence had this clerk inspired that Mr. Fulton, as well as those paymasters who had pre-

ceded him, had taken the clerk's written account of the articles on hand, instead of making that thorough personal examination which would have been desirable.

In Mr. Fulton's case more than in any other this was pardonable, since, owing to the pressure of business incident to the close of the war, his duties were more arduous than had ever been performed by any paymaster at that yard.

The difficulties of Mr. Fulton's position, owing to the breaking up of the Potomac flotilla, were very great, and I have no doubt that he gave to the public property intrusted to him all the care and attention which he would have given to it had it been his own.

Considering Mr. Fulton's case an exceptional one, I hope that an examination of the papers in the case (which are herewith returned) will secure a favorable report for that officer.

Very respectfully, your obedient servant,
H. BRIDGE, *Chief of Bureau.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

In reference to the amount of loss sustained by Paymaster Fulton through these depredations by Thompson, and for which he asks relief, there is submitted to the committee the following letter from the chief of the Bureau of Provisions and Clothing:

NAVY DEPARTMENT,
BUREAU OF PROVISIONS AND CLOTHING,
WASHINGTON, *January* 14, 1867.

SIR: In the examination and settlement of your account as inspector of provisions and clothing at the navy-yard, Washington, District of Columbia, there is found a deficiency of $17,257 99, as follows:

Clothing	$12,797 28
Small stores	4,460 71
	$17,257 99

Very respectfully, sir, your obedient servant,
H. BRIDGE, *Chief of Bureau.*

Paymaster JAMES FULTON, *United States Navy, Washington, District of Columbia.*

In view of the facts above recited, your committee agree in the opinion expressed in the communication from the Secretary of the Navy that this is an exceptional case, and believe that it is one in which relief can equitably and properly be granted, and they therefore beg leave to report the accompanying bill.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. DARLING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THANKS TO CYRUS W. FIELD.

Mr. DARLING. I ask unanimous consent to take up a resolution returning thanks to Cyrus W. Field.

Mr. WILSON, of Iowa. I demand the regular order.

EXCHANGE OF PUBLIC DOCUMENTS.

The next business on the Speaker's table was joint resolution (No. 179) to provide for the exchange of certain public documents; which was read a first and second time.

The resolution is as follows:

Be it resolved, That fifty copies of all documents hereafter printed by order of either House of Congress, and fifty copies additional of all copies printed in excess of the usual number, together with fifty copies of each publication issued by any Department or bureau of the Government, be placed at the disposal of the joint Committee on the Library, who shall exchange the same through the agency of the Smithsonian Institute for such works published in foreign countries, and especially by foreign Governments, as may be deemed by said committee the equivalent of said works, to be deposited in the Library of Congress.

The resolution was ordered to a third reading, and it was accordingly read the third time.

The question being upon the passage of the joint resolution, it was put, and decided in the negative.

So the joint resolution was rejected.

ELIZA WELLS.

The next business on the Speaker's table was Senate bill No. 611, to extend to, and for the benefit of, Eliza Wells letters-patent heretofore issued to Henry A. Wells, deceased; which was read a first and second time.

Mr. MYERS. I ask that the bill be put on its passage.

Mr. HARDING, of Illinois. I demand that the bill shall be read.

The bill was read. It provides that the letters-patent granted to Henry A. Wells in 1846, and resigned to Henry A. Barr in 1860, numbered 1086 and 1087 respectively, and bearing date the 4th of December, 1860, shall be, and are, extended to and for the benefit of, Eliza Wells, as administratrix of the estate of Henry A. Wells, deceased, for the further term of seven years from and after the 25th of April, 1867.

Mr. MYERS. I desire to state that the passage of this bill has been unanimously recommended by the Senate Committee and by the House Committee on Patents. The report is very full and very satisfactory; but unless the reading of it is asked for I will not detain the House at this time by having it read. I will state in a few words, however, the reasons which satisfied us that the bill should pass. It is for the relief of Mrs. Eliza Wells, a very old lady, and her children, the widow and heirs of Henry A. Wells, deceased, the inventor of a very valuable improvement in the machinery for manufacturing hat-bodies. It appeared in proof before the committee that hat-bodies which formerly cost twenty-five cents apiece, were by this means reduced in cost to eight cents apiece; and from the statistics before us it appeared that the public had saved at least $6,000,000 by the invention of Mr. Wells; yet the inventor died in extreme poverty and had to be buried by the charity of friends.

There is one peculiar feature in the case to which I ask attention. We had the proof before us by affidavits and otherwise that a great number of the licensees under this patent unite in asking that it may be extended and state that they will gladly pay a royalty to this old lady and her children. I can truly say on behalf of the Committee on Patents that we have never had a more meritorious case before us. I believe that a number of gentlemen on this floor are acquainted with the circumstances of this case and feel the propriety of granting the relief asked. This bill does not propose to take one dollar out of the Treasury. I think I may be permitted to repeat in conclusion, a remark which I have made on a former occasion, that as the Committee on Patents during this and the preceding Congress have reported favorably on very few cases, their recommendation is entitled to some weight. I call the previous question.

Mr. UPSON. I move the bill be laid on the table.

On the motion there were—ayes 11, noes 29; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. UPSON and Mr. DAWES.

The House divided; and the tellers reported—ayes 18, noes 35; no quorum voting.

CALL OF THE HOUSE.

Mr. WILSON, of Iowa. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following-named members failed to answer to their names:

Messrs. Ancona, Anderson, Arnell, James M. Ashley, Baldwin, Banks, Benjamin, Blaine, Blow, Boyer, Brandegee, Bundy, Campbell, Chanler, Sidney Clarke, Cobb, Conkling, Cook, Cooper, Davis, Delano, Deming, Denison, Dixon, Donnelly, Driggs, Dumont, Farnsworth, Farquhar, Aaron Harding, Harris, Hart, Hawkins, Hotchkiss, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, Humphrey, Hunter, Ingersoll, Jones, Julian, Kelso, Ketcham, Kuykendall, Latham, Loan, Longyear, Lynch, Marquette, Marshall, Marston, Marvin, McCullough, McIndoe, McRuer, Mercur, Miller, Moorhead, Morris, Nicholson, O'Neill, Phelps, Pomeroy, Radford, Samuel J. Randall, Raymond, Ross, Rousseau, Sawyer, Shanklin, Spalding, Starr, Strouse, Nathaniel G. Taylor, Nelson Taylor, John L. Thomas, Thornton, Trimble, Trowbridge, Van Aernam, Robert T. Van Horn, Andrew H. Ward, Hamilton Ward, Warner, Elihu B. Washburne, Whaley, Williams, Stephen F. Wilson, Windom, Woodbridge, and Wright.

The SPEAKER. One hundred and two members—more than a quorum—have answered to their names.

Mr. DARLING. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

ELIZA WELLS—AGAIN.

Mr. UPSON. I withdraw the motion to lay the bill on the table, and call for the reading of the report.

The Clerk read the report, as follows:

Report of Committee on Patents, to whom was referred the petition of Eliza Wells, widow of the late Henry Augustus Wells, of the city of New York, praying for an extension of the letters-patent for valuable improvements in the process of manufacturing fur hat-bodies.

The committee find that letters-patent of the United States were granted to the said Henry A. Wells, a citizen of the State of New York, for improvements in the mode of manufacturing hat-bodies, bearing date April 25, 1846. That said Wells died March 27, 1851, and the petitioner was appointed administratrix of his estate January 5, 1852.

The term of said letters-patent expired April 25, 1860. Prior to its expiration the said patent was extended by the Commissioner for a further period of seven years, under the act of July 4, 1836, section eighteen, which term expires April 25, 1867.

It is in proof that the invention has proved one of great value to the public, working a complete revolution in the manufacture of hat-bodies, and saving to the public a sum not less than $6,000,000.

The petitioner prays that said patent may be extended for a further period of seven years, to enable the widow and heirs of the inventor to realize a reasonable compensation for the labor, skill, and ingenuity expended by the husband and father.

It is shown that Henry A. Wells devoted many years of his life to the study and perfection of this invention, which reduced to practice a method of forming hat-bodies, as a substitute for the laborious hand process of "bowing." The cost under the old method of manufacture was about twenty-five cents per hat-body, while under this invention it was reduced to less than eight cents.

That after said letters-patent were granted, up to March 21, 1848, the inventor received for his five years' labor the sum of $4,254, the proceeds of the use of said patent, less the sum of $2,216 51 paid by him for defending his right at law. At this time he conveyed to sundry assignees all his right, title, and interest in and to said patent to secure the payment of his debts, the said assignees agreeing to pay to him during the life of said patentee, and to his heirs, the sum of $1,200 per annum. Up to this time the said Wells had expended nearly fourteen thousand dollars in sustaining his patent, saving only a bare pittance for the support of his family. In March, 1851, the said Wells died, and was buried by the charity of relatives.

The petitioner was regularly paid said annuity of $1,200 up to the time of the expiration of said letters-patent, which sum was the sole means of support of the petitioner and her family up to April, 1860.

At this time, the petitioner, being in straightened circumstances, and finding herself unable to procure the means for an extension of the patent, and enforce the same against the many opposing interests in existence, and finding herself about to be deprived of all means of support, assigned all her interest in said patent for the sum of $10,000 and a yearly annuity of $1,200 during said extension.

The whole of said $10,000 was expended in legal expenses relative to said patent, and she has since been wholly supported on the annuity aforesaid.

The said extension expires on the 25th day of April, 1867, and unless the same is further extended by Congress for a period of seven years, she, the petitioner, in her old age, with a family of three children dependent almost wholly upon her for support, will be deprived of all means of subsistence, and she and her family reduced to absolute poverty.

In view of the great value of the invention to the public, the fact that the inventor wholly failed in his lifetime to reap any reasonable reward for his invention, dying under circumstances of great pecuniary distress, and that the petitioner and her family will be entirely deprived of their means of support and become dependents upon the charity of friends unless this patent be extended, your committee report in favor of granting the prayer of the petitioner, and beg leave to submit the following bill:

Mr. MYERS. I call for the previous question.

The previous question was seconded; there being—ayes sixty-five, noes not counted.

Mr. MORRILL. I move that the bill be laid on the table.

The motion was not agreed to; there being—ayes 34, noes 65.

The main question was ordered; and under the operation thereof the bill was passed.

Mr. MYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 746) to create the office of surveyor general in the Territory of Montana, and establish a land office in the Territories of Montana and Arizona;

An act (H. R. No. 865) granting land to aid in the construction of a railroad from the city

of Stockton to the town of Copperopolis, in the State of California;

An act (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes;

An act (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes;

Joint resolution (H. R. No. 226) extending the provisions of section two of an act entitled "An act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864;

Joint resolution (H. R. No. 270) for the relief of J. H. Riley; and

Joint resolution (H. R. No. 304) in relation to the erection of a jail in the District of Columbia.

EXCHANGE OF PUBLIC DOCUMENTS.

Mr. LAFLIN. I move to reconsider the vote by which the House laid on the table the joint resolution (S. No. 179) to provide for the exchange of certain public documents.

The motion to reconsider was agreed to.

The question recurred on the passage of the joint resolution.

The resolution was read at length. It provides that fifty copies of all documents hereafter printed by order of either House of Congress, and fifty copies additional of all documents printed in excess of the usual number, together with fifty copies of each publication issued by any Department or bureau of the Government, be placed at the disposal of the joint Committee on the Library, who shall exchange the same through the agency of the Smithsonian Institution for such works published in foreign countries, and especially by Foreign Governments, as may be deemed by said committee an equivalent; said works to be deposited in the Library of Congress.

The joint resolution was passed.

Mr. LAFLIN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. GLOSSBRENNER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (S. No. 578) to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri," and for other purposes;

An act (S. No. 614) authorizing the Secretary of the Navy to transfer the United States iron-clad Onondaga to George Quintard, of New York;

An act (S. No. 577) to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes;

An act (S. No. 603) to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands;

An act (S. No. 620) for the relief of Joshua H. Butterworth;

An act (S. No. 625) to amend an act entitled "An act concerning the fire department of Washington city," approved February 18, 1867;

An act (S. No. 576) relating to appeals and writs of error to the Supreme Court;

Joint resolution (S. R. No. 66) for the relief of Joseph R. Morris;

Joint resolution (S. R. No. 176) relative to the post office and sub-Treasury of the city of Boston; and

Joint resolution (S. R. No. 181) concerning the right of way for the survey and construction of an inter-oceanic ship-canal through the Isthmus of Darien.

GOVERNMENT OF REBEL STATES.

The Speaker laid before the House the following letter from the Clerk of the House of Representatives; which was read and laid on the table:

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
WASHINGTON, D. C., *March* 2, 1867.

SIR: I have the honor to state that, in accordance with the resolution of the House of Representatives of the 2d instant, I have presented to the Secretary of State the bill entitled "An act to provide for the more efficient government of the rebel States," together with the certificates of the Clerk of the House of Representatives and the Secretary of the Senate, showing that the said act was passed by a vote of two thirds of both Houses of Congress after the same had been returned to the House of Representatives by the President with his objections, and after the reconsideration of said act by both Houses of Congress, in accordance with the Constitution.

I am, very respectfully, your obedient servant,
EDWARD McPHERSON,
Clerk of the House of Representatives.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

REV. SAMUEL M. BEATTY.

The House, according to order, resumed the consideration of business on the Speaker's table, the first business in order being a bill (S. No. 463) for the relief of Rev. Samuel M. Beatty, of Ohio; which was read a first and second time.

The bill was read at length. It provides for paying to Samuel M. Beatty, of Ohio, out of any money in the Treasury not otherwise appropriated the sum of $413 60, the pay and allowance due to him as chaplain from January 12, 1863, to April 25, 1863, at the United States hospital at Cleveland, Ohio.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

COURTS-MARTIAL IN THE ARMY.

The next business on the Speaker's table was a bill (S. No. 628) entitled "An act relative to courts-martial in the Army;" which was read a first and second time.

Mr. GARFIELD. I move that this bill be indefinitely postponed.

Mr. SCHENCK. As chairman of the Committee on Military Affairs I shall not oppose the indefinite postponement of this bill. It is a measure the passage of which is desired by the Judge Advocate General of the Army, and which I find contains some valuable matter, but along with it much which I think would not meet the approval of the Committee on Military Affairs or of the House. At this period of the session there is no time for the proper consideration of such a measure, but I hope it will be brought up at some future time.

The motion of Mr. GARFIELD was agreed to; and the bill was indefinitely postponed.

D. B. ALLEN AND COMPANY.

The next business on the Speaker's table was Senate bill No. 618, to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails; which was read a first and second time.

The bill provides that the sum of $28,000 be appropriated out of any moneys in the Treasury not otherwise appropriated, for the payment of D. B. Allen & Co., for carrying the United States mails between New York and San Francisco in 1864 and 1865, during the suspension of the overland mail service on the overland route, and that the same shall be in full payment for said service.

Mr. ALLEY. I move that the bill be put on its passage.

Mr. BENJAMIN. That bill has not been before the Committee on the Post Office and Post Roads.

Mr. McRUER. I will say to the gentleman from Missouri that it has been before the Committee on the Post Office and Post Roads, and that it comes here recommended by that committee.

Mr. BENJAMIN. I make the point of order that the bill contains an appropriation, and must therefore, under the rules, be referred to the Committee of the Whole.

The SPEAKER. The Chair thinks the point comes too late. It ought to have been made before the gentleman made his other point.

Mr. McRUER. It has been duly considered by the Committee on the Post Office and Post Roads, and I now demand the previous question on its passage.

The previous question was not seconded; only twenty voting in the affirmative.

Mr. BENJAMIN moved that it be referred to the Committee on the Post Office and Post Roads.

The motion was agreed to.

Mr. BENJAMIN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF CAUSES FROM STATE COURTS.

The next business upon the Speaker's table was Senate bill No. 606, to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866; which was read a first and second time.

Mr. BOUTWELL. I move that the bill be put on its passage.

The bill provides that the act for the removal of causes in certain cases from State courts, approved July 27, 1866, be amended as follows: that where a suit is now pending, or may hereafter be brought, in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, and the matter in dispute exceeds the sum of $500, exclusive of costs, such citizen of another State, whether he be plaintiff or defendant, if he will make and file in such State court an affidavit that he has reason to and does believe that from prejudice or local influence he will not be able to obtain justice in such State court, may, at any time before the final hearing or trial of the suit, file a petition in such State court for the removal of the suit into the next circuit court of the United States to be held in the district where the suit is pending, and offer good and sufficient surety for his entering in such court on the first day of its session copies of all process, pleadings, depositions, testimony, and other proceedings in said suit, and doing such other appropriate acts as by the act to which this act is amendatory are required to be done upon the removal of a suit into the United States court; and it shall be thereupon the duty of the State court to accept the surety and proceed no further in the suit; and the said copies being entered as aforesaid in such court of the United States, the suit shall there proceed in the same manner as if it had been brought there by original process; and all the provisions of the act to which this is amendatory respecting any bail, attachment, injunction, or other restraining process, and respecting any bond of indemnity, or other obligation given upon the issuing or granting of any attachment, injunction, or other restraining process, shall apply with like force and effect in all respects to similar matters, process, or things in the suits for the removal of which this act provides.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. BOUTWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

A. G. SLOO AND COMPANY.

The next business upon the Speaker's table was the Senate joint resolution No. 165, to refer the claims of the trustees of A. G. Sloo to the Court of Claims.

The joint resolution states that doubts are entertained whether the claim of the trustees of Albert G. Sloo upon the Government of the United States for compensation for extra services in carrying the United States mails from 1851 to 1859, inclusive, is embraced by existing laws giving jurisdiction to the Court

of Claims; and it therefore provides, in order to remove all doubts on that subject, that the said claim of the trustees of Albert G. Sloo be referred to the Court of Claims for adjudication thereof, on the petition of said trustees presented to said court, pursuant to authority conferred on said court by any existing law to examine and decide claims referred to it by Congress.

Mr. DELANO. I understand this claim involves a considerable sum of money, not less than $1,000,000. I do not know its merits. I do not rise to make objection to the case but to call for information.

Mr. SCHENCK. My attention has been called to this case. It is one of those cases where there have been favorable reports by both Houses heretofore, but there is a conflict in regard to the amount. I think this is one of those cases which ought to have the deliberate examination of a court, and not hurried through here. I hope, therefore, the joint resolution will be passed, and that this matter will be referred to be examined judicially by the Court of Claims.

Mr. UPSON. I think we had better keep the matter within the control of the House. No objection is made that it has not been considered here.

Mr. SCHENCK. My experience is that large claims acquire a sort of momentum and will go through the House without much consideration. The hugeness of a claim is usually in its favor instead of against it. There has not been that examination there ought to be in this case, and the question is whether Congress should be the arbiter or it should be referred to the Court of Claims to be judicially examined. The solicitor of the Court of Claims informs me this joint resolution is necessary to remove doubts entertained on the subject.

Mr. UPSON. If there is any doubt about it, I think it should be referred to the Committee of Claims.

Mr. SCHENCK. I trust that reference will not be made. I think the resolution as it passed the Senate is a just and fair one. I say this after examination of the whole matter. I say also in relation to it that it has had most favorable reports made by Judge Collamer, whose knowledge on that subject every one will admit, as well as that he was both a good lawyer and an honest man.

Mr. SPALDING. Has this ever undergone the investigation of any one of the House committees?

Mr. SCHENCK. It is not presented in the nature of a claim; it is simply a question of jurisdiction. It only removes the doubts which now exist as to whether the Court of Claims has jurisdiction at this time.

Mr. SPALDING. How much is the claim?

Mr. SCHENCK. It is large in amount. I will sum up by saying that the Postmaster General, who made a favorable and exceedingly able report on this subject, reported in favor of one amount in case a certain construction is given to certain contracts, and another amount if another construction is given, making it a judicial question. I think the court is a better tribunal to settle a judicial question like this than Congress.

Mr. STEVENS. Does it not go before the Court of Claims without the passage of this resolution?

Mr. SCHENCK. That is a doubt which the court wants removed, and which the solicitor of the court applies to have removed. The language of the resolution is prepared so as to remove all doubt and give jurisdiction to the Court of Claims.

The joint resolution was referred to the Committee of Claims.

ENROLLED BILL SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1234) to incorporate the joint-stock company of the Young Men's Christian Association of Washington.

ACCOUNTS OF DISBURSING OFFICERS.

Mr. DAWSON submitted the following privileged report:

The committe of conference upon the disagreeing votes of the two Houses on Senate joint resolution No. 173, to facilitate the settlement of accounts of disbursing officers, after full and free conference have agreed to recommend, and do recommend, that the House of Representatives recede from their amendment to said resolution.

JOHN L. DAWSON,
JAMES F. WILSON,
Managers on the part of the House.

HENRY WILSON,
GEORGE H. WILLIAMS,
JAMES W. GRIMES,
Managers on the part of the Senate.

The report was adopted.

Mr. DAWSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

AMENDMENT OF NAVAL LAWS.

The next business on the Speaker's table was Senate bill No. 509, to amend certain acts in relation to the Navy, which was read a first and second time.

Mr. RICE, of Massachusetts, moved that the bill be put upon its passage.

The bill was read *in extenso*.

Mr. RICE, of Massachusetts. I move to amend by striking out in section two, after the word "that," these words:

The number of midshipmen authorized by law at the Naval Academy shall be exclusive of those who on the 5th of March of each year shall be members of the graduating class of that year and.

Mr. SPALDING. Does this bill propose to make a commandant of the Marine corps a brigadier general?

Mr. RICE, of Massachusetts. It does.

Mr. SPALDING. I hope the House will vote against it.

The amendment was agreed to.

Mr. RICE, of Massachusetts. I move to amend the eighth section by inserting after the word "ten" the words "appointed annually."

The amendment was agreed to.

Mr. RICE, of Massachusetts. In the same section I move further to amend by inserting after the word "appointed" the words "for any vacancy already existing."

The amendment was agreed to.

Mr. RICE, of Massachusetts. I move the following as a new section:

SEC. —. *And be it further enacted*, That officers on the retired and reserved lists of the Navy shall be entitled to promotion as their several dates on the active list are promoted; but such promotion shall not entitle them to any pay beyond that to which they were entitled when retired, unless upon active duty, when they shall receive the full pay of their respective grades: *Provided*, That no promotion shall be made to the grade of rear admiral upon the retired list, in order that there shall be in that grade the full number allowed by law.

The amendment was agreed to.

Mr. RICE, of Massachusetts. I call the previous question on the passage of the bill.

Mr. SPALDING. I move to strike out the eighth section as follows:

That the commandant of the Marine corps shall have the rank and pay of a brigadier general of the Army.

Mr. RICE, of Massachusetts. I will say to the gentleman that the committee have thoroughly examined the subject, and that we submitted an elaborate report on the subject. We find that it was recommended by the Secretary of the Navy and by the most distinguished men connected with the Navy to embrace the commandant of that corps.

The previous question was seconded and the main question ordered.

Mr. SPALDING. I move to lay the bill on the table.

Mr. RICE, of Massachusetts. I will give the gentleman an opportunity to take a vote on this amendment to strike out the eighth section.

The question being put on striking out the section, there were—ayes 47, noes 46, no quorum voting.

The Chair ordered tellers; and Messrs. RICE, of Massachusetts, and SPALDING, were appointed.

The House divided; and the tellers reported—ayes 55, noes 64.

So the amendment was disagreed to.

The bill, as amended, was ordered to be read a third time, and was accordingly read the third time.

Mr. SPALDING. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SPALDING. I withdraw the call; I intended to move the yeas and nays on the paragraph, and not the passage of the bill.

Mr. LAWRENCE, of Ohio. I insist upon the call.

The question was taken; and it was decided in the affirmative—yeas 94, nays 65, not voting 32; as follows:

YEAS—Messrs. Alley, Allison, Ancona, Delos R. Ashley, Baldwin, Banks, Barker, Bidwell, Bingham, Blaine, Boutwell, Boyer, Bundy, Chanler, Cooper, Darling, Davis, Dawes, Dawson, Dixon, Dodge, Eggleston, Eldridge, Farnsworth, Ferry, Garfield, Glossbrenner, Grinnell, Griswold, Hale, Aaron Harding, Hart, Hayes, Henderson, Higby, Hill, Hogan, Hooper, Chester D. Hubbard, Edwin N. Hubbell, Hulburd, Ingersoll, Jenckes, Jones, Kasson, Kelley, Kerr, Kuykendall, Laflin, Latham, Le Blond, Lynch, Marston, Marvin, Maynard, McClurg, McCullough, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Myers, Newell, Nicholson, Noell, O'Neill, Orth, Patterson, Perham, Pike, Plants, Pomeroy, Price, Radford, Raymond, Alexander H. Rice, John H. Rice, Rollins, Schenck, Shanklin, Sitgreaves, Starr, Stilwell, Strouse, Thayer, Robert T. Van Horn, Warner, Henry D. Washburn, William B. Washburn, Whaley, Woodbridge, and Wright—94.

NAYS—Messrs. Ames, Anderson, Arnell, Baker, Baxter, Beaman, Benjamin, Bergen, Bromwell, Broomall, Buckland, Campbell, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Cullom, Defrees, Delano, Farquhar, Finck, Goodyear, Abner C. Harding, Harris, Hawkins, Hise, Holmes, Hotchkiss, Demas Hubbard, James R. Hubbell, Hunter, Julian, Ketcham, Koontz, George V. Lawrence, William Lawrence, Leftwich, Marshall, McKee, Moulton, Paine, William H. Randall, Ritter, Ross, Sawyer, Scofield, Shellabarger, Sloan, Spalding, Stevens, Stokes, Taber, Nathaniel G. Taylor, Trimble, Trowbridge, Upson, Van Aernam, Burt Van Horn, Andrew H. Ward, Wentworth, Williams, James F. Wilson, Windom, and Winfield—65.

NOT VOTING—Messrs. James M. Ashley, Blow, Brandegee, Culver, Deming, Denison, Donnelly, Driggs, Dumont, Eckley, Eliot, Asahel W. Hubbard, John H. Hubbard, Humphrey, Kelso, Loan, Longyear, Marquette, McIndoe, Niblack, Phelps, Samuel J. Randall, Rogers, Rousseau, Nelson Taylor, Francis Thomas, John L. Thomas, Thornton, Hamilton Ward, Elihu B. Washburne, Welker, and Stephen F. Wilson—32.

So the bill was passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CLARK, one of its Clerks, announced that the Senate had passed, without amendment, a bill and joint resolutions of the following titles:

An act (H. R. No. 591) for the relief of Thomas D. Burrall;

A joint resolution (H. R. No. 267) for the reduction of the military reservation at Fort Riley, and to grant land for bridge purposes to the State of Kansas; and

A joint resolution (H. R. No. 297) instructing the Secretary of the Interior to order a survey for a bridge or bridges across the Potomac.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 609) allowing the duties on foreign merchandise imported into the port of Albany to be secured and paid at that place;

An act (S. No. 557) for the relief of James Fulton, paymaster in the United States Navy; and

An act (S. No. 588) for the relief of William H. Webb.

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ADMISSION OF LADIES ON THE FLOOR.

Mr. STEVENS. I make the usual motion on the last day of the session, that the families of members be admitted into the cloak-rooms of this Hall.

The motion was agreed to unanimously.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had chosen Hon. BENJAMIN F. WADE, one of the Senators from the State of Ohio, President of the Senate *pro tempore*.

The message further announced that the Senate had passed, without amendment, a joint resolution of the House No. 283, authorizing the Secretary of State to present to Captain James G. Smith, of the British brig Victoria, a gold chronometer in token of appreciation of his services in rescuing from death the master, officers, crew, and passengers on board of the American brig E. H. Fitler.

THANKS TO CYRUS W. FIELD.

The SPEAKER, by unanimous consent, laid before the House the joint resolution of the Senate No. 148, presenting the thanks of Congress to Cyrus W. Field; which was read a first and second time.

The joint resolution was read at length. The first resolution provides that the thanks of Congress be presented to Cyrus W. Field, of New York, for his foresight, courage, and determination in establishing telegraphic communication, by means of the Atlantic cable, traversing mid ocean, and connecting the Old World with the New, and that the President of the United States be requested to cause a gold medal to be struck with suitable emblems, devices, and inscriptions to be presented to Mr. Field.

The second resolution provides that when the medal shall have been struck, the President shall cause a copy of this joint resolution to be engrossed on parchment, and shall transmit the same, together with the medal, to Mr. Field, to be presented to him in the name of the people of the United States of America.

The third resolution provides that a sufficient sum of money to carry this joint resolution into effect shall be appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was then read the third time, and passed unanimously.

BREVETS IN THE ARMY.

The House resumed the consideration of business upon the Speaker's table; the next business being Senate bill No. 634, relating to brevets in the Army of the United States; which was read a first and second time.

The bill was read at length. It authorizes the President, by and with the advice and consent of the Senate, to confer brevet rank on officers in the Army of the United States on account of gallant, meritorious, or faithful conduct in the volunteer service, prior to appointment in said Army of the United States.

Mr. SCHENCK. I desire to say simply that a bill precisely similar to this passed the House unanimously some time since. But there seems to be a pride of paternity in some quarters about such bills, and the bill was killed in the Senate on the report of the Committee on Military Affairs of that body. The same bill is now sent back to us a Senate bill, being word for word and letter for letter the very bill which the House has already passed. The bill, in its present exact shape, was originally reported from the Committee on Military Affairs of this House by my colleague on that committee, the gentleman from Maine, [Mr. BLAINE.]

The bill was then read the third time, and passed.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRESENTS FROM EMPEROR OF RUSSIA.

The next business on the Speaker's table, was Senate joint resolution No. 184, authorizing Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the ironclad Miantonomoh and of the gunboat Augusta to accept presents tendered them by the Emperor of Russia; which was read a first and second time.

The joint resolution was then read the third time, and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

BRAZILIAN CHAMBER OF SENATORS, ETC.

The last business upon the Speaker's table was the Senate joint resolution No. 183, thanking the Chamber of Senators and Deputies of Brazil for their resolutions of sorrow and sympathy on the death of President Lincoln; which was read a first and second time.

The joint resolution was then read the third time, and passed.

Mr. BANKS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY MILLER.

Mr. FARNSWORTH, from the select Committee on the Murders of Union Soldiers in South Carolina, made a report in the case of Henry Miller; which, with the accompanying documents, was laid on the table, and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. GLOSSBRENNER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (S. No. 408) for the relief of Rev. Samuel M. Beatty, of Ohio;

An act (S. No. 611) to extend to, and for the benefit of, Eliza Wells, letters-patent heretofore issued to Henry A. Wells, deceased;

An act (S. No. 606) to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866;

Joint resolution (S. R. No. 173) to facilitate the settlement of accounts of disbursing officers;

Joint resolution (S. R. No. 178) in relation to national banking associations; and

Joint resolution (S. R. No. 179) for the exchange of certain public documents.

Mr. COBB, from the same committee, also reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 591) for the relief of Thomas D. Burrall;

Joint resolution (H. R. No. 267) for the reduction of the military reservation of Fort Riley, and to grant land for bridge purposes to the State of Kansas;

Joint resolution (H. R. No. 283) authorizing the Secretary of State to present to Captain James G. Smith, of the British brig Victoria, a gold chronometer in token of appreciation of his services in rescuing from death the master, officers, crew, and papers on board of the American brig E. H. Fitler; and

Joint resolution (H. R. No. 297) instructing the Secretary of the Interior to order a survey for a bridge or bridges across the Potomac.

PARIS EXPOSITION.

Mr. BANKS. I rise to a privileged motion. Several gentlemen who voted against the joint resolution of the Senate No. 164, supplementary to other joint resolutions to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867, have asked me to move again to suspend the rules, so that the joint resolution may be considered in the House and not in Committee of the Whole. I make the motion at their suggestion, feeling that it is my duty to submit the question to the House.

Mr. SCOFIELD. I call for the yeas and nays on the motion to suspend the rules.

Mr. BANKS. I have no objection to the yeas and nays. I will merely state that if the motion to suspend the rules is agreed to, I shall move to decrease the appropriation from $93,000 to $50,000, upon the suggestion of the agent for the State of Illinois, who has expressed the opinion to me that $50,000 will be sufficient to accomplish what is necessary.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 106, nays 51, not voting 34; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, James M. Ashley, Banks, Barker, Baxter, Bidwell, Bingham, Blaine, Blow, Boutwell, Boyer, Bromwell, Buckland, Chanler, Sidney Clarke, Cooper, Cullom, Darling, Davis, Dawes, Dawson, Delano, Deming, Dixon, Dodge, Donnelly, Driggs, Eckley, Eggleston, Eldridge, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Goodyear, Grinnell, Griswold, Hale, Abner C. Harding, Henderson, Higby, Hill, Hogan, Hooper, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Hunter, Ingersoll, Jenckes, Julian, Kasson, Kelley, Kelso, Kuykendall, Laflin, Latham, Leftwich, Lynch, Marshall, Marston, Marvin, Maynard, McClurg, McRuer, Moorhead, Moulton, Myers, Newell, Nicholson, O'Neill, Orth, Paine, Perham, Phelps, Plants, Pomeroy, Radford, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Ross, Rousseau, Sitgreaves, Sloan, Spalding, Starr, Stilwell, Strouse, Taber, Nathaniel G. Taylor, Nelson Taylor, Thayer, Francis Thomas, Van Aernam, Burt Van Horn, Robert T. Van Horn, Andrew H. Ward, Hamilton Ward, Warner, Henry D. Washburn, Wentworth, Whaley, James F. Wilson, Stephen F. Wilson, Windom, Winfield, Woodbridge, and Wright—106.

NAYS—Messrs. Ancona, Arnell, Delos R. Ashley, Baker, Baldwin, Beaman, Benjamin, Bergen, Broomall, Campbell, Reader W. Clarke, Cook, Defrees, Denison, Finck, Glossbrenner, Aaron Harding, Hawkins, Hayes, Hise, Holmes, Hotchkiss, Jones, Kerr, Ketcham, George V. Lawrence, William Lawrence, Le Blond, McCullough, McKee, Mercur, Miller, Morris, Niblack, Noell, Pike, Ritter, Rogers, Rollins, Sawyer, Scofield, Shanklin, Shellabarger, Stevens, Stokes, Thornton, Trimble, Trowbridge, Upson, Welker, and Williams—51.

NOT VOTING—Messrs. Brandegee, Bundy, Cobb, Conkling, Culver, Dumont, Harris, Hart, Asahel W. Hubbard, John H. Hubbard, James R. Hubbell, Koontz, Loan, Longyear, Marquette, McIndoe, Morrill, Patterson, Price, Samuel J. Randall, Schenck, John L. Thomas, Elihu B. Washburne, and William B. Washburn—34.

So (two thirds voting in the affirmative) the rules were suspended.

The House proceeded to consider the joint resolution.

The joint resolution was read. The first resolution provides:

1. That the commission of the United States at the Universal Exhibition to be held at Paris in the year 1867 shall consist of the commissioner general and honorary commissioner, whose appointment was approved by the joint resolution of January 22, 1866; also of the thirty commissioners whose appointment was provided for by the joint resolution of July 5, 1866, and of twenty commissioners whose appointment is hereinafter provided for.

2. That the commissioner general shall be the president of the commission thus constituted, with a vote on all questions that may arise.

3. That the commissioner shall meet at Paris as early as possible before the opening of the Exhibition, upon the call of the commissioner General, and, when properly organized, shall make such rules and regulations as may be necessary for efficient action, with power to elect a vice president from their own number, who, in the absence of the commissioner general, shall preside at all meetings of the commission, and to appoint committees and chairmen of groups.

4. That the commission may designate additional persons, not exceeding twenty in number, being citizens of the United States, known to be skilled in any branch of industry or art, who are hereby authorized to attend the Exhibition in behalf of the United States as honorary commissioners.

5. That the commission may employ a secretary and clerks for the commission, the

necessary scientific assistants, and draftsmen, and may engage suitable rooms for the commission.

6. That no commissioner shall act as agent for the show or sale of any article at the Exhibition, or be interested, directly or indirectly, in any profits from any such article.

The second resolution provides that there be appropriated out of any money in the Treasury not otherwise appropriated:

For additional freights from New York to Havre, $15,000.

For transportation and freight from Havre to Paris, $10,000.

For return freight of articles owned by the United States or lent to the Government by individuals, 10,000.

For marine and fire insurance on the articles thus lent, $3,000.

For additional steam-power at Paris, in the "palace" and the "annex," or supplemental building, and in grounds adjacent, $10,000.

For the exhibition of machines, agricultural and other, and for the erection of buildings to illustrate the education and agriculture of the United States, $15,000.

For the necessary expense of collecting, classifying, labeling, and packing mineralogical and metallurgical specimens, to complete the exhibition of the mineral wealth of the United States, $5,000.

For the necessary expense of laborers and extra service in the offices at Paris and New York, $5,000.

For the expenses of a secretary, clerks, scientific assistants, and draftsmen, rooms, and other incidental expenses of the commission, $20,000.

The third resolution provides that it shall be the duty of the general agent at New York and of the commissioner general at Paris, to transmit to Congress, through the Department of State, a detailed statement of the manner in which the expenditures herein authorized are made by them respectively.

Mr. BANKS. I move to amend by adding to the fourth paragraph of the joint resolution the words "without compensation;" so that the additional commissioners to be appointed shall be required to serve without compensation. I also move to amend the second resolution by striking out the several sums therein named, and inserting at the end of the resolution a clause appropriating for all the purposes named the sum of $50,000. And now I call the previous question on the joint resolution and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to.

The joint resolution, as amended, was ordered to a third reading, and was accordingly read the third time.

Mr. BANKS. I call for the previous question.

The previous question was seconded and the main question ordered; which was on the passage of the joint resolution.

Mr. BAKER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 108, nays 49, not voting 34; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, James M. Ashley, Banks, Barker, Baxter, Bidwell, Bingham, Blaine, Blow, Boutwell, Boyer, Bromwell, Buckland, Chanler, Sidney Clarke, Cooper, Cullom, Darling, Davis, Dawes, Delano, Dixon, Dodge, Donnelly, Driggs, Eggleston, Eliot, Farnsworth, Ferry, Garfield, Goodyear, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Hayes, Henderson, Higby, Hill, Hogan, Hooper, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, Hulburd, Hunter, Ingersoll, Jenckes, Julian, Kasson, Kelley, Ketcham, Koontz, Kuykendall, Laflin, Latham, Lynch, Marquette, Marston, Marvin, Maynard, McClurg, Moorhead, Moulton, Myers, Newell, O'Neill, Orth, Paine, Patterson, Perham, Phelps, Plants, Pomeroy, Radford, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Spalding, Starr, Stilwell, Strouse, Nathaniel G. Taylor, Nelson Taylor, Thayer, Francis Thomas, Thornton, Van Aernam, Burt Van Horn, Robert T. Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, James F. Wilson, Windom, Winfield, Woodbridge, and Wright—108.

NAYS—Messrs. Ancona, Arnell, Delos R. Ashley, Baker, Baldwin, Beaman, Benjamin, Bergen, Broomall, Bundy, Campbell, Reader W. Clarke, Cobb, Cook, Dawson, Denison, Eckley, Finck, Glossbrenner, Aaron Harding, Hawkins, Hise, Holmes, Hotchkiss, Jones, George V. Lawrence, William Lawrence, Le Blond, Leftwich, Lean, Mercur, Miller, Pike, Ritter, Rollins, Rousseau, Sawyer, Schenck, Scofield, Shanklin, Shellabarger, Stevens, Stokes, Trimble, Trowbridge, Upson, Andrew H. Ward, Williams, and Stephen F. Wilson—49.

NOT VOTING—Messrs. Brandegee, Conkling, Culver, Defrees, Deming, Dumont, Eldridge, Farquhar, Harris, John H. Hubbard, James R. Hubbell, Humphrey, Kelso, Kerr, Longyear, Marshall, McCullough, McIndoe, McKee, McRuer, Morrill, Morris, Niblack, Nicholson, Noell, Price, Samuel J. Randall, Rogers, Ross, Sitgreaves, Sloan, Taber, John L. Thomas, and Elihu B. Washburne—34.

So the joint resolution was passed.

Mr. BANKS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSPECTION OF INDIAN AFFAIRS.

Mr. KASSON, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 204) entitled "An act to provide for an annual inspection into Indian affairs, and for other purposes," having met, after full and free conference could not agree, and ask to be discharged from its further consideration.

JOHN A. KASSON,
ROBERT C. SCHENCK,
WILLIAM WINDOM,
Managers on the part of the House.
JAMES R. DOOLITTLE,
SAMUEL C. POMEROY,
ALEXANDER G. CATTELL,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the report.

Mr. KASSON. Mr. Speaker, before the question is taken, I wish to submit a single observation on this subject. Since William Penn made a treaty with the Indians about two centuries ago, we in this country have pursued the policy of treating these tribes as foreign nations. This policy, practiced by the Government of the United States, has resulted in an annual expenditure of millions from the national Treasury. This practice has been pursued without the consideration or consent of this House; and it may yet be necessary for the House to assert its right to a voice in the administration of these matters by refusing to sanction the necessary appropriations until the Senate and the House can come to accord upon this subject, and treat the Indians as all other nations on this continent have treated them—as wards of the Government, and not as foreign nations.

The report was agreed to.

PUBLIC AFFAIRS IN MARYLAND.

Mr. F. THOMAS. I move a suspension of the rules to introduce the following resolution:

Resolved, That the papers in the case of the investigation by the Committee on the Judiciary, pursuant to the order of the House, concerning public affairs in the State of Maryland, be placed in the custody of the Clerk of the House, to be by him submitted to the Fortieth Congress.

The motion to suspend the rules was agreed to; and the question was on agreeing to the resolution.

Mr. MAYNARD. I move to amend the resolution so as to allow the chairmen of all the committees to do the same thing.

The amendment was agreed to.

The resolution, as amended, was adopted.

Mr. F. THOMAS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOINT COMMITTEE ON ORDNANCE.

Mr. MARSTON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, (the Senate concurring,) That the following be added to the Joint Rules of the two Houses, namely:

Rule—. There shall be appointed a joint Committee on Ordnance, consisting of three members of the Senate and three members of the House, to whom shall be referred all matters in relation to ordnance and ordnance stores which shall come in question and be referred to them by either House, and whose duty it shall also be to report from time to time such measures in reference to those subjects as to the said committee may seem advisable.

Mr. MARSTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN AFFAIRS IN COLORADO.

Mr. HART, from the Committee on Indian Affairs, submitted evidence taken in regard to the management of Indian affairs in the Territory of Colorado; which was laid on the table, and ordered to be printed.

DONAHUE, RYAN AND SECOR.

Mr. HIGBY. I ask unanimous consent to take from the Speaker's table Senate joint resolution No. 141, for the relief of Donahue, Ryan & Secor, builders of the iron-clad monitor Camanche.

Mr. WARD, of New York. I object.

Mr. HIGBY. I move to suspend the rules.

The House refused to suspend the rules.

ELIAS BEALE.

Mr. SCHENCK. I ask unanimous consent to take up Senate bill No. 584, for the relief of Elias Beale, late captain company H, eighth regiment Tennessee volunteer infantry. The House Committee on Military Affairs recommend its passage. It is perhaps not technically within the law, but the truth is the man served all the time as a captain while receiving the pay of a private.

The bill provides that the Paymaster General of the United States Army be authorized and directed to settle and pay, out of any money appropriated or hereafter to be appropriated for the payment of the Army, the account of Elias Beale, late a captain of company H, eighth regiment Tennessee volunteer infantry, for his services and all allowances as captain in said regiment in the service of the United States, from the 25th of July, 1863, to the 30th of June, 1865, being to the time he was mustered out of said service, deducting from the same all moneys that have been paid to him as a private in said service during said time.

There was no objection; and the bill was taken up, read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HALL J. KELLEY.

Mr. THAYER, from the Committee on Private Land Claims, reported adversely on the petition of Hall J. Kelley, of Massachusetts, for a land grant; and the same was laid on the table.

WITHDRAWAL OF PAPERS.

The SPEAKER. Several members desire to have leave granted to them to withdraw certain papers from the files of the House. Is there objection?

There was no objection; and it was ordered accordingly.

ENLARGEMENT OF THE PUBLIC GROUNDS.

Mr. RICE, of Maine. I ask unanimous consent to report from the Committee on Public Buildings and Grounds Senate bill No. 886, to enlarge the public grounds surrounding the Capitol.

Mr. SCOFIELD. I object.

Mr. RICE, of Maine. I move to suspend the rules.

The rules were not suspended.

FOX RIVER IMPROVEMENT.

Mr. SLOAN moved to suspend the rules to take up Senate joint resolution No. 142, construing and giving effect to a joint resolution

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entitled "A resolution for the relief of the State of Wisconsin," approved July 1, 1864.

Objection was made.

The rules were not suspended.

PERMISSION TO RECORD VOTES.

Mr. DRIGGS. I have been absent from the House for several days on account of sickness, and I ask the unanimous consent of the House to record my vote on the passage of the two bills vetoed by the President.

There was no objection, and it was ordered accordingly.

The SPEAKER. If there be no objection the same privilege will be accorded to other members who were absent and desire to record their votes on the same bills.

Mr. THAYER. I make the stipulation that it shall not change the result.

The SPEAKER. The Chair thinks it will not.

There was no objection, and it was ordered accordingly.

EXPLANATION.

The SPEAKER. A few minutes ago the Chair stated that the President had signed the Army appropriation bill and the tariff bill relating to wool and woolens. On further examination he finds that the bill which was signed was that putting lastings, mohair cloth, &c., on the free list which was introduced by the gentleman from Massachusetts, [Mr. ALLEY.] [Laughter.] The bill in regard to wool and woolens has not been signed.

The Chair will also state that the President has signed the deficiency appropriation bill and the bankrupt bill. [Applause.]

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. DAWES moved that a committee of two be appointed, in conjunction with a like committee on the part of the Senate, to wait upon the President of the United States, to inform him that the Thirty-Ninth Congress was ready to adjourn, and to inquire whether he had any further communication to make to them.

The motion was agreed to; and the Speaker appointed Mr. DAWES and Mr. LE BLOND as the committee on the part of the House.

DOCUMENTS OF RETIRING MEMBERS.

Mr. MAYNARD. I am desired by several members to appeal to gentlemen here who will be members of the next Congress, in respect to the undistributed public documents to which the retiring members of this Congress are entitled, but which they will not receive unless some action is had upon the subject by the next Congress.

I am aware that a resolution was passed by this House cutting off retiring members from the documents which they would otherwise receive. I submit that it is a matter of a good deal of importance to some members, and I take this opportunity as I am desired, so that it may go on the record, to ask of the Speaker his construction of the resolution which was passed the other day; whether a simple resolution of the next Congress would have the effect to repeal it.

The SPEAKER. The Chair will not undertake to anticipate what the Speaker of the Fortieth Congress will decide. The question will come within his province, and it is not within the province of the Speaker of the present Congress.

Mr. TAYLOR, of Tennessee. I think the Speaker would be perfectly safe in anticipating. [Laughter.]

Mr. HILL. It has been suggested as a reason why the resolution of the gentleman from Tennessee may be offered, that a similar resolution was adopted in the Thirtry-Ninth Congress in reference to documents for members of the Thirty-Eighth Congress. I merely wish to say that that resolution was not introduced until after the expiration of the franking privilege of the members of the Thirty-Eighth Congress, so that their documents would have been of no use to them for electioneering purposes. [Laughter.]

The SPEAKER. The Chair is reminded by the statement of the gentleman from Indiana that the resolution to which the gentleman from Tennessee [Mr. MAYNARD] has alluded, which rescinded a previous resolution in regard to giving books to outgoing members, was not introduced until after the 1st of December subsequent to the close of those members terms; at which time their franking privilege had ceased.

Mr. MAYNARD. A precedent occurs to me in the action of the Thirty-Seventh Congress in the passage of a resolution in regard to public documents——

Mr. ASHLEY, of Ohio. That related only to the documents of rebels, I think.

Mr. HIGBY. I suggest that the Speaker be requested to advise with the Speaker of the Fortieth Congress and to ascertain his opinion in regard to this matter. [Laughter.]

The SPEAKER. The Chair does not know who will be the Speaker of the Fortieth Congress. That officer is not yet in existence.

Mr. SCOFIELD. We are ahead of the Chair. We do know. [Laughter.]

Mr. HIGBY. I call for the regular order.

GREAT FALLS ICE COMPANY.

The SPEAKER. The morning hour of Saturday has now commenced. [Laughter.] The pending bill is an act incorporating the Great Falls Ice Company.

Mr. BLAINE. That is a very cool proposition at this time of day. [Laughter.]

Mr. THAYER. I move to postpone its consideration until this day week.

Mr. HIGBY. Is this the 2d day of March?

The SPEAKER. Yes; the second parliamentary day of March.

Mr. PRICE. Would it be in order to send for an Almanac to determine what day this is? [Laughter.]

Mr. FINCK. Is that a House bill?

The SPEAKER. No; it is a Senate bill. The morning hour cannot be interrupted, except by suspending the rules.

BANKING BILL.

Mr. HOOPER. I move to suspend the rules for the purpose of taking up the banking bill, which was made a special order for the 18th of December, and has not yet been reached. [Cries of "No! No!"]

The question was taken; and (two thirds not voting in the affirmative) the rules were not suspended.

GREAT FALLS ICE COMPANY—AGAIN.

The SPEAKER. The pending bill is Senate bill No. 64, incorporating the Great Falls Ice Company of Washington, in the District of Columbia.

Mr. ELDRIDGE. Has that bill been before any committee of the House?

The SPEAKER. It has been reported by the Committee for the District of Columbia under the call for bills of a private nature, within the last forty hours, and the Clerk states that it was then read. It cannot be read again. It is reported with an amendment which will be read.

The Clerk read as follows:

SEC. 7. *Be it further enacted*, That the stockholders in this corporation shall be individually liable for any and all debts contracted or incurred by said corporation, to the amount of their individual stock.

Mr. WELKER. I move that the amendment be laid on the table.

The SPEAKER. That will carry the bill with it.

Mr. BEAMAN. I hope that will not be done.

The motion was agreed to.

So the bill was laid on the table.

ADVERSE REPORT.

Mr. MERCUR, from the Committee for the District of Columbia, reported adversely on the bill (H. R. No. 112) to establish and limit the rate of interest on money in the District of Columbia, and moved that the same be laid on the table.

The motion was agreed to.

PAY OF MEMBERS OF CONGRESS.

Mr. LATHAM. I move to suspend the rules, that I may offer the following resolution for consideration at this time:

Resolved, That the gentleman from Ohio, [Mr. LAWRENCE,] a member of the Judiciary Committee, be, and he is hereby, authorized to report from said committee the bill referred to the same providing for a reduction of the salary of members of Congress, and to put the same upon its passage. [Laughter.]

The SPEAKER. The question is upon the motion of the gentleman from West Virginia, to suspend the rules to allow him to submit this resolution.

Mr. LAWRENCE, of Ohio. I desire to say a word upon it.

Mr. PRICE. I raise the point of order, that it is not in order for the gentleman from Ohio [Mr. LAWRENCE] to report that bill to the House for action until he shall have purified himself by paying back into the Treasury the extra salary which he has received. My point is that he must first remove the beam from his own eye before he troubles himself about taking out the mote that is in his brother's eye. [Laughter.]

The SPEAKER. The Chair overrules the point of order.

Mr. LATHAM. I rise to a point of order. A motion to suspend the rules is not debatable.

The SPEAKER. The Chair sustains the point of order. The question is upon suspending the rules.

Mr. LAWRENCE, of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed a resolution appointing a committee of two members to join such committee as might be appointed by the House, to wait upon the President and inform him that having transacted the business before them, they desired to know if he had any further communication to make to Congress.

ENROLLED BILL SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (S. R. No. 509) to amend certain acts in relation to the Navy;

An act (S. R. No. 634) relating to brevets in the Army of the United States;

Joint resolution (S. R. No. 148) presenting the thanks of Congress to Cyrus W. Field; and

Joint resolution (S. R. No. 184) authorizing Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomah and gunboat Augusta to accept presents tendered them by the Emperor of Russia.

PAY OF MEMBERS OF CONGRESS—AGAIN.

The question was taken on Mr. LATHAM'S motion to suspend the rules; and there were —yeas 140, nays 23, not voting 27; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ancona, Anderson, Arnell, Baker, Baldwin, Banks, Barker, Baxter, Beaman, Benjamin, Bidwell, Bingham, Blaine, Blow, Boyer, Bromwell, Buckland, Bundy, Campbell, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Cullom, Darling, Dawson, Defrees, Deming, Denison, Dixon, Dodge, Donnelly, Driggs, Eckley, Eggleston, Eliot, Farnsworth, Ferry, Finck, Glossbrenner, Goodyear, Grinnell, Griswold, Aaron Harding, Abner C. Harding, Hart, Hawkins, Hayes, Henderson, Higby, Hill, Hise, Hogan, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Hulburd, Humphrey, Hunter, Ingersoll, Julian, Kasson, Ketcham, Koontz, Kuykendall, Laflin, Latham, George V. Lawrence, William Lawrence, Leftwich, Loan, Lynch, Marquette, Marshall, Marvin, Maynard, McClurg, McCullough, McKee, McRuer, Mercur, Miller, Moorhead, Morris, Moulton, Myers, Newell, Niblack, Nicholson, Noell, O'Neill, Orth, Paine, Perham, Phelps, Plants, Pomeroy, Price, Radford, William H. Randall, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rollins, Ross, Sawyer, Scofield, Shanklin, Shellabarger, Sitgreaves, Sloan, Stilwell, Stokes, Nathaniel G. Taylor, Thornton, Trimble, Upson, Van Aernam, Burt Van Horn, Hamilton Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, James

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F. Wilson, Stephen F. Wilson, Windom, Woodbridge, and Wright—140.

NAYS—Messrs. Delos R. Ashley, James M. Ashley, Boutwell, Broomall, Cooper, Davis, Farquhar, Garfield, Hale, Edwin N. Hubbell, Jenckes, Jones, Kelley, Kelso, Rousseau, Schenck, Strouse, Thayer, Trowbridge, Robert T. Van Horn, Andrew H. Ward, Williams, and Winfield—23.

NOT VOTING—Messrs. Bergen, Brandegee, Culver, Dawes, Delano, Dumont, Eldridge, Harris, James R. Hubbell, Kerr, Le Blond, Longyear, Marston, McIndoe, Morrill, Patterson, Pike, Samuel J. Randall, Raymond, Spalding, Starr, Stevens, Taber, Nelson Taylor, Francis Thomas, John L. Thomas, and Elihu B. Washburne—27.

Before the result of the vote was announced, the hour of twelve o'clock m. having arrived, the Speaker delivered the following

VALEDICTORY ADDRESS.

Gentlemen of the House of Representatives:

To be called to this responsible position by the voluntary choice of my fellow-members more than fills the measure of an honorable ambition. To be cordially supported by those of all political creeds, amid the exciting scenes so frequent in a body of American legislators, is an evidence of confidence and regard I shall prize to the latest moment of my life. But to be indorsed by you all in the resolution you have spread on your Journal, and which you have adopted with such unusual significance and earnestness, beggars me in words of thanks. To be able to retire from this chair when laying down its emblem of authority, with none to reproach me, on the one hand, for infidelity to the principles I cherish, and none on the other to impugn or deny the rigid impartiality with which I have striven to administer your rules, has been my earnest and daily endeavor in the years that now are garnered with the past.

The greatest of my official predecessors, whose memory is still enshrined in so many hearts, and who eminently honored this chair, declared as the essential of a Presiding Officer promptitude and impartiality in deciding the complex questions of order often sprung instantaneously upon him; firmness and thoroughness in his decisions; patience and good temper toward every member; and, above all, to remain cool and unshaken amid the storms of debate and during those moments of agitation from which no deliberative assembly is exempt, carefully guarding the rules of the House from being sacrificed to temporary passions, prejudices, or interests. Never hoping to reach this high standard, it has been ever before my mind, as the sculptor studies the model of the great master of his art, hoping to leave behind him a copy not entirely unworthy of the original.

Though death has not spared our circle, and New York, Kentucky, and Pennsylvania have been called to mourn the loss of faithful Representatives, we come to this closing hour with our ranks thinned less than usual by paralyzing sickness or wasting disease. We separate, after months of the conflicts and excitements of an eventful era, with a general good will as gratifying as it is creditable. We can never all meet again. But as in a distant landscape the eye rests with delight on its beauties, while its defects are thrown into unnoticed shade, my memory, as in after years we review our associations here, bring before us all the pleasures of this companionship in the national service, forgetful of the asperities which should perish with the occasions that evoked them!

But as these parting words are said, another Congress wait for our seats; and with a heart full of gratitude for your unvarying kindness, I declare the House of Representatives of the Thirty-Ninth Congress of the United States adjourned without day. [Prolonged applause.]

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. CULLOM: Six separate petitions of citizens of McLean county, Illinois, asking Congress to repeal the law authorizing the withdrawal of the legal-tender currency from circulation.

By Mr. HUNTER: Concurrent resolution of the Legislature of New York, urging the granting of pensions to the soldiers of the war of 1812.

By Mr. PERHAM: The memorial of Ebenezer Childs, for increase of pension.

By Mr. PRICE: The petition of citizens of Clinton county, Iowa, asking for relief to Mrs. Abigail Harvey.

IN SENATE.

SATURDAY, *February* 23, 1867.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. POLAND, and by unanimous consent, the reading of the Journal was dispensed with.

THE CONSTITUTIONAL AMENDMENT.

Mr. CHANDLER presented resolutions of the Legislature of the State of Michigan, ratifying the amendment to the Constitution of the United States, submitted to the several States by a joint resolution of Congress, passed on the 13th day of June, 1866, to be designated article fourteen of Amendments to the Constitution; which were ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented two petitions of cigar manufacturers of Albany, New York, praying that a specific tax of five dollars per thousand may be levied upon all domestic cigars, and that the present duty on imported cigars may remain unchanged; which were referred to the Committee on Finance.

Mr. SUMNER presented a petition of citizens of the United States, praying for such an amendment of the Constitution as will prohibit legislation in any State or Territory which shall make a distinction among the citizens thereof on account of birth, race, or color; which was ordered to lie on the table.

Mr. BUCKALEW presented a petition of the officers of the Historical Society of Pennsylvania, remonstrating against the repeal of the law which allows the importation of books and maps intended for colleges and other literary institutions free of duty; which was referred to the Committee on Finance.

Mr. FOGG presented resolutions adopted at a mass meeting of New Hampshire soldiers, held in Manchester, in that State, on the 6th day of February, 1867, remonstrating against the passage of any act for equalization of soldiers bounties which shall deduct the amount of local bounties from the Government allowance; which were ordered to lie on the table; and a motion by Mr. FOGG that the resolutions be printed was referred to the Committee on Printing.

Mr. NORTON presented a petition of citizens of Minnesota, praying for the establishment of a mail route from Mankato to Minnesota Lake; which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the Legislature of Minnesota, in favor of an increase of the duty on imported wool; which were ordered to lie on the table, and be printed.

Mr. RAMSEY presented a memorial of the Legislature of Minnesota, in favor of a survey of the Mississippi river between the falls of St. Anthony and St. Cloud, with the view of an improvement of the navigation of that river between those points; which was ordered to lie on the table, and be printed.

Mr. TRUMBULL presented resolutions of the Legislature of Illinois, in favor of a survey of the Des Moines rapids of the Mississippi river, with a view to their improvement by the construction of a canal; which were ordered to lie on the table, and be printed.

CAPTAIN JOHN J. YOUNG.

Mr. CRAGIN. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 682) for the relief of Captain John J. Young, of the United States Navy, have directed me to report it without amendment, and recommend its passage; and I ask for its present consideration.

Mr. EDMUNDS. If this is the time for reports, as there are many reports to be made I shall feel obliged to object.

Mr. RAMSEY. This is a House bill, and will not take a moment.

Mr. EDMUNDS. There are a great many other bills on the Calendar just as urgent and meritorious as this, and I want to make some reports.

The PRESIDENT *pro tempore*. Is there any objection to the present consideration of this bill? None being made the bill will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which requires the Secretary of the Treasury to audit and allow to Captain John J. Young, of the Navy of the United States, the pay of captain of the "retired list" of the Navy of the United States, from the 12th of August, 1854, the date of his commission as captain, to the 10th of March, 1865, deducting therefrom all moneys which have been paid to him by the United States between the dates above given.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. LANE, from the Committee on Pensions, to whom was referred the memorial of Rear Admiral David D. Porter on the subject, submitted a report, accompanied by a bill, (S. No. 624,) granting a pension to —— Heap, widow of Major D. P. Heap, late a paymaster in the United States Army.

The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 621) for the relief of Charles Rumsey, reported adversely thereon.

He also, from the same committee, to whom was referred the bill (H. R. No. 1207) granting a pension to Charles Maus, reported adversely thereon.

He also, from the same committee, to whom were referred the following bills and joint resolutions, reported them severally without amendment:

A bill (H. R. No. 1068) for the relief of Mary A. Cross;

A bill (H. R. No. 1092) for the relief of Milton Velzy;

A bill (H. R. No. 1153) for the relief of Mrs. Rachel McClelland;

A bill (H. R. No. 1189) granting arrears of pension to Sally Allen;

A bill (H. R. No. 1190) granting a pension to Mary Fitzpatrick;

A bill (H. R. No. 1191) increasing the pension of Isabella Fogg;

A bill (H. R. No. 1192) granting arrears of pension to Lewis A. Horton;

A bill (H. R. No. 1193) for the relief of Levisa A. Daniel:

A bill (H. R. No. 1194) granting back pension to Mary J. Dexter;

A bill (H. R. No. 1195) for the relief of Mary B. Fowler:

A bill (H. R. No. 1196) granting a pension to Peter Fisher;

A bill (H. R. No. 1197) for the relief of Charles Valence;

A bill (H. R. No. 1198) for the relief of the children of John Faris;

A bill (H. R. No. 1199) for the relief of William H. Hafer;

A bill (H. R. No. 1200) for the relief of Ann I. Duchman;

A bill (H. R. No. 1201) for the relief of George W. Knabb;

A bill (H. R. No. 1202) for the relief of Francis Barron;

A bill (H. R. No. 1203) for the relief of Rufus L. Harvey;

A bill (H. R. No. 1204) granting a pension to John Rogers;

A bill (H. R. No. 1205) granting a pension to William Gleason;

A bill (H. R. No. 1206) granting a pension to Joseph Wrenn;

A bill (H. R. No. 1208) increasing the pension of John Russell;

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A bill (H. R. No. 1209) granting a back pension to Margaret Boucher;

A bill (H. R. No. 1210) increasing the pension of Levi M. Roberts;

A bill (H. R. No. 1211) granting a pension to Effie J. Harvey;

A bill (H. R. No. 1212) for the relief of Nancy Hinton;

A bill (H. R. No. 1213) for the relief of Elizabeth Staley;

A bill (H. R. No. 1214) for the relief of Daniel McMahon;

A bill (H. R. No. 1215) for the relief of Thomas Glasgow;

A bill (H. R. No. 1216) granting a pension to Mary Hosea;

A bill (H. R. No. 1217) granting a pension to David B. Champion;

A bill (H. R. No. 1218) for the relief of James Riddle;

A joint resolution (H. R. No. 265) for the relief of Virginia S. Wilson, widow of the late Captain George W. Wilson;

A joint resolution (H. R. No. 295) for the relief of Daniel Cole; and

A joint resolution (H. R. No. 296) for the relief of the orphan children of William Whelan.

Mr. EDMUNDS, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. No. 622) to repeal the provisions of law authorizing the introduction of foreign goods into the United States without inspection at the usual ports of entry; which was read and passed to a second reading.

He also presented a letter from the Secretary of the Treasury, directed to the chairman of the Committee on Commerce, relating to the subject-matter of the bill last mentioned; which was ordered to be printed, to accompany the bill.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1166) to authorize the building of light-houses therein mentioned, and for other purposes, reported it with amendments.

Mr. FRELINGHUYSEN, from the Committee on Pensions, to whom was referred the petition of Susan Ten Eyck Williamson, reported a bill (S. No. 623) granting a pension to Mrs. Susan Ten Eyck Williamson; which was read and passed to a second reading.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (S. No. 609) allowing the duties on foreign merchandise imported into the port of Albany to be secured and paid at that place, reported it without amendment.

Mr. HOWE, from the Committee on Claims, to whom was referred the bill (S. No. 463) for the relief of Rev. Samuel M. Beatty, of Ohio, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1096) for the relief of J. & O. P. Cobb & Co., reported it without amendment.

BUSINESS OF PENSION COMMITTEE.

Mr. LANE. I am directed by the Committee on Pensions to ask the Senate to adopt the following order:

Resolved, That the Senate will have a special session, commencing at seven o'clock p. m. on Tuesday, February 26, for the purpose of considering bills from the Committee on Pensions.

I will state to the Senate that it will not take perhaps over an hour or an hour and a half. There are a great many hard cases, the bare recital of which is enough to bring tears from any sensitive heart. There are thirty-eight pension bills from the House of Representatives, and it will not take over an hour or an hour and a quarter to pass them all.

The resolution was considered by unanimous consent, and agreed to.

IRON-CLAD ONONDAGA.

Mr. GRIMES. I move that all prior orders be suspended, and that the Senate proceed to the consideration of Senate bill No. 614. It will not take more than a minute.

Mr. SUMNER. What is that bill?

Mr. GRIMES. Its title is "A bill authorizing the Secretary of the Navy to transfer the United States iron-clad Onondaga to George Quintard, of New York."

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Navy to deliver to George Quintard, of New York, for his own use and behoof, the United States iron-clad Onondaga, upon payment by him, his heirs and assigns, to the Treasury of the United States of the sum of $759,678.

Mr. GRIMES. I ought, in justice to myself and to the committee that authorized me to report this bill, to state that this vessel was built by Mr. Quintard, has been in service some years, and he proposes to take her from the Government again at the same price that he has been paid for her, namely, $759,678, the sum specified in the bill, and that the Navy Department say that "it is thought with this money a more satisfactory vessel could be built, and no objection is known to returning her to the owner if the money is refunded." It thereby relieves the Government also of a large claim that Mr. Quintard has against the Government for an excess of cost over and above the amount of his contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. POMEROY. I move that the Senate proceed to the consideration of Senate bill No. 489.

Mr. CONNESS. I have got some morning business that I should like to dispose of before we proceed to the consideration of other business on special motion. I should like to know whether it is in order. I desire to offer a joint resolution.

The PRESIDENT *pro tempore*. The Chair has called for petitions and reports of committees. The Senator from Iowa then moved that the Senate postpone the present and all prior orders, and proceed to the consideration of a bill; which the Senate voted to do. Now, according to the practice of the Senate it will be in order for the Chair to call for the introduction of bills and joint resolutions; but the Senator from Kansas moves to postpone the present and all prior orders, and the Chair will feel bound to entertain the motion. Otherwise he would call for the introduction of bills and joint resolutions, that being in order under the rules for morning business.

Mr. CONNESS. I propose that we go on and finish the morning business before Senators call up bills.

Mr. FESSENDEN. I should like to make a report.

Mr. POMEROY. It is usual, under the practice of the Senate, that a motion such as I have made be entertained, and if carried then to allow the business thus taken up to be laid aside informally to dispose of the morning business. I should have no objection to that course.

Mr. CONNESS. I think we had better get through with the morning business, and then let gentlemen call up their bills. This taking a mortgage on the time of the Senate is hardly in order.

Mr. TRUMBULL. We have already passed one bill.

Mr. CONNESS. That is no reason why the practice should be continued.

Mr. POMEROY. The bill to which I allude is of very great importance to the State that I have the honor in part to represent, and it must go to the House of Representatives to become a law. It is very important that it should be disposed of at this session.

The PRESIDENT *pro tempore*. Does the Senator from Kansas move to postpone the present and all prior orders and proceed to the consideration of the bill named by him?

Mr. POMEROY. I made the motion, but I will withdraw it to allow reports to be made.

The PRESIDENT *pro tempore*. The motion is withdrawn. The introduction of bills and joint resolutions is in order, but the Chair will receive reports, if they are offered.

ARMY APPROPRIATION BILL.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, reported it with amendments.

BILL INTRODUCED.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 625) to amend an act entitled "An act concerning the Fire Department of Washington city," approved February 18, 1867; which was read twice by its title, and referred to the Committee on the District of Columbia.

INTER-OCEANIC SHIP-CANAL.

Mr. CONNESS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 181) concerning the right of way for the survey and construction of an inter-oceanic ship-canal through the Isthmus of Darien; which was read twice by its title.

Mr. CONNESS. I should like to get the present consideration of this resolution. No Senator can have any objection to it, and it will occupy no more time than is consumed in its reading. It is important that it should be passed at once. I think the whole Senate will concede that.

The PRESIDENT *pro tempore*. Does the Senator from California ask for the present consideration of the joint resolution?

Mr. CONNESS. I do. It will only occupy two minutes.

The PRESIDENT *pro tempore*. It requires the unanimous consent of the Senate to consider it at this time.

Mr. TRUMBULL. I shall be compelled to object.

The PRESIDENT *pro tempore*. Objection being made, it lies over under the rule.

PAYMENTS TO LOYAL PERSONS.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of House joint resolution No. 222.

The PRESIDENT *pro tempore*. Does the Senator move to postpone all prior orders to consider his bill?

Mr. TRUMBULL. I do; and I will make a little statement why I do it. I do it, and I object to the resolution of the Senator from California, not because I am opposed to giving unanimous consent, but it is the only opportunity I can get in the struggle to get the floor and to be in order to make the motion. I hope he will have the opportunity to present his resolution. I am not opposed to the resolution because I do not know what is in it; but it is simply because I see no other way to get a motion to consider the bills I have in charge before the Senate but to interfere against unanimous consent.

Mr. POMEROY. I yielded the motion which I made that the morning business might be completed. I did not suppose that I would be denied the privilege of introducing my measure and pressing it to a vote as soon as the morning business was disposed of.

Mr. CONNESS. I feel bound to express my obligations to the Senator from Kansas. I felt if anybody was entitled to the floor he was. The Senator from Illinois got the floor in another manner entirely.

The PRESIDENT *pro tempore*. It is moved to postpone all prior orders, and to proceed to the consideration of House joint resolution No. 222.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 222) prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression.

The Committee on the Judiciary reported

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the joint resolution with an amendment, to strike out in lines nine, ten, and eleven, the words "or in favor of any person who during said rebellion was not known to be opposed thereto, and distinctly in favor of its suppression."

Mr. TRUMBULL. It is due to myself to state that I was not in favor of striking out those words. A majority of the committee were. The effect of striking out the words is simply to change the burden of proof. As the resolution comes from the House, before the Government would be authorized to pay, it must appear affirmatively that the party asking the payment had been loyal and true to the Union. If those words are stricken out, then the Government is prohibited to pay to any one who took part in the rebellion. The question is, whether it must appear affirmatively that the man was a loyal man before you can pay a claim which originated against the Government of the United States before the rebellion. There are cases, as I am informed, where parties had claims against the Government of the United States before the rebellion for services, perhaps in the Army, and subsequently joined the rebellion. The object of this resolution is to prevent the Government of the United States paying those parties and any of those claimants, although they may be pardoned now. The Committee on the Judiciary recommended an amendment to the resolution to strike out the words which have been read. Those words which are recommended to be stricken out require it to affirmatively appear that the party was loyal to the Government. That would leave the resolution then forbidding payment to any person who took part in the rebellion.

Mr. HOWE. That is right.

Mr. TRUMBULL. But then the resolution as it passed the House goes further. It prohibits the payment to any person who took part in the rebellion, or who was not known to be loyal to the Government.

Mr. JOHNSON. The law is very well settled, recognized as such by the Supreme Court, by all the members of that court, that the general rule of law is, that a pardon reinstates the party pardoned to the condition in which he was before the offense was committed, and authorizes him to sue, therefore, to recover a debt which he would not have been authorized to sue for without a pardon. This joint resolution upon your table as it came from the House, as it now stands, changes that rule; and it is for the Senate to say whether they will by law, defeat the effect which a pardon has under the law as it stands now. The claims that are to be prosecuted, and are now being prosecuted, are not claims against the Government arising during the existence of the rebellion, but arising antecedent to the rebellion, and claims, therefore, which but for the rebellion the Government would have been bound to pay, and would have paid. The majority of the committee thought that if it was proper to take from these parties, at least those who were pardoned, the right to sue, which the pardon of itself would give independent of any legislation, it was not right to subject them to the necessity of proving affirmatively that they were not in a condition to prosecute the claim. We supposed that the Government, if it denied the right of the claimant to recover the amount, ought to take upon itself the burden of establishing the grounds upon which that denial could be placed. As the honorable chairman has correctly stated, the whole effect of the amendment is to change what is called the *onus* of proof; the fact to be proved, and upon the existence of which the claim may or may not be allowed upon the Government, instead of placing it, as the House resolution did, upon the claimant.

The joint resolution, in my view of it, can only be maintained upon the authority which Congress has to refuse to pay a debt, whether just or unjust. No claims upon the Treasury can be paid without an appropriation, and Congress having the supreme authority to decide whether they will appropriate or not they have a right, so far as the question of power is concerned, to refuse to pay any claim. If the measure merely provided that the parties in the predicament in which these parties are supposed to be should not be at liberty to sue in the courts of the United States, then I am satisfied the courts would hold that the law in that particular was not obligatory, and that they would be entitled to sue; I mean those of them who have had granted to them the clemency of the Executive. In my view, therefore, as far as that class of the parties to be affected by the resolution is concerned, it is, although constitutional, because no money can be paid without the consent of Congress, obnoxious to the objection that Congress are refusing to pay debts which the courts of the country, if there was jurisdiction given to the courts over such controversies, would enable the claimants to recover.

Mr. HENDRICKS. It is a little difficult to understand from the phraseology of this resolution what will be its effect. I recollect to have asked the Senator from Illinois, the chairman of the committee, when the committee was investigating it, what was the purpose of it. As I understood from him, the main object was to prevent the payment of any claims to military men for services prior to the war when the claimants themselves had gone into the rebellion. Of course I had no objection if that was the effect of the resolution, and would have no objection to it now. But if that is the class of cases to be reached, there is no need of the language of the resolution which the committee has recommended to strike out, because it is known to the Department, of course, what was the position, during the war, of the military men who belonged to the Army. There is no need of a provision which is against the policy of the law. It has never been the law of any country that a man shall be required to prove himself innocent. He is required to take an oath, we have the assurance of that, in presenting his claims. I was in favor of the amendment. The committee was unanimous, I thought, upon it; but the Senator from Illinois says he did not concur in the amendment proposed by the committee. I think the committee's amendment is right.

The amendment was agreed to.

Mr. FOGG. I have an amendment which I wish to offer. It is to insert at the end of the joint resolution the following proviso:

Provided, That this joint resolution shall not be construed to prohibit the payment of claims founded upon contracts made by any Department where such claims were assigned, or contracted to be assigned, prior to April 1, 1861, to creditors of said contractors, loyal citizens of loyal States, in payment of debts incurred prior to March 1, 1861.

The honorable Senator from Illinois assents to that amendment. I think there is no objection to it. It is not inconsistent with the general provisions of the joint resolution.

The amendment was agreed to.

Mr. HOWE. I offer an amendment, to insert after the word "rebellion" in the ninth line, these words:

Or in favor of any person who does not prove to the satisfaction of the proper accounting officers that he was opposed to the rebellion and distinctly in favor of its suppression.

Mr. President, I thought those words reported by the committee ought to be stricken out of the resolution, because they seemed to be indefinite, and not because they seemed to impose upon the claimant the burden of proving his loyalty. It does not seem to me a very heavy burden to lay upon the shoulders of one who claims money out of the Treasury to require him to show that he is a friend, and has been during the war a friend of the Government. Indeed, that is required now by almost all the laws upon your statute-books. You do require them to show that they have been loyal before you allow a dollar to be paid to them. The words which I have proposed to insert here will require no more than that. The expressions employed are rather more explicit than have been adopted heretofore; and my experience upon the Committee on Claims has satisfied me that it is necessary to be a little more explicit. Loyalty is a sort of sentiment, and a sentiment is a very difficult thing to prove, to establish by evidence. The language used here requires the claimant to show that he was opposed to the rebellion and that he was in favor of its suppression; and any man who was actuated by those views can usually establish the fact.

Mr. JOHNSON. I think the policy of the resolution itself is exceedingly objectionable to the loyal citizens of the loyal States, as they have been termed. The interest which they have, many of them, is because they are creditors of the southern people, and the means in in part which their debtors will have at their command to meet their debts are what they will be able to realize from their claims. You have already adopted an amendment at the instance of the honorable member from New Hampshire, which saves the right to prosecute the claim as against the Government and makes it obligatory upon the Government to pay the claim, if it should turn out to be just, where it has been assigned to some loyal citizen.

Mr. HOWE. Before the rebellion.

Mr. JOHNSON. Before the rebellion. But whether it is assigned before or after the rebellion is immaterial. I knew when I was officially in New Orleans as a kind of representative of the Government that a great many of the claims which were supposed to be good claims against the Government had been assigned, and that the creditors at the North were looking to the funds to be received, because of that assignment, as in many cases the only funds out of which they expected to be paid. Now, it would seem to me to be quite objectionable to say that the Government of the United States would confiscate debts because as between the mere creditor and the Government the creditor had at one time been subject to the offense of treason, or had attempted to destroy the Government, to the injury of the loyal creditor of that creditor. That is the effect. Just in proportion as you impoverish the people of the South, just in that proportion do you injure the people of the North.

Mr. SUMNER. It seems to me that on this question the opinion of the chairman of the Committee on Claims, who has a peculiar experience in this body, ought to prevail. If I had any doubt of the propriety of the amendment I beg to say that I should follow his suggestion. I shall gladly vote for it.

Mr. HOWE. I think we had better have the yeas and nays on this question.

The yeas and nays were ordered.

Mr. HOWE. I will merely say once more to the Senate that the principle recognized in the amendment is a principle recognized in a dozen statutes which you have enacted since 1861; the principle of requiring a man, who demands money out of the public Treasury, to establish the fact of his friendship for the Government, his allegiance; and this is applied, not to current transactions, but it is applied to a class of suspended claims, and for the most part claims which have been suspended by reason of the war.

Mr. TRUMBULL. I hope the amendment will be adopted. I think it nothing unreasonable to require a man to show that he has been loyal to the Government.

Mr. BUCKALEW. I ask for the reading of the joint resolution as it stands without this amendment.

The Secretary read as follows:

Resolved, &c. That until otherwise ordered it shall be unlawful for any officer of the United States Government to pay any account, claim, or demand against said Government, which accrued or existed prior to the 13th day of April, A. D. 1861, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand until this resolution is modified or repealed.

Mr. BUCKALEW. I understand that the resolution without this amendment will stand as the Clerk has read it, and it will then make

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a proper discrimination, conformed to the convenience of the Department in the settlement of accounts. Now, sir, the presumption will be, under the resolution as it stands, that persons who make claims from the insurrectionary States, shall prove to the Department that they sustained a loyal attitude during the war; but that presumption will not apply to claims from the State of Maine or from Wisconsin or from Oregon or from other parts of the country where insurrection did not exist. That will be the state of the case; but the accounting officers, where objection is made against a claimant, may still require him, although resident in one of the northern or western States, to make proof that he sustained the Government during the war. The objection I have to the amendment is, that it casts an unnecessary burden upon all claimants against whom there is no presumption from general circumstances; that it embarrasses the operations of the Government unnecessarily; that it is not required for the protection of the Treasury or for the vindication of the national honor. I called for the reading of the resolution in order that it may be apparent to every Senator in voting on this subject that an amendment of this kind is unnecessary to exclude persons who have taken part in the war against the Government, from prosecuting their claims against it. The resolution is complete as against them.

The question being taken by yeas and nays, resulted yeas 25, nays 6; as follows:

YEAS—Messrs. Anthony, Chandler, Conness, Creswell, Dixon, Edmunds, Fessenden, Frelinghuysen, Grimes, Howard, Howe, Morgan, Morrill, Patterson, Pomeroy, Ross, Sherman, Sprague, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, and Wilson—25.

NAYS—Messrs. Buckalew, Cowan, Davis, Doolittle, Hendricks, and Johnson—6.

ABSENT—Messrs. Brown, Cattell, Cragin, Fogg, Foster, Fowler, Guthrie, Harris, Henderson, Kirkwood, Lane, McDougall, Nesmith, Norton, Nye, Poland, Ramsey, Riddle, Saulsbury, Stewart, and Yates—21.

So the amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time. It was read the third time, and passed.

MURDER OF UNION SOLDIERS IN THE SOUTH.

Mr. WILLIAMS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five thousand copies of the report of the select Committee of the House appointed to investigate the Murder of Union Soldiers in the South, with accompanying evidence, be printed for the use of the Senate.

ORDER OF BUSINESS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of House bill No. 1039, being the Indian appropriation bill. The time has nearly arrived.

Mr. WADE. Mr. President——

Mr. SHERMAN. Let this bill be taken up, and then I will yield to anything until one o'clock.

Mr. WADE. I want to get up a bill which I have been trying for a long time to get up for the settlement of a controversy in Montana.

Mr. SHERMAN. My colleague can get that up at some other time.

Mr. WADE. There is a perfect state of anarchy there, and this bill certainly ought to pass. I have been endeavoring to get the floor for a long time to call it up, but have been totally unable to do so, and I do not know that I shall be able to do so this session. My lungs are strong enough, but I do not seem to have the luck to be heard.

Mr. SHERMAN. The Indian appropriation bill ought to be passed now, so that it may be engrossed. It is very large and bulky, and the differences between the two Houses ought to be reconciled as soon as possible. I therefore move to take up that bill.

Mr. TRUMBULL. I hope the Senator from Ohio will not call up that bill before one o'clock, at any rate.

Mr. SHERMAN. If the bill is taken up I will allow anything else to come up that can be passed by unanimous consent. You cannot pass a controverted bill before one o'clock.

Mr. TRUMBULL. We shall never pass any at all if we do not commence upon them.

Mr. SHERMAN. But one o'clock is the time set for this bill.

Mr. TRUMBULL. It will be time enough to call up the Indian bill then. I hope the Senate will not take it up in the morning hour.

NORTON'S MARKING AND CANCELING STAMP.

Mr. DIXON. I rise to a privileged question.

The PRESIDING OFFICER, (Mr. POMEROY in the Chair.) The Senator from Connecticut will state his question of privilege.

Mr. DIXON. I desire to enter a motion to reconsider, if it is in order, and if I am not too late, the vote on the passage of the bill (S. No. 582) to provide for the payment of past and future use, and purchase of the invention and patent upon "post-marking of letters, packets, &c., and for the cancellation of postage stamps thereon," made by and patented to Marcus P. Norton, Troy, New York, April 14, 1863, and reissued August 23, 1864. I desire to move the passage of a resolution directing the Secretary to request the House of Representatives to return that bill. I will state to the Senate that I find that since the passage of the bill Mr. Norton, as attorney for other parties who, he says, own the patent, has brought a petition in the Court of Claims for some $400,000 for the past use of this same patent; I had very great doubts at the time whether the bill ought to pass, but I submitted to the opinion of the committee. If it comes before the Senate again, I doubt whether the Senate will agree to the sum of money named in it. I will inquire if I am too late?

The PRESIDING OFFICER. The Chair understands that the bill was passed on the 20th. If his information is correct, the time for its reconsideration has expired, and the Senator is too late.

Mr. DIXON. Then I hope notice will be taken of it in some other place.

The PRESIDING OFFICER. The question is on proceding to the consideration of the bill named by the Senator from Ohio.

Mr. GRIMES. I will inquire whether or not the bill alluded to by the Senator from Connecticut as it passed contained a provision that the sum of money voted should be taken in the discharge of all claims? Was there not such a provision?

Mr. CONNESS. Certainly. I think it is unfair that an impression should be made against this bill in the manner attempted by the Senator from Connecticut. I do not know nor cannot know until the Globe appears—which will now be many days—what the Senator said, as he spoke in a low voice, but it appears that he intimates there is something unfair about this matter. The subject received a very thorough consideration, and the appropriation made was not only for past uses but for future uses of the patent, and I am not disappointed to know that unless the right to use the patent is obtained a suit will be brought and an enormous claim established against the Government. It was to avoid that that the bill was passed.

Mr. DIXON. I desire barely to say to the Senator from California——

The PRESIDING OFFICER. There is no question of that character before the Senate.

Mr. DIXON. I did not charge any unfairness. I suppose it is perfectly fair for these parties to get all they can out of the Government, but I think it is very well for the Senate to look into the proceedings further.

Mr. CONNESS. The Senator made a charge in a manner as I think that it ought never to be made. He gave a hint that notice may be taken of some unfairness elsewhere, meaning the House of Representatives.

Mr. DIXON. I did not say that I hoped any notice would be taken of unfairness, but of the proceeding——

Mr. GRIMES. I think it is due to the Senator from Connecticut to say that the Senator from California misunderstood him. He did not allude to the House of Representatives, but alluded to the fact, that as he understood it, this gentleman had instituted proceedings in the Court of Claims for $400,000.

Mr. CONNESS. The Senator from Iowa is mistaken or in error. At the conclusion of the Senator's remarks, as it will be seen from the report made, he said that since it was out of order here he hoped what he said would be taken notice of elsewhere.

INTER-OCEANIC SHIP-CANAL.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to proceed to the consideration of the Indian appropriation bill.

The motion was agreed to.

Mr. CONNESS. What is now before the Senate?

The PRESIDING OFFICER. The bill named by the Senator from Ohio, the Indian appropriation bill.

Mr. CONNESS. Will the honorable Senator allow me to have a vote of the Senate on the resolution I introduced this morning, which will excite no objection whatever.

Mr. SHERMAN. I will not object, if it can be passed by unanimous consent.

Mr. CONNESS. I have no doubt it will. I move that the Senate proceed to the consideration——

Mr. SHERMAN. I hope it will be taken up without any formal motion.

The PRESIDING OFFICER. The Chair will proceed with the resolution by unanimous consent, if there is no objection.

Mr. SHERMAN. Let it be read first to see if there is any objection.

The Secretary read the title of the resolution as follows: "A joint resolution (S. R. No. 181) concerning the right of way for the survey and construction of an inter-oceanic ship-canal through the Isthmus of Darien."

By unanimous consent the joint resolution was considered as in Committee of the Whole. It directs the Secretary of State to take such steps as may be necessary to obtain from the United States of Colombia the authority for the United States to make the necessary surveys at the Isthmus of Darien for a ship-canal to connect the waters of the Atlantic and those of the Pacific oceans, and also the right of way for such canal, should its practicability be demonstrated or the terms upon which such right of way may be obtained by the Government.

Mr. GRIMES. I will inquire where that comes from?

Mr. CONNESS. I will answer the Senator——

Mr. GRIMES. The last clause of it is what I particularly call attention to, authorizing the Secretary of State to adopt such measures as he may choose in order to acquire the right of way, if I understand it.

Mr. CONNESS. I will briefly state the case to the Senator and the Senate.

Mr. SHERMAN. Do not debate it.

Mr. CONNESS. I do not propose to debate it. I think there can be no objection to it. I desire briefly to state—it will not take me a moment, and I do not wish to consume time—that an appropriation was made for this survey last year of $40,000, and the Secretary of State was urged by many leading gentlemen of the country, including the General of the Army, who takes a great interest in this subject, to obtain this leave from the United States of Colombia. It is found from a letter I hold in my hand from the Secretary of State that no steps have been taken by that functionary for the obtainment of this leave to survey nor the further steps necessary to the obtainment of the right of way. On the contrary, in his letter in answer to the resolution passed by the Senate calling upon him for information as to

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what steps he had taken, he replies that the minister of Colombia took the initiative in the matter, and laid a paper before the State Department offering the right of way, to which the Secretary of State says he and the President of the United States consented. That occurred on the 19th of March, 1866, and the Secretary of State, notwithstanding all the applications that were made to him on the subject to act in the premises, never took any further notice of the matter until the 23d of November last, when he addressed a note to the Colombian minister. From that time until the date of a resolution calling upon him for information he did nothing in the premises; and thus a year has passed during which these surveys might have been made. The purpose of this joint resolution is to direct the Secretary of State to proceed with this business and obtain the right to make this survey, and connected with that to ascertain the terms upon which a right of way can be obtained.

Mr. GRIMES. I think there is a word missing in the resolution.

Mr. CONNESS. In accordance with the suggestion of the Senator from Iowa I move to amend the resolution by striking out the words "also the right of way for such canal should its practicability be demonstrated or," so that it will read "and the terms upon which such right of way may be obtained by this Government."

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear the resolution read at length as it now stands.

The Secretary read the resolution as amended, as follows:

Resolved, &c., That the Secretary of State be and he is hereby, directed to take such steps as may be necessary to obtain from the United States of Colombia the authority for the United States to make the necessary surveys at the Isthmus of Darien for a ship-canal to connect the waters of the Atlantic with those of the Pacific ocean; and the terms upon which such right of way may be obtained by this Government.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill of the Senate (S. No. 467) to amend the act entitled "An act further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steam inspectors, and for other purposes," approved July 25, 1866.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 811, for the relief of certain drafted men.

The message also announced that Mr. N. P. BANKS, of Massachusetts, had been appointed a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. No. 904) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1868, and for other purposes, in the place of Mr. J. F. FARNSWORTH, of Illinois, excused from service at said conference.

ENROLLED RESOLUTION SIGNED.

The message further announced that the Speaker had signed the enrolled joint resolution (S. R. No. 90) to provide for the ascertainment and apportionment of the proper quota of the direct tax of 1861 to the State of West Virginia, and for other purposes; and it was thereupon signed by the President *pro tempore* of the Senate.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER, (Mr. POMEROY.) The Indian appropriation bill is now before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1868.

Mr. SHERMAN. I suggest, in order to expedite business, that the amendments of the Committee on Finance be disposed of as they are reached in the reading of the bill. That is the usual course.

The PRESIDING OFFICER. If there be no objection that course will be taken. The Chair hears no objection.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Finance was on page 15, line three hundred and thirty-eight, to strike out "three" and insert "ten;" so that the clause will read:

For insurance and transportation of annuity goods and provisions, and iron and steel for blacksmiths, for the Chippewas of Red Lake and Pembina tribe, $10,000.

The amendment was agreed to.

The next amendment was on page 15, after line three hundred and forty-three, to insert the following:

For this amount, to pay the interest on certain non-paying stock, held in trust by the Secretary of the Treasury for the Chickasaw Indians, for the two fiscal years ending June 30, 1868, per tenth article treaty of April 28, 1866, $119,859 96.

Mr. SHERMAN. As this is an amendment involving a very large sum, if any Senator desires an explanation of it I am prepared to give it. Perhaps it is due to the committee to have the letter of the Secretary of the Interior, together with the papers accompanying it, read. I will ask that the letter of the Secretary of the Interior be read:

The Secretary read the following letter:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., *February* 9, 1867.

SIR: I have the honor to transmit herewith a copy of a report of the Commissioner of Indian Affairs of this date, submitting an estimate of an appropriation to cover a deficiency on certain non-paying stocks held in trust by the Secretary of the Treasury for the benefit of the Chickasaw Indians, and respectfully commend the same to the favorable action of your committee, as the amount requested is needed to fulfill treaty stipulations with the said Indians.

I am, sir, very respectfully, your obedient servant,
O. H. BROWNING,
Secretary.

Hon. W. P. FESSENDEN,
Chairman Committee on Finance, Senate United States.

Mr. SHERMAN. I have also a letter from the Treasurer and a letter from the Commissioner of Indian Affairs showing that the money is justly due, and we must provide for it whatever may be said in regard to the treaties themselves. Unless Senators desire a further explanation, I will not consume the time of the Senate.

The amendment was agreed to.

The next amendment was on page 42, line nine hundred and seventy-eight, in a clause providing for a farmer for the Quapaws, to add the following proviso:

Provided, That the sum hereby appropriated for pay of farmer, as well as any unexpended balance heretofore appropriated for the same object, may, at the discretion of the Secretary of the Interior, be expended for subsistence, clothing, and such other useful articles as he may deem necessary.

The amendment was agreed to.

Mr. KIRKWOOD. There is a clerical error on page 42, line ten hundred and nineteen, in the name of a county in Iowa. It is printed "Tamer" in the bill. "Tama" is the name of the county.

The PRESIDING OFFICER. That correction will be made.

The next amendment was on page 49, after line eleven hundred and eighty-one, to insert the following:

Lower Brules:
For first of five installments, being twenty-five dollars for each lodge or family engaged in agricultural pursuits on their reservation, (one hundred lodges,) to be expended in stock, agricultural and other implements, and improvements, under the direction of the Secretary of the Interior, the said stock, &c., to remain the property of the United States, to be used for the benefit of said lodges or families, and in no case to be sold or alienated by said band, per sixth article treaty of October 14, 1865, for the fiscal year ending June 30, 1868, $2,500.

For pay of farmer, per sixth article treaty of October 14, 1865, for the fiscal year ending June 30, 1868, $900.

For the erection of a blacksmith shop, per sixth article treaty of October 14, 1865, $500.

For the support of one blacksmith, and for tools, iron, and steel, and other articles necessary for the blacksmith shop, per sixth article treaty of October 14, 1865, for the fiscal year ending June 30, 1868, $1,500.

Two Kettles:
For first of five installments, being twenty-five dollars for each lodge or family located on lands for agricultural purposes, (one hundred and thirteen lodges,) to be expended in agricultural implements and improvements, per fifth article treaty of October 19, 1865, for the fiscal year ending June 30, 1868, $2,825.

Yanktonais:
For first of five installments, being twenty-five dollars for each family or lodge located on lands for agricultural purposes, (one hundred and fifteen lodges,) to be expended in agricultural implements and for improvements, per fifth article treaty of October 20, 1865, for the fiscal year ending June 30, 1868, $2,875.

Sans Arcs:
For first of five installments, being twenty-five dollars for each lodge or family located on lands for agricultural purposes, (thirty-eight lodges,) to be expended in agricultural implements and improvements, per fifth article treaty of October 20, 1865, for the fiscal year ending June 30, 1868, $950.

Mr. SHERMAN. These are new items about which the Senate ought to be informed. The whole of them are included in the one treaty referred to in the amendment made recently, I believe at the last session of the Senate. The amendment is supported by ample documentary statements, which I presume it is hardly worth while to read unless the Senate desires to hear them.

The amendment was agreed to.

The next amendment was on page 58, line fourteen hundred and fourteen, to strike out the following proviso to the appropriations for the general incidental expenses of the Indian service in Colorado:

Provided, That no part of said money shall be disbursed by Alexander Cummings, the present superintendent of Indian affairs for Colorado Territory.

Mr. SHERMAN. I do not know that there will be any difference of opinion in the Senate on this question. We thought it rather too important a bill to strike at an individual citizen, even if the House or Senate did not like him. Certainly it is very undignified.

The amendment was agreed to.

The next amendment was on page 63, after line fifteen hundred and thirty-seven, to insert the following:

To supply a deficiency in the appropriation for transporting goods purchased for the Sioux of Dakota Indians, under treaty made at Fort Sully in October, 1865, for the fiscal year ending June 30, 1867, $4,901 82.

The amendment was agreed to.

The next amendment was on page 64, after line fifteen hundred and forty-three, to insert the following:

Flatheads:
For this amount, to supply a deficiency in the appropriation for the Flatheads and other confederated tribes for the fiscal year ending June 30, 1865, being the fifth installment for beneficial objects, under treaty of July 16, 1855, $1,000.

The amendment was agreed to.

The next amendment was on page 64, after line fifteen hundred and fifty, to insert the following:

Qui-nai-elts and Qui-leh-utes:
For this amount, to supply a deficiency in the appropriation for the fiscal year ending June 30, 1867, of the first of four installments on $25,000, stipulated to be paid the Qui-nai-elts and Qui-leh-utes, as per fourth article treaty of July 1, 1855, $500.

To supply a deficiency for funds heretofore appropriated on account of "Winnebago trust lands," and for the "Arapahoes and Cheyennes of Upper Arkansas river," under treaty stipulations, and which were lost by deposit in the Merchants' National Bank, at Washington, $33,037 02.

Mr. SHERMAN. The Senate probably are aware of the general history of this amendment. It appears that a disbursing officer of the Indian department, under the general authority of law and the instructions given to him, deposited money in the Merchants' National Bank at Washington, which failed recently, and the money was lost. This amendment is to supply that deficiency. I have letters here showing the amount and the circumstances under which it occurred.

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The PRESIDING OFFICER. The attention of the Senator is called to the phrase "the Winnebago trust lands" in line fifteen hundred and sixty, whether it should not be "trust funds."

Mr. SHERMAN. We followed the language furnished us, "to supply a deficiency, &c., on account of trust lands." The language of the appropriation is furnished by the Department, and I presume it is correct.

The amendment was agreed to.

The next amendment was on page 65, after line fifteen hundred and sixty-six, to strike out the following clause:

For expense of collecting and locating the Colorado river Indians in Arizona, on a reservation set apart for them by section first, act of March 3, 1865, including the expense of constructing a canal for irrigating said reservation, $50,000.

Mr. HENDERSON. I hope my friend will let that pass over for the time being. The Committee on Indian Affairs think it would be improper, perhaps, to strike it out. We have some evidence on the subject which we intend to submit to the Senate.

Mr. SHERMAN. Very well; the vote need not be taken on that amendment now.

The PRESIDING OFFICER. The amendment will be passed over, unless objection be made.

The Secretary concluded the reading of the bill.

Mr. HENDERSON. I am instructed by the Committee on Indian Affairs to offer an amendment, to insert on page 8, after line fifty-two:

Assiniboines:

For first installment of annuity, to be expended at the discretion of the President in such articles, goods, and provisions as he may from time to time determine, $10,000 of which may be expended in the purchase of stock animals, agricultural implements, in instructing in agriculture and mechanical pursuits, in employing mechanics, in educating their children, providing necessary and proper medicines, and medical attendance, care for and support of their aged, infirm, and sick, for their helpless orphans, and in any other respect to promote their civilization, comfort, and improvement, and also for pay of head chief, per seventh article of treaty July 18, 1866—not yet ratified—and recommendation of Commissioner of Indian Affairs, for the fiscal year ending June 30, 1867, $30,000.

There are several amendments that I propose to offer upon this subject, and as an explanation of the whole matter perhaps I had better send to the Clerk a communication from the Department of the Interior, which may be read.

The Secretary read the following letter:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, *January* 26, 1867.

SIR: I have the honor to report upon the subject of the treaties made last year with Indian tribes inhabiting the country in northern Dakota and Montana, along the Missouri and Yellowstone rivers, which treaties, after having been transmitted to your Department from this office with a recommendation that they be sent to the President to be laid before the Senate, were informally returned at a recent date for further examination and report. These treaties are made respectively with the Crows at Fort Union, July 16, 1866, with the Assiniboines at the same place July 18, 1866, and with the Arickarees, Gros Ventres, and Mandans (confederated) July 27, 1866.

I respectfully submit the following suggestions in regard to these treaties, in the order of their dates, referring to the maps herewith for a more clear understanding of the location of and cession made by the several tribes.

1. *Crows.* The country in which a right of occupancy has been heretofore conceded to the Crows lies south of the Missouri river, west of a line drawn from the head waters of the Powder river down that stream to its mouth, and thence north to the mouth of Milk river, east of a line drawn from the mouth of the Muscle Shell river southwesterly to the great bend of Yellowstone, and having an indefinite extension to the south. Besides this the Crows have a common right with the Blackfeet to an extensive country lying further west.

It is apparent that the great northern routes of travel to and from Montana, both by land and water, are through the country of the Crow Indians, and hence the necessity of a continuance of peaceable relations with them. By the treaty herewith these Indians yield the rights to roads and telegraph lines through their country, agreeing that they shall be unmolested. They promise to keep the peace toward the whites and toward other tribes, and they further cede to the Government the rights to reservations of ten miles square for depots or stations, at points to be selected at its discretion.

The Government agrees to give the Indians in return $25,000 per annum for twenty years after ratification of the treaty, of which $8,000 may be expended for stock animals, implements, education, &c., besides certain salaries to chiefs.

2. *Assiniboines.* The country occupied by these Indians comprises, on the south side of the Missouri, the triangle formed by the Missouri and Yellowstone, and a line drawn from the mouth of Powder river to the mouth of Milk river, and on the north side of the Missouri it extends to and into the British Possessions, coming in contact to the eastward with the Sioux country without defined boundaries.

By the treaty with these Indians they make the usual agreements as to peaceable conduct, yield the right to roads through their country with ten-mile reservations, as in the Crow treaty, and cede absolutely the triangular tract south of the Missouri river, besides a small tract on the north side of that river, including Fort Union.

The Government agrees to give them $30,000 for twenty years, of which $10,000 may be used for stock, implements, education, &c., and provisions are to be made for their chiefs.

3. *Arickarees, Gros Ventres and Mandans,* (confederated.) These friendly and well-behaved Indians live in the neighborhood of Fort Berthold, near the great bend of the Missouri. They do not claim any such title to their land as authorized them to sell any of it to the Government, conceding that they are occupants by ancient consent of both Sioux and Assiniboines, but, as in the Laramie treaty, the Sioux claimed nothing north of Heart river, on the west side of the Missouri, and the Assiniboines nothing south of that river and the Yellowstone. The usufruct right of the Arickarees and their confederates might be conceded to the open tract south and west of the Missouri and north of Heart river. They, however, for the most part, live east of the Missouri, drawn into small compass through the hostility of the Sioux, though on friendly terms with the Assiniboines. They are not only friendly to the whites, but much disposed to agriculture, and raise large quantities of corn, and will profit by any assistance given to them.

They agree to the passage of roads through their country, and make the pledge of good behavior common to the three treaties in question, and the Government agrees to give them $15,000 per year for twenty years.

It is a provision common to the three treaties above mentioned that the stipulations become obligatory upon the Indians from the date of signing the treaties, but not upon the Government until their ratification; and it is also provided that any amendments made by the Senate, not materially changing the treaties, may take effect without the necessity of submitting them for the assent of the Indians.

There is no question that the Indians understand these treaties to be complete, and will expect the payments promised by them, and I have no hesitation in recommending that the necessary appropriations be promptly made; but I am not certain that it will be best to ratify the treaties at present. Perhaps this formal action may be postponed until the existing disturbances to the south and west of these Indians shall cease.

Meantime, if my views of the propriety of making the appropriations in advance of the ratification of the treaties shall meet with your approval, I beg leave further to suggest that they should, in the case of each tribe, be increased considerably beyond the amount proposed in the several treaties.

In the case of the Crows, for whom the treaty proposes $25,000 per annum, and who comprise two bands —the "Mountain Crows," numbering twenty-four hundred, and the "River Crows," nineteen hundred, forty-three hundred in all—I think the annual appropriations should be at least $50,000, so as to give the Indians a supply sufficient to make it worth their while to travel the long journey to the place of payment. Even this would be but a small item *per capita.*

In the case of the Assiniboines, numbering twenty-six hundred and forty, I recommend the increase of amount to be paid from $30,000 to $40,000, and for the same reason.

As to the Arickarees, &c., on account of their willingness to enter upon the ways of civilized life, I recommend that the proposed payments be doubled, and made $10,000 instead of $20,000.

Further, I suggest that all of these treaties be so amended as not to limit the payments to twenty years, but leave them in a position to be continued after that time, in the discretion of the President. Probably before that time expires other treaty arrangements, superseding these, will be necessary, but it is deemed advisable that an abrupt limit should not be fixed for these payments.

I do not deem it necessary to dwell upon the reasons which impel me to these recommendations of increased payments. The Government appears to me to have pursued a "penny wise, pound foolish" policy hitherto in its treaties with Indians of the class herein referred to, by making its proposed payments too small, and when to this are added the delays in delivery, to say nothing of frauds practiced upon the Indians, the annuities have been insufficient for their purpose of keeping the Indians satisfied and quiet, and the consequence has been that either by losses from depredations of discontented tribes, or by military expeditions to chastise them, the Government has lost annually many times the amount which, judiciously, promptly, and faithfully used, would have kept the tribes in a friendly mood. I shall, while I hold the position of Commissioner of Indian Affairs, continue to urge the policy of liberality and justice to the Indian tribes, as true economy on the part of the Government.

The report of the treaty commissioners and the several treaties are returned herewith.

I also return the treaties made in June, 1866, at Fort Laramie, by commissioners on the part of the Government, with the Brule and Ogallalla Sioux, and with the Cheyennes, with the report of the commissioners thereupon, these papers having been transmitted to your Department by my predecessor October 30 ultimo, but referred to me informally for further examination and report. Later advice from that region, and information received in conversation with late Agent Jarrot, who was present at the time of these treaties, enables me to express confidently the opinion that they should not be ratified in their present form. Mr. Jarrot states that the chiefs of the bands of Ogallallas, who with the Oncpapas, are the only Sioux occupying the Powder river country, left with their people before the treaty was signed, and were not parties to it. He also states that the Indians who did sign it do not understand the treaty as allowing more than one road through their country, while the real reading and the understanding of the whites provides for as many as are desired, and trouble has grown out of this misunderstanding already.

Further, it is stated on good authority, that while two bands of the Brule's, the "Corn band," of which Swift Bear is chief, and the "Iron Shells band," of which Dog Hawk is chief, are, especially the former, disposed to settle down to agriculture, the amount provided for such cases, $100 per lodge, is entirely inadequate. There are also two bands of the Ogallallas, those of "Big Mouth" and "Blue Horse," who are anxious to commence farming, and number about one hundred and fifty lodges. Several of the other bands are at war now with the whites.

The proper course would seem to be to make new treaties with the separate bands of these Indians, providing for each according to their number and disposition. But meantime a portion of the Sioux are quiet and friendly, abstaining from hostilities or depredations so far as this office is advised, and relying upon the good faith of the Government to carry the treaty into operation. I therefore recommend that application be made to Congress for an appropriation of $70,000, being the annual amount provided for in the treaty, to be placed at the disposal of the Department for use in behalf of such of these Indians as it may be found judicious to provide for. This course appears to be necessary unless we would drive them to hostility.

In regard to the treaty with the Cheyennes, signed by a part of their chiefs in July, 1866, and by others in October, I cannot for reasons similar to those urged in regard to that made with the Sioux, recommend its ratification, and more particularly because it does not seem to be expressive of the wishes or intentions of the Indians. But in order that the Government may be able to deal liberally and kindly with such of these Indians as prove to be friendly, I recommend an appropriation of $15,000, being the amount provided for in the treaty, to be used at the discretion of the Department, pending more permanent arrangements.

Estimates in proper form will be transmitted for the appropriations herein recommended.

Very respectfully, your obedient servant,

LEWIS V. BOGY, *Commissioner.*

Hon. O. H. BROWNING, *Secretary of the Interior.*

Mr. SHERMAN. If I understand the reading of the communication, that provides for temporary relief to the Arapahoes and Cheyenne Indians.

Mr. HENDERSON. This is for the Assiniboines.

Mr. SHERMAN. Well, for certain tribes of Indians, in place of payments to be made to them under treaty stipulations which have not yet been ratified, I have no objection to it, if it is found to be necessary. I will here say that, in my judgment, no one of the Indian treaties that are now pending ought to be ratified; and if we had proper appropriations estimated for by the proper Department, and submitted to us year by year, without reference to Indian treaties, we could no doubt do much better with the money appropriated than we can under a treaty. The first fifty-two pages of this bill contain appropriations made in pursuance of Indian treaties. Some of the treaties are thirty and forty years old. Some of them were made as early as 1822. All the Indians who made them are dead, most of the tribes are dead, and yet we continue to pay the same annuities in the same form and under the same stipulations, while the beneficiaries under the treaty are dead, and their descendants exterminated in many cases.

Mr. FESSENDEN. Who gets the money?

Mr. SHERMAN. That is pretty hard to tell. In some cases the tribes are reduced to one tenth their original number, and yet the same amount is paid to their remnants as was paid thirty or forty years ago. The whole system is vicious. I trust the honorable Senator from Missouri, who is giving his attention to this matter, will devise some way to extirpate this whole system of fifty or sixty or one hundred petty sovereignties within sovereignties, and let the whole of these persons be turned over to the local authorities. It is said that if you turn them over to the white people

of the Territories they will kill them off. Perhaps that is so, but they are now in process of decay, and perhaps there is no instance in the history of human life where tribes are disappearing so rapidly as the Indian tribes of the Northwest. No system can be worse than the present one.

I had a great many amusing instances narrated to me during a recent trip through the West of the manner in which Indian treaties were made; but I will not detain the Senate with a statement of them. The whole thing is a ridiculous farce. A few drunken Indians are gathered together, and an Indian agent writes out a treaty, and it is signed by them, signing their mark. It is sent to the Senate of the United States, referred to the Committee on Indian Affairs; they examine it without any knowledge of it, without any opportunities of information, on such statements as they gather from persons not present, and the Senate ratifies it, generally when hardly anybody is present. At the last session of Congress we ratified a treaty, probably with scarcely any information in the Senate, that involves the expenditure of over two million dollars, and revived old treaties which, it seems to me, put us under a legal obligation to pay within a year or two about two million dollars to a single tribe of Indians.

Mr. HENDERSON. Two million three hundred thousand dollars.

Mr. SHERMAN. My friend says $2,300,000. It seems to me that this whole system ought to be broken up. I should be willing to make annual appropriations from time to time for all the Indian tribes of the West; to make them from year to year as their necessities and their condition demand. It would be much wiser to do that than to appropriate in pursuance of Indian treaties made without limitation or restraint or without any of the care that we can exercise over appropriations. The Committee on Finance have no way except simply to report appropriations to carry into effect existing treaties, and there is nothing in the whole of this bill but what is provided for by law or by treaty, or is in pursuance of previous appropriations in California, Arizona, and some of the Territories where we have no treaty relations with the Indians. I believe in the Territories acquired from Mexico we have no treaty stipulations, or scarcely any. The service in California is far less expensive than in the region of country where we have treaties with the Indian tribes. In California the system of which Mr. Latham was the author works very well, I believe. We have collected the Indians in four reservations, where they are cared for with an annual expense of less than one hundred thousand dollars. If I remember correctly, the whole appropriations for the Indian service in California is now less than one hundred thousand dollars, while the number of Indians composing it is very large. The whole amount appropriated by this bill, with the amendments added to it, will be over three million dollars.

Mr. HENDERSON. As has been truly stated by the Senator from Ohio, the purpose of this amendment is to pay to the Assiniboine Indians the amount that would be due to them if the treaty were ratified. The Department asked for a larger sum, but the committee thought it proper not to give a larger amount. I will state that there are a good many treaties before the committee. They are treaties with Indian tribes the most of whom live in the district of country that is now in disturbance, and the committee agreed with the Indian department that it would not be advisable to ratify those treaties. I, like the Senator from Ohio, have objections to the ratification by the Senate of such a large number of these Indian treaties. A different policy must be adopted in regard to them. The idea of making a treaty, as he properly says, with the Indians, oftentimes in utter ignorance on the part of the Indians of what the treaty contains, and then having it ratified by the Senate who, I must say, generally are as utterly ignorant of the provisions of the treaty as the Indians themselves, is very bad policy. I agree with him, therefore, that something ought to be done in order to correct this system. I have not any doubt that it will be done; and, with a view to that end, I think commissioners ought to be appointed, if not permanent commissioners, at least a temporary board for the purpose of devising ways and means of having the Indians put upon certain reservations beyond the lines of travel as far as possible, and collecting them in a space much smaller than that in which they now are. That will have to be done ultimately, and the sooner it is done the better; and the sooner it is done the sooner will the United States get rid of the very heavy burden now falling upon us.

Under the circumstances, inasmuch as this tribe of Indians was upon the line of travel where these difficulties are now threatened; inasmuch as they signed a treaty a year ago or nearly a year ago and sent it to us for confirmation; and inasmuch as they are somewhat surprised that the moneys due under the treaty have not been furnished; and inasmuch as they themselves say they have have complied with every part of the treaty, the committee thought it was best, in order to keep them quiet and not have them join with those two bands of the Sioux who seem now to be engaged in hostilities, to furnish them the small amount that the treaty contemplates. Perhaps if we get into a war with them it will cost us millions of dollars, while the appropriation of a very small sum now will have the effect to keep them segregated, separated from the hostile Indians. We think it is better to do so. They are right in the midst of them, right on the line of travel.

Mr. FESSENDEN. How many are there of them?

Mr. HENDERSON. About forty-three hundred. They are not very strong; but they have some few warriors, and perhaps would give us a great deal of trouble. There is a provision in the amendment that if they have been engaged in acts of hostility, which will of course be inquired into, the money shall not be paid anyhow.

Mr. FOWLER. I should like to know from the Senator having this bill in charge how much money is appropriated in it. That is about all we can know in reference to it. I do not know that it makes much difference, but I should like to know how much is appropriated by the bill.

Mr. SHERMAN. The amount contained in this bill is $2,700,000. I think the amount of the amendment is about seventy thousand dollars.

Mr. HENDERSON. No; not this amendment.

Mr. SHERMAN. The whole amendment; this proposition and the one to follow it.

The amendment was agreed to.

Mr. HENDERSON. I have another amendment to offer of a similar character. The letter already read explains it. It is to insert on page 3, after line fifty-two:

Arickarees, Gros Ventres, and Mandans:

For first installment of annuity, to be expended in such goods, provisions, and other articles as the President may from time to time determine, ($5,000 of which may be expended in the purchase of stock animals, agricultural implements, in instructing in agricultural and mechanical pursuits, in employing mechanics, educating their children, providing medicines and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement; and also for pay of head chief, soldier chiefs, second chiefs, and Pierre Garreau for his services to the Arickarees, per article treaty of July 17, 1866, second article not yet ratified, addenda thereto, and recommendation of the Commissioner of Indian Affairs, for the fiscal year ending June 30, 1867, $40,000.

Mr. SHERMAN. As a matter of phraseology, I want the reference in the amendment to a treaty not yet ratified stricken out. Let the amount remain, but the reference to a treaty not yet ratified should be stricken out.

Mr. HENDERSON. The same reference is in the previous amendment.

Mr. SHERMAN. It ought to be stricken out of that too. We can appropriate the amount for this purpose without saying that it is under the treaty.

Mr. HENDERSON. Let that be done.

The PRESIDING OFFICER. The amendment previously agreed to will be so modified, if no objection be interposed. The question is on the amendment of the Senator from Missouri as modified.

The amendment was agreed to.

Mr. HENDERSON. I have another amendment from the Committee on Indian Affairs. It is to insert after the amendment just adopted:

Cheyennes of the Upper Platte river:

For this amount for the Cheyennes near Fort Laramie, to be put at the disposal of the Secretary of the Interior, to be expended by him or under his direction, in such manner as will best tend to sustain peaceable relations with said Indians, for the fiscal year ending June 30, 1867, $15,000.

The amendment was agreed to.

Mr. HENDERSON. I have another amendment to come in after line four hundred and seventy-eight, on page 21:

Crows:

For first installment of annuity to be expended for such useful goods, provisions, and other articles as the President from time to time may determine; $8,000 of which installment may be expended in the purchase of stock, animals, agricultural implements, in the employment of mechanics, in educating their children, in providing necessary medicines and medical attendance, care for the support of the aged, infirm, and sick, and for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement; and also for pay of head chief, per sixth article of the treaty of April 10, 1866, not ratified, on the recommendation of the Commissioner of Indian Affairs, for the fiscal year ending June 30, 1867, $25,000.

Mr. SHERMAN. Let that part which makes a reference to a treaty not yet ratified be stricken out.

Mr. HENDERSON. I will so modify the amendment.

Mr. SHERMAN. Then strike out all reference to an installment, and simply say: "for this amount to be expended," &c.

Mr. HENDERSON. I will accept that modification.

The amendment, as amended, was agreed to.

Mr. HENDERSON. Then I move to add after the clause just adopted:

For this amount for pay of sixteen half-breeds, to be expended in goods or money at the discretion of the President, $800.

For this amount to be paid Pierre Chien in consideration of the friendship and services rendered by him to the Crow Indians, for the fiscal year ending June 30, 1867, $200.

The amendment was agreed to.

Mr. HENDERSON. I have another amendment to come in after line eleven hundred and fifty-one, on page 48:

For this amount for the Brule and Ogallalla bands of Sioux, to be placed at the disposal of the Secretary of the Interior, to be expended by him or under his direction in such manner as will best tend to sustain peaceable relations with said Indians, for the fiscal year ending June 30, 1867, $70,000.

The amendment was agreed to.

Mr. HENDERSON. I move further to amend the bill by striking out the eleventh page, lines two hundred and thirty-two, two hundred and thirty-three, and two hundred and thirty-four, in these words:

For twenty-first of forty-six installments, to be paid the Chippewas of Mississippi per third article of treaty of August 2, 1847, $1,000.

And in lieu of this clause to insert the following:

For the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first of forty-six installments, to be paid the Chippewas of the Mississippi, as per third article of treaty of August 2, 1847, $11,000.

Mr. SHERMAN. This proposition was submitted to the Committee on Finance, and was rejected by them. Perhaps we had not full information before that committee; but I will state the view we took of it. For some ten or twelve years the Indian department did not estimate at all for this appropriation. That was a very significant fact; because if there were Indians who really needed the appropriation, and who were entitled to it, the Indian Bureau would have unquestionably asked for it; or if not, complaints would have

been made and the attention of Congress called to it. But no estimate was made for years; and the fact that no estimate was made is a sufficient indication that none was needed. Now, however, after the expiration of a number of years, this appropriation is revived. The natural inference from the neglect to make the demands was that the Chippewas of the Mississippi were pretty well all killed off. At any rate, if there was any money due, we should certainly have had some claim made for it; and the fact that they lay idle for ten years and did not demand this annual allowance is a sufficient evidence that for some reason or other it was not due. This year, for the first time in a long while, the thing is revived without any explanation, except a letter from the Commissioner of Indian Affairs, that in the bill as it was passed by the House there was an appropriation of $1,000 for the twenty-first of forty-six installments, and that if the twenty-first installment ought to be appropriated for, all the back ones from the eleventh to the twenty-first ought to be appropriated for. That is all the argument. I will read the letter of the Commissioner to the Secretary of the Interior:

"By the third article of the treaty of August 2, 1847, with the Chippewas of the Mississippi and Lake Superior, the United States agreed to pay to the Chippewas of the Mississippi $1,000 annually for forty-six years. This sum was appropriated regularly until 1852, at which time the sixth, seventh, eighth, ninth, and tenth installments were appropriated. Since then no appropriation has been made. In the estimate of appropriations required for the Indian service for the fiscal year ending June 30, 1868, at present before Congress, there is included one for the twenty-first installment under said article. This will leave ten installments due the said Indians and unappropriated. I inclose herewith an estimate for said ten installments, and respectfully request that it be transmitted to the appropriate committee for further action."

I think before this appropriation is made for ten years we ought to know why for ten years the appropriation was not asked for and why it is now revived. I think the explanation we had before the Finance Committee is not sufficient. Perhaps we may have new light in the Senate on the subject. I think this is perhaps one of those cases where the Indians have disappeared in the march of time, under the advance of civilization and the good offices of the white man of Minnesota and that region of country. Probably there were no Indians to pay the $1,000 to, and therefore it was abandoned; and lately some clerk looking over the treaties found that there was an installment under this treaty to be paid, and put it in the estimates. We have no other evidence before us.

Mr. RAMSEY. I think this matter is susceptible of a very easy explanation. There is no doubt that it is nothing more than a case of omission on the part of the Indian office to estimate for this annual appropriation under the treaty of 1847. The Indians are aware of this claim, and they have spoken to me of it several times. I supposed when I was spoken to about it first that there was some omission on the part of the department that would be promptly attended to, and I gave it no further notice. It seems about 1852, at which time I was superintendent of Indian affairs in Minnesota, they were paid this amount of money. Why it has not been paid or estimated for subsequently I do not understand. The Senator from Ohio is mistaken in supposing that these Indians have faded away. These Mississippi bands of Chippewas are about as numerous now as they have ever been. There has been a great mistake on that general subject. All the tribes we have known in the Northwest are about as numerous now as they were thirty or forty years ago—the Winnebagoes and the Chippewas.

Mr. SHERMAN. They are civilized.

Mr. RAMSEY. Partially civilized. The Chippewas of the Mississippi are about as numerous as they were at the time this treaty was negotiated. The head chief spoke to me only last evening about the matter of this item of $1,000 having been omitted for so many years, and suggested the propriety of now making the appropriation for the time that had elapsed. I trust there will be no difficulty about making the appropriation now. It is clearly due under the treaty, and good faith requires that its stipulations should be fulfilled.

Mr. HENDERSON. All I can say about this matter is that the propriety of the appropriation has been urged upon the committee by the department, and when I turn to the treaty with the Chippewas made in 1847 I find that the third article of the treaty provides for the payment of this amount of money in this language:

"And the United States further agree to pay to the Chippewas of the Mississippi the sum of $1,000 annually for forty-six years."

I cannot find any subsequent treaty that abrogates this article of the treaty of 1847. I was of the impression that perhaps that might have been done in some subsequent treaty, but if there is any treaty with them to that effect I cannot find it. My friend from Ohio suggests a difficulty that at first seemed to be sufficient in my mind in regard to the omissions of estimates for this item for ten years; but when I looked at the papers I did not see what we could do except to appropriate the amount, unless it be true that the tribe is extinct, and my friend from Minnesota says that is not the case. If the Senator from Ohio will look to line two hundred and twenty-two of this bill he will find that we are actually paying these Indians installments under an older treaty, under the treaty of October 4, 1842. Certainly the tribe cannot be extinct, for I believe there are not less than from sixty to one hundred lines of the bill as reported from the Finance Committee devoted to appropriations for the benefit of these very Indians. If they are dead, the Finance Committee have committed a very great blunder in reporting so many appropriations for their benefit.

Mr. SHERMAN. We have to carry out the treaty stipulations as long as there is a single Indian left. We have no other course to take.

Mr. HENDERSON. There are some of these Indians here now. I have seen some of this tribe in this city. I can find nothing abrogating this provision of the treaty of 1847, and therefore I felt under obligations to propose the amendment. The Senator from Minnesota knows all about the case. I have called the attention of the Senate to it, and they can do as they choose. The treaty is before me, and I see no way of avoiding its obligation.

Mr. SHERMAN. I do not think we ought to put this amendment in the bill without further explanation. It amounts to $10,000. I am perfectly willing to pay it if we are bound to pay it; but I should like to have the proper officers explain why they omitted for so long a time to estimate for this item. We found in the Committee on Finance the same facts to which the Senator from Missouri refers: that the money appeared to be due under the treaty stipulation, and also that for ten years it was not estimated nor asked for nor any complaint made, so far as we have any evidence. This was sufficient at least to induce us to believe that for some good reason the annuity lapsed or was not due. I think this appropriation ought not to be made until we have further light on the subject.

Mr. RAMSEY. I am sure there is nothing wrong about this appropriation. It seems to have been a mistake of a clerk, who omitted to make an estimate for this amount of money, this one thousand dollar item with the other items of appropriation for these Indians. The Indians of course did not observe it at first; and the officials in the country, not having the money to pay them, made no particular remark about it. There were thirty or forty thousand dollars due these Indians each year under treaty stipulations, and this omission was not observed at first. The Indians, however, soon observed it, and from time to time spoke of it; and they claim, with evident justice and right, that it is due to them under the treaty and should be paid. The Department are now aware that they have omitted or neglected to make the estimate for this particular sum for all these years, and acknowledging it they call upon Congress now to make the appropriation. Why should we hesitate about it? There is no claim that the appropriation lapsed or that the necessity for it has been swept away by a subsequent treaty. It is enough for the Indians to show that they are entitled to this money under treaty stipulations, and that they have not received it. These facts being established, why not appropriate it? I do not see what more the Senator wants.

The amendment was agreed to.

Mr. HENDERSON. I have another amendment from the Committee on Indian Affairs to come in in line fourteen hundred and seventy-two, on page 61:

For this amount to carry out the action contemplated by the act of Congress approved May 5, 1864, entitled "An act to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the Uintah valley," to be expended in removing and settling the Indians in said valley, for the fiscal year ending June 30, 1868, $15,000.

For this amount to supply a deficiency in the appropriation for incidental expenses of the Indian service in Utah for the fiscal year ending June 30, 1866, $12,000.

I have in my hand a statement of the superintendent of Indian affairs in Utah, which I have carefully read. It is some five or six pages in length. If the Senate desire to hear all the facts, perhaps it would be as well to have the letter read. If not, if they are willing to take my statement in regard to it, I can simply say that I have carefully examined it, and it is a statement by a very intelligent gentleman evidently, a man who seems devoted to the service, and the charges made seem to me to be very reasonable indeed, much more so than we generally find in cases of this sort; and the statements themselves are reasonable, and in my judgment ought to be heeded. It is a very small appropriation. Evidently the deficit provided for in the amendment ought to be allowed, for there can be no question that the expenditures were made and properly made. In reference to the additional amount, I think the statements are equally clear. If the Senate desire to hear the paper it can be read; it is about as concise a statement of facts as I could give.

The amendment was agreed to.

Mr. HENDERSON. I am now about to present an amendment that will provoke discussion; but it is one that ought to be considered, and properly considered, by the Senate. I present it in the shape in which it has been submitted by the Department, without saying that either myself or the committee are in favor of the appropriation of the amount proposed. It is in regard to the Navajo Indians that have been held as prisoners of war by the military authorities in New Mexico on the Bosque Redondo reservation. I present it in the shape in which it has been submitted to the Committee on Indian Affairs, because we had not time this morning to make the calculations that perhaps would be necessary in reference to it, and we wish the Senate to take it under advisement. Something must be done. These Nevajo Indians, from six to eight thousand of them, now estimated at about eight thousand, are held as prisoners of war and are being fed by the military authorities at an expense of from one to two million dollars a year. They propose to turn these Indians over to the Interior Department, and it is for the Senate to determine whether it shall be done. I confess myself, as I am a new member upon this committee, unable to enlighten the Senate much upon this subject; but Senators will remember that these Navajo Indians were captured and have been held there for some two or three years at an immense expense. The cost of the War Department in connection with Indians in 1865 was over twenty million dollars, and in 1864, $9,000,000; and this item has of course been a part of that expense.

The proposition to turn these Indians over to the civil authorities is, as I think, a good one. They certainly can be fed much cheaper in that way than they are now fed; and the proposi-

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tion is to grant for that purpose about one third of the amount that has been used by the military authorities in feeding them; but, at the same time, I confess that I am unwilling personally to vote for the amount named by the Department. I have consulted the Commissioner of Indian Affairs, and he thinks it can be done for this amount, but whether it will be necessary to have a larger amount he does not know. It has cost a larger sum heretofore, but he thinks he can get along with the amount named in the amendment. I think that he ought to be able to get along with a smaller amount; but I present the amendment as it was submitted to the committee, and the Senate will decide the question. I send the amendment to the desk.

The Secretary read the amendment, which was to insert after line fifteen hundred and five, on page 62:

For feeding about six thousand Navajo Indians, now prisoners at Fort Sumner, and fed by the military, but agreed to be turned over to the Indian Bureau whenever the necessary appropriation is made, from the 1st of March to the 30th of June, four months, say $120,000.

The same from the first of July, 1867, to the 30th of June, 1868, say $500,000.

Mr. DOOLITTLE. If I can get the ear of the Senate for a few moments I will state some facts that came within my personal knowledge when, with the honorable Senator from Connecticut, [Mr. FOSTER,] I was engaged in the investigation of Indian affairs in New Mexico. We went to the place in New Mexico where these Indians are held. These Navajoes were captured by Kit Carson, to the number of about seven thousand; and since the commencement of the session to-day I have received a letter from Detroit, Michigan, from Brevet Lieutenant Colonel H. B. Bristol, who when we were in New Mexico was in charge of the Indians upon this reservation. The reservation is about forty miles square. The Pecos river runs through it. The Indians are now on the reservation, and there are about five or six hundred troops there for the purpose of keeping them on the reservation so that they will not run away. You are aware that they have been taken two or three hundred miles out of their own country. They were captured and brought over to the southeast part of New Mexico, bordering almost on the line of Texas, and placed on this Pecos river. Under the direction of General Carleton and the military officers in command an attempt has been made to establish a reservation and try to make these Indians support themselves upon it. In all that country nothing can be raised without irrigation. There is no rain which will make crops or vegetation grow. They have made a dam across the Pecos river and have cut a large canal or *acequia*, as they call it, and have carried it along under the foot of the bluffs four or five or six miles, so that by means of this *acequia* they have put under water, as it is called, four or five thousand acres of land, upon which they were cultivating crops when we went there. There were then between three and four thousand acres of land cultivated in corn and wheat and the black beans, which are cultivated very much in that country. It is the most uncertain country in the world for crops. There are swarms of all sorts of creeping things that destroy the crops. They come suddenly. Sometimes in a week or a fortnight a whole crop will be destroyed. Other seasons a man may be fortunate enough to raise a full crop; but the whole business of raising crops anywhere in New Mexico is a very uncertain thing.

While these Indians have been on the reservation the War Department has fed them through the Commissary Bureau; and the expense of feeding these Indians while they have been on the hands of the military, to say nothing about the expense of troops in capturing and watching them, the actual expense of feeding them and looking after them has been from twelve to fifteen hundred thousand dollars, besides what is raised out of the ground. That is the way in which these Indians have been fed and kept. They have been there two or three years. The War Department all the while has been desirous to turn them over to the Indian Bureau because it was subjected to this expense of feeding them. The Indian Bureau has said, if Congress will give us money we will take them on our hands and feed them; if not, they must remain with the War Department and be kept and fed as prisoners of war.

Mr. WILLIAMS. Why not let them go at large and take care of themselves?

Mr. DOOLITTLE. If you turn the Navajoes at large, the consequences are apparent. The history of the Navajoes and the Mexicans in New Mexico for two hundred years is that they have been constantly at war with each other. The Mexicans would steal the Navajo women and children, and the Navajoes would steal the Mexican herds of sheep and cattle. It has been a predatory warfare between the two. We, in taking New Mexico, have taken upon our hands this continual war between the Mexicans and the Navajoes. We have had, as I stated the other day, three or four campaigns in war between ourselves and the Navajoes, which have cost us millions upon millions of dollars. The military department of New Mexico, under General Carleton, determined to capture the Navajoes and confine them somewhere so as to keep the peace. If you will look into our report and read the testimony of General Carleton and Kit Carson and all the men whom we could find of any considerable prominence of character in New Mexico, you will see that they universally stated that, if the Indians were suffered to remain in their own country, the depredations between them and the Mexicans would continue; it was necessary for us to keep three or four regiments of troops out there. This was their argument; and the view upon which the military department acted in making a capture of the Indians was, as they say, to put an end to war and to save the expense of keeping so many troops there. For myself, if it were a new question, with these Navajoes back in their own country, had they never been captured in that country and brought to this reservation, I should not have advised that the thing be done; I would have said let them remain in their own country and station a military force in such a manner as to keep them in their country and preserve the peace. But here is the practical fact; the military took possession of them and took them out of their own country two or three hundred miles and planted them on this reservation, and there they are. The simple question for the Senate to decide is whether they propose to let the Interior Department feed these Indians. If they do, they can give that Department means to do it; if not, if you leave them in the hands of the War Department, things will go on just as they are.

Mr. SHERMAN. Suppose the military authorities withdraw and let them "root hog or die?"

Mr. DOOLITTLE. Perhaps I can give my honorable friend some information in relation to New Mexico when I call to mind what has transpired there. We have now held New Mexico twenty years. When General Sumner was in command of that military department he proposed that the Government should buy out every New Mexican who had become a citizen of the United States by virtue of our treaty with Mexico, give them money enough to enable them to remove into Kansas or somewhere in the States and settle themselves, and then give up the whole of New Mexico to the Indians. That was his proposition; and as a mere matter of economy it would have been a great saving to this Government, for the administration of the military department in New Mexico and the Indians there have cost us from four to five million dollars a year ever since we acquired the Territory. It has cost us probably $100,000,000 since we acquired the Territory, and the great expense has been in feeding the Indians and in clothing the Indians; and the expense grows out of the fact that you have to keep the troops there to maintain peace, to defend the citizens of New Mexico against the Indians, to prevent continual depredations all over that Territory. The War Department, acting with this responsibility, with the view, as they supposed, to produce peace in the Territory, captured this whole tribe and put them on the reservation.

Now, I say to the Senator from Ohio that my opinion is that if you withdraw your troops the mass of these Navajoes will go back to their own country and they will be spread all over New Mexico more or less; but if you mean to keep them on the reservation where they are now kept, provision must be made for them; you must either leave it to the War Department to feed them as prisoners of war, or furnish the Interior Department with money to enable them to feed the Indians. My impression is the Interior Department will feed them cheaper than the War Department can feed them as prisoners of war.

Mr. SHERMAN. I hope the Senate will take this matter into serious consideration and settle it. We have had it up for three years. It is proposed now to appropriate $112 a head for six thousand miserable Indians. The same amount appropriated by the Government to the people of the United States generally would involve an expenditure of $300,000,000—more than our national debt. I am in favor of denying both to the Army and the Interior Department the power to feed these Indians. We have appropriated millions every year to take care of them. I think the military authority ought to be withdrawn from them, and let them, in the language of the late lamented President in regard to another matter, either work for their living or die. It is impossible for this Government to maintain this system of Indian affairs in the Territories. I am informed by a gentleman better acquainted with things in New Mexico than any of us can be, that for twelve years the New Mexicans took care of these Indians with forty soldiers, and that during last year we have fed them on corn which cost twenty-two cents a pound when we used to consider twenty-two cents a bushel a very good price for corn. It is not in the power of the United States to maintain these Indians in that way. There they are fed, and the Senator from Wisconsin says that the Army paid $1,500,000 to feed them. That for six thousand Indians is $250 a head, men, women, and children; and the Senator from Wisconsin says it ought to be turned over to the Interior Department because they can do it cheaper at $112 a head! My own impression is that if we legislate about it at all we ought to direct the Army to withdraw from their care and custody and let them go where they please. If the New Mexicans cannot take care of them we shall have to send soldiers there to do so; but as long as the Indians know that they are to be maintained there by the United States they will never work. This case reminds me of an Indian whom I once met out in Kansas at Fort Leavenworth, when it was under the charge of General Sumner. He had been brought there for some petty offense committed in the Indian country, and had been punished by confinement in a little jail they had at the fort. The thirty days of his sentence ran out, and still the Indian staid in jail. They told him to go away about his business. "No," said he, "white man brought me here; white man take me back;" and there he remained about the fort for six months, not wanting to leave his comfortable berth in the prison. So with these Indians; they are prisoners of war; they are better cared for than they ever were before; and as long as they are kept as prisoners of war it will cost one or two hundred dollars a head to feed and take care of them. I think we had better withdraw our forces from the Navajoes, tell them they are free, and let them go to work or die.

Mr. KIRKWOOD. Unless they are pardoned. [Laughter.]

Mr. SHERMAN. It may, perhaps, be a

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fair case for executive clemency; my friend from Wisconsin could probably procure a pardon for them. [Laughter.] Let them go, and if any aid is required to help them in getting back to their own country I would vote it; but how do three hundred miles of prairie stand in the way of their getting back to their own home? An Indian can travel two hundred miles of a prairie in about six days. A Navajo Indian can go that whole distance in a week, or at the outside in two weeks. Let them go back to where they came from, and I am willing to feed them while they are on the road. Then if they do not behave themselves kill them. This may sound harsh, but it is the only way we can deal with these tribes. I lost all my sympathy for the Indian tribes when I saw personally the condition to which they are reduced. This may be the order of Divine Providence. I do not know. If there were no white men in all the western plains the Indians might possibly procure a precarious subsistence by killing buffalo and game, but the white man is occupying the whole country, and thirty years will not transpire before the most beautiful settlements will be found scattered all along the base of the Rocky mountains in the very places where the Indians have heretofore lived. The Indians must disappear. The duty of the Government is to collect them in reservations, and as soon as possible to adapt them to civilized life; to induce them to work for their living. If you leave the Navajoes there they are unfit for labor, unwilling to labor, while supported by the Government. The only way is to withdraw our forces and let them take care of themselves or starve. We cannot, in the present condition of the country, or indeed in any condition of the country, appropriate these enormous sums year by year for the support of Indians. For three or four years past during the rebellion, on the motion of my honorable friend from Wisconsin, we have appropriated millions of dollars to feed Indians in Kansas and on the western plains, always against my advice. Now we have treaties with them by which we revive all the old and burdensome treaty stipulations and are compelled to pay this money over again.

Mr. DOOLITTLE. If the Navajoes could go and peace be preserved in New Mexico, and the military department were satisfied that peace could be maintained without troops and without keeping these Indians confined, it would do for us by an act of legislation to say, let the Navajoes go; but the judgment of the military department, the policy which has been pursued there for nearly ten years, has been to do just the thing my honorable friend speaks of, bring these Navajoes upon a reservation. The Navajo country, in which they lived and from which they were brought, is as large as the State of Ohio. If my honorable friend will look into the report of the special committee he will see that we took a great deal of testimony, both of military men and of civilians, bearing on this very question. It appears that as between the Navajoes and the people of New Mexico the normal condition has been a condition of war and depredation on each other, going back as far as the history of that country is known. The Navajo nation is an older nation on this continent than we are ourselves; they inhabited that country when the Spaniards first learned anything about it.

Mr. SHERMAN. Old enough to die?

Mr. DOOLITTLE. They are not a people well calculated to die readily. I can tell my honorable friend that these Navajoes are an enterprising people; the Navajo women make blankets such as are not made by any other manufacturers in the world. They will make a blanket that you can hold up the four corners of it and it will hold a barrel of water and not leak a drop. They have herds and flocks. They raise wool, and make their own clothing. They are a very ingenious people.

Mr. SHERMAN. Then let them support themselves.

Mr. DOOLITTLE. They will support themselves if you allow them to make war on New Mexico whenever they please.

Mr. KIRKWOOD. Let them work.

Mr. DOOLITTLE. They will work and support themselves, or steal and support themselves; but hereditary war between them and the Mexicans has existed during the whole history of New Mexico before we obtained it.

Mr. SHERMAN. Let them fight it out.

Mr. DOOLITTLE. That was what General Sumner proposed. He proposed that you should buy out all the citizens of the United States in New Mexico, transfer them over into Kansas, and abandon New Mexico to the Indians and let them fight it out. But we cannot do that; we are under treaty obligations by which we are to take care of the citizens of New Mexico. Besides, in the treaty which we made with Mexico and under which we acquired that Territory, we guaranteed to Mexico the peace as against these Indians in her northern States, and we were never released from that obligation until we purchased the Mesilla valley, and then as part consideration for the purchase we got ourselves released from the obligation to prevent the Indians in our Territory of New Mexico from going over into Sonora and Chihuahua and making war on Mexico. It was in view of this condition of affairs that General Sumner made that proposition; but it was a proposition which was not entertained, which could not be carried out. Our treaty obligations to the people of New Mexico bound us to preserve the peace there. We cannot abandon the country and let the Navajoes and Apaches and the other Indians there fight it out with the Mexicans. If we do, it is abandoning the Territory; you withdraw your military troops from New Mexico, and I think it a doubtful question whether the Navajoes and Apaches together would not drive the New Mexicans out.

My friend from Maine [Mr. MORRILL] says, "The only remedy is to turn it all over to the War Department." One of my objections to putting it under the War Department is that the War Department or the commanders in the field—I will not charge it on the Department—sometimes undertake an expedition or a war that costs this Government $20,000,000, and Congress know nothing about it. Here was an expedition where they captured a whole people, ten thousand of them, took them up bodily, and moved them three or four hundred miles and put them on this reservation.

Mr. SHERMAN. What became of their flocks and herds?

Mr. DOOLITTLE. They took them with them; they have some flocks and herds there now.

Mr. FESSENDEN. Why can they not take them back again?

Mr. DOOLITTLE. You say let them go back to their valleys. The difficulty is to accomplish that we have to reverse the action of the Government for ten years past, and abandon the expenditures that have been made for the establishment of this reservation. If it was an original question I do not know that I should propose in the first place this expedition to capture them and bring them to the reservation; but they are there, and the question is what shall be done with them. They are there on the hands of the Military Department.

Mr. KIRKWOOD. What is the extent of the reservation on which the Navajoes now are?

Mr. DOOLITTLE. Forty miles square.

Mr. KIRKWOOD. They have women who can work and make blankets; they have flocks and they have herds. Why cannot the men on those forty miles square raise enough to live on? There is just one difficulty in this whole Indian question, and that is an Indian man will not work.

Mr. DOOLITTLE. These Indians do work on the reservation tolerably well; the difficulty is in the nature of the ground.

Mr. KIRKWOOD. Put that number of white people on a reservation forty miles square and they will not ask you to feed them; and no other people who will work need ask such a thing. There is the whole trouble with this Indian question; we are keeping up a lot of lazy Indian men who make their women do what work must be done, and who do nothing but lounge around their tents while the women are working, and they expect us to keep them in idleness because they will not work. If they would devote to labor the time that they spend idling around their tents while their women are working, they could live well enough, like our white people do, but they will never do it so long as you continue the present system of feeding them. That is the whole trouble with our system of treating the Indians. They will unquestionably die out. I tell you people who will not work will die out before another people. I had a conversation not long since with a southern gentleman on the question of reconstruction. He said the blacks would die off. I told him that in my judgment that depended on another consideration, if the blacks will work they will live there; if they will not work there, they will die; but if the blacks will work and the whites will not the whites will die; if whites and blacks will both work both will live. You may send preachers among these Indians, you may do what you will with them; but unless you let them know that they must work for their living like white men do they never will earn their own living, and you will always have to support them until they die off. That is all there is of it; you cannot make anything else of it if you labor over it and spend millions upon it for a century to come. These men, we are told, have forty miles square of land; they have flocks, they have herds, they have industrious wives. Why do they not earn their own living? Because they are too lazy to do it. I am not disposed to tax my people, who live by their labor, to support other men who live in idleness.

Mr. BUCKALEW. Mr. President, I think that General Sherman expressed in his report in November last a correct opinion on this subject when he said that it was impossible that the Government of the United States should continue feeding these Indians in the manner in which we have fed them for the last two or three years since they were taken prisoners of war and removed from their own section. Now, sir, I desire to state some facts connected with this subject which came to my knowledge as a member of the Committee on Indian Affairs two or three years ago.

When it was first proposed that these Indians should be located upon the Pecos river, on this reservation, we had in charge of Indian affairs in the Territory of New Mexico a very competent and reliable officer, and he made to the Interior Department elaborate and complete reports upon this whole subject, in which he foretold exactly what has taken place, pointed out all the consequences of the policy adopted, and entered, as it was his duty to do, a vigorous protest against its adoption. These documents were accessible to Congress, because they were filed in the public Department having charge of our Indian affairs. His opinions and his advice were disregarded; the views of the military commander and of those who thought with him prevailed; these Indians were removed to the Bosque Redondo reservation, and they have been kept there from that time to this under the policy which was adopted.

During the last year, assuming that these Indians number six thousand, as stated in the proposed amendment, the Government of the United States has paid for the support of each Indian, including squaws and children, twenty dollars a month. That is the burden which has been charged upon the Treasury, and which is now charged upon it by the existing system.

By the way, I desire to state that this faithful and intelligent officer who made these reports to us, who entered this protest of which I have spoken, was removed from his office in conse-

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quence of his objection to this scheme of military management. He was, without notice, turned out of office, and with his reports before us we agreed to the nomination of a successor who would conform to this new, expensive, and outrageous scheme which was established. My voice was against it at the time; but I was overruled. The Delegate from the Territory went up in the ordinary way to the seat of political power, the executive department, and had this stubborn and faithful officer turned out of his place in order that the Treasury might be plundered; and it is a shame to the Senate and to Congress that, with the whole truth before them, he was so removed, and this abuse established in the administration of the Government.

Now, sir, it is proposed that the administration of this system of charity—for it is such—shall be taken out of the hands of the War Department, of the military authorities, and confided to the Interior Department, to the Bureau of Indian Affairs; and we are told that by this change our expense in supporting the Indian children and Indian women and the Indian men in the Territory of New Mexico is to drop down from twenty dollars per month to nine dollars and a third. It is true that this would be a very considerable relief to the Treasury; but upon an examination of the facts it will be seen nothing can be more certain than that if you continue these Indians where they are now located you must continue to feed them and to support them; and the simple question proposed to us by the pending amendment is whether we shall charge them upon the Treasury in the future at the rate of nine and one third dollars per month, if indeed that be found sufficient for the purpose. It has heretofore required twenty dollars per month, and possibly if we appropriate the nine and one third dollars per month now we shall be called upon for the rest of the amount required in some future deficiency bill. Here is a drain of $1,500,000 per annum on the Treasury at present for six thousand wretched fugitive Indians; and the utmost of remedy that is proposed to us is that we shall by the present appropriation reduce the amount to a little less than one half of what it is at present, with the imminent peril impending over us that in some future deficiency bill we shall have to make a further appropriation.

Now, sir, what is the character of the country where these Indians are located? It is not adapted to their habits; it is not adapted to their nature. It is a country requiring great care in the cultivation of the earth in order to produce supplies. It is a place where irrigation is necessary, where public works are necessary, where industry is necesssary, in order that human beings shall subsist at all. I confess that I am not at all charmed with this idea of reducing the amount which we are to contribute in this way hereafter. I would like to cut up this policy entirely. If nothing better can be done, let us go back to the system proposed by our Indian agent at the time this removal of the Indians took place. He proposed that they should be permitted to remain in the section of country to which they were accustomed, where they had the means of support, and by a moderate contribution for military purposes and the establishment of a few posts, costing but a small sum of money, protection would be afforded to the settlements of the whites from their depredations. That was the worst that could be expected from adopting the system which he proposed, a contribution, moderate in amount, for the purpose of protecting the border in the usual way.

I am willing to vote a moderate sum of money for the purpose of sending these Indians back and permitting them to locate themselves where they desire to be, and extending such protection to the border as is necessary. More than this I am unwilling to give. But, as a matter of course, when you withdraw the troops that now guard these prisoners of war, as they are amusingly enough called, when you withdraw your military control from them, they will commence going back to their own country. They are men of the mountains; they have been accustomed to mountain life; they have attachments to their own section, and when, under this appropriation, you withdraw military control from them and turn them over to the civil authorities, the result will be that many of them will flee from this reservation and go back to the country which they inhabited before. I will not vote one dollar of money to continue this location of Indians upon the Pecos river. If some proposition comes up in some other form that will look like reform I will vote for it; but I have been a protestant for three years against this abuse, and will not agree to its continuance in any form whatever.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. Before that is done I desire to move an amendment to this amendment. I desire to substitute for it the following:

For the relief of the Navajo Indians now at or near Fort Sumner, to be expended under the direction of the Secretary of the Interior, $100,000: *Provided*, That no rations or supplies shall be furnished to such Indians by the War Department after the 1st day of July next.

Mr. HENDERSON. As I stated before, the Committee on Indian Affairs made no recommendation really on this subject. It is a perplexing question, and one that will certainly cost the Government a great deal of money. We reported the matter for the Senate to take such action as they might see fit. So far as the amendment of the Senator from Ohio is concerned, I will state that I am personally in favor of it. I think if this idea of holding them as prisoners of war be abandoned and they be permitted to go and work, even upon the reservation that they are now on, they can make a crop during the coming year, and that in addition to the sum appropriated will be amply sufficient to protect them from starvation. I understand they are an ingenious people, and they manufacture blankets and other articles, and they have done some work toward constructing a farm upon their reservation, have built an aqueduct for irrigation, and that in all probability they will be able to make a pretty good crop this year. Their crop last year, it is true, failed to some extent, and some appropriation ought to be made for their benefit.

Mr. WILLIAMS. I insist upon my motion.

Mr. HENDERSON. Let this amendment be adopted.

Mr. WILLIAMS. I supposed it would lead to debate.

Mr. DOOLITTLE. I think it is better not to make any amendment unless we adopt that of the committee. As the War Department have these Indians on their hands let them dispose of them. Let it be remembered by my friend from Ohio, who was so very anxious to turn Indian affairs over to the War Department against the earnest remonstrance of the Interior Department, against the earnest remonstrance of the Commissioner and the superintendents of Indian affairs, that it was the War Department which took these Indians from their homes and put them on this reservation.

Mr. WILLIAMS. I insist upon my motion.

The PRESIDENT *pro tempore*. This discussion is not in order. The question is on the motion of the Senator from Oregon, that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. SHERMAN. Before the doors are closed, I desire to take the sense of the Senate as to whether we are to have an evening session or not. This bill ought to be finished to-night, and I move that at half past four o'clock this afternoon the Senate take a recess till half past seven o'clock.

The motion was agreed to.

The Senate proceeded to the consideration of executive business; and after some time spent therein the doors were reopened.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 682) for the relief of Captain John J. Young, of the United States Navy;

A bill (H. R. No. 820) for the relief of Henry S. Davis; and

A bill (H. R. No. 467) to amend the act entitled "An act further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes," approved July 25, 1866.

The hour of four o'clock and thirty minutes having arrived, the Senate took a recess till seven and a half o'clock p. m.

EVENING SESSION.

The Senate reassembled at seven and a half o'clock p. m.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. POMEROY in the chair) laid before the Senate a message from the President of the United States, transmitting, in answer to the resolution of the Senate of the 11th instant, calling for correspondence relating to the manner in which the consul at Cadiz has transacted the business of his office, a report from the Secretary of State with accompanying documents; which was ordered to lie on the table, and be printed.

He also laid before the Senate a message from the President of the United States, transmitting, in answer to the resolution of the Senate of the 31st ultimo, calling for correspondence between the Department of State and any of the foreign ministers of the United States in reference to the policy of the President of the United States toward the States lately in rebellion, a report from the Secretary of State with accompanying documents; which was ordered to lie on the table, and be printed.

He also laid before the Senate a message from the President of the United States, transmitting, in answer to the resolution of the Senate of the 19th instant, calling for correspondence in reference to the salary of the United States minister at Portugal, a report from the Secretary of State, with accompanying documents; which was ordered to lie on the table, and be printed.

Mr. POLAND. On Tuesday evening, which was set apart for the purpose of considering some bills from the Committee on Patents and the Patent Office, I had up a little bill to which no Senator or anybody else could have any objection if he could take time to see what it was, and was just about having a vote on its passage when it was very unceremoniously run down by the last scheme of reconstruction. I hope to be allowed to take it up and have a vote upon it now.

Mr. HENDRICKS. What bill is it?

WILLIAM MANN AND JACOB SENNEFF.

Mr. POLAND. The bill for the relief of William Mann and Jacob Senneff.

The PRESIDING OFFICER. It can only be considered by unanimous consent.

Mr. HENDERSON. I presume the business before the Senate is only to be informally passed over?

Mr. POLAND. That is all.

Mr. HENDERSON. I cannot consent unless that is the case.

The PRESIDING OFFICER. It will be understood that the regular business is laid aside informally, and that this bill is taken up by unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 590) for the relief of William Mann and Jacob Senneff.

Mr. POLAND. I desire to occupy but a moment in explaining this bill, that no one

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may have any objection to it. It is not a bill to extend a patent. It is a bill to authorize these patentees to apply to the Commissioner. The law gives every patentee a right to apply for an extension for seven years; but he is required to apply within ninety days before the expiration of his patent. In this case Mr. Mann was in Europe, and arrived home three days too late to get his hearing within the time of his patent. He made application immediately to Congress, and this bill passed the House nearly sixty days before the expiration of the patent. The bill passed the House on the 16th of May, and the patent did not expire until the 11th of July following. The bill came to the Senate, and was reported in the Senate by the committee nearly a month before the expiration of the patent, but was not reached during the last session. It is merely to give him the right which the law gave him to apply to the Commissioner of Patents, and, if he could make out his case before him, to have his seven years extension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES TETLOW.

Mr. HENDRICKS. I ask the unanimous consent of the Senate to take up a House bill for the relief of James Tetlow, which is now upon the table.

Mr. WILSON. Mr. President——

Mr. HENDRICKS. I will say to the Senator that this is a constituent of his who has a bill in my charge from the Committee on Naval Affairs that I want to dispose of.

Mr. WILSON. I simply desired to make a report from a committee of conference; but I will not interrupt the Senator.

Mr. HENDRICKS. It will take but a few minutes to consider this bill.

By unanimous consent, the Senate, as in the Committee of the Whole, proceeded to consider the bill (H. R. No. 1188) for the relief of James Tetlow. It authorizes the Secretary of the Navy to pay James Tetlow, contractor with the Navy Department for building the four steam tug-boats called Fortune, Speedwell, Standish, and Mayflower, respectively, the sum of $86,400 from any money heretofore appropriated for constructing vessels or machinery therefor, and not otherwise already expended.

Mr. HENDRICKS. I will state to the Senate that this sum is the sum that covers the mistake in the contract. It is not for losses in the sense of the other cases that have been before the Senate, but a mistake in the contract. All the rest were contracted for at $128,000. The engineer or agent of Mr. Tetlow made a mistake and contracted at eighty-four thousand and some hundred dollars. The mistake is recognized by the Department and the relief is recommended by the Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF DRAFTED MEN.

Mr. WILSON. I submit a report from the committee of conference on the bill now on the table from the House for the relief of certain drafted men. I ask that it be read.

The Secretary read it, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill of the House No. 811, for the relief of certain drafted men, having met, after full and free conference do recommend that the Senate recede from its amendments to the said bill.

J. W. NESMITH,
EDGAR COWAN,
Managers on the part of the Senate.

SYDENHAM E. ANCONA,
JOHN A. BINGHAM,
JOHN H. KETCHAM,
Managers on the part of the House.

Mr. WILSON. I will simply say that I have not signed the report myself, but all the other members of the committee were against me, and I make the report.

Mr. DOOLITTLE. What was the bill for?

Mr. WILSON. For the relief of some drafted men in the sixteenth congressional district of Pennsylvania. The men were drafted a second time within the year when the law released them for a year.

Mr. DOOLITTLE. Who was on the committee on the part of the Senate?

Mr. WILSON. Mr. COWAN and Mr. NESMITH signed the report. I did not myself agree to it.

The report was concurred in.

LAND OFFICES IN THE TERRITORIES.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana. This is a bill that will lead to no discussion. A similar bill was passed last year, but was defeated in consequence of other matters being contained in the bill. Those matters are all left out now, and it only establishes land offices. The Committee on Public Lands were unanimous on the subject.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The Committee on Public Lands report an amendment, to strike out all of the original bill after the enacting clause and to insert a substitute. The substitute only will be read, unless some Senator calls for the reading of the original bill.

The Secretary read the matter proposed to be inserted, as follows:

That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for Montana, whose annual salary shall be $3,000 and whose power, authority, and duties shall be the same as those provided by law for the surveyor general of Oregon. He shall have proper allowances for clerk hire, office rent, and fuel, not exceeding what is now allowed by law to the surveyor general of Oregon.

SEC. 2. *And be it further enacted*, That the public lands within the Territories of Montana and Arizona to which the Indian title is or shall be extinguished shall each respectively constitute a new land district to be called the Montana district and the Arizona district respectively, and the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for each of said districts respectively, who shall be required to reside at the places at which said offices shall be located, and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to land offices of the United States in other Territories.

SEC. 3. *And be it further enacted*, That the Secretary of the Interior is hereby authorized to locate said offices of surveyor general and registers and receivers of public moneys.

SEC. 4. *And be it further enacted*, That the Territory of Arizona is hereby attached to the surveying district of California.

Mr. HENDRICKS. I move to amend the amendment in section two, line two, by inserting after the word "Arizona" the words "and Utah," and also inserting in line five, after the words "Arizona district," the words "and the Utah district." The effect of my proposition is to give to that Territory a land district as well as other Territories.

Mr. CONNESS. I hope that amendment will not be adopted. If the Senator desires to give Arizona a land district and a surveyor general I do not wish it extended to Utah until the question is very fully considered.

Mr. STEWART. We do not propose to give Arizona a surveyor general. We attach it to California for surveying purposes. We give a surveyor general to Montana and land districts to Montana and Arizona.

Mr. CONNESS. What is it proposed to give Utah?

Mr. HENDRICKS. These land districts.

Mr. CONNESS. I hope that will not be done at the present time. I think there are abundant reasons why it should be postponed. There are peculiar considerations hinging upon that question.

Mr. STEWART. This proposition will involve discussion, and I hope it will be withdrawn.

Mr. HENDRICKS. I must insist upon it. I did not agree to the proposition as it was reported in committee. My judgment was overruled, and I think it my duty to present this question here. I think one of the most desirable things is to invite immigration to Utah, and to do so we must provide some way by which settlers can obtain title to the lands. As it is now, a man going into that Territory outside the Morman settlements cannot get title, and under the present policy there never will be a population in Utah such as will exercise the influences we desire.

Mr. CONNESS. I agree fully with the honorable Senator in the opinions he has expressed. There is nothing more certain than the advantage of extending to new communities the opportunity of obtaining titles to lands, nor in settling difficulties to lands in older communities; but, as I observed, there are questions peculiar to that Territory which in my opinion demand that even that great benefit should not be extended at this time. I should be willing for one to do it at an early day, but it is a question that ought to be considered in connection with other questions. If the Senator would withdraw his amendment, there would be no objection to a part of it, of course.

Mr. KIRKWOOD. I will suggest to the Senator from Nevada that if this amendment is to be pressed it would be better to lay this bill aside. If the amendment should be made and the bill passed by the Senate in its present condition it would involve a reconsideration on Monday, I think.

Mr. STEWART. I suggest to the Senator from Indiana, inasmuch as this bill is important to pass, to extend the facilities of land districts to Montana particularly; and inasmuch as it has been recommended for two or three years by the Commissioner of the General Land Office that it is quite important to extend this to them, and inasmuch as his proposition will probably defeat it at this session, to let this bill go through and take up his proposition at the next session. If the amendment is pressed it will probably defeat the whole measure during this session, and that would be a hardship to the other Territories.

Mr. HENDRICKS. I am a friend to the bill; but I think we ought to do justice and right. I do not believe in legislating upon prejudices. I am not afraid of them myself, and I have a contempt for them. I believe it is the true policy of this Government to invite immigration to Utah. As the law now stands, no Gentile, as he is called, can make a home in that Territory. Sir, under the present policy we devote that Territory to Mormonism forever. Brigham Young and his church protect the Mormons in their occupation of the lands; they are thoroughly protected; they have no difficulties in obtaining such a title as they are satisfied with.

Mr. CONNESS. Not a title.

Mr. HENDRICKS. Not a title, but such as satisfies them, I say, to secure them in possession. But if a Gentile goes into the Territory he does not have the assurance that Brigham Young's power gives to the Mormon; he has no support; he has not the right conferred upon him by the Government; and he has nothing to sustain him in any claim that he may make to a piece of land in the whole Territory of Utah. I regard this of more importance than all the rest of the bill. This Mormon question is a troublesome one to us. I suppose there is no Senator who does not desire to see in that Territory a vote sufficient to fashion the institutions according to our judgment of what is right; and to get that vote you must give men an opportunity to get homes there. To say that men shall go there and at the same time refuse them the possibility of getting a home to which they will have a title is simply absurd. My motion is based upon a consideration of this question with a good deal of anxiety. If there is that sort of hostility to it, however, as that it would be likely to defeat the bill I am not prepared for that. I have done my duty.

Mr. WADE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana withdraw his motion?

Mr. HENDRICKS. No, sir; not yet. I will hear the Senator from Ohio.

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Mr. WADE. I only wish to say now, by way of giving notice, that there is a bill on that whole Mormon subject, prepared by the Committee on Territories, that I have been looking anxiously for a time when I could press it with some hope of its passage. It has been prepared with great deliberation by gentlemen who perfectly understand all these difficulties. The fact is, that now, as I understand it, Brigham Young claims the whole Territory as belonging to the church, and no man probably would be safe in going and locating there unless he had the power of the Government to back him in it. I do not suppose that a man could go there and procure a title from the United States with any kind of safety. I have no objection, however, to extending the land district over there; but I do not believe it would be effectual at all unless a great many other provisions were made beforehand. I intend to bring that bill up just as soon as I can for the purpose of settling the difficulties, so far as we can do it, that prevail there, and have for a long time.

Mr. HOWARD. I hardly think the time has come yet for establishing a land office in Utah; and I think we had better postpone that measure until the next session of Congress at least, and perhaps for the whole year; but at the same time I see the necessity of taking some measures to introduce the land system into Utah as speedily as is practicable. I have been told upon pretty good authority, at least I consider it such, that it would be unsafe now for a public surveyor to enter that Territory for the purpose of making surveys and marking the lines of sections and sub-division of sections. Such is the turbulent and discontented condition of the people there, and their peculiar temper, that I suppose there is real danger of violence to the men whom we should employ in that service. I understand that the president of the so-called Church of Latter-Day Saints directs his followers to obliterate every mark that may be made or that ever has been made by surveyors in that Territory, he claiming the whole country for the saints, and using all his influence to prevent immigration into the Territory. Why, sir, it is a fact that the power of Young has become so great there in connection with his church that the Legislature of the Territory, in violation of the organic law, actually makes grants of lands in various places in the Territory, what they call herding-lots and pasture-lots, and water privileges and ferry privileges, and a great variety of such matters, in complete violation of the organic act of the Territory, which prohibits the Legislature from interfering with the primary disposal of the soil by the United States.

I will not go further, for I dislike to interrupt the honorable Senator from Indiana. I think myself the time has not yet come. I think we had better take up the bill of my honorable friend from Ohio at as early a day as practicable, and endeavor to introduce something like a regular administration of the laws in that Territory before we proceed to establish land offices there.

Mr. HENDRICKS. Mr. President, every year adds to the difficulties under the existing policy. The hue and cry against Mormonism has been the theme of party harangue and stump speech, and partyism has appealed to it for votes; but a sound and wise policy on the subject has never been adopted by any party. Mr. Buchanan sent an army out there once, and I believe he sent forty thousand yoke of oxen with the army; and what did it amount to? Suppose the men in Utah have more wives than one, and a great number of children, almost as many as Job had in ancient times; what are you to do with them? Are you going to send an army there and shoot them? It cannot be done. The army has failed, you have sent the judiciary there; you have sent the laws of Congress there; and they have amounted to nothing. That Territory is given up to that church; and it is not right, sir.

We are told that the time has not come. Each year adds perhaps five thousand to the Mormon population, and not one to the Gentile population; and yet the time has not come. The population now is one hundred thousand. When there are one hundred and fifty thousand Mormons there, will the time then have come? Mr. President, the time has come to encourage settlements, to encourage the people to go into the desirable localities of Utah. The Army has been tried; the judiciary has been tried. I do not look to either of these as a remedy. I look to the force of public opinion among a people who shall settle there, a population that will control the local legislation. Congressional legislation is as light as thin air; it amounts to nothing against it. We have tried it. We have prohibited polygamy; and there has never been a verdict or a judgment rendered under the law, and cannot be. You cannot execute a law by the courts or otherwise until you have a public opinion coming up from a population in support of it. That is exactly what I want to see in Utah.

But, sir, I have now had an opportunity to express my views on this subject. I am not afraid to say that legislation wise and just ought to be extended to Utah. If I were I would not be fit to be here. But as the Senator having this bill in charge thinks that this amendment would endanger the bill, I do not wish to do that. I have done my duty. I was overruled in the committee on this subject and will now yield to what seems to be the desire of the Senate, and will withdraw the amendment.

Mr. HENDERSON. I desire to call up the special order, unless Senators are ready to take a vote on this bill now.

Mr. STEWART. There will be no more discussion.

Mr. CONNESS. With the permission of both Senators, I desire to say one word. I shall not occupy any time. When the Senator from Indiana began his last remarks I understood him to express an utter contempt for prejudices in legislation. I do not know to what extent my friend imputed that to myself in what I had said.

Mr. HENDRICKS. Not at all.

Mr. CONNESS. I supposed not; but it appeared that way.

Mr. HENDRICKS. Not at all.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Public lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read a third time, and passed.

On motion of Mr. STEWART, the title of the bill was amended so as to read: "A bill to create the office of surveyor general in the Territory of Montana, and establish a land office in the Territories of Montana and Arizona.

INDIAN APPROPRIATION BILL.

Mr. KIRKWOOD. I wish to ask the Senate to take up House bill No. 280, a bill which I am confident will not occupy five minutes.

The PRESIDING OFFICER. It can only be considered by unanimous consent.

Mr. HENDERSON. I cannot consent. I want to go on with the regular order.

The PRESIDING OFFICER. Objection being made, the bill alluded to by the Senator from Iowa cannot be proceeded with. The unfinished business is the Indian appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th of June, 1868, the pending question being on the amendment of Mr. SHERMAN to the amendment proposed by Mr. HENDERSON.

Mr. BUCKALEW. I ask for the reading of the amendment and of the amendment to the amendment.

The Secretary read them. The amendment was on page 62, after line fifteen hundred and five to insert:

For feeding about six thousand Navajo Indians, now prisoners at Fort Sumner, from the 1st of March to the 30th of June, 1867, and for feeding said Indians during the fiscal year ending June 30, 1868, $670,000.

The amendment to the amendment was to strike out all after the word "for" in the first line and to insert:

Relief of the Navajo Indians now at or near Fort Sumner, to be expended under the direction of the Secretary of the Interior, $100,000: *Provided*, That no rations or supplies shall be furnished to said Indians by the War Department after the 1st day of July next.

Mr. FOWLER. I should like to know how much now is appropriated to these prisoners of war, as they are called.

Mr. SHERMAN. The amendment to the amendment will make the appropriation $100,000 instead of $670,000.

Mr. CONNESS. I should like to hear both the amendments reported again. I understand that the Senator from Ohio offers this as a substitute for the one that was pending when we took the recess. I should like to hear them both read.

The Secretary read them.

Mr. DOOLITTLE. Mr. President, I feel quite sure that if the attention of my honorable friend from Ohio had been drawn to this question he never would have proposed such an amendment as the one now before us. Let me call his attention to the true state of the case. I wish to bring to his attention the evidence which has been taken upon this subject on both sides of the question as to whether the Indians should be kept upon this Navajo reservation or whether they should be returned to their own country. The committee who were charged with this subject took a large amount of testimony. They took the testimony of military men; they took the testimony of civilians in New Mexico; and I wish, as a specimen of the testimony given on both sides, both by the military men and by the civilians, to call the attention of the Senate for a few moments to what I will now read. This testimony was taken a year ago last summer. General Carleton was sworn, Major Enos, Captain Cary, Mr. Eaton, and many others.

Mr. CONNESS. Who took this testimony?

Mr. DOOLITTLE. It was taken before the committee of Congress.

Mr. CONNESS. What part of the committee?

Mr. DOOLITTLE. Mr. FOSTER and myself, of the Senate, and Mr. Ross, of the House of Representatives.

Mr. CONNESS. Where was it taken?

Mr. DOOLITTLE. This was taken in New Mexico.

Mr. CONNESS. What part?

Mr. DOOLITTLE. This of Major Enos at Fort Union; the testimony of General Carleton was taken at Santa Fé; and a large portion of the testimony was taken at the Bosque Redondo.

Mr. CONNESS. Do I understand that General Carleton testified?

Mr. DOOLITTLE. Yes, sir; but I do not propose to read from General Carleton's testimony at length. I will refer to the testimony of Major Enos, of the regular Army. He says:

"I have been in New Mexico since November, 1856; am captain in the regular Army: I was an officer of the line until 1861, but am now in the quartermaster's department; I have been acting in this department almost all the time I have been in the Territory. The principal military operations, indeed all of them except when invaded by the Texans in 1861 and 1862, have been connected with Indian affairs, and mainly with the Navajoes, since I have been in the department."

Now, will the Senate bear this in mind:

"Upon an average, from two to three regiments of troops have been constantly required, since I have been in the Territory, to carry on military operations against the Navajoes or to protect the inhabitants against their depredations."

He states that he has been there for ten years, since 1856, and from two to three regiments of troops have been kept there all the while, mainly either to make war upon the

Navajoes, or to protect the Mexicans against the depredations of the Navajoes.

"From earliest history they have been at war with the Mexicans. I have conversed with people eighty years of age, who state that when they were boys they had been at war with the Navajoes; and since our acquisition of the Territory from Mexico that same state of hostilities, in the main, has continued between them and the people of New Mexico. I have never ascertained the annual expense of these regiments. I think in the quartermaster's department the expense of an infantry regiment would be annually from two hundred and fifty to three hundred thousand dollars, and a cavalry regiment five to six hundred thousand dollars per annum. This would not include the purchase of horses nor the payment of troops, but simply the expense of the quartermaster's department to keep the regiment in serviceable condition and transportation. Since I have been in this department there have been twelve to fifteen mounted companies. In the fall of 1858 there was an expedition against the Navajoes, under Colonel Miles; that expedition resulted in a treaty about December, 1858, by which the Indians were not to pass east of a certain line, and they were not to resist the passage of our troops to explore the country. In the summer of 1859 an expedition, under Major Simondson, was sent into their country. This was not hostile; there were no hostilities while they were in the country; as soon as withdrawn, depredations were committed by the Indians in September or October. In the summer of 1860 an expedition was sent against them, under Colonel Canby; portions of four regiments, some fifteen hundred troops, perhaps two thousand, employed directly or indirectly. This war continued into the winter; operations carried on until into March; considerable stock taken; many killed; Indians reduced so that they came in and begged for peace and provisions. Hostilities were suspended and the troops withdrawn by the July following from the Territory; only two companies of New Mexico volunteers were kept in the country, at Faunt le Ray. I do not remember of any depredations in the summer of 1861 by the Navajoes; they commenced again in January or February of 1862, and continued them until another expedition was organized in 1863, under General Carleton, commanding the department, and Kit Carson, commanding the expedition. He entered their country in July, 1863, and continued through the winter of 1863-64, and until several thousand surrendered themselves to the military authorities at Forts Canby and Wingate. The estimates of the Navajoes are from five to ten thousand, and some as high as fifteen thousand. From my best information there are eight or nine thousand, judging from those surrendered and estimates of those who remain in their country. On 31st of December, 1864, there were on the reservation at the Bosque Redondo 8,354; this is based on the census made by General Carleton. From my best information I think not over five hundred remain in their old country. There are but two of the chiefs or head men who have not surrendered or come in yet."

He here states in very clear and concise terms the grounds upon which the military department proposed to take these Indians from their country and put them on a reservation:

"The grounds upon which the military authorities have thought it fit to remove the Navajoes and place them on a reservation upon the Pecos are: 1. There is not in their own country a sufficient body of land situate together to make a sufficient reservation for them and to produce grain for their subsistence. 2. It is less expensive to feed them than to fight them. 3. That by removing them to their present reservation they are brought nearer the grain-producing districts of New Mexico and the States, and can be supported cheaper than on any reservation in their own country. 4. That one of the most favorable routes to Arizona leads through the heart of the Navajo country. 5. Where they now are they are on the extreme frontier settlements of New Mexico, and removed from any thoroughfare or traveled route through the country. 6. By their removal a large grazing country is thrown open to settlement. I think six to eight hundred men would be sufficient to guard them on the reservation—half cavalry and half infantry. In a few years the number could be greatly reduced."

Here is the great reason which he gives:

"With the Navajoes in their own country, two or three regiments of troops could not prevent them from committing depredations. Where they are now located six or eight hundred men are sufficient. I have been personally on the reservation on the Pecos. I think for farming by irrigation there is no better country in New Mexico or Arizona. I think ten thousand acres or more is capable of irrigation."

On taking other testimony, it was found by the committee that there are about eighteen thousand acres that are capable of being put under cultivation—

"The soil and the water sufficient for irrigable purposes. The Navajoes in their own country cultivate small patches by irrigation, apparently with as much skill and care as the Mexican population generally. They manufacture blankets in looms of their own construction, some very celebrated for the beautiful arrangement of colors and for durability. I have stated the reasons upon which the military administration of the Territory have based their action in relation to the Navajoes."

I will state that the testimony of all the military men we found concurred in these views. The ground on which they insisted that it was economy in the Government to keep these Navajoes upon this reservation was, that if you allowed them to be in their own country it would require from two to three regiments to prevent them from committing depredations upon the Mexicans, whereas if they were put upon this reservation, six or eight hundred troops for the present would keep them there, and after a while even a much less number of troops would be sufficient. I have given you the military side of this question. The military department of New Mexico, against the remonstrances of the Interior Department, against the remonstrances of Dr. Steck, who was the superintendent of Indian affairs there, insisted upon this course of proceeding. Now, then, I will give you in a single word what was stated by Major Griner, who was once superintendent of Indian affairs in New Mexico, and states in very clear and concise language his opposition to this project of bringing the Indians out of their own country and putting them on a reservation.

Mr. CONNESS. Will the Senator say, so that I shall understand him as we go along, whether he was at this reservation in New Mexico?

Mr. DOOLITTLE. I was.

Mr. CONNESS. Known as the Bosque Redondo?

Mr. DOOLITTLE. I was.

Mr. CONNESS. Will the Senator say whether the title of that reservation is now in the United States or not; whether he is certain on that point?

Mr. DOOLITTLE. I have never doubted it. I supposed of course it was vacant land of the United States and so assumed and taken there as a portion of our vacant territory. It is a vast desert of country. There is not a human being within thirty miles of it. I am quite sure of that. There is hardly a place where you can water a horse except on the river.

Mr. SHERMAN. What do you want troops there for?

Mr. DOOLITTLE. The military men say, as Major Enos says, that it requires troops there to keep these Indians on the reservation. If you withdraw your troops from the reservation the Indians will commence going back to their own country.

Mr. CONNESS. Do I understand the honorable Senator to say that there is nothing produced on that reservation now?

Mr. DOOLITTLE. No, sir, there is not. I will read some testimony on that subject of Lieutenant Bristol directly, as that bears on another point. I am giving the reasons for and against putting them on the reservation. Major Griner, who has lived in the Territory since 1851, and who was at one time secretary of the Territory, at one time agent of Indian affairs, and lately has been an agent, I think, of the Treasury Department, appointed when Mr. Chase was Secretary of the Treasury——

Mr. CONNESS. A very bad record for any man.

Mr. DOOLITTLE. No, sir; Major Griner bears a very high and enviable reputation.

Mr. CONNESS. I say that succession of offices is a very bad record.

Mr. DOOLITTLE. To show you how frank a man he is, he tells the story how he came to be appointed, and I will read it for the information of the Senate. He says:

"I came first to this Territory in 1851, staid until 1854, and then again in 1862, where I have remained since, with the exception of the time of the Texan invasion. I came here first as Indian agent, and was at first assigned to duty at Taos, as agent for the Apaches and Utes, but afterward acted as general superintendent under Governor Calhoun, and traveled over pretty much all the Territory. I was Indian agent from 1851 until 1853, being then appointed secretary. The great difficulty in our Indian policy is in the selection of Indian agents, who are generally appointed for political services. Mr. Wingfield came here as an agent because he was the friend of Mr. Dawson, of Georgia; Mr. Wolley, an old man of seventy years of age, because he was the friend of Mr. Clay; Mr. Weightman, because he wished to be returned as Delegate; and myself, because I could sing a good political song. Neither of us was by habit or education better fitted to be Indian agent than to follow any other business."

And then he goes on to condemn this policy of selecting men for political services. My friend will see that he is a very frank man, and told the plain, honest truth. Now, he is speaking on this subject, and he condemns the policy as unwise of taking the Navajoes out of their country and putting them on this reservation, and here are his reasons, stated in very few words:

"I think it very unwise and injudicious to place them upon that reservation. First. That was really Camanche country, and had never been ceded, and was a cause of complaint by the Camanches, for the Navajoes were their hereditary enemies, and it was abridging their hunting grounds by putting their enemies upon it, the Bosque being to them a choice hunting ground. Second. Taking the Navajoes from their own mountain country and placing them upon the plains at the Bosque is one cause of the mortality said to have existed among them. Third. There is not sufficient extent of country to subsist so large a population as a permanent location. Fourth. Placing the Navajoes and Apaches, two distinct tribes, with different habits and customs, upon the same reservation, the Navajoes being a working and thinking people; the Apaches lacking all those qualifications. Fifth. The immense cost to the Government, which has been increased and must continue to be. The Navajoes are a pueblo Indian, as ruined buildings and acequias show in their country that in former times it has been occupied by pueblos. Their habits, manners, dress, customs, and manufactures are similar to pueblos. They were rich Indians, and if let alone would have been so at this time, in my opinion. I have seen the customs of the Mexican Government, after their crops were in, to make campaigns against the Navajoes to get their stock, women, and children. The Mexicans paid no taxes, and their forays upon the Navajoes were to obtain the means to carry on the Government of the department of New Mexico."

That was under Governor Armigo, who was sent out by Santa Anna before we came in possession of the country. The New Mexicans in fact made forays on the Navajoes to raise the means to pay their taxes to the Mexican Government:

"This was especially the case under Governor Armigo, who had been Governor and administered affairs much like a dictator for the eleven years preceding the taking possession by the forces of the United States under General Kearney, in 1846. My opinion is that the Navajoes should be restored to their own country and established in pueblos of say one thousand men, with their families, in each pueblo, under the charge of one good agent to each pueblo, holding him responsible for the good behavior of the people. Following as near as possible the Spanish mode of establishing pueblos upon the model of those now existing among us, I think in a few years they could be made self-sustaining, of no cost to the Government, and a happy and prosperous people."

Now, Senators, I have given you, by reading from the testimony of these two witnesses, the testimony given on the military side of the question, and the testimony which was given by civilians who were opposed to this Bosque Redondo reservation.

Mr. STEWART. I want to get at the exact facts; and, if the Senator will allow me, I wish to ask a question. The amount of money to be appropriated I believe is $670,000?

Mr. HENDERSON. That is it.

Mr. STEWART. And the number of Indians, how many?

Mr. DOOLITTLE. There are eight thousand of them.

Mr. STEWART. How many troops are supposed to be necessary to keep them there?

Mr. DOOLITTLE. There are about six hundred there now.

Mr. CONNESS. I should like to know whether the Senator will affirm that there are eight thousand there, and that that many were there when he was there?

Mr. STEWART. It is proposed to keep them there with six hundred troops. How many millions will that cost?

Mr. DOOLITTLE. I have not proposed anything about that. I am telling the honorable Senator what the War Department, pursuing a policy that they have pursued for years, have determined upon and have actually done, and giving the precise state of things. The Indians have been captured.

Mr. STEWART. Is the Senator in favor of this appropriation? I am opposed to it.

Mr. DOOLITTLE. The War Department held them there upon this reservation and are subjecting the Government to an annual expenditure in feeding the Indians of from one and a quarter to one and a half million of dol-

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lars every year now; and the question is, what shall we do?

Mr. STEWART. Break it up.

Mr. DOOLITTLE. How shall we break it up?

Mr. STEWART. Stop giving any money.

Mr. DOOLITTLE. The War Department gives notice to the Department of the Interior that they do not desire any longer to feed these Indians. We want the Indian department to feed the Indians. The Interior Department respond once to the War Department that they will feed the Indians if Congress will furnish the money; and the Interior Department believe they will be able to feed the Indians for six or seven hundred thousand dollars, whatever the amount of this appropriation is.

Mr. STEWART. What is the object of feeding them? Have they not been in the habit of living in that country from time immemorial? Why vote this amount of money, and tax the people to feed these Indians?

Mr. DOOLITTLE. My friend has come in since I commenced reading the testimony of these military gentlemen.

Mr. STEWART. You had better read it over.

Mr. DOOLITTLE. I cannot read it over as every new Senator comes into his seat; it is impossible.

Mr. STEWART. I have been in my seat all the time.

Mr. DOOLITTLE. The Senator will remember that I have given the statement of the military men that if you allow them to be in their own country, not placed upon reservations, it will take from two to three regiments of troops to prevent depredations between the Mexicans and the Navajoes.

Mr. STEWART. I am very well aware that it takes that, and then when the regiments are ready to whip them the agents come in and patch up a peace. I am perfectly aware of this system; but I cannot see that you will make it any better by spending this amount of money to feed them there.

Mr. DOOLITTLE. The simple question is, whether we shall keep the Indians upon the reservation, or allow them to return to their own country. If we keep them on this reservation it will cost us the expense of from five to six hundred troops to watch them and guard them and keep them there; and it will cost you a large sum of money, $600,000—if that is the amount of the appropriation—besides what they will raise, to feed them. If you allow them to go into their own country and disband this reservation you have lost all the money you have expended in capturing and putting them on the reservation; and the universal testimony of military men is that it will require two regiments of troops to keep them from depredations. I received to-day a letter from Brevet Lieutenant Colonel Bristol, of the United States Army, dated February 21, from Detroit, Michigan, in which he says:

"I am pleased to inform you that there are about eight thousand present on the reservation."

There were eight thousand three hundred and odd Indians on the reservation.

Mr. CONNESS. Will the Senator state why that letter is written by that officer?

Mr. DOOLITTLE. My honorable friend can read the letter. It came to me to-day from Detroit, Michigan. The only statement in the letter to which I referred was in relation to the number of Indians now present. He also states that the crops this year have not been as good as they anticipated. You will find Major Bristol's testimony at length in this volume. He was at that time on the Bosque Redondo. He goes into the particulars. He says:

"Am captain in the fifth United States infantry, and stationed at this post; I have been here since the 22d of May, 1863; I have been part of the time commanding officer of the post, and acting military superintendent of the Navajo Indians. When I came here there was but one Navajo Indian here. He was taken from a Mexican who offered him for sale for ten dollars; so that all of them have been brought here since I came here. They came at different times. Total number brought here, 8,474; of these there were men, 2,325; of women, 2,710; of children, 3,164; infants at the breast, 375. At the last count, on the 30th of April last, there were present 7,169. The difference in numbers is accounted for by deaths not reported, and absence of those who were hunting. Some others reside on the reservation, some twenty to twenty-five miles from the post, and were not present at the count, herding their stock. Some of them are owners of considerable herds of horses and sheep, and a few mules and goats. The number of deaths among the Navajoes from all causes, so far as it has come to our knowledge, is two hundred and sixteen since the 1st of February, 1864."

This is the testimony he gave in 1865. The crops were then plenty, between three and four thousand acres. We saw these crops; we went all over these grounds, Mr. FOSTER, Mr. ROSS, and myself. We saw wheat, corn, &c., about three thousand acres and upward which had been sown, planted, and cultivated by these Indians; we saw these acequias; and so far as the Bosque Redondo is concerned, of all the places we saw in New Mexico south of the Taos mountain, this Bosque Redondo was by far the largest place that could by any possibility be cultivated or put under water that we saw in the Territory.

Major Bristol goes on to say what has been done, because he was acting military superintendent:

"There has been made, mainly by the Indians, nearly thirty miles of acequias—"

These acequias are the canals which they dig for the purposes of irrigation—

"and we contemplate opening other large acequias and feeders to bring another large tract under cultivation. For this purpose some surveys are necessary, as it would have to be opened fifteen to eighteen miles long, to put the water upon a higher plateau of ground by hugging the base of the hill. The Indians can do the labor with some superintendence, and with that tract under cultivation I am confident, from my experience here, they can raise more than enough for themselves and to feed the Government animals needed at this post, and very nearly, if not quite, supply the troops at this post with breadstuffs. For peaches, apricots, and grapes the soil is excellent; the river banks are covered with wild grapes. Upon the balance of the reservation there are many springs, besides the river; there are six springs. The pasturage is good, supporting cattle, horses, mules, and sheep in large numbers. Hay could be produced to feed during the winter storms. If Congress should appropriate a sum of money sufficent to give a few sheep to each family, I am confident they would keep them and not kill them. From the wool the women would make their clothing, and from the milk feed the children to a considerable extent. The money could be better expended here for that purpose than to attempt to drive them from the States. There ought to be an appropriation for hats and shoes, and some domestics, cotton cloth and calico and a few dyes; and there should also be some farming implements, a blacksmith's and carpenter's shop; there ought to be a grist-mill. When the Indians came here, as a general thing, they were very much impoverished and in tatters. I never saw anything like it. Now, they are much better clothed, because the pelts of the sheep slaughtered by the Government were given to the poorer classes of the Indians, and their women have made the wool into blankets, and they are now much better clothed. The hides also have been used by them in their lodges, the green beef-hides have been used by them to make soles for their moccasins. Those who came bringing their flocks and herds with them have increased in the number of their sheep and goats. There is a strong sense of individual property among Navajoes, and sheep are prized by them as the highest species of property. They regard each other's rights of property, and punish with great severity any one who infringes upon it. In one case a Navajo was found stealing a horse; they held a council and put him to death. As an evidence of how they prize sheep, I would state that sixty-one Navajoes raised and gathered two hundred and fifty-nine thousand pounds of corn fodder which they sold to the Government at fifteen dollars per ton, for which they received sheep at the rate of about four dollars per head, and these persons receiving these sheep have little flocks now, which they prize very highly; very few of them have been killed; they are herded with great care, and the wool preserved and manufactured into clothing. I have caused to be sowed upon the Navajo farm, of wheat, fifteen thousand pounds; of beans, sixteen hundred and seventy-seven pounds; shall probably put in of beans seven thousand pounds more; of corn I have planted eleven thousand three hundred and eighty-seven pounds."

It was in the early summer time comparatively that we were there. The crops at that time promised well. The wheat was ripe enough almost to begin to turn for the harvest, but after we left the Bosque Redondo, from the information which we received, it was attacked by some sort of worm or insect there which almost absolutely destroyed the whole crop of that season, and the Indians were compelled to be supplied with food from the commissary department of the Army, and that is the way in which they were supported, and that is the reason why it costs so much.

Mr. HOWARD. I beg to inquire of the honorable Senator from Wisconsin whether these people occupying these splendid lands that are described in the book from which he has been reading are the people whom he proposes to support by the money of the United States?

Mr. DOOLITTLE. The simple question is, whether we will feed the Indians or fight them. Which is the most economical?

Mr. HOWARD. But I understand the honorable Senator that the Indians are occupying a very splendid tract of country, very fruitful, very fertile, very productive of various descriptions of grain; where the peach is raised, the apricot, &c., corn and wheat and sheep and cattle and horses and hogs, as I suppose. How does it happen that they are so poor as to be objects of charity?

Mr. CONESS. I can answer the Senator, I think.

Mr. HOWARD. I am asking the Senator from Wisconsin.

Mr. DOOLITTLE. If the Senator will allow me, I will finish very soon what I have to say. I will read from the testimony the answers of the chiefs of the Navajoes themselves, as we examined them. Cadette, the chief of the Apaches, was examined in the presence of the committee and gave his statement. Mr. Ross questioned him:

"*Question* by Mr. Ross. Do you know of any other country where you could get along any better than here?

"Thinks he could live better in his old country than in this. The water is better, and better grass.

"*Question.* Is it the unanimous wish of all the chiefs to go back to their old country?

"They would rather go back to their old country. Should they be sent back, they could work there, near Fort Stanton."

That is another place in the Territory of New Mexico. I state these facts in order to show to the Senate that these chiefs do not willingly stay on this reservation. They would be glad to go back to their old country and roam at large. The Navajo country from which the Navajoes were taken was about as large as the State of Ohio. It is not a very small reservation. The most of it is an immense barren desert, covered with a little of this short grass, immense table lands, mesas as they are called, some grand and glorious mountains, with a few valleys. That is the general description of that country. The military gentlemen say from the whole experience of the country since they have been there—and such is the history of that country before we acquired it—men of eighty years of age stating to them that the Navajoes and the Mexicans have always been at war, and that it is necessary to keep two or three regiments of troops there to keep them peaceful, to prevent their depredations, it being cheaper to feed them than to fight them, they have taken these Indians and put them upon a reservation, so that fewer troops can guard them. That is the military view of the question. We examined the chiefs themselves.

"Epifano Vigil, interpreter, sworn, (explained to the chiefs the object of the committee:)

"Herrero and Armigo are the two principal chiefs of the Navajo nation. Herrero has been chief for a good many years. Armigo is here, but unwell. Herrero has not numbered his people; does not know how many are present on the reservation; does not know how many are in their old country, but there are three bands, under chiefs Manuelito, Herrero, and Yutachiquito. One chief says Yutachiquito has sixty-four men. Herrero is a cousin of the head chief present."

Questions were put by the committee to all the chiefs, explained to them by the interpreter, and their answers taken.

"*Question.* Are the Navajo people on the reservation working pretty well?

"Yes, they are, and want to work.

"*Question.* Do the young men like to work and want to work?

"Yes; the young men work well; love to work; even the women.

"*Question.* Are your women and children all pretty well now?

"All are not well; some of them are sick; all agree to what Herrero says.

"*Question.* If your people had plenty of wool could they make all the clothes?

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"Yes; if we had the wool we could make all the clothes for the tribe. All of them know how to cultivate by irrigation; thinks there is plenty of land; but somehow the crops do not come out well. Last year the worms destroyed their crops. There is plenty of land, and when the ditches are all cut out there will be land enough; there is plenty of water; there is plenty of pasture for all their stock; some have but twenty-five, thirty, or forty, but more have none; none have a hundred. They try and keep their sheep for their milk, and only kill them when necessary, when the rations are short or smell bad; they depend on the milk of the sheep to live and to give to the little children; they are honest and do not kill each other's sheep; they own their animals themselves, and not in common; they would like each man to have his own piece of land and work it for himself and his family; they have not grain, stock, and other things enough; when they have enough they would like to have their children go to school; they would not like to have their children go to school until they had learned all kinds of trades, so they could make a living. Some officers at Fort Canby told them when they got here the Government would give them herds of horses, sheep, and cattle, and other things they needed, but they have not received them; they had to lose a good deal of their property on account of the war, and the Utahs stole the rest from them; have been at war with the Utahs nine years, and about the same number of years with the Mexicans. Before the war with the Utahs and Mexicans had everything we wanted; but now have lost everything. Herrero was quite young when the war commenced with the Mexicans. In the war everything was stolen on both sides—women and children, flocks. When children were taken we kept them, sold them, or gave them back. The Mexicans got the most children: we have only two, and they don't want to go back; have not been in the habit of selling our own children; don't know of an instance. They don't expect to be rich again; but if they had plenty of stock and wagons to haul their wood they would prosper again. Some of the soldiers do not treat us well." * * * *

"*Question.* Would you all like to go back to your old country or remain here?

"They would rather prefer to be in their own country, although they have most everything they want here: they are all of this opinion, and would like to have you send them back; and if you have any presents to give them they will distribute them among them."

I read these facts to show the testimony given on this question. The truth is that in the Territory of New Mexico, among all the people there, it has been one of the greatest contests that ever occurred in a Territory. It was Bosque and anti-Bosque. The question was whether the Indians should be kept on the Bosque or not, and the people took sides on that question. I have given you the testimony and the opinions of military men, and given you the testimony and opinions of civilians. Now, I will tell you the opinion to which the committee arrived. The committee came to the conclusion that if the question had belonged to us to decide in the beginning, we would never have advised a military expedition into their country to take them out for the purpose of putting them on this Bosque Redondo reservation. But when we arrived to that opinion we were just as clearly also of the opinion that after the War Department had actually entered upon this policy and pursued it for six or eight or nine eight years, this policy of capturing these Indians to compel them to go into the reservation, and after the Indians had been actually captured and put upon the reservation, and the Government had been at all this expense in doing it, and had got the Indians settled upon it, it would now be unwise in us to send them back again into their own country. That is the result at which we arrived; and I think it is the proper and the sensible result to which all must come.

Now, the effect of the amendment of my friend from Ohio will be simply this: if you say that after the 1st of July next nothing more shall be given to feed these Indians by the War Department, and you appropriate but $100,000 to feed eight thousand Indians, it will be impossible to subsist them.

Mr. SHERMAN. What has become of the horses and sheep and cattle and what they have raised?

Mr. DOOLITTLE. How is it, I ask my honorable friend, that there should have been so much money expended by the War Department in supporting these Indians all the while. What they have expended has been in addition to all that the Indians have raised. I ask my honorable friend, would he advise the killing and eating of all these sheep which grow the wool that clothes the population, or should the flocks be kept and preserved?

Mr. SHERMAN. In reply to the question of the honorable Senator, I will simply say that the statement he has already made shows that this proposition is the most ridiculous that was ever made in the American Senate. Here, we are told, are about six thousand Navajo Indians on a reservation forty miles square, with eighteen thousand acres of arable land, plenty of water, ditches for irrigation, who merely require enough to support themselves, in a climate so mild and gentle that there is no danger of freezing, where there is everything that can make life comfortable, according to the description the Senator gives, a perfect Arcadia in a wilderness; and it is expected that we shall tax the overtaxed people of the United States to the amount of $1,000.000 a year to feed these Indians, that we shall keep six hundred troops there to guard them so as to prevent them from stealing and from running away from this beautiful Arcadia to the wilderness they formerly occupied. The whole scheme is so simply ridiculous that it strikes me the Senate certainly will see its way out of the difficulty without much debate. During the whole time the Senator has been reading the testimony it seems to me he has constantly been making an argument against the appropriation.

Mr. CONNESS. And if I understand him correctly, over two thousand of them are children at the breast.

Mr. DOOLITTLE. Oh, no.

Mr. CONNESS. That is the way the Senator read it as I understood him.

Mr. SHERMAN. There are thirteen hundred males above the age of twenty one, and the rest are women and children; and it seems the women are very industrious; they make blankets, and do a great many other things; and the children cannot live so highly, and yet the Government of the United States now for several years has paid at the rate of $250 per head, or $1,250 for the support of a family of Indians among the Navajoes, although it is said they have a beautiful reservation with plenty of sheep and cattle. I am only sorry that I proposed to appropriate $100,000. If I were to draw the amendment over again I would make it $50,000.

Mr. DOOLITTLE. Gentlemen smile at this thing; but perhaps they will smile out of the other corner of the mouth when they come to foot the bills, if the Indians are allowed to leave their reservation and return to their own country, as is proposed. They will be scattered all over New Mexico; depredations will come on again, and you will be called upon to pay two or three regiments of troops to invade their country again and capture them again. It required three expeditions of our military force before we could capture them. General Sumner failed in his attempt to capture them; General Canby failed in his attempt; and it was Kit Carson who succeeded at last, when he surrounded them and destroyed in the autumn the crops upon which they should live in the winter, so that he compelled them in the winter to come out and surrender.

I have no more responsibility about this matter than other Senators. The Senate have taken from me to a certain extent the special responsibility of Indian affairs, and put it on my honorable friend from Missouri. He will find it a thankless task before he gets through. So far as I am concerned personally I am very much obliged to the Senate for relieving me from the responsibility of these Indian affairs, the most troublesome, thankless thing there is connected with all our public affairs. To give one's attention to Indian matters, and study the questions connected with them, requires time, and it is an office that is hardly appreciated. I confess there are a good many things about it that I do not like. Gentlemen get prejudiced against Indian legislation, and give it the go-by, and by some little amendment undertake to overturn a settled system. The War Department has for eight or ten years been attending to these Indians, at a cost I suppose of fifteen or twenty million dollars, and now you will overthrow it all in a moment. That is not what we proposed to do. It would be better in my judgment not to pass anything on the subject, but just drop the whole proposition, and leave them where they are, in the hands of the War Department, and let that Department feed them just as cheaply as they can. The War Department has decided that it is cheaper to feed them than to fight them, and have captured these ten thousand Indians and put them on this reservation. I have no doubt officers of the War Department have endeavored to get along as economically as they could.

Mr. HOWARD. Have the Navajoes made war on the United States?

Mr. DOOLITTLE. They have made war on these people whom the United States are bound to defend. I say to my honorable friend that for two hundred years these Navajoes have been living in that country, ever since the Spaniards came there, depredating on the Mexicans, and the Mexicans depredating on the Navajoes, stealing each other's women and children and flocks and herds, and killing each other. We took that Territory just in that state of things, and we have bound ourselves by treaty to keep the peace in that Territory and defend the Mexicans.

Mr. CONNESS. I can hardly trust myself to say anything on this subject. I am so thoroughly and entirely convinced that there is a system so stupendous in its nature, in its fraud, being carried on against the Government in New Mexico, and I am so full of information on the subject from a hundred reliable sources, that I can scarce trust myself to utter a word on the subject. The campaign was made against the Navajoes, under the direction of General Carleton, under the immediate command of Kit Carson, a campaign almost utterly needless, and in its results beneficial only to the men who are disbursing the public moneys in New Mexico to the amount of millions of dollars—a scheme, in my judgment, from the beginning to collect eight thousand Indians upon a place that we are told at one time is a desert, has nothing in it, and at another time blossoms as the rose; but in addition to whatever they can produce there they are fed to the tune of $1,500,000 per annum, as is stated by the honorable Senator! Just so long as military officers are permitted to command and to be interested in contracts, to control the commissariat, just so long it will be their interest to feed a large number of Indians. Why, Mr. President, in California, for a period of over ten years, the number of Indians that money was appropriated by Congress to support was counted not doubly, but trebly, and twice that. Money was appropriated to feed Indians that never saw the light. We are now feeding in my State over six thousand Indians, taking care of them, clothing them, for they do not make their own blankets upon the reservations in that State, and how much are you appropriating annually for that purpose? The Senator can see by looking at the bill that for all the reservations in California not more than $75,000 is appropriated, and with this sum we are supporting over six thousand Indians upon reservations; and I have in my possession letters from the retiring superintendent who counts the bushels by hundreds and thousands, in excess of what the Indians needed, that are being put into the market to be sold. But, sir, that is under honest superintendents; that is under management such as is applied by every man to business affairs.

But how is it in New Mexico? We hear of the Bosque Rodondo, the Pecos river, the traveling committee taken possession of by the military commander, feasted, handled, filled with facts, with nothing in them! Mr. President, General Carleton went down there with about three thousand troops from California. He had his commission from the Governor of California. His three thousand troops were as splendid men as ever stepped;

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they were not enlisted from the unemployed people of the country. They were commanded by subaltern officers who were no ordinary men, but who left their profitable business, some of them avocations yielding five to ten and twenty thousand dollars annually, to take a captain's commission, with the expectation of meeting the foe of their country in the field. They were marched down to New Mexico and kept there for three or four years, and they have nearly all testified against the gross corruption, the perversion of the public interests, and the almost universal plunder that has been the rule in that Territory. Their word is as good as the word of any man on earth. I have a letter in my hand, received to-night by this day's mail, from a lady, and you would blush if I should read a paragraph from it touching this commander. I handed to two or three Senators a few days since—the Senator from Massachusetts [Mr. WILSON] read it—a letter from a responsible man; but I cannot read extracts from letters here. I have stated before this that I have made honest effort to stop these swindlings, but have failed, utterly failed. If, however, I shall live till the next Congress shall meet for business, and the War Department shall not do its duty by that time, I shall call for a special committee of this body, and if necessary investigate and put before the country the facts as to the utter mismanagement and corruption of public administration in that Territory. This demand for $670,000, which is less, the Senator says, than $1,500,000, is made to continue this system, and we are told this is a saving. I suppose the rations drawn by "the babes at the breast," of whom the Senator read, the Government has been charged for. I have heard of such things before. We are told in one breath by the Senator that these Indians have herds and lands and stock of all kinds, fifteen, twenty, and some a hundred head in number, and yet $1,500,000 per annum is paid to feed them from the commissariat of the United States.

Mr. President, if I were the Commander-in-Chief of the United States somebody would be shot, and that would cure it. I would apply the remedy, which, if applied at the beginning of the great war we have passed through, when fellows went to the field to steal and not to fight, would have been merciful as well as just. Had they been taken out and shot, it would have purified the whole country, the Army first and the country next. The administration in New Mexico wants a little touch of that. There is military in that, and when administered in accordance with justice there is justice in it, too, and mercy as well.

I do not know which is best, that the authorities there shall be allowed to continue in charge of these Indians, or they committed to the charge and custody of the Indians. The descriptions given of the Navajoes prove them to be the superiors of the men we have put over them. Their intelligence is spoken of, and no doubt with truth; their kindliness of heart; their half-civilized or more than half-civilized system of society. It is testified, and the Senator has read the testimony to us, that the better way of taking care of these Indians is in pueblos. What is a pueblo? A town, a village. It is testified that they are fitted to live in towns and villages, and engage in manufactures; and they produce the finest blankets of the kind made in the world, and yet they are subjected to beastly control, and the nation is plundered in addition.

More than that, sir, the unbridled passions of those who command them are not confined to the Indians; but they run rampant elsewhere, and if anybody objects in that Territory he is ordered under arrest. The tyranny is complete; there is no remedy. If an honest and able man can be chosen—and the country is full of such—and sent down there, independent of all these creatures in it, I would trust his report, and if necessary I would feed to the extent he recommended; but I tell you that our sources of information at present are totally unreliable; and it is not simply a mistake to continue what we have been doing, but it is a crime. I have no doubt of the intent of the honorable Senator from Wisconsin to do what is right and what is generous and what is humane. These, I know, are all his impulses; but he is utterly in error about this whole thing I undertake to say. I am not willing to vote even as much as the honorable Senator from Ohio proposes. He only made a guess at it, as he will concede. He proposes a large amount of money, and he does not know just exactly how much to suggest. To continue to vote these appropriations longer, to continue to allow the military authorities there to feed these Indians *ad libitum*, and thus consume the public stores *ad libitum* while somebody gets the money and puts it in his pocket, is a wrong so great and a fraud so stupendous that it should be stopped at once.

Mr. FOWLER. It seems to me that we have very indefinite information upon which to base an appropriation of $100,000 in this case; and the object for which it is to be appropriated is, I think, too vague to justify our action. It is evident to my mind, from the history of this matter, that these Indians have been taken away from a country where they could support themselves and which was suited to their condition in life. It is true they had there some warfare with the Mexicans; the Mexicans made war upon them; and they, in turn, upon the Mexicans; but it does not appear that they have been very hostile to the people of the United States. It is also very clearly presented to us that these people are perfectly capable of taking care of themselves in their own country, where they ought to be. We have taken them away from their homes, and put them in a country almost barren and incapable of supporting them. It seems to me a proper course would be to appropriate a sum of money sufficient to remove them back to the place from whence they came. I do not know precisely how much it will take: but that is the only sensible idea to my mind that has been advanced on the subject—the one that has been advanced by the Senator from Pennsylvania [Mr. BUCKALEW]—to return them to the place whence they came and where they were capable of supporting themselves. I think it is perfectly cruel and inhuman to keep eight thousand people on a small section of country, totally incapable of supporting them, unfit for their habits of life, where they are dying with disease constantly. We ought to release them from their imprisonment and let them go back to their own country.

The PRESIDING OFFICER, (Mr. POMEROY.) The question is on the amendment of the Senator from Ohio [Mr. SHERMAN] to the amendment of the Senator from Missouri, [Mr. HENDERSON.]

The amendment to the amendment was agreed to.

Mr. WILLIAMS. I should like to inquire of the Senator from Ohio if he is entirely confident that the amendment is in exactly the right shape now. It may be supposed by the military to be their duty to keep these Indians upon this reservation and not to furnish them with any food or subsistence. I should think, if it is intended to take away from them the supplies which the Government now furnishes, it ought to be distinctly understood that they are to be allowed to return to their own country. I understand that this amendment provides that a certain amount shall be appropriated for these Indians, and after a certain date no subsistence shall be supplied to them; but will not the military, as these Indians have been captured and have been put upon this reservation, feel bound to keep there and deny to them any subsistence? The consequence may be that the Indians may be starved to death upon the reservation. I suggest whether it would not be advisable to amend the amendment so as to imply at any rate that the military should allow these Indians to go back to their own country, or should transfer them to their own country.

Mr. SHERMAN. That whole matter is left to the proper department. There is nothing in this amendment to interfere with that. The amendment is to appropriate $100,000, to be expended under the direction of the Secretary of the Interior, to relieve these people and provide that after the 1st of July they shall not be fed by the quartermaster's department. That is all there is of it.

Mr. WILLIAMS. I know that is all there is of it; but does it not leave these Indians in the hands of the military as prisoners, and deny to the military the right to feed them or take care of them, notwithstanding they are prisoners?

Mr. SHERMAN. If the Senator thinks it important, he may add a proviso saying that the Indians shall not be held as prisoners of war by the United States.

Mr. WILLIAMS. I make the suggestion simply.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. DOOLITTLE. I should like to hear it read as it now stands.

The Secretary read the amendment, as follows:

For the relief of the Navajo Indians now at or near Fort Sumner, to be expended under the direction of the Secretary of the Interior, $100,000: *Provided*, That no rations or supplies shall be furnished to said Indians by the War Department after the 1st day of July next.

Mr. DOOLITTLE. I think that is very dangerous legislation. The War Department have these eight thousand prisoners on their hands. They are substantially prisoners.

Mr. SHERMAN. Not eight thousand.

Mr. DOOLITTLE. This gentleman says there were eight thousand.

Mr. CONNESS. That gentleman is what might be called a swift witness.

Mr. DOOLITTLE. Major Bristol I refer to. I must say that from all I have ever seen or known of Major Bristol myself he is a gentleman of character and standing. He must be well known to the Senators from Michigan, both of them, for Detroit is his place of residence. He is an officer of the regular Army, whose reputation I have never heard questioned. There are reports also taken as a part of the testimony of the number of the Indians from time to time on the reservation.

Mr. CONNESS. I hold in my hand the report of Colonel A. D. Norton, superintendent of Indian affairs in New Mexico, for 1866, with a memorandum made upon it, sent by him since this discussion began, stating that only six thousand nine hundred Navajoes were on the reservation at the last accounts. That is not eight thousand.

Mr. BUCKALEW. I desire to read from the report of the Commissioner of Indian Affairs, dated October 31, 1865, a statement of the general question with regard to these Indians. He said then:

"In regard to the Navajoes, now established at the Bosque Redondo reservation, the accumulated testimony is so conflicting, derived from sources equally entitled to credit, and from persons who should have, and, so far as appears, have had but one object in view, the best interest of the Government and of the Indians, that I am reluctant at present to express a decided opinion in regard to the permanent policy to be adopted. The difference is wide between the views of the late superintendent, Dr. Steck, who urged, and was supported by excellent authority in urging, that the Bosque Redondo reservation was barely sufficient for the Apaches, for whom it was set apart—that the Navajoes and Apaches could not live together upon it; that the Navajoes could best support themselves upon a reservation in their own country where they had always been an agricultural and pastoral people, raising large crops and making their own garments from the produce of their own flocks, and that the enormous expense of feeding them at the Bosque Redondo, counting by millions almost, was an unnecessary expenditure—and those of General Carleton, the military commandant of the district, who insisted that for the sake of permanent peace the Navajoes must be taken entirely away from their own country, and that when once settled upon a reservation they would provide for their own support.

"General Carleton took the responsibility of testing the question by removing the Navajoes to the reservation; and this being done, they have been supported there by the War Department, with the aid of an appropriation of a comparatively small amount by Congress, placed at the disposal of the Interior Department."

This was the experiment of General Carle-

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ton, the military commander of the district, without any authority for his proceedings other than that derived from his power as commander of the military district which included New Mexico; and it was done against the opinion of the proper officer of the Government who was in charge of the Indians, and whose opinion, as here stated, was supported by the strongest reasons. This report shows that the Indian agent at that time pointed out the very consequences which have since resulted from the adoption of this experiment. We have stood silently by and permitted this military commander to try his experiment for a period of two years, till he has saddled us with an expense of a million and a half per annum merely for the support of these Indians, and besides an additional enormous amount for the support and maintenance of the troops under his command, probably in all two and a half or three millions a year! This is the experiment which, with full information when it began, we have permitted to go on for a period of two years; and yet it seems there are some men in this country who think the Treasury has not been bled sufficiently, that enough of public money has not been poured out in New Mexico and gone into the hands of favorites and of contractors. We are yet engaged in grave debate to determine whether this military experiment is to be continued or not.

General Sherman says in his report, made last November, that it is impossible to go on with this system; that if it is to be pursued application must be made to Congress, and a special and large appropriation for this particular object must be made; that as lieutenant general of our armies, and to some extent responsible for what is taking place, he is not in favor of diverting the funds of the War Department to this object in such an enormous stream of expenditure.

The amendment of the Senator from Ohio [Mr. SHERMAN] continues the control of the War Department until the 1st of next July. I should like to terminate it immediately; but it is better to fix that limit than to fix no limit at all and permit this system of abuse to go on without any check whatever from Congress. If Congress shall permit it to go on, it will become just as guilty as if it had ordered this experiment to be undertaken originally and had deliberately and willfully maintained and encouraged it upon full knowledge of all the facts.

Now, sir, do what any sensible man would advise you to do; do what was proposed by good authority in the beginning of this experiment; allow these men of the mountains and forest to go back to the place of their former residence, and supply such protection as is necessary to the frontier. Certainly it will not cost an enormous amount of money to protect the frontier. In former times before we acquired New Mexico the amount of military force used for the defense of the inhabitants was quite small; and that we who claim that our modes of administration are superior to those which we superseded in that country should fall into such a system of abuse as this and continue it for years is to me most surprising. Our outlays upon this object are not necessary, nor even useful. On the contrary, they are wasteful, improvident, corrupt, and scandalous. Let us end them, and restore the control of sound sense and the practice of economy to our administration of affairs in a distant but interesting Territory.

The amendment, as amended, was agreed to.

Mr. WILLIAMS. I offer this amendment, to come in as an additional section:

And be it further enacted, That whenever a vacancy shall occur in the office of any sub-Indian agent, whose salary or compensation exceeds $1,000 per annum, the same shall only be filled by some person, to be appointed by the President, by and with the advice and consent of the Senate, except if such vacany shall occur in the recess of the Senate, the same may be temporarily filled by some person to be commissioned by the President, and he shall hold his office until the end of the next session.

The amendment was agreed to.

The PRESIDING OFFICER. There is an amendment reported by the Committee on Finance which was passed over, on which no vote has yet been had. It was to strike out on page 65 the clause appropriating $50,000 for expenses of collecting and locating the Colorado river Indians in Arizona.

Mr. HENDERSON. I prefer that the question should not be taken on that amendment at this moment. I desire to present some facts to the Senate in reference to it. I doubt the propriety of striking out that clause in the bill. I hope at any rate it will not be stricken out at present; but when the bill comes into the Senate it can be considered.

The PRESIDING OFFICER. The amendment will be passed over for the present unless objection be made.

Mr. HENDERSON. I move to amend the bill in line fourteen hundred and one, on page 58, by striking out "thirty-five" and inserting "seventy," so as to make the appropriation for general incidental expenses of the Indian service in Arizona Territory, presents of goods, agricultural implements, &c., $70,000.

There are thirty-five thousand Indians in Arizona, and the appropriation that I propose will be two dollars a head. I would not ask to increase the appropriation in the House bill but for certain facts that are stated in the report of the superintendent, whose letter is perfectly clear on the subject, showing, in my judgment, the necessity of the appropriation. It is in consequence of military orders that have been made confining a large body of Indians there to a certain reservation. They are prohibited from going beyond a fixed line, and the superintendent demonstrates beyond any doubt, in my judgment, that if this policy is to be pursued (and he has no power or authority whatever to change it; it is being carried out under the orders of General Mason, who is in command there) it will require an appropriation of this amount, and perhaps a larger amount, but I am not prepared to go to the extent that he seems to desire. I really think, however, that this appropriation is not too large for the large body of Indians in Arizona. I presume it has become necessary to confine a good many of these Indians in narrower limits than they have heretofore been held in; and in that view of the case I think the appropriation ought to be made. The letter is a lengthy one, and I do not propose to trouble the Senate with it unless some member shall desire to hear it. I have examined the case carefully, and am satisfied with the necessity of the appropriation on the facts presented.

The amendment was agreed to.

Mr. HENDERSON. I have another amendment, to come in after line fourteen hundred and eighty-one, on page 61:

For reappropriation of the sum carried to the surplus fund for warrant No. 172, dated June 30, 1866, under the head "for surveying and allotting to the proper persons the reserved tracts per ninth and tenth articles, with Sacs and Foxes and other tribes of Indians, July 15, 1830," $1,209 97.

The amendment was agreed to.

Mr. HENDERSON. On page 62, after line fourteen hundred and ninety-three, I move to insert:

For additional pay of four physicians, four blacksmiths and assistants, four carpenters, four teachers, and four farmers on the four reservations in California for the fiscal year ending June 30, 1868, $7,200.

For this amount, or so much thereof as may be necessary, to purchase a saw and grist-mill for the Round Valley reservation, $5,000.

The Senator from California, whose attention I have called to this matter, will find on page 62 of the bill, this item:

For pay of one physician, one blacksmith, one assistant blacksmith, one farmer, one carpenter upon each of the four reservations of California, at the rate of fifty dollars per month, $12,000.

There are twenty-four persons required, four physicians, four blacksmiths, four assistant blacksmiths, four farmers, four carpenters, and four teachers upon these reservations, and the amount appropriated in the bill for them is $12,000. The superintendent of Indian affairs there says that it is utterly impossible to procure anything like competent men at these prices, between forty and fifty dollars a month, and he requires a largely greater sum than I propose. I propose $7,200 additional, making $19,200 for these twenty-four men during the year. He says that carpenters cannot be employed there at the rate of forty or fifty dollars a month, nor can teachers, nor can physicians who possess any qualifications at all as physicians. It struck me that the demand was a very reasonable one, and that it ought to be allowed. There are various other appropriations asked for which I do not choose to grant. This one I thought was proper. It seems to me a very small sum, and I doubt whether competent men can be procured for the pay. The Senator from California, however, will be better able to determine that matter than myself.

In regard to the mill, it struck me also that the reasons in his report, which can be read if any Senator desires to hear it, show that that appropriation ought to be made.

Mr. CONNESS. There are only two items in that connection that are new. The one relates to the mill proposed, and the other to the teachers. Up to the present time all the other officers have had existence since the passage of the bill in 1864 to reorganize Indian affairs in California. Prior to that time we had two superintendencies in the State. At that time we made one, and made a considerable reduction in expenses connected with that branch of the public service. The amount fixed as compensation for the physicians and the mechanics, including the blacksmith and carpenter on the reservations, was too small, and the difficulty that has resulted from it has been seriously felt in the management. There never has up to this time been any teachers employed, and there have been no schools, and are none now on the reservations there. The necessity for schools has been very great, and I am very glad to find that the committee have allowed a small appropriation to institute schools on these reservations. I can only say to the Senate that the Indian affairs in that State now are managed in the most creditable manner; that the private business of no man in the country is managed with more exactness than the affairs of the Government upon these four Indian reservations. I feel a good deal of pride in connection with it, because it has been to a very large extent the object of my solicitude and care since I came here. I hold, and have expressed the opinion upon other occasions, that the management of Indian affairs must necessarily depend upon the character and capacity and integrity—character includes it all—of the persons immediately employed, even the lesser or lower agents on the reservations; and with that view great care has been taken in the selection of these officers. The result has met the expectation of those who desired the best possible administration of affairs in the Indian department; and it must be gratifying to us all to know that in one State at least Indian affairs have undergone a great change for the better. I am glad this appropriation is asked for, and I agree with the Senator from Missouri in granting the amount he proposes, and not the whole, in making a beginning in that way.

Mr. HENDERSON. I am very glad to have the concurrence of the Senator from California. We have had but little time to determine these matters, and I did not know but that in all probability I should make mistakes in many cases. While I am upon the floor I think it my duty to say, that from the examination I have been able to give to Indian affairs, my impression is that they are better conducted in the State of California than in any other part of the United States. I am thoroughly satisfied that the system has been reduced almost to perfection, if not quite so, in that State, and I regret exceedingly that it is not to be found in other sections of the country. Taking the number of Indians that are in the State, we certainly conduct Indian

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affairs with less expense than in almost any other section of the Territories or States.

The amendment was agreed to.

Mr. HENDERSON. On page 61, after line fourteen hundred and eighty-one, I move to insert:

For the compensation of eight extra clerks in the office of Indian affairs, under the acts of August 5, 1854, March 3, 1855, and March 3, 1865, for the fiscal year ending June 30, 1868, $11,200.

Mr. SHERMAN. I object to that. This is not the place for it. This bill appropriates only for the Indian service, not for any bureau in Washington.

Mr. HENDERSON. I believe the Senator is right, and I withdraw the amendment. I offer this amendment to come in at the same place:

For this amount, being the balance due on the award of the Secretary of the Interior to the delegates of the southern Cherokees, for costs and expenses incurred by them in negotiating the recent treaty with the United States and the Cherokee Indians, to be reimbursed by the Government of the United States out of the proceeds of the sale of the Cherokee lands, $18,825.

Mr. STEWART. I should like to have an explanation of that.

Mr. HENDERSON. I will state that it is to reimburse the Cherokees who came here at the invitation of the Government to negotiate the treaty of 1865. Under the treaty we procured eight hundred thousand acres of Cherokee reserve lands, which will of course have to be sold at not less than one dollar an acre. This appropriation is to be refunded out of the proceeds of those sales. The only difficulty about it is that we may possibly forget to deduct the amount, and on the receipt of the money from the sales of lands, it may be paid over to the Cherokees without remembering this appropriation. I presume, however, the Indian department will charge it to the Cherokees, and remember it.

Mr. JOHNSON. The Committee on Finance looked at all the papers presented on this subject, and thought there was no legal obligation on the Government to pay this money. It is a mere payment of it now, for of course it will never be repaid to the Treasury. Such a thing, I think, was never known. The lands referred to will be sold and probably sold on credit.

Mr. HENDERSON. They must be sold for cash under the treaty.

Mr. SHERMAN. I see no obligation on the part of the United States to pay this amount. There is no treaty stipulation of the kind. I have such perfect confidence in the judgment of the Senator from Missouri that if he will say that he has examined it, and after examination thinks there is any legal obligation on the United States to pay this money, I shall be willing to vote it.

Mr. HENDERSON. I cannot so state; but it was my impression that it was in the treaty. The Senator from Wisconsin perhaps will remember better in regard to that. I am certain of this, that we sent for the head men of the Cherokees, and had them brought to Washington, and the treaty was made here. Whether it be a legal obligation on the Government or not, it is certainly a moral obligation. If we did not intend to pay them for coming here we should have treated with them at a different place. It was rather an order to appear here. It was in consequence of difficulties between the Cherokees and the United States Government on account of the rebellion that they were ordered to appear here, as other tribes were after the war, and were ordered to enter into treaty stipulations with the Government. I suppose, of course, their annuities might have been confiscated; but the Indians, in order to avoid difficulties of this sort, made their appearance here, and treaties were negotiated. I think the appropriation is right.

The amendment was agreed to.

Mr. HENDERSON. I offer this amendment to come in on page 61 after line fourteen hundred and eighty-one:

For this amount, or so much thereof as may be required to pay the necessary expenses of the commission appointed by the President to visit the Indian country near Fort Phil. Kearney for the purpose of ascertaining the facts relative to the Indian massacre near that place on the 21st of December, 1866, including pay of commissioners, traveling expenses, presents, and rations for the Indians when necessary, and pay of guides and interpreters, $20,000.

Some time in January, shortly after the massacre at Fort Phil. Kearney, I offered a resolution calling on the Secretary of the Interior and the Secretary of War to give us all the information in their respective offices or Departments on this subject. We received their answers and they are before us. It seems that on the 18th of February the President appointed certain gentlemen, General Sully, General Sanford, General Buford, Colonel Parker, Judge Kinney, and Mr. S. P. Borby to proceed to the neighborhood of Fort Phil. Kearney, as far as Fort Laramie anyhow, to ascertain all the facts and make report to him. From the reading of the orders I gathered that this was thought to be necessary in consequence of the action of the Senate or House of Representatives. I do not so understand the action of either House as suggesting, much less ordering, any such thing. Four of these commissioners are military officers, but their traveling expenses are considerable. Whether we are under any obligation to pay such expenses is another question. The proposition has been sent to the Committee on Indian Affairs, but I do not report the amendment as the action of the committee. It has been insisted on that, inasmuch as this commission have been sent forward to examine into this matter, they will be necessarily put to expense; and the information they will collect will be very desirable. I hold in my hands the orders of the President of the United States to these commissioners.

Mr. SHERMAN. Have they gone?

Mr. HENDERSON. I do not know whether they have gone or not. The proposition has come into my hands pretty late; I deem it my duty to place it before the Senate; but if there be any objection to it at this late hour of the night I shall not insist upon it.

Mr. BUCKALEW. As the Senator explains it, four of these commissioners are Army officers, and of course their pay is already provided for.

Mr. HENDERSON. Not their expenses.

Mr. BUCKALEW. I presume an appropriation of one half the amount mentioned would be quite adequate.

Mr. SHERMAN. I object entirely to this appropriation. It seems to me it is very wrong to make such an appropriation. We know all about the murder of Lieutenant Colonel Fetterman and the soldiers under him, some sixty odd privates and a number of officers, making altogether about ninety men murdered. It was done within six miles of Fort Phil. Kearney. They went out on an irregular expedition and rode into an ambuscade and were killed, and no witness was left to tell the tale. Now, to pay $20,000 out of the Treasury to ascertain the particulars of the affair it seems to me is a waste of public money. These gentlemen would go on a pleasure trip over the plains.

Mr. HENDRICKS. Under what law was the commission organized?

Mr. SHERMAN. No law whatever; no authority of either House.

Mr. HENDRICKS. I had seen it stated that Colonel Carrington was to be court-martialed.

Mr. SHERMAN. That would bring out all the facts.

Mr. HENDRICKS. Certainly it would.

Mr. SHERMAN. There is no occasion in the world for this commission. I hope, therefore, the amendment will be defeated, unless it is withdrawn.

Mr. DOOLITTLE. If this were for sending out a commission to seek those Indians who have never as yet made treaties with the Government, those bands of Sioux which occupy that portion of the country through which we have undertaken to open a road without their consent, I would be very glad to have such an appropriation made. What has given rise to this difficulty at Fort Phil. Kearney is simply this: the Government of the United States, by a law of Congress, has directed a military road to be opened right through the very heart of the Indian country, where they live and where they get their supplies, and that road being opened and the emigrants going through the heart of this country we are making war on the Indians. That war has been going on for some time with those bands of Sioux. They have not treated for peace to cede that portion of the country, and now we are at war with them. It will cost hundreds of thousands of dollars and millions of dollars unless we come to some arrangement with these Indians. All the money that is expended for the purpose of negotiating peace with the Indians, for the purpose of making presents to the Indians, for the purpose of inducing the Indians to leave the country without war—every dollar that we pay in that way is repaid to the Government a hundred, yes, a thousandfold.

Mr. SHERMAN. I suppose you would pay them so much a head for killing our soldiers!

Mr. DOOLITTLE. No; I do not propose to pay them for killing our soldiers. I say that when we, the Congress of the United States, direct the opening of a traveled road, an emigrant road right through the heart of an Indian country, with which Indians we have not made any treaty arrangement to obtain from them the right to pass through that country, we make war on them; we are the aggressors; we begin the war, because our going into the heart of their country deprives them of the means of living; we cut off their supplies; we drive away their game; we drive the Indians from their homes. It is war by us on them, just as this late military order of General Sherman that not an Indian between the Platte and the Arkansas rivers must be found—not one, although so far as treaty stipulations are concerned we have expressly provided in our treaties with the Indians that they may hunt there until we find homes for them on which we can place them and withdraw them from that country. Such orders are in substance a declaration of war. We must look at these things as they are, and upon the Indian tribes that are in that country, and recognize the fact that we, being at war with these Indians, they, in the war which they prosecute against us, led our men into ambuscade and killed them. It was an act of war on their part. This war, as a matter of course, will go on unless we come to some terms of peace; and here permit me to say that it would be economy on our part to do anything to feed these Indians and to induce them to leave that country rather than go to war with them.

These are the facts. The rush of our people into the Indian country and the taking possession of their homes without their consent bring on nearly all of our Indian difficulties. The only objection I have to this amendment is that it does not propose to authorize these commissioners to treat with these Indians for peace in that country. If we must have their country, let us treat with them as to the terms on which they will surrender it and give it up to us. That is the fair and honorable and manly way in which to deal with these tribes. But if we insist on these military orders and sending out our troops to drive the Indians from the plains, from such vast countries as those between the Platte and the Arkansas, to drive them off from the valleys along the base of the mountain ranges near Fort Phil. Kearney and Fort Reno up into the Territory of Montana, we shall have a universal Indian war that will rage from the British Possessions on the north to Mexico on the south, and it will cost the Government at least $50,000,000.

Now, Mr. President, I think that so far as this appropriation is concerned, if the amendment were amended so as to authorize these gentlemen to treat with these Indians for the peaceful occupation of that country and for peace, it would be a good thing.

Mr. CONNESS. I think perhaps it is a good

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thing that the Indians cannot read our frantic speeches. If they could possibly get access to them I have no doubt they would make war from the British line to the southern border. They would give the Indian an immense impression, first of his rights and next of his power.

Now, Mr. President, in my opinion our great mistake in dealing with the Indians has been in instituting this whole system of treaties, in recognizing their jurisdiction. In what part of the United States was that policy never followed? On the Pacific slope. It was not because there are not Indians there, but no right to the soil was ever recognized in the Indians of the Pacific slope; and the consequence is that less trouble has been had with them there than with Indians in any other part of the Union. The Government of the United States elsewhere has recognized their right to the soil, and then we have treaties with them. We bring flocks of chiefs here dressed in toggery, painted and feathered up, and committees lead them around and treaties are made with them. These treaties are made here in this body and considered when half a dozen Senators are present, and these great chiefs, with unpronounceable names—"Hole-in-the-day" and something else—are manufactured into immense creatures.

Mr. President, the fact is that we have done too much of this business. I would give more for one of General Sherman's orders in dealing with the Indians than I would for all the treaties that the honorable Senator has ever made; and all the treaties the honorable Senator has made in the last ten years would fill a great many books. It is time to substitute orders for treaties; and the idea of sending out a commission of this kind, composed of two civilians and four military officers, is ridiculous. I should like to know whether it was intended that they should be dressed in some kind of toggery. The Indians, when they saw General Grant the other day, I am told were not impressed with his greatness; because, while they were feathered and painted up, the General was a very simple looking man. I think we have acted ridiculously on this subject long enough.

Mr. KIRKWOOD. I do not know that I understood the Senator from Wisconsin correctly. Did I understand him to say that whenever we opened a military road or a road of any kind through the Indian country where we had not acquired the title we made war on the Indians?

Mr. DOOLITTLE. If we open a road through their country without their consent.

Mr. KIRKWOOD. Have we acquired the title to the line of the Pacific railroad?

Mr. DOOLITTLE. Most of the way has been acquired by treaty.

Mr. KIRKWOOD. Since the building of the road, I expect.

Mr. DOOLITTLE. One of the provisions of the railroad bill is that we shall extinguish the Indian title as we go on with the building of the road.

Mr. KIRKWOOD. We have not done it, I apprehend. I agree with the Senator from California; I cannot admit that our right to cross the continent depends on a tribe of Indians. Are we to be driven from crossing all this immense plain because of the imaginary rights of a roving band of Indians, where there is not one Indian to a hundred thousand acres of land? Are we to be kept from crossing it by a railroad, by a military road, or otherwise, unless they choose to give us leave? I do not believe any such thing.

Mr. DOOLITTLE. I concede we have power to drive them off.

Mr. KIRKWOOD. No; we have the right to go through. It is our land if the Pacific coast belongs to the United States of America.

Mr. DOOLITTLE. We have the right to buy the lands of the Indians, and not to allow them to sell them to England or any other country; but we do not own the land until we extinguish the Indian title.

Mr. KIRKWOOD. We have the right to go over it. We have the right to go to Montana; we have the right to go to Idaho; we have the right to go to California and to Nevada; and if in going there we cross land that we have not bought from the Indians we do not make war upon them in my judgment. If we pass over the roads thus made peacefully and quietly, doing them no harm, they have no right to complain; and when we establish the principle that they have a right to complain, that in passing over this land belonging to us we are making war upon them, we are giving them a degree of importance that I think they are not entitled to, and we are diminishing our own importance in connection with them.

Mr. HENDRICKS. I understand that this commission has not yet gone, and no expenses have been incurred. I am opposed to the appropriation. The Army can investigate this matter in the proper trial of the man who is guilty.

The amendment was rejected.

Mr. HENDERSON. I am instructed by the Committee on Indian Affairs to present this amendment, to come in after line three hundred and eighty, on page 17:

For payment to the Choctaw nation and tribe of Indians on account of their claim under the eleventh and twelfth articles of the treaty with said nation, made on the 22d of June, 1855, the sum of $250,000: *Provided*, That in the future adjustment of the claim of the Choctaws under the treaty aforesaid the said sum shall be charged against the Indians.

This amendment involves the claims due the Choctaws. It is a very important matter. There is a letter from the Secretary of the Interior on the subject that I propose to have read, so that the Senate may be informed about it. The Senate will see from the reading of the letter that there is anyhow a legal case made out against the Government for upward of $2,000,000. I do not wish to startle the Senate by any proposition of this sort; especially do I not wish to do so at this late hour of the night, and Saturday night at that. I am instructed by the committee to offer the amendment or I would not present it. If it were left to my judgment I should not present it at this late hour of the night, especially when there is a desire to get through with the bill. I have been compelled to occupy a good deal of the time of the Senate, and I do not desire to be troublesome; but the Committee on Indian Affairs, a majority of whom are absent, have instructed me to report an amendment appropriating $250,000 on account of these claims, in the language that has been read. I send the communication of the Secretary of the Interior to the table to be read to the Senate.

Mr. SHERMAN. I desire to say a word before the communication is read. If we are to go into the old controversy about the Choctaw claims, which amount to $2,000,000, I do not wish to do it without a full quorum and a long discussion. This is a very complicated and troublesome claim, carrying out a recent treaty ratified at the last session.

Mr. HENDERSON. The treaty of 1855.

Mr. SHERMAN. That is the date of the old treaty, but there is a treaty which we ratified at the last session on the same subject.

Mr. HENDERSON. The Senator will find that if the claim exists at all it is under the treaty of 1855. My view of the question was that, inasmuch as the Choctaws had very largely entered into the rebellion against the Government, or rather into the war against the Government—for they are regarded as an independent nation—they had lost all rights to their annuities, and lost all right to any claim they might have against the Government. The Government might very well have declared after the war that they had lost their rights; but the treaty of 1865 restored to them the right that might have been supposed to be lost. It has certainly restored them now to all the right they had under the treaty of 1855. There had never been any declaration by the Government that their rights were forfeited, that any right whatever was forfeited. There was no law of Congress on that subject.

Mr. SHERMAN. The Senator has stated the case pretty much as I did. This old claim arises now under the treaty ratified at the last session of Congress. The Choctaws entered into the rebellion, and last year this treaty was made and ratified, no doubt after ample consideration by the Committee on Indian Affairs, but without much consideration by the Senate. This claim was presented at this session to the Committee on Appropriations in the House of Representatives, was examined by them, and they refused to insert it in the bill. The same papers were presented to the Committee on Finance, and they, finding the magnitude of the claim, finding that the language of the recent treaty might probably involve us and renew all the old claims of the Choctaws, restore them to their old relations, revive all of the old claims, although one half the Choctaw tribe has been destroyed by war, felt disposed to examine into it, but had not time. I think now that this subject ought not to be at any time put in an appropriation bill. If an appropriation of money is asked for these Indians to carry into effect the treaty, it should be by a separate bill, which we may consider and debate and discuss. It ought not to be attached as an addendum to an appropriation bill. That was the view the Finance Committee took of it unanimously. I hope the Senate will concur in that view and reject the amendment.

Mr. STEWART. I hope that the amendment will not be considered at this time. I am certainly opposed to it. I recollect when this treaty was pending I came very near bringing down the indignation of the Senate upon me for calling for the yeas and nays and trying to give consideration to it. The whole Senate was going to get mad with me if I insisted on having the thing investigated. I told them that I wanted to rake the whole thing up; that the result of the treaty would be that we should be liable for a large amount of money. I came very near being driven by force of public opinion out of the Senate Chamber for insisting for the yeas and nays upon the treaty. Senators said the day was hot and that it was an outrage to keep them here in executive session with the doors closed to consider it.

Mr. CONNESS. You are out of order; you are telling what took place in executive session. [Laughter.]

Mr. STEWART. I protested against it, but the Senate ratified the treaty.

Mr. HENDRICKS. If there is an obligation upon the Government, we might just as well meet it. I understand this claim has its origin in the sale of the Choctaw lands to the Government at twelve and a half cents an acre—lands which the Government has since sold at $1 25 an acre; and the treaty made at the last session recognized the claim as having its origin in the treaty of 1855. If that be the state of the case, I do not think it is a debatable question. If we are going to observe our treaties, it need not be made a disputed thing. I think the appropriation ought to be now a reasonable proportion of the amount of the debt. I do not think $250,000 is too much; probably it ought to be a larger sum.

Mr. KIRKWOOD. Make it a million.

Mr. HENDRICKS. It does not make any difference with me whether it is one million or two millions, if we have their lands and agreed to pay them for them. I do not believe in this doctrine of the Government taking Indian lands and not paying for them. It has been that sort of hesitation that has involved this Government in a good many troubles with the Indians. Congress ought to live up to a bargain, fair and square, with the Indians. I did not have anything to do with this treaty; did not know much about it.

Mr. WILSON. Did we not make a good bargain?

Mr. HENDRICKS. When we bought the land at twelve and a half cents per acre I suppose it was regarded as a good bargain. If we sold it at $1 25 per acre we made a good deal of money. Under the treaty of last year we agreed to forgive the Indians about the

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rebellion. I do not know whether the individuals of the tribe going into the war could forget a right that the tribe had. As a tribe I do not understand that they went into the war. A portion of them went South and a portion North.

Mr. DOOLITTLE. If the Senator from Indiana will allow me to interrupt him, I will read the action which Congress did take, forfeiting to a certain extent the right of the Choctaws by statute; and precisely to what extent Congress went appears in the language of the statute:

"That all appropriations heretofore or hereafter made to carry into effect treaty stipulations, or otherwise, in behalf of any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the Government of the United States," * * * * "may and shall be suspended and postponed wholly or in part, at and during the discretion and pleasure of the President: *Provided further*, That the President is authorized to suspend such part of the amount heretofore appropriated and not expended and hereinbefore appropriated for the benefit of the tribes named in the preceding proviso,"

And for the relief of refugees, &c. The interest and the annuities were by Congress confiscated, but the principal sums were not. That is the fact about it. The provision of the treaty in reviving the relations between us and the Choctaws was leaving out the interest and the annuities, which Congress had confiscated. We simply restored them to the rights which they had before.

Mr. HENDRICKS. As part of my remarks, I ask for the reading of the letter from the head of the Department.

The Secretary read the following letter:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., *February* 5, 1867.

SIR: I have the honor to invite the attention of the Committee on Appropriations to a claim of the Choctaw nation of Indians against the United States, growing out of treaty stipulations, and to the necessity of an appropriation to meet it.

By the eleventh article of the treaty concluded at the city of Washington on the 22d of June, 1855, between the United States and the Choctaw and Chickasaw tribes of Indians (Statutes-at-Large, volume nine, page 613) it was stipulated and agreed as follows:

"The Government of the United States, not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

"1. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected. Or,

"2. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States, and if so, how much."

Pursuant to this treaty stipulation the Senate, on the 9th of March, 1859, made their award in the form of a resolution in the following words, namely: (Senate Journal, second session Thirty-Fifth Congress, 1858-59, page 493.)

"Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians provides that the following questions be submitted for decision to the Senate of the United States:

"1. Whether the Choctaws are entitled to or shall be allowed the proceeds of the sales of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold in order that a final settlement with them may be promptly effected. Or,

"2. Whether the Choctaws shall be allowed a gross sum, in further and full satisfaction of all their claims, national and individual, against the United States, and if so, how much.

"*Resolved*, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the 1st day of January last, deducting therefrom the costs of their survey and sale and all proper expenditures and payments under said treaty; excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of $1 25 per acre; and further, that they be also allowed twelve and a half cents per acre for the residue of said lands.

"*Resolved*, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above prescribed principles of settlement, and report the same to Congress." (See Reports Senate, No. 374 second session Thirty-fifth Congress, 1858-59.)

In obedience to the direction contained in this resolution the Secretary of the Interior caused an account to be stated, and found that, according to the principles of settlement prescribed by said resolution, there was due to the Choctaw nation the sum of $2,881,247 30.

This account was transmitted to Congress on the 8th of May, 1860. In the Senate it was referred to the Committee on Indian Affairs, who revised the account and reduced the amount thus reported to be due the Choctaws to $2,332,560 85. (Senate Documents, 283, first session Thirty-Sixth Congress, Senate Reports, volume two.)

Congress, by act of 2d March, 1861, (Statutes-at-Large, volume twelve, page 238,) made an appropriation of $500,000 on account of this claim, in the following form:

"The payment to the Choctaw nation or tribe of Indians, on account of their claim, under the eleventh and twelfth articles of the treaty with said nation or tribe, made the 22d of June, 1855, the sum of $500,000; $250,000 of which sum shall be paid in money, and for the residue the Secretary of the Treasury shall cause to be issued to the proper authorities of the nation or tribe, on their requisition, bonds of the United States authorized by law at the present session of Congress: *Provided*, That in the future adjustment of the claim of the Choctaws, under the treaty aforesaid, the said sum shall be charged against the said Indians."

Soon after this appropriation was made the sum of $250,000 was paid the Indians, in money, as directed, and the $250,000 provided to be paid in bonds, having been drawn from the Treasury and used according to the direction contained in the sixth section of the act of March 3, 1865, (Statutes-at-Large, volume thirteen, page 563,) there is still due the Indians, under the award made by the Senate the sum of $1,832,560 85.

By treaty concluded with the Choctaws and Chickasaws on the 28th of April, 1866, it was stipulated and agreed as follows, namely, (Act first session Thirty-Ninth Congress, pages 90 and 95:)

"ARTICLE X. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw nations, entered into prior to the late rebellion and in force at that time, not inconsistent herewith, and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation from and after the close of the fiscal year ending on the 30th of June, in the year 1866.

"ARTICLE XLV. All the rights, privileges, and immunities heretofore possessed by said nations or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had in connection with them, shall be, and are hereby declared to be, in full force, so far as they are consistent with the provisions of this treaty."

These Indians are represented as being in a very destitute and necessitous condition, and are urgent in their request for an appropriation of the balance of the amount awarded to them, but which remains unpaid.

It is believed that it could not be made available to them at a more opportune occasion than the present, as it would afford relief from their present sufferings and wants and furnish them the means of repairing to a great extent the losses to which they have been subjected during the past few years. The balance claimed by the Choctaw nation is clearly due them, and for the payment of which the faith of the Government is solemnly pledged.

I therefore recommend that the necessary appropriation be made to enable this Department to pay the amount as soon as practicable, being satisfied that it will be of more value to them now than at any future period.

I have the honor to be, very respectfully, your obedient servant, O. H. BROWNING, *Secretary*.

Hon. THADDEUS STEVENS, *Chairman Committee on Appropriations, House of Representatives*.

Mr. HENDRICKS. I was mistaken in the statement I made. I said the claim was for land sold to the Government at twelve and a half cents an acre.

Mr. HENDERSON. A large quantity was.

Mr. HENDRICKS. A portion of the lands were sold by the Government, and the proceeds went to the credit of the Indians. The residue of the lands were taken by the Government at twelve and a half cents an acre. This is simply a debt which the Government of the United States owe this tribe for lands sold. The treaty fixed it that the Senate should decide the amount due to the Indians; and the Senate, being the umpire for the Indians and for the Government, did decide that the amount due was $2,332,000. The action of the Senate being under the treaty, that decision of the Senate became a part of the treaty. Now, the treaty of last April restores or rather revives, if there was any loss, all the rights under the treaty of 1855.

It seems to me it is not an open question. I think the appropriation ought to be larger than $250,000. Perhaps it is not policy to pay it all now; but some of it ought to be paid.

Mr. SHERMAN. I do not want to argue this old claim. The Senate will find that it is a subject of great magnitude and much more difficult than the Senator from Indiana supposes. This is an old claim, not one of the ordinary annuities to Indians or interest on their trust funds. It is a claim that was always contested by the United States. It was said to be finally adjusted by a *quasi* arbitration made by the Senate; but it was never recognized by Congress, and has never been sanctioned by law. The House of Representatives has never recognized the validity of the award made by the Senate. It is a long and complicated story, and certainly it is not wise to go into it now. If we commence with this appropriation of $250,000 now it will be only an entering wedge. What I desire is that the Senator from Missouri and the Committee on Indian Affairs should take up the subject at length, and give us a full report as to the origin, history, and amount of this claim, and then whatever is justly due to the Indians I will vote to pay; but certainly it is not proper to attach this item to an appropriation bill now. It is not provided for by law. It is true, the recent treaty, ratified at the last session, does revive all the old Choctaw claims; but this claim was never fixed by law in such a way as to be a legal claim on the Government, or at least an undisputed claim on the Government, proper to be paid on an appropriation bill. We have inserted in this bill all the ordinary annuities for the Indians, all those items which are undisputed, which are founded on treaties, where the amount is specified and fixed. This is a matter that has never been provided for and never been recognized by Congress. As a matter of course I cannot consent to allow it to be put on the appropriation bill now. There is no harm in letting it go over. It is an old claim; if due to the Indians, it has been due over eleven years it seems. As they have waited so long for it, I think they may wait one year longer until the matter can be thoroughly investigated. I have no doubt that the Senator from Missouri, who is industrious and careful as we all know, will examine it and make a proper report if time be given, and I shall be perfectly contented with his report at the next session. He himself confesses that he has not yet examined it. The subject was only brought before the Committee on Appropriations recently. The letter to that committee, which has just been read, is dated February 5, 1867. The case was not brought here early in the session, and no committee of either House has had full opportunity to examine the subject with care and attention. I certainly would not for one consent at this period of the session to put any such item on this bill.

Mr. STEWART. If this is not definitely and distinctly determined in the treaty stipulations beyond all question, we are not bound to pay it, because in that treaty we went beyond all reason in reviving claims to these hostile Indians. We were more than generous in that treaty of last year. They went to war with the United States, cost us a large amount of money, forfeited all these claims, and what we did not in unequivocal terms revive and restore to them in that treaty for peace it would be an outrage now to pay. They have no claim upon us, equitable or otherwise. They have been rebels, and they have cost us a great deal of money in that way. As soon as they laid down their arms we renewed their subsidies and revived their claims, treating them in as generous a way as we should have done if they had been true to the Government during the war. Here is a stale claim that has been contested by Congress for years.

Mr. HENDRICKS. Contested when?

Mr. STEWART. Always contested; it has never been allowed. It was the distinct understanding that the treaty of last year was only to renew the obligations that were created by express treaty stipulations, and they were enumerated in that treaty. It was not expected that it would renew all the stale claims these Indians might have had. Treaties with the Indians generally are the greatest humbug in

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the world, and especially the secret mode of doing it. These treaties ought to be ratified in open Senate and in full Senate. They should be investigated fully. If we have incurred by means of one of these treaties an obligation of this character, it is time Congress should investigate it. But the mode of ratifying these treaties should be changed; they should be acted upon in full Senate and in open Senate. Indeed, we should alter our whole method of dealing with the Indians. They are not nations to be treated with.

Mr. HENDRICKS. I will ask the Senator if there is any question that this treaty was at the last session ratified?

Mr. STEWART. Certainly it was ratified.

Mr. HENDRICKS. Then what question is there about the ratification in secret or open session?

Mr. STEWART. I say I am opposed to going further than that treaty does to allowing anything more. I thought that treaty was wrong; but if it does not in express terms include this claim, if this appropriation is not necessary to carry out the express terms of that treaty, I say there is no treaty obligation behind that to which this Government ought to be held for an hour. These Indians forfeited all their treaty rights by going to war with the Government of the United States.

Mr. CONNESS. I desire to ask the chairman of the Committee on Indian Affairs if he can tell me how this letter, this communication from the Interior Department, originated; what gave rise to it; at whose demand it was written? I see it is addressed to the chairman of the Committee on Appropriations, Mr. STEVENS, of the House of Representatives; but who instigated the letter; at whose instance was it presented to Congress?

Mr. HENDERSON. I cannot state. A copy of the letter was sent to the chairman of the Committee on Finance, [Mr. FESSENDEN.] His copy was first put into my hands by the Senator from Ohio, as all the papers connected with this bill were. It is the usual course to send first to that committee letters of the Secretary of the Interior and the Commissioner of Indian Affairs asking for additional appropriations. A copy of the letter to the Senator from Maine was placed in my hands after that committee had rejected the proposition. I believe that a copy of the letters addressed by the Department to the chairman of the Committee on Finance is generally given to the Committee on Indian Affairs after the action of the former committee. Duplicates of these letters were addressed to me. I cannot answer the other branch of the Senator's question as to how the communications originated. I only know that they came into my possession as other communications addressed to the chairman of committees do.

Mr. CONNESS. I only asked the honorable chairman because I was aware that certain attorneys were deeply interested in this claim, and I did not know by what means the head of a Department had been instigated to address Congress in its behalf, and I did not know but that that information might have been in the possession of the Senator.

Mr. BUCKALEW. I suppose the explanation of this communication is very easily made. I understand that there is a delegation of these Indians in the city, and the question comes before Congress undoubtedly at their solicitation. They are anxious to obtain this appropriation, and at their instance undoubtedly this communication has been sent by the Secretary of the Interior to the chairman of the House Committee on Appropriations. I do not remember having observed this treaty at the last session. I think it is very likely that it was an improvident one. It seems to have been arranged in such a manner that the Government would be tied up from going into an investigation of this case in any manner whatever. The provisions of the treaty are most express and positive that this amount of money shall be paid to the Indians. It is also express and positive in its provisions, waiving all exceptions growing out of the conduct of the Indians in the war or before the war, and waiving all equities in behalf of the Government. Obviously it was drawn to conclude and to close our mouths forever against the payment of this demand. I do not remember its being considered in the Senate or its consideration in committee. The only ground on which I would be willing to vote the money at this time is the ground which has been stated by the chairman of the committee.

Mr. HENDRICKS. The Senator from Pennsylvania is always so just in his remarks that I am induced to ask him one question. He suggests that probably this treaty was improvident. I want to know if he thinks it was improvident for the Government to pay to these Indians for the land the agreed price?

Mr. BUCKALEW. What I meant was that this treaty in making an appropriation to these Indians seems to have been negotiated simply to cut off objection. There was no present action demanded at that time, no immediate appropriation proposed, and this treaty seems to have been drafted simply to conclude us against discussing any branch of the general question. However, sir, I consider myself bound by what is done pursuant to law. The only practical question is whether we shall appropriate this money at the present time or defer an appropriation. The only ground I have heard suggested in debate for making the appropriation of money now is that a delegation of the Indians are in the city who have come here at considerable expense and whose expenses have to be borne in some manner, and ought to be borne out of this fund if it is paid, and the further suggestion that they are in necessitous circumstances and require an appropriation of money. If a moderate amount could be voted with reference to these considerations alone, and we should defer the general question of the payment of this money to a future session, it would be according to my views. And in making an appropriation at this time I would desire to appropriate it to the Indians for their necessities, reserving any question which may arise as to outside claims upon this fund to go into other hands than those of the Indians themselves. If, therefore, the chairman of the committee will prepare a proposition to be presented before the third reading of this bill—it is obvious we cannot adopt this amendment now, we have not got a Senate to act upon it; as it is, it is a contested question—if he will frame some proposition by which we shall meet the pressing necessities of these Indians at the present time and cover the necessary outlay in connection with the coming to Washington of their delegation, I shall cheerfully vote for it, and if at the next session this subject is to be again considered then let us enter upon the general debate. There seems to be some reason for some appropriation. I do not know what is in the bill in reference to this tribe; I am speaking only of the matter as it is presented before us at this time.

Mr. SHERMAN. I knew very well that after the award referred to was made the subject was considered open by Congress, and the Senator from Wisconsin has furnished me with the last action of Congress on the subject. It seems that Congress did, just before the war, on the 2d of March, 1861, appropriate $500,000, declaring that "in the future adjustment of the claims of the Choctaws, under the treaty aforesaid, the said sum shall be charged against the said Indians;" so that two years after the award Congress appropriated $500,000, which was believed to be all that was deemed to be due them, and if there should be any excess it was to be left for future adjustment. No adjustment has ever been made from that time to this; so that we have no new light on the subject. The only treaty made since that time is simply a treaty which revives their claims. This claim has always been controverted; the last debate on the subject is very full, and it grew out of the adoption of this very proposition. I was then a member of the House of Representatives, and remember it distinctly. This is no fixed, adjudicated, liquidated claim against the Government at this time growing out of the sale of the Choctaw lands, no claim that is proper for an appropriation.

Mr. HENDRICKS. The Senator from Pennsylvania speaks about the opportunity to debate at the next session and to have a full consideration on this question. I have made that effort for persons who owed debts on promissory notes in court when they were not able to pay, who wanted about six months before judgment should be rendered with a view to an additional stay of six months. I do not consider that a proper course for the Government of the United States to pursue. Here is a treaty obligation I think as plain as a promissory note. The Senate in 1859 fixed the amount the Government owed, and fixed it pursuant to the terms of the treaty, thereby making that sum thus fixed a part of the treaty. It is unimportant what language Congress used in 1861 in making the appropriation of a part of this indebtedness.

Mr. SHERMAN. The Senate by its resolution simply said that in adjusting the account the Secretary of the Interior should do so and so. He claims that he has done so in adjusting the account; but the fact is that it has been disputed and controverted, and the last debate on the subject shows that all the facts are controverted; first, as to the principles involved, next as to the amount of the claim, and next as to the various items which make up the claim.

Mr. HENDRICKS. There are two facts that are not disputed; the treaty of 1855 and the resolution of 1859. The treaty of 1855 says we owe these Indians for certain lands at a certain rate, and for the residue of the lands at twelve and a half cents per acre, and we will pay it, and the Senate of the United States shall decide how much is due; and the Senate in 1859, by a carefully prepared resolution, said the sum was $2,332,000.

Mr. SHERMAN. No; the Senate simply declared that the account should be stated by the Secretary of the Interior; and that account made up in one way shows $1,300,000, and in another way $2,300,000; so that the whole matter was left open.

Mr. HENDRICKS. The Senator is mistaken about that. If I understand the Secretary's letter, the account was made out at $2,900,000, and the Senate reduced it to $2,332,000. These are facts that are not open for dispute. These are facts settled. And I think we ought to appropriate to these people what is due them, whatever may have been their fault in the war. I understand some of them went into the northern Army and some into the southern. But without reference to that, since that time we have made a treaty with them, and we have agreed to stand by the obligations that grew out of the treaty of 1855. I am not able to see the ground of debate about it. It seems to me we owe the money.

Mr. BUCKALEW. I simply want to add one word to explain what I meant by the use of the term "improvident" in characterizing the treaty. A part of this tribe, I understand, became rebels, public enemies in the war. I understand also that the number of the tribe has largely decreased. The equities which formerly existed in behalf of the tribe, in my opinion—not having, however, investigated the subject, I will not speak positively—were not as strong when this last treaty was formed as at a previous period. It would have been perhaps a fair and proper arrangement in that readjustment to have put down the amount, to have fixed it at a moderate sum, instead of taking the whole extent of the demand made, thrusting it into a treaty, saying that the Government should not have any defense against its payment afterward; and that, too, without any proposition of immediate appropriation and action. It seems to have been a treaty negotiated simply to prevent us from going back

and considering this subject, to make those persons who were in rebellion against us again loyal citizens, by the treaty entitled to all their former rights, not taking into account the changed circumstances of the tribe itself. However, sir, I acknowledge that we cannot go behind the agreement.

Mr. DOOLITTLE. The honorable Senator from Pennsylvania will allow me to say that this treaty was negotiated here in Washington, and was negotiated under the immediate superintendence of the Secretary of the Interior, then Hon. Mr. Harlan. For some weeks, perhaps two months or more, they were engaged in the negotiation of this treaty; and if gentlemen will look into it, they will find a great many things contained in it. The Choctaws were compelled to surrender a large portion of their lands. Nominally they received the price of $300,000 for them; but that $300,000, by the terms of the treaty, went for the benefit of the colored men who were emancipated and set free by this tribe of Indians, and who, under certain circumstances, were to be admitted and adopted citizens of the tribe, and each take part of the lands of the tribe. All these compensations went into the treaty; and in view of them all, and in view of an act of Congress which had provided that the annuities accruing from year to year should be confiscated while the war continued at the pleasure of the President for the purpose of feeding the loyal refugees who were driven out of that country—all these things were considered, and this provision was inserted in the treaty to take effect from and after June, 1866, when the annuities should go on again. This reconstruction in that Indian Territory under the superintendence of Hon. Mr. Harlan, is, I think, a very good pattern of what might be done in the reconstruction of the Union. The thing was settled, and those Indians are living side by side together, or at all events they have agreed to do so.

There is another provision in the treaty by which the Choctaw nation binds itself to pay the actual damages which were suffered by the loyal Choctaws who were driven out; and a commission under the terms of the treaty was appointed, who have gone on and appraised the damages which the loyal Choctaws suffered, and by the terms of the treaty the nation is bound to pay out of its moneys those damages.

The treaty is a very long one of fifty articles, and there are a great many things in it. I do not think the treaty ought to be condemned on a one-sided view of a single section, because the honorable Secretary of the Interior took great pains in his negotiation of it, and I think has made on the whole a good treaty.

The amendment was rejected.

Mr. HENDERSON. There is a question connected with the Miami Indians of Indiana that has been placed in my hands too late to submit to the committee; but I deem it my duty to present it to the Senate. The difficulty seems to be this: under the treaty with the Miamis some years ago it was provided that the annuities should be paid to certain parties whose names were filed in the Interior Department; a few years thereafter that list of names was added to by one hundred and two additional names, and the annuities directed to be distributed among the whole number, including those additional one hundred and two. The former Indians whose names were filed in the Interior Department now object, and say that these names were appended without authority and that they are not Miami Indians; that some of them are Potawatomies, and some are whites. I have not been able, as I have stated, to submit the amendment which I am about to offer to the Committee on Indian Affairs, and I present it on my own responsibility. I have not been able to examine the question; I only state what is stated to me. I move to amend the bill by inserting after line six hundred and seventy-four, on page 29, this proviso:

Provided, That said interest shall hereafter be paid to the persons embraced in the corrected list agreed upon by Senate amendment to article four, treaty 5th June, 1854, and the increase of the families of such persons as therein stipulated.

Mr. BUCKALEW. I hope the Senator will not press that amendment. We have not investigated it. We know that it is a question of disputed right between individuals.

Mr. HENDERSON. That is true.

Mr. BUCKALEW. I think it manifestly improper that we should be called upon to vote upon it without examination.

Mr. LANE. This has been a controverted point, as I understand, for several years.

Mr. SHERMAN. I rise to a point of order. The Senator who offers the amendment says himself that it is not reported from a committee. It is therefore not in order on this bill.

Mr. HENDERSON. It does not make any appropriation. It simply directs the manner in which an appropriation shall be expended.

Mr. LANE. It is a simple direction of the manner in which an appropriation already in the bill shall be distributed, and it is therefore in order. The Senate will indulge me a moment while I state the history of the case. The Miami Indians divided in 1846; a part went West, and the others remained in Indiana. In June, 1854, a treaty with the tribe divided their annuities. The treaty will be found in the tenth volume of the Statutes-at-Large, page 198. The Senate amendment to the fourth article of the treaty provided that the annuities should be paid, so far as the Miami Indians were concerned, to persons whose names were in the corrected list agreed upon by the treaty. The manner of distribution was provided for by the treaty itself. A section, however, was added to the Indian appropriation bill of June 20, 1858, directing the Secretary of the Interior to add to the list of Miami Indians such persons of Indiana Miami blood as had heretofore been excluded from the annuities of the tribe. This provision was put in the appropriation bill in direct contravention of the provisions of the treaty. Under this section the Commissioner of Indian Affairs added one hundred and five names to the list of Indiana Miamis without their consent and in violation of the treaty stipulation, thus reducing their annuities a little more than one fourth. The Indiana Miamis now ask an addition to the clause in the pending Indian appropriation bill providing for the payment of interest to them, that will require the interest to be paid agreeably to the provisions of article four of the treaty of June 5, 1854, according to the Senate amendment to that article.

I think there is no kind of doubt that the one hundred and five additional names were added upon an appropriation bill in contravention of the treaty. Doubtless the attention of the Senate was not called to it at the time. Only those embraced in the treaty stipulations should be entitled to the interest, and this amendment is simply to conform to the treaty. This is the whole case, as I understand it.

Mr. BUCKALEW. Then we are asked in this manner to overrule an existing act of Congress on a simple *ex parte* statement from parties interested that it is a violation of a treaty. Certainly such action as this is not proper where private rights are involved.

Mr. LANE. I have referred the Senate to the section of the treaty, to the amendment of the Senate, to the very page where it is to be found, showing conclusively that the clause inserted in the appropriation bill in 1858 was against the provisions of the treaty.

Mr. BUCKALEW. I know that one side of a case sounds very well until the other is heard. I shall be perfectly willing for one to take up this case and examine it whenever it is brought up in such a manner that it can be examined in committee or in Senate; but it is utterly impossible, and it is very hazardous now to enter upon an examination of this question with any expectation of doing justice between private parties.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. SHERMAN. There was one amendment reported by the Committee on Finance which, at the suggestion of the chairman of the Committee on Indian Affairs, was not acted upon in Committee of the Whole. I ask that it now be disposed of. It is a motion to strike out a certain clause.

The PRESIDING OFFICER. The amendment referred to is to strike out the following clause on page 65:

For expense of collecting and locating the Colorado River Indians in Arizona on a reservation set apart for them by section first, act of March 3, 1865, including the expense of constructing a canal for irrigating said reservation, $50,000.

Mr. CONNESS. The amendment of the committee I understand strikes out that clause. Those in favor of striking out will vote in the affirmative.

Mr. HENDERSON. I beg leave to refer the Senator from California to the previous legislation on this subject. Either that legislation ought to be repealed or else a provision of this sort ought to be made. I am not prepared to say, because I do not know, what amount will be required; but some amount ought to be given for this purpose. In the Indian appropriation bill passed in 1865 it was provided:

"For the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, $20,000.

"All that part of the public domain in the Territory of Arizona lying west of a direct line from Half-Way Bend to Corner Rock, on the Colorado river, containing about seventy-five thousand acres of land, shall be set apart for an Indian reservation for the Indians of said river and its tributaries."

This was the legislation of 1865. If there was any meaning in it, it was that the seventy-five thousand acres mentioned should be set apart for a reservation, and the Indians called River Indians removed to it.

Mr. CONNESS. They have not been removed yet.

Mr. HENDERSON. The design of this appropriation was to effect the removal. The Senator knows better than myself, perhaps; I do not profess to know what it will cost to remove the Indians there. But as I understand from the Department they desire to remove them, but have no means to do it. No appropriation was made at the last session for that purpose. I have here a report from the superintendent of Indian affairs there to the effect that these Indians ought to be removed. How that is I cannot say. He writes like a man of sense and like an honest man. I take it for granted he knows what he is writing about. That is the reason I thought it impolitic to strike out this appropriation entirely. Perhaps, however, $25,000 would be sufficient to make the removal. It requires now that Indians roaming at large shall be confined to a particular spot, and they must cease their hunting; and indeed the orders of the military there are, as I understand from the Department, to that effect. They will have hereafter to be confined within narrower limits; and if it is intended to carry out the legislation of last year some money will have to be appropriated. I am not prepared to say that $50,000 will be required; and if the Senator thinks a less amount will do I shall consent to a reduction.

Mr. CONNESS. I cannot guess the amount that will be necessary to collect these Indians and locate them upon a reservation on the Colorado river. The Colorado is our southern boundary, and I know something about it; but I cannot answer that question, and therefore I would not recommend any particular sum. The necesssary amount on an estimate as nearly as could be made must come from persons on the ground, more intimate with the facts than I am. I can only say—it is perhaps within my knowledge sufficiently to speak upon it—that the management of Indian affairs in

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Arizona has been among the worst, the very worst. The appropriations made and invested in goods have been beyond a doubt made use of for personal purposes. The goods shipped at immense expense have been either wasted or sold and turned to private account. We have just now confirmed a new superintendent. The late superintendent in Arizona was murdered some time ago; and we have appointed a gentleman who I think is a brother-in-law of General Grant. He will make a good superintendent. It will take some time for him to become acquainted with Indian affairs in that Territory. He has been a citizen of California, Mr. Dent, and I have no doubt he will be a good superintendent; but it will take him some time to become sufficiently acquainted with Indian affairs in Arizona; so that there will be time enough to make this appropriation at another Congress; and I would prefer very much, and I think it would be the part of wisdom, to wait till we get his report.

Mr. HENDERSON. I know nothing about it except the legislation we have had.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 1220) to provide ways and means for the payment of compound-interest notes, reported it with an amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1062) relative to the port of Camden, New Jersey, reported it without amendment.

Mr. SHERMAN. I move to take up House bill No. 1220, that it may be left as the unfinished business to come up on Monday.

Mr. CHANDLER. There is a special order for Monday.

Mr. CONNESS. What is the special order?

Mr. CHANDLER. Business of the Committee on Commerce. I move that the Senate do now adjourn.

Mr. SHERMAN. I have no objection to that.

The motion was agreed to; and the Senate adjourned.

IN SENATE.

MONDAY, *February* 25, 1867.

Hon. JAMES M. NYE, of Nevada, appeared in his seat to-day.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. CONNESS, and by unanimous consent, the reading of the Journal of Saturday was dispensed with.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of Hon. JUSTIN S. MORRILL, elected a Senator by the Legislature of the State of Vermont for the term of six years, commencing on the 4th day of March, 1867; which were read, and ordered to be filed.

Mr. STEWART presented the credentials of Hon. JAMES W. NYE, elected a Senator by the Legislature of the State of Nevada for the term of six years, commencing on the 4th day of March, 1867; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the petition of Robert Murray, of the city of New York, praying that an American register may be issued to the German-built Haytien brig Margaret; which was referred to the Committee on Commerce.

Mr. RAMSEY presented a memorial of citizens of St. Paul, Minnesota, remonstrating against the passage of any act depreciating the national currency; which was referred to the Committee on Finance.

Mr. SUMNER presented the petition of Thomas B. Wales & Co., of Boston, praying that an American register may be restored to the ship Agra; which was referred to the Committee on Commerce.

Mr. WILLIAMS presented a memorial of the executive board of the National Theological Institute, praying for an appropriation of $25,000, to be applied by the Institute to purposes of education in the District of Columbia; which was referred to the Committee on the District of Columbia.

GOVERNMENT PRINTING OFFICE.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred a memorial of the Soldiers' and Sailors' Union of Washington, District of Columbia, in relation to the management of the Government Printing Office, to make a verbal report.

This memorial charges upon the management of the office a discrimination against soldiers and sailors in the employment of hands for the office. The memorial was presented evidently in good faith; and the committee of the Soldiers' and Sailors' Union have acted, the Committee on Printing do not doubt, from creditable motives. Representations having been made to them that the interests of those committed to their charge were suffering, they brought the same to the attention of the Senate, disclaiming any personal hostility, their charges being against the government of the office. The Committee on Printing have had several meetings on the subject, and have examined a great many witnesses and read a great many affidavits, and have come to the conclusion that the allegations upon which the memorial was based are not sustained.

No complaints have been sustained against the present Superintendent of Public Printing that did not apply equally to his predecessor, and they must apply to any man who succeeds him in that office. The rule of the office has been always to give preference to soldiers and sailors, to those who have been in the service, in giving out employment and in discharging workmen or in furloughing them, to give the preference to those who are the best workmen. Some workmen are qualified for any kind of work, whether plain work or rule and figure work, while some are only qualified for plain work. It is manifestly for the public interests that those who are qualified for all descriptions of work should be retained in preference to those who are only qualified to perform a certain kind of work.

The Superintendent reports the number of persons who have been in the land or naval service at nearly one third of the entire force of the office. I do not believe that any branch of the public service shows so large a proportion of workmen of those who have been engaged in the war. It is creditable to the craft, showing the large number of printers who have gone into the service, and also creditable to the Superintendents of the Printing Office.

The work in the Government Printing Office is very desirable. The wages are higher and the labor lighter than in the average of the establishments throughout the country, and there is naturally a good deal of jealousy when men are discharged or furloughed. The work there varies a great deal. At times the Superintendent is obliged to employ all the hands he can get, and then the work falls off, and he is obliged to discharge a great many. The only rule which he ought to follow, the only rule he can follow, and the only rule which the present and the late Superintendent have followed, so far as the committee have been able to judge, is to discharge those who are least important to the public service.

I feel it my duty to make these remarks with regard to the Superintendent, because I suppose, under the law we have passed, there will very likely be a change in the superintendence of the Printing Office. I was very sorry indeed when the President of the United States removed Mr. Defrees and appointed a Democrat in his place; but he had a constitutional right to do what he did, and I am not here to question his motives. We had also a constitutional right to pass the law which we did, changing the office, and making the officer directly responsible to Congress; but as a Senator I stand here to do justice, and I am not willing that Mr. Wendell should go out of office with any such stain on his character as this memorial, if the allegations were sustained, would put upon it. I believe his faults are not at all in that direction; and I believe he has been as liberal toward soldiers and sailors as any person connected with the Government. In fact, if others would imitate the liberality which he has manifested toward them, not only as an officer, but as a citizen, it would be much to the advantage of this most meritorious class of our citizens. And as I have named him, and as I suppose he will go out of office pretty soon, I think it is but fair to say that he is one of the most efficient executive officers that I ever came in contact with.

Mr. ROSS. I concur in the report of the chairman of the committee in the substantial facts which he relates. I am satisfied, however, from the current of testimony taken before the committee that that discrimination which the law of Congress contemplated has not in all cases been made. I do not impute any unworthy or improper motives in that respect to Mr. Wendell, as it is established by the testimony that the evil complained of existed previous to as well as under his superintendency of that office. That relieves the case from all personal considerations. Under the law which we have passed, and with the arrangements and changes which will follow, all grounds for future criticisms on this point will undoubtedly cease.

The report was agreed to.

PRINTING OF COAST SURVEY REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred the report of the Secretary of the Treasury, communicating, in obedience to law, a report of the Superintendent of the United States Coast Survey, showing the progress of the work during the year ending November 1, 1866, and a manuscript map of progress brought up to that date, have directed me to report a resolution for the printing of the report; and as it is the usual resolution that is passed every year, I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed two thousand extra copies of the report of the Superintendent of the Coast Survey for 1866, of which one thousand copies shall be for the use of the Senate and one thousand copies shall be for distribution by the Superintendent of the Coast Survey.

REPORTS OF COMMITTEES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a motion to print the resolutions of a meeting of New Hampshire soldiers, held at Manchester, in that State, on the 6th day of February, 1867, have directed me to ask that the committee be discharged from its further consideration. It comes under that class that we have uniformly declined to print.

The report was agreed to.

Mr. DAVIS, from the Committee on Claims, to whom was referred the joint resolution (H. R. No. 175) to admit and pay the claim of Tuller & Fisher, of Missouri, reported it without amendment.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 185) to render applicable to seamen in the United States Navy and to marines the provisions relating to pensions in the act making appropriations for civil expenses for the year ending June 30, 1867, approved July 28, 1866, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. No. 628) relative to courts-martial in the Army; which was read and passed to a second reading.

Mr. KIRKWOOD, from the Committee on Public Lands, to whom was referred the bill (S. No. 596) granting lands to the States of Wisconsin and Michigan to aid in the construc-

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tion of the Wisconsin and Lake Superior railroad and its branch, reported it with amendments.

Mr. HOWE, from the Committee on Claims, to whom was referred the bill (H. R. No. 916) for the relief of James M. Bishop, who claims $236, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 966) for the relief of Ernest F. Klienschmidt, of Cincinnati, Ohio, reported it without amendment.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 682) for the relief of Captain John J. Young, of the United States Navy;

A bill (H. R. No. 820) for the relief of Henry S. Davis; and

A bill (S. No. 417) to amend an act entitled "An act further to provide for the safety of the lives of passengers on vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes," approved July 25, 1866.

BILLS INTRODUCED.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 626) to authorize the creation of a board of survey of the Navy; which was read twice by its title.

Mr. GRIMES. I am impressed with the idea that there may be some importance in this bill. I do not expect to call it up for consideration at this session, and do not care about its being referred. I am content that it shall lie on the table and be printed; and in order that there may be an expression of opinion in regard to the proposition contained in it on the part of the profession whom it principally affects, I move that two hundred extra copies of the bill be printed.

The PRESIDENT *pro tempore.* The bill will be laid upon the table and printed if there be no objection; and the motion to print two hundred extra copies will go to the Committee on Printing, under the rule.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 627) to consolidate the national debt, and to provide for its payment; which was read twice by its title.

Mr. SHERMAN. I do not propose to urge the passage of that bill at the present session of Congress, for I know the pressure of current business will prevent its consideration. I deem it my duty, however, to present the bill in order that it may be printed and laid on our tables, and with the notice that I shall call it up at the next session, or early in the regular session probably, for action. It proposes to deal with the question of funding the public debt, and to adjust the taxation by the United States of Government securities. I move that it lie upon the table, and be printed.

The motion was agreed to.

Mr. HENDRICKS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 629) for the relief of Martha Hyatt; which was read twice by its title, and referred to the Committee on Pensions.

INSTRUCTIONS TO SENATOR PATTERSON.

Mr. PATTERSON. I have had in my possession for the last four or five days a resolution of the Legislature of the State of Tennessee, asking me to resign my seat in the Senate of the United States. I deem it respectful to the people of my native State, as well as to the Senate and to myself, to present this resolution. I do not wish to enter into any discussion to-day upon the resolution which I now present; but on another occasion, and at a proper time, I hope to be able to vindicate myself against the serious charges contained in this resolution. It is also due to myself to say that with the lights now before me I will not obey the instructions of the Legislature of the State of Tennessee. I send the preamble and resolution to the Secretary's desk and ask that they may be read, printed, and for the present laid upon the table.

The Secretary read the resolutions, as follows:

Whereas Hon. DAVID T. PATTERSON, Senator in the United States Senate from the State of Tennessee, was elected by this General Assembly as a member of the National Republican Union party, in full confidence that he was a true and sincere member of that party—the party which preserved the national unity, and would in good faith support its principles and measures; and whereas greatly to the surprise and regret of this General Assembly and the loyal people of Tennessee he has identified himself with the so-called Democratic party, the party which for four years endeavored to destroy the national unity, and is giving it his support:

Resolved, By reason thereof, Senator PATTERSON has ceased to have the confidence of this General Assembly and the loyal people of Tennessee, and is hereby respectfully requested to resign the seat which he now holds in the Senate of the United States from the State of Tennessee.

Resolved, That the secretary of state of the State of Tennessee be directed to inclose to Senator PATTERSON a copy of this resolution, and also to inclose a copy to the President of the Senate of the United States.

Adopted February 7, 1867.

J. S. MULLOY,
Speaker pro tempore of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

The resolution was ordered to lie upon the table, and be printed.

GOVERNMENT OF MONTANA.

Mr. WADE. I move to take up for consideration Senate bill No. 501.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 501) amendatory of an act to provide a temporary government for the Territory of Montana, approved May 26, 1864.

The PRESIDENT *pro tempore.* The Committee on Territories report an amendment as a substitute for the entire bill.

Mr. WADE. There is no occasion to read the original bill.

The PRESIDENT *pro tempore.* The substitute only will be read, unless some Senator asks for the reading of the original bill.

The Secretary read the matter proposed to be inserted, as follows:

That the Legislative Assemblies of the several Territories of the United States shall not, after the passage of this act, grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies-corporate for mining, manufacturing, and other industrial pursuits.

SEC. 2. *And be it further enacted*, That the probate courts of the Territory of Montana in their respective counties, in addition to their probate jurisdiction, are hereby authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed $500, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury: *Provided*, That they shall not have jurisdiction of any matter in controversy when the title or right to the peaceable possession of land may be in dispute, or chancery or divorce causes: *And provided further*, That in all cases an appeal may be taken from any order, judgment, or decree of said probate court to the district court.

SEC. 3. *And be it further enacted*, That the Governor, chief justice, and associate justices of said Territory shall each receive an annual salary of $4,000.

SEC. 4. *And be it further enacted*, That the judges of the supreme court of said Territory, or a majority of them, shall, when assembled at the seat of government of said Territory, define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and shall also fix and appoint the times and places for holding the courts in the several counties or subdivisions in each of said judicial districts, and alter the times and places of holding the courts as to them shall seem proper and convenient.

SEC. 5. *And be it further enacted*, That for the purpose of reviving the legislative functions of the Territory of Montana, which have been adjudged therein to have lapsed, the Governor of said Territory be, and he is hereby, authorized, on or before the 1st day of July, 1867, to divide said Territory into legislative districts for the election of members of the Council and House of Representatives, and to apportion among said districts the number of members of the Legislative Assembly provided for in the organic act of said Territory, and the election of said members of the Legislative Assembly shall be held at such time and shall be conducted in the manner prescribed by the Legislative Assembly of said Territory at the session thereof begun and holden at the city of Bannack, in 1864 and 1865, and the qualifications of voters shall be the same as that prescribed by said organic act, saving and excepting the distinction therein made on account of race or color, and the Legislative Assembly, so elected, shall convene at the time prescribed by said Legislative Assembly at the session last aforesaid. The apportionment provided for in this section shall be based upon such an enumeration of the qualified electors of the several legislative districts as shall appear from the election returns in the office of the secretary of said Territory, and from such other sources of information as will enable the Governor, without taking a new census, to make an apportionment which shall faisly represent the people of the several districts in both Houses of the Legislative Assembly.

SEC. 6. *And be it further enacted*, That all acts passed at the two sessions of the so-called Legislative Assembly of the Territory of Montana, held in 1866, are hereby disapproved and declared null and void: *Provided, however*, That in all claims of vested rights thereunder, the party claiming the same shall not, by reason of anything in this section contained, be precluded from making and testing said claim in the courts of said Territory: *And provided further*, That no legislation or pretended legislation in said Territory since the adjournment of the first Legislative Assembly shall be deemed valid until the election of the Legislative Assembly herein provided for shall take place.

SEC. 7. *And be it further enacted*, That all acts and parts of act inconsistent with this act are hereby repealed.

The PRESIDENT *pro tempore.* The question is on the amendment of the committee in lieu of the original bill.

Mr. EDMUNDS. I should like to know what is the present salary of the officers of this Territory that are now to be raised to $4,000.

Mr. WADE. Three thousand dollars, I think. Four thousand dollars is as little, I suppose, as they can possibly get along with. It is much less than they think is necessary to enable them to perform their duties.

Mr. FESSENDEN. What is this bill?

Mr. WADE. A bill amendatory of the organic act of Montana. That Territory is in a state of anarchy. I suppose that this amount is not more than is right for the judges there. However, I submit it to the Senate. I have no doubt that if any salaries ought to be increased, the salaries of the judges in this Territory ought to be, for they have to wander over an immense wilderness to hold their courts, and I am informed by their Delegate and by all the persons there who have consulted me that their expenses are very high, even higher than they are here. It is a gold region; this Territory of Montana is an immense Territory; and I think the salary we have named in this bill is no more than reasonable; but if the Senate think otherwise I have nothing more to say.

Mr. EDMUNDS. My information and observation has been that these territorial judges generally, after a little space, either return to this section of the country wealthy, or become wealthy without returning. I do not mean by corruption or impropriety, but by availing themselves of the advantages, which as private citizens they have a right to avail themselves of, in taking up available and valuable land locations and various things of that kind. It does not appear to me that this is the time to vote without further investigation to increase the salaries in this Territory to $4,000 a year, and I move to strike out that part of the amendment.

The PRESIDENT *pro tempore.* The Senator from Vermont moves to amend the amendment by striking out the third section, in the following words:

SEC. 3. *And be it further enacted*, That the Governor, chief justice, and associate justices of said Territory shall each receive an annual salary of $4,000.

Mr. WADE. We have increased the salaries of the judges of the district courts of the United States, whose duties are not half as onerous as the duties of these judges, and I doubt whether their expenses of living are anything like as great as a general thing. We have raised their salaries above what is proposed by this bill. The committee have not put this salary by any means at what the evidence before us would warrant us in doing; but we have put it at what we supposed to be the least they would be able, under the circumstances, to get along with. I certainly am as much opposed as the Senator from Vermont can be at this time to increasing salaries any more than seems to be absolutely necessary; but in these remote Territories all

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the means of living are very expensive, as I am told.

As for the other consideration that the Senator mentions, I do not think we ought to take that into account, that a judge shall enter into speculative business, mining concerns, &c., as a reason why he should not receive a salary that ought to relieve him from that kind of business. I do not think really it is the business of a judge to enter into those speculations. In my judgment he ought to receive such a salary as will enable him to attend to the duties of his office. The judges in this Territory will find enough to do in settling the controversies that arise through the vast region that they have to traverse over. I say this in justice to the gentlemen who are appointed judges there, and who I think can hardly get along with less than the sum we propose. I hope they will not enter into speculations or in that kind of money-making schemes that the gentleman supposes they will. I certainly will not legislate upon the supposition that they will turn their attention to these speculating concerns. I hope they will not.

Mr. CONNESS. In my opinion, the worst institution we can give to any State or community is a poorly paid judiciary. To pay them so that the balance that they may require for their support or financial advancement shall be drawn from speculations, is very poor economy. I believe there is one somewhat marked instance of the class of conduct on the part of judges intimated by the honorable Senator from Vermont that has taken place, and that was in Nevada while Nevada was a a Territory. Judges sent there poorly paid, having to determine questions of great consequence, to decide questions involving millions of money, it is said were not slow to interest themselves and profit themselves. The result in that Territory was that the people rose up *en masse* and compelled the resignation of the judges; not, however, until after the community had been entirely demoralized by the spectacle that had been presented and its consequences.

Now, sir, the salary proposed is not only not a high one, but it is a very moderate one for the support of magistrates in the Territory of Montana. There is no doubt of that. How it can be held that judges may maintain their independence, their integrity, and attend to their business, and travel over an extensive circuit for a less sum than is proposed, I cannot imagine. I hope that the amendment of the Senator from Vermont will not be adopted. I think if the Senator understood personally the duties of these officers and the importance of their being maintained independently by the Government, he would not urge that their compensation should be less than is proposed in this bill.

Mr. STEWART. I hope this amendment will not be made, for from personal knowledge I am certain that $4,000 a year is the least possible sum that any man can live in Montana and support himself upon. Even a single man, without a family, cannot live for less than that. I know that of my personal knowledge. To have a judge depending on the people, either forced to enter into speculations or to live by borrowing of his friends, is to destroy his usefulness. I fully concur with the Senator from Ohio and the Senator from California, that this amendment ought not to be made.

Mr. EDMUNDS. I am sorry to see so many Senators disposed to go on increasing salaries, one salary after another, until the amount of expenditure of the Government is to be increased by millions at this present time. I have not had the honor to be present, on account of illness in my family, at any of the times in the Senate when these questions of salaries have been up.

Now, to return to this Territory of Montana, it has not been long organized; it has but few inhabitants; it cannot have a very extensive judiciary system; and I suppose that the functions of these officers are merely such as the law intrusts to them. I should be glad to be informed by anybody who thinks that these salaries ought to be increased, how much of absolute time is required by these judges for the performance of their duties in every year? Is it one month or three or five or six months, and what do they do the rest of the time? Do they not, as a matter of fact, engage in business operations of one kind or another—they have been there long enough for us to know—or do they really devote themselves, the same as the judges of the Supreme Court of the United States or of the District of Columbia, or of the supreme courts of the States do, to the exclusive occupation of studying and administering the law?

My information is, and I do not speak of this Territory as being peculiar in that respect—it may be that my information is incorrect—but my information is, that these judges are generally young men who are ambitious to get into a new Territory, with a view to the gain which it will bring to them; I do not mean corrupt gain, but the opportunity of growing up with the Territory, of becoming famous, and becoming wealthy; and I believe that when they have performed the duties, as far as they do perform them, of their office, they always have felt and they always will feel, if you make their salary $10,000 a year, perfectly at liberty to buy land and locate mines, and do whatever other thing they think will be to their advantage. Now, then, it does seem to me that there must be a point where we must pause in this career of public expenditure. That is all I have to say.

Mr. WADE. No such argument was made the other day when we were increasing the salaries of our district judges. I might then have made an argument as plausible as this by showing that the judges about the cities could enter into gold speculations if they saw fit to do so, and perhaps more profitably than anybody could speculate in Montana or anywhere else. The fact is, there is no more motive to go into speculations in that country than there is here, and men are no more likely to go into them. I hope the Senate will yield to no such argument as that. If I have placed the salary too high, let the Senate knock it down; but certainly I do not yield to the argument that judges must be only half paid because they can go into speculations and make up the balance in that way. That is a new argument, and I hope it will not find a foothold in the Senate.

Mr. WILLIAMS. I am not particularly advised as to the judicial business transacted by the judges in Montana; but I am as to that business in Idaho. I know that lately one judge in Idaho held a term of the district court for sixty successive days. The judges in the Territories perform circuit court duties. Their districts are very extensive, two hundred or three hundred miles in extent. It is exceedingly expensive traveling; it costs several dollars per day there to keep a horse; feed for horses is particularly high, and all the expenses are very high. Then in addition to their circuit duties these judges are compelled to meet together and hold court *in banc*. They hold the supreme court of the Territory. In the mining regions there is a vast amount of litigation growing out of conflicting claims as to mines; and the duties that are discharged by the judges in those Territories are as arduous and as responsible as those discharged by the judges in any other portion of the country.

The very object, as it seems to me, of giving these judges a reasonable salary is to prevent their engaging in any schemes of speculation. If they are not able to live by means of the salaries which they are paid, they are compelled to resort to other means for a livelihood; but if they have an adequate salary, their own sense of self-respect and their dislike to be mixed up in matters of business that come before them for adjudication will induce them to depend altogether upon their salaries for support.

Now, sir, I am well advised that in the Territory of Idaho—and in that respect Idaho and Montana are alike—the judges do not receive enough to defray their expenses; and it is manifest that that state of things should not be allowed. I remember very well when I was a judge in Oregon Territory I received a salary of $2,500 a year. That was many years ago; and that no more than paid my expenses, traveling around through the country, attending to different courts, and paying the other necessary expenses that devolved upon me. The salary that this bill proposes is no more than reasonable. There are many more arguments why the salaries of these men should be increased than that the salaries of the judges in this immediate neighborhood should be increased. I do not think there is any force in the argument that these are young men. Some of them are young men; but so far as I know, they are men of families; they have their families with them; and they are compelled to support their families as well as to pay their own expenses. As was suggested by the Senator from California, there is nothing that is so essential to the welfare of any community, and a pure and correct administration of justice, as to have the judges receive salaries that will enable them to be independent and enable them to attend exclusively to their official duties.

Mr. EDMUNDS. I wish to say one word further. Since this debate began I have learned that this same subject has been under the consideration of the Judiciary Committee of this body, and there is a bill on our tables reported by them——

Mr. WADE. Before the Senator proceeds, I wish to correct an error that I made a few moments ago. I stated that these judges now received $3,000. I was mistaken. They receive in Montana $2,500 now.

Mr. WILLIAMS. That is what they receive both in Idaho and Montana.

Mr. WADE. I thought for the moment it was $3,000; but it is not.

Mr. EDMUNDS. There is a bill on our tables reported by the Judiciary Committee on this subject equalizing the salaries in these Territories and bringing up the $1,800 salaries to $2,500, which is the upward limit of all. Now, then, in the face of this, we find the Committee on Territories, not having in charge the interests of the judiciary of the country as have this other committee, have put it up for this particular Territory to $4,000 a year. Here is a very decided discrepancy between the views of these two committees. One is charged specially with the consideration of all questions of this kind, of the pay, duties, and emoluments of judges; the other is charged with the general interests of the Territories. Now, they take this particular Territory, and instead of doing what the Committee on the Judiciary have done on the subject of the salary of judges, they raise these with that of the Governor to $4,000 a year. It appears to me, without occupying more of the time of the Senate, that there is no justification for that. We can find, if the committee would only take the trouble to find and inform us so that we may act intelligently, from the accounts of the marshal of this Territory, just how much time these judges do occupy necessarily in the performance of their duties; and we should thus be somewhat better able to know, as my friend from Oregon seems to imagine, that it takes sixty, ninety, one hundred, or whatever the number of days may be, to transact the business.

Mr. CONNESS. There cannot be anything more clear than the impropriety of the rule which the Senator suggests proposed by the Judiciary Committee. With all respect for that committee and its deliberations, when they propose to bring up the salaries of the judges in Washington Territory, in Arizona, and other Territories of the class they are of to the salary paid to the judges in Idaho and Montana, they clearly fail to comprehend the situation. The idea of setting up a gauge and running it through all the Territories of the United States in regard to this matter of salary for the judges, without any reference to the cost of living, the number of inhabitants, and the interests to be

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determined, need not be commented upon at all.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to strike out the third section of the amendment reported by the committee.

Mr. EDMUNDS. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 26; as follows:

YEAS—Messrs. Anthony, Edmunds, Fessenden, Fogg, Foster, Grimes, Hendricks, Kirkwood, Patterson, Sherman, Trumbull, and Willey—12.

NAYS—Messrs. Brown, Cattell, Conness, Cowan, Creswell, Davis, Dixon, Fowler, Frelinghuysen, Harris, Howe, Lane, Morgan, Norton, Nye, Poland, Pomeroy, Ross, Saulsbury, Stewart, Sumner, Van Winkle, Wade, Williams, Wilson, and Yates—26.

ABSENT—Messrs. Buckalew, Chandler, Cragin, Doolittle, Guthrie, Henderson, Howard, Johnson, McDougall, Morrill, Nesmith, Ramsey, Riddle, and Sprague—14.

So the amendment to the amendment was rejected.

Mr. WILLIAMS. I move to amend the third section of the amendment by inserting after the word "Territory" in the second line the words "and the Territory of Idaho;" so that it will read:

That the Governor, chief justice, and associate justices of said Territory and the Territory of Idaho shall each receive an annual salary of $4,000.

I will simply say in reference to this amendment that the Territories of Montana and Idaho are very much alike in all respects, and they stand upon a different footing from the other Territories, because the population of these Territories is much larger than that of the other Territories, and there is much more business to be transacted by these officers. There are many reasons why these two Territories should be embraced within the provisions of this bill that do not apply to the other Territories. I hope that this amendment will be adopted.

Mr. WADE. I also hope that it will be adopted. I know of no difference really between these two Territories. I agree with the Senator from Oregon, that they stand upon a different footing in this particular from the other Territories, in that there is more business there, the population is filling up rapidly, and the litigation is very great all over those Territories.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I move to strike out the word "Governor" in the third section, so as to limit this increase to the judges. In the debate that has already taken place we have only been favored with the explanation of why these judges should have their salaries raised, because their duties were judicial and they must be put beyond the reach of temptation. Now, the salary of $4,000 for a Governor is altogether larger than that of the majority of the Governors of the United States, I think I am safe in saying, and it appears there is no reason yet suggested why we should increase the salaries of these Governors from $2,500 or $3,000, as it is now, up to $4,000. I therefore make this motion.

The amendment to the amendment was agreed to.

Mr. HENDRICKS. I move to amend the fourth section by adding to it the words:

But not less than two terms shall be held at each place of holding court in each year.

I was not in favor of this mode of districting the Territories for judicial purposes; but as it was agreed to by the Senate after some debate in regard to another Territory, I suppose we may consider it as the policy now.

Mr. WADE. I see no objection to that amendment.

Mr. HENDRICKS. I would not be willing to vote to give the judges power over it without some restriction upon them.

Mr. GRIMES. Is the place of holding courts designated by the law of the Territory or of the United States?

Mr. HENDRICKS. This section says that the judges shall fix the place and time of holding the courts, and I am not willing for myself to leave to them to fix the times for the terms without some restriction upon them. I think there ought to be two courts held at each place each year.

Mr. GRIMES. The information I want to obtain is this: can the judges cluster a dozen counties together and say that they will hold the court at one place in those several counties, or are they compelled under the laws as they now stand to hold a court in each organized county in the Territory?

Mr. HENDRICKS. That depends upon the text, not upon my amendment.

Mr. GRIMES. I know that, but I want to know how your amendment will affect that.

Mr. HENDRICKS. We had better have the whole section read.

Mr. WADE. This section leaves it to the judges to fix the districts in the same way that we provided the other day in regard to another Territory. That principle formerly obtained through the Territories. We had the question up a short time ago and we placed the same provision on another territorial bill. This is precisely the same provision that we adopted then. I think the amendment is proper. I see no objection to it myself.

The amendment to the amendment was agreed to.

Mr. HENDRICKS. I have another amendment to suggest. It is to add at the end of the fifth section the following:

But the Legislature may at any time make a reapportionment of the Territory.

I suppose the chairman of the committee will be satisfied with that amendment.

Mr. WADE. That I suppose they could do without this amendment; but I am willing to add it to the section.

Mr. HENDRICKS. It might be construed that the act of the Governor would be conclusive under this statute. I will modify my amendment so as to read:

But the Legislature may at any time make a reapportionment of the districts of the Territory.

The amendment to the amendment was agreed to.

Mr. POLAND. I move to amend the amendment by adding the following additional section:

And be it further enacted, That from and after the 1st day of April next the salary of each of the judges of the several supreme courts in each of the organized Territories, except Montana and Idaho, shall be $2,500.

The subject of the salaries of these territorial judges has been before the Judiciary Committee of the Senate at this session, and a bill was reported several days ago making the salaries of the judges of all the territorial courts alike, equalizing them at $2,500. The salary of the territorial judges in each of the Territories for a very considerable number of years has been $1,800. Many years ago the salary of the territorial judges was fixed at that sum. In the Territories that have been more recently organized—Montana and Idaho—the salaries were made $2,500. Our attention was drawn more particularly to those who still remained at $1,800, and we reported a bill to equalize the salaries of the territorial judges, make them all $2,500, although upon subsequent examination I was satisfied that Montana and Idaho should be raised above that. The object of this amendment is to raise those salaries that are now $1,800 up to $2,500. We have already voted to put the judges of Montana and Idaho at $4,000. This amendment is to place the judges of the other Territories at $2,500. I need not go into an argument to show that a higher salary is necessary now than was required when these were fixed at $1,800, ten or twelve years ago. I trust the amendment will be adopted. I may say further, that it is with the sanction of the Judiciary Committee that I offer the amendment to this bill.

The amendment to the amendment was agreed to.

Mr. WADE. In section six, line four, after the words "null and void," I move to insert "except such acts as the Legislative Assembly herein authorized to be elected shall by special act in each case reënact."

The amendment to the amendment was agreed to.

Mr. HENDRICKS. With the permission of the Senate, I will change the language of the last amendment that I suggested. It does not need so many words. Instead of the words I proposed I suggest these:

The Legislature may at any time change the districts.

Mr. WILLIAMS. What districts?

Mr. HENDRICKS. As fixed by the Governor.

Mr. WILLIAMS. Do you mean the judicial districts?

Mr. HENDRICKS. No. It is the same amendment that I offered to the fifth section, only in better words.

The PRESIDENT *pro tempore*. That change of phraseology will be made by common consent.

The amendment of the committee, as amended, was adopted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. WILLIAMS. I suggest to the Senator from Indiana that, with the consent of the Senate, the phraseology of his amendment ought to be changed a little, because it may be misconstrued. I think it is possible that it may be construed to apply to the judicial districts when he intends that it shall apply only to the legislative districts. I should like to insert the word "legislative" before the word "districts."

Mr. HENDRICKS. That is all right.

Mr. WILLIAMS. If the Senator consents I would prefer to have that change made.

Mr. HENDRICKS. I have no objection. It is not necessary, because the amendment relates to the legislative section of the bill.

Mr. WADE. It will make it plainer; that is all.

Mr. HENDRICKS. I have no objection to it. That is my purpose.

The PRESIDENT *pro tempore*. The word "legislative" will be inserted before "districts," no objection being interposed.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. W. G. MOORE, his Secretary, announced that the President had this day approved and signed the following bills and joint resolutions:

A bill (S. No. 347) to change certain collection districts in North Carolina;

A bill (S. No. 421) to authorize the construction of a submerged tubular bridge across the Mississippi river at the city of St. Louis;

A bill (S. No. 497) granting a pension to Mrs. Adeline M. Gould;

A bill (S. No. 498) granting a pension to Mrs. Josephine Slocum;

A bill (S. No. 512) for the relief of Kennedy O'Brien;

A bill (S. No. 514) for the relief of Charles Appleton;

A bill (S. No. 515) granting a pension to Mrs. Ernestine Becker;

A bill (S. No. 535) for the benefit of Mrs. Jerusha Page;

A bill (S. No. 554) granting a pension to John Carter;

A bill (S. No. 556) for the relief of Caroline McGee, of Greene county, Tennessee, widow of Lemuel McGee, deceased;

A bill (S. No. 558) for the relief of Mary A. Smith, of Johnson county, Tennessee, widow of Alexander D. Smith, deceased;

A bill (S. No. 580) granting a pension to Charles N. Weiss;

A bill (S. No. 581) granting a pension to Olivia W. Cannon;

A bill (S. No. 605) to amend the twenty-first section of an act entitled "An act further

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to prevent smuggling, and for other purposes," approved July 18, 1866;

A joint resolution (S. R. No. 149) to extend aid and facilities to citizens of the United States engaged in the survey of a route for a ship-canal across the Isthmus of Darien;

A joint resolution (S. R. No. 159) authorizing the Secretary of the Treasury to permit the owner of the yacht Mayflower to change the name of the same to that of Silvie, and to issue an American register to the steam yacht Glance; and

A joint resolution (S. R. No. 171) for the relief of Martha McCook.

PAY OF OFFICERS OF REVENUE-CUTTERS.

Mr. CHANDLER. I call for the regular order of business, to-day being set apart for the consideration of the business of the Committee on Commerce.

The PRESIDENT *pro tempore*. The Chair is advised that by special order to-day, at one o'clock, was set apart for the consideration of bills reported by the Committee on Commerce, and those bills are now properly before the Senate.

Mr. CHANDLER. I move that the Senate proceed to the consideration of House bill No. 900.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 900) to fix the compensation of the officers of the revenue-cutter service, and for other purposes.

The Committee on Commerce reported the bill, with an amendment to strike out the second section, in the following words:

SEC. 2. *And be it further enacted*, That from and after the 31st day of December, 1866, each officer of the revenue-cutter service, while on duty, shall be entitled to one Navy ration per day.

Mr. FESSENDEN. I should like to hear the amounts that are to be allowed to the several officers read.

The Secretary read the first section of the bill, as follows:

Be it enacted, &c., That from and after the 31st day of December, 1866, the compensation of the officers of the revenue-cutter service shall be at the following rates, namely:

Duty pay—Captains, $2,500 per annum; first lieutenants and chief engineers, $1,800 per annum; second lieutenants and first assistant engineers, $1,500 per annum; third lieutenants and second assistant engineers, $1,200 per annum. *Pay on leave of absence or while waiting orders*—Captains, $1,800 per annum; first lieutenants and chief engineers, $1,500 per annum; second lieutenants and first assistant engineers, $1,200 per annum; third lieutenants and second assistant engineers, $900 per annum.

Mr. FESSENDEN. I now ask the Secretary to read the last section of the bill in regard to the appropriation.

The Secretary read the third section, as follows:

SEC. 3. *And be it further enacted*, That to enable the Secretary of the Treasury to carry out the provisions of this act during the last half of the current fiscal year, and during the fiscal year ending June 30, 1868, the sum of $133,400 is hereby appropriated for the expenses of the revenue-cutter service, out of any money in the Treasury not otherwise appropriated.

Mr. FESSENDEN. It covers the last half of this fiscal year and the whole of the next?

Mr. CHANDLER. Yes, sir.

Mr. FESSENDEN. I will suggest to the Committee on Commerce whether they had not better drop the amendment that they propose. It strikes me that the pay which is granted is none too high, even with the additional ration. I do not know what the reason of the Committee on Commerce was for proposing that amendment. I do not know what the amount of it would be.

Mr. CHANDLER. I will state that the Committee on Commerce were opposed to a ration in any service of the Government. I do not believe myself that the pay is too much, neither did the committee; but they preferred that the amount of pay should be stated rather than be given in the form of rations. If it is the opinion of the Senate that the ration should be retained I am perfectly content. It was simply an objection to that form of compensation on the part of the committee. Still, both the Army and the Navy have rations.

Mr. FESSENDEN. I do not know why it may not just as well be extended to the revenue-cutter service.

Mr. CHANDLER. I shall not resist a motion from the Senator from Maine that that amendment be not acceded to if he makes the motion.

Mr. FESSENDEN. The question is on adopting the amendment of the committee.

The PRESIDENT *pro tempore*. The question is on the amendment striking out the second section of the bill.

Mr. FESSENDEN. Is that the only amendment?

Mr. CHANDLER. That is the only one.

Mr. RAMSEY. Do I understand the Senator from Maine to be in favor of the ration?

Mr. FESSENDEN. I thought on hearing the pay read over that even with the ration it would not be any too much.

Mr. RAMSEY. I am of the same view. I shall vote with the Senator on that question.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUARANTINE VESSELS AT NEW YORK.

Mr. CHANDLER. I now move that the Senate proceed to the consideration of House joint resolution No. 275.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 275) to extend the time for the use of certain vessels for quarantine purposes at the port of New York. It proposes to continue for two years the authority conferred by joint resolution of March 24, 1866, upon the Secretary of War and the Secretary of the Navy, respectively, to place, in their discretion gratuitously, at the disposal of the commissioners of quarantine, or the proper authorities of any of the ports of the United States, to be used by them temporarily for quarantine purposes, such vessels or hulks belonging to the United States as are not required for other uses.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 859) to declare valid and conclusive certain proclamations of the President, and acts done in pursuance thereof or of his orders, in suppression of the late rebellion against the United States; and

A bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes.

CONTRACTORS FOR IRON-CLADS.

Mr. HENDRICKS. With the permission of the Senator from Michigan and the Senate, I desire at this point to call up a bill which is upon the table for the purpose of having a committee of conference upon it.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (S. No. 220) for the relief of certain contractors for the construction of vessels-of-war and steam machinery.

On motion of Mr. HENDRICKS, it was

Resolved, That the Senate disagree to the amendment of the House of Representatives to the said bill, and ask a conference on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HENDRICKS, Mr. ANTHONY, and Mr. WILLEY.

HOUSE BILLS REFERRED.

Mr. FESSENDEN. With the consent of the Senator from Michigan, I should like to have the bills just received from the House of Representatives taken up, read, and referred.

There being no objection, the bill (H. R. No. 859) to declare valid and conclusive certain proclamations of the President, and acts done in pursuance thereof or of his orders, in the suppression of the late rebellion, was read twice by its title, and referred to the Committee on the Judiciary; and the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

FINES AND PENALTIES UNDER CUSTOMS LAWS.

Mr. CHANDLER. I now move that the Senate proceed to the consideration of Senate bill No. 577.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 577) to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs. It provides that from the proceeds of fines, penalties, and forfeitures incurred under the provisions of the laws relating to the customs there shall be deducted such charges and expenses as are by law in each case authorized to be deducted; and in addition, in case of the forfeiture of imported merchandise on which duties have not been paid, or in case of a release thereof upon payment of its appraised value, or of any fine or composition in money, there shall also be deducted an amount equivalent to the duties in coin upon such merchandise, (including the additional duties, if any,) which shall be credited in the accounts of the collector as duties received, and the residue of the proceeds is to be paid into the Treasury of the United States, and distributed, under the direction of the Secretary of the Treasury, in the manner following, to wit: one half to the United States; one fourth to the person giving the information which has led to the seizure, or to the recovery of the fine or penalty, and if there be no informer other than the collector, naval officer, or surveyor, then to the United States; and the remaining one fourth to be equally divided between the collector, naval officer, and surveyor, or such of them as are appointed for the district in which the seizure has been made, or the fine or penalty incurred, or, if there be only a collector, then to such collector. But where any fine, penalty, or forfeiture, incurred by virtue of the laws relating to customs, shall be recovered in consequence of any information given by an officer of a revenue-cutter, the proceeds are, after the legal deductions have been made, to be disposed of as follows: one fourth to the United States; one fourth to the officers of the customs, as hereinbefore provided; and the remainder to the officers of such revenue-cutter, to be divided among them in proportion to their pay.

Whenever it shall be made to appear to the satisfaction of the judge of the district court for any district in the United States, by complaint and affidavit, that any fraud on the revenue has been committed by any person or persons interested or in any way engaged in the importation or entry of merchandise at any port within such district, the judge is forthwith to issue his warrant, directed to the marshal of the district, requiring him by himself or deputy to enter any place or premises where any invoices, books, or papers are deposited relating to the merchandise in respect to which such fraud is alleged to have been committed, and to take possession of such books or papers and produce them before the judge; and any invoices, books, or papers so seized are to be subject to the order of the judge, who shall allow the examination of them by the collector of customs of the port into which the alleged fraudulent importation shall have been made, or by any officer duly authorized by the collector. Such invoices, books, or papers may be retained by the judge as long as in his opinion their retention may be necessary; but

no warrant for such seizure is to be issued unless the complainant shall set forth distinctly and specifically the fraud alleged, its nature, and the importations in respect to which it was committed, and the papers to be seized. And the warrant issued on such complaint, with report of service and proceedings thereon, is to be returned as other warrants to the court of the district within which such judge presides.

Whenever the collector or other chief officer of the customs of any port shall be notified in writing by the owner or consignee of any vessel or vehicle, arriving from any foreign port or place, of a lien for freight on any merchandise imported in such vessel or vehicle, and remaining in his custody, such collector or other officer is authorized to refuse the delivery of such merchandise from any public or bonded warehouse, or other place in which it shall be deposited, until proof to his satisfaction shall be produced that the freight due thereon has been paid or secured; but the rights of the United States are not to be prejudiced thereby, nor are the United States or its officers to be in any manner liable for losses consequent upon such refusal to deliver; and if merchandise so subject to a lien, regarding which notice has been filed, shall be forfeited to the United States and sold, the freight due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses now authorized by law to be paid therefrom.

The fourth section repeals the ninety-first section of the act to regulate the collection of duties on imports and tonnage, approved March 2, 1799; the seventh section of an act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes, approved March 3, 1863; the seventeenth section of the act further to prevent smuggling, and for other purposes, approved July 18, 1866, and all other laws or parts of laws inconsistent with or supplied by the provisions of this act. The Secretary of the Treasury is to prescribe all needful regulations to carry out and enforce the provisions of the act.

The Committee on Commerce reported the bill with an amendment, in section one, line twenty-nine, after the word "deductions," to insert "including the deductions herein authorized."

The amendment was agreed to.

Mr. EDMUNDS. I move to amend the bill in section one, line twenty-one, by striking out the words "United States" and inserting the words "officer making the seizure;" so as to read:

One fourth to the person giving the information which has led to the seizure, or to the recovery of the fine or penalty, and if there be no informer other than the collector, naval officer, or surveyor, then to the officer making the seizure.

The object of this amendment is to provide a stimulus to the subordinates in the customs department to look out for smuggling and to make seizures whenever they can, instead of holding out to them the temptation of being bribed. As the law is now administered, a subordinate who only gets a small salary may be ever so vigilant, he may sit up nights to watch and seize smuggled goods, and yet he receives no part of the forfeiture. An informer, in the sense in which it is understood in the department, is some outside, unofficial person who communicates information which causes the seizure. The object of this amendment is, in the case where there is no such outside informer, to reward the zeal and fidelity of the seizing officer himself by giving him the share of the proceeds that the informer would take if there were one. From my observation and experience in the custom-house at New York this summer in making investigations, I was satisfied that it would greatly improve the public service to make this provision.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. CRESWELL, the title of the bill was amended by adding the words "and for other purposes."

GOLD CHRONOMETER TO CAPTAIN WEBSTER.

Mr. CHANDLER. I now move that the Senate proceed to the consideration of House joint resolution No. 252.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 252) to permit Captain John A. Webster, jr., of the steamer Mahoning, to receive from the Government of Great Britain a gold chronometer. It allows John A. Webster, jr., of the revenue-cutter service, captain of the steamer Mahoning, to receive from the Government of Great Britain a gold chronometer which that Government is desirous to award to him, in token of its appreciation of valuable services rendered by him to several British vessels in distress on our coast.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON FIRE DEPARTMENT.

Mr. MORRILL. With the permission of the Senator from Michigan, I desire to make a report. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. No. 625) to amend an act entitled "An act concerning the fire department of Washington city," approved February 18, 1867, to report it without amendment and recommend its passage; and I ask for its present consideration.

Mr. CHANDLER. Oh, no; do not ask me to yield for that.

Mr. MORRILL. It simply corrects an error in a bill which passed two or three days ago, and it is absolutely necessary to pass it now and let it go the House in season to correct that error. I take it, it will occupy but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal so much of the act concerning the fire department of Washington city, approved February 18, 1867, as provides for the use and occupation of the Union engine-house for the city of Washington.

Mr. MORRILL. These engine-houses are the property of the Government. During the war they were in the possession of the Government; but ordinarily they are used by the city authorities. The bill to which this is amendatory was to transfer these engine-houses back to the city. Inadvertently, however, I embraced one engine-house which is still in use by the Government and was not intended to be included in the bill; and this is simply to correct that error.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. CHANDLER. I now move to proceed to the consideration of House bill No. 1154.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes.

The first amendment of the Committee on Commerce was in line sixty-two of section one, after the appropriation of $150,000 "for the improvement of St. Clair flats in Michigan" to insert:

To be expended in accordance with the plans and specifications of Colonel T. J. Cram, in his report of December 10, 1866.

The amendment was agreed to.

The next amendment was to insert after line one hundred and twenty-five of section one:

For improving the harbor of Burlington, Vermont, $30,000.

The amendment was agreed to.

The next amendment was to strike out the following clause in lines one hundred and fifty-nine and one hundred and sixty of section one:

For improving navigation on the Mississippi river at Des Moines, or lower rapids, $1,000,000.

Mr. KIRKWOOD. Before the vote is taken I hope the committee will state the reasons which have governed them in making this recommendation. It is one that takes me greatly by surprise, as it will the region of the country where I live. I should be glad to have such reasons assigned as will be satisfactory to our people if the proposed amendment is to be made.

Mr. CHANDLER. The estimate on which this item was embraced in the bill was made by a cavalry officer, a very gallant gentleman, who graduated, I think, in 1860, and of course, therefore, can have had no very great amount of engineering experience. He recommended an entire change in the plan hitherto pursued. Heretofore the impression has been that the Des Moines rapids could be blasted in the river, and dams thrown up so as to form a suitable current; but General Wilson in his report recommends an entire change, and proposes the construction of a canal, and he says:

"The estimated amount that can be profitably expended during the fiscal year ending June 30, 1867, is $1,000,000, including the $200,000 already appropriated. The estimated amount that can be profitably expended during the fiscal year ending June 30, 1868, is $1,000,000. Carefully prepared estimates of cost and general plans of the proposed canal, with a map of the rapids, are submitted herewith."

It was perfectly clear to the committee that $1,000,000 could not be profitably expended in any work between this time and the 1st of July, 1867. There seems to be an error there, for they could hardly get to work before that time; and the bill does not say "for the construction of a canal at these rapids," but it says "for improving navigation on the Mississippi river at Des Moines or lower rapids, $1,000,000." The committee were of the impression that before so great a change should be made as the construction of a canal there should be a further investigation. There was evidently an error in the estimate of $1,000,000 for the residue of this year, for that could not be expended this year. Then he says that for the fiscal year ending June 30, 1868, $1,000,000 will be needed, and he estimates the whole cost of the work at some four or five million dollars. It is a pretty heavy work. All the engineers who had surveyed the work prior to General Wilson had recommended another plan. He proposes to change the whole plan of the work; and the committee thought, and were unanimous in that opinion, that before so great a change should be made further surveys and further investigation should be made. They therefore recommended the striking out of this clause. According to the report of General Wilson, there are now $200,000 of a former appropriation unexpended, and that would seem to be all that would be required for the present fiscal year if they proceeded on the old plan; and if a new plan is to be adopted, of course new surveys can be ordered by older and more experienced engineers before the next session of Congress. The committee were unanimously of opinion that this very large appropriation had better not be made at this time.

Mr. KIRKWOOD. Feeling an interest as I do in the improvement of these rapids, I thought it proper to make some examination of the reports made by General Wilson and the recommendations made by General Humphreys. I am glad to find that there is no more serious objection to this appropriation than the fact that the engineer by whom the survey was made is said to be a young man. I do not know his precise age. I do not know whether the committee have examined that point or not. He certainly was old enough and had reputation enough to be assigned to this duty by his proper superiors, and I am glad to find that the report made by him is indorsed by them. The chairman of the committee read a statement, which he said was

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made by General Wilson, that $1,000,000 could be expended profitably on this work during the present year, and $1,000,000 during the next year. That is not only said by General Wilson, but it is said by General Humphreys, chief of the corps of Engineers. How skillful General Wilson may be I do not know. I only know that he was assigned to this duty, and that he has reported to us facts as well as opinions. I do not presume the committee dispute the facts as reported. He has given us, I apprehend, all the facts that are necessary to enable us to form a judgment on this question, if our judgment is to control it. He reports in substance that for seven and a half miles and over of the rapids there is a continuous descent, the river has a rocky bottom of a continuous, nearly smooth descent, upon which the water at a low period has an average depth of a little over two feet. To obviate the difficulties of navigation there we must make a channel two hundred feet wide and seven and a half miles long. If the lower rapids are to be improved by blasting, the passage will be seven and a half miles long and so deep as to give four feet of water at all times. If we ever improve the river in that way we shall have to do that thing; and General Wilson tells us that if we do that thing, if we do blast out a channel seven and a half miles long, two hundred feet wide, and so deep as to give us at the lowest period four feet of water, the channel thus made can be used in daylight when the weather is clear and the winds are not blowing, and cannot be used at night when the weather is windy or foggy. That stands to reason. We can understand that as well as an engineer can.

We have heard a great deal here lately about bridging the Mississippi river, and we are told that the difficulty arises from the fact that putting piers in the river with a draw makes a narrower channel, through which boats have to run, and they are liable to be blown to one side or the other according to the direction of the wind, and sometimes to be blown on the piers and destroyed. These piers are from two hundred to three hundred feet long. Here we are to make a channel seven and a half miles long at a point in the river nearly double the width of the channel above and below these rapids. We are then, according to one plan, to build a canal around the rapids; or, according to the other, to blast a channel of that length, in which a boat will be exposed at all times to the operation of the wind, with but two hundred feet width in which to maneuver, and liable to be blown at all times when the wind is high either to one side or the other. It will be impossible, as the engineer tells us, for boats in foggy weather to pass through a channel of this width and this length, crowded as it must to some extent necessarily be; and he tells us in substance, what I think all the people living in that neighborhood know already, that an improvement of this kind, although it might to some extent benefit the navigation, would not be an improvement such as we ought to make. His estimate of the cost of the improvement in this way is only about six hundred thousand dollars less than the cost of making a canal. It will cost just about six hundred thousand dollars more to build a canal than to blast out this incomplete, unsafe, and insufficient channel of communication over these rapids.

Upon the upper rapids he recommends the other plan of blasting out the rocks in the river, and gives his reasons for so doing. The upper rapids are not as long as the lower rapids; they are not composed, as the lower rapids are, of a continuous, unbroken descent for six or seven miles; but they consist of a series of ledges across the channel of the river, with long, deep "pools" between them, these pools being from one to two miles in length between the different bars, and affording a vessel sufficient space in which to maneuver after passing through one ledge before it makes the opening that has to be made in the next ledge. He gives the reason why he recommends a different mode of improvement of the two different points, and the reason is clear and palpable to every man, whether an engineer or not. At the upper rapids, as I have stated, boats have a chance to go from one break to another break, with room between the two to maneuver, and opportunity to prepare themselves for the passage through these breaks in the ledges easily and safely; but it is not so and cannot be so at the lower rapids.

The chairman of the Committee on Commerce tells us that the engineer has evidently made a mistake in asking for $1,000,000 to be expended this year. He says he cannot expend a million between this and the last of June. That is probably true; but if we appropriate a million for the present fiscal year, it reaches over during the working season of this year, and we have not only till the last of June, but till the work is closed by the frosts of next winter to expend that money. Not only does General Wilson tell us that we can expend this million profitably, but his superior, General Humphreys, does the same thing. If the Senator will look at page 8 of the report he will find that what he read was signed by General Humphreys, and not by General Wilson.

Upon the other hand, Mr. President, if we do not make this appropriation at this session of Congress where are we placed? We can of course do nothing toward building a canal this summer. When Congress meets in its regular session in December next this bill will, as all other appropriation bills do, come in at the close of that session, at the close of the summer of 1868; so that during the entire summer of 1867 and the summer of 1868 we have no appropriation, and of course can do no work, and the appropriation will be passed so late in the summer of 1868 that we can do nothing that summer, and cannot commence work till the summer of 1869. It throws us over completely for a period of two whole years. Why should this be so? No man can doubt that if we build a canal around Des Moines rapids we have a perfect and complete improvement of the river. There is no question but that that mode of improvement will do all that can be done for the improvement of the river. It will give us a perfectly safe passage above and below the rapids. Not only that, but the engineer tells us that it will be a benefit to the navigation of the river even at times when the water is so high upon the rapids that boats can pass over, because those coming up the river can pass through the slack water of the canal and not have to stem the rapid current on the rapids.

Now, sir, what reason is there why this work should be done soon? I will tell you. The report of the engineer embodies in it a statement made by the agent of the principal transportation company on that part of the river, the agent of the Northern Line Packet Company, I think it is called, in which is contained this interesting information, interesting to the people living upon that river:

"During the year 1866 the boats owned by the company made their trips as per list, namely: steamboat Minnesota, 21 trips; steamboat Muscatine, 20 trips; steamboat Sucker State, 21 trips; steamboat Hawkeye State, 14 trips; steamboat Davenport, 22 trips; steamboat Burlington, 19 trips; steamboat Pembina, 20 trips; steamboat Canada, 18 trips; steamboat Savannah, 8 trips; steamboat Reserve, 17 trips; steamboat Petrel, 16 trips; steamboat Little Giant, 9 trips; steamboat Bill Henderson, 3 trips; steamboat America, 3 trips—making in all 211 trips, costing, on an average, $211,000 for the season of 1866."

That is, it cost the company running these boats $211,000 for lighterage and expenses in carrying goods over these rapids for this single season; it cost this company $211,000 more than it would have paid if these rapids had been improved. In other words, it cost the men who sent their goods over these rapids for the articles sent by that single line $211,000 in that one year more than they would have paid if this work had been done. How much it cost other companies transporting goods up and down the Mississippi over these rapids I cannot tell; but we in the West, who sent our goods by the boats of this single company, were mulcted $211,000 in the year 1866 because this improvement was not made. What we have lost by the loss of boats on these rapids I cannot tell; I have not the information here. I have heard it estimated, however, that the loss and the increased cost amount to $500,000 in a single year; and yet we are asked to allow this condition of things to go on two years more before we can even move in the direction of making any improvement; why? Because Senators tell us the engineer sent out there was not as old a man as he ought to have been. I am very sorry that we must lose from two hundred and fifty to five hundred thousand dollars a year because the Secretary of War did not see fit to send out a man to do this engineering who was older than the man he did send. There is this, however, to be said about his engineering: that the plan submitted by him is indorsed by his chief. Not only is he indorsed as competent to do the work, but his work after having been done is indorsed by his chief.

I understood that it might be argued from the printed report before us that the conclusions of the engineer were not indorsed. Reading the report carefully I could not see any ground for that opinion, but I was told that it would be urged, and to obviate the possibility of that being urged I called upon the Engineer-in-Chief and have from him this letter:

"Sir, I concur in the views and conclusions of General Wilson as to the best mode of improving the Des Moines rapids, that is, by building a canal with locks. My report upon the subject gives the reasons for rejecting the other project. On the contrary, the canal was rejected for Rock Island rapids and the old plan recommended for adoption, and for that reason the recommendation of the Department was very specific."

Now, however young General Wilson may be—I do not know how young he is—he was selected by the proper officer to go there and do this work. He has done it; he has given us the facts as ascertained by him, and upon those facts he has given us his views and conclusions, and no man, I apprehend, can doubt that his views and conclusions are clearly and unequivocally indorsed by the chief of the Engineer Bureau. Why should we wait? If you improve by means of blasting the rocks in the channel, then you expend within $600,000 of what it will cost to build the canal. It costs nearly two and three quarter million dollars, according to the estimate, to blast a channel through the rapids, and when done you have no certainty that you have a good thing; but if you build the canal you have an absolute certainty; it is a matter about which there cannot be and is not any dispute that a canal will remove all the difficulties.

If we say we cannot adopt this plan and go on now, we shall do nothing this year, and we cannot get an appropriation until the close of the session next year, and nothing will be done next year, and thus we shall lose two entire years, and we have the knowledge that in that time our western people will lose in moneys paid for lighterage over these rapids at least half a million dollars. That would go a great way toward this improvement.

I trust, then, that this amendment will not be concurred in. I trust that while we are spending money so profusely as we are spending it here for purposes that will not return one dollar to us as a nation, while we are spending a quarter of a million to send gentlemen over to Paris to the grand Exhibition there, when we are entering upon a project for a magnificent park near this city that will cost us before it is done ten million dollars, we are to be called upon to vote to buy two blocks of buildings adjoining this Capitol at an expense of half a million dollars, to be followed by half a million more for the improvement of the grounds—while we are doing all these things that do not return one dollar to us, I hope we shall not be niggardly in making appropriations of money that will save us at least a quarter of a million every year and tend to develop that portion of the country from which so much of the prosperity of the nation comes, the West.

Mr. CHANDLER. The Committee on Com-

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merce adopted a rule in regard to these appropriations, which was to advise no appropriation that was not specifically recommended and estimated for by the engineer department. On the 28th of January, 1867, the Secretary of War sent to the House of Representatives his estimate upon which this bill was based. In that report of the 28th of January we found "Des Moines rapids, removing obstructions ——." He did not recommend the appropriation of one single dollar for this work. Neither does the report of the engineer recommend a single dollar; but General Wilson says, "the estimated amount that can be profitably expended during the fiscal year ending June 30, 1867, is $1,000,000, including the $200,000 already appropriated." General Humphreys does not recommend a dollar. The report of the Secretary of War dated January 28, 1867, as I have stated, does not recommend a single dollar, as Senators will see by looking at House Executive Document No. 56 of the present session.

Mr. KIRKWOOD. Allow me to say to the Senator that General Humphreys explained to me that at the time this document was made up of which the Senator speaks, the reports from General Wilson were not in the hands of the bureau upon which to make the estimates, and that is the reason why they were not put in.

Mr. CHANDLER. The committee were unanimously of the opinion that we had better have a further examination before making so large an appropriation. We have no objection to expending this much money if it is really needed for the improvement, and if the best plan has been recommended; but the committee thought unanimously that our information at the present time was not sufficient to justify such a conclusion, and therefore we reported in favor of striking out this item; but it is in the hands of the Senate.

Mr. GRIMES. Is it in order to move to amend the clause before the vote is taken on striking it out?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. GRIMES. Then I move to amend the clause by adding to it this proviso:

Provided, however, That any canal that may be constructed around the said Des Moines or lower rapids of the Mississippi river shall be and forever remain free to the navigation and commerce of said river, and no tolls shall ever be collected thereon.

Mr. CHANDLER. I have no objection to that.

The amendment of Mr. GRIMES was agreed to.

The PRESIDENT *pro tempore*. The question now is on striking out the clause as amended.

Mr. EDMUNDS. The Committee on Commerce did not propose this amendment without great consideration, and their desire was to do justice to the people along that river as far as they could do it, and at the same time to do justice to the people of the rest of the country in respect to protecting the Treasury. As has been stated by the distinguished chairman of the committee, the regular estimates and recommendations of the War Department for these improvements contain no recommendation and no estimate for this, although the surveys and examinations have been under way for a considerable length of time. It has also been correctly stated by the chairman of the committee that this young officer who has made these surveys and recommendations, and on whose authority alone almost it is that this enormous appropriation is asked, only recently entered the service, graduating at West Point in 1860, a young lieutenant, and he could have have had no opportunity for acquiring engineering knowledge of this description during the war, because his whole time was devoted, and gallantly devoted, to prosecuting other and more important interests of the country.

Mr. BROWN. Why was he sent there by the Department to make that survey if they had not confidence in him?

Mr. EDMUNDS. You must go to the Department if you want to know. I am unable to say. I do not doubt that the Department had confidence in sending him to make surveys. They have confidence in everybody they send to make surveys, and when they have had those surveys returned to them, if the Department believe the money ought to be expended and the scheme entered upon they say so in explicit language, as they do not say here, because my friend from Missouri is perfectly well aware that in the report of the War Department upon this general subject there was no recommendation at all. Some person in interest drew out afterward in the House of Representatives this special report, which is merely a *resumé* of General Wilson's report to the Department; and General Humphreys says in addition that he is unable to forward to the Secretary of War even the plans and estimates upon which the thing is proposed to be done. He has not himself at this day got the information; it is guess work.

Under circumstances of that description, an engineer, however worthy and hopeful and gallant he may be, is sent there to make his maiden effort in respect of these topographical and aqueous questions, if I may so speak, connected with that river, and after awhile he makes this report; and it is proposed, instead of deepening the river, which is now capable of passing commerce under some circumstances, to abandon the river altogether, and build a canal seven and a half miles long on its borders, paying I suppose for private property—though I do not know whether there are any people on the river at this precise point, but I infer that it is a cultivated and valuable tract of country—paying private damages for property for seven and a half miles, and cutting this canal on the very instant of the report of this sub-engineer, when the Engineer-in-Chief is not, as I repeat from the document itself, able to furnish the Secretary of War with the detailed plans and estimates, because he has not got them. If that is not making haste to spend the money of the people I am very much mistaken.

I am as willing as any man to vote all the money necessary to improve the Mississippi river or any other river, as far as we can with economy and propriety; but we ought not to enter upon a scheme which involves an expenditure of three, four, or five million dollars at one point until we shall clearly see, upon an express recommendation of the Secretary of War, with the plans and estimates before us, that we can judge upon, whether it ought to be done or not. It is only a very short time until the next session of Congress, only a week; and it will not be long after the summer closes until the next regular session begins. Let there then be further consideration given to this subject; and if this appropriation turns out to be necessary, and shall be recommended by the Secretary of War, I, for one, shall be quite as ready as any other gentleman to vote all the money that is necessary for this improvement. But we cannot justify ourselves in entering upon a scheme of such magnitude without full and complete consideration, which it evidently has not yet had.

Mr. KIRKWOOD. Of course, when we work by rules we must obey rules. The Committee on Commerce have informed us by two of their members that they make no recommendations except such as are made to them by the Secretary of War. I think it is a well-established general principle that there are no rules without exceptions. I have not had time to look through this bill and compare it with the report of the Secretary of War fully, but picking it up as I did from the desk while the Senator from Michigan was speaking, I find that the committee have made some exceptions to the rule. The very next item in the bill following the one proposed to be stricken out is an appropriation of $200,000 for improving the navigation of the Mississippi river at Rock Island rapids; and in looking at the report of the Secretary of War I find that the Rock Island rapids stand in his report precisely on the same ground as the lower or Des Moines rapids. He makes no recommendation for either; and yet the Committee on Commerce have given, unasked, as they would say, without any recommendation from the Secretary of War, an appropriation for the upper or Rock Island rapids, and yet as a reason for not giving an appropriation for the lower rapids they say the Secretary of War has not recommended it.

Mr. EDMUNDS. The bill as it came from the House of Representatives contained that appropriation of $200,000, and we consented and thought it right to let it stand at that, because it pursued the old method, and because the chief of Engineers said in this special report that it is "recommended for adoption"—that plan of improving the Rock Island rapids—so that we had an express recommendation, although a specific sum was not named, and consented to leave the House bill as it stood in that respect. Perhaps we were a little too generous in that.

Mr. BROWN. Does not the chief engineer say that he recommends and approves this bill?

Mr. EDMUNDS. I do not so understand what he says.

Mr. KIRKWOOD. The House of Representatives put in both of these appropriations, one for the lower rapids and one for the upper rapids. The Secretary of War did not recommend either. Why? Because he had not before him at the time he sent in his report the papers on which to have a recommendation. That was the only reason. That is the reason given to me by the chief of Engineers himself. The plans and specifications were not before the Secretary of War, and for that reason both rapids in his report were treated alike and both omitted. They were treated alike by the House of Representatives, both being put in the bill; but when the bill comes here the Committee on Commerce, doubtless for the reason assigned by the Senator, doubtless for what the committee deemed a good reason, proposed to strike out the lower rapids and leave in the appropriation for the upper rapids.

As I have already stated, I called on the Engineer-in-Chief in reference to this matter, and said that it might possibly be urged that he did not recommend the plans of General Wilson. He was disposed to treat the matter lightly, and indeed to laugh at it. He said he did not know how any gentleman could read what he had said on the subject and come to any other conclusion than that he had adopted General Wilson's report and recommended it; but I told him that I might be met by the precise objection with which I am now met here, and to obviate that difficulty I asked from him the letter which I have read, in which he does approve and indorse the views and conclusions of General Wilson. The reason he gives us why he makes a special recommendation for the upper rapids is that there is no insuperable objection, as shown by the engineering there, to carry out the plan previously adopted, while in regard to the lower rapids there is this insuperable objection: that you may do the work according to the old plan, spend near $3,000,000 upon it, and then have a worthless work upon your hands.

The Senator tells us we are to lose no time: we are to meet again on the 4th of March. It is well known that at that session Congress will not probably remain here ten days or two weeks, and then the matter will go over to the next regular session; and before another appropriation can be made, which will be in June or July, 1868, it will be too late to do any work in that year, and we must lose in the mean time at least half a million dollars of our hard earnings, because Congress is unwilling to act now on the report of this young man. I should like to know how old he is? Perhaps he is as old as Napoleon was when he went to take command of the army in Italy. History teaches us that wisdom does not always go with gray hairs. Some old men are not wise; some young men are. Let me repeat again he has given to us certain facts; he has given us, for instance, the length of the rapids; he has given us the depth of water on the rapids; he has

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given us the character of the bottom of the rapids at the two points; they are wholly different, widely different; and it is shown that a plan which will improve one may be an utter failure as to the other. We have all the facts we can have, I apprehend, at any time before us. Gentlemen will not contend that because this gentleman is a young man he cannot make a survey. They do not pretend to dispute a single fact that is laid down in his report.

Mr. EDMUNDS. He is a distinguished officer.

Mr. KIRKWOOD. I do not know how distinguished he is.

Mr. EDMUNDS. Distinguished as a cavalry officer.

Mr. KIRKWOOD. I think the matter is understood by the Senate. I hope this clause of the bill will be retained.

Mr. GRIMES. The people of the whole Northwest are particularly and specially interested in the improvement of the navigation of the Des Moines rapids of the Mississippi, and the commerce of the whole country is to a greater or less extent interested in it. The people that I in part represent are very deeply interested, and I justify the few remarks that I shall detain the Senate by submitting on this subject by that interest.

The first survey that was made by authority of law of the Des Moines rapids was made in 1836 or 1837 by Lieutenant Robert E. Lee, the late general of the rebel army. He reported that it was feasible to blow out the "chains" across the river which make the rapids; and appropriations of a small amount have from time to time been made for the purpose of carrying out his views. Another survey, but not a minute one I think, was subsequently made by General Warren, who decided that, although such a process as that might not make the most perfect navigation, yet it would very much—I think he used the expression—ameliorate the condition of the stream. Last year an appropriation was made for the same purpose, and General Wilson was sent to make a survey. General Wilson reports in favor of a canal, as I understand, instead of the course that was recommended by Lieutenant Lee.

On the strength of this recommendation of General Wilson, it is proposed that we appropriate $1,000,000 for the purpose of improving navigation "on the Mississippi river," and I suppose the word "on" is used in that phrase to convey the idea, and is to be regarded as authority by the War Department to make a canal instead of improving the navigation itself. I do not know how they manage matters at the Engineer Bureau now-a-days, but I know that formerly no great public work was ever recommended by the War Department to be undertaken until the plans and specifications and surveys and details were submitted to a board of skillful, competent, and experienced engineers; they reported for or against the project, and upon the strength of that report the Secretary of War sent in his recommendation to Congress. I am not prepared to say that a canal is the right way to improve these rapids. I do not think it is. I am unwilling, unless there shall be something more done than the mere survey of General Wilson, that the commerce of the country shall be liable to the interruption which I think a canal will impose upon it. But I am willing that the Secretary of War, calling to his aid a board of competent officers, shall, taking the report of General Wilson as made, in connection with the report that Lieutenant Lee made and that General Warren made, decide that question, and I am willing to abide the result. I propose, therefore, to strike out the word "on" and substitute the word "of," and to reduce the amount from $1,000,000 to $500,000. As there is an unexpended balance in the Treasury applicable to this improvement of about $200,000, that would give $700,000 for this purpose, and this, with the amendment which has already been adopted, proposed by me, will enable the Secretary of War to determine for himself whether we shall have a canal or whether they shall go on blowing up the rocks. In that way I think the proposition will be satisfactory to all parties, and we may get an improvement.

Mr. KIRKWOOD. If my colleague had not offered his amendment, I proposed to offer one, to insert after the word "rapids" the words "according to such plan as the Secretary of War may approve."

Mr. GRIMES. You may offer it now.

Mr. KIRKWOOD. I suppose the word "on" is a misprint. If amended as I propose the clause would then read "for improving navigation of the Mississippi river at Des Moines or lower rapids, according to such plan as the Secretary of War may approve, $1,000,000."

Mr. GRIMES. Say a "board of engineers."

Mr. KIRKWOOD. I will put it in this form, "according to such plan as a board of engineers, to be appointed by the Secretary of War, may recommend."

Mr. EDMUNDS. I will suggest to my friend from Iowa who offered the amendment, that it will be more acceptable to me if he will so change the phraseology as to have it read "according to such plan as the Secretary of War, on the report of a board of engineers, shall approve."

Mr. GRIMES. It amounts to the same thing.

Mr. EDMUNDS. It is slightly different; it gives a little more opportunity for consideration to have it in that form than it does to make the decision of the board absolutely final. If this work is to be so extensive, as it obviously is, if it be entered upon at all, then I think the decision of a board, without any right of review on the part of the Secretary of War, ought not to be final, ought not to be allowed; but the usual course taken in all these improvements ought to be taken in this; and that is, to make the Secretary of War the ultimate arbiter as to the propriety and necessity of the particular work, subject of course to the action of Congress afterward. I therefore ask my friend to modify his amendment; or if it be amendable I move to amend it in accordance with the suggestion I have made.

Mr. KIRKWOOD. The phraseology is wholly indifferent to me one way or the other. My object is to get at the thing. If it will secure the vote of my friend from Vermont, and not drive off more on the other side, I will take it in the way he proposes.

Mr. EDMUNDS. I do not promise that it will secure my vote; but it will relieve me.

Mr. BROWN, (to Mr. KIRKWOOD.) Let us try what relieving him will do. [Laughter.]

Mr. KIRKWOOD. Very well, I am willing to change it, and let a board of engineers act first and the Secretary of War afterward.

Mr. EDMUNDS. Put it in this shape, "according to such plan as the Secretary of War shall, on the report of a board of engineers, approve."

Mr. KIRKWOOD. I accept that modification of my amendment.

Mr. EDMUNDS. Now, I move to amend the amendment a little further, and I shall then acquiesce in leaving it to stand, although my judgment concurs, the little I have about it, entirely with that of the Senator from Iowa furthest from me, [Mr. GRIMES,] that this canal is not the best way to help commerce there by any means.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Iowa, [Mr. KIRKWOOD.]

The amendment was agreed to.

Mr. EDMUNDS. I move now to strike out "$1,000,000" and to insert in lieu thereof "300,000," which, with the sum of $200,000, which is now to the credit of the rapids, will make the total sum to be expended this year $500,000, and I think that is as much as economy and prudence will justify us in devoting to that work at this time. That will enable the Department, if it thinks proper to enter upon this canal enterprise at all, to locate its route, to settle its land damages, and put itself in the process of beginning the principal work; and I think it a wise policy, indeed eminently wise, that for no such thing should we appropriate money any faster than it can be immediately used in the future; that accumulating appropriations, putting large sums, unnecessarily large, at the disposal of any officer of the Government is a very bad policy indeed. I hope that this amendment will meet the approval of my friends who are peculiarly interested in the prosecution of this work.

Mr. KIRKWOOD. I hope the amendment will not be adopted. I am pretty strongly impressed with the opinion that the board of engineers will recommend and that the Secretary will adopt a plan for improving these rapids by means of a canal. I am very much more familiar with the Mississippi river than my friend from Vermont is, and I am fearful that if we make an appropriation of only $300,000 in addition to the $200,000 already appropriated, we shall lose a good portion of the work that may be done during the current year. The Mississippi is a considerably larger river than any they have in Vermont.

Mr. EDMUNDS. So is the sum of $500,000 a larger sum of money than any that is voted for any river in Vermont.

Mr. KIRKWOOD. That may be, but it is to be dealt with accordingly. If the money is not used it remains in the Treasury. We appropriate the money, and if it is not used and cannot be used, though the engineer tells us it can be used judiciously in this way, it remains in the Treasury. It is not drawn out of the Treasury and put in the hands of the officers until it is necessary to be expended. Then there is no danger of loss to the public, and there is a probability of getting the work in such a condition that it will not suffer injury, if we give enough to go at a work of this magnitude in a respectable way; whereas if we go at it by appropriations of $100,000 or $200,000 at a time the chance is that each winter we shall lose a portion of what we have done the preceding summer. I hope the amendment will not be adopted.

Mr. CHANDLER. I think this amendment is very liberal. Of course the board of engineers has to act before any action can be taken by the Secretary. There is $200,000 now unexpended, and that with the appropriation proposed would give them $500,000 for this year's operations, which is really all that will be necessary and all that could be profitably expended in the year, even if they should adopt the plan of a canal; and I very much doubt whether they will do that. If the Senate see fit to give $500,000 for this year, which will be the effect of this amendment, I am perfectly content that it shall be so; and considering the necessary delay I think it is a very liberal amount.

Mr. BROWN. I trust if this appropriation is to be voted it will be voted in such a shape that it may be available and desirable, and not cut down to a trifling amount. If this is to be prosecuted as a canal and the building of a canal, we have the authority of the officer making the survey for the fact that the whole appropriation can be profitably expended during the first year. And if that shall be determined on by this board we have provided for, we ought to furnish the means by which it can be carried on. If that shall not be determined upon, but a less expensive plan, there will be no harm done by voting a sufficient appropriation. I look on this amendment as hostile to the whole appropriation.

Mr. HENDERSON. I hope that the amendment of the Senator from Vermont will not be adopted. These rapids have been in the way of navigation in the Mississippi river many years. They have been in the way of a largely increasing commerce, a commerce increasing from year to year, until now the commerce upon that river largely exceeds, if I mistake not, the whole coastwise commerce of the United States. There is scarcely any conception of the immensity, the greatness, of the commerce upon the Mississippi river.

The Senator from Michigan, the chairman

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of the Committee on Commerce, insists that $300,000 is a very liberal appropriation indeed for making an improvement that the engineer estimates will cost between two and three millions; and even if it costs that amount it will be the best invested money that was ever invested, perhaps, in a public improvement. The Senator from Michigan says this is very liberal indeed. Without reflecting upon the bill which he has reported, I must say that I find decidedly greater liberality in favor of the rivers and harbors in his own State. I find in this bill for the improvement of the St. Clair flats, in Michigan, $150,000; for the improvement at the mouth of the Saginaw river, Michigan, $28,000; for the improvement of St. Mary's river, Michigan, $50,000; for the improving the mouth of Au Sable river, Michigan, $50,000; for improving the harbor of Aux Becs Scies, Michigan, $10,000; for improvement of Black Lake harbor, Michigan, $50,000; for improving harbor of St. Joseph, Michigan, $23,000; for improving harbor of Manistee, Michigan, $60,000; for improvement of White River harbor, Michigan, $57,000; for improvement of Muskegon harbor, Lake Michigan, $59,000; for improving harbor of South Haven, Michigan, $43,000; for improving harbor of New Buffalo, Michigan, $60,000; and for the harbor of Ontonagon, Michigan, $97,000—making $747,000 in the single State of Michigan, and I believe I have not counted all the items for that State.

Mr. CHANDLER. The Senator will pardon me. I simply said as to that, in view of what they could expend properly this year, it was a liberal appropriation; I did not say it was liberal as to the work itself, but that I did not think they could expend more than that this year. I had no reference in that remark to the magnitude of the work, but simply to what I thought could be expended this year. So far as the appropriations for Michigan are concerned, they are all recommended by the engineer department, and they are all for the benefit of the surrounding States. Michigan is almost wholly surrounded by water, is a peninsula, and of course there are many harbors to be provided for.

Mr. HENDERSON. The Senator stated that this appropriation was liberal, and I did not know in what sense he intended to be understood. He certainly stated that it was a very liberal appropriation, and when I came to look at the appropriations provided for the State of Michigan I found $747,000 appropriated, and I do not know that I have included even now all the items. Here is an appropriation to remove obstacles in the navigation of a great inland sea, a river upon which floats a commerce greater than the commerce between the United States and all the nations of the world.

Mr. WILSON. Do not brag.

Mr. HENDERSON. The Senator from Massachusetts advises me not to brag. Certainly figures demonstrate the fact which I have stated, and he knows it. It is a fact beyond any question or doubt. Now, these rapids are in the way of an easy navigation of the river; in fact at certain seasons of the year they stand in the way of any navigation at all, even with the lightest vessels, and it is exceedingly desirable, not alone to the State that I in part represent, but to the people of all the western States, that the Rock Island rapids and the Des Moines rapids should be improved. I hope the Senate will not hesitate to give the amount that may be necessary for the purpose. What that amount may be I of course know but little about. I can only rely upon the reports which we have here. We authorized last year the Secretary of War to make this investigation. The investigation has been made by a competent engineer, I presume, or else he would not have been ordered to do it. The Senator from Vermont tells us that he is a very young man. His report is approved by the Engineer-in-Chief, whom I know to be a competent man. I suppose that no member of this body will doubt the capacity and ability of the chief Engineer, General Humphreys, and I do not suppose any one will hesitate to say that if he has approved the work of General Wilson he would not have done so without knowing what he was doing. He says in his letter already read: "I concur in the views and conclusions of General Wilson as to the best mode of improving the Des Moines rapids; that is, by building a canal with locks."

Mr. EDMUNDS. Does my friend from Missouri observe the fact that in this very letter General Humphreys first wrote the word "recommendations" and struck it out and used the word "conclusions," so that he was careful not to use the word "recommendations?"

Mr. BROWN. "Conclusions" is a little more conclusive than the other word.

Mr. EDMUNDS. Perhaps it may be, and if so you are entitled to the benefit of it.

Mr. HENDERSON. I do not know that I can draw any distinction—the Senator from Vermont may possibly be able to draw one—between the words "conclusions" and "recommendations." I apprehend that General Humphreys in writing this letter intended to indorse clearly the views entertained by the officer who made the survey in regard to the best mode of improving these rapids. If he did not intend that by his letter I should say that General Humphreys ought to improve in his mode of writing.

Mr. EDMUNDS. I have no doubt from that letter that General Humphreys does now concur in the conclusions of this officer; but a conclusion as to the necessity of a work is one thing and a recommendation of $2,000,000, as you say the printed recommendation is, to be spent this year, is quite a different thing.

Mr. HENDERSON. Not by any means; he did not so recommend. He said it would cost over two million dollars, but he does not expect that $2,000,000 will be expended within the coming year.

Mr. EDMUNDS. The recommendation, if you call it a recommendation at all, as I do not, was that by the 30th of June, 1867, this reporting officer says he can expend a million, and up to June 30, 1868, another million. If that does not make $2,000,000 in a little over a year I do not understand arithmetic.

Mr. BROWN. So much the greater reason for increasing the amount allowed.

Mr. HENDERSON. If that argument amounted to anything, it only demonstrates the necessity of appropriating the $2,000,000 now, as my colleague suggests. It is useless for us to hesitate about the amount of money to be appropriated for the improvement of these rapids, provided they can be improved at all. That is the real question. If they can be improved the people of the United States ought not to hesitate one moment about going to work to accomplish that object. Whatever is necessary to be done ought to be done in order that navigation may be facilitated over that part of the river. Here is a river thirty-six hundred miles in length, the most magnificent stream in the world, with its navigation unimpeded and uninterrupted through its entire length, except by these two rapids at Keokuk and at Rock Island. At these points commerce has to be entirely reshipped; freight has to be removed from one vessel to another in order to pass over these rapids during a large portion of the year, carried over them in lighters and again removed above or below to the other vessels. This ought to be obviated if it is possible to do so, and especially in consideration of the richness and the wealth of the commerce passing over them. No idea of a parsimonious appropriation should be permitted to enter into the brains of Senators on this subject. I do not want a lavish expenditure of money; I do not desire that one dollar shall be needlessly and recklessly expended, or that we shall now appropriate a dollar beyond the amount absolutely essential to remove these obstacles in the way of navigation upon this stream; but whatever sum may be necessary for that purpose the Senate ought without hesitation to appropriate.

The Senator from Michigan has in this bill $747,000 for his own State, and I freely accord it to the State of Michigan, because with the exception of six or seven States still west of Michigan it is perhaps the greatest State in the Union. [Laughter.] I have never hesitated to vote appropriations for building harbors; but it ought to be remembered that we in the West on this great river build our own harbors. We do not ask you to build a harbor at St. Louis nor at Keokuk nor at Burlington nor at Galena. We are not asking you in this bill to build harbors on the western rivers; but along the eastern sea-board and along the great lakes I have from year to year voted appropriations for harbors without hesitation, and the people that I represent do not ask me to do otherwise than to vote the most liberal appropriations for such purposes. We will build harbors for you; we take as much pride in your expanding commerce as you can take yourselves, and I do not hesitate to give all that you can in reason ask. But this is not for a harbor; this is to remove an obstacle in the way of navigation itself upon the greatest river of the earth. If we can give you $747,000 for improving harbors in the State of Michigan, why can you not give us at least a million for the improvement of navigation at the Des Moines rapids in the Mississippi? These rapids lie just in the middle of navigation upon that stream. Above the navigation is good; below it is good. A passage must be cut, as the Senator from California [Mr. CONNESS] suggests to me. He will remember that I have never hesitated to vote the most liberal appropriations to the Pacific coast. Wherever he wants a harbor in California my people have said give it to the Senator from California who so ably represents that State and never neglects the interests of his constituents. But now, when we are asking an appropriation to remove ten or twelve miles of absolute obstacle in the way of navigation upon the Mississippi river the Senator from Vermont says that it must be cut down; that $300,000 will be amply sufficient for this year.

Mr. EDMUNDS. Five hundred thousand dollars.

Mr. HENDERSON. It is said $200,000 was appropriated last year and is still to the credit of this work. I presume the reason why that money has not been expended is that it is useless to take $200,000 out of the Treasury unless we can do some good with it. Our people at the West do not ask your money unless you give enough to accomplish the work. We do not desire to take a penny when a dollar is needed. While my friend from Vermont comes to the conclusion that this thing ought not to be done on the Mississippi river, just look at what he does for the little harbor of Burlington in his State. Here are twelve miles of solid rock to be blown out of the bottom of a river, or else a canal of seven or eight miles to be constructed around the rapids, and all we ask is $1,000,000 in order to go on with this improvement at these rapids, that have stood for the last twenty years to my certain knowledge in the way of the most magnificent commerce on earth. The Senator has no idea what an obstacle it is and what complaints it causes and what cost it is to reship goods. But at the same time that he finds it in his heart to strike out this appropriation, which will involve from two to three million dollars—I do not pretend to say it will cost less, and if it cost $20,000,000 it would yet be the best appropriation that could be made—what is his action in regard to his own State? The Senator represents a gallant and brave little State, but it has no large streams. I presume he has never seen the Mississippi river; he does not appreciate its greatness, and it is an utter impossibility for him to appreciate the commerce that floats upon its surface. It is about three quarters of a mile wide, nearly a mile.

Mr. EDMUNDS. I admit it is a big river, a mile wide and some feet deep.

Mr. HENDERSON. The Senator will recollect that there is a fall or rapid at this point,

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and that the water is shallow there, and immediately after reaching Keokuk, at the foot of the rapids, there is deep water from there to the city of New Orleans, a distance of fourteen hundred miles. Immediately above, up to Rock Island, there is deep water, and from Rock Island to St. Paul, which is a distance greater than any stream in his State multiplied by six, it is again a deep stream. It will be a stream fit for navigation its whole length if we remove these obstructions. My friend, who thinks $300,000 ought to be enough for this purpose, after reporting from the committee of which he is a member to strike out this whole appropriation on the ground that it was not recommended by the War Department, introduces an appropriation of $80,000 for the improvement of the harbor of Burlington, Vermont, which is not recommended by the House nor by the War Department.

Mr. EDMUNDS. It is recommended by the War Department expressly.

Mr. HENDERSON. Why was it not inserted in the bill by the House of Representatives?

Mr. EDMUNDS. For this reason, that by a mere blunder in the general report of the Secretary of War the appropriation required for the current year was left blank, and on inquiry they said that the plans had been entirely completed, and they wrote a letter to the committee stating that it was an accident, and requesting that the $80,000 appropriation be put in.

Mr. HENDERSON. That may be; but I find it in the printed bill, inserted by the committee which strikes out the Mississippi river appropriation. It seemed to me to be robbing Peter to pay Paul, taking away from the Des Moines rapids and giving to Burlington. I do not refer to this fact for the purpose of saying that I am opposed to giving an appropriation to Burlington, Vermont, for a harbor. If Burlington wants $100,000 for that purpose she may take it. I will vote for it even upon the recommendation of the Senator alone, if he says that it is needed. We in the West are liberal, and whatever the country demands we are ready to give. We want to make this country what nature designed it to be.

Mr. EDMUNDS. Nature designed that there should be a rapid there and no canal.

Mr. HENDERSON. Nature designed that man should do something himself. I suppose the Senator does not urge that man should be left as nature made him.

Mr. EDMUNDS. That is your argument, not mine.

Mr. HENDERSON. Nature designed these great rivers for man's use, and I suppose that nature designed even the harbor of Burlington to be made at the expense of the people of this country. This State of the Senator from Vermont is a gallant and glorious little State, but its streams are so small as to have dwarfed a mind that is otherwise as magnanimous as a mind can be, a true mind and one devoted to the best interests of the country; but he seems to be surprised that we who see the broad prairies of the West, who see the magnificent farms of the West twenty-five and thirty thousand acres, which it would be utterly impossible to get the tenth part of between the mountains of his State, have our minds expanded and enlarged, and we look upon a dollar perhaps as he does upon a five-cent piece; or rather he regards a five-cent piece as valuable as we do a dollar. That may be or may not be the case; but I think that he ought not, in the face of this report, to tell us that the young man who made it is too young. We are told in the good book of Job that wisdom belongs not entirely to the old, but sometimes it may be found in the heads of young men.

Mr. BROWN. Let us vote.

Mr. HENDERSON. If there is no difficulty about passing the appropriation, I will stop speaking; but I insist that these obstructions be removed, and that whatever is necessary for that purpose shall be voted. I shall not hesitate to vote the appropriations needed for other sections of the country; I shall not even move to strike out one single appropriation for any harbor in the State of my distinguished friend from Michigan who finds it in his heart to run nearly to a million dollars for the benefit of his own State. This is not for the benefit of Missouri; it is for the benefit of eight or ten of the most magnificent States of the Union. I mean in their natural wealth, the fertility of their soil, and their commercial greatness. Therefore, let us have a liberal appropriation, and let the Senator from Vermont withdraw his proposition for the small amount that he thinks about giving us. The truth of the matter is, that it will lie like your $200,000 appropriation and nothing will be done. We cannot commence work of this character; we cannot blow out rocks at the bottom of a river covered two or three feet with water, or begin to blow them out with your $300,000 appropriation. If we continue that course of policy we need a much larger appropriation. If we build a canal we need all the appropriation that the bill as it passed the House proposed. I say, therefore, whatever may be the recommendation of this board of officers, let us vote the amount that is needed. We will pay it back into the Treasury in two years from the annual profits made from the removal of these obstructions.

Mr. EDMUNDS. I will not undertake to compare the expansiveness of my mind with that of my friend from Missouri. I shall leave that to others, I have no doubt he has described his own mind correctly; and indeed I have always understood that his observations, if not his mind, were quite expansive. Nor will I undertake to particularly distinguish between my valuation of a sixpence or a five-cent piece and his of a dollar. I can only congratulate the creditors of the State of Missouri in the fact that at least one of her citizens is too liberal not to be willing to pay the dollars that she owes. The people of that State may certainly criticise the conduct of Vermonters in voting away public money when we have been taught that they are somewhat reluctant to vote their own, and even for the payment of their debts!

Now, then, Mr. President, let us return to the subject. I believe it is not Burlington, Vermont, nor the State of Missouri, but it is the simple question of how much money ought to be appropriated now for entering upon a scheme which is not yet entered upon by the Department; because I defy the gentleman to produce any recommendation of the Department for it. It is not in the printed report, nor in the special report, nor in this letter which is written by General Humphreys to one of the Senators, and which is only a concurrence of one engineer in the conclusion of another. I say, in that view of the case, it is unwise and unjust to the other interests of the country to be appropriating in advance heavy sums of money before we know how it is to be spent. This is an appropriation for the current year. There are $200,000 voted already. If we add $300,000 to it, there will be $500,000. The canal cannot be completed this year nor next; it will be the work of years. There are the land proprietors to arrange with, the preliminary arrangements and expenses to be met, the materials and machinery to be got on the ground, and all that. Is $500,000 not a sufficient sum for these preliminary purposes? And then when we get a further report at the next meeting of Congress from the Department showing what has been done with this money and what further is needed, I shall be quite willing to vote it.

Mr. HENDERSON. I was not aware that the Senator from Vermont or any of his constituents held any bonds of my State. I think it quite gratuitous in him to make any allusion to the non-payment of interest upon the bonds of Missouri. Up to July, 1861, the State of Missouri never failed to pay every dollar of its interest as it accrued. And if the Senator from Vermont had been in that State since July, 1861, he would not feel it in his heart now, either with an expanded or contracted mind, to make any reflections upon that State. The condition of Missouri since 1861 has not been such that we could possibly pay interest or principal upon anything. But I can state to the Senator that there is not a dollar of the indebtedness of Missouri that will not be paid; and the Legislature now is making provision for paying every dollar of it with all the interest that we ever agreed to pay, and I can assure him that such will be the case. During the war our citizens were taxed at the rate of thirty dollars a head poll tax in order to sustain the Union and to drive back the hordes of secession and protect ourselves and those who lived north and east of us. I can tell the Senator that if the United States had paid us the money we expended in keeping up a military establishment, not alone for our protection, but to drive back the hordes that came from the southern States, we could to-day pay every dollar of interest that we owe to Vermont creditors or any other eastern creditors or foreign creditors, and pay a large amount of the principal of our debt.

I will state to him that the people of the State of Missouri would not have suffered their credit to be thus tarnished, or ever to have been placed in such a condition as to invite the criticisms of the Senator from Vermont, had it not been for this war. He ought to be a little more charitable to such States as my own and the State of Kentucky and the State of Tennessee, where our citizens have been in the midst of the fiercest civil war, fighting among themselves as well as opposing the foe without, and who were coming upon our southern borders two or three times a year. The Senate of the United States generously and kindly voted the amount that is due us, and the other House has also voted it; and so soon as the accounts can be examined in the Treasury Department and audited, that money will be paid, and I hope then that there will be no longer foundation for such remarks as the Senator has indulged in.

Mr. EDMUNDS. I am sorry that my friend from Missouri is getting unnecessarily excited. All that I said was merely intended to remind him that a people and a Senator standing in the position that his people and he do could not with very good grace accuse a Vermonter of having too small or too close an idea of money. That is all.

Mr. HENDERSON. I certainly did hope the Senator would not take in the manner he did any reference that I made to that subject; for I have felt, and now feel, that there is no Senator in this body for whom I have a higher regard than the Senator from Vermont; and any remark that I may have made upon that subject was in a jocular tone and style and manner, and I supposed that he at the time took it in that way.

Mr. JOHNSON. The question is whether we shall appropriate the amount proposed now upon the terms which are to be annexed to the appropriation. It has nothing to do, as I understand it, with the conduct of Missouri, nor with what may be the general character of the State of Vermont. It is a simple question, what is right in relation to the country generally, they being all interested in the improvement of the Mississippi. The rapids which the improvement seeks to remove, in whole or in part, are such that for some eighty or ninety days during the season, when the Mississippi can be used at all for transportation, it is impossible to get a cargo and vessel over without lightering, to the very great loss of those who may be concerned along the river in the productions of the country. If, therefore, the facts stated by the two boards were now before us upon a report from the Secretary of War, and he was to recommend this appropriation, I suppose there would be no objection to making it. I do not understand my friend from Vermont or my friend from Michigan as saying that they would oppose it, if that was the manner in which it was presented to us. I understand the appropriation now to be placed upon terms which will bring it precisely into that condition before a dollar of money shall be

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expended. In the first place there have been surveys made by officers who are supposed to be competent, recommending this improvement; but, in the next place, if those surveys are not brought before us now on the recommendation of the Secretary of War, there is nothing to be done with the appropriation till another board of engineers, to be selected by the Secretary, shall have reported to him upon the subject, and reported some plan by which the improvement can be conducted, and he shall approve of it. It will then be substantially the same thing as if he was now in advance recommending to us an appropriation to carry out a plan of improvement which had met his approbation. It appears to me, therefore, that the objection, if my friend from Vermont will permit me to say so, is an objection which we lawyers are often in the habit of making, rather technical than substantial, rather formal than anything else. As I certainly would vote the appropriation, if the Secretary recommended it upon an examination made by competent men, I shall with the same pleasure vote for this amendment, because I look upon the appropriation as made virtually upon the strength of such a report.

And I need not say, Mr. President, that it is all important to the country at large, not to Iowa, not to the States bordering on the Mississippi, but to the country at large, that the navigation of the western waters should be made as good as it can be made. Nature has placed them there in a condition in which they cannot be at all times used; but she has put it into our power to assist her, if I may be permitted to use the expression, so as to make them navigable at almost all periods of the year; and one of the means by which we are to be united still more strongly together than we would otherwise be, is to improve existing communications for trade and to create those that may not be existing.

Mr. MORRILL. If this were a question, as would seem to be implied in the remarks of the honorable Senator from Missouri, [Mr. HENDERSON,] of the amount that should be appropriated to remove obstructions in the great river to which he refers, I should not feel that I had occasion to say a word; but as there seems to be an implication in the remarks of the honorable Senator that a want of liberality may have influenced the members of the Committee on Commerce in regard to this appropriation, I feel obliged, as a member of the committee, to say a word to disabuse the minds of Senators of any possible misconception on that subject.

If my honorable friend will look at this appropriation bill he will see that here is appropriated about five million dollars for the improvement of the rivers and harbors of the United States. If he will glance his eye at this bill he will see that of that $5,000,000 not over $250,000, I think, is appropriated east of the Alleghany mountains, so that it is an appropriation for the rivers and harbors of the West; and if you will look to the construction of the committee you will see that by no possibility could such a bill as that be at this time reported unanimously from the Committee on Commerce if there were any idea of illiberality at all entering into the motives which influenced that committee.

Sir, I trust I have got by that altogether. If I felt that it was possible that I should be liable to be influenced or swayed by such a consideration as that, that I should guide my judgment upon a question of where within the limits of this Republic an appropriation was to be expended, I would not sit on a committee, nor would I vote upon an appropriation, nor would I suffer myself to retain a seat upon this floor. Nor do I really think the honorable Senator believes that any of us is actuated by any such motive; and therefore I may be permitted to say that all such considerations entering into the argument have nothing to do with the merits of the case. They may do well enough to hector my friend from Vermont, who is perhaps a little sharp in making an amendment, but I insist upon it that they have nothing to do with the merits of this case.

During the few years I have been in the Senate I have been so much in the habit of voting appropriations that I do not know that I should hesitate at anything that had the slightest foundation in it as an appropriation for almost any section of the country. I have voted appropriations here to all sorts of enterprises in the last six years, and almost entirely confined to that region of the country. I do not complain of it. I am proud of it, glad of it, and I see in it the prosperity of the whole country. In that prosperity my region of the country advances of course. I account for it in no spirit of illiberality and in no spirit of grasping on the part of the western people. Theirs is a new country just being developed; the course of empire is that way; and therefore appropriations are naturally wanted there. The untold millions of acres of land that my vote has invariably been given for in all those appropriations in that direction, if they were told, would swell the aggregate to a very great amount. My honorable friend who sits before me [Mr. BROWN] has had an appropriation for a land-grant railroad, in which the alternate sections are taken to the corporators; I do not know what portions of Missouri or the entire West it covers, but it is very great. I do not mention it to complain of it. I am proud of it, glad of it; I have invariably voted for it; but I insist upon it that when an appropriation is to be made there is not to be substituted for argument any appeal or anything like a statement that we are to vote upon the idea that "this is for the West and you must not open your mouths upon the subject." I do not like that. That is not an argument; that is a sort of menace which ought not to be indulged in.

I have no objection to the appropriation of $1,000,000 for the purpose wanted here; I would vote $5,000,000 to-day if it were necessary for that purpose; nor have I an underestimate of the importance of the great river, the "Father of Waters." That is not the difficulty. No such consideration at all entered into the consideration of the committee. They were governed by considerations of altogether a different character. Let me state the precise point. Here we found in this bill an appropriation of $1,000,000 for the improvement of navigation on the Mississippi river at the Des Moines rapids. This same committee recollected that last year we appropriated $200,000 for the improvement of the Mississippi river at the Des Moines rapids. Why this change of phraseology? It implies a change in the nature of the improvement, does it not? Certainly. The next inquiry was, who authorized this change in the improvement? The history of appropriations shows that since 1854 we have been attempting to improve this part of the rapids under the direction of the War Department on a plan which was to blast the rocks from the bed of the river. That is the approved system and the approved plan on which all these appropriations have been made. The Committee on Commerce, being charged with the duty of examining and recommending these appropriations, said at once, "Who has changed this plan, which has been in vogue for the last twelve years, or recommends it?" Upon examining that question we find that nobody has recommended it; that there is no recommendation; that is to say, there is no recommendation which the Committee on Commerce are authorized to say to the Senate amounts to a recommendation. This, then, is an appropriation of $1,000,000 to go into an improvement which has not been authorized, which has not been recommended, and which of itself is a departure from that well-approved plan upon which the Government has been acting for the last twelve years. That is exactly the ground upon which the committee declined to recommend this appropriation.

It will be seen by the report to which reference has been made that the War Department instructed the engineer in charge of the work on the Mississippi river to make an examination of the Des Moines rapids with reference to their improvement. It will be seen that the young officer who has been engaged in that work—and I take no exception on account of his youth or inexperience, for if the War Department saw fit to detail him I think the presumption is that he was competent to his work—recommends a change in the plan of the improvement of the rapids at this particular point on the Mississippi river. Very well. Is it right or is it wrong? If it is right, I am ready to vote the million of money; but who says it is right? My honorable friend from Missouri [Mr. HENDERSON] does not say that. If he will stand up here and in the fervor and zeal with which he goes into this, say "this is right, and I recommend the Senate of the United States to vote for it on the ground that the thing is practicable and feasible and is proper to be done," that is one thing. Then you begin to touch bottom; then you find a basis on which votes can be predicated. But does he say that? Not at all. He argues that the Mississippi river is a vast river; the commerce of the river is very great; you do not comprehend it. That is not necessary. That does not touch the point; that is not an argument resting on the point. The question is, How shall the Mississippi river be improved? Shall it be on the approved plan on which we have been acting for the last ten or twelve years, that is, by deepening the channel, or will you depart from the channel of the river and make an artificial channel? That is not a settled question; that is an open question, and I do not understand the honorable Senator from Missouri to touch it or pretend to argue it; nor do I understand that he has a definite opinion whether that thing is practicable or not.

Mr. HENDERSON. It will be fixed under this amendment.

Mr. MORRILL. I shall come to that in a moment. Then we are to appropriate $1,000,000, upon what? Upon a plan on which the Government has not seen fit yet to enter. That is the reason the committee declined to recommend it.

Now, sir, what ought to be done? Wait. I submit, if we act in harmony with all the precedents, if we act in harmony with the ordinary usage on this subject, we must wait until the Government do recommend it, until it is examined by the engineer department and is recommended, and the plans and estimates are submitted. We have a right before we enter upon a scheme involving millions, as this does, to act with reference to the recommendations of the Government and the plans and specifications which are presented. It is said that the chief engineer has approved this new plan. I do not so understand. In a communication to the House of Representatives, under date of February 5, he says:

"Detailed maps, plans, and specifications will be forwarded as soon as the other important duties with which General Wilson is charged will permit."

I am not going to detain the Senate by an argument upon this point. What I mean to say is, that the Committee on Commerce did hesitate to recommend the appropriation of $1,000,000, not because they were not willing to improve the rapids, not because they grudged the appropriation or were illiberal, but because, acting on the precedents, they saw no reason to change the plan for the improvement of that river until the new plan had been submitted to the proper authorities and those authorities had recommended it, and then, in view of those recommendations, the committee might recommend it to the Senate, and the Senate, in view of the plans, specifications, and recommendations, might act intelligently.

With these views, I shall not vote to reduce the sum to $500,000. If the Senate say that the work shall go forward on this plan, which they have not seen, and which they cannot know the details of, then I agree that the suggestion of the Senator from Missouri nearest

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me [Mr. BROWN] is conclusive on us, and that is, that the estimate of the engineer being that $1,000,000 on this plan can be expended this year, that million ought to be granted now. If you are willing to take a leap in the dark, and are willing to take the recommendation of the engineer for the expenditure of $1,000,000 on this plan, take the whole of it. I shall vote, therefore, for the appropriation as recommended, if it comes to that, for there is no reason to divide it. If you authorize the War Department to embark on this new plan before you see it, before you know what it is, before you have any judgment on it; if those who are most interested in the work will stand up here and say that they know it is right, that they have seen it or inspected it and believe it is right, then go the whole figure, give the million, give what the engineer says he can profitably expend this year.

Of course, I wish to be understood as being in favor of adhering to the report of the committee to strike out this item, and waiting until the authorities having this matter in charge, under the instructions of Congress last year, bring in their plans and their specifications and their recommendations, and you send them to one of your committees having the general subject in charge, and that committee approve the plans and bring them back to the Senate for its judgment, and a report shall be made with an appropriation in harmony with them.

Mr. BROWN. The immediate question now before the Senate is whether this appropriation shall be reduced from $1,000,000 to $300,000. If I understand correctly the action which has been taken by the committee of this body, it has not gone into the question of the propriety of voting $1,000,000 or $300,000, but struck out the whole appropriation upon the technical ground stated by the Senator from Maine. It will be borne in mind, therefore, by the Senate, that when the Senator from Vermont moves this amendment to reduce the amount to $300,000, he does not act as the organ of the committee, he does not speak the sense of the committee; but it is a volunteer motion of his own, predicated upon his own judgment of what may or may not be needed, and not upon any evidence that has come to him from any of the Departments of the Government.

Mr. EDMUNDS. The sense of the committee was that you should not have anything at all.

Mr. BROWN. That is very true; but that is not the question before the Senate now. The question now is whether it shall be reduced from $1,000,000, which the engineer who has surveyed the work has estimated can be properly applied during one year, to $300.000, that would perhaps be totally insufficient for carrying on the work; and I say on that question the Senator from Vermont, who is so great a stickler for the authority of the Department and for the recommendations of the officers in charge, departs wholly and totally from the only recommendation which is before us, that is the recommendation of the officer who made this survey. If, therefore, we are to act at all; if we are to make an appropriation, I think we should follow the action which has been taken by the House of Representatives and make the appropriation estimated, that is the sum of $1,000,000.

This matter has not only been examined by the committee on the part of the Senate, but it has been examined elsewhere, and examined very thoroughly. It has been reported favorably by the committee of the other House; it has been passed by the House of Representatives, and it is only on the motion of the committee here, predicated upon a technicality, that it is designed to strike out the appropriation. I think the Senator from Maryland has shown very conclusively that all that is demanded by the committee in behalf of the judgment of the Department will be accomplished under the amendment which has been put upon the bill by the Senator from Iowa; that is, it will have first the approval of a board, it will have secondly the approval of the Secretary of War, as to the manner of carrying out this work. The Senator from Vermont seems to ignore altogether the necessity for carrying it forward at the earliest day. If it were a mere harbor appropriation it would matter very little, a harbor in which vessels could go and come irrespective of these obstacles, and in which the appropriation would be merely for some possible benefit; but here is a great river, bearing the greatest commerce in the world, which we all know to be obstructed by an impediment that is causing vast delays every hour, and why shall this thing be delayed for one year longer simply because the committee deem that this technicality has not been conformed to?

However, sir, I will not go into the question of liberality. I will leave Senators to settle that with their own consciences. I have no doubt the Senator from Vermont deals with this question conscientiously and as he believes his duty requires of him to do, and I have nothing to say against any action he may take. I rose simply to call the attention of the Senate to the fact that the question now is on the reduction of the amount from $1,000,000 to $300,000, and that on that question the Senator from Vermont does not represent any authoritative action of the committee.

Mr. EDMUNDS. That is entirely true, sir. The authoritative action of the committee was to strike out the appropriation altogether, and the main question on this amendment is on striking it out now, because after the amendment shall have been amended the resulting question will be on striking out the whole clause. We are merely attempting to perfect the clause, if it is to stand, as well as may be; but the question will be finally whether all we have put in now shall not be stricken out, so as to leave it as the committee recommended it should be left, with no appropriation at all. I think, therefore, I have a right, if I can give good reasons for it, to make this clause which it is proposed to strike out as unobjectionable as possible, lest if it stand it might bring us into difficulty.

Now, the question is what ought to be done, and that is the only question there is about it. The War Department have not recommended this appropriation. The previous engineers have recommended other ways of expending the money there than this canal; they recommended the improvement of the channel, and a great many thousand dollars have been expended in the improvement of the channel. Now, then, comes an engineer fresh from the war who, after looking it over one summer, decides that all that is wrong, and that an entirely new method of procedure ought to be adopted; and if it is adopted, he thinks $1,000,000, including the $200,000 already appropriated which would then leave the appropriation only $800,000, can be used this year. The House of Representatives has put in $200,000 more, in that view, than would be required. If we vote this $1,000,000, we vote it on the idea that a canal is the work to be constructed; but it remains to be determined whether a canal is the work to be constructed or not. The question, therefore, is whether it is not wisest, inasmuch as we determine nothing about the nature and character of this work, to keep these appopriations down so that we shall not overload the bill in such a way as to defeat all of them. That is the consideration which appeals to us.

Mr. CHANDLER. If my friend from Vermont will give way, I desire to interpose a motion that at five o'clock to-day the Senate take a recess until half past seven.

The motion was agreed to.

Mr. EDMUNDS. I do not wish to prolong this discussion, and I should have said no more but in reply to the observations of my friend, from Missouri, which were directed principally and personally to me. I do not claim that the Senate ought to adopt this amendment because I move it. I must yield the force of the argument to him on that; but I claim that if the Senate intend to let this clause stand at all, as my friend from Maine has demonstrated they ought not, the sum to be expended for this year ought to be reduced to $500,000, and I believe that is substantially satisfactory to one of the Senators from Iowa, who lives nearest to the point in question.

Mr. GRIMES. There is one thing, I think, upon which we all agree, and that is, that these rapids should be improved in some way or other. If there be a proposition contained in this bill to improve any stream or any harbor that has merit this is the one. I think that is confessedly the opinion of this body, and of all who know anything about the subject. Now, I do not think that it is wise to either ask for more than we can use or for so much as to repel some friends of the proposition from voting for it; and I therefore propose to the Senator from Vermont that he suffer his amendment to read $500,000, instead of $300,000.

Mr. EDMUNDS. It makes it $500,000, because it is additional to $200,000 previously appropriated.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. MORRILL. As I understand the proposition of the Senator from Vermont, it is to reduce the appropriation from $1,000,000 to $300,000, exclusive of the $200,000 already appropriated.

Mr. EDMUNDS. Certainly; it leaves $500,000 for the use of the work.

Mr. BROWN. This has nothing to do with the amount appropriated last year.

Mr. MORRILL. So I see; so that if this amendment of the honorable Senator from Vermont be agreed to we shall appropriate $500,000. That is the way it will be. I wanted the Senate to understand that voting for the proposition of the Senator from Vermont is to vote $500,000 to this work.

Mr. HENDRICKS. What became of the motion of the Senator from Iowa to reduce the amount to $500,000?

Mr. GRIMES. I cannot make that motion till after this is put.

Mr. HENDRICKS. I intend to support that proposition. I think $500,000 is enough, perhaps, to appropriate at this time; but an appropriation of $300,000 is entirely insufficient. I am a friend of this measure, if we have a bill of this sort, and therefore I desire to vote for the proposition of the Senator from Iowa, and I shall vote against this.

Mr. MORRILL. I understand the Senator from Indiana does not desire to vote for the proposition of the Senator from Iowa; for, as I understand him, he desires to vote $500,000 to this purpose.

Mr. BROWN. In addition to what has already been voted.

Mr. MORRILL. But I understand the honorable Senator to say that he desires to vote for $500,000. That is the motion of the Senator from Vermont.

Mr. HENDRICKS. Allow me to state exactly what I desire. I understand that there are $200,000 now at the control of the War Department for this purpose, and this bill proposes a million more.

Mr. GRIMES. I wish at this point to interpose an inquiry to the Senator from Vermont. Have not the expenses of the survey that has been prosecuted during the last season been paid out of the money that was appropriated a year ago?

Mr. EDMUNDS. Not at all, because there was a special appropriation for that.

Mr. MORRILL. By reference to the report of the Secretary of War, my friend from Iowa will see that $200,000 unexpended is returned as to the credit of this work. If, therefore, the Senator from Indiana supports the motion of the Senator from Iowa, he will be voting $700,000—only $300,000 less than the original proposition of the House.

Mr. HENDRICKS. The language of the bill is supposed to make an appropriation now of $1,000,000; that is the way it reads. I am

in favor of appropriating $500,000. That will be an appropriation by Congress indicating to the Department that this improvement shall be made upon some substantial and large scale corresponding with the ends to be accomplished. I shall support that motion, and not the present one.

Mr. KIRKWOOD. In my judgment if we reduce this appropriation according to the amendment offered by the Senator from Vermont we just fritter away the amount of money we appropriate; and we not only fritter away the money, but we delay by at least twelve months the improvement of that river, at a cost to the people living upon it of at least $250,000 a year.

Mr. EDMUNDS. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 31; as follows:

YEAS—Messrs. Chandler, Edmunds, Fessenden, Frelinghuysen, Morgan, Morrill, Pomeroy, Ross, Sherman, Sprague, and Sumner—11.

NAYS—Messrs. Anthony, Brown, Buckalew, Cattell, Conness, Davis, Dixon, Doolittle, Fogg, Fowler, Grimes, Harris, Henderson, Hendricks, Howe, Johnson, Kirkwood, Lane, McDougall, Nesmith, Norton, Patterson, Ramsey, Saulsbury, Stewart, Trumbull, Wade, Willey, Williams, Wilson, and Yates—31.

ABSENT—Messrs. Cowan, Cragin, Creswell, Foster, Guthrie, Howard, Nye, Poland, Riddle, and Van Winkle—10.

So the amendment was rejected.

Mr. GRIMES. I now move to amend the clause by reducing the sum appropriated from $1,000,000 to $500,000, as I indicated before that I would do.

The amendment was agreed to—ayes 23, noes not counted.

Mr. EDMUNDS. I move further to amend the clause by striking out the word "on" in the one hundred and fifty-ninth line, and inserting "of." It has been suggested in debate that the word "on" is a typographical error. If so, it should certainly be corrected.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the motion of the Committee on Commerce, to strike out the clause as amended.

The motion to strike out was not agreed to.

The next amendment of the Committee on Commerce was to strike out the following clause from lines one hundred and seventy-two to one hundred and eighty-three of section one:

For constructing works and improving entrance into the harbor of Michigan city, Indiana, the sum of $75,000 was appropriated by the act of June 23, 1866. Said amount shall be paid to the Michigan City Harbor Company: *Provided*, That it shall be first shown to the satisfaction of the Secretary of War that the sum of $100,000 has been expended by the said Michigan City Harbor Company in the construction of a safe and convenient harbor at that place: *And provided*, That the passage of vessels to and from said harbor shall be free, and not subject to toll or charge.

Mr. CHANDLER. I am authorized to modify the amendment of the committee by proposing to strike out the words just read and to substitute for them the following, which is to be the second section of the bill:

And be it further enacted, That the appropriation of $75,000 for constructing works and improving the entrance into the harbor of Michigan city, Indiana, made in and by the act approved June 23, 1866, shall be expended for the purpose aforesaid upon the terms and in the manner hereinafter provided for other appropriations under this act: *Provided*, That it shall be first shown to the satisfaction of the Secretary of War that the sum of $100,000 has been expended by the Michigan City Harbor Company in the construction of a safe and commodious harbor at that place: *And provided*, That the passage of vessels to and from said harbor shall be free, and not subject to toll or charge.

Mr. POMEROY. I do not see the difference between what is to be inserted and what is to be stricken out.

Mr. CHANDLER. There is a difference, and the amendment in this shape is satisfactory to all parties. The money was to be paid to the Michigan City Harbor Company by the bill. This amendment provides for its expenditure under the direction of the Secretary of War.

The amendment was agreed to.

Mr. CHANDLER. Now, to make the bill correspond, I move to strike out the enacting clause of the second section of the bill as it came from the House, and also the word "that," and to insert "and" at the end of line one, section two.

The PRESIDENT *pro tempore*. That correction will be made.

The next amendment was in section five, after "and" in line six to insert "to continue the survey of," and after "river" in line seven to insert "in accordance with the recommendation of General J. H. Wilson in his report of January 12, 1867;" so as to make the section read:

SEC. 5. *And be it further enacted*, That the Secretary of War is hereby directed to cause a continuance of examinations or surveys, or both, at the following points, namely: of the Mississippi river, above the Falls of Saint Anthony and between the Falls of Saint Anthony and Rock Island rapids; of the Wisconsin river, and to continue the survey of the Illinois river, in accordance with the recommendation of General J. H. Wilson, in his report of January 12, 1867. And he is also directed to cause plans and estimates to be made of the most practicable and effective mode of improving the harbor of Galveston, Texas, and of erecting suitable breakwater at that point.

Mr. CHANDLER. The Committee on Commerce have directed me to offer the following amendment, to come in in section four, line twelve:

At Block Island, in the State of Rhode Island, and the reefs in Lake Michigan, near the harbor of Racine, Wisconsin, with a view to a light-house and breakwater thereon.

The amendment was agreed to.

Mr. MORRILL. The committee have instructed me to move an amendment to come in at the end of section four, which is the section directing examinations and surveys to be made. I move to add to that section "and the Potomac river in the District of Columbia."

The amendment was agreed to.

Mr. MORRILL. I am instructed to move still further to amend the same section by adding after the words "Cape Elizabeth" in line ten the words "the Union river and the Gut opposite the city of Bath."

The amendment was agreed to.

Mr. CONNESS. I move to amend the fourth section by inserting after the word "namely" in line three the words "at the harbor of San Francisco, California, with a view to the removal of Blossom Rock, if the same shall be found necessary and essential to commerce."

The amendment was agreed to.

Mr. CHANDLER. The Committee on Commerce have directed me to offer the following amendment, to come in after line one hundred and sixty-seven of section one:

For building and operating one dredge and snag-boat on the Wisconsin river, $40,000.

Mr. EDMUNDS. I was unfortunately not present when the committee agreed to that amendment, and I should like to ask the chairman of the committee whether there is any recommendations from the War Department for it.

Mr. CHANDLER. Yes, sir, there is. I have it here:

"General Warren submits an estimate for employing a dredging-boat on this river to ascertain how far it is practicable to improve the stream by this plan. Its bars are formed of moving sand, like those of the upper Mississippi described in his report.

"For dredge and snag-boat, $25,000.

"Expense of operating one year, $15,000.

"Total first year, $40,000."

Again, the Department says:

"The views and recommendations of General Warren are concurred in by this Department."

Mr. EDMUNDS. Will the chairman be good enough to tell the Senate what were the considerations which prevented this being included in the bill originally?

Mr. CHANDLER. I lost the papers which were handed to me by the Senator from Wisconsin, [Mr. HOWE.] That was the way it happened.

The amendment was agreed to.

Mr. WILLIAMS. I offer this amendment to come in after line one hundred and seventy-one of section one:

To improve the navigation of the Willamette river, Oregon, below the city of Portland, $30,000.

I move this amendment after consultation with the Committee on Commerce and without any objection on their part; and it is in accordance with estimates submitted by the War Department. I hope there will be no objection to it. It is a very small appropriation, and if inserted will be the only one in the bill for the Pacific coast.

Mr. CHANDLER. Permit me to inquire of the Senator whether he has the recommendation of the War Department?

Mr. SHERMAN. Does it come from a committee? If not, it is not in order.

Mr. WILLIAMS. I have already stated that the committee have agreed to it.

Mr. SHERMAN. What committee?

Mr. WILLIAMS. The Committee on Commerce. I have consulted the members of this committee, and they have agreed that I might offer it. I do not see any reason why this item should be left out of the bill. It is a very small appropriation, and it is found in the estimates of the War Department. There is the same reason for making this appropriation that there is for making the others.

Mr. NESMITH. I desire to state in connection with this subject that our entire State has had but $15,000 appropriated for these improvements. At the last session $15,000 was appropriated for the purpose of improving the navigation of the upper Columbia river, which is on our northern border. We now ask $30,000 for the improvement of the Willamette river; and the report of the Engineer Bureau, which is before me, shows that in the last two years the city of Portland has expended $60,000 in building a snag-boat, dredger, &c., and in improving the river. The city has the necessary boats, which can be loaned to the Government, and all we ask is this small appropriation to carry on the work. An immense commerce passes over this river. It is the great avenue of the commerce of the State of Oregon, eastern Washington, Idaho, and a large portion of western Montana.

Mr. EDMUNDS. I move to amend the amendment by striking out the words "below the city of Portland," if those are the words indicating the particular part of the river where the money is to be expended. I fail to find in the report of the War Department any distinction between one part of the river and another; and I think it ought to be left to the Department and the engineers to decide where this money ought to be expended. The introduction into the amendment of the particular part of the river is quite unusual and does not seem to be warranted by anything that we have from the Department.

Mr. NESMITH. I will state that no attempt has been made to improve the navigation of the river at any other point than that specified; but, so far as I am concerned, I have no objection to the proposed modification.

Mr. WILLIAMS. I will state for the information of the Senator from Vermont that Portland is the head of navigation of the Willamette river for ocean steamships and sailing vessels, and that above the city of Portland the river is only navigable in the summer time for boats of very light draft; and twelve miles above the city of Portland are the falls of the Willamette; so that this appropriation ought to be made for the improvement of the river below the city of Portland, the object being to improve the river so that ocean steamships may not be obstructed. The city of Portland is located twelve miles up the Willamette river from the Columbia, and there is a bar between the city and the Columbia river that obstructs to some extent the navigation for ocean steamships. When the water is low there is difficulty in crossing that bar. The city of Portland has expended $60,000 of its own money, has constructed a dredging-machine, and last year $15,000 was

appropriated for the purpose, and this is required to complete the work.

Mr. EDMUNDS. The explanation is satisfactory to me, but it did not appear by the papers. I withdraw my amendment to the amendment.

The amendment of Mr. WILLIAMS was agreed to.

MILITARY ACADEMY APPROPRIATIONS.

Mr. SHERMAN, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 912) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1868, and for other purposes, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 912) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1868, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their third amendment.

That the House recede from their disagreement to the first amendment of the Senate, and agree to the same with an amendment, as follows: strike out all of said amendment and insert in lieu thereof the following as a new section to come in at the end of the bill:

SEC. —. *And be it further enacted*, That no part of the moneys appropriated by this or any other act shall be applied to the pay or subsistence of any cadet from any State declared to be in rebellion against the Government of the United States appointed after the 1st day of January, 1867, until such State shall have been restored to its original relations to the Union.

And the Senate agree to the same.

JOHN SHERMAN,
IRA HARRIS,
J. R. DOOLITTLE,
Managers on the part of the Senate.

R. P. SPALDING,
JOHN A. KASSON,
C. A. ELDRIDGE,
Managers on the part of the House.

Mr. WILSON. I should like to know why the third amendment of the Senate is stricken from the bill.

Mr. SHERMAN. There were only two questions in controversy between the two Houses—the first and third amendments of the Senate. The first amendment was one striking out certain provisos in the bill. The House of Representatives now withdraw their objection to striking them out, we inserting the body of the first proviso in a new section, declaring that no money should be paid for the support of cadets appointed from the rebel States after the 1st of January, 1867. In regard to the third amendment, which was inserted on the motion of the Senator from Massachusetts, both the House and Senate conferees thought it was not necessary after an examination of the subject. The House refused to concur in that amendment, and we yielded. That amendment provided that the chaplain should be relieved from certain duties. That can be done now without any law, and it is unusual to prescribe rules and regulations for the government of the Academy by a law. The Senator from New York, [Mr. HARRIS,] who is very familiar with the working of the Academy, gave us his judgment that it was not at all necessary. Then the last clause of the amendment seemed to restrict the power of the military authorities over parades. We thought it unwise to do so; at any rate, the House refused to concur in that amendment, and the Senate conferees agreed to recede from it.

Mr. WILSON. I suppose we must acquiesce in this decision, but I think it is a great mistake. I have no doubt on that point. Our amendment was recommended by the Board of Visitors. I think it is right, and it is the only way we shall ever reach it. The management of West Point has not been such as to satisfy the country in that particular. I am sorry that the committee have agreed to recede from that amendment, but I shall not make a contest on it.

The report was concurred in.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a copy of a letter of the 12th instant, addressed to him by his Excellency Lucius Fairchild, Governor of the State of Wisconsin, and of the memorial to Congress concerning the Paris Exposition, adopted by the Legislature of the State during the present session; which was ordered to lie on the table, and be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 590) for the relief of William Mann and Jacob Senneff;

A bill (H. R. No. 811) for the relief of certain drafted men; and

A bill (H. R. No. 1188) for the relief of James Tetlow.

EXECUTIVE SESSION.

On motion of Mr. SHERMAN, the Senate proceeded to the consideration of executive business. At five o'clock the doors were reopened, and the Senate took a recess until half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

ADJUSTMENT OF PRIVATE LAND CLAIMS.

Mr. HARRIS. I move that the Senate take up Senate bill No. 578, a bill reported from the Committee on Private Land Claims. It will take but a moment.

The PRESIDENT *pro tempore*. The Chair can entertain the motion only by unanimous consent, another subject being before the Senate.

Mr. RAMSEY. What becomes of the river and harbor bill?

The PRESIDENT *pro tempore*. The Chair states that that is before the Senate, and no other motion can be entertained unless by unanimous consent.

Mr. RAMSEY. I desire to move an amendment to that bill predicated upon the estimates of the War Office, with the consent of the chairman and of a majority of the Committee on Commerce.

Mr. HARRIS. I ask the Senator from Minnesota to give way for a moment until I can get this bill passed. The other can be passed over informally.

The PRESIDENT *pro tempore*. The motion of the Senator from New York can be entertained only by unanimous consent. No objection being made, the bill before the Senate will be laid aside informally by common consent, and the bill indicated by the Senator from New York be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 578) to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes." It proposes to extend the provisions of the act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes, approved June 22, 1860, for a period of three years from and after the passage of this act.

The bill was reported to the Senate without amendment.

Mr. HENDERSON. Before the passage of the bill, I should like to hear the provisions of the bill which it proposes to continue in force for three years read.

Mr. HARRIS. I can state them in a moment, so that the Senator from Missouri will be satisfied. In 1860 an act was passed authorizing persons who claimed lands in two or three States, mentioned in this bill, to produce the evidence of their claims before the land officers of the district, produce the proof, and that proof was to be reported by those land officers to the Commissioner of the General Land Office, and the Commissioner of the General Land Office was to report it to Congress. It was to come before Congress. It allows proof of these claims under foreign grants before the territory was ceded to the United States to be presented. This act was passed in 1860. Certain individuals prepared their proof, but were interrupted in producing it before the Commissioner of the Land Office by the rebellion. This bill extends the provisions of that act, which was for five years, three years to enable them to complete their proofs. That is the whole of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

REPORT OF A COMMITTEE.

Mr. VAN WINKLE, from the Committee on Pensions, to whom was referred the petition of Annie E. Dixon, submitted a report accompanied by a bill (S. No. 630) granting a pension to Annie E. Dixon.

The bill was read and passed to a second reading, and the report was ordered to be printed.

BILL INTRODUCED.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 182) for printing additional copies of the Appendix to the Diplomatic Correspondence of 1865; which was read twice by its title, and referred to the Committee on Printing.

RIVER AND HARBOR BILL.

Mr. SUMNER. I move that the Senate proceed to the consideration of House bill No. 1051.

Mr. RAMSEY. I think we had better proceed with the river and harbor bill.

The PRESIDENT *pro tempore*. That bill is before the Senate.

Mr. RAMSEY. I wish to move an amendment to that bill.

Mr. SUMNER. Allow me one moment.

Mr. RAMSEY. There are several other gentlemen who desire to call up bills, and I think we had better proceed with the important bill that is regularly before the Senate.

Mr. SUMNER. Give me one minute.

Mr. RAMSEY. Here are two other gentlemen on my right who want a minute also.

Mr. SUMNER. Just a minute.

Mr. RAMSEY. I would if it were possible.

Mr. HENDRICKS. I will ask the Senator from Minnesota to allow me to call up a bill for the relief of a naval officer, which cannot become a law at this session unless it is passed to-day or to-morrow.

Mr. SUMNER. I hope we may have ten minutes or so to dispose of some small matters.

Mr. CHANDLER. There are at least twenty bills that gentlemen want to dispose of, and I fear we shall be very late in getting through with this.

Mr. SUMNER. Let us have ten minutes.

Mr. CHANDLER. I should be most happy to accommodate the Senator, but if I yield to him I shall be obliged to yield to a dozen more.

Mr. HENDRICKS. Will the Senator from Minnesota yield to me for the purpose I have indicated?

Mr. RAMSEY. This bill is in the charge of the Senator from Michigan. It is the river and harbor bill. I should be very happy to accommodate the Senator, but there are two gentlemen on my right and three on my left who are making the same appeal.

Mr. SUMNER. If we have ten minutes I think we could pass as many bills almost.

Mr. RAMSEY. We shall get through with this bill, I imagine, in a short time, and then there will be an opportunity for passing all these miscellaneous bills.

Mr. CHANDLER. No; I shall then want to go on with another bill.

Mr. RAMSEY. I am an innocent party between the chairman of the Committee on Commerce, who has charge of the river and harbor bill, and these other gentlemen who are making appeals to me. I have nothing to say about it. I should be glad to accommodate them.

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The PRESIDENT *pro tempore*. The Chair can entertain no motion in regard to any other bill except by common consent.

Mr. WILLEY. I will ask the chairman of the Committee on Commerce to allow me to bring up a little bill that will take but a moment.

Mr. CHANDLER. I should be most happy to accommodate all these gentlemen; but really there are so many of them that if I give way at all, I shall have to give way in every case; and I insist on going on with the bill. I regret it exceedingly; but I cannot possibly give way in all cases.

Mr. RAMSEY. I have sent an amendment to the desk.

The PRESIDENT *pro tempore*. The Chair will have it read the moment debate on these incidental questions ceases. The bill (H. R. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes, is before the Senate as in the Committee of the Whole, and the Senator from Minnesota proposes to amend the bill by inserting on page 8, after line one hundred and seventy-one, the following:

For removing snags and boulders throughout the Minnesota river, $37,500.

Mr. RAMSEY. I will simply state that an estimate for this sum for this purpose was submitted by the War Department, predicated upon the survey of General Warren of that river, and that I have the assent of the chairman of the Committee on Commerce, through its chairman and a majority of its members, to offer this amendment. The river Minnesota has never heretofore had any money appropriated to its improvement. It is a river of about three hundred miles of navigation, draining a country about as large as the State of Indiana, and one of the most fruitful countries in the Northwest—an immense wheat-producing region. It is, of course, the interest of the people of the East who consume this wheat, as well as of the farmers who produce it, that its transportation should be made as cheap as possible. The cost of transportation is an immense item with us, and the wheat that is raised with great labor and expense yields a mere trifle to the producer when it reaches a market after the cost of transportation is paid. I hope the Senate will consent to this amendment.

Mr. CHANDLER. I will ask the Senator if there is any report from the Secretary of War approving it?

Mr. RAMSEY. Yes, sir; it is estimated for.

Mr. FESSENDEN. I should like to hear the amendment read again.

The Secretary read it.

Mr. FESSENDEN. I should like to inquire if that is recommended by the Secretary of War or the engineer department.

Mr. RAMSEY. Yes, sir; as I understand, this report of General Humphreys is substantially indorsed by the Secretary of War.

Mr. FESSENDEN. There are no recommendations there.

Mr. RAMSEY. Yes, sir; on page 8 of the report of General Warren of his survey of the Upper Mississippi and Minnesota rivers, there is an estimate of $37,500 for removing the snags, boulders, &c., throughout that river.

Mr. FESSENDEN. Who is that from?

Mr. RAMSEY. General Humphreys.

Mr. FESSENDEN. That is no estimate, no recommendation.

Mr. RAMSEY. He recommends it certainly.

Mr. FESSENDEN. I understand that the Secretary of War merely sends in these as reports made by the officers, with no recommendation.

Mr. RAMSEY. All these recommendations of General Warren are indorsed by General Humphreys. There are many others; but I have very modestly refused to present any but this one. I will state to the Senator that although this is the first appropriation of one dollar, a survey was generously ordered by the last Congress, and a small amount of money appropriated for a survey of the Mississippi river above the upper rapids and the Minnesota river, a navigation of eight hundred miles. Although a million people live upon those waters and the trade of that amount of people will be accommodated by this improvement, not one dollar had before been appropriated even for a survey. The survey was as thoroughly made as could be made by that efficient, energetic, and able officer, General G. K. Warren, in the short time allowed, from August to the close of the season of navigation; and as the consequence of that report we come here and ask for this appropriation. All we get by this bill is $96,000 for the improvement of the Mississippi above the upper or Rock Island rapids. You are appropriating $500,000 here for the lower rapids and hundreds of thousands for points below. Almost all the trade that makes the rapids and its navigation important, that makes all the navigation of the lower river valuable, is the trade we send down there, the trade gathered out of this Minnesota river that courses through Minnesota from its eastern border to the west, and drains even the Territory of Dakota and the whole of western Minnesota. All we get in this bill for all that immense region, with a thousand miles of the Mississippi river within the State of Minnesota is $96,000; and now I ask $37,500 for the Minnesota river. You have given to some States almost a million dollars. It is true that we are a young State, and comparatively a small State; but I advise Senators that we are growing very rapidly. We added one hundred thousand to our population last year by immigration: our growth is very great; and it would be proper to anticipate the necessity for this improvement, even if it were not immediately wanted; but it is wanted now. I trust the Senate will consent, inasmuch as the committee agreed to this, to allow this small appropriation to go in the bill.

Mr. FESSENDEN. What committee have agreed to it?

Mr. RAMSEY. The Committee on Commerce—a majority of the committee.

Mr. FESSENDEN. Has it been considered by the Committee on Commerce?

Mr. RAMSEY. Yes, sir.

Mr. FESSENDEN. And recommended by that committee?

Mr. RAMSEY. Its chairman tells me so. After you appropriate this $37,000, you have only given us $130,000, with a thousand miles of river in our borders. And do you ever hope to develop the country unless you give some money for the improvement of navigation?

Mr. FESSENDEN. I wanted to know if it came from a committee?

Mr. RAMSEY. I am informed by the Senator from Michigan that it does come from the Committee on Commerce; and with their consent I move it.

Mr. HENDERSON. I should like to ask my friend from Minnesota in what way this money is to be expended? It seems to be for removing snags and boulders from the Minnesota river. I suppose it would be necessary to have a snag-boat in order to accomplish the purpose.

Mr. RAMSEY. There is a provision in the bill as it stands appropriating $96,000 for snag-boats upon the Upper Mississippi river, which can be used upon the Minnesota river.

Mr. HENDERSON. I am not unfriendly to the amendment. My reason for speaking of it was that it struck me the amount was too small to accomplish the purpose.

Mr. RAMSEY. It is the amount estimated for by the Engineer of the War Office.

Mr. HENDERSON. I am not unfriendly to it, but friendly.

Mr. RAMSEY. So I understand the Senator.

The amendment was agreed to.

Mr. CHANDLER. In line fifty-seven of section one after the word "Sandusky" I move to insert "harbor, bay, and;" so that it will read:

For improvement of Sandusky harbor, bay, and river, from Frémont to Lake Erie, in Ohio, $20,000.

They are all connected together. It is a mere verbal amendment.

The amendment was agreed to.

Mr. SPRAGUE. I move to amend the bill by inserting after line one hundred and seventy-one of section one, on page 8, the following:

For improvement of Providence river, Rhode Island, off Pawtuxet bar and at the Crook, $25,000.
For improvement of the Pawtucket river, Rhode Island, $17,000.

Mr. CHANDLER. I should like to inquire of the Senator if he has a recommendation from the engineer department for that appropriation.

Mr. SPRAGUE. The recommendation I hold in my hand is from the Coast Survey and the Secretary of the Treasury.

Mr. CHANDLER. We have thus far taken no recommendations except from the engineer department of the War Office.

Mr. FESSENDEN. It comes within the rule, whether it comes from the one Department or the other.

Mr. SPRAGUE. The Senator from Maine tells me that the amendment is within the rule, whether the recommendation comes from the Secretary of War or the Secretary of the Treasury. The recommendations are full and ample. The work is undoubtedly necessary.

Mr. KIRKWOOD. I wish to inquire whether this amendment has the assent of the Committee on Commerce?

Mr. EDMUNDS. It has not.

Mr. KIRKWOOD. As I understand, it cannot be offered without the approbation of that committee.

The PRESIDENT *pro tempore*. The Chair does not understand such to be the rule. Amendments to an appropriation bill involving an increased expenditure cannot be offered without the recommendation of some committee or of the head of some Department. The Chair thinks that the rule goes so far, but not exclusively in favor of one committee.

The question being put, there were on a division—ayes six——

Mr. HENDRICKS. I ask that the amendment be again read.

The Secretary again read the amendment.

Mr. SPRAGUE. Let me state once more to the Senate that I hold in my hand the recommendation of this appropriation by the Coast Survey and the Secretary of the Treasury. Upon the petition of very many of the principal inhabitants of that section soliciting the attention of the Government to this important matter, an officer of the Coast Survey was stationed there, and he has reported favorably. The Superintendent in charge of the Coast Survey recommends Congress to assent to that report, and the Secretary of the Treasury unites in that recommendation.

There can be no delay. Obstructions exist and those obstructions are accumulating. Which, then, is the proper Department from which to obtain the most perfect report. Is it the War Department or that Department that takes cognizance of the commercial affairs of the country. How long is it since the Committee on Commerce held this close alliance with the War Department. The object of a report from the War Department is to see that no greater appropriation is made upon works that are feasible, and for the thorough performance of the work. The policy of the work belongs to Congress, and Congress should act upon the report from that Department that is established to represent the commercial affairs of the country and to facilitate commerce. Here, then, you have a report from that Department favoring the policy of this work, and with it comes a detailed report more perfect than any engineer's report would be likely to be. I have myself examined that report and I speak from knowledge.

Mr. HENDRICKS. I will ask the Senator

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if this amendment is proposed by the committee?

Mr. SPRAGUE. I understood that I had the assent of the Committee on Commerce to move the amendment.

Mr. HENDRICKS. If it comes from the Committee, I have no objection to it; but if it does not, I object to it.

Mr. SPRAGUE. The only difference is this: the chairman suggested that it should be reported favorably from the Secretary of War. It was not understood by those who had the matter in charge that it should go to the Secretary of War for his approval. It therefore went to the Secretary of the Treasury, and it has passed through both the Treasury Department and the Coast Survey Office.

Mr. HENDRICKS. It is a question of order that I raise, whether it is reported from the committee.

Mr. CHANDLER. No, sir, it is not reported from the committee. It has not the sanction of the committee. The recommendation comes from the wrong source. It is reported from the Coast Survey instead of the War Department. The committee have recommended no appropriations that were not recommended by the engineer department of the War Office, and this came through the wrong channel, I am sorry to say. I should have been glad if it were otherwise; but as it stands it is entirely outside of the action thus far of the committee.

Mr. SPRAGUE. I am just as sure as that I stand here that had this matter been presented to the Committee on Commerce they would have sanctioned it, coming as it does from the Secretary of the Treasury and from the Coast Survey. It was simply an error on the part of those who had the matter in charge in sending it to the Secretary of the Treasury instead of the Secretary of War. In fact I did not know myself what course to pursue, and was surprised when I was informed that it should go to the Secretary of War.

It is true that this is a river the head of which is in a State with a small population; but that State pays one fortieth part of the revenue of the country, when you consider the sums her citizens pay in their own State, in other States where their business operations are carried on, and by the consumption of articles imported, which pay imposts. Rhode Island is not in the habit of asking of Congress or of the General Government appropriations. I know of few in my experience. This is one of a few that I have ever asked for. The people of that State generally pay for such improvements themselves. Providence city has expended large sums in this behalf, and they would be willing to do so in this case perhaps; but the commerce of the country entering that river, distributing its supplies to almost every State in New England, at any rate as much in Massachusetts as in Rhode Island, as much almost in Connecticut as in Rhode Island, and who now asks that this improvement shall be made.

Mr. President, if this bill means anything, it means that we are to improve the rivers and harbors of the country, and so long as the proposition that I have offered has been carefully and thoroughly investigated, it seems to me whether it is presented with the sanction of the Secretary of War or the Secretary of the Treasury makes but little or no difference. It has been well considered. The improvement is necessary. The commerce, not of one State, but of six States is dependent upon the removal of obstructions which through sand-bars and otherwise fill up the river and impede commerce. Sir, there is no appropriation in this bill more important to the West and to the East than the one I now advocate. Examine for yourselves the western productions entering this country. Indeed I hardly know of one that is half as important as the one I now urge upon the consideration of the Senate.

Mr. CHANDLER. I suggest to the Senator from Rhode Island that he place these two items in section four for investigation and for estimate from the proper Department. It is very possible that the estimates from the Coast Survey may be just as reliable as those from the War Department. We might by law place these expenditures under the charge of the Secretary of the Treasury if we saw fit to do so, but we have placed them under the charge of the Secretary of War, and we have thus far received no estimates or surveys and acted upon none except through the War Office; and unless the Senate see fit to transfer these appropriations to the Secretary of the Treasury, we must continue to be governed by the estimates from the War Office. I suggest to the Senator from Rhode Island that he place those two rivers in section four for estimates and surveys through the proper channels, and then in another year we can act upon them in accordance with the rules of the Senate and House. If these appropriations were put on here they would be stricken off in the House. I hope the Senator will accept my suggestion and place them in section four.

Mr. FESSENDEN. I wish to inquire whether this motion of the honorable Senator from Rhode Island is not entirely in order?

The PRESIDENT *pro tempore*. In the opinion of the Chair it is, clearly.

Mr. FESSENDEN. Then I would inquire what difference it makes whether the recommendation comes from the one department or the other? Here, on the one hand, is a young engineer, fresh from West Point, who examines a western river and makes estimates which he sends to the Secretary of War, and the Secretary of War sends those estimates in a lump to Congress without adding his own recommendation in any shape or form. I do not understand from anything I have heard in the debate, or anything I have seen, that there has been a single one of these estimates, so called, made by the engineer department that has been made the foundation of a recommendation by the Secretary of War himself. If I am in error about this the Senator from Michigan will correct me.

Mr. CHANDLER. The Secretary of War has sent in as his own, adopted by him, the report of the engineer-in-chief.

Mr. FESSENDEN. Exactly; but where is his recommendation that these appropriations be made?

Mr. CHANDLER. He simply adopts the recommendation of the engineer.

Mr. FESSENDEN. Adopts them by having them printed and sent to Congress as the report of the engineer department, without saying one single word whether he approves it or not, as I understand. If I am in error in this, let the Senator show me the part or point of the report of the Secretary of War in which he recommends these appropriations in any other wise than by sending them in a lump to Congress as estimates by the engineer department. The amount of it is he does not know anything about them. All he knows is precisely what is reported to him, and he does not pass his own judgment upon it in any shape or form. Understand me: I do not object to it on that account, not in the slightest degree. If there is any deficiency there, it has been made up by the examination of the committee who do recommend the appropriations, which brings them within the rule. Without the recommendation of the committee they would not come within the rule.

Now, here is an eastern river, which has been thoroughly examined by the Coast Survey. Everybody knows the carefulness with which they make their examinations; everybody knows the skill with which those examinations are conducted; everybody knows how reliable those examinations are in all particulars. That report, having been made to the Treasury Department, the Secretary of the Treasury specifically recommends these appropriations. Now, I should like to know why this estimate does not stand just as well as if it came from a young engineer who has just gone on and made his estimates, and why it is not entitled to as much consideration? Senators say it does not come from the proper Department. The law does not place any of this work under any particular Department except as appropriations have been made and the War Department has been authorized to expend the money.

Mr. CHANDLER. Let us vote upon it.

Mr. FESSENDEN. Very well; if the amendment of my friend from Rhode Island is to be voted on and agreed to, I have nothing further to say. I do not talk for the sake of talking.

Mr. CHANDLER. As no quorum was shown on the last vote, I ask for the yeas and nays on the amendment, in order to show that there is a quorum present.

The PRESIDENT *pro tempore*. No vote disclosing the want of a quorum has been taken. The vote on the amendment was counted on one side and not on the other.

Mr. CHANDLER. Then I will ask for another division.

The question being again put, the amendment was agreed to; there being, on a division —ayes twenty-two, noes not counted.

Mr. EDMUNDS. I move to amend the bill on page 4, by striking out lines seventy-five and seventy-six of section one, in the following words:

For improving harbor of Lac la Belle, Lake Superior, $46,000.

I am reluctant, of course, to make a motion of this description against the wishes of my distinguished friend, the chairman of the committee, who represents the State in which this appropriation is to be expended; but the facts compel me, acting upon a sense of duty, to make the motion and to state the circumstances of the case to the Senate. It involves an expenditure of $100,000 or so, which is of course a mere bagatelle; but it may be worth saving.

The Lac la Belle Harbor Improvement Company is a corporation established under the laws of Michigan, and by the laws of Michigan, which I have at my desk, and is entitled to charge tolls for the passage of vessels through its canal, excepting the public vessels of the United States. This Lac la Belle Harbor Improvement Company is a corporation authorized by the laws of Michigan to build a canal from Lake Superior to Lac la Belle, which is a small lake or pond about three fourths of a mile from the shore of Lake Superior inland to the eastward of Keweenaw Point. The land between those two points is a level sand plain, only elevated six feet above the level of Lake Superior. The purpose of this corporation is to build this canal, making profits from its tolls, and opening this little inland lake as a harbor of refuge for vessels, and opening certain mines in the mineral region of that section of the State. On the 3d of July, 1866, this Congress granted to the State of Michigan, for the benefit of this particular work, one hundred thousand acres of the public lands in the vicinity of that lake, excluding the mineral lands that had then been designated as such, but including all that had not then been designated as mineral lands. The report of the engineers upon this subject is as follows:

"*Improvement of the harbor of Lac la Belle, Lake Superior.*—This is a small inland lake, about two miles in length, half a mile wide, and thirty feet deep, distant about three quarters of a mile from Lake Superior, and debouching on the south side of Keweenaw Point. A canal to unite this with Lake Superior has been in progress for two years past, the entrance into the latter being extended by carrying out piers to make the opening permanent. Great difficulty has been experienced in making the sides of the cut"—

I beg Senators to notice the language, "the sides of the cut," not the piers or the harbor in the lake at all, but the sides of this identical canal, which is private property—

"permanent, in consequence of the character of the soil, which is light shifting sand, and this difficulty was increased by piling a large part of the excavated material on the sides of the canal.

"The greatest height of the land through which the cut passes does not exceed six feet above the surface of the lake. In August last the canal had been cut through and piers had been carried into Lake Superior twelve feet wide, four hundred and forty feet long on the south side, and two hundred and twenty seven feet on the north side of the cut; the

least depth of water in the cut being eight and a half feet. It was proposed to prolong the piers until that on the south side should be six hundred and thirty-six feet, and on the north side six hundred feet long, which would bring them into sixteen feet water. A law of Congress, approved July 3, 1866, granted to the State of Michigan one hundred thousand acres of land to aid in the construction of this canal, the dimensions to be at least one hundred feet wide at the top, seventy-five feet wide at the bottom, and to have a depth of water through the entire length of at least twelve feet. This will, it is thought, be sufficient for the commerce of the place. It is doubted, however, whether these dimensions can be preserved without further protection to the banks of the canal, which will be constantly abraded by the motion of the water caused by the waves of Lake Superior and the passage of vessels through the cut. This protection may be afforded by a double row of sheet-piling on both sides of the canal, driven at the present water's edge—the prism of sand to be dredged out. In case no further donation of lands is granted, the following amounts will be required for this purpose: amount of appropriation at last session of Congress, 1866, $———; estimate for permanent completion of work, $92,000; amount required for next fiscal year, $46,000."

Now, upon that the House bill has inserted an appropriation of $46,000 to go into the pockets of this canal company in building the identical canal that they have got one hundred thousand acres of land already granted to them to build, and in respect to which they are entitled to charge the whole commerce of the lakes tolls for its passage into that lake. I think I am safe in saying this is the first instance in the history of the country when public money has been devoted to the private uses of a private corporation.

Mr. CHANDLER. The Senator is under a misapprehension all the way through from beginning to end. In the first place, up to this date not one single farthing has been expended upon the harbors of Lake Superior, nor is there a harbor on Lake Superior at all. The whole coast of Lake Superior is open to the storms from the northeast, the north, and very much exposed even from the northwest, and there is no harbor on all the American coast of Lake Superior, even of refuge in case of a storm. Keweenaw Point extends a long distance down into Lake Superior. About twelve miles from the point is a little lake called Lac la Belle, about two miles in length and about half a mile in breadth, with very deep water—a harbor large enough to protect all the fleets of all the lakes. A year ago one hundred thousand acres of land were granted to the State of Michigan to open a canal of about half a mile from the lake into this Lac la Belle. That canal has been made, and steamboats of the largest class now pass in to Lac la Belle. As the Senator says, it is not yet finished; but it is to-day a safe and secure harbor of refuge. It is about equidistant from Marquette, Eagle Harbor, Eagle river, Ontonagon, and all the principal points on that lake; and here you get by this point of land—I will have the map here in a moment; I have sent for it—a safe harbor, if you can enter into it; that is, you must get in through this canal into the harbor, or it is no harbor at all, as a matter of course.

I have now got the map. [Exhibiting it to the Senate.] Here is Keweenaw Point, extending off into the lake, as every Senator can see, and twelve miles inside this point is Lac la Belle, and here is a harbor of refuge, as you will see, protecting the whole of Lake Superior, commenced last year under an appropriation of one hundred thousand acres of land from the Government of the United States. They have dug that canal; it is not quite finished; and now the War Department recommends an appropriation of $46,000 to make that a perfect and safe harbor.

Mr. President, if there is a single appropriation in this whole bill that ought not to be stricken out it is for that harbor there. It is the only harbor of refuge there is on Lake Superior to-day. True, it is not a place of large commerce, but there are mines around it, and it is springing up to be a place of considerable importance. As a simple harbor of refuge it is absolutely indispensable. It stands precisely upon the same basis as every other appropriation in the bill; and I ask the Senate whether they will abandon the whole of that commerce of Lake Superior without one single harbor.

Mr. McDOUGALL. I agree with the chairman of the committee, that as a harbor of refuge for many years this has deserved more than any other port that lies along the shores of Lake Superior or Lake Michigan. It is not because it is a harbor where vessels can be built, or builded if you please, but it is a great harbor of refuge needed, demanded by the interests of Lake Superior, the greatest sea there is in the West. I trust that with due regard to the demand of the interests of the West this port—I do not call it a harbor; I call it a port particularly—may be regarded, and $50,000 is not a large numeral for the purpose of accomplishing the object. I trust the chairman of the committee may be supported in this appropriation.

Mr. POMEROY. I do not like to oppose any of these appropriations, because I do not know precisely on what principle the appropriations have been reported, whether it was to give so much indiscriminately to every harbor, or whether it was because money was needed, and more in one place than another; but this Lac la Belle is no stranger to us. I can remember when parties in this interest appeared before the Committee on Public Lands and assured us that if we appropriated a quantity of public land they would not only be able to build the canal, but make a most perfect and complete harbor; and finally they said if they could have the even sections—the odd sections in that country had been given to a railroad—but if we would depart from our usual course and report a bill giving them the even sections, so that they could have one hundred thousand acres of the public land, it would be such a subsidy that they would be able not only to build a harbor and canal, but to side it up. I believe the committee, however, did not yield the point so far as the even sections were concerned, but they did report a bill giving them one hundred thousand acres. I thought at that time it was a magnificent donation, because it was given to a company. If it had then been supposed we were to add a donation of money to it, I do not think the appropriation could have been carried in the committee. But if these appropriations are all to pass and none to be scrutinized, perhaps opposition to this one would be considered invidious. From the way in which the bill appears to have been reported, it seems as if we were to enter upon a wholesale business of improving the harbors of the country by giving them all about so much, whether there be any public necessity for it or not; but as this company have had a donation of land, I think we ought at least to have that appropriation spent; they ought to have time to spend all that before we make an additional appropriation. I shall, of course, support the amendment to strike out this clause.

Mr. McDOUGALL. About the invidiousness of advocating propositions like this the Senator from Kansas should say but little; for he has asserted and fought for more things, and Kansas has, than any who have come before the Legislature of the Government of the United States—fought for them well. I do not dispute that. He fought for them, I may say, successfully; but it does not lay in the mouth of the Senator from Kansas to raise questions like this. I do not care to indulge in any argument on this subject; but the Senator knows well that Kansas has given us more trouble about improvements on the frontier and our progress there than any other part of the Union; and I take occasion now to remark the fact, not to be disguised, that the Senator from Kansas and his colleague, who is now gone to his fathers, did make more trouble about progress between the Rocky mountains and the coasts of the Pacific than any two men who ever sat in the Senate Chamber. It does not exactly suit me that he should rise in his place and undertake to discourse about a subject with which he is only imperfectly acquainted. I am better informed myself, far better informed than he is. I understand the conditions of the mountains and their necessities. I have been disturbed, disturbed much by the Senator from Kansas and his former colleague, now gone, by questions raised, where the question was—not what was the truth, but what would pay in Kansas; and they have made it pay in Kansas. [Laughter.]

Mr. HENDRICKS. I think if the Senate would give any attention to this matter there would be no votes for this clause of the bill; the proposition to strike it out would be adopted by the unanimous vote of the body. At the last session of Congress this corporation filed a petition for a grant of lands to make this canal, and I recollect very well the discussion in the Committee on Public Lands in regard to it. I was very reluctant to vote for that bill, because it was a purely local work, and there were very few persons to be benefited by it. I did not hear anything said then about a harbor of safety, a harbor of refuge. But there are some mineral interests there; there are some gentlemen engaged in mineral pursuits; and they have to carry their ores to a very considerable distance at an expense which will be avoided by making this canal. The owners of these mines had commenced the construction of this canal for their own benefit; but they claimed that it would be a public benefit by making a harbor there; that the lands would be brought into market thereby; settlements would be made; and therefore the Government could afford to appropriate some lands to this work that seemed to be a private enterprise. Upon that showing the committee, not, I believe, with my consent, and perhaps without the vote of the Senator from Kansas, reported this bill:

"That there be, and is hereby, granted to the State of Michigan, for the use and benefit of the Lac La Belle Harbor Improvement Company, a company organized under and by virtue of the laws of the State of Michigan, for the purpose of aiding in the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle, in said State, one hundred thousand acres of the public lands of the United States," &c.

In the neighborhood of that little lake—

"*Provided*, That the said canal shall be at least one hundred feet wide at the top, seventy-five feet wide at the bottom, and shall have, when completed, a depth of water through its entire length of at least twelve feet, running from sixteen feet of water in Lake Superior to fourteen feet of water in Lac La Belle: *Provided further*, That said canal shall be and remain a public highway for the use of the Government of the United States free from toll," &c.

And if the canal was not finished, the lands were to revert to the United States. Now, what has been done with those lands? Have they been selected? Have they been taken out of market and away from market for the benefit of this company? Have they been sold and the money realized? We know nothing about this. Whether this is enough to build the canal, we do not know. I think it was claimed that some seventy or eighty thousand dollars had been raised by the mining interests in that neighborhood to make this canal before the grant of the lands, and it was supposed, I believe, that this grant of lands would be sufficient to complete the canal. I am astonished that it is asked to make any appropriation in money when there is this grant of lands undisposed of, and we have no report in regard to it before this body. With such a state of case I cannot vote for the appropriation.

Mr. CHANDLER. I hold in my hand a report on this very subject. My attention has just been called to it:

"A law of Congress, approved July 3, 1866, granted to the State of Michigan one hundred thousand acres of land to aid in the construction of this canal, the dimensions to be at least one hundred feet wide at the top, seventy-five feet wide at the bottom, and to have a depth of water through the entire length of at least twelve feet. This will, it is thought, be sufficient for the commerce of the place. It is doubted, however, whether these dimensions can be preserved without further protection to the banks of the canal, which will be constantly abraded by the motion of the water caused by the waves of Lake Superior, and the passage of vessels through the cut. This protection may be afforded by a double row of sheet piling on both sides of the canal, driven at the present water's edge—the prism of sand to be dredged out. In case no further donation of lands is granted, the following amounts will be required for this purpose: Amount of appropriations at last session of Congress,

1868, ——: estimate for permanent completion of work, $92,000; amount required for next fiscal year, $46,000."

This is a report from the engineer department made January 28, 1867. The Senator is mistaken in supposing there is no report in the case. That is all I have to say about it.

Mr. EDMUNDS. As I said in the outset, it is always with extreme reluctance that I propose any amendment against the wishes of my friend, the chairman of the committee; but I thought it due to the Senate that they should know precisely what the facts of this case are before they vote this money. Those facts are simply these: this is a private corporation which takes toll, or will take toll when the canal is done so that vessels can use it, from the whole commerce of the lakes.

Mr. CHANDLER. I do not so understand it.

Mr. EDMUNDS. That is so by the laws of Michigan, that I hold in my hand, authorizing the formation of the company. I know my friend does not so understand it. If he had he never would have asked this appropriation. My friend is mistaken in that respect, because I do not impute to him the intention to get any wrong appropriation here by any means; but that is the fact, as the laws of Michigan, that I hold in my hand, show. Now, then, having granted to this corporation only last July one hundred thousand acres of valuable lands, is it right, upon any evidence we have, that Congress should put its hands into the pockets of the people and take out $100,000, because this $46,000 is only an installment, to build that identical canal; not to improve the harbor outside of it, but to drive pilings on each side of it, so that the sand will not slip into this private canal. That is the question; and having stated it, I have done my duty. It is for the Senate to decide what is right.

Mr. KIRKWOOD. If this appropriation is to be applied to build this canal I shall not vote for it. I do not understand that to be the fact, however. My understanding of the fact is this: the part of Lake Superior upon which this work is to be done is one which has not any natural harbor; and I very well remember the discussion before the Committee on Public Lands, at the last session, as to the necessity of this canal; that by cutting the canal through from Lake Superior to this small interior lake the small lake would furnish a safe harbor. The trouble was there were no means to get from Lake Superior into it, and this appropriation of one hundred thousand acres of land was given to a company to open that communication. Now, I do not understand that the appropriation asked at this time is to complete that canal or to be applied to the building of a canal, but to the making safe of the harbor in the lake when reached.

Mr. EDMUNDS. Will my friend allow me to read for his information——

Mr. KIRKWOOD. I have heard it read.

Mr. EDMUNDS. Will you allow me to read again?

Mr. KIRKWOOD. Wait until I get through.

Mr. EDMUNDS. Certainly.

Mr. KIRKWOOD. I understand that the lake itself requires improvement inside; that vessels cannot lay safely there when they reach it; and if that is the object of this appropriation——

Mr. HENDRICKS. I will say to the Senator from Iowa, if he will yield the floor a moment, that before the Committee on Public Lands, at the last session, this shore was described as a straight shore, furnishing no protection at all. There is no harbor there, no creek, no break in the shore known to the Committee on Public Lands, as it was represented by persons from the neighborhood, but simply a little distance from the shore, perhaps half a mile or a mile, there was a little lake.

Mr. KIRKWOOD. I was was just explaining that to the Senate if the Senator was listening.

Mr. HENDRICKS. And this canal is simply to connect the two lakes, Lake Superior with that little lake.

Mr. KIRKWOOD. That is what I was trying to explain to the Senate. I said that on the shore of Lake Superior in this region there was no natural harbor; that it became necessary to have in some way a harbor, and the Committee on Public Lands came to the conclusion that it would be the best way and the cheapest way to have a harbor there, to have this canal from Lac La Belle into Lake Superior, and the appropriation of one hundred thousand acres of lands was made in order to make that canal. Now, I understand this appropriation of money is asked, not to complete that canal, not to aid in building that canal belonging to a private company, but to make a harbor in the lake when reached. That is the object of it. It is to improve the harbor and protect vessels when they get through the canal into Lac La Belle.

Mr. EDMUNDS. Now, I wish to ask my friend from Iowa to listen to this official report on that identical subject. I will read that part of it which relates to this point:

"It is doubted, however, whether these dimensions can be preserved"—

That is of the canal—

"without further protection to the banks of the canal, which will be constantly abraded by the motion of the water." * * * * "This protection may be afforded by a double row of sheet piling on both sides of the canal, driven at the present water's edge—the prism of sand to be dredged out. In case no further donation of land is granted, the following amounts will be required for this purpose."

Now, will my friend from Iowa tell me what "this purpose" is, unless it is the purpose of driving pilings on the side of the canal?

Mr. KIRKWOOD. That is not the law. This appropriation states specifically what it is for.

The motion to strike out was agreed to.

CONSULAR AND DIPLOMATIC BILL.

Mr. SUMNER. I desire to make a report from the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for consular and diplomatic expenses.

Mr. KIRKWOOD. I think we had better go on with the bill before us.

The PRESIDENT *pro tempore*. Objection being made, the report will not be received.

Mr. SUMNER. Is it not a privileged question? It is always in order, as I understand, to receive and proceed with reports of committees of conference. Of course this report had better be acted on and disposed of now. I hope the Senator from Iowa will not interpose an objection.

Mr. KIRKWOOD. Unless it be a privileged question I must insist on going on regularly.

Mr. SUMNER. It is the usage of the Senate I know to receive these reports and act upon them at any time when presented. Whether that is so by positive rule I am not sure.

The PRESIDENT, *pro tempore*. The Chair thinks the report of a committee of conference not strictly a privileged question; but it has been, as the Senator from Massachusetts suggests, the practice of the Senate to receive those reports ordinarily without objection at any time when they are offered.

Mr. SUMNER. This will take no time.

Mr. KIRKWOOD. I wish to conform to whatever may be the rules of the Senate.

Mr. SHERMAN. I should dislike very much to see any objection interposed to action upon conference reports on the general appropriation bills. There is an indispensable necessity for acting on them the moment they are prepared.

Mr. SUMNER. The habit of the Senate is universal.

Mr. SHERMAN. I know it is the custom and perhaps the rule.

The PRESIDENT *pro tempore*. If no objection be made the report will be received and read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 904) making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th of June, 1868, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their disagreement to the amendment of the Senate numbered "one," and agree to the same with an amendment, as follows:

Insert in line fourteen, after the word "dollars" the words: "*Provided*, that no money shall be paid to the present minister-resident at Portugal out of any fund whatever: and this provision shall continue in force until repealed by Congress."

That the Senate recede from their amendment numbered "two."

CHARLES SUMNER,
GEORGE G. FOGG,
REVERDY JOHNSON,
Managers on the part of the Senate.

THADDEUS STEVENS,
N. P. BANKS,
Managers on the part of the House.

Mr. HENDRICKS. I believe that report excludes compensation to the present minister at Portugal. I ask for the yeas and nays upon agreeing to the report. I cannot express my view of that kind of legislation in proper language, perhaps, and I satisfy myself by asking for the yeas and nays.

The yeas and nays were ordered.

Mr. SUMNER. I will make a brief explanation. It will be remembered that the House of Representatives, in the bill as it came from them, struck out the word "Portugal" from the list of countries where we have ministers. The Senate restored that word. The House then disagreed with the Senate; and the question between the two Houses has been arranged by leaving Portugal in the list of the States where we may have representatives, but with the proviso that nothing is to be paid to the minister-resident now actually there. The second point of disagreement between the two Houses was relative to the contingent expenses of the Foreign Department of this Government. It will be remembered that that appropriation at the last moment was cut down in the Senate from $65,000 to $30,000. The House disagreed with the Senate on that vote, and the Senate by the report of their committee recede.

Mr. HENDRICKS. The bill as it came from the House of Representatives appropriated a gross sum for the payment of ministers at different points. The House bill did not provide that our Government should no longer be represented at Portugal.

Mr. SUMNER. I beg the Senator's pardon; the House bill dropped Portugal from the list.

Mr. HENDRICKS. Very well, sir. Whether a minister may be sent to Portugal or not did not depend on that bill. Lisbon is made a point to which we send a minister by existing law; and the House bill if it had been agreed to would not have repealed that legislation, but Portugal would have remained a point at which we were to be represented, but we should have simply failed to make an appropriation for the salary of the minister there for the year provided for in the bill. What was the effect of the House bill? The Senate disagreed to that, and said that there should be a salary paid for the coming year to a minister at Portugal. A committee of conference is appointed, and they not only yield the point to the House in regard to the one year, but make it applicable to future years. The Senate committee of conference have gone further than the House itself had gone, not only refuse to provide for the salary of the minister for the year, but provide that in future years it shall not be paid if the same minister is retained at that court; and thus the Senate has been represented by a conference committee going beyond the demands of the House, yielding more than the House asked, striking out the salary for the year and for future years! That which was a provision for one year becomes under this report a permanent law so far as the present minister may be concerned. I do not think that is the manner in which the Senate should be represented on a committee of conference. I understand it to be the duty of a committee of conference to represent the sentiment of the Senate, not

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their own views. It is very well known to the Senate what were the views of the Senator from Massachusetts; but he was not appointed upon this committee to represent himself, but to represent this body after this body, after debate and a careful vote, said that that minister should be paid. Then the Senator consents to a report going further than the House had demanded. I think with such a report the Senate ought not to concur.

Mr. FESSENDEN. The Senator from Indiana is mistaken in supposing that the Senate voted that that minister ought to be paid. That was not the conclusion to which the Senate came. It came to no new conclusion upon that subject. The House struck out Portugal, or at least sent the bill to us without putting Portugal into the list of Powers at which we were to be represented. The Senate inserted the word Portugal in that list, thus expressing the opinion that Portugal should not be erased from that list, that an appropriation should be made for a minister there; but at the same time the Senate knew that in the appropriation bill of last year was a clause that no money should be paid to the gentleman at present representing the United States at Portugal out of that or any other fund. My own opinion was that that was a permanent provision, and that so long as it remained on the statute-book no money could be paid in any year, either for this or any succeeding year to the present minister, although an appropriation might be made for a mission to Portugal. I am of that opinion still. It seems, however, that the House of Representatives, while consenting to put Portugal in and make an appropriation for a mission there, insists upon reënacting that clause and providing that it shall remain the law until repealed. I do not think that gives a particle of additional force to what existed before. I for one should be perfectly willing to drop the controversy; I did not approve of it in the first place; but my idea was in voting for the amendment of the Senate that while it provided for a minister to Portugal, the previous law yet remained unrepealed applicable to the person there. Therefore the Senate in voting to insert "Portugal" intended to express no such opinion as the Senator from Indiana seems to imply from the vote of the Senate, because it was openly stated here in debate that that clause still applied.

Mr. SUMNER. I content myself with simply calling for the vote.

The question being taken by yeas and nays, resulted—yeas 25, nays 10; as follows:

YEAS—Messrs. Brown, Cattell, Chandler, Conness, Cragin, Creswell, Edmunds, Fessenden, Fowler, Howe, Kirkwood, Lane, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Trumbull, Van Winkle, Williams, and Wilson—25.

NAYS—Messrs. Buckalew, Cowan, Doolittle, Foster, Hendricks, Norton, Patterson, Ross, Wade, and Willey—10.

ABSENT—Messrs. Anthony, Davis, Dixon, Fogg, Frelinghuysen, Grimes, Guthrie, Harris, Henderson, Howard, Johnson, McDougall, Nesmith, Riddle, Saulsbury, Stewart, and Yates—17.

So the report was concurred in.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes.

Mr. KIRKWOOD. I move to amend the bill by striking out in line one hundred and twenty-seven of section one, on page 6, the word "eighty" and inserting in lieu thereof the word "thirty," so as to make the appropriation for the harbor of Burlington, Vermont, $30,000.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Iowa that the amendment which he proposes, being an alteration of an amendment adopted in the words in which it stands, is not now in order.

Mr. KIRKWOOD. Will it be in order at any time before the bill shall pass?

The PRESIDENT *pro tempore*. It will be in order in the Senate when the question is on concurring in the amendments made as in Committee of the Whole. The Senator can then move to amend this amendment before it shall be concurred in.

Mr. KIRKWOOD. I shall renew my motion at the proper time.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments which have been made as in the Committee of the Whole. The Chair will put the question on all the amendments collectively, excepting those which may be indicated by Senators for a separate vote.

Mr. KIRKWOOD. I ask that an exception be made of the amendment which I have just indicated.

Mr. EDMUNDS. I wish to except the amendment in reference to the Des Moines rapids.

The PRESIDENT *pro tempore*. If no other amendment be designated for exception, the Chair will put the question on concurring in the amendments made as in Committee of the Whole, except those indicated by the Senator from Iowa and the Senator from Vermont.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The first excepted amendment will be read.

The Secretary read the following amendment inserted after line one hundred and twenty-five of section one:

For improving the harbor of Burlington, Vermont, $80,000.

Mr. KIRKWOOD. I move to amend that amendment by striking out "eighty" and inserting "thirty." I find upon examining the report made by the Secretary of War, and which has been laid upon our tables, that he recommended the sum of $30,000 for this improvement. I find in the printed bill upon our table that sum increased to $80,000. Not seeing in the report of the Secretary of War any reason why this increase of $50,000 should be made over and above the amount recommended by him, I desire to know why it is so increased. Since I have called attention to the amendment before, the Senator from Vermont informs me that he has a letter giving the information. I have not yet had an opportunity of reading it.

Mr. EDMUNDS. If my friend from Iowa had been paying strict attention to the course of the debate he would have understood, during the observations of my friend from Missouri, [Mr. HENDERSON,] why this was. The subject was then alluded to, and it was then stated, and I repeat it, that in this printed recommendation of appropriations the sum was left blank entirely, and on inquiry—because living at this place I knew that surveys had been made, and everything was ready for the work—I ascertained that the sum was left blank by a mere accidental omission. Not choosing to have the Senate act upon my say so as to what was right or as to what should be appropriated, I asked the Secretary of War to communicate to the chairman of the committee, my friend from Michigan, the information he had, and what was recommended; and the letter that I hold in my hand was communicated to the committee. It states the amount of the whole estimate, and winds up by saying "An additional appropriation of $80,000 is proper, which amount I would recommend to be appropriated at this time," and that is signed, "A. A. Humphreys, brigadier general and chief of Engineers." It was upon that that the committee acted, and I hope it will be satisfactory to my friend from Iowa.

Mr. KIRKWOOD. I had nothing to guide me but the printed report before the Senate, and there, on page 28, I found this item:

"For Burlington harbor and breakwater, additional appropriation required for this year, $30,000."

The letter read shows a necessity, I suppose, for an increase of $50,000. I thought it was necessary the Senate should have that information before increasing the Secretary's recommendation by that amount. I withdraw the amendment if it is in my power so to do.

The PRESIDENT *pro tempore*. Certainly, the power of the Senator over his amendment is ample until it is amended or voted on by the Senate. The question is on the amendment made as in Committee of the Whole.

The amendment was concurred in.

The Secretary read the next excepted amendment, which was to strike out lines one hundred and fifty-nine and one hundred and sixty of the first section, in the following words:

For improving navigation on the Mississippi river at Des Moines or lower rapids, $1,000,000; and in lieu thereof to insert:

For improving navigation of the Mississippi river at Des Moines or lower rapids, according to such plan as the Secretary of War shall, on the report of a board of engineers, approve, $500,000: *Provided, however*, That any canal that may be constructed round said Des Moines or lower rapids of the Mississippi river shall be, and forever remain, free to the navigation and commerce of said river, and no tolls shall ever be collected thereon.

Mr. EDMUNDS. I do not mean to oppose this amendment, but I wish to suggest to the consideration of the Senate to insert after the word "tolls" the words "or other exactions," so as to be sure to secure to commerce complete freedom. "Tolls" is a definite term; it means payment of a certain sum for passing through. I move to amend the amendment by adding the words "or other exactions," so as to cover the whole ground.

Mr. BROWN. I do not know exactly what would be the full scope of that language, and do not see the necessity for it. I think it had better remain as it is. There may be rules and regulations and requirements necessary to be observed there that might be held to fall under that. I do not want any toll or other imposition levied upon any of the commerce of that river, and I think the language is sufficient as it stands.

The amendment to the amendment was rejected.

Mr. HENDERSON. I move to amend the amendment by striking out "$500,000" and inserting "$1,000,000."

The amendment to the amendment was rejected.

The amendment made as in Committee of the Whole was concurred in.

Mr. HENDERSON. I move to amend the bill by striking out on page 7, lines one hundred and fifty-six, one hundred and fifty-seven, and one hundred and fifty-eight of section one, the words: "for preservation and improvement of Boston harbor, Massachusetts, $375,000."

Mr. SUMNER. I should like to hear some reason for that.

Mr. HENDERSON. The Senator from Massachusetts voted a short time ago in favor of giving us only $300,000 for improvement of the Mississippi river at the Des Moines rapids, requiring, I suppose, the cutting out of a channel two hundred feet wide in solid stone for some twelve miles for the passage of steamboats, some five or six feet deep, or at any rate four feet in depth. I do not see any recommendation by the Secretary of War for the improvement of this harbor.

Mr. SUMNER. Every item is recommended.

Mr. HENDERSON. I should like to know what the necessity for this very large appropriation is. I have looked through the report of the Secretary of War and I cannot find a recommendation. If some Senator will show it to me, I shall certainly withdraw all opposition to this clause. It struck me, however, that if we could get along with $300,000 to cut a channel through solid stone for twelve miles in order to pass over the lower rapids of the Mississippi a commerce which in one year will equal the commerce of Boston harbor for five years, I ought to have some reason for voting this very large appropriation. This is not the first, nor second, nor third that I have given willingly; and I now express my entire willingness to vote for this appropriation, or even a larger appropriation, provided I can find any estimate or any reason for it; and if the Senator from Massachusetts, who of course knows

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all about this matter, will give me the reasons for it, I shall most cheerfully still vote for it, notwithstanding his opposition to the other.

Mr. CHANDLER. We have an estimate for every dollar.

Mr. HENDERSON. That mere statement is unsatisfactory. I hold in my hand the document in which the estimates are contained on which this bill is founded, and I find but one harbor in Massachusetts recommended for improvement, and that is the harbor of Provincetown. Is this the same?

Mr. SUMNER. No, sir. I beg to assure the Senator that every item here has been estimated for most carefully by the proper Department, and these are appropriations necessary to save the harbor from deterioration, I may say, in one word, to save the harbor. Without these appropriations there will be, by the gradual and continual abrasion of the earth from these islands, a filling up of the harbor, which will interfere with its usefulness, and unless arrested completely destroy it. I will not, however, take time. I presume my friend is hardly in earnest. Even if I have voted against his proposition I trust he will not return upon me by voting against a proposition which is so essentially good as this, and after his magnanimous speech, too. I appeal to his magnanimity.

Mr. HENDERSON. I insist upon knowing in what document this recommendation appears. I have the only recommendation that the Secretary of War has made, Executive Document No. 56 of the House of Representatives, and I cannot find one dollar recommended for this harbor. I should like to know in what document I can find it.

Mr. CHANDLER. I have just sent the clerk of the committee to the committee room for the document. While he is gone for it I will move to lay aside the bill informally and take up House bill No. 1166. ["Oh, no!"]

Mr. HENDERSON. I do not wish to delay the time of the Senate in order to defeat this appropriation. I ask the Senator from Michigan whether the recommendation for this improvement is in manuscript? I do not find it in the document which he placed in my hands.

Mr. CHANDLER. There are three printed documents, and it is in one of them. I have not the particular one before me. I have sent the clerk for it.

Mr. HENDERSON. I have no hostility to Boston harbor, and it will give me a great deal of pleasure to vote this or a larger sum if it has been recommended by the proper Department. I am perfectly willing to take the Senator's statement, and I therefore withdraw the amendment.

Mr. EDMUNDS. I move to amend the bill by adding the following as an additional section:

And be it further enacted, That the Secretary of War is authorized, whenever in his discretion the public service shall require it, to suspend and withhold the whole or any part of any expenditure directed or authorized by this act; and he shall report to the next succeeding session of Congress his reasons for such suspension.

Mr. CHANDLER. I think that amendment ought not to be adopted. I think we have sufficient checks and guards already. I hope it will be voted down.

Mr. EDMUNDS. I hope for the sake of the public Treasury it will not be voted down, with all respect for my friend from Michigan. This amendment merely provides that the Secretary of War to whom these four or five million dollars are intrusted, shall have power, if in a special case there shall appear to be special reasons for it, to suspend the expenditure of the money and report his special reasons to Congress at its next session thereafter. It does seem to me, that in making these numerous appropriations, so many as there are, and involving so much money, the public interest that there should be this power of reserve in the expending Department, for special reasons not to carry out some particular appropriation until the matter can again be reported to Congress. We have required more than that in the case of the Des Moines rapids. I think it a highly conservative and proper provision to make as to the whole.

Mr. JOHNSON. I suppose that the President of the United States himself could, without any particular authority, suspend the expenditure of these appropriations, if he became satisfied that the state of the Treasury would not allow it, or that they would not accomplish the purpose; but if we are to insert a provision, which I believe has never been inserted in any prior appropriation bill, of this description, I submit to the honorable member from Vermont that the discretion ought to be with the Secretary of the Treasury instead of with the Secretary of War.

Mr. EDMUNDS. My friend from Maryland misapprehends the scope of the amendment. It does not relate to the state of the Treasury, but it relates to the state of reëxaminations as work goes on upon these numerous public works that are in charge of the War Department. If it shall appear to the War Department that some specific appropriation cannot be economically expended at this time, if there be special reasons for that, I propose that the Secretary of War may suspend that work and report his reasons to us. It relates to the work and not to where the money is to come from.

Mr. MORGAN. It will be seen by looking at the first section of the bill that all the money appropriated is to be expended "under the direction and superintendence of the Secretary of War." I think it is perfectly safe as it is, and I hope this amendment will not prevail.

The amendment was rejected.

Mr. HENDERSON. I move to strike out from line one hundred and thirty to line one hundred and thirty-seven, inclusive, of the first section of the bill.

The Secretary read the part proposed to be stricken out, as follows:

For the purpose of improving the navigation of the St. Croix river, Maine, above the ledge, $15,000: *Provided*, The Province of New Brunswick shall contribute and pay to the proper disbursing officer a like sum for said purpose; said payment being made on condition that in no event shall the Province of New Brunswick be called upon for more than half the sum actually expended for said purpose.

Mr. HENDERSON. My friend from Maine, [Mr. MORRILL,] in arguing against the appropriation for the Mississippi river, said that it had not been recommended by the Secretary of War, and that it was a very loose practice to enter upon these appropriations except in accordance with the recommendations of the proper officers. I have in my hands the report of the Secretary of War, and I can find no recommendation upon this subject. There is an appropriation recommended for the Saco river of $40,000, and that is contained in the bill; but I can find no recommendation for this purpose. Inasmuch as the money is to be expended above the ledge somewhere, I cannot understand but that there is some difficulty in getting over the ledge up into this portion of the river that is proposed to be navigated. I should like to hear from my friend from Maine on the subject.

Mr. MORRILL. If I could placate my honorable friend by any means in my power I should be very glad. If it would be any gratification to the honorable Senator, I should not much object to forego this $15,000. But my recollection is that he will find this estimated for in one of the documents to which the honorable chairman of the Committee on Commerce referred, and which will be here, I trust, in time to enable us to act on this bill some time during the evening. Very possibly after the honorable Senator here had time to reflect on the subject he would be satisfied with the statement of the chairman, and withdraw his amendment. I suppose he intends to admonish me against the unfitness and impropriety of resisting the appropriation for the Mississippi river, that magnificent river, the Father of Waters, where the men grow so magnificent and do not care for dollars. [Laughter.] I assure my honorable friend that in all I said to-day I did not intend to reflect at all upon the great Father of Waters, nor did I intend to reflect upon the great enterprise. I believe I said that I commended it, and I believe I said everything that could be said in favor of it.

Mr. CHANDLER. If my honorable friend will allow me, I desire to present to the Senator from Missouri the paper which I have sent for——

Mr. HENDERSON, (after examining it.) This paper is about Boston harbor, not the question we are now considering.

Mr. CHANDLER. I will send to the committee room now for the other paper.

Mr. HENDERSON. Have you one on the subject of the St. Croix river?

Mr. CHANDLER. I expect so. I have sent for all the papers and they will be here presently. I hope we shall have a vote.

Mr. HENDERSON. The Senator who has this bill in charge is very anxious to take a vote. He does not wish it postponed much longer. I had an idea of attacking the appropriations for the benefit of Michigan. [Laughter.]

Mr. CHANDLER. I will withdraw my request for a vote to enable the Senator to do so. [Laughter.]

Mr. HENDERSON. There are very large appropriations for rivers and harbors in that State, as I stated this morning, and I had some idea of moving to strike out various items in these appropriations. I suppose, however, I must be satisfied with the efforts of the Senator from Vermont in that direction, who succeeded in getting one of them out of the bill. The others, I presume, must be allowed to remain.

In reference to this St. Croix river appropriation, I stated that I was not aware of any recommendation for it, but still it is in the bill. I am perfectly willing to vote for it, though the committee who report it proposed to strike out the appropriation for the Mississippi river, which I thought a very important one, and one that ought to have been made, and one that will be required before we get such an improvement there as is required by the commerce of the western country—that is, a canal around the rapids. There is no other way of improving them. The idea that the appropriation made this evening will be sufficient, even to commence the work, is to suppose too much. I doubt whether the appropriation of the amount agreed upon will be used at all, or whether one dollar of it ought to be used. I suppose the Secretary of War, under the discretionary power that he has, will not perhaps use a dollar of it under the circumstances, in making such an improvement as is requisite there, and that is a canal. The work ought to be done in that way, or else not done at all, in my judgment, and I say so from what I have long heard said by experienced steamboat men and engineers who have examined it; and the locality is close to where I live. I am satisfied that nothing else but a canal will do.

I have no prejudice against these appropriations; and if they are necessary, I am satisfied that there is no part of the country which will receive them more gratefully and more willingly than the State of Maine.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 912) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1868; and that it had also agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 904) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1868, and for other purposes.

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ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; which were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 900) to fix the compensation of the officers of the revenue-cutter service, and for other purposes;

A joint resolution (H. R. No. 252) to permit Captain John A. Webster, jr., of the steamer Mahoning, to receive from the Government of Great Britain a gold chronometer; and

A joint resolution (H. R. No. 275) to extend the time for the use of certain vessels for quarantine purposes at the port of New York.

GOODS FROM BRITISH PROVINCES.

On motion of Mr. CHANDLER, the bill (S. No. 622) to repeal the provisions of law authorizing the introduction of foreign goods into the United States without inspection at the usual ports of entry, was read the second time, and considered as in Committee of the Whole.

It proposes to repeal sections two, three, and four of the act to prevent smuggling, and for other purposes, approved June 27, 1864.

The bill was reported to the Senate without amendment.

Mr. POMEROY. I should like to have it explained precisely what these sections are that we are repealing by this bill. I do not know what we are repealing.

Mr. EDMUNDS. I am charged by the chairman of the committee with the duty of explaining this bill. By an act passed in 1864 it was provided that in certain cases goods brought into the northern boundary of the country from the British Provinces might be loaded in cars, sealed in the British Provinces, and carried through into the interior of our country to almost any place without inspection until they arrived at their final destination. That has been in practice now for two years and a half, and it has been found that constantly enormous frauds are being perpetrated under it, and that it does not answer the objects the law had in view. Experience has proved that the protection of the revenue and the interests of the country require that that should be stopped and that there should be an inspection at the border of the country. The Treasury Department recommend most strongly that this section be repealed. Living on the border myself, and having had means of observation, I entirely agree to that conclusion.

The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

BUILDING LIGHT-HOUSES.

On motion of Mr. CHANDLER, the bill (H. R. No. 1166) to authorize the building of light-houses therein mentioned, and for other purposes, was considered as in Committee of the Whole.

The Committee on Commerce proposed several amendments. The first was after "Michigan" in line seven to insert "at a cost not exceeding $10,000;" so as to make the clause read:

For building a light-house on a proper site at Trowbridge Point, in Thunder bay, in the State of Michigan, at a cost not exceeding $10,000.

The amendment was agreed to.

The next amendment was to insert after "Michigan" in line ten the words "at a cost not exceeding $14,000;" so as to make the clause read:

For building a light-house on a proper site at Mendota, on Lake Superior, in the State of Michigan, at a cost not exceeding $14,000.

The amendment was agreed to.

The next amendment was after "California" in line thirteen to insert "at a cost not exceeding $10,000;" so as to make the clause read:

For building a light-house on a proper site at Santa Cruz, in the State of California, at a cost not exceeding $10,000.

The amendment was agreed to.

The next amendment was to strike out lines fifteen and sixteen, in these words:

For building a light-house on a proper site at or near Braddock's Point, Georgia.

Mr. EDMUNDS. I was charged by the committee with the duty of investigating the propriety of some of these items which in the hurry of the moment we reported should be struck out, and on investigation I am satisfied that the light at Braddock's Point is one that we ought properly at this time to appropriate for. It is at the south end of Tybee Island and makes a part of the northern entrance to Savannah. I think it ought to stand, but we ought to add according to the estimates of the Light-House Board a limitation on the cost. I move, therefore, to amend the clause proposed to be stricken out by adding to it these words, "at a cost not exceeding $15,000;" and if amended in that way I hope the amendment recommended by the committee will not be agreed to, so that this clause will stand.

The PRESIDENT *pro tempore*. Prior to taking the question on striking out the words which have been read, the Senator from Vermont moves to perfect the words proposed to be stricken out by inserting after line sixteen the words "at a cost not exceeding $15,000."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on striking out the words amended.

The motion to strike out was not agreed to.

The next amendment was to strike out lines seventeen and eighteen, in these words:

For building a light-house on a proper site to mark Combahee bank, Georgia.

Mr. JOHNSON. I should like to know from the committee why they recommended the striking out of that appropriation. I suppose it was inserted at the instance of some of the Departments or bureaus, the Light-House Board probably, as a place where a light-house ought to be erected.

Mr. EDMUNDS. One of the reasons for this was that the committee with all the industry several of its members were capable of exercising had not a sufficient knowledge of geography, and could not acquire it by the maps and light-house charts, to find out where that particular place is; and on looking at the map of the coast of Georgia only a hundred miles or so, we thought for the present, for this year, the commerce of that region could get along with the appropriations we had recommended, with the reservation I have made as to Braddock's Point, which we thought needed a further investigation, and which on investigation, I think, ought to be appropriated for. That was the reason, the only one we had, and I think it ought to be satisfactory to the Senate.

The amendment was agreed to.

The next amendment was in line twenty after "Georgia" to add "at a cost not exceeding $15,000;" so as to make the clause read:

For building a light-house to mark Tybee Island Knoll, Georgia, at a cost not exceeding $15,000.

The amendment was agreed to.

The next amendment was after "Carolina" in line twenty-two to insert "at a cost not exceeding $15,000;" so as to make the clause read:

For building range lights on Morris Island, as guides in crossing Charleston bar, South Carolina, at a cost not exceeding $15,000.

The amendment was agreed to.

The next amendment was after "Virginia" in line twenty-five to insert "at a cost not exceeding $16,000;" so as to make the clause read:

For rebuilding the light-house on a proper site at Deepwater shoals in James river, Virginia, at a cost not exceeding $16,000.

The amendment was agreed to.

The next amendment was after "Georgia" in line twenty-eight to insert "at a cost not exceeding $45,000;" so as to make the clause read:

For rebuilding light-house tower and keeper's dwelling on a proper site at Saint Simon's, Georgia, at a cost not exceeding $45,000.

The amendment was agreed to.

The next amendment was to strike out the following words from line thirty to line thirty-four:

For rebuilding Wolf Island beacon lights, and buildings connected therewith, Georgia.

For rebuilding Sapelo Island light-house and beacons, Georgia.

For building three light-house and buoy steamtenders.

The amendment was agreed to.

The next amendment was in line four of section three, to strike out the word "responsible" before "bidder;" so as to make the section read:

SEC. 3. *And be it further enacted*, That no contract shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest bidder therefor, upon security deemed sufficient in the judgment of the Secretary.

The amendment was agreed to.

The next amendment was to strike out section four, in these words:

SEC. 4. *And be it further enacted*, That from and after the passage of this act the Secretary of the Treasury be, and he is hereby, authorized and empowered to regulate and fix the salaries of the respective light-houses in such manner as he shall deem just and proper: *Provided*, That the whole sum allowed shall not exceed an average of $600 to each keeper.

Mr. EDMUNDS. The apparent recommendation of the committee to strike out that particular section is a mistake. On reconsideration the committee think it is best to allow the section to stand. The law already gives this same discretion to the Secretary, and it has since 1828; and this section merely increases the compensation of light-house keepers by $100 a year; and the committee thought, from their investigations and knowledge of the services of that class of public servants, and the fact that they are obliged to stay in their places and have no opportunity to attend political conventions or do anything else than mind their own business, they were entirely deserving of this little increase; and the conclusion of the committee finally was to let that stand. I hope, therefore, the amendment will not be adopted.

The amendment was rejected.

Mr. CHANDLER. The committee have instructed me to offer the following amendment, to come in on page 2, after line fourteen of section one:

For rebuilding a light-house on Pigeon river or vicinity, Lake Superior, Minnesota, $15,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. It was ordered that the amendments be engrossed and the bill read a third time. The bill was read the third time, and passed.

PORT OF ALBANY.

Mr. CHANDLER. I move to take up now for consideration Senate bill No. 609.

The motion was agreed to; and the bill (S. No. 609) allowing the duties on foreign merchandise imported into the port at Albany to be secured and paid at that place was considered as in Committee of the Whole.

Albany, in the collection district of New York, is declared to be a port of delivery within that district; and there is to be appointed a surveyor of customs, to reside at that port, who shall, in addition to the customary duties performed by that officer in other places, perform the duties prescribed in an act entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places," approved March 2, 1831. The surveyor, before taking the oath of office, is to give security to the United States for the faithful performance of his duties in the sum of $10,000, and is to receive, in addition to the customary fees and emoluments of his office, an annual salary of $600.

The same privileges granted to the ports of delivery mentioned in the first section of the act of March 2, 1831, and the restrictions created by that act are extended and made appli-

cable to all goods, wares, and merchandise imported into the United States at any port of entry and destined to the port of Albany. That the Secretary of the Treasury may extend the privileges of the warehouse acts of August 6, 1846, and March 28, 1854, and the regulations of the Treasury Department relating thereto, to the port of Albany.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. HENDERSON. I should like to hear some explanation of that bill before I vote for it. Is it a proposition to make Albany a port of entry?

Mr. CHANDLER. No, sir; a port of delivery, the same as St. Louis; and this is to allow goods to arrive there in bond and pay duties there the same as they do in St. Louis.

The bill was read the third time, and passed.

PORT OF CAMDEN.

Mr. CHANDLER. I move now to take up for consideration House bill No. 1062.

The motion was agreed to; and the bill (H. R. No. 1062) relative to the port of Camden, New Jersey, was considered as in Committee of the Whole.

The port of Camden, in the State of New Jersey, is by the bill annexed to the collection district of Philadelphia, and an assistant collector, to be appointed in accordance with the laws of the United States, is to reside at Camden, who shall have power to enter and clear vessels in like manner as the collector of Philadelphia is authorized to do; but such assistant collector shall nevertheless act in conformity to such instructions and regulations as he shall from time to time receive from the collector of Philadelphia. The assistant collector is to receive for his annual salary $1,500 in full for all services to be by him performed, and in lieu of commissions and fees. The assistant collector is to be authorized to enroll and license, according to the laws of the United States, all vessels engaged in the coasting trade and fisheries, owned in whole or in part by residents of that portion of the Bridgeton district lying north of Alloway's creek, in the county of Salem, New Jersey; and all such enrollments and licenses shall be as valid and effectual as if they had been effected in any other port of the United States.

Mr. JOHNSON. I would respectfully ask the committee whether that comes from the Treasury Department? The collector at Philadelphia heretofore has done the whole work.

Mr. CHANDLER. That is a mistake.

Mr. JOHNSON. I merely wish to know whether the propriety of this measure is suggested by the Secretary of the Treasury?

Mr. CHANDLER. It is.

Mr. JOHNSON. Very well.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NIAGARA SHIP-CANAL.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (H. R. No. 344) to incorporate the Niagara Ship-Canal Company.

Mr. BUCKALEW. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. SHERMAN. The Senator surely cannot hope to pass that bill to-night at this period of the session. I presumed from the fact that he delayed calling it up so long that he would scarcely call it up at all. It is a measure involving $8,000,000; a proposition that will be disputed and debated by the Senators from the State of New York, in which the work is to be built; a proposition that involves the issuing of a large amount of bonds of the Government. It seems to me it ought not to be taken up now. To-morrow at one o'clock I shall have to ask the Senate to take up the bill in regard to the compound-interest notes—a question that ought to be settled; it ought to have been settled before this. I trust the Senator will not press this bill now. If he does, it will only lead to debate and to a long session to-night, and there is every probability of its being crowded off to-morrow. We have now but five working days in which to finish all the leading bills of the session. It is utterly impossible, therefore, that the Senator can expect to get favorable action on this bill at this time. Under the circumstances I move that the Senate do now adjourn.

Mr. CHANDLER. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. CHANDLER. I ask the Senator to withdraw it.

Mr. SHERMAN. I withdraw it for the purpose of enabling the Senator to make an explanation.

Mr. CHANDLER. This is a bill in which my constituents, as well as those of the Senator from Ohio, have a very deep interest. I want a test vote on it, and I am willing to have that test vote on the question of taking it up. I am exceedingly anxious to get a test vote showing the strength of the bill in this body. If that vote is had, and I am voted down, I shall submit. I propose now that the vote on taking up the bill by yeas and nays be regarded as a test vote.

Mr. SHERMAN. The question of taking it up will be debated. I know Senators around me will debate it.

Mr. CHANDLER. I will not utter a syllable.

Mr. SHERMAN. I am willing to make a test vote of the motion to adjourn, if you choose.

Mr. CHANDLER. That is rather hard on me at ten o'clock at night.

Mr. SHERMAN. I renew the motion to adjourn.

Mr. FOWLER. I desire to make an appeal to the Senator from Ohio. I have a small bill on which I should like to have the action of the Senate, and I am sure it will pass without debate.

The PRESIDENT *pro tempore*. Discussion is out of order unless the Senator from Ohio withdraws his motion.

Mr. SHERMAN. I should be glad to oblige the Senator, but it is rather too late to take up bills now.

Mr. FOWLER. This is a little bill that I desire to pass.

Mr. SHERMAN. If I withdraw my motion, the Niagara ship-canal will come up.

Mr. HENDRICKS. I hope the Senator from Ohio will give way to allow the Senator from Tennessee to call up his bill.

Mr. SHERMAN. I am willing to withdraw the motion if the Senator from Michigan will not press the canal bill, which will lead to an interminable debate.

Mr. FOWLER. I believe he will not.

Mr. SHERMAN. Then I withdraw my motion.

Mr. FOWLER. I move to take up for consideration Senate bill No. 557.

The PRESIDENT *pro tempore*. That motion is not in order. The motion of the Senator from Michigan is before the Senate.

Mr. SHERMAN. Then I renew my motion to adjourn.

The Senate refused to adjourn; there being on a division—ayes 13, nays 18.

Mr. CHANDLER. Now I hope we shall proceed to the consideration of House bill No. 344.

The PRESIDENT *pro tempore*. The motion pending is to take up that bill, and upon that motion the yeas and nays have been ordered.

Mr. LANE. I move that the Senate do now adjourn.

Mr. CHANDLER. No, let us have a test vote on the Niagara ship-canal bill.

The motion to adjourn was not agreed to; there being on division—ayes 13, noes 19.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan.

The Secretary proceeded to call the roll, and concluded the call.

Mr. BROWN. I had paired off on this vote, but as I perceive the Senator with whom I paired has voted I presume I had better do so. I vote "nay."

Mr. WADE. I understood that my pair with the Senator from Missouri was only in case he was not present. I saw that he was here, and I therefore voted.

Mr. HENDRICKS, (who had voted in the negative.) I forgot that the Senator from California had paired me off with the Senator from Michigan, [Mr. HOWARD,] who is confined to his room by indisposition. I therefore ask permission of the Senate to withdraw my vote.

The PRESIDENT *pro tempore*. If no objection be made the vote of the Senator from Indiana will be withdrawn.

The result was announced—yeas 19, nays 15; as follows:

YEAS—Messrs. Cattell, Chandler, Conness, Doolittle, Edmunds, Fogg, Fowler, Howe, Morrill, Poland, Pomeroy, Ramsey, Ross, Sprague, Stewart, Sumner, Trumbull, Wade, and Wilson—19.

NAYS—Messrs. Brown, Buckalew, Cowan, Cragin, Creswell, Fessenden, Foster, Henderson, Lane, Morgan, Norton, Saulsbury, Sherman, Willey, and Williams—15.

ABSENT—Messrs. Anthony, Davis, Dixon, Frelinghuysen, Grimes, Guthrie, Harris, Hendricks, Howard, Johnson, Kirkwood, McDougall, Nesmith, Nye, Patterson, Riddle, Van Winkle, and Yates—18.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill has been read, is in Committee of the Whole, and the question is on the amendment to insert as section twenty-eight the following:

SEC. 28. *And be it further enacted*, That this act shall not take effect unless the Legislature of the State of New York shall within two years from the date hereof give its assent thereto.

Mr. EDMUNDS. I cannot at this time enter into a debate on this proposition; but I regard the adoption of this amendment as fatal to the commerce of this country and to the intercourse of the nation from one State to the other against the will of any particular State that happens to choose to bar the passage across it. I do hope the Senate will refuse to adopt any amendment of this kind; and upon this amendment I ask for the yeas and nays.

Mr. STEWART. I certainly hope that this section will be stricken out, because if the States can obstruct commerce, and they have got to be consulted about the removal of obstructions, I do not think the provision in the Constitution that Congress may regulate commerce is worth a cent.

The PRESIDENT *pro tempore*. The question is not on striking these words out, but on putting them into the bill on the recommendation of the Committee on Commerce. The question is, Shall this amendment reported by the committee be adopted?

Mr. MORGAN. That amendment was adopted at the last session, as I understand.

Mr. HOWE. No; you are mistaken.

Mr. MORGAN. I should like to have the Chair, or the Clerk state what the record is, whether that amendment has not been adopted.

The PRESIDENT *pro tempore*. The Chair is advised that the amendment reported by the committee proposed a period of one year in the bill. An amendment to that was moved to strike out "one year" and insert in lieu thereof "two years," and that amendment was made. The question now is on the amendment as amended. On that no vote of the Senate has been taken.

Mr. MORGAN. What do I understand to be the motion of the Senator from Vermont?

Mr. EDMUNDS. No motion at all. That amendment as it now stands for two years never having been agreed to, my suggestion was that I hoped the Senate, as representing the commerce of this nation, never would agree to such an amendment.

Mr. MORGAN. Do I understand the Senator from Vermont to object to one year or two?

Mr. EDMUNDS. I object to it entirely.

Mr. MORGAN. Very well. Mr. President, this is a proposition for Congress to create a corporation to enter into the State of New York and construct a canal. I should like to ask the Senator from Vermont if he can point me to any case in the history of this country where

Congress has established any precedent of the kind. I should like to have him show me any case where a charter has been granted to a private corporation to enter any State of this Union and construct a canal or any other public work entirely within the jurisdiction of a single State.

Mr. EDMUNDS. Of course there is no time to enter into an extended debate on a question of this description. I will answer my friend from New York in this way: it can be made manifest to him or to any other intelligent gentleman who studies the history of the formation of the Constitution of this country, the proceedings in the Convention that formed it, and the debates there, that it was the purpose of that Convention to give to the United States as a nation the complete control, when they choose to exercise it, of intercommunication between the States. Now, if this ship-canal——

Mr. LANE. Mr. President——

Mr. EDMUNDS. In a moment. I shall be through in a moment.

Mr. LANE. I wish to hear the Senator at length on this subject, and I therefore ask him to give way to a motion to adjourn.

Mr. EDMUNDS. No, sir.

The PRESIDENT *pro tempore*. The Senator from Vermont must not be interrupted without his consent.

Mr. EDMUNDS. If this ship-canal is merely an intra-State work for a mere local purpose, then we ought not to grant this charter to the corporation at all; but if it is to connect the commerce of the western part of the nation with the east, then it is immaterial whether the mere *locus* happens to be in one State or in two or in twenty. We ought not to ask the consent of any particular State to improve the navigation of the Mississippi at one place or another, or any harbor. We exercise the nation's will in providing for transit and intercommunication; and it cannot be demonstrated or maintained either in reason or right that any one State has a right to set her foot on the pathway of the nation and say we must bow to her will before we meet and interchange our commodities. But as I said, Mr President, I only wished to state the proposition, because the time will not allow an extended debate.

Mr. MORGAN. Mr. President, if a cana is to be built around the falls of Niagara it should be built by the State of New York. If the State of New York refuses to build it, and you can show a public necessity for it, then it should be built by the Government through its engineers, and it should be a free canal, except mere nominal tolls to pay current expenses. That, sir, and that alone, is the way in which this ship-canal should be built. But before this be done you must show a public necessity for it, which has not yet been shown. I am very glad to find that the Senator from Vermont has made his point so directly. He comes here and asks the Senate of the United States to grant a charter to a corporation to enter upon the soil of one of the States of this Union and to construct a public work; and he further asks that Congress shall appropriate $6,000,000 for the purpose. I ask him, I ask any Senator, to point to a case in the history of this country, from its first foundation, of anything of the sort.

Mr. McDOUGALL. There are many things that have transpired in the history of our Republic, and more novel things probably than have struck the Senator from New York exactly square. I dare to call myself almost as much of a New Yorker as he is himself, although I do not represent the commercial interests that are in his particular charge, and that fought the opening of the great lakes and the great Northwest out into the Atlantic Ocean and out of the great seas, that they may communicate freely with the nations who are abroad, and make themselves conterminous with the commerce of the world. It is not convenient or profitable to be let free even, or to have a freedom of Erie to Ontario and on the St. Lawrence. Why? They think it will damage their present personal business. It is not convenient for the Central railroad, not convenient for their business. It is not convenient for their mills at Rochester, not convenient for their present business.

The Senator from New York desires to legislate for his own local interests. He should legislate as a Senator for the interests of the entire Republic. Those interests require the opening of our great channels of trade so that it may pass out into the high seas, as it were. I understand exactly, and I dare say the Senator from New York does, that local considerations have controlled too much the policy of legislation of the State where I was born, and from whence I came, and about which I have the right to speak. The commerce of the great lakes, Michigan and Huron and Erie and Ontario, down there to the St. Lawrence and the Atlantic should have the privilege of passage over our own land. They have never had it. It has been asked by every thoughtful man, asked by every student of our physical geography. It has been a great political necessity understood by all men; a great physical and economical necessity. Why has it not been done? It has been denied by local interests and technical obstructions. I can understand how local interests now undertake to obstruct when the Senator from New York speaks; I can understand how technical objections can be made by others; but it has been the opinion of the best-informed and wisest men of the period of time in which I have lived that it was a thing needed, demanded ever since the nation heard or understood or began to conceive of the great Northwest, her great seas and her great rivers, her great interests, her great commerce, that she should have the privilege of going out by the St. Lawrence into the Atlantic ocean.

Mr. COWAN obtained the floor.

Mr. WILLIAMS rose.

Mr. COWAN. I will yield for a motion to adjourn, but not for any other purpose.

Mr. WILLIAMS. I am aware that there are Senators absent who desire to participate in this discussion and feel considerable interest in this bill, and as the hour is late I move that the Senate do now adjourn.

Mr. HENDRICKS. Mr. President——

The PRESIDENT *pro tempore*. The Chair must put the motion. It is not debatable.

Mr. HENDRICKS. I do not wish to debate it. I was going to appeal to the Senator from Michigan to allow the pending bill to be passed over informally to enable me to call up a private bill which will not take a minute.

Mr. CONNESS. I hope that will be done.

Mr. COWAN. I only yield to a motion to adjourn.

Mr. CONNESS. Then I hope the Senator will go on.

The PRESIDENT *pro tempore*. Does the Senator from Oregon withdraw his motion to adjourn?

Mr. WILLIAMS. No, sir.

The motion was not agreed to.

Mr. HENDRICKS. It is not possible to finish this bill to-night, and I appeal to the Senator from Michigan to allow it to go over informally that I may call up a private bill.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania give way to the Senator from Indiana?

Mr. COWAN. I would rather not.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania is entitled to the floor.

Mr. COWAN. Mr. President, I think it would be well if the Senate were to deliberate fully before they embark themselves upon a project of the nature set forth in this bill. There are a great many difficulties that cluster about it which I am satisfied are not in the contemplation of those who are now in favor of it. I propose to notice very briefly some of them.

And first let me remark that a very strong and clear distinction is to be taken between this project and another to effectuate the same purpose through a different means. The Senator from New York has very well remarked that the nation might make a canal around the falls of Niagara. I am not prepared now to dispute but that it might; but I am prepared here in my place to say that the nation has no authority to charter an incorporated company for the purpose of doing that work; and that if the nation had that authority and were to exercise it, it would be one of the most dangerous encroachments upon the stability of the Union of which you can conceive. This work will lie wholly within the State of New York, wholly within its territorial jurisdiction; and if the Federal Government can incorporate a company to make that improvement in that place and to make the improvement contemplated here, there is no reason in the world why they cannot charter incorporated companies to do anything else within the State of New York. That the power to regulate commerce confers a power to remove an obstruction that lies in the pathway of commerce I shall not undertake to deny. That there is an obstruction to commerce at this particular point everybody knows. That it ought to be removed, if possible, I suppose nobody is willing to controvert. But that is not the question. The question is whether the Federal Government, by virtue of any power conferred upon it, can create an incorporated company to enter into the State of New York and exercise its franchises there for that purpose.

It is said that those who have read the debates of the Convention which formed the Constitution, and those who know the history of the Constitution and of the causes which induced the Convention to confer upon the Federal Government the right to regulate commerce, know very well that it was conferred for this purpose. I say that the very reverse, the very contrary, is the case; and that those who have read the debates of that Convention, and those who know that history, know that such a power as this never was contemplated when that clause was inserted into the Constitution, and it was inserted for an entirely different purpose, and is ample for the purpose for which it was intended.

Now, I should like to know from learned lawyers who advocate this scheme, when this corporation is made to whom will it belong? When a corporation is created by the supreme authority of the country, that corporation is within the control of the courts of the country for the purpose of enforcing the trusts imposed, for the purpose of seeing that the franchises are properly exercised. Suppose this corporation were to do something not warranted by its charter, I should like to know from my learned friend from Vermont into what court he would go to correct it?

Mr. McDOUGALL. Any court.

Mr. COWAN. Can he go into the courts of New York?

Mr. McDOUGALL. Yes.

Mr. COWAN. The honorable Senator from California says yes, he can go into the courts of New York. Can he go into the United States courts?

Mr. McDOUGALL. Yes.

Mr. COWAN. Then I ask, suppose the courts of New York were to enjoin, and the United States courts were to relieve against the injunction; what then?

Mr. McDOUGALL. I will answer the question.

Mr. COWAN. You had better answer it all in a lump when I get through. That will be the better way.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania must not be interrupted without his consent.

Mr. COWAN. Here are two sovereignties; here are two distinct sets of courts; and it is clear both of them cannot have jurisdiction; that is an absurdity.

Mr. McDOUGALL. Why not?

The PRESIDENT *pro tempore*. Order must be observed.

Mr. COWAN. From the very reason of the

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thing, if there is any reason left. It may be that reason, too, has departed; but if reason is left, from the very reason of the thing two sovereignties cannot exist over the same subject at the same time. This corporation will either belong to the State of New York or belong to the United States; it will be either within the jurisdiction of the courts of the one or the courts of the other. Now, I should like to know from some learned gentleman, who can sit still long enough until he gets the chance to do it, how this is to be remedied? Which of these two classes of courts will be the proper ones to have jurisdiction over this corporation?

Mr. McDOUGALL. Allow me——

Mr. COWAN. Not now; keep quiet until I get done. It is extraordinary that I must be interrupted every minute.

Which of the two shall it be? If it is the courts of New York, then the United States courts have nothing to do with it; and then you will have the extraordinary spectacle of the Federal sovereignty creating a corporation which is to be regulated, controlled, and kept within the limits and bounds of its charter by a court of another jurisdiction. If the jurisdiction is confined to the Federal courts, then you have the other extraordinary anomaly of a corporation entirely within a State, the subject-matter entirely within a State, regulated and controlled by the Federal courts and their jurisdiction.

Mr. President, this cannot be. It is not in the nature of things that it can be. It is incompatible with the idea of our system, and directly, as I judge, in the face of the constitutional power delegated to us.

Again, where is it to end? If we can create corporations and put them in New York such as this is, we can create other and different corporations. If we can remove an obstruction which lies in the pathway of commerce upon the borders of New York and within her territories, then we can remove the obstruction which lies in the Alleghany mountains within the State of Pennsylvania and within her jurisdiction.

Mr. McDOUGALL. Allow me a moment——

Mr. COWAN. No; I will not yield at all. I would rather not be interrupted.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania must not be interrupted by any Senator without his consent. Order must be observed.

Mr. COWAN. I have refused half a dozen times already, and the gentleman does not understand it.

Now, that is the difficulty; and as I said before, if one corporation can be created and put into the State of New York, then any number of corporations can be placed there within the Federal jurisdiction and subject to be regulated by the Federal courts. Then you will present another most extraordinary spectacle that citizens of New York, or citizens desiring to speculate in New York, will first hesitate and inquire with which government they can make the best terms. Can we get larger powers, more valuable franchises from the Federal Government than we can from the State of New York? If so, then they will go to the Federal Government to get them. If, on the other hand, they can make a better bargain with the State of New York, then New York perhaps may retain her especial jurisdiction over this class of persons—corporations. Surely gentlemen do not contemplate this result.

But it is said that this work is of a national character. Who decides whether it is of a national character or not? The body assuming jurisdiction over it. The Congress of the United States may decide that it is of a national character, but the Legislature of New York may decide that it is of a local character; and hence you have a conflict there, and a conflict which strikes at the very root of the Union formed among the States for their general security. I cannot conceive of anything which would be better calculated to destroy the peace and harmony of the several States than this alleged power on the part of Congress to grant corporate franchises to be exercised within the limits of the States. If this Government has any power at all to relieve against the mischief existing there, if it has any power whatever to devote its means and its resources to a canal or railroad around the falls of Niagara, the work must be done by Congress as a gratuity. It has no right to delegate that power to a corporation created there, invested with these franchises, where it is to exist forever as a monopoly. As a matter of course it must necessarily be so, because it would be exceedingly unfair to the corporation if, when created, it were not a monopoly. I say Congress has no power whatever to create a corporation for such purposes.

But we are told by eloquent Senators that we have the power under that clause which gives us authority to regulate commerce. Mr. President, did any man ever suppose that the right to regulate commerce included within it the right to create a common carrier? What will this canal be, what will this railroad be, when it is created? Nothing more or less than a common carrier. A railroad company and a railroad itself is in no wise distinguishable from a road-wagon with six horses and a driver upon it. It is simply a common carrier, a machine which takes up a box at a particular point and delivers it at another point, owned by a single person, although that person may be a corporate person, with a hundred natural persons as corporators; but the corporation itself and the work it constructs constitute in the law but a common carrier. I agree that we have a right to regulate that common carrier; I have no doubt about it; and why was the power given? If the history of the Constitution had been properly read we should have seen why. We have thirty-six States, and a single State may throw itself, to use the language of the Senator from Vermont, across the pathway of commerce. and tax the inter-State commerce of the people of the Union, just as I understand the Camden and Amboy railroad is made the instrument by New Jersey to tax the inter-State commerce of other States; just as the Baltimore and Ohio railroad is made the instrument on the part of Maryland to levy taxes from the inter-State trade and travel of the other States to put into her State treasury. I can say to the Senator from Vermont that it was to prevent that that Congress was given the power to regulate commerce. Under the old Articles of Confederation each State had the right to levy off the inter-State trade and travel the same taxes, the same duties, and the same tolls that she levied off her own citizens. Now you observe how that works. Maryland had the right under the old Articles of Confederation to levy upon a traveler coming from Baltimore to Washington just the same amount of taxes, in the shape of tolls, that she had to levy upon her own citizens; but it was soon discovered that the citizens of Maryland might very well pay this tax themselves, provided they had the liberty to tax all the rest of the people in the world who came to the capital and put it into their State treasury. Therefore it was that Congress was given the power to regulate commerce; and, in my judgment, if to-day Congress were to pass an act declaring that no State should levy taxes in this way, to put into her State treasury, from people who were in no wise bound to obey it, such an act of Congress would be good, and the courts would enforce it, and they would carry out that power which was delegated to us. There is nothing in the world to prevent an act of Congress from being passed declaring that the Camden and Amboy railroad shall not be used by New Jersey as a tax-collector off the citizens of New York and Pennsylvania who choose to cross between Philadelphia and New York. An act of Congress which would forbid the State of Maryland from making a tax-collector out of the Baltimore and Ohio railroad for the purpose of putting taxes into the Maryland State treasury I say would be a good act of Congress, and the courts would enforce it.

That is the power to regulate commerce; and when the history of it is examined it grows out of that reason. We have the right to regulate the common carrier; we have the right to regulate all those persons who hold themselves out to the country as common carriers; and, in my judgment, it ought to be done; and if the country ever comes to a settled condition, I hope it will be done; that Congress will regulate, not usurp, authority to create corporations; not usurp the right to enter upon States in violation of the reserved rights of the States, in order to expend their money, or allow it to be expended in the creation of monopolies.

Therefore, Mr. President, I think it would be well to consider this measure most maturely; I think it would be very well for its friends to consider it maturely. I think if I were a corporator proposing to embark myself on this speculation I should like to know whether the machinery which is at our command, Federal machinery, would be able to secure my rights in and about it. There is the difficulty, and the difficulty stated as briefly as I know how to state it. I put aside all questions of the expediency of doing this work, the policy of having it done. I have nothing to say about that. I suppose nobody will controvert but that it would be a good thing to avoid the difficulty there which occurs in the outlet from the great lakes to the ocean; but that we have the right to do it by this means and through this medium is what I positively deny. The Senator from New York asked the question, and it was a pertinent one, when before has the Federal Government undertaken the exercise of such a power as this? Never. Where was the power delegated? Where is it? In what part of the Constitution? And if it was there, and if it was exercised, then I ask what becomes of the States and their right to create corporations? What will become of our State corporations?

Then there is another question which is most intimately connected with all this: who shall tax this company that you are about to create? Shall New York have the right to tax it, or shall it be free from taxation on the part of the States? If it be free, then you will have a parcel of Federal corporations in every State which are liberated from the ordinary burdens of State taxes to support the State government. If, on the other hand, your corporation is liable to be taxed for State purposes, what is to prevent the State from taxing it out of existence? When the corporations created by the State and the corporations created by the Federal Government come into conflict, if the State has the right to tax them, the State may tax the Federal corporations out of existence, and would have the right to do it, and ought to do it. So that when you come to examine it in every way, it is not only unconstitutional and wrong, but it is not feasible. It cannot exist, in my judgment, in the nature of our Government. It is not possible, because it involves the destruction of the one or the other of the two powers. They are incompatible. If New York charters this company, then the United States cannot charter it; if the United States can charter it, then the State of New York cannot.

Mr. EDMUNDS. I should like to ask the Senator from Pennsylvania what he thinks about the national charters of national banks in the States of Pennsylvania and New York, and their charters of State banks? Is there any great difficulty about that, or about taxing either?

Mr. COWAN. I have a very clear and decided opinion upon the charters of national banks in the State of Pennsylvania and in the State of New York. I have not obtruded it upon the public because I had no disposition to add another element to the difficulties which now surround our financial situation; but as the honorable Senator has put the question distinctly to me, I answer it quite as distinctly. I do not think the charter of the national banks

in the States is worth that, [snapping his fingers.] The old charter of the United States Bank was only sustained upon the ground that it was chartered for the purpose of being a fiscal agent for the Government.

Mr. EDMUNDS. Has not the Supreme Court recognized these banks?

Mr. COWAN. I know nothing about that. I never knew the question had been started whether they have recognized them or not; but the Supreme Court recognizing an institution when there is no question before them as to its authority is not very much guide for the law. When the question comes up as to the right of the Federal Government to thrust itself into the States and create banks and corporations for the purpose of banking there, and not for the purpose of making them fiscal agents of this Government, not necessary for the collection and disbursement of revenue—when that question comes up and the Supreme Court decides it in the affirmative, then I will agree that the law is settled on that point. That has been the difficulty I have had with national banks from the outstart; and you run into the same series of difficulties, you involve the country in the same troubles, by that system, except to a smaller extent, that you do by incorporations which have for their object the creation simply of common carriers.

Mr. President, if we desire to preserve the Union, if we desire to preserve harmony among the States and preserve their rights, their right to govern their own internal concerns, which I believe never was denied on the part of anybody, and if that is essential to the maintenance of the Union, then we should be exceedingly careful about things of this kind. When you get into a controversy with the great State of New York, with its four or five million inhabitants, when your sovereignty comes to clash with that, and you find Pennsylvania and other great States, such as Ohio, backing New York, you may have more difficulty in preserving this Union than you had in coercing the South into sustaining it.

These are things to make wise men pause, to make them hesitate, and make them be exceedingly careful before they set their foot down to know that it is on firm ground. I think this time of national excitement, this time when all is turbid water and nobody is able to see very clearly, is not the time to adventure upon a usurpation of this kind, however much the work may be necessary, however much it would be policy even, if you please, that the national Government should expend its money and make a gratuitous work of it. That is an entirely different thing. I suppose the State of New York would have no objection to that; I suppose she would waive perhaps her right to tax any gratuitous effort that was made by the General Government to get around the falls there; but I am very certain that she will never give up the right to tax any corporation you may put there; and I am very certain she will never, when she understands it, give up the right of her courts to control that corporation; nor would she have any right to do it.

Mr. McDOUGALL. Mr. President, it is so long since I studied the law of common carriers that I cannot exactly understand the full force of the argument of the honorable Senator from Pennsylvania—it is so long since I thought that had anything to do with great public law. The law of common carriers may be very well from Reading to Philadelphia in the carrying of coal and iron; but the law of common carriers does not govern the relations of our inter-States and inter-nations. The authority for doing this is in this simply: that it is a great question of national interest, not involving the State of New York as a specialty. New York has but little to do with it; it comes from Lake Superior; it comes from all the rivers that flow into Lake Superior; it comes from Lake Michigan; it comes from Lake Huron; it comes from Lake Erie; it comes from all the country that has an outflow into the St. Lawrence, on our great northern lines; and the enterprise is altogether national.

The Senator from Pennsylvania is laboring under the difficulty that a Senator from South Carolina once did—an illustrious man now gone to his fathers. He did not know that there was such a river as the Mississippi until he was invited with great earnestness to go out to the great convention held at Memphis. He (for he was of illustrious fame) was chosen as president of that convention, and he came back to the Senate of the United States and organized a committee here in this body and made a report, and he found out that the Mississippi was a great sea, and his entire idea of policy as to how improvements should be made within the lines of our continent had been changed. He changed them, and Mr. Calhoun's report to the Senate was probably a retreat equal to the retreat of Xenophon, or Moreau out of the Black Forest. The Senator from Pennsylvania may have occasion to find when he has not only crossed the Alleghanies, but crossed the Mississippi, that he has many things to learn that have not yet come within the range of his immediate comprehension.

Sir, this work is one which should have been accomplished long since. In the hands of any other Government it would have been done. The objection to it as a question of constitutional law cannot be enforced by any one. It is a great work required by the Government for great public purposes, and it is inter-State and international both. It is a long time since that we have learned, and most students have learned, that we have to accomplish these great works by the united force of the united Government. I do not know of any enterprise that is more demanded of the united Government of the States of North America than this work now, to make a pathway from the lakes to the Atlantic on our own soil. England started long in advance of us. We have not even stepped upon her footpaths. It is no honor to us that we have failed so long to make this pathway to the ocean.

As for the question of constitutional law, in discussing constitutional law we should remember that the Constitution is not all written in words. It was organized in the minds of men. It is to be understood and comprehended by a larger sense than the mere form of words. Our right to give organization to this enterprise, to give it birth and strength and life is as unquestionable as anything that belongs to congressional legislation.

Mr. MORGAN. I think it is late enough for the Senate to adjourn. It is for the Senate to determine whether they will adjourn or not. It is now near eleven o'clock.

The PRESIDENT *pro tempore*. Does the Senator make a motion?

Mr. MORGAN. If Senators wish to adjourn, I should be glad to do so.

Mr. FESSENDEN. If the Senator will allow me, I wish to give notice that I shall be obliged to-morrow to call up the Army appropriation bill. The bills left unfinished that require the action of the Finance Committee are that bill, the miscellaneous appropriation bill, which has been sent to us and which the committee must take up to-morrow, and the tax bill, upon which the committee must enter at once. It will be impossible, in my judgment, unless we go on with these bills immediately, straightforward, to get through or begin to get through with the business of the session. It is for the Senate to judge how long a time they will spend in debating this bill, and what is to be done with it. The bills I have mentioned must take precedence if the Senate mean to complete the work of the session.

Mr. HOWE. Let us have a vote on this bill now.

Mr. MORGAN. I shall not press the Senate to adjourn; but if they conclude to go on with this bill I must read a communication that I have here from the comptroller of the State of New York. I read it for the purpose of showing that the views I entertain on this subject are entertained by the financial officers of the government of New York.

Mr. SHERMAN. If the Senator will give way I will make a motion to adjourn. We ought not to weary ourselves out now, as we shall have so much to do this week.

Mr. MORGAN. I yield for that purpose.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; there being, on a division—ayes 15, noes 14; and (at ten o'clock and fifty-five minutes p. m.) the Senate adjourned.

IN SENATE.

TUESDAY, *February* 26, 1867.

Prayer by Rev. JUSTIN D. FULTON, D. D., of Boston, Massachusetts.

On motion by Mr. ANTHONY, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

CONGRESSIONAL PRINTER.

Mr. ANTHONY. I move that the Senate proceed to the election of a Congressional Printer.

The motion was agreed to.

Mr. ANTHONY. I move that the rule which requires the election of officers of the Senate to be made by ballot be dispensed with.

The PRESIDENT *pro tempore*. It can be dispensed with by unanimous consent. No objection being made, that rule is dispensed with.

Mr. ANTHONY. I nominate John D. Defrees, of Indiana, for Congressional Printer.

The nomination was agreed to.

CREDENTIALS.

Mr. FOGG presented the credentials of Hon. JAMES W. PATTERSON, elected a Senator by the Legislature of the State of New Hampshire for the term of six years, commencing on the 4th day of March, 1867; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to improve the harbor at Pere Marquette, in the State of Michigan; which was ordered to lie on the table, and be printed.

He also presented a memorial of the central executive committee of the Gen. Butler Republican clubs of New Orleans, Jefferson, Algiers, and Gretna, Louisiana, recommending Hon. R. King Cutler for provisional governor of that State; which was ordered to lie on the table.

Mr. HENDRICKS presented a petition of the National Bank Note Company of New York, praying that the Postmaster General may be authorized to settle their accounts with the Post Office Department upon a just and equitable basis; which was referred to the Committee on Post Offices and Post Roads.

Mr. LANE presented resolutions of the Legislature of Indiana, in favor of the equalization of soldier's bounties; which were referred to the Committee on Military Affairs and the Militia.

Mr. YATES presented the petition of Mrs. M. E. Estabrook, whose deceased husband was captain of company D, seventh regiment Illinois volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. FRELINGHUYSEN presented a petition of officers and members of the New Jersey Historical Society, praying that the historical library of Peter Force may be purchased by the Government; which was ordered to lie on the table.

Mr. POMEROY presented resolutions of the Legislature of Kansas, in favor of the establishment of certain mail routes in that State; which were referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

Mr. MORRILL presented a memorial of the Maine Historical Society, praying that the historical library of Peter Force may be purchased

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by the Government; which was referred to the Committee on the Library.

Mr. CHANDLER presented resolutions of the Legislature of Michigan, in favor of the protection of the fisheries of the upper peninsula of that State from the encroachments of foreigners; which were referred to the Committee on Foreign Relations, and ordered to be printed.

He also presented resolutions of the Legislature of Michigan, in favor of an appropriation to aid in the improvement of the channel of navigation between Lake Superior and Eagle Harbor, in the county of Keweenaw, in that State; which were referred to the Committee on Public Lands, and ordered to be printed.

He also presented resolutions of the Legislature of Michigan, in favor of a donation of lands for the endowment of female colleges in the several States; which were referred to the Committee on the Library, and ordered to be printed.

Mr. HOWE presented resolutions of the Legislature of Wisconsin, in favor of the establishment of a mail route from Rural to New London, in that State; which were referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

Mr. TRUMBULL presented a petition of soldiers in the war to suppress the late rebellion, praying for the passage of the bill which allows a bounty of eight and one third dollars per month to all soldiers for the terms of their respective service; which was referred to the Committee on Military Affairs and the Militia.

PAPERS WITHDRAWN.

On motion of Mr. TRUMBULL, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the petition of the Adams Express Company, praying that the Secretary of the Treasury may be authorized to issue to them Treasury notes in the place of the notes lost by the sinking of the steamer Bio Bio at New Orleans on the 22d of March, 1863; and that the petitioners have leave to withdraw their petition and papers.

REPORTS FROM COMMITTEES.

Mr. RAMSEY, from the Committee on Naval Affairs, to whom was referred the petition of Charles W. Whitney, praying for additional compensation for building the iron-clad gunboat Keokuk, asked to be discharged from its further consideration; which was agreed to.

Mr. FRELINGHUYSEN, from the Committee on Claims, to whom was referred the joint resolution (H. R. No. 36) referring the papers in the case of F. A. Gibbons and F. X. Kelley to the Court of Claims, reported it with amendments.

Mr. POMEROY, from the Committee on Public Lands, to whom were referred the petition of the McGregor Railway Company, praying aid to extend their railroad from O'Brien county, Iowa, to Yankton, Dakota Territory, and the bill (S. No. 504) to improve the value of Government lands on the line of the McGregor Western railway, by aiding said railway company to construct said railroad, asked to be discharged from their further consideration; which was agreed to.

Mr. GRIMES, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 509) to amend certain acts in relation to the Navy, reported it with amendments.

Mr. HENDERSON, from the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. No. 177) to provide for the payment of certain awards for losses sustained by loyal Choctaw and Chickasaw Indians, asked to be discharged from its further consideration; which was agreed to.

TRIAL OF RIDGWAY'S BATTERY.

Mr. NYE. The Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 290) authorizing the Secretary of the Navy to grant the use of guns for trial of Ridgway's battery, have directed me to report it without amendment; and as it is very brief and simple in its terms I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which authorizes the Secretary of the Navy to grant the use of two eleven-inch Dahlgren guns to John Ridgway, of Boston, for use in experimental trials of Ridgway's patent-revolving battery.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES FULTON.

Mr. FOWLER. I move that the Senate proceed to the consideration of Senate bill No. 577.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 557) for the relief of James Fulton, paymaster United States Navy. It directs the proper accounting officers of the Government in the settlement of the accounts of James Fulton, paymaster United States Navy, to allow a credit of $17,213 95, for clothing and small stores abstracted from the inspection building in his charge while on duty at the navy-yard, Washington.

Mr. TRUMBULL. Is there a report in that case?

Mr. FOWLER. The Committee on Naval Affairs have made a very full report on this subject. I ask that it be read.

Mr. TRUMBULL. I do not care to have it read if the Senator will state what it is.

Mr. FOWLER. The Senator from New Hampshire [Mr. CRAGIN] can explain it fully.

Mr. CRAGIN. I made the report in this case. It is the case of Mr. Fulton, who was paymaster at the Washington navy-yard. When he took possession of the yard a large amount of property there came into his hands as inspector, and there was a clerk who had been employed by the former inspector there who was continued under him. This clerk was recommended as an honest and faithful man, but it turned out afterward that he was guilty of stealing this property, and he has been indicted by the courts here and is now awaiting his trial. On investigation it proves that some seventeen thousand dollars of property had been taken. It does not appear that it was all taken while Mr. Fulton was paymaster in charge there; a portion of it may have been taken while his predecessor was in the office; but the Department are clearly of the opinion, and so are the committee, that Mr. Fulton is in no way to blame. He was charged with very onerous duties there. It was at the time of the breaking up of the rebellion. He had not only to pay some fifteen hundred laborers employed at the navy-yard, but some twenty-five hundred men who had been employed upon the Potomac were all thrown upon his hands, and a large amount of property was turned over to him at the close of the rebellion. It is in evidence that he had to work night and day and even Sundays to keep up with his business. He is an entirely trustworthy and honest man, and it was by the criminality of his clerk that he has been brought into this position. The case is one of great justice, and the bill ought to be at once passed.

Mr. TRUMBULL. What was the property? It was not money?

Mr. CRAGIN. Clothing, silk handkerchiefs, hat ribbons, and those things that this clerk could conceal under his coat and carry off day by day from the office unbeknown to anybody.

Mr. TRUMBULL. Is this amount of $17,000 the estimated value of the goods?

Mr. CRAGIN. That is the amount of the value of the goods stolen in all, dating back some time. This clerk was employed under the former paymaster, and the presumption is that a portion of the goods were taken before Mr. Fulton came there.

Mr. FOWLER. I will read for the information of the Senate the letter of the chief of the Bureau of Provisions and Clothing on this subject:

BUREAU OF PROVISIONS AND CLOTHING,
February 11, 1867.

SIR: I have the honor to acknowledge the receipt of the letter of Hon. J. W. GRIMES, chairman of the Naval Committee of the Senate, with the papers in the case of Paymaster J. Fulton, referred by you to this bureau, and to report:

That Paymaster Fulton has always maintained the highest reputation at the Department and in the service for integrity and fidelity in the discharge of his duties.

Owing to the insufficient number of paymasters in the Navy at the time he was ordered to the Washington navy-yard, in February, 1865, it was impossible to assign another paymaster with whom to divide the duties, which were of so laborious and complicated a nature as would otherwise have made it advisable to do so.

His accounts for the expenditure of very large sums of money have been promptly and fully settled.

His duties in disbursing money were such that he was much absent from the inspection building, and this gave to his clerk, who was thus necessarily left in charge, the opportunity to pursue a continuous and systematic course of dishonesty.

Mr. Fulton received from his predecessor the very highest recommendation of this clerk for honesty and ability, and therefore very naturally gave him full access to articles of value at the inspection building, when other duties obliged him to give his personal attention at the pay office, in another part of the yard.

Such confidence had this clerk inspired that Mr. Fulton, as well as those paymasters who had preceded him, had taken the clerk's written account of the articles on hand, instead of making that thorough personal examination which would have been desirable.

In Mr. Fulton's case, more than in any other, this was pardonable, since, owing to the pressure of business incident to the close of the war, his duties were more arduous than had ever been performed by any paymaster at that yard.

The difficulties of Mr. Fulton's position, owing to the breaking up of the Potomac flotilla, were very great, and I have no doubt that he gave to the public property intrusted to him all the care and attention which he would have given to it had it been his own.

Considering Mr. Fulton's case an exceptional one, I hope that an examination of the papers in the case (which are herewith returned) will secure a favorable report for that officer.

Very respectfully, your obedient servant,
H. BRIDGE, *Chief of Bureau.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

D. RANDOLPH MARTIN.

Mr. HOWARD. I move to take up for consideration House joint resolution No. 271.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 271) authorizing the Secretary of War to adjust and settle the claim of D. Randolph Martin, assignee of the Washington, Alexandria, and Georgetown Railroad Company. It authorizes the Secretary of War to adjust and settle the claim of D. Randolph Martin, assignee of the Washington, Alexandria, and Georgetown Railroad Company, for the use and occupation of the road of the company by the United States from and after the 11th of January, 1862, until August, 1865, and to pay him such sum as may be found equitably due for such use and occupation.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRY P. BLANCHARD.

Mr. SUMNER. I move that the Senate proceed to the consideration of House bill No. 1051, for the relief of Henry P. Blanchard. It is a bill which has already passed the House, and which at two former sessions passed the Senate. Now, it is only necessary to pass it here to complete the act.

Mr. TRUMBULL. I hope the Senator will let us get up some public business.

Mr. SUMNER. This will only take a minute.

Mr. TRUMBULL. I have got charge of a bill which has passed the House of Representatives which I know the Senator is for.

Mr. SUMNER. The Senator will be for this also. It is a bill that has twice passed the Senate at former sessions, and it has now passed the House. It is a bill for the relief of Henry P. Blanchard, who was marshal at Canton.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Henry P. Blanchard, for

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his services as marshal at the port of Canton, in China, from February 22, 1858, to July 1, 1860, the sum of $2,354 24.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. HOWE. I should like to know what that bill is.

Mr. SUMNER. I have already stated that it is a bill that has passed this body twice and has now passed the House of Representatives. It is reported from the Committee on Foreign Relations. There is a report accompanying it which was made to this body some two years ago.

Mr. HOWE. I thought it was a bill that had come from the Committee on Claims.

Mr. SUMNER. Oh, no, it is a different bill. It is for services as marshal at Canton.

Mr. CONNESS. It is entirely right. There is no doubt on the subject.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. R. No. 213) to extend the provisions of the act in regard to agricultural colleges to the State of Tennessee.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H. R. No. 224) giving additional compensation to certain employés in the civil service of the Government at Washington, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendments to the bill (S. No. 220) for the relief of certain contractors for the construction of vessels-of-war and steam machinery, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ITHAMAR C. SLOAN of Wisconsin, Mr. COLUMBUS DELANO of Ohio, and Mr. SAMUEL McKEE of Kentucky, managers at the same on its part.

The message further announced that the House had agreed to the second and disagreed to the first amendment of the Senate to the joint resolution (H. R. No. 222) prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. COLUMBUS DELANO of Ohio, Mr. JOHN B. ALLEY of Massachusetts, and Mr. ANTHONY THORNTON of Illinois, managers at the same on its part.

DEPARTMENT OF EDUCATION.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of House bill No. 276.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 276) to establish a Department of Education. It proposes to establish at the city of Washington a Department of Education for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

There is to be appointed by the President, by and with the advice and consent of the Senate, a Commissioner of Education, who is to be intrusted with the management of the department, and who is to receive a salary of $4,000 per annum, and who is to have authority to appoint one chief clerk of his department with a salary of $2,000 per annum, one clerk with a salary of $1,800 per annum, and one clerk with a salary of $1,600 per annum; which clerks are to be subject to the appointing and removing power of the Commissioner of Education.

It is to be the duty of the commissioner to present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this department is established. In the first report made by the commissioner under this act there is to be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds as far as they can be determined.

The Commissioner of Public Buildings is directed to furnish proper offices for the use of the department herein established.

Mr. CONNESS. I move to amend the bill by striking out the word "department" where ever it occurs and inserting the word "bureau." I do not see how we can avoid considerable complication by calling this, which is to be but a bureau, a department, when we have Departments, and the degree of their consequence is well understood. The head of a Department is entitled to seat in the Cabinet. The distinction is so clear and well established that I think there can scarcely be a difference of opinion as to the propriety of keeping it up. It certainly can add nothing to the dignity or to the efficiency or usefulness of this establishment to call it a department as contradistinguished from calling it a bureau, which it is to be. A department, meaning one great branch of the administrative part of this Government, should not be dwarfed by giving the term and name and designation now to an establishment which is to have two or three clerks. The head of the department is called a commissioner, the same term and designation that is applied to the Commissioner of Internal Revenue, of Agriculture, and the other bureaus of the second order of importance in the Government. I hope the Senator having charge of the bill will see the propriety of this change.

Mr. TRUMBULL. I do not think there is any great importance in the word that is employed here. I beg leave to say, however, to the Senator from California that there is no law that makes the head of a Department a member of the Cabinet.

Mr. CONNESS. I am aware of that. I did not say there was.

Mr. TRUMBULL. I understood the Senator to say that the heads of Departments were members of the Cabinet.

Mr. CONNESS. That is true.

Mr. TRUMBULL. No; I have never understood that the distinguished head of the Agricultural Department is a member of the Cabinet.

Mr. CONNESS. That is not a Department.

Mr. TRUMBULL. I believe it is so called in the law.

Mr. SUMNER. By law it is a Department.

Mr. TRUMBULL. It is by the law called a Department; and I do not understand——

Mr. CONNESS. If the Senator will pardon me, I will say right here that it is now stated to me by a Senator that the head of that Department, I will call it, has upon more than one occasion declared that although entitled to a seat in the Cabinet by reason of the dignity of the Department, yet he has never contended for it and never sought it.

Mr. WILSON. He thinks he will get it soon. [Laughter.]

Mr. CONNESS. This is no matter to jest about. If the term has been introduced in connection with the Bureau of Agriculture, I hope it will not be continued as to this.

Mr. TRUMBULL. I attach no very great importance to the word, whether it be bureau or department. This is a House bill, and I will state to the Senator from California one reason for having it a department: that the head of it may select and appoint his own clerks. If it is a bureau you cannot confer that power upon him. The Constitution authorizes Congress to vest the appointment of inferior officers in the heads of Departments, but not in the heads of bureaus. I think it would be somewhat important that the man put at the head of this department, if the bill becomes a law, should have the selection of the two or three clerks that the bill authorizes him to employ. I think it would be better than to have them appointed by the head of one of the Departments of the Government; and to what Department will you attach it? If the amendment of the Senator from California should prevail, it would be necessary to make several other amendments in the bill.

Mr. GRIMES. If the Senator will allow me to make a suggestion, it seems to me all this difficulty may be obviated by uniting this department with the Agricultural Department, and thereby we shall secure the services of the eminent gentleman who is at the head of that Department, and who is undoubtedly well qualified for this. [Laughter.]

Mr. TRUMBULL. That Department seems to have business enough of its own, and this is a separate matter; and I do not wish, as the Senator from California says, to treat it jestingly at all. I regard the bill as one of great importance to this country. It is particularly important now. If peace and harmony are ever to be established among the people of this Republic we must educate them; and now, in the disorganized state of southern society, when all their schools have been broken up for years, and a generation is growing up without education, it is important that we have some head to this educational interest in the country. The nation has done a great deal for education. In all the new States we have appropriated a section of land in every township for that purpose. We have also donated large tracts of land for seminary purposes and for agricultural colleges. The nation has been doing much to educate the children of the land. But, sir, we have no head to this. No means have been devised by which the improvements in science and education may be brought together and disseminated throughout the land.

Although some Senators affect to treat it with a smile as an unimportant matter, I believe it to be one of the great interests of this nation which should be fostered. I have always been in favor of donating lands for educational purposes. Sir, if we had a head to this branch of affairs, those lands would not have been squandered as they have been in many of the new States. Oftentimes from a want of system one of the first things the first settlers who have gone into a township have done has been to sell the sixteenth section for a trifling sum. Instead of waiting till the country became somewhat settled and the land valuable they have let it go for nothing. If we had had a department of education from the beginning, I believe it would have been one of the best bureaus or departments which the Government could have had.

I do not wish to take up time in regard to it; but I trust that the Senator from California will not persist in his amendment, which would require some other amendments. There can be no great importance in it, at any rate; it is a mere name; and it would involve the necessity of sending the bill back to the House of Representatives, as well as making other changes in the bill; and there is one reason which I have suggested to him, which I am sure he will appreciate, why it is better to use the word "department." Under these circumstances I trust the amendment will not be made.

Mr. DIXON. I agree with the Senator from Illinois that this bill is important; and when we look to the condition of the country and the great changes which are taking place in the country, and especially in the great matter of suffrage, it seems to me the bill is doubly important; for, sir, he is blind who cannot see that sooner or later the whole people of this country are to vote. If so, how

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important is it that the people should be educated and how educated? Not by colleges, not by high schools; they are very well; but they are out of the reach of the great mass. They are to be educated by common schools. The New England system of common school education must reach the whole mass of our people, or this country, perhaps we may say, cannot be sustained. In view of that, this bill is immensely important. I trust the bill will pass. I shall take up no time in speaking upon it, because I know it is important to bring it to a vote at once.

Mr. SUMNER. I am unwilling that this bill should be embarrassed by any question of words. I am for the bill in its substance, whatever words may be employed. Call it a bureau if you please, or call it a department; I accept it under either designation. The Senator from Connecticut has not too strongly depicted the necessity of the case. We are to have universal suffrage, a natural consequence of universal emancipation, but that I fear will almost be a barren scepter in the hands of the people unless we give them also education. From the beginning of our troubles I have foreseen this question. Through the agency and under the influence of the national Government education is to be promoted in the rebel States. To that end we need some central agency. That, if I understand it, is to be supplied by the bill now before us.

Call it then I say a bureau, or call it a department; but give us the bill, and do not endanger it, at this moment, in this late hour of the session, by any unnecessary amendment. For myself, sir, I would if I could give it the highest designation. If there is any term in our dictionary that would give it peculiar significance I should prefer that. Indeed I should not hesitate, if I could have my way, to place the head of the Department of Education in the Cabinet of the United States. In that we should only follow the practice of one of the civilized Governments of the world. I refer to France, which for years has had one of its responsible members of the cabinet a minister of education. But there is no such proposition now before us. The question is simply on a name; and I hope we shall not take up time with regard to it.

Mr. CONNESS. The Senator from Massachusetts, though a more powerful advocate of education, is not a more earnest one than myself.

Mr. SUMNER. Of course not.

Mr. CONNESS. I do not understand the value of the Senator's argument when he says that he is prepared to make this a department, giving the head of it a seat in the Cabinet. If he is disposed so to dignify it and render it important, then he certainly or the friends of this measure have fallen very far short of that object. I do not understand the legitimacy of bringing such an expression to bear in favor of the form the bill now has, when the Senator has failed to give it that importance and dignity in the preparation of the bill. I think that the question of making this complication is one of consequence. I agree to the importance of a bill of this character; but I do not agree with the Senator from Illinois when he claims the degree of merit which he did while he was up for this measure. It will not at once regulate the great subject of education and control it in the States of this Union. I do not see, indeed, by the provisions of the bill that it is in any considerable degree to effect any such purpose; but I do agree that it is an important measure in the initiation of what may become, to some extent, a controlling and useful and necessary power. But if Senators are not prepared to give it the importance and dignity of a department of this Government, then I ask them not to complicate the question by calling it a department with three clerks.

As to the objection to sending the bill back to the House with an amendment, there is no force in that as I think. The Senator from Illinois said that it was important to give the head of this bureau, or so-called department, the appointment of the clerks. I think so, too; but that may be given by an amendment, which I propose to suggest, striking out at the end of the second section all after the words "per annum" and inserting the following:

And the said clerks shall be appointed by the Secretary of the Interior, on the nomination of the commissioner.

It need not be claimed that this is taking away the appointment from a source authorized by law, because the appointment may be made out of a number selected and presented by the commissioner, thus securing persons of educational ability for those offices. I thought when I made the suggestion of amendment that it would at once meet with the approbation of the Senators who promise so much for this bill.

Mr. HOWE. Mr. President, the struggle to emancipate the nation is just ended. The struggle to enfranchise the nation is almost ended. The struggle to educate the nation is just commencing, and commencing with this bill. I shall not detain the Senate, except so long as to say that viewing it in that light I shall give my vote and my whole heart to this bill. That it is the best bill that could be prepared I shall not affirm, for I do not know. I believe that any effort is better than no effort. I believe that to amend this bill, or to attempt to amend it, tends only to defeat any effort; and therefore I shall oppose any amendment that can be offered, and I shall vote for the bill just as it stands.

Mr. HOWARD. I shall vote for the bill; that is, for the principle of the bill, for it is one which I favor; but I do think there is great weight in what the Senator from California has said with regard to making it a department. I think the word "department" as it is used in this bill, is rather an unconstitutional application of the word. What does the Constitution contemplate as a department of the Government? Its language is quite plain on that subject.

"He [the President] may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices," &c.

Now, sir, it has been the usage of the country, it has been the understanding of the people from the foundation of the Government, that a Department of the Government of the United States is such an institution as has at its head a gentleman who is a member of the Cabinet, who is a Secretary of State, or of the Treasury, or is Attorney General, or Postmaster General. This view seems to me to derive additional strength from the use of the phrase in the succeeding section, "heads of Departments" as connected with the power of appointment to office under the Government of the United States. It seems to me when the Constitution, therefore, speaks of a Department it means such a department whose head has, under the Constitution, a right to appoint, if the law so allows, to offices, as is the case in all the heads of Departments. I do not think that the simple calling of what is in reality a bureau a department, and giving it a head, gives to that head any additional power or authority under the Constitution. In short, sir, I think it is a misapplication of terms to call it a department; and I think we committed an error when we called the Agricultural Bureau a department; and for one I regret that I voted to give it such a designation. I hope, therefore, that the slight amendment of the Senator from California will prevail. It cannot delay the passage of the bill, for I am quite sure the House will at once concur in what is merely a correction of the designation of the officer.

Mr. NORTON. Understanding this bill as I do, that it is merely for the purpose of establishing here at the seat of Government a bureau to disseminate information generally throughout the country in regard to education, I shall vote for it; but if I understood it, as it seems the Senator from Wisconsin and the Senator from Illinois do, and perhaps the Senator from California, that it will lead to the establishment of a bureau or department here which, under the direction of Congress, shall have control of the school systems of the various States and shall regulate those systems, I should certainly oppose it. I believe that the cause of education in the various States is best promoted by being exclusively under the direction of the States, and that each State should have the exclusive management and direction of its school funds and the disposition of all grants made by Congress for the establishment and maintenance and support of schools within its limits. Now, we have in the State of Minnesota adopted a school system; we have adopted a system of disposal of our school lands, deeming it the best that could be devised, and it is one that is satisfactory to the people of the State of Minnesota.

I should be very reluctant, indeed, by any vote I might give here to seem to approve of a proposition that any authority or any power outside of the State should interfere with the disposal of those lands or interfere with the management of the proceeds of the sales of those lands. Believing, however, this bill to be merely the establishment of a bureau here for the purpose or disseminating information in regard to schools and education, informing one State of the progress of education in another, informing one State of the manner of conducting schools and the school systems to be found in another, and believing that to be beneficial and of advantage to the country, I approve of it; but I repeat, if I thought it had the scope that the Senator from Illinois seems to intimate it might have, or that it would lead to legislation which would effect that, I should certainly oppose it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California.

Mr. CONNESS. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. DAVIS. When this measure was first introduced, I hardly thought that its patrons were serious in urging it. It seems to me to be more of a device to create officers and patronage and to make drafts on the Treasury than anything else. Instead of increasing the bureaus in the Departments, I would be willing to discontinue about half a dozen of them. I think there are a great deal too many already.

Mr. President, I do not believe that Congress is competent to take under its care and management the subject of education, except in this District. In the States I am firmly convinced that that all-important matter can be much more wisely and successfully provided for by the State authorities and the people of the State. In addition to that, I doubt seriously the power and the competence of Congress to pass this measure. This thing of Congress drawing into the vortex of the power of the national Government so many subjects and interests that, according to my judgment, belong peculiarly to the States, and were intended to be left exclusively to State management, and that can be so much more wisely and successfully and beneficially managed by the States than by Congress, is a very mistaken policy. That is my humble opinion. I have merely said what I have said to express my entire dissent from this measure.

Mr. YATES. I wish to say a very few words on this bill, because I desire to identify myself with it. I believe it will pass; I believe it ought to pass. I think it will produce beneficial results to the nation, now and hereafter, through all the future history of the Government.

I did not like the tenor of the argument of the Senator from Minnesota, and also of the Senator from Kentucky, in introducing the question of what belongs to the States and what belongs to the General Government. I think we have had lessons enough in the past to know and understand that for all time to come we are a nation, not States merely, but a nation, with the powers and attributes of sov-

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ereignty as a nation. The ultra doctrine, that all power in this Government belongs to the States, has resulted in woes immeasurable to this Government, in the loss of hundreds of thousands of lives and millions of treasure. And now when it is simply proposed that we shall have a national bureau of education, the old Calhoun doctrine of States rights must be held up, and it must be maintained that we are encroaching upon the sovereignty of the States.

Sir, we need a center for our educational system; and I do not know that I should have said one word upon this subject but for the fact that a very distinguished citizen of Great Britain, upon a visit to our State capital at Springfield, Illinois, made the statement to me that he could not ascertain the statistics of education in the United States. He could obtain the reports of the superintendents of schools of the various States, but he could obtain no reliable data or statistics of the educational position of the United States. We want this as a central department to which the reports of the various superintendents of schools of the respective States shall be made, so that we shall have collective information of all the systems of schools in all the States, which we may see at a glance, and which may be distributed and sent back to the States, with the collective wisdom of all these State institutions, for the benefit of the people. I repeat, sir, that I regard this as a great measure, and as calculated to have a beneficial effect upon the country now and hereafter.

Mr. TRUMBULL. I desire to say a word only, as I seem to have been misunderstood by Senators in some remarks that I made as to what this nation had done for the education of the children of the land. They seem to suppose that this is a bill to take that subject entirely out of the control of the States. It is not so by any means. It is merely, as my colleague has remarked, to establish a center for the dissemination of information among the States as to improvements in the way of building school-houses, in methods of imparting education, and giving a history of the disposition of the vast amount of property which the nation has donated for purposes of education. I think it will be very important for the States and Territories to know what disposition has been made of the school lands in Illinois and Alabama, to see which State has managed them most judiciously. Let the other States have the benefit of this knowledge. We learn from history. This is to establish a center from whence may be disseminated information on this most important subject. I do not wish to take time, and as another bill is pressing I trust we may have the question on the amendment proposed by the Senator from California, and I hope the amendment will not be adopted.

Mr. GRIMES. I understand, then, from the Senator from Illinois that the information he seeks to obtain, if this bill shall pass, will be merely second-hand information that is collected from the superintendents of the common schools of the different States.

Mr. TRUMBULL. I think there will be a great deal more than that. That is one thing.

Mr. GRIMES. What other information is to be got?

Mr. TRUMBULL. As I said, I do not wish to take up the time of the Senate. I suppose this——

Mr. GRIMES. I make this inquiry in view of the suggestion thrown out by the Senator's colleague, who speaks of it as being the great central depot of information and influence and control for all the common schools throughout the land.

Mr. TRUMBULL. I did not understand my colleague to state that it was to control——

Mr. GRIMES. That was the inference to be drawn from what he said.

Mr. TRUMBULL. He stated that it was to be a center.

Mr. GRIMES. To which a foreigner who sought information at his State capital could come and obtain accurate information in regard to the condition of the public schools in all the States of the Union.

Mr. TRUMBULL. Yes, sir; I hope it will be.

Mr. GRIMES. What I want to know is whether this bureau or department, or whatever it may be called, if it shall be organized, will have its own agents in the respective States so as to obtain accurate information that can be relied on by these foreigners, or whether that information is to be secured at second-hand through the superintendents' reports issued at the various State capitals.

ORDER OF BUSINESS.

Mr. FESSENDEN. I move that all prior orders be postponed to take up the Army appropriation bill. I wish to state to the Senate that it is very necessary that the appropriation bills should be out of our way.

Mr. TRUMBULL. Let us have a vote on this bill. I think there is no disposition to discuss it further.

Mr. FESSENDEN. This bill is now out of order because the unfinished business of yesterday takes precedence of it, and I want to discuss this matter myself.

Mr. TRUMBULL. I hope we shall be permitted to go on and finish this bill.

Mr. FESSENDEN. I will only say to the Senate that we have now four or five legislative days left. We have got these bills to dispose of. I am just notified by the chairman of the Committee of Ways and Means of the other House that the tax bill has passed there and will be here to-day, and the Committee on Finance must be in continual session on that bill for two or three days, I suppose, in order to prepare it for the consideration of the Senate. I desire to report to-day, if possible, the bill making appropriations for sundry civil expenses, and that will also take time. This Army appropriation bill should be disposed of promptly. The bill for the regulation of the currency is also to be disposed of. There are yet two appropriation bills to come from the other House, the deficiency bill and the naval appropriation bill. I say to the Senate if they expect to pass these bills they must proceed with them. It is impossible for me to attend to all these things; I must have some of them out of the way. When they are disposed of the Senate can go on with these other matters, which certainly can be deferred and are not of pressing necessity. I move that the Senate suspend all prior orders with a view to take up the Army appropriation bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

Mr. CHANDLER. I call for the regular order of business.

The PRESIDENT *pro tempore*. The regular order of business is the motion made by the Senator from Maine, to postpone the present and all prior orders and proceed to the consideration of the Army appropriation bill.

Mr. CHANDLER. The unfinished business of yesterday, as I understand the rules, is now before the Senate. Am I not correct?

The PRESIDENT *pro tempore*. According to the rules, on the expiration of the morning hour the unfinished business of yesterday is before the Senate; but the motion of the Senator from Maine is to postpone its further consideration.

Mr. CHANDLER. I understood that; but the unfinished business of yesterday, the Niagara ship-canal bill, being now before the Senate, I wish to submit some remarks. The Senator from Maine last night not only moved an adjournment but the Committee on Finance carried that adjournment.

Mr. FESSENDEN. The Senator from Maine did not move an adjournment.

Mr. CHANDLER. Well, he voted for it with a perfect knowledge that the Niagara ship-canal bill was to be the order of business this morning. If the Committee on Finance could afford to adjourn last night when we were ready for a vote on the Niagara ship-canal bill, they can afford to wait with their business until we get a vote on that bill to-day; and I intend to antagonize it not only against this appropriation bill, but against any appropriation bill that the Senator from Maine may bring up. It was a member of the Committee on Finance that threatened us with a two hours speech or with reading books for two hours to defeat the Niagara ship-canal bill. Sir, I consider that bill as of more importance to this nation than any bill that is now in the possession of the Committee on Finance.

Mr. President, the fact is that the avenues of communication are totally insufficient for the commerce of this nation. Thirty-three years ago, when I emigrated to Michigan, then a Territory, it contained a population of less than forty thousand inhabitants, and that Territory included the present States of Michigan, Wisconsin, and Minnesota. At that time we imported from Ohio all the provisions which we ate. Then the great State of New York had dug a ditch; literally it was entitled to no other name. That ditch was a great benefit to commerce. It was perhaps large enough for the commerce that then existed; but in process of time that commerce grew and increased till that ditch was found to be insufficient, and the State of New York dug a canal. But before she had completed her canal, the commerce exceeded the capacity of that canal. Then, sir, line after line of railroad was built, reaching out to the commerce of the Northwest, and all these lines of communication have become literally glutted with that enormous commerce; and the requirements of that commerce now demand that a ship-canal shall be built around the falls of Niagara.

Sir, New York is a great State; but she is not large enough to block up the commerce of the Northwest. That commerce must and will find its proper avenue to the markets of the world. It is a disgrace to this nation that we should depend upon the little Province of Upper Canada for our communication between these great waters. The commerce of the lakes to-day amounts to more than one hundred million dollars. It employs one thousand eight hundred ships and more than twenty thousand sailors in its prosecution. Heretofore we were compelled to use ships of a small size, perhaps of three or four hundred tons; but a few years ago, through the beneficence of Congress, the channel through the St. Clair flats was deepened, and now we are building ships of a thousand tons, ships of the capacity of forty or fifty thousand bushels, and we require a canal large enough to take those ships from Lake Erie into Lake Ontario. Last year we raised in the Northwest seven hundred million bushels of corn, one hundred and seventy-five million bushels of wheat, two million hogs, and other things in proportion. The mind is almost lost in the contemplation of the vastness of this commerce. It was no longer ago than last year that, notwithstanding all of these lines of communication were open, their capacity was so much overtaxed that the railroad companies centering in Buffalo, after filling all the warehouses in the city of Buffalo, were obliged to hire land, and the beef and pork and other articles from the Northwest were piled up by acres. The capacity of the depots there was totally insufficient.

If this canal were built, and large vessels enabled to pass around the falls at Niagara, it would lessen the cost of transportation upon every bushel of our corn and wheat at least five cents. It is well known that small vessels are navigated at a relatively much larger expense than large vessels. A ship of the capacity of forty or fifty thousand bushels costs but about twice as much to run it as a vessel of the capacity of ten thousand bushels.

I hope that the motion of the Senator from Maine will not prevail, but that the Senate will stand by the Niagara ship-canal bill until it is passed; and if the Senator from New York desires to read documents here for two hours let him read them, but let us stand by the bill until it is passed. Then we will agree to take

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up the appropriation bills, and we will not move to adjourn; we will stay here late in the night, or all night if it is necessary, to pass your appropriation bills; but let this great measure, this measure of vital importance to the commerce of the West, be first passed, and then it will be time enough to take up your appropriation bills. I hope the pending motion will not prevail, but that we shall proceed with the consideration of the Niagara ship-canal bill, and keep it before the Senate till the final vote is taken.

Mr. FESSENDEN. I was aware somewhat from my experience of what we should have to meet during the residue of the session. We probably all know that we must be in session every evening, and that on some of the last nights of this week we may have to stay up pretty much all night. We probably shall have to do so two nights in succession at any rate in order to get through with the business. Last night at eleven o'clock, when I knew perfectly well that the debate upon this Niagara ship-canal bill was going on, and would go on probably for hours, and when the Senate was fast thinning out, I deemed it advisable to vote for an adjournment which was moved, because I thought we could not begin the week in this way and hold out to the end, so as to do the business we have got to do. Now, if Senators agree that this Niagara ship-canal bill is of more importance than any other bill which has been passed or can be passed by this Congress, of course they will take it up and continue its consideration to the exclusion of the ordinary business which must be done if we would carry on the Government at all. I believe the Senator from Michigan told us yesterday that the appropriation in a bill which he had then in charge for the harbor at Lac la Belle was the most important of any appropriation in that bill, and that it should pass. I think the Senate did not come to his conclusion, and I believe he did not even call a division on the question. It went overboard by common consent as a matter grossly improper. I mention that to show that the Senator's opinion is not always infallible; that he may entertain an opinion different from that of the majority of the Senate, and that he may do so in this instance. The majority, however important they may think this bill, may not think it more important than all other business which has come before the Senate at this session or that can come before it. That is a matter of opinion upon which we may differ. At any rate, last night this bill, involving the expenditure of some six million dollars, to be placed in the hands of a private corporation for a great public work, was taken up at ten o'clock at night, when it might, at the will of the honorable chairman of the Committee on Commerce, have been taken up at any time during the day had he seen fit to do so. It was taken up at a time when the Senate was not as full as it usually is; and I did not deem it advisable, when my vote was called for, to stay all night on such a bill and hear two-hour speeches which were threatened when we had so much other business to do; and therefore I voted substantially to have it go over until this morning, giving notice that I should move this morning to take up the Army appropriation bill.

Now, sir, to me personally it is a matter of indifference. I have a certain amount of physical strength which I am willing to expend for the benefit of the country (if it be so regarded) in laboring upon these bills to get them passed. There is a point beyond which I have not power to go. I have not the physical endurance of some men, and everybody knows that during the last week of the session vastly more labor must necessarily come upon me individually, from the position that I happen perhaps unworthily to occupy as chairman of the Committee on Finance, than upon anybody else, for I must see personally to all these bills that are in process of being passed at the close of the session. I repeat, that long as my strength holds out I am willing to devote it to that purpose; but it is beyond my power to go so far perhaps as the honorable chairman of the Committee on Commerce could do were he in my position. I have not the physical or the mental capacity which would enable me to endure so much as he could endure under like circumstances. Therefore, as I know what I have got to do and what the Committee on Finance have got to do, as I know that to-day or to-morrow morning at the furthest they must take up the tax bill which is coming from the House of Representatives, and devote their time both day and night to that, and then bring it into the Senate and endeavor to pass it, with all the other things that they have to do, I only say that these bills which are now before the Senate, and which we have reported, must be out of the way, for members of the Committee on Finance, while considering the tax bill, cannot come into the Senate to attend to these other measures. I think, then, it is not unreasonable for me to ask the Senate to take up these bills and let us dispose of them, and then, after they are disposed of, if there is time, the Senate can proceed with the other bills gentlemen desire to have considered, which, however important, are not essential to carrying on the Government, as are these to which I have called attention.

Having said thus much, and having last night given notice of the motion which I now make, I submit the matter to the Senate, and they will decide. If they choose not to do what I have asked, the Senate must take up these bills as they see fit, but probably without the aid (if aid I might be able to give) which I could otherwise render.

Mr. CHANDLER. Mr. President, it is well known that the appropriation bills which are in charge of the Senator from Maine must and will go through. They are always crowded into the last days of the session, but they always pass; they never fail. The Senator says that I may be mistaken. I do not claim to be infallible. I did state yesterday that I considered the Lac la Belle appropriation of vast importance; and I do now; and I believe that when the Senate come to understand it precisely as it is they will think as I do; but the Senate differed from me with regard to Lac la Belle, and I acquiesced in their decision of course as gracefully as I could. But the Niagara ship-canal bill if it gets the go-by now as a matter of course is disposed of for the session. It is a House bill; it simply requires the action of the Senate. The vote could be taken in five minutes if the opponents of the bill would let it be taken. I proposed last night to submit it without discussion. I did not say one word in its favor. I propose to submit it without discussion now. I have no remarks to make upon the bill. All I ask is a vote, and I think I am entitled to that vote. The Senator well knows that all important measures are passed at night sessions. It is true I might have called up this bill yesterday to the exclusion of other business of the Committee on Commerce; but if I had brought it up in the morning the discussion would have lasted all of the day and through the night, and at ten o'clock I should have been no nearer a vote than I was by taking it up at ten o'clock. If the Senator had remained with me, or if he had quietly gone away and taken his rest and recuperated his physical and mental strength, I should not have objected to it; in fact, it would have suited me rather better, for if he stayed I knew he would vote against the bill, and if he was away he could not do any harm.

Of course, sir, if I am voted down now, I shall not try to bring up the Niagara ship-canal bill again this session; the success of this motion is the defeat of the bill. I therefore ask the friends of the bill to stand by it now and let us act upon it at the earliest possible moment.

Mr. CONNESS. It is quite unpleasant to Senators to be called upon to vote as between their associates in this body upon questions involving the precedence of business. Ordinarily the honorable Chairman of the Finance Committee has his own way in this body and is entitled to have it, representing as he does the most important part of our legislation; but it does seem to me that the measure in charge of the Senator from Michigan has been before Congress long enough and has sufficient strength in this body. I do not know that there is a majority of Senators in its favor, but it has a sufficient number of Senators who advocate it to entitle it to a vote. I feel that that is the case, and I shall therefore so act as to procure a vote upon the subject. It is a bill that has stood in no small degree in the way of legislation in this body. It is very much like what the Louisiana bill was for a week—thrown in the face of the Senate against all other business from time to time—a very formidable impediment. I believe that the Senate can vote as intelligently upon this bill to-day as they can at any time, and I trust we can get a vote upon it and dispose of it. If it be voted down, that is the end of it; but if it be voted up, so to speak, then it is the opinion of the Senate, and the Senate have a right to express their opinion in that way.

Mr. HOWARD. I do not think, sir, there is any danger that the appropriation bill to which the honorable Senator from Maine has alluded will fail of being acted upon at this session. There is time enough for the Senate to act upon both of these measures. The Niagara ship-canal bill is one of great importance, as everybody knows. It was fully discussed at the previous session of Congress, and I am not aware that there is any gentleman present who wishes to occupy the time of the Senate greatly in the rediscussion of that subject; and I do think, considering the importance of the measure, the deep interest which every western and northwestern man has in its passage, it is due to us that we take up the bill and endeavor to pass finally upon it. If there be a majority of the Senate in favor of it, let us say so; if there be a majority opposed to it, let us say so; and satisfy the people who are so deeply interested in it that we intended at least to pay them the respect of acting upon it. I do not wish to spend the time of the Senate in discussing it, but I ask the Senate to come to a vote upon it. Then I shall be quite ready to take up any other bill that may be pressing upon our attention; but I think we ought in justice and fairness to pay it the respect of at least voting upon it.

Mr. BROWN. I have not taken any of the time of the Senate in discussing this measure, and do not propose to do so now. I will say, however, that I am one of those who represent a State whose commerce will be largely affected by the passage of this bill, and that while I would be perfectly willing to vote an appropriation out of the Treasury of the United States to construct a canal around the falls of Niagara, and to put it under the charge and the control of the Government of the United States, predicated upon the idea that it was to be free for all commerce, yet I never will, representing the State of Missouri and its commerce, consent to the establishment of a toll-gate in private hands, which shall levy its tribute on all commerce of the whole West for an indefinite time to come. If the gentlemen will so modify their bill as to put it in that shape, that the work shall be under the control of the United States, and take a direct appropriation from the Government, I will join with them heartily; but to put it into the hands of a private corporation, who may hereafter levy their tolls *ad libitum*, I for one can never consent to it.

Mr. MORRILL. It is perhaps fair to my honorable friend, who is chairman of the Committee on Commerce, that I should say a word on this subject. I have stood by the chairman in his efforts to get this bill before the Senate, and have invariably voted to bring it to the attention of the Senate whenever he has made the motion, and I staid here last night, and was willing to stay till morning if it were necessary; but I feel called upon now to say (in reply to the intimation of my honorable friend

that all he asks is a vote, that he does not wish to discuss it) that he cannot have a vote on this subject at the present time, in the present position of the bill, without some discussion. I wish the Senate to understand this, not by way of menace, not by way of influencing the vote of the Senate at all; but that as the bill stands on the motion now pending, to change the character of the bill as it came from the committee, and as alone it had my consent, I cannot yield to its passage, nor can I allow a silent vote to be taken upon it.

Mr. EDMUNDS. Does my friend from Maine mean to impute any impropriety in my insisting on a vote on the amendment? I did not agree to the amendment in committee, and I was not aware that I was precluded from insisting on its rejection now.

Mr. MORRILL. Not the slightest in the world. I do not impute anything to anybody. All I mean to say is that the bill as it came from the Senate committee is one thing and the bill as proposed to be amended is another, and so widely different from that which was reported by the committee that it marks the distinctions of the entire history of legislation and the executive policy of this Government for fifty years; and I do not propose to allow the action of the committee to be reversed on a question so important as that without raising my voice against it, without undertaking, at least in the humble way I can, to show to the Senate precisely what I think it means or what will be the tendency and effect of the policy on which it is proposed to enter. Not only as much as that is involved in it, but there is the suggestion which was so pertinently stated by my honorable friend from Missouri, [Mr. BROWN,] whether the Government of this country now are willing to say that great public works of a military character are to be committed to private corporations. But, sir, I forbear any discussion of the merits of the case. I felt called upon from the remark which fell from my honorable friend, the chairman of the Committee on Commerce, and whose efforts to get this bill before the Senate I have seconded whenever I have been in the Senate, to say to the Senate that if it comes up at the present time it must not be expected that I shall be intruding upon its attention if I feel called upon to discuss the measure. That is all I mean to say.

Mr. MORGAN. When my friend from Michigan has been urging the passage of the Niagara ship-canal bill, I have felt that he was calling upon the Senate to consider a measure the principle of which was at least doubtful and the necessity for which has never been shown, and one which, if passed into a law, would place the United States in direct antagonism to the State of New York. But, sir, I have known how earnest he was, and how ardent and sincere in believing that some measure of this kind was required for the interests of the West; and so far from opposing him, I have to a great extent sympathized with him in his efforts. But when my friend from Vermont declared on the floor of the Senate last night that he was in favor of a charter by Congress to a company to exercise jurisdiction in the State of New York, I felt some surprise; I felt more than surprise: I felt some alarm; and if the views expressed by that Senator, learned in the law as he is, respected as he is for his great talents and learning, were entertained by the body generally, and Congress was now to enter upon the policy of chartering corporations the franchises of which were to be exercised in the States, then, indeed, I felt that we had fallen upon evil times. But, sir, I had not supposed—and I think my friend from Michigan was a little in error in that respect—that I had ever occupied any more than my due proportion of the time of the Senate in making speeches or in reading documents, and I think, therefore, that his criticism in that respect was a little out of place. I did say, however, that if this bill was to be pressed to a vote, I should not be willing to allow it to pass without at least making known to the Senate the views entertained by the State which I have the honor in part to represent here; and if this bill is to be pushed, I shall insist, as it is my right, upon making known at least to the Senate the sentiments entertained upon that subject.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from Maine, to postpone the present and all prior orders, and proceed to the consideration of the Army appropriation bill.

Mr. CHANDLER. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken resulted—yeas 25, nays 18; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Cattell, Cowan, Creswell, Davis, Fessenden, Frelinghuysen, Grimes, Harris, Henderson, Hendricks, Johnson, Kirkwood, Lane, Morgan, Nesmith, Patterson, Riddle, Sherman, Van Winkle, Willey, Williams, and Wilson—25.

NAYS—Messrs. Chandler, Conness, Cragin, Dixon, Edmunds, Fogg, Howard, Howe, McDougall, Norton, Nye, Ramsey, Ross, Stewart, Sumner, Trumbull, Wade, and Yates—18.

ABSENT—Messrs. Doolittle, Foster, Fowler, Guthrie, Morrill, Poland, Pomeroy, Saulsbury, and Sprague—9.

So the motion of Mr. FESSENDEN was agreed to.

Mr. CHANDLER. I shall not trouble the Senate again with this Niagara ship-canal bill; but I give notice that I shall, at a future day, ask leave to introduce a bill to construct a ship-canal around the falls of Niagara by the Government of the United States, to be forever free to the commerce of the United States.

Mr. GRIMES. I desire to say to the Senator from Michigan that when that bill is introduced it shall have my hearty support, as it will the support of several gentlemen who have just voted with me against his other proposition.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1161) to amend existing laws relating to internal revenue, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 904) making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1868, and for other purposes;

A bill (H. R. No. 912) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1868;

A bill (H. R. No. 1051) for the relief of Henry P. Blanchard;

A bill (H. R. No. 1062) relative to the port of Camden, New Jersey; and

A joint resolution (H. R. No. 213) to extend the provisions of the act in regard to agricultural colleges to the State of Tennessee.

RECESS.

Mr. LANE. Before we proceed any further I desire to submit a motion that at half past four o'clock to-day the Senate take a recess till seven o'clock.

Mr. MORGAN. I wish the Senator from Indiana would modify his motion so as to make the hour for reassembling half past seven o'clock.

Mr. LANE. Very well, I will so modify my motion.

The motion, as modified, was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. No. 1161) to amend existing laws relating to internal revenue was read twice by its title, and referred to the Committee on Finance.

COMPENSATION OF CIVIL EMPLOYÉS.

Mr. WILLIAMS. With the consent of the Senator from Maine, before the appropriation bill is proceeded with, I desire to take up House joint resolution No. 224, giving additional compensation to certain employés in the civil service of the Government at Washington, with a view of concurring in a few unimportant amendments made by the House.

Mr. FESSENDEN. Let the appropriation bill be laid aside informally for that purpose. ["Agreed."]

The Secretary read the amendments of the House of Representatives to the amendment of the Senate to the joint resolution (H. R. No. 224) giving additional compensation to certain employés in the civil service of the Government at Washington. The amendments were in line four of the Senate amendment after the word "service" to insert "of the United States;" at the end of line eight of the Senate amendment to insert "in the Executive Mansion and;" and after the word "meters" in line eighteen to insert "and to lamp-lighters under the Commissioner of Public Buildings;" and to strike out lines twenty-two, twenty-three, and twenty-four of the Senate amendment.

Mr. WILLIAMS. I move that the Senate concur in the House amendments to the Senate amendment.

Mr. TRUMBULL and others. What changes are made?

Mr. WILLIAMS. The House amendments add to the persons named in the resolution the employés about the Executive Mansion, and also the lamp-lighters under the Commissioner of Public Buildings. Then the last three lines of the amendment proposed by the Senator from Missouri [Mr. HENDERSON] are stricken out, which provided that there should be no future compensation, except as provided in this resolution, to persons unless their salaries are fixed by law, which would cut off any payment to persons whose salaries are not fixed by law. The joint resolution as it now stands, however, repeals the law which authorizes the Secretary of the Treasury to disburse any fund among the clerks. The effect is substantially to leave the amendment as proposed by the Senator from Missouri.

Mr. HENDERSON. I understand that the Secretary of the Treasury will have no power under the resolution as it now stands to pay any extra compensation under the former appropriation.

Mr. FESSENDEN. No; that part of the Senator's amendment stands.

The amendments of the House of Representatives were concurred in.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes.

The first amendment of the Committee on Finance was to strike out line sixty-eight to seventy-six of section one, in these words:

For the purchase of the Willard Sears estate, adjoining the Watertown arsenal grounds, $49,700; and the Secretary of War is hereby authorized to sell at public auction a lot of land belonging to the United States situated in South Boston, if, in his opinion, the same is not needed for the public service, and pay the proceeds thereof into the Treasury.

Mr. SUMNER. I am at a loss to understand why that is to be struck out. I understand that the estimates have been supplied by the War Department after inquiry. It will be observed that the proposition has two branches. First it provides for the purchase of a certain estate adjoining the Watertown arsenal, and for that purpose appropriates $49,700; and the second branch is an authority to the Secretary of War to sell another estate at South Boston, which is some ten miles from the first estate mentioned, if in the opinion of the Secretary the same is not needed for the public service. I understand that this was introduced into the original bill in the other House on the recommendation of the War Department, on estimates furnished by that Department. I have not the papers with me now; but I have been so told by gentlemen of the other House.

Mr. FESSENDEN. The Senator is mis-

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taken. I expressly inquired of the member who offered the proposition in the other House whether there was any recommendation of the Department, and he told me none at all; it was moved by himself. He may have obtained a recommendation since; and if so, it can be shown. The Committee on Finance proposed to strike out the clause simply because there was no recommendation from the Department. It does not appear that it is a matter which has been considered by the Department.

Mr. SUMNER. I am taken somewhat by surprise on this point. I have no official information upon it; but I know as a citizen of Massachusetts that the arsenal at Watertown has been very much circumscribed for a long time.

Mr. FESSENDEN. My impression is that the member to whom I refer came to me afterward and said he had obtained a recommendation from the War Department. I told him if so it could be shown to the Senate by being put into the hands of either of the Senators from Massachusetts.

Mr. SUMNER. I am sure that something like that has been obtained, though I am not in possession of it. Possibly my colleague is.

Mr. WILSON. The member of Congress from the district in which the arsenal is situated has placed in my hands a map of the grounds proposed to be purchased, and also two letters from Colonel Kingsbury, who is at the head of this arsenal, who recommends the purchase in the strongest possible manner. About forty acres of ground are proposed to be purchased. I will say further that the magazine is so close to the buildings that if an explosion should take place I do not believe any number of persons would escape. I think the magazine is within five or six rods of some of the buildings where many workmen are compelled to work. The grounds there are very small indeed. The additional ground will cost less at this time than at any other, because the locality cannot but grow in value. Colonel Kingsbury, in two letters which I have before me, expresses his opinion in the strongest manner that it will be to the interest of the Government to have these lands, to remove the magazine, and to do other things necessary for the good of the arsenal. I know the grounds there. I know that the Government is limited to a very small amount of land, and the necessity of an extension has been talked of for years. Even if this addition be made the grounds will be small comparatively. I believe it will be to the interest of the Government to purchase the additional land proposed. It will cost $49,000; but then it is proposed to sell a tract now owned by the Government near South Boston, which will perhaps bring from fifteen to twenty-five thousand dollars, leaving the additional expenditure only from twenty-five to thirty thousand dollars. I have before me the two letters of Colonel Kingsbury, and a well-drawn map of the arsenal ground and the ground proposed to be purchased.

Mr. CONNESS. It may be profitable to buy land in Massachusetts; but my experience, and I think that of the Senate, is that when the Government really want and need land very much in Massachusetts they will not sell it. For many years being without a sufficient space to anchor a vessel or bring her up to the wharf at Charlestown, where we have a navy-yard, the public authorities there, represented so well by the Senators from that State, have opposed the sale at any price to the Government of a sufficient extension of the ground of the yard to enable vessels, as I have stated, to be brought up to the end of a wharf. Now, I do not know whether we should buy land in Massachusetts where they want to sell it to us and where it has less value, and where there is less necessity for the Government to possess it. As I understand, they would not part with the land at Charlestown because it limited the amount of taxable property in that city. I do not know whether they are prepared to sell to the Government land at Watertown, or whether if they do it will not limit the amount of taxable property there. This dealing with Massachusetts in connection with land matters is a somewhat strange kind of business. I should not, nevertheless, object to this clause being retained in the bill if a proviso were added to it that the land at Charlestown, needed for the navy-yard, should also be purchased at the amount determined to be its proper price heretofore. If the Senator from Massachusetts will accept a proviso of that kind, perhaps we may agree to buy this land at Watertown.

Mr. WILSON. I will simply say that I have no earthly desire that the Government shall purchase land it does not need at this arsenal; and if it desires land at Charlestown and can purchase it I am perfectly willing that it shall purchase it. I will say the Government is not dealing with the Commonwealth of Massachusetts or the city of Charlestown or the town of Watertown where this arsenal is, but with private parties; and the Senator from California knows full well how far a Yankee can see a dollar. I suppose he can see it quite as far as a man on the Pacific coast. I have before me the letters to which I have referred, in which the gentleman who is now at the head of this arsenal, Colonel Kingsbury, who is an officer of capacity and character, says this addition to the grounds is necessary for the good of the arsenal; and he further writes that the fire which recently occurred there, owing to the crowded condition of the grounds, was more destructive to the Government property than it would have been had they been in possession of the necessary space. If the Senator has ever been at that arsenal, I am sure he will bear testimony to the fact that the grounds are exceedingly crowded. I care not a farthing about this matter. If it is the interest of the Government to have this land, I want the Government to have it. I care nothing about any parties who want to sell. I am here to take care of the interests of the Government first of all.

Mr. GRIMES. It is true, Mr. President, that the experience of the Government in purchasing land at the Charlestown navy-yard has not been very pleasant, and has not resulted in much advantage to the Government, whatever advantage it may be to the citizens of that place who are adverse to its purchase; but I have not any doubt on one point, and that is that nearly all our arsenals and armories and navy-yards are too small, and that the risk of damage to the public property is greatly enhanced in consequence of their small size, and therefore, upon the recommendation of as intelligent an officer as Colonel Kingsbury, I should be prepared to vote for this proposition. If he tells us that we are running a great risk in consequence of fires and from the exposure of the public property, because of its nearness to the depot of powder and niter and other articles that are stored there, I would be willing to accept his recommendation as conclusive upon my mind. It is true we have not got the recommendation of the Secretary of War upon this subject; but the Secretary of War knows no more about it than we do. He acts on the recommendation of the ordnance officer who is in command, and would probably furnish a recommendation, if his attention were called to this letter of Colonel Kingsbury. The Secretary of War was probably never there; he acts upon the recommendation of the officers who have been assigned to these particular stations. I know this officer in charge at Watertown, and I would be prepared to act upon his suggestions as much as upon those of any officer that I know connected with the public service.

Mr. FESSENDEN. The reason why this item was struck out is a reason that applies almost uniformly, except in very special cases, to the action of the Committee on Finance; and that is that if an appropriation is asked for to purchase land, or to do anything else of that sort, it should come through the proper Department that has charge of such matters. This idea of making appropriations on letters written by an officer in command at a particular place has no responsibility about it, is unwise, and may lead to improper appropriations. Consequently we move to strike out such items invariably, and we have acted on that principle in this case. I feel confident, however—and that is the reason why I asked the question—that the member from the district where this arsenal is situated has, since the action of the Committee on Finance, in recommending the striking out of this item, obtained a recommendation from the general in command of the ordnance department, recommending the purchase of this land, and that that is indorsed by the Secretary of War. I am surprised that that paper has not been left with one of the Senators from Massachusetts. I believe it has been sent for, and perhaps if we pass over this amendment, and act on the others, when we come back to it we may find that it is properly vouched. The committee certainly have no objection to this purchase if it is one that ought to be made, and proper evidence is presented on that point. I understand that according to the papers as they now stand it is substantially so; but as it was presented to the committee we did not know the value of it or what ought to be given for the ground, or anything of that description. There ought always in my judgment to be something ascertained in regard to such purchases in the first place, the price demanded, what the land is really worth, and the necessity of the purchase. Perhaps if we pass over this amendment for the present and act on the others we may have some further light on the subject. I do not think it should be adopted till we have the necessary recommendation.

The PRESIDENT *pro tempore*. The course suggested by the Senator from Maine will be taken. This amendment will be passed over and the next amendment reported by the Committee on Finance will be read.

The next amendment was in line six of section two, to strike out "by" and insert "through;" so as to read:

And all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and, in case of his inability, through the next in rank.

The amendment was agreed to.

The next amendment was after "headquarters" in line nine of section two, to insert "except at his own request" so as to read:

The General of the Army shall not be removed, suspended, or relieved from command, or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate.

Mr. WILSON. I am instructed by the Committee on Military Affairs to offer this amendment as a new section:

And be it further enacted, That section three of the joint resolution relative to the appointments to the Military Academy, approved June 16, 1866, be, and the same is hereby, suspended for one year.

I will simply say that the resolution of last year has not been complied with by the members of Congress generally, and of course it has created confusion. This amendment simply proposes to suspend that provision for one year, in order to see whether hereafter it will have to be repealed or may be allowed to stand. It cannot be executed for the present year owing to the neglect of the members of Congress to comply with it.

The amendment was agreed to.

Mr. LANE. I move the following amendment, to come in after line sixty-five of section one:

For the erection of fire-proof buildings at or near Jeffersonville, in the State of Indiana, to be used as storehouses of Government property, $150,000, to be disbursed by the Secretary of War.

The PRESIDENT *pro tempore*. The Chair will inquire of the Senator from Indiana whether this amendment comes from a committee.

Mr. LANE. No, sir; it does not come from a committee; but it is recommended by the quartermaster general's department and by the Secretary of War, in the estimate which I have before me. In the annual report of the

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Secretary of War, after speaking of the erection of fire-proof buildings at Philadelphia, he proceeds to add: "Authority for the purchase of a site and erection of a similar structure at Jeffersonville, Indiana, during the present year is requested;" and I have in my hands an estimate from the quartermaster's department, going into the details as to the number of buildings required, the value of materials, land, &c., making a total of $290,000, which is recommended for the construction of fire-proof storehouses at or near Jeffersonville.

I have another letter from the Quartermaster General, in which he states that there are more than $20,000,000 worth of Government property stored in warehouses and private storehouses and barracks around that place; and it is because of this large amount of property concentrated there that he says a fire-proof building is necessary. If a fire should unfortunately occur there, it would perhaps involve the Government in a loss of $10,000,000. Jeffersonville is now a depot for quartermasters' and commissary and naval stores; and it is precisely the right point where such stores should be accumulated. There are two railroads coming to that place leading North, and the only railroad running South from the Ohio river below Wheeling for a distance of seven hundred miles concentrates there. It is situated in a rich grain-growing country where all the articles required by the commissary and quartermasters' departments are easily obtained and obtained at cheap prices, and from which they may easily be transported to all the West. As I stated, the estimate of the Quartermaster General is $290,000; but my colleague and myself on consultation thought that $150,000 would be all that could be profitably expended at present. I hope the Senate will adopt the amendment without any further argument on the subject.

Mr. FESSENDEN. Has there been any law establishing Jeffersonville as a depot for Army stores?

Mr. LANE. It has been the most important depot, except perhaps St. Louis, during the whole war, for the last six years.

Mr. FESSENDEN. Is there a necessity for the continuance of these stores there?

Mr. LANE. I have just undertaken to show the Senate the great necessity for it. There are two railroads there leading North and one South. It is the depot for perhaps the greatest agricultural country in the world, where all these stores are produced in great abundance. The only railroad for a distance of seven hundred miles on the Ohio river leading South is from this point, making it a most desirable place from which the Army can be supplied both by railroad and by river. The Secretary of War, the Quartermaster General, and Commissary General say the Army can be more easily supplied from this point than any other point in the West.

Mr. FESSENDEN. It is for the Senate to decide. I know nothing about it except what appears on the statements made.

The amendment was agreed to.

Mr. WILSON. I have had placed in my hands the recommendation of General Dyer, of the ordnance department, approved by the Secretary of War, in regard to the purchase of land at Watertown. General Dyer states that he made a personal examination of the ground when at Watertown arsenal recently, and intended to include in his next report a recommendation for the purchase of this property. He now recommends the appropriation of a sum not exceeding $50,000 for that purpose, and it is approved by the Secretary of War. I desire that the amendment which was passed over may be now considered.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment of the Committee on Finance, which was passed over, to strike out the words from line sixty-eight to line seventy-four on page 4.

The amendment was rejected.

Mr. FESSENDEN. I now move to amend that clause by inserting after the word "dollars," in line seventy, the words "or so much thereof as may be necessary."

The amendment was agreed to.

Mr. TRUMBULL. I offer this amendment as a new section:

And be it further enacted, That it shall be the duty of the officers of the Army and Navy, and of the Freedmen's Bureau, to prohibit and prevent whipping or maiming of the person, as a punishment for any criminal misdemeanor or offense by any pretended civil authority in any State lately in rebellion, until the civil Government of such State shall have been restored and shall have been recognized by the Congress of the United States.

The amendment was agreed to.

Mr. WILSON. I offer this amendment as an additional section:

And be it further enacted, That the Secretary of War be authorized to appoint for each geographical division and department headquarters of the Army one clerk of class one.

I will say that it has been several times recommended that we should have clerks appointed at the department headquarters, and the Committee on Military Affairs at the last session reported a bill for that purpose, which has never been acted upon. The papers in the case have been placed in my hands by the War Department, covering a letter of General Sherman pressing the matter very strongly. The desire is to have two clerks at each of these headquarters; but I think one ought to be sufficient with such help as can be obtained from the soldiers. In some localities it is very difficult to get soldiers to do this class of work in a satisfactory manner. The proposition is to appoint one clerk of class one for each geographical division and department headquarters.

Mr. FESSENDEN. I should like to know whether officers in command of geographical divisions who have large staffs cannot dispose of their papers by the aid of their staffs and such soldiers as they can detail for that purpose. It seems to me unwise to appoint civil officers for that purpose. This proposition is a new thing at any rate, and I should like to have the necessity for it explained. Why is it that these commanders are not able, by the employment of the officers of their staffs and such soldiers as they may detail, to take care of their papers as has hitherto been done? I I believe there are no clerks at the headquarters here. Everything is done in this city at the headquarters of the General of the Army by his military suite, and I should think the same might be done at the headquarters of the different geographical divisions. This is an innovation, and I doubt whether it is wise to begin it. We shall have bureaus growing up after awhile I suppose.

Mr. WILSON. I have in my hand a letter from General Townsend, and one from General Sherman, urging this matter, and I present it in accordance with their request. We have had a great number of letters in which this is suggested as a matter of public importance. I have for a long time resisted it on the ground that I thought they might get along without it. I now present it to the Senate, and leave it to them to determine by their votes.

Mr. SHERMAN. These headquarters never have any soldiers about them now. For instance, at St. Louis there are no soldiers to be detailed, and it is difficult to get soldiers competent to act as clerks. So it is with the headquarters at Omaha. The soldiers are not there. The soldiers are off at remote posts. That is one reason which applies now which would not exist for this measure in time of war. Whether it is a sufficient reason, the Senate will judge.

Mr. FESSENDEN. I think soldiers can be detailed now just as readily as at other times.

Mr. TRUMBULL. Where are the staff officers?

Mr. SHERMAN. The staff has been very much limited by the law as it stands. I think of the staff officers now one is adjutant general and the other is inspector general.

Mr. FESSENDEN. They all have aid-de-camps.

Mr. SHERMAN. One or two aids; and their duty, I believe, is generally to wait on the table. [Laughter.]

Mr. FESSENDEN. They might give some of their time to taking care of the papers.

The amendment was rejected.

Mr. WILSON. I offer this amendment as an additional section; it was presented in a separate bill by the Committee on Military Affairs, but was not acted upon in that shape:

And be it further enacted, That all militia forces now organized or in service in either of the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas, be forthwith disarmed and disbanded, and that the further organization, arming, or calling into service of the said militia forces, or any part thereof, is hereby prohibited under any circumstances whatever until the same shall be authorized by Congress.

Mr. FESSENDEN. I should like to hear an explanation of that from the chairman of the Committee on Military Affairs. Why should it be put on this bill?

Mr. WILSON. The Committee on Military Affairs a year ago reported this provision in another bill; it has been again reported this year, but has not been acted upon in that shape. The object is to suppress and prevent military organizations in the rebel States. They have been arrested in several instances by officers of the Army without authority of law, on their own responsibility. General Sickles told me the other day that he had prevented the organization of a large number of regiments. In Mississippi and some other places they have been organized, and in some cases have worn the rebel uniform and even have carried the rebel flag. Great abuses have grown out of it, and in that country under present circumstances, our Army being there, and especially after the law we have recently passed, there should be no military organization allowed until matters are settled. Those that have been formed were formed mainly of men who were in the rebel service; officered by rebels, and in some localities they have been used to disarm portions of the people and have led to difficulties. We have had quite a number of letters and reports on the subject from officers of the Army.

Mr. WILLEY. It seems to me that it is a very sweeping provision, and which can only be justified I imagine by some very pressing public urgency or necessity, to deprive these States of the use of their militia for the purpose of maintaining their police regulations in many places. The disability, as I understand the amendment, is total; the whole militia organizations of these States is to be entirely destroyed; the militia of the States are not to bear arms in any event or under any condition. It strikes me that it is assuming to Congress a very extraordinary power, one which none but the most extreme necessity would justify. It may be well imagined that there may be many instances when it would be necessary, for the best of purposes, to keep the peace of the State, to maintain proper police regulations, that the militia should at least carry arms to a limited extent. It strikes me also that there may be some constitutional objection against depriving men of the right to bear arms and the total disarming of men in time of peace. I did not fully hear the Senator when he was making his remarks in explanation of the necessity of any such measure. There may be such necessity. If he have the evidence of it in his possession, of course when the Senate shall hear it it may be proper to reconsider the inclination to which my mind is directed at present; but without some such public necessity for so extraordinary a measure being shown I shall be very unwilling to adopt an amendment of this character.

Mr. WILSON. I will say to the Senator from West Virginia that according to our theory, according to the ground on which Congress is acting with regard to these States, they have no right to organize any militia there at present. The militia there were disbanded and disorganized, and this organization

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which I now seek to put a stop to was got up after the war. When the first attempt at military organization there was made, General Slocum, commanding the department of the Mississippi, issued an order forbidding it as dangerous to the country; but that order was afterward arrested by the action of the President. Many of these organizations exist, officered by rebels and wearing the rebel uniform, and they go up and down the country taking arms away from men who own arms, and committing outrages of various kinds; and in one county they have threatened to drive out of that county every emancipated man. Indeed, the Governor of Mississippi has had to use his influence to prevent outrages. In North Carolina and South Carolina and other quarters attempts have been made to organize militia. General Sickles told me the other day that he believed he had prevented the organization of forty or fifty regiments in his department, and in doing as he did he acted without authority of law and without direction of the President; but he regarded it as the most fatal thing that could be done to permit any of these rebel organizations to be formed. This provision will not interfere with the enforcement of proper police regulations, but it prevents armed rebel organizations in any of these States until matters are settled; then these States will be at liberty to organize their militia as the other States do. I am surprised that anybody could be in favor of allowing for one moment an armed organization of militia forces in these States, completely as they are in the hands of rebels. These organizations, I say again, are completely rebel, not only in the men who compose them, but in the spirit which animates them, and I think they should not be permitted. The public safety requires that they should not be at present. When matters are settled and these States are again represented here they can form their militia organizations as the other States do.

Mr. WILLEY. Certainly, Mr. President; I am not the advocate of any armed rebel organizations in these States; nor would I favor any measure that would cherish or encourage any such organizations, nor by any voice of mine obstruct or defeat legislation that might prevent organizations of that character; but I understand the effect of this amendment to go further than that; to prevent all kinds of organizations of the militia. We may very well imagine that the loyal militia of the southern States may be needed under certain contingencies to put down these rebel organizations. It might be an efficient instrumentality, under proper management and jurisdiction, to accomplish that object. As I understand the purport of this amendment, it takes the right to bear arms away from every citizen of the southern States, loyal and disloyal, deprives even the loyal men in the southern States of the aid of loyal militia organizations for the purpose of maintaining the public peace. I should be very willing to favor discriminating legislation that would regulate the use of arms by the militia in the South; but a sweeping enactment of the character that I understand this to be does not meet my approbation as at present advised.

Mr. HENDRICKS. It seems to me this proposition ought not to be moved to an appropriation bill, at a time, too, when the Senate is very thin. I think of scarcely any measure of greater importance than the one now proposed. I did not expect it, and I think a good many other Senators were not expecting any general legislation on this bill. I observe that many seats are empty at this hour. I am not able to see how the proposition can be adopted by the Senate, in view of the second article of the Amendments to the Constitution, which declares, "a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." If this infringes the right of the people to bear arms we have no authority to adopt it. This provision does not relate to States alone; it relates to people, wherever they may be under the jurisdiction of the United States. Of course in time of war people bearing arms in hostility to the Government would not be protected by this provision of the Constitution; but when there is no war, in a time of peace, certainly the provision of the Constitution applies now, if it ever does. I suggest to the Senator who has offered this section that it ought to be presented as a distinct and separate bill, so that it can receive proper consideration, and it should not be brought in by way of amendment to an appropriation bill.

Mr. WILSON. It was reported the other day in an Army bill, and the Senator from Indiana had it stricken off, and I had to yield to him because we had not a quorum present and I could not call for a division. I do not propose to yield now; I do not mean that rebels shall be armed; and I intend to adhere to this amendment and submit the question to a vote of the Senate. I have had to yield the principle of the amendment several times before. I am surprised that anybody here should advocate the arming of rebels, for it is nothing more and nothing less. All our military men in that country are opposed to it. There is but one voice from them. General Slocum put his hand on the first attempt that was made; General Sickles has done the same thing; and other generals have done it.

I am willing, however, to modify the amendment by striking out the word "disarmed." Then it will provide simply for disbanding these organizations. The militia organizations organized in these States are not in unison with the country; they are hostile to it; and therefore I propose to disband them until matters are settled.

Mr. HENDRICKS. The Senator did omit from a bill the other evening at my suggestion a proposition something like this; and I believe that the propriety of striking that provision from that bill was appreciated by every Senator in the body. That was a bill to increase the pay of the officers of the Army, and I think the Senator had dragged into that bill every loose piece of legislation that was floating about Congress, certainly everything that struck his own imagination, and this among the rest. He started out with a bill of many sections, an omnibus concern, where one matter would carry another through, and closed with a bill of but few sections. I thought the Senator did very right in striking out this provision from that bill at that time, and I think he would do very right in dropping it from this bill at this time. I think the chairman of the Committee on Finance will agree that it is not a safe system of legislating to incorporate general principles of legislation in appropriation bills. Appropriation bills ought to come in and go out as clean, naked appropriations according to law. But legislating in regard to a policy to be adopted by the Government in an appropriation bill is never, in my judgment, except in very rare cases, advisable. I do not intend to discuss the question further. I think it is unsafe.

Mr. WILLEY. The amendment as modified is very much more acceptible to me than it was originally. The idea, by a sweeping enactment attached to an appropriation bill, of disarming the whole people of the South seemed to me to be so directly in the face of the Constitution itself, as to strike me somewhat strange. I desire to suggest to the Senator from Massachusetts, whether he cannot still further modify his amendment so as not to prevent the loyal portion of the militia of the South being employed when necessary for domestic peace and protection. His amendment, as I understand it, without authority given hereafter by Congress, would prevent the employment of any portion of the militia of the South for any purpose whatever, or at least the arming and employing them as such. It would deprive the United States of the benefit of the loyal militia in the South until further legislation on the part of Congress. It would deprive the officers in command of the forces of the United States in the South of the opportunity of calling to their aid the loyal militia of the South to aid them in executing the laws and maintaining order. It strikes me it ought to be modified so as not to deprive the country of the benefit of the services of men into whose hands it would not be dangerous to place arms.

Mr. WILSON. I do not suppose there is a regiment or company of loyal militia in these States. I think they all ought to be disbanded, and none of them permitted to exist until matters are settled, because they cannot be any support to the country in the present condition of things. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. LANE. This measure was well considered and well matured by the Military Committee. They had no doubt whatever as to the propriety and necessity of the proposed legislation. In many of the southern States companies of rebel soldiers have been, and are being armed, and we suppose that they are dangerous to the public peace and to the security of Union citizens in those States. I can see no possible propriety in sending a regular force there to keep the peace and keep these people in subjection, and at the same time arm them and authorize them to organize a local militia in these States until their status and condition is established by Congress, until we have the certainty that they are loyal and will fight for instead of against the Government.

Mr. FESSENDEN. I shall be obliged to vote against this amendment, simply for the reason that I am opposed to general legislation on appropriation bills. As to the provision itself on its merits I am in favor of it, and in the proper place I should vote for it without any hesitation.

The question being taken by yeas and nays resulted—yeas 23, nays 11; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Conness, Creswell, Fogg, Fowler, Frelinghuysen, Grimes, Howe, Lane, Morgan, Morrill, Nye, Poland, Pomeroy, Ross, Sprague, Sumner, Trumbull, Wade, Wilson, and Yates—23.

NAYS—Messrs. Dixon, Fessenden, Henderson, Hendricks, Johnson, Norton, Patterson, Riddle, Sherman, Van Winkle, and Willey—11.

ABSENT—Messrs. Buckalew, Cattell, Cowan, Cragin, Davis, Doolittle, Edmunds, Foster, Guthrie, Harris, Howard, Kirkwood, McDougall, Nesmith, Ramsey, Saulsbury, Stewart, and Williams—18.

So the amendment was agreed to.

Mr. POLAND. I offer this amendment to come in after line seventy-four of section one:

To enable the Secretary of War to pay the expense of making a complete survey of a national park in Washington, in compliance with a resolution of the Senate passed on the 18th day of July, 1866, $2,500.

Mr. FESSENDEN. Is that in pursuance of law? A resolution of the Senate does not authorize such an amendment.

Mr. POLAND. On the 18th of July last a resolution passed the Senate authorizing the Committee on Public Buildings and Grounds "to employ a practical landscape gardener or topographical engineer to examine the different tracts of land offered to the committee" for the purpose of a park, "who shall report to the committee in December next." The committee applied to the War Department, and a topographical engineer was detailed to make a survey and make the maps. I have a communication from the War Department showing the amount of expense incurred. The bill which has been passed by the Senate at this session was founded upon that survey, and this amendment is to pay the expense of the survey which has already been made.

Mr. FESSENDEN. I should like to have that communication read.

Mr. POLAND. I have a letter from General Michler, who made the survey, and also from General Humphreys, chief of Engineers. I send them both to the desk to be read.

The Secretary read as follows:

ENGINEER'S OFFICES.
G AND TWENTY-SECOND STREETS,
WASHINGTON, *February* 4, 1867.

SIR: In reply to my communication of July 31, 1866, informing you that I had been detailed to make the necessary examinations and surveys for the location of a park and site for a Presidential Mansion, and to

prepare the necessary maps for the same, and also inquiring whether any appropriation had been made to meet the expenses of employing surveyors, draftsmen, chainmen, and for other necessary purposes, you were pleased to say that "the resolution of the Senate to have the work done, and the instructions of the committee, is ample guarantee that whatever expense is involved will be appropriated for on the meeting of Congress." I accordingly submitted, with your letter, an estimate to the honorable Secretary of War, and requested that the necessary funds be furnished me for conducting the survey. The matter was referred to the President in Cabinet, and the papers were returned with the following indorsement by the Secretary: "referred to the chief of Engineers. By order of the President, the necessary expenditure for the surveys made under the direction of the congressional committee will be paid by the chief of Engineers out of appropriations for that bureau."

A communication from the chief of Engineers, dated October 27, 1866, a copy of which I beg leave to submit for your consideration, was accordingly addressed to me. The amount of my estimate was $2,185 20, and of this amount $2,000 has been furnished upon my requisition from the appropriation for "surveys for military defenses." It will be seen by my instructions that I am directed to refund to that appropriation the amount expended when the congressional committee shall have provided the means of carrying into effect the provisions of the resolution of the Senate. To enable me to do so, and as I still require the balance of my estimate to meet expenses already incurred, and an additional sum of a few hundred dollars to complete the more accurate maps already far advanced in course of preparation, I would respectfully request that an appropriation of $2,500 be asked of Congress to cover the disbursements made under the orders of your honorable committee.

I am, sir, very respectfully, your obedient servant,
N. MICHLER,
Major of Engineers, Brevet Brigadier General United States Army.

Hon. B. GRATZ BROWN, *Chairman Committee of Public Buildings and Grounds, United States Senate.*

—

ENGINEER DEPARTMENT,
WASHINGTON, *October* 27, 1866.

GENERAL: Under the verbal orders of the chief of Engineers, with the consent of the General-in Chief, approved by the Secretary of War, you were on the 28th of July last (in compliance with the resolution of the Senate of the United States of the 18th of the same month) directed to select a tract of land for a park and site for a Presidential Mansion.

The Secretary of War, by order of the President of the United States, under date of October 25, 1866, directs that "the necessary expenditures for the surveys made under the direction of the congressional committee will be paid by the chief of Engineers, out of appropriations for that bureau." Accordingly in the performance of this duty, the hire of the requisite assistants and laborers, as well as the necessary expenditures incident to the surveys are authorized; and funds to the amount of your estimate for the purpose, namely, $2,185 20, accompanying the orders of the Secretary of War, will be remitted to you upon your requisition, as they may be needed from the appropriation for surveys for military defenses," &c.

The amount so expended will be refunded to the above appropriation when the congressional committee shall have provided the means for carrying into effect the provisions of the resolution of the Senate above referred to.

Very respectfully, your obedient servant,
A. A. HUMPHREYS,
Chief of Engineers, Brigadier and Brevet Major General United States Army.

Brevet Brigadier General N. MICHLER, *United States Army, Major of Engineers, Washington, D. C.*

Mr. FESSENDEN. Does the amendment come from any committee?

Mr. POLAND. Yes, sir. I offer it by direction of the Committee on Public Buildings and Grounds.

The amendment was agreed to.

Mr. CONNESS. I wish to offer an amendment as an additional section:

And be it further enacted, That the Paymaster General be authorized to pay under such regulations as the Secretary of War shall prescribe, in addition to the amount received by them, for the traveling expenses of such California volunteers as were discharged at points distant from the place or places of rendezvous, such proportionate sums according to the distance traveled as have been paid to the troops of other States similarly situated; and such amount as shall be necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

This is intended to reach some cases of peculiar hardship. The California volunteers——

Mr. FESSENDEN. Is the amendment recommended by any committee?

Mr. CONNESS. It is not.

Mr. FESSENDEN. Then I raise the point of order on it. I am obliged to do so.

Mr. CONNESS. The Senator says he is obliged to raise the point of order on this amendment. I do not know that he is. I think if the Senator would listen to the statement I was about to make he would see the propriety of the amendment.

Mr. FESSENDEN. The Senator knows very well that, whatever the statement may be, I have inquired in regard to every amendment offered that made an appropriation of money if it came from a committee, and if not, whether it was recommended by a Department. If that is not the case, I am obliged by my duty as chairman of the Finance Committee to object.

Mr. CONNESS. Then I shall ask that the Senate lay this bill over till to-morrow, and in the mean time I shall submit this proposition to the Committee on Military Affairs, whose indorsement I have no fear of being able to obtain, for it relates to a case of peculiar hardship. I was not going to occupy much of the time of the Senate in stating it. I was going to say that some California volunteers, discharged contrary to their wishes, and some discharged by their assent, in New Mexico, were furnished the sum of eighty dollars in legal-tender notes, to pay their traveling expenses to San Francisco, Sacramento, and other places in California where they were enlisted. I may say that I myself have furnished many of these men with the means of supplying their necessities; I was called upon only this day by one of them. I have a large amount of papers from the War Department here relating to this case. Provision has been made for the payment of Michigan and other volunteers who were discharged in the Territory of Utah distant from the place of their enlistment, giving them reasonable compensation, as much as would pay the expenses of their travel; while our volunteers are unprovided for who to some extent were discharged and had to travel, many of them on foot, unable to provide animals, through the deserts and burning sands of New Mexico and Arizona, and finally, after they succeeded in reaching the populated districts, begging their way to the point where they enlisted.

I do not wish to detain the Senate; I do not wish to paint a case that involves more than the real facts. It is simply asking that these soldiers be paid the same compensation that has been paid to troops of other States, in proportion to the distance they traveled from the point at which they were discharged to the point at which they enlisted. I know if I should ask the Senate to lay this bill over until to-morrow it would be making a serious request; but I shall nevertheless do it, because it did not occur to me that there would be an objection to this proposition. I know the necessity of the rule which the honorable Senator from Maine invokes, which is to keep old claims and cases not well considered off appropriation bills, and of course I approve of the rule; but it appeared to me that this was a case so clearly just that it would commend itself even to the unanimous approbation of the Senate. I hope the Senator will allow it to be tested by the Senate, and not impose upon me the disagreeable duty of asking to lay this bill over until to-morrow. If so, I shall do it, and ask the Committee on Military Affairs to consider the proposition. We are not here to ask for any favors on behalf of California volunteers for any excess of compensation of any kind for them; but I do not believe there is a Senator here who will refuse to give them the fair amount of compensation allowed to troops from other States. These men, every man of them, entered the service with the determination and with the promise that they would be led into the field. They had service of a most onerous character during the entire war, and better troops never stepped than they were. The duties to which they were appointed were always performed without faltering, and they always had the approbation of their immediate commanders as well as that of the War Department.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from California moves that the further consideration of the bill be postponed until to-morrow.

Mr. CONNESS. I first ask the Senate to give the amendment the unanimous consideration to which I feel that it is entitled.

Mr. FESSENDEN. I can only raise the point of order, and the Chair must do with it what it sees fit.

Mr. CONNESS. If the Chair will submit the point to the Senate I shall be satisfied.

The PRESIDING OFFICER. The amendment does not come within the rule, but it is in the power of the Senate to receive it if they shall so determine. The Chair will take the sense of the Senate on that question. Senators who are in favor of receiving this amendment, though not within the rule of the Senate, will indicate it——

Mr. SHERMAN. I beg leave to take a point of order on the Chair. If that practice is once commenced here and followed, it will be the end of the rule.

The PRESIDING OFFICER. The Chair has a right under the rule to submit any point of order to the Senate.

Mr. SHERMAN. The Chair has already stated that this amendment clearly comes within the exclusion of the rule, and therefore the only question is, Shall the decision of the Chair stand as the judgment of the Senate? On that point there cannot be a particle of doubt?

Mr. CONNESS. I did not understand the Chair to make any decision.

The PRESIDING OFFICER. The Chair said it was clearly not within the rule of the Senate.

Mr. CONNESS. I did not understand the Chair to make any such decision; but I should think the honorable Senator from Ohio would have no objection to submitting this matter to the sense of the Senate, and if it is not the clear sense of the Senate to accept the amendment I shall not press it, but shall ask that the bill be laid over until to-morrow.

Mr. HENDERSON. I suggest to the Senator from California that he do not arrest the progress of the bill at present. There are other amendments in all probability that will be offered.

Mr. CONNESS. I will say to the Senator from Missouri that I did not rise to offer this amendment until the Chair was about proceeding to transfer the bill from the Committee of the Whole to the Senate. If there be other amendments to be offered, I have no objection to this being laid over; but I cannot see, as I before stated, why the Senate may not have this question submitted to them. I think they will receive the amendment with unanimity, and thus the matter will be settled.

Mr. HENDERSON. After the bill has been reported to the Senate it will still be subject to amendment, and I suggest to the Senator that after the bill has been further considered and other amendments submitted and disposed of he can then make his motion, and I shall be disposed to vote with him; but I am not disposed to arrest the progress of the bill just at this moment.

The PRESIDING OFFICER. If the Chair is called upon to decide under the rule, he, of course, decides that the amendment of the Senator from California is not in order according to the rule.

Mr. CONNESS. Then I will withdraw the amendment at the present time; but when the bill comes into the Senate I shall ask that it be laid over until to-morrow.

Mr. FESSENDEN. I should like to have all the other amendments that are to be offered acted upon before a motion of that kind is made.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. SPRAGUE. I offer this amendment as an additional section:

And be it further enacted, That the principal assistant to the Paymaster General United States Army shall receive the same compensation allowed by law to the Assistant Paymasters General United States Army, from the 15th day of May, 1865, at which time he was specially assigned as such principal

assistant by the Secretary of War; and a sum sufficient to pay the same is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

This amendment is to conform the pay of the principal assistant in the Paymaster General's department to the other departments.

Mr. FESSENDEN. Does it come from a committee?

Mr. SPRAGUE. No, sir.

Mr. FESSENDEN. Then I must make the point of order on it.

The PRESIDING OFFICER. Under the rule of the Senate, an amendment of this kind must either come from a committee or be recommended by the head of a Department.

Mr. SPRAGUE. Is not this amendment in order?

The PRESIDING OFFICER. The Chair will have the rule read to the Senate.

The Secretary read the 30th Rule, as follows:

"No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide claim, unless it be to carry out the provisions of an existing law or a stipulation."

Mr. SPRAGUE. This proposition is recommended by the paymaster's department of the Army, and it also has the sanction of the Secretary of War. It failed in the other House from an informality in the wording of the amendment there. General SCHENCK favors it, and is anxious that it should pass. It is in favor of a very worthy officer, and it is simply to make his position conform to that of officers of corresponding rank in the Army. Similar provisions have been made in other cases, and I trust this proposition will be allowed to go upon this bill.

Mr. FESSENDEN. The Senator's statement does not bring it within the rule.

Mr. SPRAGUE. I modify the amendment by striking out the last clause making an appropriation.

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. FESSENDEN. It strikes me that it is not exactly in order to be increasing salaries and giving back pay, going back to 1865, on this bill. It is substantially the same thing as it was in the appropriating clause that was stricken out. I ask to have the 30th Rule read again.

The Secretary read the rule.

Mr. FESSENDEN. The amendment does not propose an appropriation, but it leads to an appropriation, and it is a pretty keen sort of dodge. It is not strictly an appropriation, but it necessarily involves an appropriation, and I should like to know the opinion of the Chair upon that point, whether it is or is not admissible under the rule.

The PRESIDING OFFICER. The Chair thinks it increases the compensation of an officer and involves an appropriation; but as it does not make an appropriation it is not strictly within the exclusion of the rule.

Mr. FESSENDEN. Then I ask whether it is not a private claim? It provides for additional compensation to an individual for services heretofore rendered.

Mr. SPRAGUE. This is a public officer, performing the duties of this position.

Mr. POLAND. I understand that this measure is indorsed by the Paymaster General and the Secretary of War. I should like to have their indorsements of this application read.

Mr. FESSENDEN. The Paymaster General is not the head of a department within the rule. I do not hear of any recommendation by the Secretary of War; but if so, I should like to see it.

Mr. POLAND. I understand that this application is indorsed by both the Paymaster General and the Secretary of War.

Mr. FESSENDEN. But I should like to know that fact, and in what way it is indorsed; whether it comes in the shape of a recommendation from the head of a Department.

The PRESIDING OFFICER. If this amendment is to pay for services performed in the past it is in the nature of a private claim, and cannot be received under the rule.

Mr. CONNESS. I am now authorized to offer, with the approbation of the Committee on Military Affairs, the following amendment as an additional section:

And be it further enacted, That the Paymaster General be authorized to pay, under such regulations as the Secretary of War shall prescribe, in addition to the amount received by them for the traveling expenses of such California volunteers as were discharged in New Mexico and Utah and at points distant from the place or places of enlistment, such proportionate sums, according to the distance traveled, as have been paid to the troops of other States similarly situated; and such amount as shall be necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. FESSENDEN. I understand now that that comes from the Committee on Military Affairs.

Mr. STEWART. Will the Senator from California accept an amendment including Nevada? Some volunteers went from that State to Utah and were discharged there under the same circumstances.

Mr. CONNESS. I hope the Senator will not press that at the present time.

The amendment was agreed to.

Mr. JOHNSON. I move to amend the bill by striking out the second section, and ask that that section be read as it now stands.

The Secretary read the section, as follows:

SEC. 2. *And be it further enacted*, That the headquarters of the General of the Army of the United States shall be at the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and, in case of his inability, through the next in rank. The General of the Army shall not be removed, suspended, or relieved from command, or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years, upon conviction thereof in any court of competent jurisdiction.

Mr. JOHNSON. At this period of the session, when it is very important that all these bills should pass in some shape, it would be very improper in me to take up the time of the Senate by anything like a discussion. I shall content myself, therefore, with saying that it seems to me perfectly obvious that that section is in direct conflict with the Constitution of the United States. The Constitution, in express terms, not content with placing the entire executive power of the nation in the executive department of the Government and in the President of the United States as the head of that department, provides that he shall be the Commander-in-Chief of the Army. And this section says, although in the absence of such a provision General Grant would be under the control of the President as the constitutional Commander-in-Chief, his station shall be here though that commander may think it should be elsewhere. And it goes on further and says that no orders shall be issued of a military character except in accordance with the provisions of this bill; and proposes to punish any officer of the Government who may dare in the face of Congress to obey a military order coming from the constitutional Commander-in-Chief.

As I said, I rose with no purpose of discussing the propriety of the section, and shall content myself with stating that, in my judgment, it is a clean and palpable infraction of the Constitution of the United States; and upon the vote I shall call for the yeas and nays.

Mr. McDOUGALL. I desire to say that I altogether agree with the Senator from Maryland, that this provision is in direct violation of the Constitution of the United States, and cannot be made law here. The virtue of the Executive is to be extracted and to be eliminated and to be exproduced, so that he shall have no power at all over the Army of the United States or its General. We have now in command of the armies a General who is subordinate by the Constitution to him, who by the Constitution is denominated Commander-in-Chief of the armies and navies of the United States. This thing of trifling with great constitutional principles may seem well to some; it may be within the range of the capacity of Senators to feel well when they undertake to usurp authority forbidden by the Constitution of the United States; but it is not so with me. I do not care to elaborate an argument on this subject, because every intelligent Senator who has a right to vote upon this floor ought to know that this is a gross attempt at a violation of the Constitution.

Mr. FESSENDEN. The propriety of this provision is one thing; no question upon that point has been raised by the Senators who have spoken. They have, however, given very positive opinions, and contented themselves with their expression, that this is an unconstitutional provision, and one of them says it is so palpably so that no Senator of any intelligence can fail to perceive it. Now, sir, I confess myself to be one of those Senators having some small degree of intelligence—I do not claim a great deal—who do not perceive the force of the constitutional objection. I think the provision is clearly constitutional. The mistake that arises in reference to this matter is in not recognizing the fact that in this country the sovereign power is in the hands of the people, and that the people exercise that sovereign power through Congress, the Senators and Representatives. The President is by the Constitution the Commander-in-Chief of the Army and Navy. That is a very distinct position from his position as President of the United States. He is made by the provisions of the Constitution Commander-in-Chief of the Army and Navy. That is a provision which fixes his rank. If we have an Army, the Constitution says he shall be the Commander-in-Chief of it. If we have a Navy, the Constitution says he shall be its Commander-in-Chief. But while the Constitution fixes the rank of the President of the United States as a military and naval officer, it keeps within the control of the people of the United States, represented in Congress, the power to raise armies and to create a navy and the power to pass rules and regulations for the government of the land and naval forces. That power is reserved in the hands of the people, to be exercised through the Congress of the United States. Now, sir, I hold that, although the President is Commander-in-Chief as a matter of military rank, yet what armies shall be raised, where they shall go, where they shall be disbanded, what they shall do, and what all their officers shall do, are matters to be regulated by the sovereign power; and that sovereign power is to be exercised precisely as sovereign power is exercised in any case. The commander-in-chief of the army of Russia, I take it, would be subject to the power of the Emperor. The Commander-in-Chief of the Army of the United States is subject to the power of the people, to be exercised by Congress; and I deny that because his military rank is fixed as Commander-in-Chief by the Constitution the people may not through their Congress pass all such rules and regulations with regard to the exercise of military power as they see fit, and devolve that power upon any military officer. They cannot, perhaps, authorize an officer to command the Commander-in-Chief, but they can direct any officer what to do. That I hold very distinctly is the power of the people; and gentlemen mistake when they suppose that because the President as a matter of military rank is head of the Army it is out of the power of Congress to say what that head of the Army shall do, or shall not do.

This provision is founded upon that simple principle, nothing more nor less. It makes a rule with regard to the Army which it has a

right to make, that the headquarters of a particular officer shall be at a particular place; that he shall stay in that place, and that he shall not be removed from it. And it has a right, moreover, to say that all orders shall pass through him as General. That is a rule and regulation which the people of the United States have a right to prescribe, and which they here propose to prescribe; and they have a right to say that any person violating that rule shall be subjected to the punishment that they choose to inflict and designate. That is all that is done here.

Therefore, on this plain and simple principle, which I take this opportunity to enunciate as my opinion in opposition to the opinion of the honorable Senator from Maryland, this provision is no violation of the Constitution. It is merely an exercise of the right which the people are at perfect liberty, as the sovereign power of this country, to exercise and declare just as they see fit. Nothing more is done here.

Mr. McDOUGALL. There is a slight difference between "rank," as the Senator from Maine chooses to use the term, and "authority." The President of the United States is clothed both with rank and with authority. They are given to him by virtue of the very terms of the Constitution. The question of rank which the Senator raises as adverse to the question of authority is a mere desertion of the logic of the truth. There is the authority conferred upon the President of the United States to command the Army and the Navy. It is not mere rank. He has rank with his authority. The Senator uses the term very ingeniously, well calculated to deceive simple men, not fit language to inform men who have to do with legislation. "Rank!" Generally a rank involves authority; and when authority and rank go together who has the right to dispute in the orders of government? I understand this cunning device, and I think it will be well understood by the people of this country. It is but a cunning device.

Mr. JOHNSON. As I stated before, I have no idea of embarking in a discussion on this bill, and I would not have risen again but for the few remarks accompanying the opinion which he so positively expressed, which fell from the honorable member from Maine. I understood the honorable member to place the constitutionality of this measure upon the ground that the people are sovereign——

Mr. FESSENDEN. And they have distinctly retained that sovereignty over the Army.

Mr. JOHNSON. And that the legislative department of the Government is the department in which that absolute sovereignty of the people is placed. In one sense the people are sovereign. They can, in a constitutional mode, change their political institutions from time to time, but in the exercise of their sovereignty it is for them to decide how in any particular constitution that sovereignty shall be exercised, and they have delegated such portion of it as they thought proper to delegate to each of the three departments of the Government; and the question, therefore, to be decided is, what is the construction to be placed upon the departments to which respectively is confided the legislative and executive powers of the Government? I understand the honorable member virtually as saying that it would be in the power of the Congress of the United States to conduct a military campaign in time of war, to provide by legislation where the fleets of the United States are to go, to send commissioners to head the armies, as was done by France during the Revolution, and to control the military officers in command. Our Constitution, in my judgment, takes an entirely different view. It intrusts, and intrusts only, to Congress the particular legislative powers which it confers. It intrusts the whole executive power of the Government to the President of the United States; and not satisfied with that, even consulting the Constitution by itself, and more especially calling to our assistance the deliberations of the Convention by which the Constitution was formed, it provided, for the very purpose of escaping from the interference of Congress in the management of the armies of the United States, as far as the command was concerned, a provision that the President of the United States should be, not with the permission, but against the permission of Congress, the Commander-in-Chief. Now, says the Senator, that is true; you cannot by law say that he may not be the Commander-in-Chief, but you can by law take from him the right to command.

The Constitution says that the President shall be the superior of any military officer appointed under the authority of Congress. The honorable member from Maine maintains that although that is done it is in the power of Congress to say that, notwithstanding by the Constitution he is the Commander-in-Chief, the actual command shall be devolved upon a man of our appointment, and that upon the ground that the people of the United States are sovereign. In my judgment—and I speak it with the very sincere respect in which I hold the opinion of the honorable member from Maine—it is a constitutional heresy, which in the end will not for a moment bear the support of the people. It has it now, if it shall have it at all, only in the relation which unhappily is supposed to exist, and does exist, as between the Commander-in-Chief of the Army under the Constitution and the Congress of the United States. Who for a moment would believe that if the late lamented President had remained at the head of the Government, or if any other man was at the head of the Government having the confidence of the Congress of the United States, a law of this sort would be passed? Such a law has never been suggested in any antecedent part of the history of the Government, and now it is for the first time introduced, as I think, because of the supposed exigencies in which the majority of Congress may think the country is placed owing to their apparent want of confidence in the constitutional Commander-in-Chief.

Suppose the President of the United States should be satisfied that the presence of General Grant was necessary in the case of an invasion or an outbreak again in some other place than Washington, and he should order him there, and he should say "No, I will not go," could not the President go himself? No; because it goes on to say that no military officer of the Government shall at any time obey any order issued by the President of the United States or by any other authority which stands in conflict with the provisions of this bill. The right, therefore, to command the military commander, who stands first in point of rank under him, is denied; and the right practically to take himself the command is denied, because he is unable to get the officers, without whom his right of command is entirely useless and nugatory.

Mr. President, to depart from the Constitution under any circumstances is hazardous. I said during the existence of the rebellion, and I repeat it now, that if I had been the President of the United States I would have often done acts which the Constitution of the United States would not have authorized, if, in my judgment, I believed they were necessary to maintain the integrity of the Government; and one of the reasons by which I was guided in casting a vote which I cast the other day, for which I have been much censured, and which I shall again cast if the subject shall be brought before us, was because I considered the country as now brought into a revolutionary condition, and I will do anything and everything which I believe promises an escape from that condition and a return to the condition in which the Constitution contemplates we should forever remain. But that is not necessary now. General Grant, it is not to be supposed for a moment, would be ordered by the President of the United States to go elsewhere and establish elsewhere his headquarters, unless, in the judgment of the President, it should be absolutely necessary to the interest of the Government; and whether he is here or elsewhere is not a fact in which the safety of the Government can be involved. I have so much confidence in that military officer that I am satisfied he would rather be as he is, under the command of the President, than be placed in a situation in which it would be his privilege to say to him: "I obey no order that you may give me unless I myself approve it."

Mr. FESSENDEN. The Senator from Maryland, with all his learning and astuteness, has fallen into a very common error, and that is, to suppose that there is no distinction between the President of the United States as such and the President as Commander-in-Chief of the Army and Navy. They are two very entirely distinct things. They are connected just so far as this: that he who is one must necessarily be the other, by the Constitution; but they are different offices, having different relations to the Government and to the Constitution itself. The President of the United States is the executive officer; that is, he must execute all laws passed by the Congress of the United States. That is true. He has the executive power. That has relation to his civil duties, and not to his military duties any further than those military duties are directed by the laws of the United States. But as General-in-Chief of the Army he is a mere military officer. According to the natural inference from the honorable Senator's remarks, he has absolute power to do as he pleases with our armies because he is Commander-in-Chief; when we have raised an Army and get it into the field, we have no further power over it, cannot direct its operations in any way, cannot direct against whom its operations shall be carried, and cannot make any rules which regulate it in actual service! Why, sir, if that doctrine be true, we are at the pleasure of a military despot at any time who may happen to be Commander-in-Chief of the Army of the United States.

That is not the theory of the Constitution, let me tell the Senator. The Constitution merely assigns to him his military rank at the head of the Army and at the head of the Navy; and he has all the powers belonging to that rank except so far as they may be limited by the laws passed by the people of the United States through their representatives. We can just as well control the President as Commander-in-Chief as we can control any one of his subordinates. The people of this country did not give themselves into the hands of the Commander-in-Chief of the Army. They said who should be the Commander-in-Chief; but what the Commander-in-Chief should do and what he should not do are totally different questions, and questions over which the people of the United States kept their own control, and I hope to God they always will keep it.

I am not attempting to discuss the merits of this proposition, nor the taste of it. That is a different thing. The House of Representatives passed it, and the Finance Committee have submitted it to the Senate upon questions of its propriety in every sense. But when the Senator gets up here and says so positively that when I, as chairman of the Committee on Finance reported this, I was giving my assent to what no sensible man could consider a constitutional provision, substantially——

Mr. JOHNSON. I said no such thing.

Mr. FESSENDEN. That is the plain inference—then I feel bound to defend my own position and to say that I do not agree with the honorable Senator that the thing is so palpable as he seems to suppose. Why, sir, suppose we pass—there is no question that we can pass—rules and regulations for the government of the Army. Suppose the President should direct an officer to violate a rule and regulation; could the officer excuse himself on the ground that he was ordered by the Commander-in-Chief to violate it? That may be submitted to in time of war, and it may do in some services in some countries under mere military regulations, but it will not do here, and it ought not to do here.

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The people of this country, as I said before, retained this power in their own hands. I hold just precisely as I stated before, that when we raise an army we may disband it at any moment. We have the power to declare war; that is kept in our own hands; and consequently to say when that war shall cease. Suppose that we direct that an army which is operating against an enemy shall be withdrawn at once, and the Commander-in-Chief says, "No, I command this army," pray, who is to be obeyed, the people of the United States through Congress who may make rules and regulations, or the President of the United States simply because he is the Commander-in-Chief in the field? Such doctrines will not do, sir. They lead to nothing but despotism; and it is our duty to defend the first approaches and see that we retain the power which the people intrusted to us.

Mr. SUMNER. I hesitate to add a single word to what has been so clearly and conclusively stated by the Senator from Maine; but the Senator from Maryland I know is not insensible to professional authority, and perhaps I could not mention any name that would receive from him more respect than that of the late Chancellor Kent of New York. He knows well how carefully and studiously he considered all the questions of constitutional law when he was called upon to prepare his Commentaries, originally given, as we know, in lectures to his students. He meets this very question, and in sententious words disposes of it. He did it, too, in the later years of his life, in a note to the very last edition of his Commentaries shortly before his death. I will read his precise words:

"Though the Constitution vests the executive power in the President and declares him Commander-in-Chief of the Army and Navy of the United States, these powers must necessarily be subordinate to the legislative power in Congress."

Now, sir, I submit that if this question is to be decided by authority, there can be but one answer.

Mr. BUCKALEW. I understood the argument in favor of the present section to be put upon the ground that the people of the United States are sovereign and can do what they please, and that the Congress of the United States represents them, and that therefore Congress can enact this provision. This is a very compendious, all-absorbing argument; and it will be only necessary to apply it in any case in order to give us full authority and warrant for doing whatsoever our wishes, our interests, or our passions may dictate.

I agree that the people of the United States are sovereign. I agree also that they have committed to the Congress of the United States the exercise of certain sovereign powers specifically enumerated in the instrument which called Congress into being and which continues its existence. But I assert also that the people of the United States conferred upon the executive department of the government the exercise of certain other sovereign powers, and conferred upon the judicial department of the Government the exercise of still other sovereign powers; and that in a debate with reference to a particular power when it is called in question the argument is not upon the origin of the power, is not upon the sovereignty of the people, but is simply and exclusively upon the particular location of the power in the Government, to wit, whether it be located in the executive, in the legislative, or in the judicial branch, it being understood that these three taken together hold all the powers that have been granted to the Government of the United States by the sovereign people.

I do not know, then, why an assertion of the sovereignty of the people of the United States is intruded into this discussion. I do not understand why it is insisted that Congress represents that sovereignty. It leads to nothing. No logical conclusion follows from it. The fact is indisputable, nobody will dispute it when his mind is turned to the subject, that in a case of this kind the question must be simply one with reference to the depositary of the particular power.

Mr. FESSENDEN. It is in the law-making power I should have said. Congress may do certain things; but all laws passed by Congress must be approved by the President or else passed over his veto. The law-making power would probably be a more correct expression than the representatives of the people. I do not say that Congress have it separate from the President, because, in order to carry out the powers vested in them, they must act by law, and he must be a party to it, or if not a party to it directly, there must be a sufficient vote in Congress to show that within the Constitution they may act.

Mr. BUCKALEW. That is simply another and a better statement of the same point; and I say the question recurs upon this subject, taking it as it is now stated, whether the legislative power of the Government extends to the doing of this particular thing, and that will be determined by considering whether this legislation involves an invasion of an executive power, one lodged in another department, because if it be lodged there it is sacred from us. We cannot touch it; we cannot molest it. If we do, we transcend the limits of the powers which have been delegated to us.

Now, sir, Congress has authority to make rules and regulations for the government of the land and naval forces. Congress has also power to declare war; and our legislative powers with reference to the particular subject which we are investigating I suppose must arise under one of these heads. I agree that when we make rules and regulations for the government of the land and naval forces the Executive is bound to obey those laws. I agree also that when we declare war the Executive is bound to execute that law which we have enacted. But the precise point of the argument, as stated by the Senator from Maryland, is upon an independent clause of the Constitution, as actual and real an one as those which I have mentioned, and that is that clause which confers upon the President of the United States, in general and unlimited language, all the powers appropriate to a Commander-in-Chief of our Army and Navy.

Now, what are those powers? Whatever they are Congress cannot limit them; Congress cannot take them away, cannot circumscribe them, cannot detract from them in any particular whatever. What powers, then, are conferred upon the President of the United States when the Constitution declares that he shall be Commander-in-Chief of the Army and the Navy? Why, sir, there is one power under this head which no man can deny or doubt; and that is the power of giving orders to his inferiors in military rank. The most especial characteristic of a commander-in-chief is that he shall issue his orders to his subordinates and that they shall be bound to obey them. To be sure our President must issue his orders according to law; he cannot command his inferior officers to do acts which are illegal; but so long as he complies with the laws his orders are to be obeyed, being given in his capacity as Commander-in-Chief, charged with the execution of the law. I deny that from this argument any inference arises that the President may order an officer under him to do an illegal act.

Mr. FESSENDEN. Suppose that his command should be plainly in violation of a law of Congress?

Mr. BUCKALEW. I am just speaking of that. I say his orders must be in pursuance of law. If he orders an officer to do an illegal act, an act clearly and palpably illegal, that officer is not bound to obey it, and the President himself would be impeachable and responsible to the law for his misconduct; but so long as he complies with the laws which Congress has enacted in pursuance of their powers, so long as in the execution of the existing law he issues his orders, you cannot intervene between him and his subordinate; and why? Because you destroy his authority as Commander in-Chief; you destroy that power which by an independent and clear provision of the Constitution is vested in him.

Now, sir, what does this bill do? It does the very thing which I have described. And pray what in the world has the sovereignty of the people of the United States to do with the question in this case? Pray what has the question of the legislative powers of Congress to do with the question in debate? The argument is upon the clause which establishes a Commander-in-Chief, and therefore necessarily confers upon him all the powers appropriate to that office, and the most essential one of those powers is the one to issue his orders to his subordinates to cause the law to be executed; I do not mean to violate the law, but to cause the law to be executed. Whenever you attempt to pass a rule for the government of the land and naval forces, or pass any law in relation to war which destroys the Commander-in-Chief, which destroys his authority as Commander-in-Chief, you invade the Constitution; you invade this clause of it. That is the argument.

Mr. President, I do not know exactly where we shall arrive upon the present political drift in Congress. One day we pass a bill to strip the Executive of a power which has been held and exercised by that department from the foundation of the Government, and confer that power upon the Senate, or divide the power rather between the President and the Senate; I mean the power to make removals from office. Now you propose a bill to take from that department the power which belongs to the head of it as Commander-in-Chief, and to deposit this power in some favorite officer. It looks to me as if the attempt were now made to tear to pieces one department of the Government, to absorb the powers which belong to it under the Constitution in other departments of the Government, and where you cannot transfer it to other departments of the Government, to transfer it to particular officials of the Government selected by act of Congress. If it be indeed true that we represent the sovereignty of the people of the United States exclusively, if it be indeed true that other departments of the Government do not represent that sovereignty as well as we, if it be indeed true that the American Congress, like the British Parliament, is an omnipotent body, you can do these things; but, sir, believing that the Congress of the United States is a body charged with specific and particular duties, and that it possesses only specific and particular powers, and that the very power in question asserted by this bill has, by the Constitution, been lodged in another department, of course my argument and my vote must be against the measure, and for maintaining that provision of the Constitution which it assails.

The PRESIDING OFFICER. The Senator from Maryland asks that when this question be taken it be taken by yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. There are three clauses in the Constitution that affect the question now before us. One is that which authorizes Congress to raise and support armies. Another is that which authorizes Congress to declare war. Another is that which authorizes Congress to provide rules for the government and regulation of the land and naval forces; and this last one is the one most particularly affecting the precise technical question that is raised by my friends from Pennsylvania and from Maryland. The precise language of this clause is:

"The Congress shall have power to make rules for the government and regulation of the land and naval forces."

Here is a definite and specific grant of power to Congress to do a particular thing. That thing is to make rules for the government of the land and naval forces. Now, what is "the government of the land and naval forces," I should be happy to have my distinguished friend from Pennsylvania tell me, if it be not to provide the methods and the limitations by which and under which the Army shall be moved and operated and controlled? When the law-writers tell us that governments are established for the

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benefit of society, and that society is governed or not governed, do they mean anything else than that the operations of society as between itself and other societies are to be regulated and controlled by the government that is set up? Is there any word in the whole vocabulary of the English language which has a more comprehensive meaning than the power to institute governments? That power is expressly given to Congress—the power to provide "government" for the armies and navies of the United States.

Another clause, to be sure, provides that the President of the United States shall be the Commander-in-Chief. Is he to be the Commander-in-Chief against this government which the Constitution declares Congress shall provide, or is he to be the Commander-in-Chief under it and according to its authority and its asserted force and regulation?

Now, what does this bill propose to do? It proposes to declare that the method of operating the Army shall be a particular one; that is, that the orders which the Commander-in-Chief shall give shall be given through a particular channel and shall operate in a particular way. There is no provision that he shall not give an order. It does not undertake to hedge in his authority a particle as to what he shall order, or in what way, other than that when he operates upon the Army and says it shall go here or stay there, he shall operate upon it in the regular method through a particular subordinate. Is not that government? Is not that executing merely a government of the Army? If it is not, then this language which, as I say, is as comprehensive as it is possible for language to be, has no meaning at all. If we are not governing the Army of the United States in providing the method by which it shall be operated and moved, what are we doing? It appears to me, sir, without occupying time, that it is the simplest question possible as to the constitutional right of Congress to make this provision. Whether it is wise or not is a question that has not been broached.

Mr. BUCKALEW. I can answer the Senator in a word. The power to make rules and regulations for the government of the land and naval forces is not questioned. What I do deny is, that Congress can make a rule for the government of the land and naval forces which shall conflict with a distinct and independent power established by the Constitution. You must make your rules and regulations under one clause of the Constitution, so that they will not affect or disturb the lodgment of power provided by another.

Mr. EDMUNDS. Is there any conflict when, he being Commander-in-Chief of the Army and Navy, you by your law provide that he shall give his orders as Commander-in-Chief through the channel prescribed by law?

Mr. BUCKALEW. His subordinate may disregard it. He cannot order his subordinate to execute the law.

Mr. EDMUNDS. That begs the very question. It does not provide that he cannot order his subordinate to execute the law. It only provides the manner in which he shall reach that officer.

Mr. BUCKALEW. It provides that the subordinate may refuse to obey his order in express language.

Mr. EDMUNDS. Not if he gives that order in the method the law provides he shall give it, through the General.

Mr. CONNESS. Upon this subject I have only a fact to state that came to my knowledge, entirely disconnected with this bill, within a few days while in consultation with the General of the Army on other business; and that is, that it has been the practice for orders to go out concerning military affairs without ever passing through him at all, and consequently the public business of that character has been transacted to some extent without the coherence and consistency that it should be transacted with; and for that reason alone there is a necessity for such a provision as this.

Mr. DIXON. The Senator from Vermont says what is very true, that the Constitution provides that Congress shall have power to make rules and regulations for the government of the Army. That is the language of the Constitution. The Constitution also provides that the President shall be Commander-in-Chief of the Army and Navy of the United States. Now, sir, that Senator will not deny that those two sections must be construed together and in consistency with each other.

Mr. EDMUNDS. Certainly.

Mr. DIXON. Can a regulation or an order be made which shall deprive the President of his power and position as Commander-in-Chief?

Mr. EDMUNDS. Certainly not.

Mr. DIXON. Can a regulation be made which shall say that he shall not command?

Mr. EDMUNDS. Certainly not.

Mr. DIXON. The Senator says no. What is this regulation? The regulation is that the Commander-in-Chief of the Army shall not assign to duty the General of the Army, his subordinate officer, "without the previous approval of the Senate;" that is to say, instead of being Commander-in-Chief of the Army and authorized to issue a command, he is prohibited from issuing that command without the consent of a body which has no more to do with the Army than anybody in the United States. The rule and regulation now proposed to be made provides that the Commander-in-Chief of the Army shall not issue a certain order without the consent of the Senate. If that is consistent with the idea that the President is Commander-in-Chief of the Army, I do not understand language.

Mr. EDMUNDS. I should be glad to have my friend from Connecticut read the clause that prohibits the President from assigning a man to command without the consent of the Senate. As I read the bill—I have only read it once—it provides that the Commander-in-Chief shall not remove the General-in-Chief without the approval of the Senate. On looking at the section, it may be that it goes further, and provides that he shall not be assigned to duty elsewhere than the place where the law fixes his station, and that would be equally competent. There is no conflict, as my friend says, between these two clauses; they must be taken together: but the question is whether the power to be Commander-in-Chief is a power to be Commander-in-Chief above the law or under it. Congress has power to declare war. Suppose it declares war against England, if you please. I will name a country that has got the ability to fight us. We declare war against England. The President says, "I do not want to fight England, and I am Commander-in-Chief; I will not order the Army to invade the Canadas; I will not order the Army to defend New York or Connecticut." Now, then, is he to obey that act of Congress or is he not? If he is the Commander-in-Chief above the law, above the powers which the Constitution gives Congress the authority to put in execution, then by virtue of his supreme function as Commander-in-Chief, he will say, "I will not order the Army to invade this hostile nation, because I do not think war ought to have been declared." On the contrary, the Supreme Court of the United States, at a time when it was held in high respect by everybody—and I do not say it ought not to be now; it would be if it decided more frequently in accordance with law certainly—the Supreme Court, in the times of the earliest judges, decided on a case made, and appropriately, before them, affecting private interests to be sure, but it involved that question, that when Congress declared war it was the duty of the President, although he was Commander-in-Chief, to make that war, and to make it vigorously; and the ground upon which they decided that was, that, being Commander-in-Chief, he was a part of the Army, the head of it, and he must put that Army in force whenever Congress, the representatives of the people, having raised it, declare that it ought to be put in force by making war.

Then another phrase is, as I have already stated, that we are to provide rules for the government of the Army, and that, it seems to me—and my friend has not met the argument—implies that we shall regulate the methods by which the Army shall be put in operation.

Mr. DIXON. I admit fully that Congress has power to make rules for the government of the Army; but as the Senator has already admitted, those rules must be consistent with the Commander-in-Chiefship of the President of the United States. He has a right to act as commander. The very first necessary incident of that power is to command his subordinates.

Mr. EDMUNDS. Against the rules or in conformity to the rules?

Mr. DIXON. Of course in conformity to the rules; but you deprive him of power entirely here. You say he shall not command that officer without the consent of the Senate. You do not say that he shall command in a particular manner. You say that the Commander-in-Chief shall not order his subordinates except with the consent of the Senate. Is that a rule consistent with the fact that he is Commander-in-Chief? If it is, then I agree the Senator is right.

But the Senator says he is bound to make war when war is declared. Why? Because the Constitution provides that Congress may declare war. It is a constitutional power of Congress. That also must be taken in connection with the other provisions. By the power of Congress war exists; and he is bound, of course, to recognize the law that war exists. When Congress declares war, then by the law of the land we are in a state of war, and the President of the United States is bound to acknowledge and recognize that, and he is also bound to obey all rules and regulations made by Congress which are consistent with his commandership. But suppose the command is taken from him entirely. I do not see, with the argument of the Senator from Maine, to which I listened carefully, and I acknowledge its force and its power, I do not see why it does not go to the entire extent. If you can do what is here claimed, then you may go as many steps further as you please, and you may provide that he shall not command the Army, and that the subordinate officer shall not obey him. What do you do here? We may just as well look at the rule as it is. You provide here that—

The General of the Army shall not be removed, suspended, or relieved from command—

So far possibly the Senator is right in saying it is confined to the question of appointment—

or assigned to duty elsewhere than at said headquarters.

That is to say, he cannot be ordered to Baltimore by his superior officer without the consent of the Senate. If that is a rule and regulation which is consistent with the fact that the President is Commander-in-Chief of the Army by the Constitution the force of language is misunderstood.

Mr. JOHNSON. The honorable member from Massachusetts stated what he had a right to state, that I had the highest possible respect for Mr. Chancellor Kent, upon constitutional questions at least, and he read what he told us was a note to be found in the first volume of his Commentaries, and gave us the edition. I had no recollection of the note, and rather supposed that my friend had been mistaken, that he had found it somewhere else, and I sent for the book. I have the edition published in 1861, long after Chancellor Kent was dead, by his son, the late William Kent. The honorable member tells me that he saw what he supposed to be a note such as he has inserted in a speech—he read from an extract in a speech. Of course I do not doubt that. All that I mean to say is that if there is such an edition, I do not believe the note had the sanction of the Chancellor, and that if it even had the sanction of the Chancellor, his son, who was a very able man—and it would be no dishonor to his father to say, as able a man as the father—when he came to edit the book

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dropped the note; and I do not think he would have dropped the note if it had been inserted by the Chancellor himself, without having heard from that very distinguished man that he had made a mistake in the note. It is certainly not in any edition of the work that I have been able to find; but I repeat, that I have not the slightest doubt that the honorable member's quotation of it was from some book before him which he supposed to be genuine. I will read a sentence or two from the text, about which there can be no dispute, which makes me think the Chancellor never could have intended to say that the authority of the President of the United States over the manner in which the armies of the United States were to be employed was subject to the legislative power of Congress. In the chapter in which he is speaking of the presidential office he says:

"He is Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the service of the Union. The command and application of the public force to execute law, maintain peace, and resist foreign invasion are powers so obviously of an executive nature, and require the exercise of qualities so characteristical of this department, that they have always been exclusively appropriated to it, in every well organized Government upon earth. In no instance, perhaps, did the enlightened understanding of Hume discover less acquaintance with the practical science of government, than when he gave the direction of the army and navy, as well as all other executive powers, to one hundred senators, in his plan of a perfect commonwealth. That of Milton was equally chimerical and absurd, when, in his 'Ready and Easy Way to establish a Free Commonwealth,' he deposited the whole executive, as well as legislative power, in a single and permanent council of senators."

It is obvious, then, that in the opinion of the commentator the application of the force, the command of the force, the distribution of the force carrying on a campaign, where the Army was to go, what they were to do, were all to be vested in the President.

Mr. DIXON. I ask the indulgence of the Senate in calling attention to one other point, which I think has been lost sight of. This rule and regulation which is now proposed to be made is with respect to the very question who shall be Commander-in-Chief. An order is issued to General Grant to move to Baltimore and take command of troops there by the President of the United States. He says, "You are not Commander-in-Chief; you have no right to issue this order, because there is a law which provides that you and the Senate of the United States must act together; you have not power to issue the order; but you must be accompanied in issuing the order by the Senate." Now, sir, I say that that is utterly inconsistent with the idea that the President is Commander-in-Chief, because it makes him Commander-in-Chief with another body, so far forth as that body is concerned.

The Secretary proceeded to call the roll.

Mr. FESSENDEN. Before the vote is declared, as it is suggested that we may be able to finish this bill in fifteen minutes, I move that the time for taking a recess be extended for fifteen minutes.

The PRESIDING OFFICER. The motion can be entertained only by unanimous consent. The Chair hears no objection, and the question is on the motion.

The motion was agreed to.

The result of the vote on the amendment to strike out the second section was then announced—yeas 8, nays 28; as follows:

YEAS—Messrs. Buckalew, Dixon, Doolittle, Henderson, Hendricks, Johnson, Norton, and Patterson—8.

NAYS—Messrs. Anthony, Chandler, Conness, Cragin, Creswell, Edmunds, Fessenden, Fogg, Foster, Frelinghuysen, Kirkwood, Morgan, Nye, Poland, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—28.

ABSENT—Messrs. Brown, Cattell, Cowan, Davis, Fowler, Grimes, Guthrie, Harris, Howard, Howe, Lane, McDougall, Morrill, Nesmith, Riddle, and Saulsbury—16.

So the amendment was not agreed to.

Mr. STEWART. With the consent of the Senator from California, and having the consent of a majority of the Committee on Military Affairs, I desire to move a reconsideration of the section proposed by him, so that I may include Nevada with California.

Mr. CONNESS. It can be done by inserting the words "and Nevada" after "California."

Mr. FESSENDEN. Let it be done by general consent if there is no objection to it.

The PRESIDING OFFICER. Will the Senator from Nevada repeat his motion?

Mr. STEWART. It is to add the words "and Nevada" after "California" in the section offered by the Senator from California.

The PRESIDING OFFICER. Is there any objection to adding the words named? No objection being made, it will be done by unanimous consent.

Mr. TRUMBULL. I move the following amendment, to come in at the end of the thirty-fourth line on page 2:

For the erection of a bridge at Rock Island, Illinois, as recommended by the chief of Ordnance, $250,000.

I have here communications from the Secretary of War showing the necessity for this appropriation. One of them is addressed to the chairman of the Committee on Finance. I will send them up and have them read if it is desired. It is recommended by the chief of Ordnance and by the Secretary of War as a necessary appropriation to be made at this time.

Mr. RAMSEY. I should like to know whether it involves the removal of the objectionable bridge there?

Mr. TRUMBULL. That bridge is to be removed by the report of the commissioners.

Mr. RAMSEY. Is that part and parcel of this amendment? If it is I have no objection to it.

Mr. TRUMBULL. The amendment does not provide that as I have offered it, but the report of the commissioners does.

Mr. RAMSEY. If the public build a bridge at Rock Island we ought at least to get the removal of the other bridge which is so objectionable to the navigation of the river. I am willing to vote for the amendment if that can be done.

Mr. TRUMBULL. I will state to the Senator from Minnesota that the second section of the act passed on the 27th of June, 1866, provided—

"That the Secretary of War be, and is hereby, authorized to grant to the companies and parties in interest such other aid, pecuniary or otherwise, toward effecting the change in the present location of their road and bridge and establishing thereon a wagon-road for the use of the Government of the United States to connect said island with the cities of Davenport and Rock Island, to be so constructed as not materially to interfere with, obstruct, or impair the navigation of the Mississippi river, as may be adjudged to be fair and equitable by the board of commissioners authorized under the act of April 19, 1861, entitled 'An act in addition to an act for the establishment of certain arsenals,' and may be approved by him."

Commissioners were appointed, went to Rock Island, have examined all this property, have been in negotiation with this railroad company, have made their report to the War Department, and that report has been published and laid upon our tables, in which they recommend the removal of this bridge. The letter of the chief of Ordnance, which I have before me, states:

"The whole amount will not be required at once, and after the completion of the bridge the Government will be reimbursed by the railroad company for one half of the superstructure, which will materially lessen the cost of the bridge to the United States; but it is important to the interests of this Department that the bridge shall be built as soon as practicable, and that the work shall be commenced during the present year.

"I have therefore the honor to recommend that an appropriation of $250,000 be requested for this object."

This is signed by A. B. Dyer, brevet major general and chief of Ordnance, and is recommended by the Secretary of War. An arrangement has been entered into under this law for securing the title to the property which was claimed by individuals upon this island, and the whole matter is reported to Congress. If the Senator from Minnesota will look into the report of the commissioners he will see what they have recommended. This appropriation is asked now in accordance with that report, and is indorsed by the Secretary of War, who writes upon the back of the letter which I have read:

"Approved and respectfully referred to Hon. WILLIAM P. FESSENDEN, chairman of the Finance Committee of the Senate, with the request that he cause an appropriation of $250,000 to be inserted in the proper appropriation bill for the purposes herein mentioned, if approved by that committee.

"EDWIN M. STANTON,
"*Secretary of War.*"

Mr. RAMSEY. I have no doubt that the War authorities of course approve of this arrangement. They are concerned in regard to their own immediate wants at the island and the works to be erected there for military purposes; but in behalf of the public on the river, we have interests that we ought to care for; and if the public are called upon to contribute so much for the erection of this bridge we ought at least in return to have something for the removal of the other.

Mr. TRUMBULL. A part of the plan is that the other bridge is to be removed. That is recommended. That is to be removed.

Mr. RAMSEY. Then I should like to ask the Senator from Illinois another question. Does his amendment or does the bill in any way provide the kind of a bridge that is to be erected at Rock Island?

Mr. TRUMBULL. The amendment simply appropriates $250,000 for the erection of a bridge as recommended by the Department. The recommendation of the officers will show the character of the bridge that they recommend. They recommended a wagon bridge as well as a railroad bridge.

Mr. RAMSEY. Is it a draw-bridge or a continuous span bridge, or what is it?

Mr. TRUMBULL. It is a draw-bridge.

Mr. RAMSEY. With a span as provided for by the legislation of Congress on this subject?

Mr. TRUMBULL. Larger.

Mr. RAMSEY. Then I have nothing further to say about it.

Mr. KIRKWOOD. I will say that the present railroad track crosses Rock Island considerably north of the southern extremity of that island, and at a point, according to the report of General Rodman, in charge there, that materially interferes with the use of the island by the Government for armory purposes. The plan submitted by the board of engineers removes the track of the railroad company merely from that portion of the island, and puts it at the southern extremity of the island, and just as soon as this bridge can be built the company are compelled to change their track so as to pass over the extreme southern point of the island on this new bridge, removing their bridge and track from above.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time. It was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1184) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, in which it requested the concurrence of the Senate.

ENROLLED RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore* of the Senate.

A joint resolution (H. R. No. 224) giving additional compensation to certain employés in the civil service of the Government at Washington;

A joint resolution (H. R. No. 271) authorizing the Secretary of War to adjust and settle the claim of D. Randolph Martin, assignee of the Washington, Alexandria, and Georgetown Railroad Company; and

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A joint resolution (H. R. No. 290) authorizing the Secretary of the Navy to grant the use of guns for the trial of Ridgway's battery.

HOUSE BILL REFERRED.

The bill (H. R. No. 1184) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, was read twice by its title, and referred to the Committee on Finance.

COMPOUND-INTEREST NOTES.

Mr. WILSON. I move to take up Senate bill No. 628 relative to courts-martial in the Army. It will not take a moment to pass it; or I am willing to leave it as the unfinished business, if Senators want to take a recess now.

Mr. FESSENDEN. We want to take up another bill.

Mr. SHERMAN. I desire to take up the compound-interest note bill.

Mr. WILSON. It will not take ten minutes to dispose of this.

Mr. SHERMAN. Let me get up the compound-interest note bill, and then I will give way to the Senator.

Mr. WILSON. Very well.

Mr. SHERMAN. I move that the Senate proceed to the consideration of House bill No. 1220 to provide ways and means for the payment of compound-interest notes, so that it may be the unfinished business.

The PRESIDING OFFICER, (Mr. EDMUNDS in the Chair.) It will be taken to be the pleasure of the Senate to proceed to the consideration of that bill if there be no objection. The bill will be read.

Mr. TRUMBULL. I think it is hardly worth while to take up that bill in the five minutes that are left us before the time fixed for the recess.

Mr. SHERMAN. I simply want to leave it as the unfinished business for this evening.

Mr. TRUMBULL. Very well. I move then that the Senate take a recess until half past seven o'clock.

The motion was agreed to; and the Senate accordingly (at four o'clock and forty-one minutes) took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The Senate reassembled at half-past seven o'clock p. m.

REPORTS OF COMMITTEES.

Mr. HOWE, from the Committee on Claims, to whom was referred the joint resolution (H. R. No. 254) for the relief of Almanson Eaton, receiver of public money for the land office at Stephens's Point, Wisconsin, reported it without amendment.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, reported it with amendments.

MONUMENTS TO DECEASED SENATORS.

Mr. POLAND. Several days ago I introduced a resolution directing the Sergeant-at-Arms to have monuments erected in the Congressional Cemetery in memory of the Senators who have died since the 4th of July, 1861. I introduced this resolution at the instance of our Sergeant-at-Arms. Since 1861, some eight or ten Senators have died and no monuments have been erected to their memory, as had been the custom heretofore. The Sergeant-at-Arms is placed in great embarrassment by this; he is constantly called upon by the friends and relatives of those Senators who have died to know the reason why the ordinary mark of respect has not been paid to them by having monuments erected as before. So far as I know it had been the custom for the Sergeant-at-Arms to procure these monuments and put them up without any special direction from the Senate; but there being eight or ten to be provided for, the Sergeant-at-Arms felt a delicacy in undertaking the work without direction from the Senate, and I have introduced this resolution at his request that he may have instruction from the Senate whether to procure the monuments and erect them, or have an answer to make to the relatives and friends of those deceased Senators by saying that the Senate have refused to instruct him to do so. I move that this resolution be taken up for consideration.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) Another subject having been under consideration at the time of the recess, House bill No. 1220, it requires unanimous consent to proceed to the consideration of the subject named by the Senator from Vermont, unless the unfinished business be postponed. Is there objection?

Mr. POLAND. I wish merely to take a vote on the resolution.

Mr. LANE. I rise to a point of order. This evening was set apart, by a special resolution passed some days ago, for the consideration of pension bills. There are some forty-two pension bills on the Calendar, and I have left a sick bed to come here to attend to them. No doubt the resolution of the Senator from Vermont is perfectly correct, but I must insist on the regular order of business unless the Chair overrules me.

The PRESIDING OFFICER. The Chair is of opinion that the recess being merely a suspension of the business of the Senate for the time being, on the reassembling of the Senate the business in hand at the time of the recess, being House bill No. 1220, to provide ways and means for the payment of compound-interest notes, is entitled to precedence as the subject under consideration until the Senate shall, by a vote, decide to proceed to the consideration of the business named by the Senator from Indiana or the business named by the Senator from Vermont.

Mr. SHERMAN. Under the circumstances stated by the Senator from Indiana I cannot resist the appeal made by him. I know that he is rather unwell, and he says he came here for the purpose of discharging his duty to pensioners to-night. Under these circumstances I move to postpone the unfinished business until to-morrow at one o'clock, and that it be made the special order for that hour, so that we shall have no controversy then about the order of business.

The PRESIDING OFFICER. The pending question is the motion of the Senator from Vermont to take up the subject named by him.

Mr. SHERMAN. I object to that until this business is disposed of.

Mr. POLAND. I do not know that the Senator can object to my making a motion to postpone other business and take up the resolution to which I have referred.

The PRESIDING OFFICER. The Senator from Vermont moves to postpone all prior orders and proceed to the consideration of the subject named by him.

Mr. WILSON. I shall ask for the yeas and nays on that proposition.

Mr. SHERMAN. It is to erect monuments to people not buried here.

Mr. POLAND. I have said all that I desire to say in reference to this resolution. All that will be necessary will be for gentlemen to vote upon it if it is taken up. I am not aware that anybody desires to take up any time on it. I certainly do not.

Mr. WILSON. I do.

Mr. POLAND. I shall not withdraw my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. WILSON. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. WILSON. If the Senator from Vermont insists upon breaking up the evening session, be it so.

Mr. POLAND. It is perfectly immaterial to me whether the Senate pass the resolution or not. I have introduced the resolution, as I stated, that the Sergeant-at-Arms may be relieved from his embarrassment. I am perfectly willing that the Senate shall vote it down if they choose. I have no care about it. I merely desire to have a vote taken on the resolution.

Mr. WILSON. We cannot get a vote now. We cannot divide.

Mr. WILLIAMS. I ask for the reading of the resolution.

The PRESIDING OFFICER. The resolution which the Senator from Vermont moves to take up will be read.

The Secretary read the resolution, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be instructed to have the ordinary monuments erected in the Congressional Cemetery in memory of Senators who have died since July 4, 1861.

Mr. LANE. Can that resolution be considered to-day without unanimous consent?

The PRESIDING OFFICER. The resolution is not offered to-day. It was offered on the 15th of February, as the Chair understands. The motion of the Senator from Vermont is therefore in order.

Mr. POLAND. I certainly have no desire to embarrass anybody. That is not a part of my vocation. If there is a general assent that I may have this resolution taken up in the morning and voted upon it will answer my purpose as well. I am merely acting in behalf of the Sergeant-at-Arms in seeking to get an expression of the Senate on the subject. It is quite immaterial to me whether he is directed to put up these monuments or not. If there is a general assent that the resolution may be taken up and a vote had on it in the morning I am willing to withdraw the motion.

The PRESIDING OFFICER. Does the Chair understand the Senator from Vermont to withdraw his motion to proceed to the consideration of the resolution indicated by him?

Mr. POLAND. Yes, sir, I withdraw it.

COMPOUND-INTEREST NOTES—AGAIN.

Mr. SHERMAN. What is the order of business?

The PRESIDING OFFICER. The business before the Senate regularly is House bill No. 1220, to provide ways and means for the payment of compound-interest notes.

Mr. SHERMAN. As to-night was set apart for pension bills, and the Senator from Indiana, the chairman of the Committee on Pensions, has come here, though unwell, to attend to that duty, I am disposed to yield to him on the question of priority. I move, therefore, that the pending bill be postponed until to-morrow at one o'clock, and be made the special order for that hour.

The motion was agreed to.

Mr. WILSON. I desire at this time to submit an amendment to go with the bill which has just been postponed. It is an additional section.

Mr. GRIMES. I call for the reading of that section.

The PRESIDING OFFICER. The proposed amendment will be read for information.

The Secretary read the amendment intended to be proposed by Mr. WILSON to the bill (H. R. No. 1220) to provide ways and means for the payment of compound-interest notes, as an additional section:

SEC. —. *And be it further enacted*, That every national bank shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per cent. of the aggregate amount of its notes in circulation and its deposits; and it shall be unlawful for any national bank to pay interest on deposits made in said bank by any other bank.

SUSAN TEN EYCK WILLIAMSON.

The PRESIDING OFFICER. In pursuance of the order of the Senate setting apart this evening for pension bills, those bills will now be taken up.

Mr. VAN WINKLE. On behalf of the Committee on Pensions, I move to take up Senate bill No. 623.

The motion was agreed to; and the bill (S. No. 623) granting a pension to Mrs. Susan Ten Eyck Williamson, was read the second time and considered as in Committee of the Whole.

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It is a direction to the Secretary of the Interior to place the name of Mrs. Susan Ten Eyck Williamson, widow of Charles L. Williamson, late a captain in the United States Navy, on the pension-roll, at the rate of thirty dollars per month, to continue during her widowhood, to be paid out of the naval pension fund.

Mr. GRIMES. What is the trouble in that case? Why can she not get a pension at the Pension Office without applying to Congress?

Mr. FRELINGHUYSEN. Captain Williamson was an officer in the Navy in the war of 1812; and this is a pension for the benefit of his widow. She has been fifteen or twenty years without it. She ought to have had it some time ago.

The bill was referred to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE E. DIXON.

On motion of Mr. VAN WINKLE, the bill (S. No. 630) granting a pension to Annie E. Dixon was read the second time and considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Annie E. Dixon, widow of Henry T. Dixon, late a major and assistant paymaster in the volunteer service of the United States, at twenty-five dollars per month, to continue during her widowhood.

Mr. CHANDLER. I should like to hear the report in that case.

Mr. VAN WINKLE. There is a report, but I can state the facts in a few moments; I believe most of them are personally known to the Senator from Massachusetts, [Mr. WILSON.] The petitioner in this case is the widow of Major Dixon—and by the by, I will say to the Senator from Michigan that this is not the Mrs. Dixon whose case was up in the House of Representatives a few days ago and rejected, but it is another Mrs. Dixon. She is the widow of a major and paymaster in the volunteer service, who, in consequence of the country being able to dispense with his services, was, with a number of others, mustered out on the 31st of July, 1865. He proceeded immediately to settle up his accounts, which were completed early in August—I think about the 10th of August—and he received a clear acquittance from the Government, the Government paying him $400 of his pay that he had not previously received. Everything was to the satisfaction of the Paymaster General. His intention was then to enter the regular Army; and he called with Judge Underwood, whose letter is in the papers testifying to the facts, first upon the President, to whom he stated the circumstances of his case. He was almost ruined by the destruction of his property in Virginia; his long service of four years in the Army had been meritorious; and these and other facts and circumstances induced the President to indorse his papers over to the Secretary of War, recommending that he have the appointment in the regular Army which he was seeking. They went immediately to the Secretary of War, who having some acquaintance with him already, was pleased to promise that within a few weeks he should have the appointment. Two days after that interview he was assassinated in Alexandria by a rebel surgeon on account of his Unionism, on account of his having been the only man in Fauquier county, Virginia, who voted against secession, and on account of his undeviating devotion to the Union.

Mr. CHANDLER. That is enough.

Mr. VAN WINKLE. The bill is to give his widow, who has eleven children several of them of very tender years, a pension. The Senator from Michigan signifies that he is satisfied, and I shall not detain the Senate by any further statement.

Mr. GRIMES. Was this gentleman a paymaster at the time he was assassinated?

Mr. VAN WINKLE. He was not. He was leaving the volunteer service, and about seeking employment in the regular Army, and two days after he was assassinated.

Mr. GRIMES. Two days after what event?

Mr. VAN WINKLE. Two days after he had been promised an appointment in the regular Army.

Mr. GRIMES. At what time was he mustered out of service?

Mr. VAN WINKLE. On the 31st of July previous.

Mr. GRIMES. At what time was he assassinated?

Mr. VAN WINKLE. About the 10th of November. It was some time after he was mustered out before he was clear of the service; he had his accounts to settle. They were not settled until some time in August. The committee bring the case before this body without a direct recommendation, simply giving their own opinion that it is a meritorious case, and one deserving the consideration of the Senate. Bills of this kind are bandied about between the committees here. They go to the Military or Naval Committee or to the Committee on Claims, and finally lodge in the Pension Committee; and we have been obliged to report bills in such cases, although they are not strictly cases for pensions. It is but a few weeks since a bill was passed in favor of Mrs. McCook, of Ohio, granting her an annual pension of $250, although she was already receiving a pension of a greater amount. This is a case which we think addresses itself to the patriotic feelings and the generosity, if not the sense of justice of Congress. This man suffered greatly on account of his Unionism. His property destroyed is said to have been worth $15,000. He was persecuted so that he had to become an exile from his home and his family. He went into the service, and remained there four years, and settled his accounts to the satisfaction of the Paymaster General, making a final settlement as soon as it could be done after he was mustered out, and then met his death at the hands of an assassin on account of his Unionism.

The question is before the Senate. If they think it a meritorious case, as the committees do, they will surely grant this little pension to his widow with eleven children, most of them of tender years.

Mr. HOWE. What is the evidence that his Unionism was the cause of his assassination?

Mr. GRIMES. I suggest to the Senator having charge of the bill that as it involves an important principle it had better be laid over until we have a fuller Senate.

Mr. VAN WINKLE. Very well. I shall not object to that.

The PRESIDING OFFICER. The bill will be laid aside if there be no objection.

CHARLES O. ROWOHL.

Mr. LANE. I move to take up House joint resolution No. 280.

The motion was agreed to; and the joint resolution (H. R. No. 280) for the relief of the mother of Charles O. Rowohl, was considered as in Committee of the Whole.

The Secretary of the Interior is to pay or cause to be paid to the mother of Charles O. Rowohl, deceased, late of company I, eighth regiment Kansas volunteers, eight dollars per month, from the date of the death of her son to the time when she commenced receiving a pension under the general pension laws.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

PAYMENTS TO LOYAL PERSONS.

The Senate proceeded to consider its amendments to the joint resolution of the House (H. R. No. 222) prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression, disagreed to by the House of Representatives, and on motion by Mr. TRUMBULL:

Resolved, That the Senate insists upon its amendments to the said resolution disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. TRUMBULL, Mr. FOGG, and Mr. NESMITH, managers at the same on its part.

MILTON VELZY.

Mr. LANE. I now move that the Senate proceed to the consideration of House bill No. 1092.

The motion was agreed to; and the bill (H. R. No. 1092) for the relief of Martin Velzy was considered as in Committee of the Whole. It provides for the payment to Milton Velzy, of Machias, Cattaraugus county, New York, late a private in company C, one hundred and fourth regiment New York volunteers, of the sum of $249 80, being at the rate of six dollars per month from the 24th of December, 1862, to the 13th day of June, 1866.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RACHEL M'CLELLAND.

Mr. VAN WINKLE. I move that the Senate proceed to the consideration of House bill No. 1153.)

The motion was agreed to; and the bill H. R. No. 1153) for the relief of Mrs. Rachel McClelland was considered as in Committee of the Whole. It provides for the payment to Mrs. Rachel McClelland, widow of private John F. McClelland, deceased, late of company E, sixteenth regiment Ohio volunteers, of a pension at the rate of eight dollars per month, from the 19th of September, 1862, to the 6th of November, 1866, at which latter date she was duly placed on the pension-roll by the Secretary of the Interior.

The bill was reported to the Senate.

Mr. BUCKALEW. As this is a case of back pay not provided for by the general law we ought to have some explanation.

Mr. VAN WINKLE. Let the report be read.

The Secretary read the report of the Committee on Invalid Pensions of the House of Representatives, from which it appeared that shortly after the death of John F. McClelland of company E, sixteenth regiment Ohio volunteers, who lost his life in the service of his country, his widow made application for a pension through a claim agent, which application never reached the Pension Office. A new application was afterward made out on which a pension was granted, commencing only from the date of the new application. The committee believe her entitled to a pension from the death of her husband.

The bill was ordered to a third reading, read the third time, and passed.

SALLY ALLEN.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1189) granting arrears of pension to Sally Allen, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to cause to be paid to Sally Allen, widow of Isaac Allen, of Maine, $25 33, being the amount due her husband by special act of April 26, 1864, at the time of his death.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY FITZPATRICK.

Mr. VAN WINKLE. I move that the Senate proceed to the consideration of House bill No. 1190.

The motion was agreed to; and the bill (H. R. No. 1190) granting a pension to Mary Fitzpatrick, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Mary Fitzpatrick, widow of James W. Fitzpatrick, late an acting assistant surgeon United States Army, who died at Harwood hospital on or about May 6, 1864, on the pension-rolls, at the rate of seventeen dollars per month, commencing at the death of her husband, subject to the provisions of the pension laws.

The bill was reported to the Senate, ordered

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to a third reading, read the third time, and passed.

ISABELLA FOGG.

Mr. VAN WINKLE. I move that the Senate proceed to the consideration of House bill No. 1191.

The motion was agreed to; and the bill (H. R. No. 1191) increasing the pension of Isabella Fogg, was considered as in Committee of the Whole. It provides for the increase of the pension of Isabella Fogg, who was granted a pension by an act of Congress approved April 17, 1866, from eight dollars to twenty dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEWIS A. HORTON.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1192) granting arrears of pension to Lewis A. Horton, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to increase the pension of Lewis A. Horton, of Newburyport, Massachusetts, who was wounded on board the gunboat Rhode Island, from eight dollars to twenty-five dollars per month, from the 4th of July, 1864, to the 6th of June, 1866, to be paid out of the naval pension fund.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEVISA DANIEL.

On motion of Mr. FESSENDEN, the bill (H. R. No. 1193) for the relief of Levisa Daniel, was considered as in Committee of the Whole. It provides for the payment to Levisa Daniel, widow of Joseph Daniel, late of the first Tennessee volunteers, of a pension, at the rate of eight dollars per month, from the 9th of May, 1862, to the 11th day of September, 1865.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY J. DEXTER.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1194) granting back pension to Mary J. Dexter, was considered as in Committee of the Whole. Under its provisions Mary J. Dexter, widow of David H. Dexter, late a second lieutenant in the thirty-fourth regiment of Wisconsin volunteer infantry, will be placed on the pension-rolls, at fifteen dollars per month, from the 25th of May, 1863, to the 10th of July, 1866.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY B. FOWLER.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1195) for the relief of Mary B. Fowler, was considered as in Committee of the Whole. It provides for placing the name of Mary B. Fowler, of Cleveland, Ohio, on the pension-rolls, at the rate of eight dollars per month, subject to the provisions of the law relative to dependent mothers of deceased soldiers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PETER FISHER.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1196) granting a pension to Peter Fisher, was considered as in Committee of the Whole. It provides for placing the name of Peter Fisher, late a member of company G, thirty-seventh regiment Iowa infantry, on the pension-rolls, subject to the provisions of the pension laws, commencing on the 24th of June, 1864, the date of his discharge.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES VALENCE.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1197) for the relief Charles Valence, was considered as in Committee of the Whole.

The Secretary of the Interior is to place the name of Charles Valence, late a private in company E, forty-second regiment of Pennsylvania volunteers, upon the pension-roll, at the rate of eight dollars a month, from the 8th of September, 1862, the date of his discharge, up to the 27th of January, 1864, the date of the commencement of his pension as allowed by the Pension Office.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

APPENDIX TO DIPLOMATIC CORRESPONDENCE.

Mr. ANTHONY. I ask permission to make a report at this time. The Committee on Printing, to whom was referred the joint resolution (S. R. No. 182) for printing additional copies of the Appendix to the Diplomatic Correspondence of 1865, have instructed me to report it without amendment; and I ask for its present consideration.

By unanimous consent, the joint resolution was considered as in Committee of the Whole. It provides that in addition to the number of copies of papers relating to foreign affairs now authorized by law, there shall be printed for distribution by the Department of State, on fine white paper, with wide margin, a sufficient number of the Appendix to the Diplomatic Correspondence of 1865 to supply one copy to each Senator and Representative of the Thirty-Ninth Congress, one to each foreign Government, and one to each corporation, association, or public body whose expressions of condolence or sympathy are published in the volume; one hundred of these copies to be bound in full Turkey morocco, gilt, and the remaining copies to be bound in half Turkey morocco, marble edged.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. HAFER.

On motion of Mr. LANE, the bill (H. R. No. 1199) for the relief of William H. Hafer, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place the name of William H. Hafer, late of company E, second Pennsylvania cavalry, on the pension-list at fifteen dollars per month; and in the event of his death, leaving a widow or orphan children, the pension is to be paid to the widow or orphan children, under the limitations and restrictions provided by the general pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANN I. DUCHMAN.

On motion of Mr. LANE, the bill (H. R. No. 1200) for the relief of Ann I. Duchman, was considered as in Committee of the Whole. The Secretary of the Interior is to place the name of Ann I. Duchman on the pension-list, and to pay her the pension to which she would have been entitled had her late husband, Lieutenant Colonel John N. Duchman, of the seventy-ninth Pennsylvania volunteers, been killed in battle instead of having died from disease contracted while in service; the payment of this pension to be under the restrictions and limitations of the general pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE W. KNABB.

On motion of Mr. LANE, the bill (H. R. No. 1201) for the relief of George W. Knabb, was considered as in Committee of the Whole. It provides for the payment to the legally-appointed trustee of Captain George W. Knabb, late of company A, eighty-eighth Pennsylvania volunteers, a pension at the rate of twenty dollars per month from the date of his discharge from the service of the United States to the time when he commenced receiving a pension from the Government.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN FARIS.

On motion of Mr. LANE, the bill (H. R. No. 1198) for the relief of the orphan children of John Faris, was considered as in Committee of the Whole. It provides for the payment to the legally-appointed guardian of the orphan children of John Faris, deceased, formerly of Paris, Henry county, Tennessee, until they severally attain the age of sixteen years, of the pension awarded to the orphan children of soldiers killed in the line of duty, the money to be paid under the restrictions and limitations of the general pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FRANCIS BARRON.

On motion of Mr. LANE, the bill (H. R. No. 1202) for the relief of Francis Barron, was considered as in Committee of the Whole. It provides for placing the name of Francis Barron, late of the third Iowa battery, on the pension-list from the date of his discharge, at the rate of pension he would have been allowed had a pension been granted by the Commissioner of Pensions.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RUFUS L. HARVEY.

On motion of Mr. LANE, the bill (H. R. No. 1203) for the relief of Rufus L. Harvey, was considered as in Committee of the Whole. It provides for placing the name of Rufus L. Harvey, who enlisted in Captain Pitt's company of light artillery, in the war of 1812, on the pension-list, at eight dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN ROGERS.

On motion of Mr. LANE, the bill (H. R. No. 1204) granting a pension to John Rogers, was considered as in Committee of the Whole. It provides for placing the name of John Rogers, a soldier of the war of 1812, and a private in Captain James Payne's company of Virginia militia, on the pension-rolls, at the rate of eight dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM GLEASON.

On motion of Mr. LANE, the bill (H. R. No. 1205) granting a pension to William Gleason, was considered as in Committee of the Whole. It proposes to place on the pension-rolls, at twenty-five dollars per month, the name of William Gleason, who enlisted on the 5th of November, 1860, at Newport barracks, State of Kentucky, and was discharged on the 14th of October, 1862.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOSEPH WRENN.

On motion of Mr. LANE, the bill (H. R. No. 1206) granting a pension to Joseph Wrenn, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place the name of Joseph Wrenn, late a private in company M, ninth New York cavalry, on the pension-rolls, subject to the provisions of the pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES MAUS.

On motion of Mr. LANE, the bill (H. R. No. 1207) granting a pension to Charles Maus was next taken up. It is a direction to the Secretary of the Interior to place the name of Charles Maus, of the borough of Lewisburg,

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in the State of Pennsylvania, a soldier of the war of 1812 with Great Britain, on the pension-rolls, at the rate of eight dollars per month.

Mr. LANE. I move that that bill be recommitted to the Committee on Pensions.

The motion was agreed to.

JOHN RUSSELL.

On motion of Mr. LANE, the bill (H. R. No. 1208) increasing the pension of John Russell, was considered as in Committee of the Whole. By the bill the pension of John Russell, who was granted a pension of eight dollars per month, to commence from the 7th of September, 1849, is to be increased from eight dollars to twenty dollars per month.

Mr. BUCKALEW. Do I understand that that increase dates back to 1849? It is a long period of time, and the increase is very large. I hope it will be explained or the report read.

Mr. VAN WINKLE. There is a report among the papers; I do not remember the particular circumstances.

Mr. BUCKALEW. It seems to be seventeen or eighteen years back pay. I ask for the reading of the report.

The Secretary read the report of the Committee on Invalid Pensions of the House of Representatives, from which it appears that John Russell, a soldier of the war of 1812, contracted a disease from exposure which has resulted in paralysis, in consequence of which he was granted a pension of eight dollars a month, commencing September 7, 1849. He is totally disabled, and the committee consider him entitled to twenty dollars a month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARGARET BOUCHER.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1209) granting back pension to Margaret Boucher, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to pay to Margaret Boucher, widow of Michael Boucher, late of the twenty-sixth regiment of the District of Columbia militia, a pension at the rate of eight dollars per month, from the death of her husband to the date of her pension certificate, October 18, 1866.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEVI M. ROBERTS.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1210) increasing the pension of Levi M. Roberts was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Levi M. Roberts, who was granted a pension by a special act of Congress in May, 1830, on the pension-rolls, at the rate of fifteen dollars per month, and to pay him at that rate from the 6th of June, 1866, in lieu of any pension to which he may be entitled.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EFFIE J. HARVEY.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1211) granting a pension to Effie J. Harvey was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Effie J. Harvey, widow of Clinton D. Harvey, late an acting assistant paymaster in the United States Navy, on the pension-rolls, subject to the provisions of the pension laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY HINTON.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1212) for the relief of Nancy Hinton was considered as in Committee of the Whole. It proposes to place the name of Nancy Hinton, widow of John Hinton, late a private in Davis's county, Kentucky, Home Guard, on the pension-roll, at the rate of eight dollars per month, to continue during her widowhood, and in the event of her marriage or death, the pension is to go to the minor children of John Hinton, subject to the limitations and restrictions of the pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZABETH STALEY.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1213) for the relief of Elizabeth Staley was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Elizabeth Staley, of Cincinnati, Ohio, mother, by adoption, of Theodore A. Jones, who died while a private of company C, second regiment Missouri cavalry, in the service of the United States, on the pension-roll, at eight dollars per month, commencing September 17, 1864, and to continue while she remains a widow.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DANIEL M'MAHON.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1214) for the relief of Daniel McMahon was considered as in Committee of the Whole. It provides for the payment to Daniel McMahon, late a captain in the twentieth regiment New York State militia, of a pension at the rate of twenty dollars per month, from June 29, 1864, to February 27, 1866.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

THOMAS GLASGOW.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1215) for the relief of Thomas Glasgow was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place the name of Thomas Glasgow, who was in the service of the United States from November, 1814, until June, 1815, on the pension-rolls, at the rate of eight dollars per month, commencing March 4, 1861, and to continue during his natural life.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY HOSEA.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1216) granting a pension to Mary Hosea was considered in Committee of the Whole. It provides for placing on the rolls of invalid pensioners the name of Mary Hosea, widow of James Hosea, late of Carbondale, Luzerne county, Pennsylvania, at the rate allowed by and subject to the general law applicable to deputy provost marshals, and to continue during widowhood.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DAVID B. CHAMPION.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1217) granting a pension to David B. Champion was considered as in Committee of the Whole. It provides for placing the name of David B. Champion, late of company A, one hundred and eighty-third Pennsylvania volunteers, on the pension-rolls, at the rate of fifteen dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES RIDDLE.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1218) for the relief of James Riddle, was considered as in Committee of the Whole. It provides for placing the name of James Riddle, a resident of the city of New York, and late of company G, eighth United States infantry, on the pension-rolls, at the rate of eight dollars per month, to commence from 29th of July, 1863.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

OBADIAH ADERTON.

Mr. VAN WINKLE. The Committee on Pensions, to whom was referred the joint resolution (H. R. No. 293) for the relief of Obadiah Aderton, have instructed me to report it back without amendment; and I ask for its present consideration.

By unanimous consent, the joint resolution was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Obadiah Aderton, of the State of Maine, on the list of pensions, at the rate of eight dollars per month.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

VIRGINIA S. WILSON.

On motion of Mr. VAN WINKLE, the joint resolution (H. R. No. 165) for the relief of Virginia S. Wilson, widow of the late Captain George W. Wilson, was considered as in Committee of the Whole. It provides for the payment to Virginia S. Wilson, widow of George W. Wilson, deceased, late a captain of company G, second Eastern Shore regiment, Maryland volunteers, the sum of $272, being the amount of the pension accruing to George W. Wilson, between the 3d of January, 1865, the date of his muster-out from the United States service, and the 21st of February, 1866, the date of his original application for a pension, and which he failed to obtain in his lifetime by reason of his application not being filed within one year from the date of his disability.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

DANIEL COLE.

On motion of Mr. VAN WINKLE, the joint resolution (H. R. No. 295) for the relief of Daniel Cole was considered as in Committee of the Whole. It provides for placing on the list of pensions the name of Daniel Cole, at the rate of eight dollars per month.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM WHELAN.

On motion of Mr. VAN WINKLE, the joint resolution (H. R. No. 296) for the relief of the orphan children of William Whelan was considered as in Committee of the Whole. It provides for the payment to the legally-appointed guardian of the orphan children of William Whelan, late a soldier in company H, one hundred and sixth Pennsylvania volunteers, of the same pension allowed by law to the orphan children of soldiers having died of disease contracted in the line of duty, and under the same limitations imposed by that law; this joint resolution to take effect from the death of William Whelan.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY A. CROSS.

On motion of Mr. VAN WINKLE, the bill (H. R. No. 1068) for the relief of Mary A. Cross was considered as in Committee of the Whole. It provides for the payment to Mary A. Cross, of Frémont, Ohio, widow of Hubbard H. Cross, late private in company F, seventy-second regiment Ohio volunteer infantry, of a pension from the 12th of June, 1862, (the date of the death of her husband,) to the date at which the pension heretofore granted to her commenced, and at the same rate.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES RUMSEY.

Mr. VAN WINKLE. I move the indefinite postponement of the bill (S. No. 621) for the relief of Charles Rumsey, which has been reported adversely by the Committee on Pensions.

The motion was agreed to.

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J. AND O. P. COBB AND COMPANY.

Mr. HENDRICKS. I move that the Senate proceed to the consideration of House bill No. 1096.

The motion was agreed to; and the bill (H. R. No. 1096) for the relief of J. & O. P. Cobb & Co. was considered as in Committee of the Whole. It is a direction to the Treasurer of the United States to pay to J. & O. P. Cobb & Co., of Aurora, Indiana, the sum of $7,892 18 out of any money applicable to the payment of claims against the Quartermaster's Bureau, in full discharge of their claim for hay taken and destroyed by order of General Boyle, on the the Ohio river, in July, 1863.

Mr. WILSON. I should like to hear some explanation of that bill.

Mr. HENDRICKS. I supposed every Senator recollected the facts of this case; it was fully discussed last year. A bill was then reported by Mr. Clark, of New Hampshire, from the Committee on Claims, but besides what this present bill contains, it had an allowance for the barges in which the hay was being transported to Cairo; and because the barges did not come within the contract the Senate feared it would be establishing a precedent to pay for the property destroyed. This is hay that was purchased by the Government and it was being carried under a contract for delivery at Cairo. There never has been any question in regard to the hay.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN H. HAMLIN.

Mr. HOWARD. I move to take up House joint resolution No. 268.

The motion was agreed to; and the joint resolution (H. R. No. 268) to pay Lieutenant John H. Hamlin for military services was considered as in Committee of the Whole. It is a direction to the Paymaster General of the United States Army to pay to John H. Hamlin, of Michigan, late a first lieutenant in the seventh regiment of Michigan cavalry, the full pay and allowances of a second lieutenant of cavalry for the time from the 8th of January, 1863, being the date on which he joined his regiment and entered on duty as a second lieutenant, to the 28th of March, 1864, when he was mustered in as a first lieutenant.

The Committee on Military Affairs and the Militia proposed amendments to the resolution. The first amendment was in lines seven and eight to strike out "8th day of January" and insert "1st day of July."

The amendment was agreed to.

The next amendment was in line eight after "1863" to strike out the words "being the date on which he joined his regiment and entered on duty as a second lieutenant."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed and the joint resolution to be read a third time. It was read the third time, and passed.

ELIZA WELLS.

Mr. WILLEY. I move that the Senate proceed to the consideration of Senate bill No. 611.

The motion was agreed to; and the bill (S. No. 611) to extend to and for the benefit of Eliza Wells letters-patent heretofore issued to Henry A. Wells, deceased, was read a second time, and considered as in Committee of the Whole.

The preamble recites that Henry A. Wells, late of the city of New York, obtained letters-patent of the United States for valuable "improvements in the process of and machinery for making hat-bodies," which letters-patent bore date the 25th of April, 1846, and were granted for the term of fourteen years from that date; that he departed this life on the 27th of March, 1851, leaving Eliza Wells, his widow, to whom letters of administration on his estate were duly granted; that the letters-patent were reissued to Charles St. John, and others, assignees, in two divisions, one bearing date the 30th of September, 1856, and numbered three hundred and ninety-six, and the other bearing date the 7th of October, 1856, and numbered four hundred; that the reissued letters-patent were duly extended by the Commissioner of Patents on the 25th of April, 1860, for the term of seven years from the last mentioned date, for the benefit of Eliza Wells, administratrix; that on the 4th of December, 1860, the reissued and extended letters-patent were surrendered and again reissued to Henry A. Burr, assignee, in two divisions, numbered ten hundred and eighty-six and ten hundred and eighty-seven; that the extended term will expire the 25th day of April, 1867; that it appears that the invention is of great value and importance to the public, and that Henry A. Wells in his lifetime, and Eliza Wells, as administratrix since his decease, failed to receive from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and its introduction into use. The bill, therefore, proposes to extend the reissued letters-patent numbered one thousand and eighty-six and one thousand and eighty-seven, respectively, and bearing date the 4th of December, 1860, to and for the benefit of Eliza Wells, as administratrix of the estate of Henry A. Wells, deceased, for the further term of seven years from and after the 25th of April, 1867.

Mr. WILLEY. I move to amend the bill in lines three and four by striking out the words "one thousand and eighty-six and;" in line four by striking out the word "respectively;" and in line six, after the word "sixty," by inserting "and said reissued letters-patent numbered thirteen hundred and eighteen, and bearing date the 17th day of June, 1862;" so that, if amended, the bill will read:

That the said reissued letters-patent numbered ten thousand and eighty-seven, and bearing date the 4th day of December, 1860, and said reissued letters-patent numbered thirteen hundred and eighteen, and bearing date the 17th day of June, 1862, be, and the same are hereby, extended to and for the benefit of the said Eliza Wells, &c.

The amendment was agreed to.

Mr. WILLEY. I now move to amend the preamble in the seventh line, on page 2, by inserting after the words "ten hundred and eighty-seven" these words:

And whereas said reissued letters-patent, numbered ten hundred and eighty-six, were surrendered and again reissued on the 17th day of June, 1862, said reissued letters-patent being numbered thirteen hundred and eighteen.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

REAR ADMIRAL HIRAM PAULDING.

Mr. SUMNER. I move that the Senate proceed to the consideration of House bill——

Mr. DAVIS. I rise to a point of order.

The PRESIDING OFFICER, (Mr. HENDRICKS in the chair.) What is the question of order made by the Senator from Kentucky?

Mr. DAVIS. It is this: the Senator from Massachusetts was standing on the floor for some minutes before he addressed the Chair. The rule is that a member of the Senate shall rise from his seat and address the Chair; but there were five or six members of the Senate who had been standing for some minutes. We are now engaged in a competing race, and I want it carried on according to the rules. [Laughter.]

Mr. SUMNER. The next time——

Mr. DAVIS. I will waive my question of order for the present.

Mr. SUMNER. I now move that the Senate proceed to the consideration of House bill No. 457, for the relief of Hiram Paulding, rear admiral United States Navy.

Mr. WILSON. That is a bill that has passed the House of Representatives, and can be taken up here at any time, and besides is a private bill. I am very anxious to get up a very important bill, that has got to go to the House of Representatives, and must be passed before we adjourn; for certain laws have expired in regard to the Army, and great offenses committed in the service cannot be punished. I am very anxious to get that bill up to-night. I called it up this afternoon, but yielded to the Senator from Ohio, [Mr. SHERMAN.]

Mr. SUMNER. If this takes any time, then I shall yield. I am in favor of my colleague's bill.

Mr. WILSON. This bill can be taken up at any time.

The PRESIDING OFFICER. The question is on proceeding to the consideration of the bill named by the Senator from Massachusetts furthest from the Chair, [Mr. SUMNER.]

Mr. SUMNER. I wish the Senate to understand that here is a bill that has already twice passed the Senate, and owing to its arriving at the House——

The PRESIDING OFFICER. The Chair thinks the merits of the bill are not before the body.

Mr. SUMNER. I understand that; but the question is on proceeding to the consideration of the bill, and I am assigning reasons briefly why it should be proceeded with. It has twice passed the Senate, but owing to the late period of the session when it reached the House it was not acted upon there. It has now at this session been acted upon by the House, and come to the Senate. It has been considered by the committee and is reported, and on your table. I see no reason why a distinction should be made between this and the numerous bills that have been acted upon during this evening.

Mr. WILSON. I can state the distinction. This is a House bill. We can at any moment take it up and dispose of it. It is a private bill. I have charge of forty bills, some of which have passed the House of Representatives, some of them original bills here, that I am very anxious to act upon, many of them of a general and public character. My colleague got up a bill to-day and passed it. I am very anxious and I have been struggling all day to get the floor to call up a bill that comes here with an indorsement from the War Department as a matter of absolute necessity to pass, and I am very anxious to pass it to-night so as to get it to the House of Representatives. Having stated this, I withdraw all opposition to the motion that is made by my colleague.

Mr. SUMNER. The bill would have been disposed of in a shorter time than has been occupied in this debate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 457) for the relief of Hiram Paulding, rear admiral United States Navy. It directs the proper accounting officers of the Treasury to audit the accounts of Hiram Paulding while a captain in the United States Navy, covering his expenditures in the entertainment of foreign officers and people who visited the frigate St. Lawrence, under his command, at Southampton, not exceeding the sum of $963 92; and also his expenditures in entertaining the officers of the Governments of Bremerhaven and Stockholm, in the years 1848, 1849, and 1850, not exceeding the sum of $2,690.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER C. WHITAKER.

Mr. DAVIS. I move that the Senate take up House joint resolution No. 273, for the relief of Walter C. Whitaker.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which declares that Walter C. Whitaker is entitled to pay and allowances as colonel of the sixth Kentucky volunteer infantry from the 9th of September, 1861, to the 1st of January, 1862, inclusive,

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and directs the Paymaster General to pay him accordingly.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS-MARTIAL IN THE ARMY.

Mr. WILSON. I now move to take up Senate bill No. 628.

The motion was agreed to; and the bill (S. No. 628) relative to courts-martial in the Army was read a second time, and considered as in Committee of the Whole.

It proposes to invest the military commanders of territorial districts with the same authority to convene general courts-martial, to act upon their sentences, and to pardon or mitigate the punishments adjudged thereby, which is now vested in the commanders of departments and armies, by the 65th and 89th of the Rules and Articles of War, or otherwise.

The second section proposes to amend that portion of the first section of the act approved April 10, 1806, which is known and designated as the 66th of the Rules and Articles of War, so that it shall read, and there shall be substituted therefor, as follows:

ART. 66. Every officer commanding a regiment, battalion, detachment, garrison, fort, arsenal, barracks, post, or other place, or body of troops, who has at least one commissioned officer on duty in his command, may appoint for such command courts-martial, consisting of at least one and not more than three commissioned officers, but of the largest number that can be detailed without prejudice to the service, for the trial and punishment of offenses not capital, and may finally pass upon the sentences of such courts, and execute the same if approved by him. And such commander shall have the same authority to pardon or mitigate any punishment adjudged by a court convened by him in accordance herewith as is vested in a regimental or garrison commander by the 89th of the Rules and Articles of War: *Provided, however*, That such commander shall in no case detail himself upon a court convened in accordance with this article: *And provided further*, That the jurisdiction of such court and the punishments inflicted thereby shall be limited as provided in the 67th of the Rules and Articles of War.

The third section provides that the process for compelling the attendance of a witness, authorized by section twenty-five of chapter seventy-nine of the act approved March 3, 1863, to be issued by the judge advocate of a court-martial or court of inquiry, may be directed by the judge advocate to any commissioned officer, naming him, on duty in the military department, State, or Territory in which such court is held, or in which the witness resides or is supposed to be. And it is to be the duty of such officer, upon receiving such process, to proceed forthwith duly to serve and execute it by attaching the body of the witness named therein and to conduct him to the place of trial and there deliver him into the custody of the court to be subject to its order. And it is to be the duty of the commander of the military division, department, or district, in which the witness is, or is to be, attached, to furnish the officer making the attachment with such military force as may be necessary and proper to enable him to execute the process, and to guard the witness and conduct him to the place of trial; and the proper expenses incurred by such officer in the transportation of the witness, as well as of such military force as may accompany him, as also in the transportation which may be required for the service of a summons or subpena as hereinafter provided, are to be paid to such officer upon his official vouchers as in other cases of an officer traveling on duty. Any commissioned officer who may be required to serve a process of attachment as herein provided may also be required by the judge advocate of a court-martial or court of inquiry to make service of a summons or subpena for the attendance of a witness before such court.

The fourth section provides that murder, assault and battery with an intent to kill, manslaughter, mayhem, wounding by shooting or stabbing with an intent to commit murder, robbery, arson, burglary, rape, assault and battery with an intent to commit rape, forgery, perjury, false swearing, larceny, and assault and battery, shall be punishable by the sentence of a general court-martial, when committed by persons who are in the military service of the United States, or are subject to the Articles of War; and the punishments for such offenses shall never be less than those inflicted by the laws of the State, Territory, or district in which they may have been committed.

The fifth section provides that the offense of drunkenness on duty, when committed by a non-commissioned officer or soldier, which is now punishable, by the 45th Article of War, by corporal punishment only, shall hereafter be punishable at the discretion of the court-martial by which the offender may be tried and convicted.

The bill was reported to the Senate without amendment.

Mr. HENDRICKS. This seems to be a bill of a great deal of importance. My attention had not been drawn to it until the reading of it. It is almost impossible to understand the full force of the bill on its reading. I wish to inquire of the Senator who has it in charge whether it is confined in its operations to the Army.

Mr. WILSON. Yes, sir; entirely to the Army. I will say to the Senator that many of the laws for the government of the Army expired with the war, and it is very important that this bill should pass. It is entirely for the government of the Army, and is very necessary, and is indorsed very strongly by the Secretary of War. It is absolutely necessary for the maintenance of good order in the Army. Some very hard cases have happened recently in the Army, and it has been found that there is no law and no power to punish them.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

D. B. ALLEN AND COMPANY.

Mr. CONNESS. I move that the Senate proceed to the consideration of Senate bill No. 613.

The motion was agreed to; and the bill (S. No. 613) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails was read a second time, and considered as in Committee of the Whole. It proposes to appropriate the sum of $23,000 for the payment of D. B. Allen & Co. for carrying the United States mails between New York and San Francisco in 1864 and 1865, during the suspension of the overland mail service on the overland route, and this sum is to be in full payment for the service.

Mr. CONNESS. There is a very short report accompanying this bill, which I should like to have the Secretary read, and I will ask the Senate to pay attention to it.

The Secretary read the following report, submitted by Mr. CONNESS, from the Committee on Post Offices and Post Roads, on the 20th instant:

The Committee on Post Offices and Post Roads, to whom was referred the memorial of D. B. Allen & Co., representing the Atlantic Steamship and the Pacific Mail Steamship companies, for compensation for carrying the United States mails during the suspension of the overland mail service in 1864 and 1865, beg leave to report:

That the suspension of the overland mail service, by reason of Indian hostilities on the plains, took place in 1864; that the amount paid for said service annually was $340,000, while $160,000 annually was paid to the said steamship companies for carrying printed matter and such letters as might be marked to be specially sent that way.

When the suspension occurred, leaving the entire Pacific slope without mails, the Postmaster General applied to the said steamship companies to carry the entire mails during the interruption of the overland route. The companies cheerfully complied, and for a period of about four months all the mails of the United States for the Pacific were safely and expeditiously transported by them. According to the lowest rates for which the United States mails were ever carried by sea to California, namely, $300,000, and deducting the $160,000 received by them for carrying printed matter, they would be entitled to receive some $46,000 for the extra service thus performed. It has been proposed to pay only the rates of freight charged by the steamship lines for carrying the additional mail matter; but the utter injustice of this rule will be seen when it is remembered that the mails have to receive extra care, and that no steamship can leave without having them on board, often causing serious and expensive delays.

Knowing, however, the difficulties attending claims after they have been allowed to remain unpaid for long periods of time, and the indisposition to pay such, and the companies consenting, the committee recommend the payment of half the sum found to be justly due, $23,000, and report a bill for the payment of the same, the passage of which is recommended.

The bill was reported to the Senate without amendment.

Mr. SHERMAN. I should like to inquire whether this sum is deducted from the money due to the Overland Mail Company under their contract.

Mr. CONNESS. I do not know anything about that. That is entirely the business of the Postmaster General. The law authorizes the Postmaster General, upon a failure of the mails by reason of the neglect of a contractor, not only to deduct the compensation, but to impose a fine in addition. But in this case it appears the overland mail route was impeded by Indian hostilities, which it was the business of the Government to prevent, and therefore the failure was not by reason of any neglect or negligence on the part of the Overland Mail Company. But with that these companies have nothing to do. The Postmaster General requested these companies to carry the mail, and they did so promptly, and for a period of over four months, for which they have never received a dollar; and according to the lowest rates that were ever paid for transporting those mails, deducting from that what the steamship companies are allowed for transporting printed matter, they would be found to have earned during that time at the lowest computation $46,000. The committee, the companies consenting, agreed to report in favor of half that sum, which is a very cheap disposition of the case for the Government.

Mr. McDOUGALL. I am pleased to be able to concur with the Senator from California. I am well informed upon the same subject, and he is altogether right and not wrong this time.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RICHARD CHENERY.

Mr. HENDERSON. I move that the Senate proceed to the consideration of House bill No. 588.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 588) for the relief of Richard Chenery.

THE PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The Committee on Indian Affairs report an amendment in the nature of a substitute for the entire bill, and if there be no objection the substitute only will be read. The Chair hears no objection.

The Secretary read the substitute, as follows:

That the Secretary of the Interior is hereby authorized to examine the claim of Richard Chenery, of California, for $8,000, alleged to be due him for beef furnished to George P. Armstrong, temporary Indian agent for the tribes of Indians on Russian river and at Clear lake, and for which said Armstrong executed receipts, dated March 23 and May 23, 1852, and if he shall believe, from such examination, that the property was furnished in good faith and that the Government is justly indebted to the claimant, as alleged, he shall cause the amount so found to be due to be paid to the said Chenery or his legal representatives: *Provided*, That in no event shall any greater sum than $8,000 be paid: *And provided further*, That the sum paid shall be accepted in full and lasting discharge of this claim.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

WISCONSIN AND LAKE SUPERIOR RAILROAD.

Mr. HOWE. I move that the Senate proceed to the consideration of Senate bill No. 596.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 596) granting lands to

the States of Wisconsin and Michigan to aid in the construction of the Wisconsin and Lake Superior railroad and its branch. For the purpose of aiding the Wisconsin and Lake Superior Railroad Company, a corporation organized under the laws of the State of Michigan, to construct and operate a railroad from the mouth of the Menomonee river, thence northerly to the waters of the Kewaunee bay, thence northerly to the mineral range, thence northeasterly on the mineral range and southwesterly to the waters of Lake Superior at Bayfield, with a branch from or near the mouth of the Menomonee river to Hudson, Wisconsin, the bill proposes to grant to the States of Wisconsin and Michigan, for the use and benefit of that railroad company, every alternate section of land designated by even numbers to the extent of five sections per mile on each side of the road and branch.

The Committee on Public Lands reported several amendments to the bill. The first amendment was in section one, line ten, after the word "Bayfield" to strike out the words "with a branch from or near the mouth of the Menomonee river to Hudson, Wisconsin.

Mr. RAMSEY. I move to amend the words proposed to be stricken out by inserting after the word "to," where it last occurs in the eleventh line, the words "Stillwater or;" so as to read "Stillwater or Hudson, Wisconsin."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on striking out the clause as it has been amended.

Mr. RAMSEY. I do not like to interfere with the Senator's bill, but I hope the Senate will not strike out the words proposed to be stricken out.

Mr. HOWE. It is not a very agreeable thing to object to the Government giving one's own State lands, but I am obliged to say that this is a road that our Legislature has not asked for, has not asked to have endowed, and I do not feel authorized to ask for a grant to be made to it. There is a serious objection to granting lands for projects with which they are not prepared to go on, as I fear they are not prepared to go on with this, inasmuch as it withdraws the lands from market, and I prefer to ask only for lands for routes which the Legislature of the State seem to desire. For that reason I shall vote to agree to the amendment reported by the committee.

Mr. RAMSEY. I can only say that the proposition of the committee would mutilate the proposed road very seriously. It would strike out really the best portion of it. The branch from Stillwater, in Minnesota, or from Hudson, in Wisconsin, to the mouth of the Menomonee, would really be a valuable road, and accommodate all the northern part of Minnesota, giving it an outlet to the waters of Green bay and thence to Lake Michigan. Without this I really think the bill is almost worthless, and I am surprised that the Senator objects to it. However, as it is entirely within his own State, if he persists in objecting to it, and will mutilate his bill and his road in this way, and take the responsibility, I will not persist in urging the amendment any further.

The PRESIDING OFFICER. The question is on the amendment of the committee, striking out the clause as amended.

The amendment was agreed to.

The next amendment was in section one, line fifteen, to strike out the word "even" and to insert the word "odd," so as to grant the odd-numbered sections.

The amendment was agreed to.

The next amendment was in section one, line forty-five, to strike out the word "even" and to insert the word "odd."

The amendment was agreed to.

The next amendment was in section three, line eighteen, after the word "patents" to strike out the words "for one hundred sections of the land within the limits above named," and to insert "conveying to said company the title of said lands on each side of the road so far as completed, not exceeding one hundred sections."

The amendment was agreed to.

The next amendment was to insert as additional sections the following:

SEC. 9. *And be it further enacted*, That for the purpose of aiding the Green Bay and Lake Pepin Railway Company in the construction of a railroad from a point on Fox river, at or near the city of Green Bay, Wisconsin, running in a westerly direction to a point on the Mississippi river, opposite the city of Wabasha, Minnesota, as the directors may determine, there is hereby granted to the State of Wisconsin every alternate section of public lands, designated by odd numbers, for ten sections in width on each side of said road. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, reserved, or otherwise disposed of any sections or parts thereof granted as aforesaid, or that the right of preëmption or homestead has attached to the same, then it shall be lawful for any agent or agents to be appointed by said State to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tier of sections above specified, as much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preëmption or homestead has attached as aforesaid, which lands, thus selected in lieu of those sold, and to which the right of preëmption or homestead has attached as aforesaid, together with sections and parts of sections designated by odd numbers as aforesaid, may be selected to supply any deficiency should any such deficiency exist.

SEC. 10. *And be it further enacted*, That the sections and parts of sections of lands which shall remain to the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of the public lands when sold, nor shall any of the said reserved lands become subject to private entry until the same have been offered at public sale at the increased price.

SEC. 11. *And be it further enacted*, That whenever the company for whose benefit the grant is made shall have completed ten consecutive miles of any portion of said railroad, supplied with all necessary drains, culverts, crossings, bridges, turnouts, watering places, depots, equipments, furniture, and all other appurtenances of a first-class railroad, patents shall issue conveying the right and title of said lands to the said company on each side of the road, so far as the same is completed and conterminous with said completed section, not exceeding the amount aforesaid, and patents shall in like manner issue as each ten miles of said road is completed: *Provided, however*, That no patents shall issue for any of said lands unless there shall be presented to the Secretary of the Interior a statement, verified on oath or affirmation, by the president of said company, and certified by the Governor of the State of Wisconsin, that such ten miles have been completed in the manner required by this act, and setting forth, with certainty, the point where said ten miles begin and where the same end, which oath shall be taken before a judge of a court of record of the United States.

SEC. 12. *And be it further enacted*, That the said lands hereby granted shall, when patented, as provided in section —— of this act, be subject to the disposal of the Green Bay and Lake Pepin Railway Company, for the purposes aforesaid and no other; and the said railroad shall remain a public highway, for the use of the Government of the United States, free from all toll or other charges for the transportation of any property or troops of the United States.

SEC. 13. *And be it further enacted*, That if said road mentioned in the first section aforesaid is not completed within ten years from the time of the passage of this act, as provided herein, no further patents shall be issued to said company for said lands, and no further sale shall be made; and the lands unsold shall revert to the United States.

Mr. HOWE. I move to amend the amendment by filling the blank in the third line of the twelfth section with the word "eleven."

The PRESIDING OFFICER. That amendment will be made if there be no objection. The question is on the amendment reported by the committee.

Mr. HENDRICKS. On looking at this bill I am a little surprised to see it here in its present shape. I recollect the consideration that it received in the Committee on Public Lands. I thought it then a singular bill, but it was referred to the Senator from Iowa [Mr. KIRKWOOD] for examination and report, and I see reported as an amendment the ninth and following sections, which I know nothing about, from the committee. Certainly the bill was vague enough in its original shape, granting lands to the State of Wisconsin for use of a company to build roads with this description: "from the mouth of the Menomonee river, thence northerly to the waters of Kewaunee bay; thence northerly to the mineral range, thence northeasterly on the mineral range, and southwesterly to the waters of Lake Superior, at Bayfield;" and this for the benefit of a particular railroad company. And as if that were not enough, an amendment is proposed "for the purpose of aiding the Green Bay and Lake Pepin Railway Company in the construction of a railroad from a point on Fox river, at or near the city of Green Bay, Wisconsin, running in a westerly direction to a point on the Mississippi river, opposite the city of Wabasha, Minnesota, as the directors may determine."

These are the descriptions of the roads to which the grant is proposed to be made. I had not much expected this bill to be reported, for I know how very particular the Senator from Iowa is in his support of railroad grants of public lands; but as I read the description, is any Senator outside of the State of Wisconsin able to tell where these roads will run, what public interest they will subserve, how much lands they will take, what probability or possibility there is of their construction, whether they are grants of land to a railroad that any body believes will be constructed, or whether they are grants of the public lands to be speculated in as has disgraced this system in some of the States of the Northwest? I do not believe this bill ought to pass. I have made some opposition to these railroad grants and have not been successful in it. I have to some extent withheld my opposition; but I feel it my duty to call the attention of the Senate to what I regard as the wonderful features of this bill. Here is a grant for a railroad starting at the mouth of the Menomonee river, running northerly, then northeasterly, thence northeasterly to the mineral range and on the mineral range and from the mineral range until they get to Bayfield. It is impossible to tell where the road will run. The Secretary of the Interior or the Commissioner of the General Land Office cannot locate the route. I think it is impracticable to execute such a description, and I would like to know from the Senator from Iowa something about this amendment. It is new to me. It strikes me as the better part of the bill. We have made a grant of lands to connect Green Bay with the mineral region, and I believe now there is a railroad running from Green Bay to Marquette, in part the result of a grant of lands. We have a grant now from Hudson to Lake Superior at two points, Superior and Bayfield. We made a grant a year ago from the central part of the State running northwesterly to Bayfield. The place from which that runs is so obscure that I cannot recollect the starting point. How many roads there have been lands granted for to the State of Wisconsin I cannot now recollect, but very many. How many million acres I cannot say without referring to the report of the Commissioner. I was not expecting the bill to come up, and therefore I am not well prepared. I do not believe the bill ought to pass.

Mr. McDOUGALL. Ever since the Senator from Indiana presided over the Land Office he has had a great and extreme degree of carefulness about the lands belonging to this Government, fearful they shall be lost, as if they should not come into the possession of our own people. I think he has had an over-degree of carefulness. He may be called the watch-dog of the lands of the Republic. He must, however, remember, and it must be remembered by other Senators, what was said by Mr. Benton on one of the earliest bills granting lands to promote improvements. I think it was a bill to grant land for the improvement of a river in Alabama, and Mr. Benton said something like this—I do not remember the exact language—grant the lands that they may be distributed and go into the hands of the people; it will give a chance for enterprise in the establishment of population. It was never expected that we should hold the public lands to accumulate from their wealth as a nation. We hold them for use, and whenever they can be used to develop the interests of the country our hands should be freed from them.

The country through which this line runs I am as conversant with and more conversant

with than the Senator from Indiana, because Lake Superior is not a strange country to me, nor is Lake Pepin, nor any point on the line. In the development of that region, we as a people are largely interested. The lands are nothing as compared with what may be developed by making this grant to those who may go forward and build up great works that enrich the nation. We as a nation grow rich by promoting great enterprises, and as near as I can understand and comprehend this proposition, it is one of those things that will tend to the development of a vastly rich portion of the Northwest. It is not understood perhaps by the Senator from Indiana, for I am not sure that he ever crossed the Wabash. This line would be one of the best lines for the development of our country that I can now think of as falling within the sphere of legislation; and we have not to incur any indebtedness for it, but only to concede what is property of ours, of no value except for the purpose of development.

Mr. KIRKWOOD. The Senator from Indiana has asked some information from me in regard to this bill. If I can have his attention I will give him what information I have, and that upon which I acted in reporting it. The bill as originally presented to the Senate provided for a railroad from the mouth of the Menomonee river to Kewaunee bay, and thence to the mineral region northeasterly and around to Bayfield, with a branch from the mouth of the Menomonee river across the State of Wisconsin to Hudson. In that way the branch was the main stem of the road, if length makes the main stem. Upon examination I found no recommendation from any responsible source in Wisconsin asking for this road from the mouth of the Menomonee river to Hudson; but I did find a memorial from the Legislatures of the States of Wisconsin and Minnesota, asking for the road provided for in the sections proposed as an amendment to this bill. For that reason that amendment was made.

Now, as to the road from the mouth of the Menomonee river northwardly, thirty-five or forty miles from that river it strikes the mineral region, rich mines of iron, and follows that class of country, according to the information I have, until it reaches nearly to the bay. Proceeding northeasterly from that point about eight miles you strike the copper region in the peninsula, shown by the map extending out into the Lake Superior copper region of the State of Michigan, all of which is now operated without any advantage of railroads except such as the owners of the mines build for themselves. Following around the shores of the lake then southwesterly to Bayfield, it strikes a few miles from Bayfield another very rich deposit of iron, and the entire object and purpose of this bill, so far as the road from the mouth of the Menomonee river northwardly or northeasterly is concerned, is to develop the mineral region of that State and furnish it a means of reaching a market.

The amount of land, according to the information I have, and I think I am correct, that the company will receive is small. Thirty-five or forty miles north of the mouth of the Menomonee river the road strikes the mineral region, and by the terms of the bill mineral lands are excluded. Lands will only be granted for a distance of thirty-five or forty miles from the mouth of the Menomonee river and ten or twenty miles southward of Bayfield. Beyond that there will be very little land, for of course the rest of the road is all through the mineral region. If it be important to develop the mineral productions of that region of country, it is important to pass this bill; if not, not.

With reference to the road through the State of Wisconsin, as I have stated, the recommendation to insert that is based upon a memorial sent to us by the Legislature of the State of Wisconsin and the Legislature of the State of Minnesota. The branch was stricken out, there being no such memorial from either State as to that, as I am advised.

Mr. HENDRICKS. Which road was covered by the memorial?

Mr. KIRKWOOD. The one provided for in the amendment contained in the latter sections of the bill.

Mr. HENDRICKS. I think that is the better road.

Mr. KIRKWOOD. I think they will both tend to develop the resources of that country; the one the mineral region of Lake Superior, and the other the agricultural region of Wisconsin. It is not for me to say anything in regard to the policy of making land-grants for railroads. That policy has been adopted and carried out already in the State from which I come, and it does not become me to say a word against it. I am not here to say a word against it. Finding, as I supposed, objects to be accomplished by this bill that would tend to increase the wealth and prosperity of our country, it was submitted by me, according to the instructions I received, to the chairman of the Committee on Public Lands, and approved by him, and reported by me to the Senate.

Mr. HENDERSON. There are not more than ten or twelve Senators here. I am willing to remain as long as any one, but I think it is very wrong to legislate with only that number of Senators present. I move that the Senate adjourn.

Mr. HOWE. I wish the Senator would withdraw that motion. I think he might allow this bill to pass. There is nothing new about the bill.

Mr. HENDERSON. I have no hostility to the bill, and I withdraw the motion in the hope that we can get a vote.

Mr. HOWE. I think the debate is over, and I do not believe any division will be called on the bill. I hope none will be.

Mr. HENDERSON. What quantity of land is granted, permit me to ask?

Mr. HOWE. The usual quantity of land.

Mr. HENDERSON. What is the length of the road?

Mr. HOWE. One of these roads lies in the State of Michigan, and I cannot tell you the length of that. The other road is about one hundred and eighty miles in length, running from the mouth of the Fox river due west. It is asked for by the States of Minnesota and Wisconsin.

Mr. HENDERSON. I understand about that; but what about the other road?

Mr. HOWE. The other road is in the State of Michigan, for the purpose of developing the mineral region there to bring the mineral from the copper and iron region down to the mouth of the Menomonee river. I am not perfectly familiar with the merits of that case. It is asked for by the State of Michigan. It cannot be so long a road as the other.

Mr. HENDERSON. I supposed it was a much more lengthy road, because as I understood the description as read by the Senator from Indiana it is to run north, then northwest, and then southwest.

Mr. HOWE. It has more courses than the other road, but not more miles.

Mr. HENDERSON. I supposed that by running in such a direction, without any defined object such as towns to go by, it might be carried three or four times around the State.

Mr. HOWE. Oh, no. If the Senator would take a glance at the map he would see at once what it is.

Mr. KIRKWOOD. If the Senator will look at the map he will find that on reaching Bayfield, on Lake Superior, there is running northeasterly from there what is called the mineral peninsula, a peninsula running perhaps fifty miles into Lake Superior, in which is contained most of the copper mining region now being worked there. You can run in that direction the length of that peninsula, but you cannot run beyond it, or else you run into Lake Superior. When you run the road in that direction so far as the mineral region, which is the length of the peninsula, you must stop. The coast of Lake Superior there runs northeasterly and southwesterly; and southwesterly of the point where you strike this mineral region running north from Kewaunee bay is the town of Bayfield. So there is no danger of running without end. When you start northeast you run perhaps twenty-five to fifty miles. I cannot be certain of the distance through the peninsula, but when you get to the end of the peninsula you strike Lake Superior, and of course you must stop in that direction. Running in a southwesterly direction Bayfield is the fixed terminus. Then it is not a railroad without any end, as the Senator seems to apprehend. If he will consult the map he will see the absolute certainty of the line of the road.

Mr. HENDERSON. I understand now: it is very clear. Lake Superior, as I understand, is in form something like a sack of oats on a horse's back, and the object of this bill is to have a road to run entirely on the outside and the inside of the lake all around.

Mr. KIRKWOOD. No; the Senator is entirely mistaken in that idea. If he had before him a map of Lake Superior he would understand the matter much better than he does at this time, I am satisfied.

Mr. HENDERSON. If we can get a vote I shall not of course insist upon the motion to adjourn; but I cannot remain here much longer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HENDRICKS. This bill ought not to pass really with so thin a Senate; it is not right. If the Senate of the United States choose to pass this bill with the limited information we have on the subject, of course it is satisfactory to me. I have done my duty in briefly explaining what the thing is; but I do not feel that I am doing my duty in letting so important a grant of the public lands pass when the Senate is so thin, when there is not half a quorum present. The effect of this bill is to withdraw from market a vast region of country, in my judgment, without the least possibility of the construction of the road, and I do not feel that it is right to do it.

Mr. CRESWELL. I understand the Senator from Indiana to be dissatisfied that the Senate shall take action on this bill to-night. Do I understand him to move that it be postponed?

Mr. HENDRICKS. No, sir, I do not; but I propose to take the vote of the Senate upon it.

Mr. CRESWELL. Does the gentleman intend to call for a division?

Mr. HENDRICKS. Yes.

Mr. CRESWELL. That is equivalent to a motion to postpone, so far as this measure is concerned.

Mr. HENDRICKS. Then the bill will stand as the unfinished business for to-morrow.

Mr. HOWE. If the Senator from Indiana really wants a division upon this question I will let the bill go over. I do not want to press it to a vote in a thin Senate.

Mr. HENDRICKS. Is the Senator from Wisconsin anxious to pass the bill?

Mr. HOWE. I am anxious to pass one part of the bill, because, as I have already informed the Senate, the Legislatures of two States ask for it. I have no manner of interest in the other branch of the bill.

Mr. CRESWELL. It seems to be a sort of omnibus, and I think it can wait till morning.

SAMUEL M. BEATTY.

Mr. WADE. If this bill is to be laid over I desire to submit for the action of the Senate a little bill about as long as your finger, which I should like to have passed. I have been endeavoring to get the floor all day in order to call it up. It is Senate bill No. 463.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the bill before the

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Senate be laid aside by common consent, and that Senate bill No. 463 be taken up for consideration.

The motion was agreed to; and the bill (S. No. 463) for the relief of Rev. Samuel M. Beatty, of Ohio, was considered as in Committee of the Whole. It provides for the payment of $413 60 for Mr. Beatty's services as chaplain from January 12, to April 25, 1863, at the United States military hospital at Cleveland, Ohio.

Mr. HENDERSON. Is that reported from a committee?

Mr. WADE. From the Committee on Claims.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF PUBLIC DOCUMENTS.

Mr. CRESWELL. There is in my charge a joint resolution reported by the joint Committee on the Library, with reference to the exchange of public documents with foreign countries, that I am anxious to get passed. I move to take it up.

The motion was agreed to; and the joint resolution (S. R. No. 179) to provide for the exchange of certain documents was read the second time, and considered as in Committee of the Whole. It provides that fifty copies of all documents hereafter printed by order of either House of Congress, and fifty copies additional of all documents printed in excess of the usual number, together with fifty copies of each publication issued by any Department or bureau of the Government, shall be placed at the disposal of the joint Committee on the Library, who shall exchange the same, through the agency of the Smithsonian Institution, for such works published in foreign countries, and especially by foreign Governments, as may be deemed by the committee an equivalent; the works received to be deposited in the library of Congress.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' BOUNTIES.

Mr. WILSON. I move to take up House bill No. 1049. It simply provides for an extension of the bounty act to the cases of soldiers who have lost their discharge papers.

The motion was agreed to; and the bill (H. R. No. 1049) to amend an act entitled "An act making appropriations," &c., approved July 28, 1866, giving additional bounties to discharged soldiers in certain cases, was considered as in Committee of the Whole. It provides that claims for the additional bounties provided by the act of July 28, 1866, in cases where the claimant's discharge certificate is alleged to have been accidentally lost or destroyed, may be presented to the Second Auditor of the Treasury for settlement; and upon proper application, accompanied with proofs of such loss, the Auditor shall examine and determine the claim as in other like cases of claims settled by him. The payment of any such claim is to be made by a paymaster on the usual form of Treasury certificate, issued by the Auditor and countersigned by the Comptroller. The nature of the proofs required, and the forms in which they shall be presented, are to be prescribed by the Treasury Department.

The Committee on Military Affairs proposed to amend the resolution by inserting after "destroyed" in line six the words "and where the claimant's application for arrears of pay and bounty prior to the passage of the said act has been already settled by the Second Auditor upon proof of loss of discharge."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HENDERSON. I offer this amendment as an additional section:

And be it further enacted, That the officers, noncommissioned officers, privates, musicians, and other volunteers who were organized in Missouri under General Order, No. 96, issued by the President of the United States on the 7th day of November, 1861, under authority of an act in addition to the act to authorize the employment of volunteers to aid in enforcing the laws and protecting the public property, approved July 22, 1861, and accepted into the service of the United States for "during the war," as provided by the act making an appropriation for completing the defenses of Washington, and for other purposes, approved February 13, 1862, and who performed service according to the terms of their enlistment, shall be, and they are hereby, placed on the same footing in respect to pay, bounty, pension, and all other emoluments and allowances, as that occupied by the volunteer troops organized under said act of July 22, 1861, "to authorize the employment of volunteers to aid in enforcing the laws and protecting public property."

Mr. WILSON. I wish the Senator from Missouri would not seek to put that provision on this bill. This is a little bill which has come from the House of Representatives to allow bounty claims to be settled in cases where the certificates of discharge have been lost, and it has been guarded by the amendment very carefully. There is a bill from the House which I propose to get up to-morrow or at the earliest moment I can, which provides that sailors and marines shall stand on the same footing as soldiers who were permitted last year to receive $100 extra bounty, and on that bill this amendment will be appropriate; but I hope the Senator will not insist upon putting it upon this little bill. It has a very big title I know; but it is really a little bill, and I hope it will be allowed to pass to-night, and I will try in the morning to get up the other bill, to which I have alluded. The proposition of the Senator is just in itself; but the Senate is very thin, and to insist upon it now may create some difficulty.

Mr. HENDERSON. It was unanimously reported by the Committee on Military Affairs.

Mr. WILSON. I think it is right; but it ought not to go on this little bill.

Mr. KIRKWOOD. I hope the Senator from Missouri will not attach this amendment to the bill without discussion. It will require a large appropriation of money, while the bill from the House is merely a bill for the relief of soldiers who have lost their discharge papers. I know personally of several soldiers in the State which I represent who have lost their papers, and by reason of that loss the proper bureau here will not listen to their applications for bounty. This bill is merely to remove that difficulty, to enable the bureau to prescribe what rules it may see fit in order to protect the Government, but not to make the loss of the discharge an insuperable barrier to receiving the bounty, if the party can show that he was honorably and fairly discharged, and that he has lost his discharge papers. It is a measure of relief that I think ought to be passed; and I hope it will not be encumbered with anything that may cause discussion, and certainly requires an appropriation of money. I will say to the Senator from Missouri that when his bill comes up on its own merits I shall probably be disposed to give it very favorable consideration, because I think every man who has done service to his country ought to receive pay.

Mr. HENDERSON. I am told by Senators that I ought not to encumber this bill, which is simply to enable a soldier to draw his bounty where he has lost his certificate of discharge. I concur that such a bill ought to be passed; but I offer this amendment to allow bounty to persons in my State who served faithfully for three years and four months in this war, who fought in every section of the country, but who, on account of the merest of all technicalities, have been denied a single dollar of bounty; while other troops who served for little more than half the time that they did, for two years only, were paid under the act of 1861 $100 bounty, and under the act that we passed at the last session $100 more. This amendment only proposes to pay these troops the $100 allowed under the act of 1861. I do not ask that they be advanced to the footing occupied by the other troops of the United States under the act of the last session. This amendment, as I offer it, has a unanimous report of the Committee on Military Affairs.

Mr. WILSON. It is right, no doubt of it.

Mr. HENDERSON. It is an act of justice that it seems to me ought no longer to be denied to these troops. Every time I offer it some objection is made. Two years ago I got it inserted on the miscellaneous appropriation bill, and it was adopted by both Houses; but unfortunately that appropriation bill was then lost, as Senators will remember, on account of the disagreement between the two Houses upon the celebrated amendment of Mr. Davis, of Maryland. In that way I have been compelled again and again to lose this proposition. It seems to me that it is now quite appropriate upon a bill which proposes to do justice to soldiers in regard to their bounty, to enable them to draw bounty where their papers are lost. It seems to me proper on such a bill to insert a provision to give a bounty to troops of my State who served as well as any troops, and longer than many who have already received bounty, who have their papers in their pockets and are ready to produce them at any time. I offer the proposition now in precisely the form in which it was recommended by the Military Committee and reported to this body at the last session, and in the same form in which it was passed by both branches of the last Congress, when, after having been agreed to by both Houses, it failed to become a law in consequence of the loss of the bill upon which it was put.

Mr. KIRKWOOD. I have no objection to the amendment in itself, but the Senator is aware of the condition of the Senate; and if he can assure me that it will be adopted and not defeat the bill I am entirely willing that it shall go on it.

Mr. HENDERSON. Why should it defeat the bill?

Mr. KIRKWOOD. I do not want to lose the bill.

Mr. WILSON. I have no doubt it is right; but I was afraid there would be objection to it, and that thus it might cause the defeat of the bill. The measure is right in itself, and I shall not object to the amendment if nobody else does.

The amendment was agreed to.

Mr. WILSON. I now propose to amend the bill further by inserting the following as a new section:

And be it further enacted, That the provisions of sections twelve, thirteen, fourteen, fifteen, and sixteen of the act approved July 28, 1866, relating to additional bounties to enlisted soldiers, &c., shall be, and hereby are, made applicable to seamen of the United States Navy and marines enlisted for corresponding periods, the said bounties to be paid in the same manner and subject to the same conditions as provided in those sections so far as the same are applicable, and otherwise in accordance with laws regulating the payment of other bounties to seamen and marines.

I will simply say that this section has passed the House of Representatives as a separate bill; but they have used the word "pensions" by mistake instead of "bounty." Our committee have agreed unanimously to report it; but as this bill has already been amended, it may as well go upon this bill in proper shape.

Mr. HENDERSON. Does it require three years service for marines as well as for those in the military service?

Mr. WILSON. It puts them on the same footing, applying to marines exactly the same provisions which the law now extends to soldiers.

Mr. HENDRICKS. The original proposition of the Senator from Massachusetts was obviously right, and we could understand it very easily; but now that it is to branch off into general legislation I object. There are not enough here to pass on such measures, and I move that the Senate adjourn.

The motion was agreed to; and (at ten o'clock and forty-five minutes p. m.) the Senate adjourned.

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IN SENATE.

WEDNESDAY, *February* 27, 1867.

Prayer by Rev. WILLIAM ADAMS, D. D., of New York.

On motion by Mr. LANE, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

AGRICULTURAL REPORT.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Commissioner of Agriculture, submitting a memorandum of matter contained in the Agricultural Report of 1866, for the information of the Committee on Printing; which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. CHANDLER presented a petition of citizens of Michigan, who were soldiers in the late war and lost a leg in the service, praying the passage of an act for the relief of soldiers who, having lost a leg in the service, have obtained an artificial leg at their own expense; which was referred to the Committee on Military Affairs and the Militia.

Mr. FRELINGHUYSEN presented a memorial addressed to him by Charles H. Bell, praying that a pension may be granted to Caroline Swartwout, sister of the late Commodore Swartwout, United States Navy; which was referred to the Committee on Pensions.

Mr. SPRAGUE presented a petition of citizens of Rhode Island, praying for the removal of the five per cent. tax on manufactures; which was referred to the Committee on Finance.

LAWS RELATIVE TO THE NAVY.

Mr. GRIMES. I move to postpone all prior orders, and take up Senate bill No. 509.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The first section declares that so much of the act to establish the grade of vice admiral in the United States Navy, approved December 21, 1864, as provides that the vice admiral shall be the ranking officer in the Navy of the United States, shall be considered as having been repealed by the act approved July 25, 1866, establishing the grade of admiral, who shall be the ranking officer of the Navy; and the sixth section of the act last named is so amended that the secretary of the admiral shall be entitled to the rank, sea pay, and allowances of a lieutenant commander in the Navy, such pay and allowances to date from the acceptance of his appointment, deducting any pay already received by him under that appointment.

Section two proposes to repeal the acts of August 5, 1856, and March 3, 1859, giving the force of law to certain general orders of the Navy Department establishing the relative rank of staff officers, and to provide that hereafter the relative rank of staff officers shall be established by regulations of the Navy Department.

The third section provides that the number of midshipmen authorized by law at the Naval Academy shall be exclusive of those who, on the 5th of March of each year, shall be members of the graduating class of that year; and repeals so much of the act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes, approved July 4, 1864, as provides that cadet engineers, when appointed, shall be under eighteen years of age, and shall have been employed at least two years in the actual fabrication of steam machinery.

Section four provides that the officers of the volunteer naval service who are or may be transferred to the regular Navy, shall be credited with the sea service performed by them as volunteer officers, and shall receive all the benefits of such duty, in the same manner as if they had been during such service in the regular Navy.

It is provided by the fifth section that the storekeeper at the Naval Academy shall hereafter be detailed from the paymasters' corps of the Navy, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen, in the same manner as supplies are now furnished the Navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy.

Section sixth proposes to amend the fourth section of the act to provide a more efficient discipline for the Navy, approved March 2, 1855, so that the authority therein given to the commander of any vessel in the Navy to convene summary courts-martial, shall require the previous order of the Secretary of the Navy, and may be suspended or withheld by him, or by the commander of the squadron to which the vessel belongs, if without the United States.

Section seven provides that to carry out the provisions of the eleventh section of the act for the better government of the Navy of the United States, approved July 17, 1862, directing the surplus income from the naval pension fund to "be applied to the making of further provision for the comfort of disabled officers, seamen, and marines," there shall be paid out of that fund to every person who, from age or infirmity, is disabled from sea service, but who has served as an enlisted person in the Navy or Marine corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the Naval Asylum, Philadelphia, if he shall so elect, a sum equal to one half the pay of his rating at the time he was discharged, to be paid to him quarterly, under the direction of the Commissioner of Pensions; and applications for such pension are to be made to the Secretary of the Navy, who, upon being satisfied that the applicant comes within the provisions of the act, is to certify the fact to the Commissioner of Pensions, and that certificate is to be his warrant for making the payment. Any disabled person who has served in the Navy or Marine corps as an enlisted man for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval officers, one of whom shall be a surgeon, to examine into the condition of the applicant and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy and certificate thereof to the Commissioner of Pensions, the amount shall be paid in the same manner as is provided in this section for the payment to persons disabled by long service in the Navy; but no allowance so made is to exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one fourth the rate of such pension.

Section eight provides that the commandant of the Marine corps shall have the rank and pay of a brigadier general of the Army.

The first amendment of the Committee on Naval Affairs was in lines six, seven, eight, and nine of section six, to strike out the words "previous order of the Secretary of the Navy, and may be suspended or withheld by him, or by the commander of the squadron to which the vessel belongs, if without the United States," and in lieu thereof to insert "approval of the proceedings by the Commander-in-Chief, when present in port, and in his absence, that of the senior officer present, in all cases before carrying the sentence into execution; and in all cases where the sentence involves loss of pay, that part of such sentence shall be subject to the approval or disapproval of the Secretary of the Navy."

The amendment was agreed to.

The next amendment was to insert the following additional section:

SEC. 9. *And be it further enacted*, That the number of midshipmen allowed at the Naval Academy shall be one for every member and Delegate of the House of Representatives, one for the District of Columbia, ten at large, and twenty-five to be selected annually from boys enlisted in the Navy, and who have been one year in the service on board a naval vessel, should so many be found qualified: *Provided, however*, That the reduction in the number of midshipmen herein provided for shall not affect any already appointed: *And provided further*, That so much of the act of July 14, 1862, and of July 16, 1862, as provides for the number of midshipmen that may be appointed to the Naval Academy, be, and the same is hereby, repealed.

Mr. GRIMES. I move to amend this amendment by striking out "twenty-five" in line four and inserting "ten."

The amendment to the amendment was agreed to.

Mr. TRUMBULL. Are the ten at large appointed annually?

Mr. GRIMES. They are.

The amendment, as amended, was agreed to.

Mr. GRIMES. In line thirteen of section one I move to strike out the word "commander;" so as to read: "the secretary of the admiral shall be entitled to the rank, sea pay, and allowances of a lieutenant in the Navy."

The amendment was agreed to.

Mr. GRIMES. After the word "Navy" in the third line of the fourth section I move to amend by adding "or Marine corps;" and at the end of the section I move to insert the words "or Marine corps."

The amendment was agreed to.

Mr. GRIMES. I move to add to the fourth section the words "and all marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States."

The amendment was agreed to.

Mr. GRIMES. I move further to amend the bill by striking out the second section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. HARRIS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 606) to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866, to report it with amendments. As this is a bill that is unanimously agreed upon by the Committee on the Judiciary, consisting, as amended, of a single section of some importance, and, as I think, it can be passed in a few moments, I ask for its present consideration.

By unanimous consent the bill was considered as in Committee of the Whole. It proposes to amend the act approved July 27, 1866, so as to provide that where a suit is now pending or may hereafter be brought in any court of any State lately in insurrection in which there is controversy between a citizen of such State and a citizen of another State, and the matter in dispute exceeds $500, exclusive of costs, such citizen of another State, whether he be plaintiff or defendant, if he will make and file in such State court an affidavit stating that he has reason to and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court, may, at any time before the final hearing or trial of the suit, file a petition in such State court for the removal of the suit into the next circuit court of the United States to be held in the district where the suit is pending, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of all process, pleadings, depositions, testimony, and other proceedings in the suit, and doing such other appropriate acts as, by the act of July 27, 1866, are required to be done upon the removal of a suit into the United States court; and it shall be thereupon the duty of the State court to accept the surety and proceed no further in the suit; and the copies being so entered in such court of the United States, the suit shall there proceed in

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the same manner as if it had been brought there by original process; and all the provisions of the act to which this act is amendatory respecting any bail, attachment, injunction, or other restraining process, and respecting any bond of indemnity, or other obligation given upon the issuing or granting of any attachment, injunction, or other restraining process, are to apply with like force and effect in all respects to similar matters, process, or things in the suits for the removal of which this act provides.

The second section provides that the pleadings in the suit, or copies thereof when transferred, shall have, in the courts of the United States, for evidence and for all purposes whatever, the same force and effect which the original pleadings would have had in the State court under the laws and practice thereof existing at the time of the commencement of the suit therein; and in all other respects the rules of evidence applicable to the suit, in its progress and on its trial, prevailing in the State court, under the laws and practice of the State and its courts in force at the time of the commencement of the suit therein, shall be applicable to it, and shall govern it in the courts of the United States, any law or practice to the contrary notwithstanding; but no person is to be excluded from testifying, or be deemed incompetent as a witness, on account of his color or race, in any suit or proceeding provided for by this act.

The first amendment of the Committee on the Judiciary was in section one, line seven, to insert "State" before "court;" after "court" to strike out "of any State lately in insurrection;" and in line nine to strike out "such" and insert "the;" so as to make the clause read:

That where a suit is now pending or may hereafter be brought in any State court in which there is controversy between a citizen of the State and a citizen of another State, and the matter in dispute exceeds the sum of $500, exclusive of costs, such citizen of another State, whether he be plaintiff or defendant, &c.

The amendment was agreed to.

The next amendment was to strike out the second section of the bill.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 562) to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866, asked to be discharged from its further consideration; which was agreed to.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the motion to print two hundred and fifty additional copies of the bill (S. No. 626) to authorize the creation of a Board of Survey of the Navy, reported in favor of printing the same; and the report was agreed to.

He also, from the same committee, to whom was referred the resolution to print ten thousand additional copies of the letter of the Secretary of the Treasury, transmitting to the House of Representatives the report of James W. Taylor upon gold and silver mines east of the Rocky mountains, for the use of the Senate, one thousand of the same to be placed at the disposal of the Secretary of the Treasury, reported it without amendment, and the resolution was agreed to.

Mr. HENDERSON. I move that the Senate proceed to the consideration of House bill No. 92.

The PRESIDENT *pro tempore*. The Chair will receive reports of committees as still in order.

Mr. HENDRICKS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 265) amendatory of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims," &c., reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom were referred the following subjects, asked to be discharged from their further consideration; which was agreed to:

A petition of citizens of New Hampshire, praying such an amendment of the Constitution of the United States as will prohibit legislation in any State or Territory making a distinction among the citizens thereof on account of race, birth, or color;

A petition of employés of the Executive Departments of the Government, praying that the term of office now held in any of the Departments by honorably discharged soldiers may be fixed to continue during good behavior;

Resolutions of the Legislature of Kansas, in favor of such an amendment of the Constitution of the United States as will provide for the election of United States Senator by the qualified electors of the State Legislatures; and

A memorial of William Cornell Jewett, praying that Hannibal Hamlin may be declared by Congress constitutional President of the United States of America, under section two, article one, of the Constitution.

Mr. TRUMBULL. The same committee, to whom was referred the bill (H. R. No. 2) to amend the act declaring the officer who shall act as President of the United States in case of vacancies in the office both of President and Vice President, approved March 1, 1792; and to whom was also referred a resolution of the Senate instructing the committee to inquire what additional legislation is necessary to provide for the succession to the presidential office in case of the death or disability of the person upon whom it may devolve by the Constitution or the laws, report them back with a recommendation that they be indefinitely postponed. There is some difference of opinion in the committee as to the character of the law which ought to be passed, and it is so late in the session that it is thought no bill can be matured at the present session. The convening of the new Congress on the 4th of March it was thought by the committee obviated, perhaps, the necessity of immediate action. With that view this report is made to postpone the matter at the present session.

Mr. ANTHONY. I am very sorry indeed that the chairman of the Committee on the Judiciary moves the indefinite postponement of this bill. It seems to me one of very great importance.

Mr. TRUMBULL. I stated the reason, that there was some difference of opinion in the committee as to the proper law which should be passed. A bill has come to us from the House on this subject, but it is so late in the session that the committee were of opinion that a proper bill could not be matured and passed during the few remaining days of this session; and as Congress is to convene again on the 4th of March next, it obviated the necessity which was supposed to exist to some extent for legislation at all, as we shall then have an organized Congress; but at any rate the subject could be then considered. The committee are not opposed to some action on the subject; but it was in consequence of the late period at which the House bill came to us that we thought it better not to try to have action at the present session.

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the bill.

Mr. ANTHONY. I wish the Senator would let it go over.

Mr. TRUMBULL. I have no objection. Let it go on the Calendar.

The PRESIDENT *pro tempore*. That course will be pursued.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 589) to declare valid and conclusive certain proclamations of the President and acts done in pursuance thereof, or of his orders, in the suppression of the late rebellion against the United States, reported it without amendment.

He also, from the same committee, who were instructed by a resolution of the Senate to investigate and consider what legislation, if any, is necessary to secure the enforcement of the laws and the protection of citizens of the United States in their civil and political rights in the Territory of Utah, asked to be discharged from its further consideration, and that it be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and moved their indefinite postponement; which was agreed to:

A bill (S. No. 301) regulating the service of final process in suits at law and of orders and decrees in equity of courts of the United States in places out of their jurisdictional limits;

A bill (S. No. 572) fixing the time for choosing electors of President and Vice President of the United States; and

A bill (S. No. 599) relinquishing the claim of the United States to certain real estate in Washington city of which Caroline Hill died seized.

Mr. TRUMBULL. I am also directed by the Committee on the Judiciary, who were instructed by a resolution of the Senate to inquire what legislation is necessary for the protection of loyal citizens of the United States whose property has been confiscated by the so-called confederate government, to report it back with a recommendation that it be postponed indefinitely. Several bills upon that subject have already been passed, and it was thought by the committee that all the action had taken place which we could enact at the present session.

The report was agreed to.

Mr. POLAND. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 956) to enforce the thirteenth amendment of the Constitution of the United States, have directed me to report it back and recommend its indefinite postponement. The same subject was before the committee in the form of a resolution, which was reported back with the same recommendation. We think the whole subject is covered by the civil rights bill.

The report was agreed to.

Mr. GRIMES. The joint resolution (H. R. No. 297) instructing the Secretary of the Interior to order a survey of a bridge or bridges across the Potomac river was referred, evidently by mistake, to the Committee on Public Buildings and Grounds. It should have been referred to the Committee on the District of Columbia. I move that the first-named committee be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. POMEROY. I move that the Senate proceed to the consideration of Senate bill No. 489.

The PRESIDENT *pro tempore*. Reports from committees are still in order.

Mr. HOWARD. I have a report to make, and it is one in which the Senator from Kansas is somewhat interested. The Committee on Military Affairs and the Militia, to whom was referred the joint resolution (H. R. No. 267) for the reduction of the military reservation of Fort Riley, and to grant land for bridge purposes to the State of Kansas, have had it under consideration, and directed me to report it back and recommend its passage; and I ask the Senate to take it into present consideration. It will occupy no time I apprehend.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the joint resolution the day it is reported.

Mr. TRUMBULL. The Senate yesterday had under consideration a bill to establish a department of education. We did not complete it; and I trust we shall be permitted to take it up and finish it this morning; and reluctant as I am to object to considering this

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report at this time, I feel compelled to do so, and move to proceed to the consideration of the bill which was under consideration at the expiration of the morning hour yesterday.

The PRESIDENT *pro tempore*. Objection being made to the consideration of this resolution, it lies over under the rule. Reports are still in order.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred the joint resolution (H. R. No. 274) for the relief of Charles M. Wilder, reported it without amendment.

Mr. HOWE, from the Committee on Claims, to whom was referred the joint resolution (H. R. No. 282) for the relief of James J. Hudnall, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1168) for the relief of Mrs. Elizabeth P. Chipman, widow of Major Charles Chipman, deceased, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1095) to authorize the Secretary of the Treasury to pay a certain draft to W. W. Potter, late acting military agent of the State of New York, reported it with an amendment.

Mr. FRELINGHUYSEN, from the Committee on Pensions, to whom was referred the memorial of Charles H. Bell, reported a bill (S. No. 631) granting a pension to Caroline Swartwout; which was read and passed to a second reading.

Mr. WILLEY, from the Committee on Claims, to whom was referred the bill (H. R. No. 825) for the relief of Henry Rudd, of Henry county, Iowa, reported it without amendment.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom was referred the bill (H. R. No. 1182) to establish certain post roads, reported it with amendments.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, reported it with amendments.

PROPOSED RECESS.

Mr. WILSON. I move that when the Senate take a recess to-day it be until seven o'clock.

Mr. SUMNER. Mention the hour.

Mr. WILSON. I will say half past four or five o'clock.

Mr. TRUMBULL. Half past four if we are to meet at seven.

Mr. WILSON. I move that the recess be from five o'clock to seven. I desire to have a short time this evening for the consideration of some bills reported by the Committee on Military Affairs.

Several SENATORS. Say from five until half past seven o'clock.

Mr. WILSON. Very well; I will agree to that.

The PRESIDENT *pro tempore*. It is moved that the Senate take a recess from five o'clock in the afternoon until seven and a half o'clock in the evening, and then consider subjects reported from the Committee on Military Affairs and the Militia.

Mr. HENDERSON. I have some little bills from the Indian Committee, and I have in vain attempted to get the floor for the last two weeks, but it is an utter impossibility for me to do so, and I hope the Senator from Massachusetts will accept an amendment to his motion so as to allow bills from the Indian Committee to be considered also.

Mr. WILSON. I will divide the time with you.

Mr. HENDERSON. Very well.

Mr. SHERMAN. I hope no special order or order of business will be fixed for this evening. There are two bills from the Committee on Finance that must be passed to-day in order to clear the docket for the tax bill. If Senators will not make speeches upon them, but will take the bills as reported, we shall get through with them very easily. One is the bill in regard to the compound-interest notes, and the other is the miscellaneous appropriation bill; the latter especially, being bulky, must be got out of the way in order to be enrolled in time before the adjournment. I therefore shall object to any special order until those bills are first disposed of.

Mr. WILSON. I suggest to the Senator to allow this order to be made, and then, if the bills to which he refers are not disposed of by this evening, I will yield to the Committee on Finance.

Mr. SHERMAN. With that understanding I am perfectly willing to agree to the motion.

The PRESIDENT *pro tempore*. It is moved that at five o'clock to-day the Senate take a recess until seven and a half o'clock, and then proceed to the consideration of bills reported from the Military Committee.

The motion was agreed to.

INDIAN CLAIMS IN UTAH.

Mr. POMEROY. I move to proceed to the consideration of Senate bill No. 489.

The PRESIDENT *pro tempore*. If there be no further reports, the introduction of bills is in order.

Mr. TRUMBULL. I insist on the motion that I made a few moments ago, to proceed to the consideration of the bill that was under consideration during the morning hour yesterday.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. HENDERSON] had interposed a motion before the Senator from Illinois.

Mr. POMEROY. And I also had interposed a motion before the Senator from Illinois.

Mr. HENDERSON. I insist on my motion.

The PRESIDENT *pro tempore*. The Chair recognizes the Senator from Missouri as having made the earliest motion in the recollection of the Chair. It is not, of course, a matter of right for any Senator to insist upon that. Any Senator who gets the floor is entitled of course to have his motion heard; but it has been the practice of the Chair, deeming it fairer to all concerned, to recognize the one who first makes a motion, although other business is interposed afterward. The Chair thinks the Senator from Missouri the first in order of time, and he now moves to proceed to the consideration of House joint resolution No. 92.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 92) authorizing the Secretary of the Interior to pay certain claims out of the balance of an appropriation for the payment of necessary expenditures in the service of the United States for Indian affairs in the Territory of Utah. It authorizes the Secretary of the Interior to pay to Henry Standish, Dimick B. Huntington, Harrison Severe, and Buchanan & Co., the sums which may be found due them on the settlement of their accounts with the United States for Indian affairs in Utah Territory, not to exceed the sums, respectively, of $193 50, $174 75, $1,893 66, and $702, which are to be paid out of any of the unexpended balance of the appropriation made by the act to supply deficiencies in the appropriations for the service of the fiscal year ending 30th of June, 1860, approved May 24, 1860, for the payment of the late Indian agents in Utah, and an act to authorize a change of appropriations for the payment of necessary expenditures in the service of the United States for Indian affairs, approved February 22, 1862.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRIVATE CLAIMS.

Mr. HOWE. I wish to say that there are six or eight or perhaps ten bills pending here reported by the Committee on Claims, a committee which I believe has not occupied the attention of the Senate more than an hour during this session; and I should like to have the Senate give us an hour or two to-morrow evening to dispose of those claims. Perhaps it is not worth while to interpose a motion, but I give notice now in the hope that the Senate will acquiesce in it to-morrow evening.

FORT RILEY MILITARY RESERVATION.

Mr. POMEROY. I move that the Senate proceed to the consideration of Senate bill No. 489.

Mr. TRUMBULL. I should like to know what has become of my motion. I objected when the Senator from Michigan made a report to the consideration of the measure reported by him, and I objected for the purpose of bringing up the department of education bill. I certainly did not wish to interpose an objection to prevent his bringing up his bill and then have other bills considered. I made the objection to the consideration of the report to-day for the very purpose of bringing up this bill to provide for a department of education, and made a motion to that effect. It places the bill I have in charge and myself rather in an unpleasant situation to object to the consideration of the bill offered by the Senator from Michigan, and then to have others come in.

Mr. POMEROY. I had made a motion to take up Senate bill No. 489 before the Senator from Michigan made his report. I yielded to the Senator from Michigan to make that report. The Senator from Illinois objected to the consideration of that report, and then I renewed the motion which I had previously made to take up this bill.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Illinois as pressing his motion after the objection was made. The Chair then called for reports of committees, the introduction of bills, &c., to which the Chair understood the Senator from Illinois assented. Otherwise, if the Senator had pressed the motion, the Chair certainly would have felt it his duty to put it.

Mr. TRUMBULL. I did not design to press the motion to interfere with any incidental matter; but I did design to press it against the consideration of other bills. I certainly would not object to a bill being considered reported by the Senator from Michigan, and then consent to one being considered reported by somebody else.

The PRESIDING OFFICER. The Chair stated then that he recognized the Senator from Missouri. He stated the fact that the Senator from Missouri had made the first motion according to the recollection of the Chair; that the Senator from Missouri was first, the Senator from Kansas next, and the Senator from Illinois next, the Chair remarking that this of course gave no real right to the floor.

Mr. TRUMBULL. I wish to withdraw my objection to the consideration of the bill offered by the Senator from Michigan, because it places me in a very awkward position before the Senate.

The PRESIDENT *pro tempore*. The Senator from Michigan asks for the present consideration of the joint resolution reported by him from the Committee on Military Affairs. Is there any objection to its present consideration?

Mr. POMEROY. Of course I shall not object to that resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 267) for the reduction of the military reservation of Fort Riley, and to grant land for bridge purposes to the State of Kansas. It declares that the southwestern boundary of the military reservation of Fort Riley, in the State of Kansas, is to be hereafter the channel of the Republican river, from its mouth to the point where the river intersects the present western line of the reservation, and it proposes to grant the land released from the reservation, and lying between the Smoky Hill and Republican rivers, to the State of Kansas to aid in the construction of a bridge over the Republican river on the public highway leading through the present reservation; but upon the express

condition that this grant is to be accepted by the State of Kansas with a guarantee given by the State, by an act of the Legislature, that the bridge shall be kept up and maintained in good condition, and shall be free to the use of the Government of the United States for all transit purposes forever without tolls or charges, and on such acceptance and guarantee being filed in the office of the Secretary of the Interior, together with the certificate of the Governor of Kansas that a good and permanent bridge has been constructed over the Republican river, it is to be the duty of the Secretary to issue a patent for the land granted to the State of Kansas, or to such company as may be authorized by act of the Legislature of the State to construct the bridge.

Mr. JOHNSON. How much land is granted?

Mr. POMEROY. About two thousand acres.

Mr. SHERMAN. That land must be of immense value. I will agree to build all the bridges in Kansas for that.

Mr. POMEROY. The Government built a bridge there at great expense, and it remained a year, when a flood took it off. This being a military reservation, the State could not build a bridge there; a corporation could not build it; but the commander of the fort permitted a citizen to build a sort of temporary bridge, which has now also been taken off by a flood. The State proposes, with this assistance from the Government, to build a permanent bridge and keep it forever in repair, and make it free to the Government.

Mr. CONNESS. I think if this grant is made for a bridge it should not only be made free to the Government, but to the people, and I move to amend the resolution by inserting after the word "Government," in the sixteenth line, the words "and people." To make a grant of land for the construction of a bridge is a new thing; but if it may guarantee and establish a great public highway to the people, then there is perhaps sufficient object in it.

Mr. POMEROY. I should be in favor of that amendment myself if this donation was anything like enough to build the bridge. It will aid in building the bridge. We give donations to railroads; but we never give enough to build the road. If we did, we would make the road free forever; but notwithstanding the aid that the Government gives to our railroads and our bridges the companies still charge for transportation. I suppose, indeed I know, the people of my State would be in favor of having this a free bridge. I have no doubt of it; but to require it to be free upon a donation of this quantity of land is requiring too much, I think. It is to be free to the Government, and all officers of the Government, and all departments of the Government, and all kinds of transportation of the Government. The officers of the Government allowed an individual to put up a bridge at this place, which the flood has taken off, and they were paying about ten thousand dollars a year toll. This relinquishes to the Government all tolls. I think it would embarrass, and perhaps destroy, the building of the bridge to require it to be free to everybody for all time to come. No one would undertake to build the bridge with this amount of land.

Mr. CONNESS. We have no knowledge of how much land is given except as the Senator states, and he only guesses at it.

Mr. POMEROY. There is an exact map in the hands of the Military Committee.

Mr. CONNESS. We have no knowledge of its value. It may be a piece of very valuable land, and I have no doubt that it is from its having been reserved; and it will be remembered that it is not individuals that are to build this bridge, but the great State of Kansas. If the Legislature of Kansas are not sufficiently interested in behalf of the Commonwealth and in behalf of public travel and communication to accept this grant upon this condition, then they can go on and build the bridge without the grant and charge toll for it. It will be in the shape of an alternative proposition, which they may or may not accept. I think it is likely that the people of Kansas will thank the Senator for accepting the amendment. I do not know anything that would be more acceptable to them; and if the State shall be called upon to bear a small burden in behalf of the people it is only performing one of its duties to the people of that State, and also to the people who are traveling there.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, House bill No. 1049, which is now before the Senate.

Mr. HOWE. I was under the impression that the unfinished business was Senate bill No. 596.

The PRESIDENT *pro tempore*. The record shows that that bill was laid aside, and that at the time of the adjournment House bill No. 1049 was before the Senate as the unfinished business.

Mr. HOWE. I thought the other bill was laid aside informally. I believe the recollection of the Clerk and the Journal will bear me out.

Mr. SHERMAN. The Treasury note bill was the unfinished business.

Mr. HOWE. I only want to take a vote on the bill to which I have alluded.

The PRESIDENT *pro tempore*. The Chair is advised that this is the unfinished business, taken up on motion. The bill to which the Senator from Wisconsin refers was at first laid aside informally and other bills were taken up and passed, and then this bill now named was taken up on motion and was under debate at the time of the adjournment. According to the usage of the Senate, the Chair thinks it is the unfinished business of yesterday and takes precedence of the special order.

Mr. POMEROY. I should like the Senator from California to withdraw the motion to amend and allow the vote to be taken on the passage of this bridge bill. I do not want to send it back to the House of Representatives.

Mr. SHERMAN. I cannot consent without a vote of the Senate to allow the note bill to be laid aside, because it is important to dispose of it.

The PRESIDENT *pro tempore*. Objection being made, the unfinished business of yesterday, House bill No. 1049, is before the Senate, and the question is on the amendment moved by the Senator from Massachusetts, which will be read.

Mr. POLAND. Last evening I moved to take up the resolution that I offered some days ago, instructing the Sergeant-at-Arms to have monuments erected in the Congressional Cemetery in memory of Senators who have died since July 4, 1861, in order to get a vote upon it, and at the suggestion of the Senator from Ohio I withdrew my motion upon the understanding that I was to call it up this morning and have a vote upon it. I do not desire to have any debate upon it. I merely wish to have the resolution taken up and voted upon.

Mr. SHERMAN. I did not understand that it was to be taken up after the morning hour. I said to the Senator that I had no doubt he could call it up during the morning hour.

Mr. POLAND. If you will allow me to take it up and have a vote upon it, if any debate arises I will not ask to consume any time with it.

Mr. SHERMAN. It is at the pleasure of the Senate. I certainly shall oppose taking up anything now but the bill to which I have referred. I am sorry to be compelled to do so.

Mr. POLAND. I should prefer to hold the Senator from Ohio to the understanding we had.

Mr. SHERMAN. I did not so understand it. Does the Senator say that I agreed he should take it up after the morning hour?

Mr. POLAND. There was nothing said, I believe, in relation to the morning hour.

Mr. SHERMAN. I certainly did not so understand it, and no one about me so understood it.

Mr. POLAND. I merely ask to have the resolution taken up and have a vote upon it. It will take no time to dispose of it.

Mr. WILSON. I believe the bill which is properly before the Senate is a bill of mine, and that the bill of the Senator from Ohio is not up now. But as the bill on which we adjourned last night is the one in order and is now before us, and as I propose to occupy a portion of the time this evening, and do not wish to crowd upon the Senator from Ohio, who has a large amount of business, I know, from his committee, I am willing that it shall go over until the evening.

Mr. SHERMAN. I thought the compound-interest note bill was the bill before the Senate. If not, I move to postpone all prior orders with a view to take up House bill No. 1220. I will state to Senators that I desire to get two public bills out of the way to-day. They are as much interested as I am; it makes no more difference to me than to them. It is important to get the financial bills through as rapidly as possible. This bill relating to the compound-interest notes must be passed in some form, and the miscellaneous appropriation bill should be disposed of to-day. If Senators will remember the amount of time that is sometimes consumed uselessly in debate I have no doubt it will enable them to pass a great many bills; at least these two ought to be passed to-day. I therefore move to postpone all prior orders and take up House bill No. 1220, to provide ways and means for the payment of compound-interest notes.

Mr. POLAND. I desire to ask the Senator if he will consent, when his bill is taken up, that my resolution be called up to take a vote upon it? I ask nothing more.

Mr. SHERMAN. I shall make no objection if it can be done by unanimous consent. That is all I can say. I have no right to control the business of the Senate, and do not propose to do so; but I certainly shall make no objection to it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

Mr. POLAND. I hope the Senator will consent now to let his bill lie over for a moment that I may get a vote on this resolution. I stated last night the object of offering the resolution. It was to relieve the Sergeant-at-Arms from embarrassment. He is constantly written to by the friends of the several Senators who died since 1861 to know why monuments have not been provided as has heretofore been the practice, and he desires the instruction of the Senate whether he shall erect the monuments, as has been the practice heretofore.

The PRESIDENT *pro tempore*. The Senator from Vermont suggests that the bill now before the Senate be laid aside informally by unanimous consent for the purpose of taking up the resolution indicated by him.

Mr. WILSON. I wish simply to say to the Senator that I feel it my duty to oppose his motion and to object to it. I think if there be anything in this country that is a monument of dishonor and disgrace to the nation it is these monuments to the memory of Congressmen at the Congressional Cemetery. It is creditable to the country that during the last six years we have not erected any of those monstrosities. I hope, therefore, the resolution will not be taken up now, and that the erection of these monuments will be stopped and stopped forever.

Mr. POLAND. Well, vote it down.

Mr. WILSON. I should not like to let it go without some debate. I think it is a matter of that importance that we ought to debate it. I do not think the Senator ought to press it now, and I feel constrained to object to it.

Mr. POLAND. I am not the advocate of having any monuments erected; I have not said a word in favor of the resolution; but I think the Sergeant-at-Arms is entitled to have

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the direction of the Senate, and not be subjected to the importunities of the friends of those deceased Senators, who are constantly calling upon him to know why these monuments are not erected. He merely desires that the Senate should instruct him whether to erect them or not. He has no choice about it, except to be relieved from his embarrassment.

Mr. SUMNER. I would ask what the expense of each monument is.

Mr. POLAND. I know nothing about it.

Mr. SUMNER. A good many hundred dollars, I suppose?

Mr. POLAND. I have no knowledge with reference to it. The Sergeant-at-Arms merely wishes to be directed by the Senate whether he shall go forward and erect the monuments or whether he shall omit it.

Mr. WILLIAMS. I should like to know if this subject has been referred to any committee, and if there has been any report or any estimate as to the amount to be expended, any information submitted to the Senate as to the practice that has heretofore existed. I do not feel quite willing to vote on a subject of this kind without some knowledge in reference to the matter contained in the resolution. To simply authorize the Sergeant-at-Arms to construct monuments without any limitation as to the expense or anything of that kind, to follow the suggestions of the friends of the deceased, would seem to me to be rather loose legislation, and it appears to me that the Sergeant-at-Arms has a sufficient excuse when he answers to the friends of the deceased that he has no authority from the Senate to construct these monuments.

Mr. POLAND. So far as I know the practice has been for the Sergeant-at-Arms to erect these monuments, and they are all of a given fashion, all alike; there is no variety. What the expense of the erection of these monuments is I have no knowledge. As I learn, the uniform practice had been for the Sergeant-at-Arms to erect one of these monuments like those that had been erected before; but for some reason this has been delayed since 1861, and eight or ten members of the Senate have died since that time, and the Sergeant-at-Arms does not now feel at liberty to go on under the former practice without a vote of the Senate; and he merely asks the Senate to instruct him whether to erect them or not.

Mr. WILSON. I feel constrained to object to going on to-day with this matter; and I wish simply to say in regard to it that I hope the subject will be taken up at a time when we have leisure to consider it carefully. I do not think we ought to occupy the time with it now. If we have monuments hereafter, let them be monuments of taste, worthy of the country, and not these things that are dishonorable to the country, and which everybody who looks upon them wishes were out of that; and perhaps we might not only do that, but go back and erect in their places fitting monuments to members of Congress who have died. But I do hope we shall never go any further in this direction now. It is a subject that ought to be considered carefully, and therefore I must object to going on with it now.

Mr. SUMNER. As I understand, originally there was a reason for these monuments. They were placed over the remains of those who died at Washington and were buried here. Afterward, when the habit was established of carrying home the remains of our associates who died here, the monuments were continued. They were, however, simple cenotaphs. They did not cover the remains of the dead. That habit, as I understand, was continued down to 1861, when it ceased. Meantime, a large number of our associates have died; and the question is, whether we shall revive this old habit of placing a cenotaph in an unvisited burial-ground. Now, it does seem to me that the very cessation of the building of these monuments is like a notice or a warning to us that we had better cease any such appropriation. If our associates who have been thus called away and who are not buried in Washington are to be commemorated in any monumental way, by any form of monument, I would suggest a tablet, if you please, in the Capitol, which could be seen by everybody who comes here; but why place an uncouth cenotaph in an unvisited burial-ground, for that is the whole case—I may add at very considerable cost. It seems to me that the time has come when we should in a formal way stop that appropriation.

Mr. SHERMAN. This debate is out of order. I call for the reading of the bill before the Senate.

The PRESIDENT *pro tempore*. The only question before the Senate is the bill of the Senator from Ohio.

Mr. SHERMAN. I call for the reading of the bill.

Mr. POLAND. There seems to be quite a difference of opinion in reference to this matter. I ask to have this resolution referred to the Committee on the Contingent Expenses of the Senate, if it be in order, for a report.

The PRESIDENT *pro tempore*. The Chair will entertain the motion by unanimous consent. It is moved that the resolution indicated by the Senator from Vermont be taken up and referred to the Committee on the Contingent Expenses of the Senate. No objection being made, that order will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1226) for the relief of Captain William McKean, in which it requested the concurrence of the Senate.

The message further announced that Mr. MARTIN WELKER, of Ohio, had been appointed one of the managers at the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 234) to incorporate the National Capital Insurance Company, in place of Mr. EBON C. INGERSOLL, of Illinois, excused from service at said conference.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 457) for the relief of Hiram Paulding, rear admiral United States Navy;

A bill (H. R. No. 1068) for the relief of Mary A. Cross;

A bill (H. R. No. 1153) for the relief of Mrs. Rachael McClelland;

A bill (H. R. No. 1189) granting arrears of pension to Sally Allen;

A bill (H. R. No. 1190) granting a pension to Mary Fitzpatrick;

A bill (H. R. No. 1191) increasing the pension of Isabella Fogg;

A bill (H. R. No. 1192) granting arrears of pension to Lewis A. Horton;

A bill (H. R. No. 1193) for the relief of Levisa Daniel;

A bill (H. R. No. 1194) granting back pension to Mary J. Dexter;

A bill (H. R. No. 1195) for the relief of Mary B. Fowler;

A bill (H. R. No. 1196) granting a pension to Peter Fisher;

A bill (H. R. No. 1197) for the relief of Charles Valence;

A bill (H. R. No. 1198) for the relief of the orphan children of John Faris;

A bill (H. R. No. 1199) for the relief of William H. Hafer;

A bill (H. R. No. 1200) for the relief of Ann I. Duchman;

A bill (H. R. No. 1201) for the relief of George W. Knabb;

A bill (H. R. No. 1202) for the relief of Francis Barron;

A bill (H. R. No. 1203) for the relief of Rufus L. Harvey;

A bill (H. R. No. 1204) granting a pension to John Rogers;

A bill (H. R. No. 1205) granting a pension to William Gleason;

A bill (H. R. No. 1206) granting a pension to Joseph Wrenn;

A bill (H. R. No. 1207) granting a pension to Charles Maus;

A bill (H. R. No. 1208) increasing the pension of John Russell;

A bill (H. R. No. 1209) granting back pension to Margaret Boucher;

A bill (H. R. No. 1210) increasing the pension of Levi M. Roberts;

A bill (H. R. No. 1211) granting a pension to Effie J. Harvey;

A bill (H. R. No. 1212) for the relief of Nancy Hinton;

A bill (H. R. No. 1213) for the relief of Elizabeth Staley;

A bill (H. R. No. 1214) for the relief of Daniel McMahon;

A bill (H. R. No. 1215) for the relief of Thomas Glasgow;

A bill (H. R. No. 1216) granting a pension to Mary Hosea;

A bill (H. R. No. 1217) granting a pension to David B. Champion;

A bill (H. R. No. 1218) for the relief of James Riddle;

A bill (H. R. No. 1092) for the relief of Milton Velzy;

A bill (H. R. No. 1096) for the relief of J. & O. P. Cobb & Co.;

A joint resolution (H. R. No. 165) for the relief of Virginia S. Wilson, widow of the late Captain George W. Wilson;

A joint resolution (H. R. No. 295) for the relief of Daniel Cole;

A joint resolution (H. R. No. 296) for the relief of the orphan children of William Whelan;

A joint resolution (H. R. No. 294) for the relief of Obadiah Aderton;

A joint resolution (H. R. No. 273) for the relief of Walter C. Whitaker; and

A joint resolution (H. R. No. 280) for the relief of the mother of Charles O. Rowohl.

COMPOUND-INTEREST NOTES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No 1220) to provide ways and means for the payment of compound-interest notes; which had been reported by the Committee on Finance with an amendment, to strike out all of the original House bill after the enacting clause, in the following words:

That the Secretary of the Treasury is hereby authorized and directed to redeem compound-interest notes with the accrued interest, and to issue therefor United States legal-tender notes without interest, not exceeding in amount $100,000,000.

And to insert in lieu thereof the following:

That for the purpose of redeeming and retiring any compound-interest notes outstanding, the Secretary of the Treasury is hereby authorized and directed to issue temporary loan certificates in the manner prescribed by section four of the act entitled "An act to authorize the issue of United States notes and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February 25, 1862, bearing interest at a rate not exceeding three per cent. per annum, principal and interest payable in lawful money on demand; and said certificates of temporary loan may constitute and be held by any national bank holding or owning the same as a part of the reserve provided for in sections thirty-one and thirty-two of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864: *Provided*, That not less than two fifths of the entire reserve of such bank shall consist of lawful money of the United States: *And provided further*, That the amount of such temporary certificates at any time outstanding shall not exceed $100,000,000.

Mr. SHERMAN. Mr. President, the proposition of the House of Representatives is a very simple one. It is to increase the volume of legal-tender notes $100,000,000. I did not suppose that two years after the war was over, when we were in a state of profound peace, when our bonds were worth ten per cent. above par, any one would propose to increase the volume of legal-tender notes. It is not necessary for me to discuss the proposition at any length, and I shall not long detain the Senate with the subject. The effect of the passage of the House bill would be to impair the value of

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all existing property in the United States. It would affect, to a considerable extent, the value of incomes. We have already been driven by the large amount of currency now outstanding to increase the salaries of most public officers on account of the increased price of living. This bill would add still more to the price of provisions and all the necessaries of life, and would again diminish the relative value of incomes and salaries. It would so derange the relative value of property that contracts for specific property might ruin the seller without any fault of his. It proposes to pay to the creditor of the Government who now holds the interest-bearing obligations of the United States a note not bearing interest, and compel him to take that note against his will. It thus proposes to confiscate the property of the citizen, and continue the inflation of the currency and the derangement of prices.

During the war I was among the first, perhaps the first, in the Senate to propose a measure of this kind. We were driven to it by the exigencies of the war. We were then struggling to maintain the national Government. We were engaged in what was considered by the world a doubtful conflict; and we resorted to that expedient to which all nations have resorted in times of war; that is, as gold was banished from circulation in the community, as the notes of the State banks were not considered sufficiently guarded to be a national currency, we resorted to the credit of the United States and coined it into money. We continued to use it as our distresses increased until we reached the amount of $400,000,000. That was said to be the highest amount that could possibly be borne. This money, in the course of the war, went down to less than forty per cent. of gold, and if increased to a considerable amount more would have probably disappeared as a measure of value. By the close of the war and its glorious success, by the prosperity of the country and our increased credit, the value of this money is now increased to about seventy-two cents on the dollar. It is now proposed to issue more of the same kind of money, which is still worth twenty-eight cents less than gold, and with this kind of money to pay off the small amount of our national debt maturing this year.

If this proposition can be justified by any principle, we might for the same reason pay off the seven-thirties with an increased amount of legal-tender notes. The compound-interest notes stand exactly upon the same footing as all the other obligations of the Government. If we can pay them off by issuing our legal-tender promises to pay, we can pay off the seven-thirties and five-twenties in the same way, and thus strike out of existence our whole national debt. No proposition could be made that would so seriously impair the public credit, that would so seriously derange the value of property, that would strike so much at all the business interests of the people of the United States, as this proposition to increase the legal tenders. At the last session, after full consideration, we entered into a policy, which we supposed to be final, that the amount of legal tenders should be decreased until they were equal to the par value of gold. That was understood on all hands.

But, sir, there is one still more conclusive argument against this bill than those which I have mentioned, although they are weighty enough; and that is, that in the very law under which these compound-interest notes were issued, in the very section which provided for them, we expressly stipulated and guarantied that the amount of legal tenders should never exceed $400,000,000. That law, which would seem to have been overlooked by the House of Representatives, and which was just as much a part of the contract under which these notes were issued as the rate of interest, I will now read to the Senate. It is commonly called the loan act, approved June 30, 1864, under which the compound-interest notes were issued, and under which a portion of the five-twenties were issued. The second section of that act authorized the issue of the compound-interest notes, and contained the following proviso:

"*Provided*, That the total amount of bonds and Treasury notes authorized by the first and second sections of this act shall not exceed $400,000,000, in addition to the amounts heretofore issued; nor shall the total amount of United States notes, issued or to be issued, ever exceed $400,000,000, and such additional sum, not exceeding $50,000,000, as may be temporarily required for the redemption of temporary loan; nor shall any Treasury note bearing interest, issued under this act, be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated or intended to circulate as money."

One of the stipulations we made when we issued the compound-interest notes was that we would not issue more than $400,000,000. The amount of $400,000,000 was then and is still outstanding. Without this proviso, I venture to say we could not have sold $100,000,000 of bonds of the United States in the year 1864. The great apprehension of those who had money to loan to us then was that we would proceed to inflate the currency to such an extent as to destroy the value of all securities, and therefore we entered into a stipulation, and made it a part of the contract upon which we obtained money, that the amount of legal-tender notes never should exceed $400,000,000. Upon the faith of this stipulation we issued the compound-interest notes and we received money for them. They were paid for supplies and to the Army. First, they entered into the circulation of the country, but as the interest accumulated upon them they were gradually retired and held by banks, bankers, and other persons who chose to hold them as an investment. Now, it is proposed by the House of Representatives, when we come to pay off these identical notes, to violate the terms of the contract, to increase the amount of the legal tenders, to pay off this interest-bearing obligation with a non-interest bearing obligation, and compel the holders to take it because it is made a legal tender, and thus violate the very terms of the contract under which these compound-interest notes were issued.

Such a proposition as this, it seems to me, ought never to have received the sanction of any portion of the law-making power of the United States. If we can violate this clause of the contract we may violate any other. To pass this bill in the face of the plain provisions of this law is repudiation in the most glaring and offensive form, not only a repudiation which destroys the obligation of the compound-interest notes, but will tend to derange the value of all property and undermine the public credit. I need but say, therefore, under these circumstances, that the Committee on Finance were unanimously of opinion that this proposition to increase the amount of legal-tender notes should not be passed; that its passage would be a public misfortune, a violation of the public credit, and that no facts exist which could justify such a measure as this, especially when our credit is now so good that we may borrow all the money that we desire at five per cent. interest in any market of the world. This disposes of the House proposition.

The proposition reported by our Committee on Finance involves a question of more difficulty; and that is, how best can we pay the compound-interest notes? I stated here in the few remarks that I made the other day, and exhibited an official table prepared at the Treasury Department, that the amount of the principal and interest of the compound-interest notes maturing during the present year was about $119,000,000; that probably $20,000,000 of this might be met by money on hand and by current receipts, leaving a necessity to provide for $100,000,000. Now, sir, we can provide for them under existing law. I say to the Senate that there is no absolute necessity for the passage of any law on this subject, because under the existing law the Treasury may issue its five-twenty bonds, may sell them at the current rate in the market, and retire the compound-interest notes. The only objection to that is, that it would increase the volume of the funded debt when we supposed we had reached its maximum. Still, as it is only the conversion of one form of indebtedness to another, it had better be resorted to rather than issue legal-tender notes.

But it was found upon examination that the Government of the United States might make a good bargain by placing as a loan to the national banks $100,000,000 at the extraordinarily low rate of three per cent. interest. It was found that on account of the retirement of the compound-interest notes, and the provision of law which enabled the national banks to keep a portion of their reserve in compound-interest notes, that the banks would be willing——

Mr. COWAN. I should like to hear the law on that point. What is the provision which enables them to keep these notes as a portion of their reserve?

Mr. SHERMAN. I will come to that in a moment. I have the law here and will refer to it. I was about to state that we could provide for the compound-interest notes without issuing these three per cent. certificates; but we found that on account of the existing state of affairs we could make a good bargain with the banks; that we could furnish them a security which would answer all the purposes of their reserve, and by paying a small rate of interest secure the temporary use of $100,000,000. We did not propose to form a permanent debt, but a debt which might at any time be withdrawn by the national Government, either by the gradual absorption of it as a sinking fund, or by its payment from time to time, according to the condition of the public Treasury. These $100,000,000, we therefore provide, shall be a temporary loan, payable on demand, to be held by the banks or by anybody that chooses to hold them.

The objection seemed to occur in the House—and that leads me to answer the question of the Senator from Pennsylvania—why pay any interest at all? Why not issue legal-tender notes? If we can save half, why not save all the interest? I have already sufficiently answered that question. We ought not to compel any one to take even a three per cent. certificate. We ought not to compel the banks to take it; but we may make a bargain with them, or make it their interest to take it. It was found on examination that we could make an arrangement with the national banks for a temporary loan of $100,000,000, provided, in addition to paying them three per cent. interest, we would authorize them to hold a portion of their bank reserve in these loan certificates; and the question came up whether we should thus authorize them? If the Senator will look to the general laws of the United States passed in 1864 he will find the national banking law on page 114. I read from the thirty-first section. It provides—

"That every association in the cities hereinafter named"—

Certain large cities of the United States—

"shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per cent. of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least fifteen per cent. of the aggregate amount of its notes in circulation and of its deposits."

And whenever the lawful money of any such association shall be reduced below that, provision is made that the bank itself may be closed; and then it provides—

"That three fifths of said fifteen per cent. may consist of balances due to an association, available for redemption of its circulating notes from associations approved by the Comptroller of the Currency, organized under this act, in the cities of St. Louis, Louisville, Chicago, Detroit, Milwaukee, New Orleans, Cincinnati, Cleveland, Pittsburg, Baltimore, Philadelphia, Boston, New York, Albany, Leavenworth, San Francisco, and Washington city: *Provided, also*, That clearing-house certificates, representing specie or lawful money specially deposited for the purpose of any clearing-house association, shall be deemed to be lawful money in the possession of any association belonging to such clearing-house holding and owning such certificate," &c.

The next section—section thirty-two—provides that all the organizations or banks in any of the cities named in section thirty-one may deposit their surplus in the banks at New York. So the Senate will see that under the existing

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law a bank is required to keep twenty-five per cent. in some cases, in some cases fifteen, of the amount of its total deposits and circulation on hand, but is allowed to deposit three fifths of this with other banks. The country banks may deposit in the banks in the cities named three fifths of their reserves, while in the leading cities they must deposit it in the city of New York. That reserve is always kept to redeem their circulation.

Mr. COWAN. There is another question I should like to ask right there. Was not that to be a part of the consideration why they were paid interest on the bonds, that they were obliged to keep twenty-five per cent. of our United States notes on hand which did not bear any interest, and which was a gratuitous loan to us?

Mr. SHERMAN. I have shown that the banks were not required to keep all their reserves in legal tenders, but might deposit three fifths of it with other banks and thus draw interest on it.

Now, the only effect of this measure reported by the Finance Committee is to authorize this three fifths to be deposited with the national Government in the form of a loan. The banks themselves prefer it. If the money is deposited with the national Government upon loan certificates, payable on demand, it will always be available to meet their pressing necessities when called for. If they do not loan it to the Government they loan it to their fellow banks, and in either event they get interest; so that the result is that this simply provides for a transfer of the deposit from a legally organized association to the national Treasury. It amounts to a loan to the national Government at three per cent. interest on call. After a careful examination of this subject, the Secretary of the Treasury, the Committee on Finance, and the Committee of Ways and Means thought this was a wise arrangement for the Government. Under it the Government reduces its interest from six to three per cent. on $100,000,000. It puts it in the form of a loan which it may at any time pay off or convert, which is at any time within its power. If this expedient is not adopted the Secretary of the Treasury will be compelled to issue six per cent. bonds, the interest of which is payable in gold; or, if the House measure is adopted, he will issue promises to pay without any interest whatever. As we thought that proposition was entirely inadvisable for the reasons I have stated, he must pay off these compound-interest notes by the sale of five-twenty bonds. The measure proposed by the Committee on Finance and pressed by the Secretary of the Treasury, if adopted, will enable him to make a temporary loan of $100,000,000 at three per cent. This is all there is in the bill. The Committee of Ways and Means in the House proposed to raise the interest from three to three and sixty-five hundredths per cent., in order to make it convenient to compute the interest, and to follow the example of the old law of 1862. The Committee on Finance, however, thought it was unnecessary to go beyond the three per cent.

Now, sir, if there is anything else about this bill that is a mystery to any Senator I shall be very glad to explain it. A great many collateral subjects are introduced into a debate of this kind which have no reference to its merits, and I shall not allude to them unless other Senators bring them in. Upon the main question, that this Government ought not, under any circumstances whatever, in violation of the express stipulations of the law I have read, to issue any more legal-tender notes, I think we can all stand. We have expressly stipulated and agreed by law that this amount shall not be exceeded. It should be remembered, also, that this stipulation was made in the darkest period of the war, in 1864, before any of the great victories of that year were achieved; it was made under circumstances when it was difficult to get money; and now, if we violate it in a time of peace, when our Treasury is in a measure overflowing, when we are reducing the national debt, when our credit is restored, it would be an act of perfidy and bad faith, without example I think in the history of any nation.

Mr. COWAN. I only rise, sir, rather that we may understand exactly the nature of this proposition than to combat it. It is very well known that I have been from the first opposed to the creation of national banks, simply because I believed they were not necessary at the time they were created. If the currency of the country was not in excess, if it required to be filled up with more, I thought the proper way to do it was to issue an additional batch of United States notes, which, being payable on demand, were really a loan from the people to the Government without interest. If, on the other hand, the channels of circulation were full, I conceived it a disastrous stroke of policy to create $300,000,000 more of it and throw it in upon ways that were already surcharged.

But there was another feature that I never could understand. I never knew why it was that when banks deposited their bonds or our bonds to them, and had them registered here as security for their issues, and when we furnished the issues to the amount of ninety per cent., and when we guarantied the issues to the same extent, that we were obliged to pay them interest on the bonds. We had borrowed their money, and we had agreed to pay them interest on it. That was all right. But when we agreed to accept that as our security and to indorse over to them our notes, because national bank notes are really our notes—they stand upon the basis of our credit, and they can never rise any higher, because they are redeemable in it—I say when we gave ninety per cent. of our notes indorsed by us, and for which we are responsible, then the interest on ninety per cent. of their bonds should have ceased. Why should we continue to pay interest on the bonds? In the first place, we borrowed their money, say one hundred thousand dollars, and we pay them six per cent. interest on it. Then we hand over to them ninety thousand of our dollars, indorsed by us, which pass among the people on the strength of our credit and not theirs, which they circulate and loan to our people, the people being the same as we are, the people and the Government being identical, and they are to get six, ten, or twelve per cent. for that too. Why, Mr. President, the finances of any country in the world must come to ruin under such a system as this. It is utterly impossible that any people could stand it. It is not in the nature of things.

What were we to get in lieu of all that? We were told, "You have the right to tax these banks." Tax what? Tax their circulation one per cent.; that is, we pay them six per cent. on $100,000, and get back one per cent. on $90,000. But they said, "There is another thing: do you not observe that we are bound under the bill to keep in our possession on hand for the purpose of redeeming our notes twenty-five per cent., not only of our circulation, but of our deposits, in your legal-tender money, your lawful money"—and at that time there was no other money lawful money of the United States except these demand notes, these United States notes—"we are bound to keep on hand twenty-five per cent. of your lawful money, demand money, which is not bearing interest, and which will compensate you for the interest you pay us on the bonds." I ask the honorable Senator from Ohio whether that is not a fair statement? When we objected and said, "What, are we to pay interest on your bonds and give you the money to circulate with the people and indorse it?" was not the answer, "That is true; but you have the right to tax us?" Well, how much? One per cent. What more? One per cent. is not a consideration for six per cent. One per cent., especially on ninety per cent., is not a consideration for six per cent. on a hundred. But they said, "There is more: we will be obliged to keep as many of your demand notes on hand to redeem our circulation and our deposits as will make up for the bonds for which you pay us interest; in the first place, we must have twenty-five per cent. of our circulation"—and if it is a bank with $100,000 capital, that is twenty-five per cent. of $90,000; "then, as the deposits in the bank are five times the circulation, as a general rule, we will have to keep more of your notes on hand that are not bearing interest than we have of bonds registered in your Treasury."

But what, then, Mr. President? Did they do that? Did they do that in good faith? Did they keep on hand this money in what was at the time the bill was passed lawful money of the United States, or did they take advantage of our necessities in another way? The bank bill was passed on the 3d of June, 1864. On the 30th of June, 1864, we were compelled by the necessities of the situation to issue what are called the compound-interest-bearing notes, which were made lawful money at their face value. If the banks could keep them, then this part of our consideration failed, and failed most sadly, because instead of bearing six per cent., it was then six per cent. compounded. But the banks immediately, all over the country it seems, instead of keeping our notes on hand which did not bear interest, bought up or kept the compound-interest notes, which did bear interest, and which bore an enormous interest. Was that good faith? I ask whether it was good faith in view of this legislation, because there was legislation to prevent that very result? In that same law by which we issued the compound-interest notes it was provided in the second section:

"Nor shall any Treasury notes bearing interest, issued under this act, be a legal-tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated or intended to circulate as money."

Now, what I wish to say is, in all deference to the opinions of my friend from Ohio—and I have great faith in his opinions upon subjects of this kind—I am not so very certain that it would be bad faith to compel the national banks, who have violated their faith to our detriment, to give up these securities for their face and the interest.

Mr. SHERMAN. I do not wish to prolong this argument. The Senator says that the national banks have violated their faith. I have nothing to say about the national banking system now. It is not drawn in here. There is nothing in the bill about national banks.

Mr. COWAN. But I understand the Senator to say that if we do not pay these people interest on the money they now have on hand to retire their issues it would be an act of bad faith on the part of the Government. I think not.

Mr. SHERMAN. No; I did not say that at all. Under the present law they have the right either to leave their reserve in compound-interest notes or they have the right to deposit it with other banks where they draw interest.

Mr. COWAN. But as I understand the law it is the very reverse. They had no right to reserve compound-interest notes to pay their own notes.

Mr. SHERMAN. The Senator relies on the last clause that I read. This being the last date, I think it changes the provisions of the law which authorized them to use compound-interest notes or to use notes of a certain character, or legal-tender notes as their reserve; but the difficulty is this: a compound-interest note was a legal tender for its face, made so by the terms of the bill, and they can hold any legal-tender money as a parts of their reserve, except with the limitation of this clause.

Mr. COWAN. Except that they be not compound-interest notes issued under that act.

Mr. SHERMAN. They cannot, under a decision of the Comptroller of the Currency, hold compound-interest notes as a part of their legal reserve to pay their own notes.

Mr. COWAN. Or their deposits.

Mr. SHERMAN. No; that is the extent

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of it, and it is perfectly clear. The law provides:

Nor shall any Treasury note, bearing interest, issued under this act, be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated or intended to circulate as money.

But the general law authorizes them to hold all legal-tender money as part of their reserve for the payment of their depositors and for the payment of their notes also, except that they cannot hold those compound-interest notes as a part of their reserve to pay their notes, but they may for deposits. That is the construction put upon it by the Attorney General and the Secretary, and I think it perfectly clear that it is so.

Mr. COWAN. I think it is a construction that only covers part of the law and leaves the spirit of it out entirely.

Mr. SHERMAN. At any rate that is the construction put upon it.

Mr. COWAN. I have no doubt that it is an improper construction. What was the reason that we required them to keep the United States notes on hand? It is obvious to everybody. We wanted to keep these notes on hand there in order that we might avoid paying interest on the amount so held. They were demand notes; no interest was due upon them; and if we could compel the banks to hold them, to meet their issues and to pay for their deposits, of course it was so much clear gain to the nation. Now, how the Treasury Department could decide that it was only to pay their issues and not their deposits is what I cannot see, because the reason of the law applied to both, as well to the one as the other; and the reason of the law is the life of it, and that which ought always to guide in making these decisions.

Mr. SHERMAN. I will say to the Senator that at the last session of Congress I introduced a bill which contains the very provision to which he refers. I have always been opposed to the banks holding these compound-interest notes as a part of their reserve. There is a bill now pending in the House which ought to have been acted on covering this very point. We have never, however, been able to secure action on either subject. The bills passed the Senate, went over to the House, and there they lie.

Mr. COWAN. I have no idea that this is going to be a remedy for the present state of our finances by any means. It is a mere shift to tide over for the time. The real difficulty is that we have no fixed standard of value in the country. When you make your paper money a legal-tender you make it the measure of value. Having no value in itself and depending for its value upon the credit of the country, which goes up and down with the fortunes of the country, your measure becomes a fluctuating standard, and that fluctuation pervading all the various channels of trade and arteries of commerce everywhere, all the various dealing transactions between man and man, such a mischief as it is is almost incalculable.

Therefore, I think the first thing to be done now, and I do not see any difficulty in the world in the way of it, and I throw it out by way of suggestion, is to declare that our United States notes, or legal-tender notes if you please, shall not be any longer receivable at their face in payment of debts contracted before the passage of the law. Why should you continue on the system of paying the dowers of widows in depreciated currency? Why should you continue on a system of taking out of the pocket of the widow and putting into the pocket of the payer the depreciation of our currency when the contract was for the payment of money at the gold standard? Why should you continue to do this to the orphans, to the old men who have retired from business and live on fixed incomes, to the holders of ground rents, to the holders of mortgages, to all this various class of creditors? The war is over; the country is in a condition of quasi peace at least. Is there any necessity why you should debase the coin—not debase the coin exactly, but debase your money by continuing to use paper and making it a legal tender as to these parties? Why not come back to the gold standard as to contracts made before the passage of this legal-tender bill? Is there any reason why you should continue on in this way? Why, sir, there is every reason in the world why you should not. There is not a political economist on the earth who has not said that such a course as we have been pursuing would be a disgrace to the civilization of the century.

Mr. WILSON. Why not resume specie payments?

Mr. COWAN. Because specie payments are a very different thing. You need not tear down the fixed standard of money because you cannot have specie payments. I have been asked that question so often that I am tempted almost to write a little book to show the difference between the two. I do not say you should not have made your money a legal tender; but what I do say is that your money shall not be made a legal tender for a lie. When you contract to pay me a dollar in gold, and you come to me with a paper dollar, I will take it as a legal tender, but I will not take it for one hundred cents; I will take it for seventy cents, what it is, and let the party who tenders it run the risk of tendering enough. I do not ask that you should repeal the law with regard to contracts made under the law, because that was a folly in which we all participated, and in the consequences of which we ought all to share; but I do say that as to all contracts made after the 1st of April, if you ever expect the currency of this country to come back to a wholesome condition you will enact that the gold standard shall be again the legal one. Let your paper money be a legal tender if you please, but a legal tender for what it is worth. Do not go around the country trying to make a yard-stick of India-rubber, that is twenty inches to-day, twenty-four inches to-morrow, and thirty inches some other day, or a pound weight which varies with the temperature. Nobody can deal in that way, and you have no conception how much you have paid because of that disturbance in the standard. I have said before that the effect of it was to multiply the antagonisms in the country to such an extent that I tell you your vendors during the war gloried in your defeats; they wept over your victories. Why? Because by this system of yours you made our defeats the means of raising their commodities and putting money in their pockets, and you made our victories the means of depreciating the prices of their commodities and ruining them. You have people coming here to-day who do not want the currency contracted, who do not want the American credit to rise, who prefer it as it is. Every man who has money to pay, and you make the money and furnish it, of course desires to get it as cheaply as possible, and the cheaper you make your money the more readily he will pay his debts. You have set one half of the community upon you in this way.

Then, I say, let your money, if you please, be a legal tender; but let it be a legal tender for what it is worth, for contracts made after the 1st of April next, and as to contracts made before the law itself was passed. Then you can get back to something like common sense and common reason.

Then there is another thing you had better do: square your accounts with your national banks. Why should you pay to the banks of the country fifteen, twenty, or thirty millions of a bonus to do your banking for you? In the first place, I hold you have no right to charter any such institutions through the States, particularly as long as you keep the sub-Treasury on foot, because then there is not only no necessity for these banks, but there is no convenience in them. But I ask again, why should you pay as a bonus to the national banks of the country fifteen, twenty, or thirty million dollars to do this business for you when it could be just as well done without paying them that? First, it was urged that the banks would not be profitable. Why, sir, there is not a national bank in the country that is not overflowing with its success, and it will and must overflow as long as you put your money within its control. Banks ought to be obliged to redeem their money in gold dollars. If you had a bank with $500,000 in circulation, and you could get some means devised by which instead of redeeming it with gold dollars you could do it with eighty-cent paper dollars, I should like to know what you would make by the operation? One hundred thousand dollars clear. Of course all these people are interested to preserve this condition of things. They have all the advantages and none of the disadvantages. They never can have any of the disadvantages until your money comes up to the gold standard. When you bring them there then they meet you where a man ought to meet his fellow man, on the footing of a fair contract.

Then, I say, the accounts ought to be settled with these national banks, and settled at once. Now, are you going to go on and pay them interest on their bonds? Are you going to furnish them a circulation to loan to the people, your people, the same as the Government precisely, at enormous rates? Then are you going to allow them to hold as reserves your notes which bear interest and pay them interest upon them, too? If you intend the whole currency of this country to go into this maelstrom and to be swallowed up in this vortex, that is a good way to go on, and one which will enable you to strike bottom, I should think, almost as soon as any other.

Mr. President, it might be well to observe some caution for the future in dealing with these national banks. Here it was perfectly clear they had no right to take these compound-interest notes and make reserves of them, no matter what the Treasury decided. The reason of the thing was against it. The interest of the thing, it is true, was on the side of the banks; but there was nothing in the spirit of the law, nothing in its interest and meaning, which would have authorized them to make reserves of them. But if it has been done, and if the proper Department has decided it, I do not know of any remedy that you have except to pay; but if you pay at this time, I would advise that any further engagements of this kind be more carefully scanned when they are entered into.

Mr. JOHNSON. Mr. President, I suppose the measure before us does not at all involve the national banking system. It is a simple proposition whether we shall meet a responsibility which we have already incurred. We have issued these compound-interest notes, and they are now, about one half of them, in the possession of the banks, and the other half are in the possession of other parties. About one hundred millions, or upward of one hundred millions, of those notes mature within the current year, and the United States will be under an obligation to pay, if the creditor demands payment; but as they bear an interest of six per cent. or more, the creditor will not demand payment, and the United States will be in no situation to pay except in one of three modes: either by using the money which they may have on hand over and above the necessities which the Government may be under in other respects, or by issuing additional legal tenders, or by some such measure as is proposed by the committee, that being to issue certificates bearing an interest of three per cent.

The objection to the first is simply that it is not in the power of the Government. The objection to the second is, I think, very clear from an inspection of the act referred to by the honorable member from Ohio, that it would be in violation of the contract which the Government has entered into with the holders of the legal-tender notes. There can be no doubt that the express limitation in that act, that the legal-tender notes should never exceed the sum of $400,000,000, added to the value of that currency in the estimation of the public; and that to issue now a greater amount than the $400,000,000 would be by the public estimate, and

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in my judgment would in fact be, a clear violation of our agreement. A violation of a national agreement under any circumstances is full of peril; and it is especially mischievous when that violation relates to some financial operation of the Government.

Then the only mode, if it is advisable to take up these compound-interest notes as they fall due, is by the measure proposed by the committee or by some analogous measure. Now, what is the measure proposed by the committee? To issue certificates of indebtedness bearing an interest of three per cent.; and the honorable gentleman who represents the committee on this occasion, speaking, as I understand, from actual knowledge, tells us that at least that portion of the public who hold these notes would be willing to lend to the Government upon those certificates of indebtedness at a rate of three per cent., and enable the Government to take up the compound-interest notes. The effect of such an arrangement is to save the Government the amount of the difference between six per cent. and three per cent. It is therefore a clear gain, and being a temporary loan the Government in all probability will at some short period be able to meet the engagement consequent upon the issue of these certificates of indebtedness.

I agree that, as an original question, the issuing of the legal-tender notes was open to very great objection; but in the condition in which the country is placed, and looking to the necessities which compelled the Government to issue those legal-tender notes, we cannot now get rid of them at once; and although the honorable member from Pennsylvania, in reference to the obligation of the Government not to meet these compound-interest notes, placed it upon the ground that the banks who were in the possession of these notes had violated some engagement on their part, that would not rid us from the obligation to meet the compound-interest notes hereafter; for the banks can now dispose of all those notes that they have in their possession to other citizens of the United States or other parties. Portions of them may be held in Europe. Parties are in the possession of those notes without having violated any engagement, and they have a right, therefore, to insist that they shall be paid the amount of the face of the notes, with all the accruing interest, at any time. The whole effect of the operation, therefore, is to save us so much by way of interest; while if we resort to the expedient proposed by the House the currency will be so expanded as will materially affect, perhaps, the interest of everybody in the United States, and at the same time, what is still worse, effect a repudiation on the part of the Government.

The PRESIDING OFFICER, (Mr. HENDRICKS in the chair.) The question is on the amendment reported by the Committee on Finance as a substitute for the bill.

The amendment was agreed to.

Mr. WILSON. I offer the following amendment as an additional section:

And be it further enacted, That every national bank shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per cent. of the aggregate amount of its notes in circulation and its deposits, and it shall be unlawful for any national bank to pay interest on deposits made in said bank by any other bank.

Mr. SHERMAN. The Committee on Finance considered that amendment. It contains two distinct propositions, and they ought not to go together. The first is but a repetition of the present law as to the great body of the banks in the United States. The law requires them to keep a reserve of twenty-five per cent. on hand, except certain country banks, who are far removed and generally do not need so large a reserve, and are only required to keep fifteen per cent. The great body of the banks of the United States are required to keep twenty-five per cent., and the actual reserve is fully up to that. That part of the amendment does not amount to so much.

The second clause is a very difficult question. To prohibit the national banks from either receiving or paying interest, in a broad sense, would be injurious. The Committee on Finance, however, are willing that the reserve shall not be on interest. The subject was hastily brought before us, and the Committee on Finance agreed to a proposition this morning which I think will cover all that we ought to cover. I submit it to the Senate; there is some little difference as to the date. It is to strike out all after the word "that" in the amendment, and to insert:

No national bank shall either pay or receive interest on any portion of its reserve when deposited in any other national bank, and the compound-interest notes shall not be held as a part of their reserve after the 1st day of July next.

Mr. WILSON. I am very glad that the Committee on Finance have agreed to go thus far, and perhaps it is as far as we can go at the present time. I believe that one of the greatest evils connected with the currency has been the fact that the banks have been paying interest on deposits made by other banks. The tendency is to carry money into New York city or into the large points, to fill the banks up with immense deposits which must be loaned out; and that money is loaned out generally on call to brokers and speculators. It is stated by gentlemen who have means of knowing, who thoroughly understand the business, that one great source of the gold speculations in the country, which have been so injurious to the country, has been the fact that the banks in the large cities paid interest on deposits made by other banks. I have no doubt that the system tends to derange the currency, that it tends to expansion. The moment the banks are called upon legitimately, then they must call in those loans made when they had these immense deposits on hand. They must be called in often suddenly, and it affects the whole money market. I have never seen a merchant or a thorough business man who does not look upon that system as injurious in itself, and there ought to be an end put to it.

There is another thing which I think the Committee on Finance ought to put an end to, and that is these Government depositories in places where we have sub-Treasuries. I believe that we ought not to have the old pet bank system. We must use the national banks to some extent where we have not sub-Treasuries; but why we need banks as public depositories in New York, Boston, Baltimore, Philadelphia, or any of our large cities, I do not understand. The effect of the whole system has been to increase the volume of currency and increase credits when we ought to bring the banking system down and make it as solid as possible, and prepare ourselves for the resumption of specie payments at the earliest day it can possibly be done with safety to the business interests of the country. I am very glad that this amendment is offered. I prefer the amendment that I have proposed; but as the Committee on Finance have agreed to this amendment, I shall be very glad to go thus far.

Mr. SHERMAN. So far as the amendments proposed to the banking act to which the Senator has referred are concerned, I am probably in favor of most of them; but it is utterly impossible at this stage of the session to consider anything that affects the national banks. There ought to be some limitations and restrictions undoubtedly passed; but the chairman of the Committee on Banking in the House, the Senator's own colleague, has had a bill which he has not been able to get considered. It is perfectly impossible for us to consider that subject now. The question of the payment of interest on deposits has been for a long time under consideration. I have always myself believed that the practice of a bank paying interest on deposits was injurious and ought not to be allowed. The best banks in New York never pay interest on deposits. I believe that is the case with the Bank of Commerce and with the Metropolitan Bank. Perhaps after a while it may be well enough to prohibit all banks from paying interest on deposits, but at present it would be very injurious to them; it would only drive the business of the national banks into the hands of brokers and bankers who do pay interest on deposits, and whom you do not reach by this legislation. But the amendment, so far as we do go, provides that the reserve denominated as security for depositors and note-holders shall be kept without interest and always on demand.

Another reason why I offer the amendment is because it will induce the banks to take these three per cent. certificates. Some Senators seem to think this is a measure in favor of the banks. That is certainly not so. The measure as it now stands will compel the banks to keep a large portion of their reserve in three per cent. certificates on which they will draw interest; but if this bill does not pass, the result will be that the country national banks will deposit in the cities and they will draw four per cent. interest from their associate banks. That is the present arrangement of this reserve fund under existing law, because many of the national banks pay interest to all depositors and pay interest to each other on current accounts. The only effect, therefore, of this bill is to transfer these deposits from the banks in New York to the national Government.

I do not know that it is necessary to prolong the discussion. I hope the amendment will be agreed to. It is but justice to say that the only point of difficulty we had in the Committee on Finance was as to the day when this last clause should take effect. Perhaps my friend from Maine, if he were here, would think the day named was too soon. I think the 1st of July is remote enough. That is the only point of disagreement.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio to the amendment of the Senator from Massachusetts.

Mr. HOWE. I wish to ask the Senator from Ohio if there is not some danger to be apprehended in restricting the national banks from paying or receiving interest on deposits when State banks are allowed to do the same thing?

Mr. SHERMAN. We only confine it to their reserve. They may pay interest on all deposits except their reserve, which is deposited as security for their circulation and deposits.

Mr. HOWE. Is that the effect of the amendment?

Mr. SHERMAN. Yes, sir; that is what it says in so many words. It does not go to the extent the Senator supposes.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HOWE. Mr. President, I have looked at this bill for the first time this morning, and I cannot help thinking—I suppose the Senator from Ohio can convince me to the contrary very readily—that the very objection which he has urged so forcibly and so conclusively against the bill sent to us from the House of Representatives may be urged with equal force against the proposition reported by the Committee on Finance, that it does not keep faith with the holders of the notes which this bill proposes to redeem and satisfy. Those notes purport to be an obligation on the part of the Government to pay them, the face and the interest at their maturity. Instead of paying them in anything that was ever regarded as money, or anything that your law pronounces to be money, you propose to exchange for them another security drawing a different rate of interest.

Mr. SHERMAN. The difference is, they need not take these loan certificates. It is simply at their option. They are not bound to take them at all.

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Mr. HOWE. Upon the face of the bill it does not appear so.

Mr. SHERMAN. It simply authorizes the Secretary to exchange with them if he can make the arrangement; and as an inducement for them to take them we allow them to hold them as a part of the reserve.

Mr. HOWE. Suppose they decline to take them?

Mr. SHERMAN. Then we pay them in money.

Mr. COWAN. In greenbacks?

Mr. SHERMAN. In greenbacks. As a matter of course it is not compulsory. The loan certificates are a mere form of indebtedness which he is authorized to issue if he can make a bargain.

Mr. HOWE. If the certificates were made a legal tender then there would not be a breach of faith; nor would there be in paying them in anything else that was a legal tender; but the law does not make these certificates a legal tender, and I supposed it was intended to be compulsory on the holders of the notes.

Mr. SHERMAN. It is discretionary. They need not take them unless they choose.

The amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time. It was read the third time, and passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. MOORE, his Secretary, announced that the President had approved and signed, on the 25th instant, the following bills and joint resolution:

A bill (S. No. 283) for the relief of Edward St. Clair Clarke;

A bill (S. No. 467) to amend an act entitled "An act further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes," approved July 25, 1866;

A bill (S. No. 513) granting a pension to Patrick Meehan;

A bill (S. No. 602) granting a pension to Ezra B. Gordon; and

A joint resolution (S. R. No. 90) to provide for the ascertainment and apportionment of the proper quota of the direct tax of 1861 to the State of West Virginia, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. No. 1226) for the relief of Captain William McKean was read twice by its title, and referred to the Committee on Pensions.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate of the 19th of December, information in relation to goods purchased in open market for the Indian Bureau since the 1st of January, 1866; which was ordered to lie on the table.

SMITHSONIAN REPORT.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Board of Regents of the Smithsonian Institution for the year 1866.

Mr. TRUMBULL submitted the folllowing resolution; which was referred to the Committee on Printing:

Resolved, That five thousand additional copies of the report of the Smithsonian Institution for the year 1866 be printed, two thousand for the use of the Institution, and three thousand for the use of the Senate, and that said report be stereotyped.

CIVIL APPROPRIATION BILL.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of House bill No. 1173, the miscellaneous appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, which had been reported from the Committee on Finance with various amendments.

The first amendment was on page 3, line fifty-three, to strike out the words "and so forth."

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) That is a mere verbal correction, and will be made if there be no objection.

The next amendment was on page 4, line sixty-five, to strike out the words "and so forth."

The PRESIDING OFFICER. That amendment will be made.

The next amendment was on page 8, line one hundred and seventy-four, to strike out the word "Fundy" and to insert "Thunder;" so that the clause will read:

For rebuilding the keeper's dwelling at Thunder Bay island light-station, Lake Huron, $8,000.

The PRESIDING OFFICER. That verbal alteration will be made if there be no objection.

The next amendment was on page 9, line one hundred and eighty-four, to strike out the word "one" and to insert "two;" so that the clause will read:

To enable the Light-House Board to reëstablish lights and other aids to navigation on the southern coast, $200,000.

The amendment was agreed to.

The next amendment was on page 9, after line two hundred and two, to strike out the following clause:

For a light-house to mark Combahee Bank, Georgia, in place of Combahee light-vessel, $15,000.

The amendment was agreed to.

The next amendment was on page 10, lines two hundred and ten and two hundred and eleven, after the word "thousand" to strike out "$281 73," and to insert the word "dollars;" so that the clause will read:

For rebuilding light-house on Deep Water Shoals, in James river, Virginia, $16,000.

The amendment was agreed to.

The next amendment was on page 10, after line two hundred and thirteen, to strike out the following clause:

For rebuilding Wolf Island beacon-lights and buildings connected therewith, $14,000.

The amendment was agreed to.

The next amendment was on page 10, to strike out lines two hundred and sixteen and two hundred and seventeen, in the following words:

For rebuilding Sapelo light-house and beacons, Georgia, $15,000.

The amendment was agreed to.

The next amendment was on page 10, to strike out lines two hundred and eighteen and two hundred and nineteen, in the following words:

For building three light-houses and buoy steamtenders, $100,000.

The amendment was agreed to.

The next amendment was on page 10, after line two hundred and nineteen, to insert:

For a reappropriation of the amount heretofore appropriated for an iron light-house at Southwest Pass, but which has been carried to the surplus fund, $108,600.

The amendment was agreed to.

The next amendment was on page 10, to insert as lines two hundred and twenty-four and two hundred and twenty-five the following:

For a new light-house at Punta Arenas, California, $65,000.

Mr. EDMUNDS. I should like to have some explanation from the Committee on Finance for these items in these appropriation bills which provide for new light-houses, when the appropriate committee on these subjects have not had them under consideration at all. The Committee on Commerce considered the light-house bill proper—I do not mean appropriations, but authorizing the rebuilding and new building of light-houses—a bill from the House, reported it with sundry amendments that appeared suitable to them, and the bill has been passed with those amendments. The most of the items for light-houses in this bill of appropriations now before us relate to structures already provided for by law, and particularly to those which have been reported. The bill I have just mentioned did not contain any provision for the building of a light-house in California at this point; but it did for building one at Santa Cruz—I think was the name of the place—for which an appropriation is now made. I should be glad to have the Finance Committee explain whether they have investigated the propriety of the original erection or not. If they have, certainly as one member of the Committee on Commerce I have no disposition to quarrel with their conclusions, although it more appropriately belongs to that committee.

Mr. SHERMAN. These appropriations were not inserted without an examination and without, as we supposed, good reason. We found in the regular estimates of appropriation that these three light-houses were called for by the Light-House Board; one at Punta Arenas, California; one at Cape Blanco, Oregon, and one at the Southwest Pass of the Mississippi river. We had also other information showing their necessity. General Poe, who is in charge of this work, came to the committee personally and represented to the committee strongly the necessity of these three light-houses; and we acted upon that information. It is contained in the regular annual estimates, pages 114 and 115. We also acted upon the statements of General Poe, that these three new light-houses were necessary. The one at the Southwest Pass was appropriated for just before the war, but was not built on account of the war, and is needed for the commerce of the Mississippi.

Mr. EDMUNDS. That one explains itself.

Mr. SHERMAN. As for the one in Oregon the Senator from Oregon [Mr. WILLIAMS] who is not now in his seat, but is elsewhere engaged, vouched himself for the necessity of it; and General Poe recommended strongly that these two light-houses on the Pacific coast be built. We thought the information was sufficient. But if the Senator has examined the subject more carefully, I have no objection in striking out any item that he says is wrong.

Mr. EDMUNDS. I have not examined it at all. I am not opposed to it. I merely wished to call the attention of the Senate to the confusion which must necessarily arise in the business being so conducted as to have committees working at cross purposes. Now, for all new erections, that is, for giving authority for their establishment, either one committee or the other ought to have charge of them so that they will act consistently and harmoniously. It is exceedingly confusing, if not something worse, to the transaction of business to send over from the House one bill which provides for several light-houses, not appropriating money, but giving authority for their construction at a certain limit, which goes to one committee, and then sending over another bill, which appropriately goes to another committee, appropriating money for those objects, with provisions in it which go beyond that, and enter into the same inquiries again. I have no fault to find with the action of the Committee on Finance, because I dare say it is according to the practice. But I do wish to mention, for one, that it would be much more satisfactory to me as a member of the Senate that either one committee or the other, when these subjects come here, should have the whole charge of them so far as the authority for building light-houses is concerned, so that they might have the whole subject before them. There is no sense in sending one half of this inquiry to one committee and the other half to another. I do not make any objection, after these explanations, to these particular items, because I have no reason to doubt, as they were sent to us, that they are perfectly correct. It only would be much more convenient that the Committee on Finance should have received all these subjects for considera-

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tion than that the thing should have been split up in this way.

Mr. SHERMAN. I will state that perhaps we are a great deal more strict than the rest of the Senate are about these matters. The Committee on Finance never act upon any appropriation until it is recommended from the proper Department, and usually never act upon it unless it is contained in the official estimates referred to us by the Senate at the commencement of the session. That is the case with all these appropriations. I confess that all new works and all new improvements ought to go to other committees; and I think we rarely, if ever, act upon them unless they come to us in the ordinary course of reference. So far as the light-houses are concerned it has been different. They are always estimated for by the engineer department and sent with the annual estimates to the Committee on Finance. We take them up and examine them, and allow such as we think the facts justify. As a matter of course we are compelled by the reference to consider them. In regard to all new buildings they are always referred to the appropriate committee, and never reported by the Committee on Finance unless they are put on by a vote of the Senate, and by a report of a committee of the Senate other than the Committee on Finance. That is the general rule on which we act, and I think we are about as particular and as strict as any other committee.

Mr. EDMUNDS. I do not doubt that.

The amendment was agreed to.

The next amendment was on page 10, to insert after line two hundred and twenty-two:

For a new light-house at Cape Blanco, Oregon, $75,000.

The amendment was agreed to.

The next amendment was on page 11, line two hundred and forty-nine, to strike out the word "twenty" and to insert "seventy;" so that the clause will read:

For continuing the work on the north portico of the Patent Office building, $75,000.

Mr. SHERMAN. If any Senator desires an explanation of that amendment, I will give it; but if it is not asked, I will not delay the Senate on a matter that they seem to take as a matter of course.

The amendment was agreed to.

The next amendment was on page 12, to strike out lines two hundred and sixty and two hundred and sixty-one in the words:

For a custom-house in Newport, Vermont, $10,000.

Mr. EDMUNDS. If every part of the country is to have a little benefit out of the Treasury I do not see why Vermont should not have. I presume there is some good reason for this amendment; I should like to hear an explanation of it.

Mr. SHERMAN. I can state to the Senator that on examining the bill we found no estimate, no recommendation, and had no information on the subject. There was nothing in the official reports showing that a custom-house was needed at this place, no estimate of its cost, and I presume this was put in by way of a rider in the House. We could not find out anything about it. If the Senator has any official information, or any information on which we can act, I have no objection to leaving it in; but there was nothing before us or in any official report showing the necessity of a custom-house at Newport, what it would cost, where it ought to be built, whether grounds have been purchased, or anything about it. That is the explanation.

Mr. EDMUNDS. If these appropriation bills are to contain authority of law for building a structure in one section of the country, then they may as well do so in another. My friend from Ohio stated to me just now, in answer to my inquiry about new light-houses on the western coast, that one branch of his information was from the Senator from Oregon, whose personal knowledge was that the light-house was required there.

Mr. SHERMAN. But also supported by the official documents and statements of the proper engineer department, containing estimates of its cost.

Mr. EDMUNDS. I have no special knowledge of any estimates about this matter. I only go upon the presumption that the House of Representatives had something fit and proper to act upon; and I dare say an inquiry of the House committee would have satisfied my friend of the propriety of this measure. All I can state is, that it is within my personal knowledge that the state of business at Newport or at Island Pond, which is close by there, at either of those two places, particularly at Newport, where there is a lake, as my friend may know, which is partly in Canada and partly in Vermont, which is the medium of communication, that there is a very large amount of business done there, and that it requires something besides paying high rents to accommodate the public business; but I do not pretend to know in detail how much it would cost, because I have not been furnished with any of the facts, going upon the presumption that the House committee would furnish the committee of the Senate with whatever information was desirable. I cannot, therefore, say whether this sum is enough, or whether it is too much. I cannot say whether ground has been purchased. I presume it has not been, because there was no authority of law, except such as this bill provides, for the purchase of ground or the making of the structure; but I do say that if appropriations of this kind for light-houses and one thing and another are to be put in, as they have been put into bills, upon the personal statement of Senators from the localities that they were required, then I feel safe in saying upon my personal responsibility that a modest sum like this could be well expended for the public service there. I admit that this is a very unsafe ground to act upon; but if we go upon it in any instance we can in this.

Mr. SHERMAN. The Senator certainly does not want to misrepresent my position.

Mr. EDMUNDS. Certainly not.

Mr. SHERMAN. I have not stated that in any case we put an appropriation in this bill on the representation of any Senator; I have never done it upon my own or any one's representation. We must have the official recommendation of the proper executive office in writing. We do not take a verbal statement of even the President or the head of a Department. We have always exacted an official recommendation containing an estimate and satisfactory statement. Now, in regard to the light-houses mentioned by the Senator: we have, in the regular annual estimates furnished to us, given the details, the necessity for them; and then we took the pains in that case to examine the engineer in charge of the works as to the necessity for them; and that was corroborated by the personal knowledge of the Senator from Oregon, who is a member of the committee. But here we have no information. If the Senator himself can furnish us any evidence, or if he states himself, upon his own knowledge, that a custom-house is necessary there, the Senate will probably act upon that information; but the Committee on Finance would not, because they have always required official information in order to have an executive authority for the necessity of an appropriation. We can find nothing, and there is nothing, in the ordinary estimates about this custom-house in Vermont.

Mr. GRIMES. I will inquire of the Senator from Vermont how far this town of Newport is from Island Pond?

Mr. EDMUNDS. About twenty-five miles, I should say.

Mr. GRIMES. According to my recollection, at the last session of Congress there was an appropriation made for a custom-house at Island Pond.

Mr. EDMUNDS. I dare say there was; but Island Pond is an entry station on the Grand Trunk railroad, or whatever it is called —the great Canadian railway from Montreal to Portland. Newport is now at the terminus of another railway from Boston to Montreal, at this lake further west than Island Pond, which now receives a very large amount of commerce, and large amounts of duties are collected there. I will not state, because I do not believe in this notion of Senators overstating things for their own localities, upon my own personal knowledge that I know a custom-house is required there at this expense. I will only state that I believe it is. That is all I can say.

The amendment was agreed to.

The next amendment was on page 12, line two hundred and seventy-five, to insert the word "post" before the word "office."

The amendment was agreed to.

The next amendment was on page 13, after line two hundred and eighty-nine, to insert the following:

For repairs and alterations in the New York custom-house, $30,000.

For furniture and repairs of the same, $7,000.

The amendment was agreed to.

The next amendment was on page 13, after line two hundred and ninety-three, to insert the following:

To enable the Secretary of the Interior to purchase thirty copies of the first nine volumes of the United States Statutes-at-Large, $945.

The amendment was agreed to.

The next amendment was on page 13, after line two hundred and ninety-six, to insert the following:

To enable the Secretary of the Interior to adjust and settle the accounts of James Tufts for enumerating the inhabitants of the Territory of Montana, under the direction of the Governor of said Territory, as authorized by the act of May 26, 1864, entitled "An act to provide a temporary government for the Territory of Montana," the sum of $6,996, or so much thereof as may be necessary."

The amendment was agreed to.

The next amendment was on page 13, after line three hundred and five, to insert the following:

For heating with steam the Supreme Court room, Law Library, and the passages and stairways adjacent the court-room, and for other improvements and repairs of said court-room, $15,000.

The amendment was agreed to.

The next amendment was on page 14, after line three hundred and nine, to insert the following:

For the compensation of eight extra clerks of class two in the office of the Commissioner of Indian Affairs, $11,200.

The amendment was agreed to.

Mr. SHERMAN. I am directed by the Committee on Finance to offer the following amendment, to come in after the amendment just adopted:

To enable the Secretary of the Treasury to pay to Lewis Heyl, for compiling statutes prescribing the rates of duties on imports and making index to the tariff bill now pending, $1,000.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out lines three hundred and ninety and three hundred and ninety-one, on page 17, in these words:

For compensation of laborer to take care of the heating apparatus of the Library of Congress, $600.

The amendment was agreed to.

The next amendment was to strike out lines three hundred and ninety-two and three hundred and ninety-three, on page 17, as follows:

For compensation to three watchmen on the dome of the Capitol, $2,700.

The amendment was agreed to.

The next amendment was to strike out lines four hundred and two and four hundred and three, on page 17, in these words:

For erecting a new draw in the navy-yard bridge, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines four hundred and forty-one, four hundred and forty-two, four hundred and forty-three, and four hundred and forty-four, on page 19, as follows:

To enable the joint Committee on the Library of Congress to purchase the bust of Pulaski, now in the old Hall of the House of Representatives, executed by the late Henry D. Saunders, $2,500.

The amendment was agreed to.

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The next amendment was to strike out lines four hundred and fifty, four hundred and fifty-one, four hundred and fifty-two, four hundred and fifty-three, four hundred and fifty-four, four hundred and fifty-five, and four hundred and fifty-six, on pages 19 and 20, in these words:

SEC. 2. *And be it further enacted*, That the Senate of the United States shall elect a Superintendent of Public Buildings, who shall hold his office for the term of four years, and until his successor is elected, and shall perform all the duties now required to be performed by the Commissioner of Public Buildings, and the office of Commissioner of Public Buildings is hereby abolished.

Mr. WADE. I hope the section will not be stricken out. I think the Senate ought to have the control of that business. There is a separate bill pending for the same purpose, but I presume at this stage of the session there will not be time to pass it. I hope this section will not be stricken out.

Mr. SHERMAN. It is manifest that it will have to be stricken out here at any rate. It is stuck into the body of the first section and cuts off all the other appropriations in the bill. If the section remains where it is, the appropriations which follow it will have to be put into a separate section. This provision is certainly put in a very improper place, and if Senators are in favor of the object of the section they will have to put it in another part of the bill. A mere transposition, however, will correct that. Aside from that there is this difficulty about it: the Commissioner of Public Buildings has charge not only of the Capitol, but the President's House and grounds; he has free access to them; he appoints the subordinates there, the messengers, and the employés about the President's House and grounds; by the custom of society here he is the gentleman who presents visitors to the ladies of the household. He is the man of all others whom the President ought to have the power to appoint, because he is there brought in daily contact with him. The same reason for which my colleague thinks the Senate ought to have the control of the person in charge of the public buildings would require that the appointment should be in the hands of the President. To take from the President the power to appoint the person who has charge of his house, to appoint his subordinates to attend to it, it seems to me is not exactly right, and if it is to be done I hope it will not be done in a general appropriation bill. The Committee on Finance thought it was a very improper place to put it. Not only that, but the committee thought such an officer ought to be appointed by the President of the United States.

I know that the present Commissioner of Public Buildings is obnoxious to the Senate, and my own impression is—though I dislike to say it in regard to any officer—that he is not the kind of a man who has energy sufficient to manage the expenditure of very large sums, such as we appropriate and place under his charge, and that he sometimes does not do his work with sufficient care and economy. That is my opinion; and I think the President could find a better man. At the same time I would not take away from the President of the United States the power to appoint this particular officer, and I do not think it ought to be done. He is one of those officers that the President ought to have control of. Senators must reflect in what a position we shall place ourselves if we say that the man who has charge of the President's House and grounds shall not be appointed by the President.

Mr. HOWARD. Let me inquire of the Senator from Ohio whether the present Commissioner of Public Buildings is not the officer who has the expenditure of the appropriations of money on the streets of this city and for lighting the streets?

Mr. SHERMAN. He is.

Mr. HOWARD. The Senator will see, if he looks in the report of that officer during the last fiscal year, that he expended about thirty-three thousand dollars by way of improving the streets of the city of Washington, and I should like to inquire of the Senator whether he has observed any very striking evidences of the improvement of the streets of this city, such at least as would be likely to absorb anything like that sum of money? I have seen no evidence of it, I must confess.

Mr. SHERMAN. I am not here to praise the gentleman who has charge of this duty. He disburses several times $30,000.

Mr. HOWARD. I do not know what is the effect of the amendment which is now pending before the Senate; but I wish to know whether the effect of it is to repeal out of office the present Superintendent of Public Buildings and Grounds?

Mr. SHERMAN. That would be the effect of the section.

Mr. HOWARD. I shall vote for it then most distinctly and cheerfully.

Mr. SHERMAN. The Committee on Finance are certainly opposed to its being inserted here. It must be transposed, as every Senator will see, and not put into the body of the general appropriations in the first section. It will have to be transposed any how. But I appeal to the Senate, not merely in order to strike at an obnoxious man, to attempt to exercise in an appropriation bill a doubtful legislative power, to legislate one man out of office and somebody else in. What right has the Senate of the United States to appoint officers? Where is the constitutional power? It no doubt has the right to appoint an officer of the Senate or perhaps officers of Congress. The two Houses perhaps may authorize the Senate to appoint an officer of Congress. But this man not only has charge of our Capitol, but of all the public buildings in this city, the Executive Departments and the President's House, and he is obliged, in the ordinary discharge of his duties, to be in daily relations with the President. I would not deprive the President, whoever he may be, of the power of appointing such an officer.

Mr. TRUMBULL. Let me ask the Senator from Ohio a question. I should like to inquire of him—for I really have not looked into this subject—whether he has any doubt of the authority of Congress to appoint an officer, if you call him an officer, to take charge of this Capitol?

Mr. SHERMAN. No, but I think it would be a violation of the spirit of the Constitution——

Mr. TRUMBULL. To do that?

Mr. SHERMAN. No, not to do that; but after you have clothed an officer with that power which you have a right to do, then under color of that to throw upon him other duties which connect him directly with the executive department of the Government and make him a public officer, that would be a violation of the Constitution. He has to give bonds for the disbursement of money. You may appoint your messengers and employés and persons to take charge of the Capitol; you may appoint persons to take charge of the Senate Chamber; you may say that the Commissioner of Public Buildings shall have nothing to do with the Capitol, and you may appoint some one else to take care of this building and the grounds about it; but it seems to me you cannot under color of that power give a person so appointed by you the right to control the President's house and the Executive Departments. He then becomes an officer of the United States, and not merely an officer of Congress or of the Senate.

Mr. WADE. I do not know exactly the extent of the powers of this officer; but I do know that he has the control of this building, and I believe he has the appointment of the police force that are the guardians of this building and of the Senate and the House of Representatives. If it should ever happen hereafter that there should be any disagreement between the President and the Congress of the United States I think there would be quite as much propriety in our holding this power in our own hands as there would be in giving to any other authority that might be hostile and possibly become dangerous to us. I think we should not, under present circumstances, or indeed under any circumstances, entirely surrender the control of this building and all that pertains to it to any other department of the Government. There seems to me to be a special propriety in our retaining control over the building and over the force that is to be the guardian of the building and all that concerns it. If there is a necessity for making choice between conferring such power on the President and retaining it in our own hands, I am inclined to apply the rule of Lord Coke; I think we had better enlarge our own jurisdiction rather than diminish it by conferring it upon somebody else. I think the control of this building has been in the hands of the Commissioner of Public Buildings long enough. He is far removed from us; his doings are removed from us. I think the person in charge of this building should be under our control. Perhaps it may be necessary hereafter to have a separate person in charge of this building, but in the mean time I hope Congress will keep in its own hands the power over the subject, and that this section will not be stricken out of the bill. If it is misplaced it can be readily put in some other part of the bill. I have no objection to that being done; but I hope the substance of the provision will be retained, and that we shall have an officer of our own selection to preside over our own concerns.

Mr. SUMNER. It is immaterial to me where in the bill this section appears, whether in the beginning, middle, or end; but I hope that the Senate will not strike it out. The House of Representatives have put it there, and I believe for good reason. If I understood the Senator from Ohio over the way, [Mr. SHERMAN,] he argued that we should not appoint a man to go into the President's house; and yet if I understood the Senator, he was willing that the President should appoint a man to come into our house. What is the difference? If we cannot appoint a man to go into the President's house, pray why should he appoint a man to come into ours?

Mr. SHERMAN. With the consent of my friend from Massachusetts, I will answer his question now. Ordinarily the same officer might take charge of both Houses; but if the President and Congress get so much incensed at each other that Congress thinks the officer who has charge of the public buildings generally must be appointed by Congress, I think it is time for us to separate the duties and make two offices out of the one. If we cannot allow a man appointed by the President to come here and discharge the ordinary functions of our waiter, we had better elect one to take care of this building and give the President another to take care of his.

Mr. SUMNER. I think there is something much better than that, and if my friend thinks about it a second time I believe he will see that there is something better than that; and it is for Congress to take the whole power. Congress represents the people of the United States. Let us take the power, then, since circumstances have shown the necessity for it, of taking care of our own building; and since this building here is the most important in the national capital, let the care of it carry with it the care of the other public buildings. The house of the President is a very small house. What is that beside this great house of the people, which is one of the great structures of the world? Surely we ought to determine who should look after it; and whoever looks after this house ought to look after the President's house. The President's house is but the incident to the Capitol. If we were in other times, if days were tranquil, and if there was an occupant in the President's house in whom we could have any confidence, this question would not be raised. But we have to meet it precisely because there is a President now in whom we can have no confidence. We can place no trust in him, and we must not allow him to appoint our officers. We already at every corner find the disadvantage of it. I am for

taking the first opportunity to take that power to ourselves.

Mr. WILLIAMS. I do not understand that this is a question which involves the merits or demerits of the present Commissioner of Public Buildings, because, assuming that he is an unfit man for the place, the question, it seems to me, is whether or not Congress has the power to provide by law that the Commissioner of Public Buildings or the Superintendent of Public Buildings shall be elected by the Senate. The Constitution provides that all officers of the United States shall be appointed by the President by and with the advice and consent of the Senate, except such inferior officers as Congress may by law vest the appointment of in the President alone, in the heads of Departments, or in the courts of law. Now, is the Commissioner of Public Buildings, or, to employ the language used in this section, the Superintendent of Public Buildings, an officer of the United States? True, he has charge of the Capitol; that is one of the public buildings; and a part of his business relates to this building; but he is also Superintendent of other public buildings; he has charge of the expenditure of a large amount of public money, and performs other duties, general duties, which do not relate exclusively to the transaction of business by Congress. I have no doubt that Congress has the power by law to provide for the appointment of any one of its officers, persons who are under its own control and who discharge any of the duties that relate to the business of Congress; but in this case Congress proposes to provide by law, not for the appointment of this man—it is not a law of Congress by which this man is to be designated—but he is to be elected by the Senate. It appears to me that in that respect this provision is in conflict with the Constitution of the United States; because if we proceed in this way, if simply, because an officer may by his conduct become obnoxious to members of Congress, we can legislate him out of office and vest the appointment in the Senate, then we may proceed in this course to any extent; because there are few officers in the United States who are not in some way related to Congress, or who do not discharge duties that are devolved upon them by the laws of Congress.

The only argument that can be offered for vesting this power of appointment in the Senate, so far as the Commissioner of Public Buildings is concerned—that does not apply to other officers—is that he has, in connection with his other duties, charge of this particular building in which Congress assembles; but he has also charge of the President's house and grounds. He is Commissioner of Public Buildings. He is designated in the law as such, not as an officer of Congress. The other day we provided for the election of a Congressional Printer, and designated him in the law as an officer of Congress; but this section does not propose even to declare that this man is an officer of Congress, but he is to be the Superintendent of the Public Buildings of the United States located at Washington, if you please.

It may be said, but it looks to me a little like evasion, that because among the other duties which this officer has to perform he has charge of the Capitol, he thereby becomes, not an officer of the United States, as he always has been regarded, but an officer of Congress. I have no doubt that the Commissioner of Public Buildings of the United States has always been regarded as much an officer of the United States as any other man in office in the city of Washington. To say that because he has to perform some duties about the Capitol at Washington he is therefore not an officer of the United States, looks to me a little like an evasion of the Constitution. It was on that ground that I concurred in this report, not that I have anything to say in favor of the present incumbent, not that I propose to decide this question at all with reference to his qualifications or claims to the office, but it is on the ground I have stated. It seems to me that we are going in a direction that may lead eventually, by one excuse and another, to a palpable violation of the Constitution. Unless it can be made to appear that this Superintendent of Public Buildings is not an officer of the United States, it cannot be made to appear that Congress has the power to authorize the Senate to appoint him; because if Congress can authorize the Senate to appoint an officer of the United States in one case, it can in all; and it may thus take away from the President all power of appointment.

Mr. EDMUNDS. I doubt extremely the authority of Congress to elect a Superintendent of Public Buildings under the Constitution, because the public buildings are not the buildings of Congress as a body, as this particular building is, which we might undoubtedly provide for; but it is the whole public property of the Government in this District, lands and all. At the same time I am satisfied, as the Senate seem to be, entirely, that it is desirable that there should be a change in the office. I move, therefore, to amend the clause proposed to be stricken out by substituting in the place of it these words:

That the office of the Commissioner of Public Buildings is hereby abolished, and until otherwise provided by law the duties heretofore performed by that officer shall be performed by the Quartermaster General of the Army.

Mr. SHERMAN. I suggest that, by unanimous consent, the whole matter be transposed to page 25 of the bill. It is now right in the midst of section one, which is very improper. I propose that it be transferred to page 25, after line five hundred and eighty-seven.

The PRESIDING OFFICER. The transposition will be ordered, no objection being made. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. As I have said, I do not believe myself—because that is purely an intellectual question, and our wishes have nothing to do with it—that we have the constitutional power to do the thing which this section that is proposed to be stricken out provides for. I believe it to be equally our constitutional duty to provide for it in some other way in which, in my judgment, we can lawfully provide for it. I think there can be no constitutional objection, I presume none will be suggested, to the amendment which I offer. The question is whether it will not harmonize the views of the Senate, so that we can unite in providing for what we all desire to provide for, and in a proper way. We all know who the Quartermaster General of the Army is; that he is a gentleman of high integrity, of character, of capacity, the line of whose duties hitherto and now would make it perfectly proper for him to superintend and have charge of these public buildings and grounds, and to know how the money that we appropriate so liberally for the adornment and improvement of them, and the lighting of the streets and all that sort of thing, is expended. It appears to me that he is eminently fit and suitable, both as regards position and residence here, and his official means of superintending such affairs for the United States. These are my reasons for offering the substitute.

Mr. WADE. As to the constitutional argument against this section I do not yield to it; I do not think there is anything in it. Congress has the right of legislation over all subjects whatever within this District, and perhaps the question here raised does not arise so particularly in regard to matters in this District as it would in the States. Certainly the Constitution has given us the right of legislation upon all questions affecting this District in the largest manner that it could be given. But even if that were not so, I should have very great doubt whether the strait and almost literal construction that gentlemen seek here to enforce applies in this case. It seems to me you might as well say we could not elect our Sergeant-at-Arms or our Doorkeeper or any other officer, but must go to the President for him, or vest the power of appointing him in some court or in the head of some Department. The principal business of this officer in my judgment, his principal duty is to superintend this building, and then we have attached to that duty certain others, such as superintending some of the concerns of the President's house; but I do not think there is any constitutional difficulty in the way of our appointing an officer to have charge of this building.

I have to say again that I think there is great propriety in our taking this matter in our own hands. I do not want to allude to what has been said, but we cannot overlook the fact that we have been threatened by the friends of the President here with violence from time to time, and the President, so far as I know, has never done or said anything to mitigate or negative those threats, but his own organs have continually threatened us that if we did so and so we should stand in danger of being driven out. It is true, I have not believed a word of all this; but still when I see such things I do not want the man from whom or whose friends these threats come to appoint guardians over us. I think we had better keep the power in our own hands, and appoint our own police and our own officer to superintend the building. It seems to me to be much better, much more appropriate, and much more in accordance with the dignity of the position we hold. I should have no objection to the President superintending his own household if it is thought proper to give him that right; but I do not like to be under his control or under the control of officers appointed by him. I would rather be under officers of our own choice and selection. In regard to this matter, whoever the President may be, I think it is more consonant with the dignity of this great body and of Congress to appoint their own agents and officers for their own safety and convenience than it is to vest that power in anybody else. I wish to retain in the bill this section in some shape. If it is out of place where it is, I have no objection to its being put somewhere else in the bill.

Mr. DIXON. A remark which fell from the Senator from Ohio leads me to say a single word on this subject. He said there had been threats of violence toward Congress, that they were to be driven out of this building. Now, sir, I must say that that was news to me. I never have heard such threats; I have never seen any authentic statements of any such threats. I think the honorable Senator is mistaken. I very much doubt whether anybody has ever threatened any violence; certainly the President of the United States never has threatened any violence, nor any friend of his. I regret that the Senator from Ohio made such a statement. I presume he had some authority for the statement; but I must say for myself that I never heard such threats, and I doubt very much whether they have been made.

Mr. HOWARD. I do not know that it is in my power to throw any light upon this subject that would be likely to satisfy the Senator from Connecticut. I presume the avenues of information have been equally open to him as to the rest of mankind, and I venture to say that the rest of mankind have generally understood from the tone of the newspapers printed and published in the interest of the President of the United States, both at the South and at the North, that it was their wish that he should interfere with Congress with violence and turn them out of their seats as an unconstitutional body, such as he repeatedly denominated them in his public speeches while swinging so elegantly and joyously "around the circle." Surely the Senator from Connecticut is not ignorant of all this. Has he ever read a copperhead rebel newspaper printed south of Mason and Dixon's line? If he has, I am quite confident that he has made himself acquainted with this state of feeling on the part of the journals in the country who are in the interest of the President of the United States, and who are his friends. Has he ever read several New York journals, equally in the interest of the President, and is he ignorant of the fact that they have repeatedly, continuously, and almost habitually given this same treasonable and guilty instruction to their chief and master?

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Is he entirely ignorant of the tone of the National Intelligencer, published in this city, whose columns have been loaded week after week and month after month with similar advice, published under the nose of the President, and understood to be under his patronage and under his control? Surely the Senator is not ignorant of all these menaces which have almost daily issued from the Johnson-rebel newspapers of the country. And it is perfectly natural that they should give him this advice. Why? Because he himself on repeated occasions, the most solemn occasions, in his addresses to the people when he has been journeying about the country, has denounced Congress as an unconstitutional body claiming to be a Legislature hanging upon the verge of the Government, and of course not constituting in his opinion any part of the legitimate Government of the United States.

Can a President of the United States, who is so legally and constitutionally, quietly sit down and tolerate the presence of a body of men acting as usurpers and claiming to be the Legislature of the country? Would it not be his duty, if such were the real fact, if such were the real truth in fact and in law, to take immediate steps to disperse them, or to arrest them, and to cast them into prison? And still this is the man who signed more than two hundred bills of this present Congress during the last session, approving of them as the legitimate acts of the legitimate Congress of the United States. He really did cut a fine figure, and presented to the world a magnificent spectacle of statesmanship and patriotism, in going about the country setting up his offices for sale to the highest bidder, and at the same time denouncing as unconstitutional that same Congress who created many of these offices, who passed the two hundred and odd bills which he himself had signed as President of the United States! Sir, I hardly know what to make of the temper of such a man. Does he believe this to be a legitimate Congress, whose legislation is binding upon the people? If he does it is most marvelous that he should take such liberties with them; that he should turn presidential calumniator against the very Congress whose bills he had signed.

Sir, there is no telling what the rashness and madness of a certain class of men may lead them to do, and for one I deem it the part of common prudence, now that we have it in our power, to take some security against contingencies such as I have pointed out. If he is for war, if he intends to carry out the purposes which he has announced in terms too distinct to be misunderstood, it is our bounden duty to protect ourselves by all the means which the Constitution, the laws of the land, and the will of the people have placed in our hands, and we shall be derelict, in my judgment, if we fail to do so.

Mr. DIXON. Mr. President——

Mr. EDMUNDS. Before the Senator proceeds I beg leave to modify the amendment which I have proposed, and to put it in a shape which, on consultation with Senators, I think more likely to meet their approval. I wish to modify it so that it shall read in this wise:

That the office of the Commissioner of Public Buildings is hereby abolished; and it shall be the duty of the President, by and with the advice and consent of the Senate, to appoint a competent civil engineer, whose duty it shall be to perform all the duties now by law required of the Commissioner of Public Buildings, and who shall also be the engineer of the aqueduct.

Mr. SHERMAN. I suggest that the duties be given to the chief Engineer of the Army.

Mr. DIXON. As a reason for the adoption of the section contained in the bill which proposes virtually to remove the Commissioner of Public Buildings, the Senator from Ohio [Mr. WADE] said that threats had been made of violence toward Congress, that Congress was to be driven from this building. I of course understood that Senator to mean that threats had been made, I will not say authorized, but made by some person who had in some way the sanction of the President, indirectly at least——

Mr. WADE. The Senator will permit me to interrupt him. He does not seem to understand what I said. I said such threats had been made by papers that appeared to be the President's organs, papers friendly to him, and with no rebuke on his part that I knew of. Nobody can have failed to see them in the National Intelligencer and in the Constitutional Union published here, and in almost all the papers published south of us.

Mr. DIXON. I did not mean, of course, to reflect upon the Senator for what he had said; but he made the statement that such threats had been made. I denied it. I did not mean to say that there was no maniac, no lunatic, no infatuated person in the United States—no, I may say fool of an editor, for there are fools among editors as well as among other men—that there was not some man in the United States who had uttered such a threat. I do not know of any extent of folly or of madness which some human being has not reached; but I do undertake to say that there has never been a threat of violence toward Congress which the President of the United States has ever indulged in or sanctioned.

Mr. SUMNER. Allow me to ask my friend whether the President of the United States himself has not used language tending directly to personal violence?

Mr. DIXON. I think not.

Mr. SUMNER. I allude to his unhappy speech of the 22d of February, 1866.

Mr. DIXON. I think he has not.

Mr. JOHNSON. I rise for the purpose of inquiring what the question before the Senate is.

The PRESIDING OFFICER, (Mr. POMEROY.) The question is the amendment moved by the Senator from Vermont to the amendment.

Mr. JOHNSON. What is that?

The PRESIDING OFFICER. It will be read for the information of the Senate.

The SECRETARY. The Senator from Vermont proposes in lieu of the second section to insert:

That the office of Commissioner of Public Buildings is hereby abolished, and it shall be the duty of the President, by and with the advice and consent of the Senate, to appoint a competent civil engineer——

Mr. JOHNSON. That will do. I do not exactly see how that amendment presents in any way the conduct or action which may possibly be anticipated of the President or his organs; and as we are very much pushed for time, I suggest to my friend from Connecticut that perhaps it would be as well to let that part of the debate stop where it now is.

Mr. DIXON. I barely wished to say that I had never heard of any such threats. The President has recommended to Congress, in repeated messages, the propriety of admitting loyal members from the States lately in rebellion; and this is the extent to which he has gone. He has acknowledged the right of each House to judge of the qualifications of its members, but has urged the importance of not excluding all because some may be disqualified; and he has held that it was the part of wisdom and the dictate of sound policy for each House to admit loyal members from the southern States. I understand that to be the substance of what he has said, and the explanation of his course.

Mr. FESSENDEN. As there is executive business which requires attention, I wish to move an executive session.

Mr. SHERMAN. I should like to have this question disposed of if possible. I trust we can take the vote on this amendment without further debate.

Mr. FESSENDEN. Very well.

Mr. HENDRICKS. Mr. President, when a thing is to be done, I think the right way is to give the real reason for it. Now, if Senators want to get Mr. French out of office so as to put a partisan of their own in, the right way is to say so. You have got the power to do it. That is, you mean to say that one man shall receive a salary of $3,000 a year instead of another because of his political views. That is the square statement of this business, and I do not see any occasion to wander away from that particular point to an abuse of the President of the United States. Whatever language the President may have used in regard to Congress every Senator knows very well that it meant just this, that the President thought Congress was not constituted and organized now as it ought to be; that twenty Senators, representing ten States, are excluded from participation in the deliberations of this body, and a corresponding number of Representatives excluded in the other House; and that the President believes that is not right under the Constitution. We all, without distinction of party, know that that is what the President meant in the language he used. When he referred to Congress being on the verge of the Government, or anything of that sort, it simply meant what he had repeated so often, that Congress ought to be full: representation here ought to be from all the States. He had expressed his views so fully and so often upon that question that a misunderstanding of it is not possible. The President never spoke of making an attack upon Congress, making war upon Congress in the sense referred to by the Senator from Ohio, [Mr. WADE.] And does the Senator from Ohio expect the country to think that the real reason of this legislation is that Congress wants somebody to protect it? Does the Senator expect the common-sense people to believe for one minute that we want a Commissioner of Public Buildings to stand guard over us, and to save Congress from a personal attack or from a military attack on the part of the President?

Mr. HOWARD. I beg pardon for interrupting the Senator from Indiana; but if what he alleges was all the President intended by what he said, and said so often, why did the President use the terms "unconstitutional body" in reference to the Congress of the United States? I take it a body that is unconstitutional has no power to enact laws for the people of the United States. If that was all Mr. Johnson meant, how does he explain that meaning in reference to the very terms which he used?

Mr. HENDRICKS. The Senator from Michigan knows very well what it all means just as well as I do.

Mr. HOWARD. I think I do.

Mr. HENDRICKS. The President has over and over again said that under the Constitution of the United States he believes that all the States are entitled to representation, inasmuch as the language of the Constitution upon that subject is very plain. When the President of the United States spoke of an unconstitutional Congress, the Senator must take that in connection with all else that he said on the subject, especially that which he has officially communicated to Congress; and it is to this point and this point alone that the Constitution requires that there shall be a representation from all the States, and that is denied to a part of the States, and therefore the President thinks the Constitution is violated.

Mr. HOWARD. Very well; if for that reason the Congress of which he so spoke was an unconstitutional body, and therefore unauthorized to enact laws for the people of the United States, was there any obligation on the President of the United States to carry those laws into execution? Does it not follow clearly from the language employed that he entertained in his own mind the idea that he was not bound by his oath of office to see that the laws passed by that Congress should be executed?

Mr. HENDRICKS. The President of the United States has never said that Congress was an unconstitutional body in that sense; that it could not enact laws. On the contrary, by every act of his in connection with Congress he has recognized the body as valid and competent to enact laws.

Mr. HOWARD. Undoubtedly.

Mr. HENDRICKS. And the Senator knows just as well as I do that the President has

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never questioned the constitutional power of Congress to enact laws; for he has recognized that when he has delivered messages to us in writing; he has recognized that when he has signed bills which Congress has passed; he recognizes that when he executes the laws which have been passed by Congress, as he does.

Mr. HOWARD. Very well; then what did the President mean in his speech at St. Louis, in which he uttered the gentle threat that he would veto the acts of this Congress whenever they were presented to him?

Mr. HENDRICKS. What language did the President use?

Mr. HOWARD. I believe that was the exact language.

Mr. HENDRICKS. I do not think the President used the language just as the Senator has stated it. I do not undertake to recollect those kind of speeches.

Mr. HOWARD. I will send for and get a copy of the speech itself.

Mr. HENDRICKS. The President has indulged a little in that, and since this Congress met he has vetoed a couple of bills, and I think there is some prospect that he may veto some more. I think it is his duty to veto some more, and I hope he will do it; but when he vetoed a bill the Senator knows that by the veto he recognizes the constitutional power of Congress to enact a law. So with what logic or legal force the Senator's proposition can be maintained I am at a loss to understand.

Mr. HOWARD. Mr. President——

Mr. FESSENDEN. My friend will allow me to appeal to him. We have an immense deal of business to do; and I really do not see what the discussion of those old speeches has to do with the question before the Senate.

Mr. HENDRICKS. I agree with the Senator from Maine; and if he had only stopped his friends about half an hour ago, when they were giving a reason for a very small kind of legislation that did not govern them, I should have been better pleased. If any Senator will get up here and say that he wants the protection of the Commissioner of Public Buildings to him or the Senate, and that that is the motive which governs him in voting for this proposition, I shall then understand it.

Mr. FESSENDEN. Oh, do let us vote.

Mr. HENDRICKS. There is no Senator, I think, who will disrobe himself of his own manhood enough to say that. Who is afraid of the President? What Senator? Who wants Mr. French or anybody else to stand guard over us? Is that the reason that is to be given for this legislation? But, sir, if the President used unbecoming language at St. Louis, what do Senators think of the language used here against him? Is Congress excused in recriminating in such terms as are used here from day to day?

But, Mr. President, the Senator from Maine is right about this, and I do not intend to take up the time of the Senate. He has appealed to me to discontinue this discussion, so that we may go on with legislation. If his friend from Ohio and the Senator from Michigan will take the same suggestion, I will abide by it. If they will subside, I will subside. [Laughter.] That is a fair and square proposition. I say this legislation is simply to put one man into office instead of another.

Mr. WADE. I have no fears of the President or any of his agents, and never have had, but I do not like to have him pretend to appoint a guardian over us when we do not ask it.

Mr. HENDRICKS. Who is our guardian?

Mr. WADE. The police of this Capitol are here for some purpose.

Mr. HENDRICKS. Are they our guardians?

Mr. FESSENDEN, (to Mr. WADE.) They are all our friends.

Mr. WADE. I do not know whether they are our friends or not, and I do not care. Gentlemen may be as calm as lambs now; but it was not so toward the end of the last session of Congress. Some of them boasted that they were going to the people, and that they would come back in such strength that, combined with what they had in the rebel States, they would form a majority, and the President would recognize his friends, North and South, as the Congress, thus making a party and Congress of his own, and that we should have to step aside. This was echoed all over the country, through his organs everywhere; and yet gentlemen now come here and tell us that they meant nothing by it. Sir, they did mean it, and if they had the strength and power to carry it out and the courage to back them I doubt not whether it would not have been so. Certainly such things were dreamed of. It was treason to think of them; it was high treason to speak it here; and when reported by the agents of the President, and alluded to in such terms by himself, it was what we might very well take measures to guard against if we thought fit. I know very well that if we had not been successful with the people, if they had not backed us up, we should have been in peril, or there is no truth in the Democracy. [Laughter.] I do not think there is enough to cause a man much peril or much fear; but when gentlemen get up now and tell us that they meant nothing by this, that we know they did not mean anything, I beg leave to say that I think they did mean something. I think that out of the abundance of the heart the mouth spoke. I think it did not speak much wisdom; nor do I think that if they had been successful there would have been the courage to back their threats. But that they made them, and that they intended something by them, I have no more doubt than that I am here. They told us what they would do in case they were successful, having no doubt that they would be successful. I never feared that the people would back them in such an enterprise as that, and consequently never apprehended anything; but, as I said before, when you put a guard over this Capitol in times like these, I think our dignity requires that we should be the authors of our own protection, and should select the superintendent who has charge of the Capitol in which we do our business. There is no necessity of trusting it to anybody else.

I have said nothing about the Commissioner of Public Buildings. The Senator from Indiana says that we do this to get rid of an officer whom we do not like. I have not mentioned his name or alluded to him. I thought there was a peculiar fitness in our retaining this power in our own hands, as we retain the power to appoint all the officers that belong to the Senate and to the House of Representatives. This officer has almost as much to do with us and for our convenience in the arrangement of this building and other matters pertaining to our business here as the Sergeant-at-Arms or the Doorkeeper; and in my judgment we ought to have the same power over him. That is all there is in the question. I have stated my opinion. If the Senate judge otherwise I shall be content.

Mr. FESSENDEN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session the doors were reopened at five o'clock, and the Senate took a recess till half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

TULLER AND FISHER.

Mr. HENDRICKS. I move to take up for consideration House joint resolution No. 175.

The motion was agreed to; and the joint resolution (H. R. No. 175) to audit and pay the claim of Tuller & Fisher, of Missouri, was considered as in Committee of the Whole.

The horses, coaches, stage property, and means of transportation of Messrs. Owen Tuller and Ulysses E. Fisher, mail contractors on mail route No. 10648, between Springfield and Rolla, in the State of Missouri, having been impressed in the military service and taken possession of and used by competent military authority, by reason of which a large amount of the property was captured by the enemy and lost to the contractors, the resolution proposes to require the Secretary of the Treasury to have the claim of said Tuller and Fisher audited, and to pay to them the amount that shall be found due them for such losses, not exceeding $12,500.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

A. G. SLOO.

Mr. RAMSEY. I move to take up the Senate joint resolution No. 165, reported some days since from the Committee on Post Offices and Post Roads.

The motion was agreed to; and the joint resolution (S. R. No. 165) to refer the claim of the trustees of A. G. Sloo to the Court of Claims, was considered as in Committee of the Whole. Doubts being entertained whether the claim of the trustees of Albert G. Sloo upon the Government of the United States for compensation for extra services in carrying the United States mails from 1851 to 1859, inclusive, is embraced by existing laws giving jurisdiction to the Court of Claims, it is proposed, in order to remove all doubts on that subject, to refer by this resolution this claim of the trustees of Albert G. Sloo to the Court of Claims for adjudication thereof on the petition of the trustees presented to the court, pursuant to authority conferred on the court by any existing law to examine and decide claims referred to it by Congress.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EQUESTRIAN STATUE OF SCOTT.

On motion of Mr. WILSON, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 205) for the erection of an equestrian statue to the memory of Brevet Lieutenant General Winfield Scott. It proposes to direct and authorize the Secretary of War to contract with Henry K. Brown, Esq., of Newburgh, New York, at a price not exceeding $20,000, for an equestrian statue, in bronze, of Brevet Lieutenant General Winfield Scott, to be made of the guns captured in Mexico, and to be placed upon his grave at West Point.

The Committee on Military Affairs proposed to amend the resolution by striking out the words "with Henry K. Brown, Esq., of Newburgh, New York."

Mr. WILSON. When the committee reported the amendment, we were apprehensive that this was a job got up for the benefit of this person; but it turns out on investigation that Mr. Brown knew nothing of the fact that this resolution was offered, and he is recommended by the artists of the country as the fittest man for the task, as preëminently qualified. I hope, therefore, the amendment will not be sustained.

The amendment was rejected.

Mr. GRIMES. I move to strike out the words "upon his grave at West Point," and to insert "in Franklin square, in the city of Washington."

Mr. SUMNER. I should like to know where Franklin square is.

Mr. GRIMES. Franklin square is one of the public squares of the city, and the Senator himself lives very near it.

Mr. SUMNER. I do not know it by its name at any rate.

Mr. GRIMES. I apprehend that there is hardly any other gentleman here who does not know it. It is a beautiful square, and it seems to me that this capital is the place where this monument, if it is to be an equestrian statue,

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should be erected, and not in a grave-yard a mile or a mile and a half from the public buildings and Military Academy at West Point, where no one will see it, and where it is not appropriate.

Mr. SUMNER. I doubt whether that is really the best place for it. I do not wish to take up time about it.

Mr. GRIMES. I think it is the best place. It is an unoccupied square, and we have made appropriations for decorating it. I am willing, however, to modify the amendment so as to provide for its location in some of the public squares of the city of Washington.

Mr. SUMNER. I should rather say that than point out a particular square.

Mr. LANE. I hope the Senator from Iowa will add to his amendment, as modified, the words "to be designated by the Secretary of War."

Mr. GRIMES. I so modify the amendment.

Mr. NESMITH. I trust the amendment will not be adopted. General Scott's remains are interred at West Point, and I think it most appropriate that a monument of this kind should be over his remains. West Point is visited by many of the people of the United States who travel, and I think it is proper that this monument should be erected at the great military school of the nation.

Mr. GRIMES. The Senator from Oregon may know a place where an equestrian statue has been erected in a grave-yard over the remains of some deceased warrior or statesman, but I never heard of such a thing. These statues are not erected as monuments over the tombs of persons anywhere in the world so far as I know, but are always erected in a public square or some prominent place, to commemorate the character of the man, rather than as a memorial of his decease.

Mr. NESMITH. I will say to the Senator from Iowa that if a case of that kind has never occurred, it is time that it did occur, and I trust this monument in memory of General Scott will be erected at West Point.

The amendment was agreed to.

Mr. SUMNER. I desire to say, before the resolution is passed, that I am very glad the name of Mr. Brown is inserted. I believe he is the only person at this moment on the American continent with regard to whom we have any evidence that he is capable of making an equestrian statue. The two equestrian statues, so-called, now in this city, I presume any person of taste will call abominations, which ought to be removed. Mr. Brown has shown by his statue of Washington, in New York, that he is essentially a sculptor and an honor to our country and this age. I am very glad that we are now about to give him this authority.

Mr. GRIMES. I merely wish to correct a clerical mistake which has been made in transposing the words in the first line, so that it shall read "authorized and directed" instead of "directed and authorized."

The PRESIDENT *pro tempore*. That change will be made if there be no objection.

Mr. HENDRICKS. I do not think it is right to allow the remarks of the Senator from Massachusetts to go without some reply. I think his is not the judgment of the country in regard to the two statues executed by Mills, to which he has referred. I do not make any professions myself to judgment upon questions of that sort; but I have heard the opinion of very cultivated gentlemen upon the question, and they place these two statues in a very high rank among the specimens of art in the world. I do not see that it was necessary to go out of the way to traduce an American artist, a man who made himself all he is, without any early opportunities, a poor boy, starting in life without any advantages, never having seen works of art at all, as I understand, never having the opportunity because of his poverty to travel in foreign countries and cultivate his taste. He has executed what I think is an honor to the country. I regret that in the Senate of the United States there should be done toward that distinguished citizen what I regard as injustice.

The joint resolution was reported to the Senate as amended.

Mr. SHERMAN. I do not wish to embarrass this resolution or delay it; but my impression is that the amendment first proposed by the Senator from Iowa would be a better amendment than that leaving the designation of the square to the Secretary of War. Franklin square, in my judgment, is the best place for it. It is a public square in a conspicuous part of the city. It is true I live on it, and the Secretary of War lives on it, and it might embarrass him to name that place. I have no doubt the Secretary would select Franklin square unless he felt embarrassed by the fact that he lives on it. I think there is no doubt about its being the best place. It is at the corner of Fourteenth and K streets, near the public grounds, and I would rather see the name of Franklin square inserted so as to relieve the Secretary of War from all embarrassment.

Mr. SUMNER. There is another place I would mention now. Suppose it were placed at the head of Pennsylvania avenue, looking down the avenue, just in front of the Treasury; a much better place and more conspicuous.

Mr. SHERMAN. I do not think it would be a proper place to put a statue of the head of the Army, in the Treasury grounds.

Mr. SUMNER. In front of the Treasury building. That comes to my mind just at this moment, and therefore I mention it.

Mr. SHERMAN. The Secretary of War would not want to designate any place which was not eminently proper, and he might feel embarrassed in selecting Franklin square, which is evidently the proper place, because he lives on it. I move, therefore, to amend the amendment which was adopted in Committee of the Whole on the motion of the Senator from Iowa, so as to make it read "on Franklin square, unless the Secretary of War shall deem proper to designate another place." That will leave it open to the Secretary to select a place.

The PRESIDENT *pro tempore*. With the permission of the Senate, the Chair will first take the question on concurring in the other amendment which is not named by the Senator from Ohio.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment referred to by the Senator from Ohio.

Mr. SHERMAN. I move to amend that amendment, so as to make it read "on Franklin square or such other place in the city of Washington as the Secretery of War may designate."

Mr. SUMNER. The Senator has given us notice that he lives on Franklin square, and he naturally is prejudiced in favor of it. Now, there are half a dozen places that occur to me right off that to my mind would be preferable for it. I would take any one of the little openings on Pennsylvania avenue and prefer it ten times over to Franklin square. There are two or three of these little triangular spaces between here and the Treasury. Put it in any one of those, and it is ten times better than in Franklin square. And why it is ten times better? Because if a statue has any value it ought to be where it can be seen, where it can tell its story, and where, if it is a work of art, as I think if this is done by Mr. Brown it will be, it can be admired. Put it in Franklin square, and the Senator would see it every day, and that of course would be a great pleasure to him; and I should be very glad that he should be pleased; but I think you had better leave the matter entirely open without giving any preference to any particular square.

Mr. DOOLITTLE. There is an embarrassment in leaving it to the present Secretary of War because his residence is in Franklin square. Perhaps some other officer had better be designated to locate it who does not reside in the city of Washington, say the Secretary of the Interior.

Mr. SHERMAN. I know the delicacy of the Secretary of War in matters of this kind. I believe he would feel embarrassed. It might be said that he was influenced by his own personal gratification.

Mr. SUMNER. I hope the amendment will not be made. I hope it will be allowed to stand without any designation.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in; there being on a division—ayes 23, noes 5.

Mr. EDMUNDS. I should like to have the chairman of this committee inform us what evidence he has that the special artist named in this resolution is entitled to this honor, and what experience this artist has had already.

Mr. WILSON. I will simply say that the committee at the last session left out the name with the view of allowing the Government to select a proper person; but since then there has come from the artists of the country a very general expression of the strongest character in favor of Mr. Brown as preëminently fit above all other men in the country for this work, and I have not the shadow of a doubt about it.

Mr. EDMUNDS. That is all very good; but my question was, what work of art he had executed?

Mr. LANE. The statue of Washington, in the city of New York, the finest work of art upon the American continent, is by this artist.

Mr. EDMUNDS. That is one statue. I do not agree with the Senator that that is the finest work of art on the American continent by any means.

Mr. SUMNER. The finest equestrian statue.

Mr. EDMUNDS. I do not believe in this method of undertaking to designate in advance, if you are going to have a work of art, what particular artist shall do it, because it is perfectly impossible once in a thousand times for a general body to ascertain what particular person is the best. It ought to be left to the Government, in the judgment and discretion of whose officers we ought to have confidence enough to believe that they will select the right artist. It looks so much, as it generally is, like a job—I do not mean that it is in this instance; I do not know anything about it, as to what are the inducements, and I do not impute it in this case; but in general we know that these things are got up in favor of special and particular persons. I believe the only right way is to leave it to the officers of the Government to choose, upon their responsibility to us as the representatives of the Treasury and of the people, the proper persons to perform these works that we think to be necessary.

The amendments were ordered to be engrossed, and the resolution to be read a third time.

The joint resolution was read the third time.

Mr. SUMNER. As the resolution is on its passage I desire now, that it may go for what it is worth, to enter my protest in advance against this statue being placed in Franklin square. In placing it there you will depart from all precedents of art. I cannot at this moment recall a single equestrian statue anywhere which is placed as the Senator from Ohio now proposes to place this.

Mr. SHERMAN. The Jackson statue in this city.

Mr. SUMNER. An abomination, properly placed where it cannot be seen. An equestrian statue, to be enjoyed, should be placed where it can be seen. It must be placed on the highway, or close to the highway, where you are not obliged to travel far in order to enjoy it. For instance, the work of this same artist in Union square, in New York, is where

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every passer-by can see it and enjoy its ability. And if one goes to Europe in imagination there is not a single considerable equestrian statue anywhere worthy of note that is placed where the Senator from Ohio proposes to hide this.

I make these remarks now, in advance, and by way of protest and notice. The place that is proposed is inconsiderable. It ought not to be there. If we are to appropriate this money, I wish the statue to be where the people can really enjoy it and profit by it, not place it in a recess or in a hiding-place where it can only be enjoyed by the Secretary of War and the Senator from Ohio.

Mr. EDMUNDS. I ask for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 6; as follows:

YEAS—Messrs. Anthony, Brown, Cattell, Creswell, Davis, Dixon, Doolittle, Foster, Fowler, Grimes, Hendricks, Howe, Lane, Nesmith, Norton, Nye, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Willey, and Wilson—26.

NAYS—Messrs. Cragin, Edmunds, Fogg, Harris, Pomeroy, and Wade—6.

ABSENT—Messrs. Buckalew, Chandler, Conness, Cowan, Fessenden, Frelinghuysen, Guthrie, Henderson, Howard, Johnson, Kirkwood, McDougall, Morgan, Morrill, Patterson, Poland, Riddle, Saulsbury, Williams, and Yates—20.

So the joint resolution was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House has passed the joint resolution of the Senate (S. R. No. 182) for printing additional copies of the Appendix to the Diplomatic Correspondence of 1865.

The message also announced that the House had passed a bill (H. R. No. 1176) making appropriations for the naval service for the year ending 30th June, 1867.

The message further announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 878, to quiet the title to land in the town of Santa Clara, in the State of California.

The message also announced that the House of Representatives has passed the bill of the Senate (S. No. 592) to provide for a temporary increase of the pay of officers of the Army of the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced the passage by the House of a bill (H. R. No. 1222) for the relief of Samuel Silver, in which it requested the concurrence of the Senate.

INTERNAL REVENUE.

Mr. FESSENDEN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 1161) to amend existing laws relating to internal revenue, to report it with amendments. I hope it will be printed by to-morrow.

Mr. WILLIAMS. I send to the Chair an amendment, which I intend to propose to the internal revenue bill, which I ask to have printed with the other amendments.

The proposed amendment was ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FESSENDEN, from the committee on conference on the disagreeing votes of the two Houses on the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th of June, 1868, and for other purposes, reported that having met, after full and free conference the committee were unable to agree.

On motion by Mr. FESSENDEN,

Resolved, That the Senate further insist upon its amendments to the said bill, disagreed to by the House of Representatives, and disagreed to the amendment of the House to the forty-sixth amendment of the Senate thereto, and ask a further conference on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. POLAND, and Mr. BUCKALEW.

SANTA CLARA LAND TITLES.

Mr. CONNESS, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 878) to quiet the title to land in the town of Santa Clara, in the State of California, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses upon the bill of the House No. 878, to quiet title to land in the town of Santa Clara, in the State of California, after full and free conference, do agree to recommend to their respective Houses as follows:

That the Senate recede from so much of their amendment as inserts in the bill, and also in the title, the word "Placerville," and that the Senate agree to the said amendment as modified;

And also that the House recede from their disagreement to the other amendments of the Senate to the said bill, and agree to the same.

JOHN CONNESS,
HENRY WILSON,
JOSEPH S. FOWLER,
Managers on the part of the Senate.
D. C. McRUER,
S. T. HOLMES,
A. J. GLOSSBRENNER,
Managers on the part of the House.

The report was concurred in.

CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, the pending question being on the motion of Mr. EDMUNDS to the clause abolishing the office of Commissioner of Public Buildings, which the Committee on Finance proposed to strike out.

Mr. MORRILL. Is it in order to amend the amendment?

The PRESIDENT *pro tempore*. The Chair thinks not. It is an amendment to an amendment.

Mr. MORRILL. Then I ask the attention of my friend from Vermont to the proposition which I will read, and I ask him to accept it as a modification of his amendment, in order to make it a little more complete. It is to add to his amendment:

Said engineer shall have the superintendence of the Washington aqueduct and all public works and improvements of the Government of the United States in the District of Columbia, unless otherwise provided by law.

Mr. EDMUNDS. I accept the modification.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont, as modified by him, will be read.

The Secretary read the amendment, as follows:

That the office of Commissioner of Public Buildings is hereby abolished; and it shall be the duty of the President, by and with the advice and consent of the Senate, to appoint a competent civil engineer who shall perform all the duties now required by law of the Commissioner of Public Buildings, and who shall also have the superintendence of the Washington aqueduct and all the public works and improvements of the Government of the United States in the District of Columbia, unless otherwise provided by law.

Mr. SHERMAN. I wish to suggest a further modification of the amendment by adding to it:

And the President *pro tempore* of the Senate and the Speaker of the House of Representatives shall hereafter appoint the members of the Capitol police.

Mr. EDMUNDS. I have no objection to that, and I accept it.

Mr. SHERMAN. I make this motion at the suggestion of the Commissioner of Public Buildings, Mr. French himself, who says that practically that has been done in times past, and that it would be a relief to any officer charged with this business to have that duty invested upon the Presiding Officers of the Senate and House of Representatives, who really have legal custody of this building, and therefore it is proper that they should have the power to designate the police.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the clause as modified.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on striking out the section as amended.

Mr. KIRKWOOD. Have we taken a vote on striking out the section as originally reported from the House of Representatives?

The PRESIDENT *pro tempore*. The section as it came from the House has been amended by the amendment of the Senator from Vermont, on the principle that the section may be perfected before the question is taken on striking it out.

Mr. KIRKWOOD. This section as it came from the House has been stricken out already, then?

Mr. TRUMBULL. It has been altered by the amendment of the Senator from Vermont.

Mr. DOOLITTLE. I should have said nothing on this section but for a remark that fell from the Senator from Ohio, [Mr. WADE.] Speaking of those who sustained the President's policy, he said, "You had threatened by force to drive out the present Congress and to recognize and establish another Congress." I undertake to say that the Senator from Ohio has, in my opinion, heard no such language from any gentleman in this body, with the exception it may be that language once used by a Senator from Kentucky was susceptible of such a construction. When that language was used by him the Senator from Ohio must remember that gentlemen who sustained the Administration at once took issue with him and declared that such a doctrine was not to be tolerated and was revolutionary in its character.

Mr. DAVIS. I presume that the allusion in the remarks of the Senator from Wisconsin is to myself. I never uttered such a sentiment as he says was attributed to me. I never spoke in favor of any man or any power driving any Senator from this body. I spoke of the right of the Senators from the southern States to be admitted as Senators upon this floor, and I am of that opinion still. I said this: that the President had the unquestionable power under the Constitution, if there were two bodies of men collected together, each claiming to be the Senate of the United States, to recognize which one of the bodies he pleased as the Senate; and in that position I am sustained by the decisions of the Supreme Court. Instead of that principle being revolutionary, it is in the strictest conformity to the Constitution, and has been sustained by the Supreme Court in repeated decisions, as I am ready at any time to prove.

Mr. SHERMAN. I think a further amendment is needed to make the section perfect. The salary of this officer ought to be fixed by law. I move, therefore, to amend the amendment by inserting at the proper place "whose annual compensation shall be $3,000 per annum."

Mr. TRUMBULL. It ought to be more. Certainly if you get a competent man for this place he ought to have more than that.

Mr. FESSENDEN. He has to be superintendent of the aqueduct also.

Mr. TRUMBULL. I think we pay an engineer for the aqueduct alone $2,500 or $3,000 now.

Mr. SHERMAN. I will say $4,000.

Mr. TRUMBULL. I think $4,000 is certainly small enough.

Mr. ANTHONY. I suppose the amendment is not amendable, as it is an amendment to an amendment.

The PRESIDENT *pro tempore*. It is an amendment to an amendment, and is therefore not amendable.

Mr. ANTHONY. I do not see why we should have a civil engineer to take charge of the public buildings. Why not an architect? I think these should be separate offices. I do not think one man can attend to all that is here proposed. What we want for our build-

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ings here is a business man, not an architect, not an engineer, but a man of energy and business capacity. If the Senate would leave out the provision relative to the aqueduct and strike out the words "civil engineer" and insert "a suitable person" it would improve the amendment very much.

Mr. MORRILL. I think it is important that this amendment should provide for a professional engineer. Many of the improvements which Congress from time to time is called upon to perform here really involve the skill of an engineer. We are paying now, and have been for many years, some $3,000 for the services of a civil engineer to superintend the Washington aqueduct alone.

Mr. WILSON. Is he not an Army officer?

Mr. MORRILL. No. He is simply employed by the Secretary of the Interior. There is no reason in the world why all this duty should not be performed by one man. Then, if we have a competent person who is skilled as a civil engineer—and I agree with the Senator from Rhode Island that he ought to be a man of business as well as a civil engineer—we should have under one head, combined in one management, the entire improvements in the public works of this District; and until they are reduced to one general head it will be a patch-work in the future, as it has been in the past. I attach, therefore, the utmost importance to the amendment of the honorable Senator from Vermont. We ought to have a man of first-rate talent, first-rate ability, and he ought to be a professional engineer, in my judgment. I agree of course with the honorable Senator from Rhode Island that he ought to be a business man. I agree with the honorable Senator from Illinois that $4,000 a year for such services is not too much. I should hope that the Senator from Ohio would accept that as an amendment to his proposition.

Mr. HOWE. I am profoundly indifferent whether the section as it stands is stricken out or not. The idea of abolishing one office to make another in the way proposed here does not seem to me much of a speculation. I have no special reason for being dissatisfied with the services of the present Commissioner of Public Buildings. I have one reason for desiring to continue his services. We have done but very little since the advent of this Administration to promote and foster literature, and we have now an opportunity for doing something in that way. I am rather inclined to avail myself of the opportunity. We have done a great deal for the profession of civil engineers; nothing for the poets. So, if the issue is between a poet and an engineer, I am decidedly for the poet. But I should have preferred the section as it came from the House of Representatives. I do not know how we are ever going to get back to that. It has been so thoroughly and completely buried up by amendments that I do not know that we can ever dig it out again. I do not know but that when the bill is reported to the Senate and the question is upon the adoption of these amendments, that section may be reached again. I should like to inquire, for information, if that question will then come before the Senate.

The PRESIDENT *pro tempore*. The amendments made as in Committee of the Whole will come up again when the bill is reported to the Senate. The question then will be on concurring in the Senate with the amendment made as in Committee of the Whole.

Mr. HOWE. If, then, this section is now stricken out by the Senate in committee, the only question put to the Senate will be upon concurring in the amendment striking out the section; but if the section be retained then the question will be put in the Senate upon concurring in the amendments to the section.

The PRESIDENT *pro tempore*. That will be the effect, in the opinion of the Chair.

Mr. HOWE. Then before I vote in earnest on this question I think I shall wait till the bill comes into the Senate. I should be very glad to see the section retained as it came from the House of Representatives. Of our authority to choose a man to take charge of the public buildings that we make and provide every dollar that is expended upon I have no manner of doubt. I certainly think there is no more doubt of our authority to elect a man to take charge of them than there was, as suggested by the Senator from Vermont, to charge that duty upon a particular individual. I cannot conceive that there is any doubt of our constitutional authority over that question, and if I can get at that question when the bill comes into the Senate I will vote upon it. As the question now stands, I believe I shall be obliged to vote to retain this section and vote against striking it out, in order to get at that question in the Senate.

The PRESIDENT *pro tempore*. Did the Chair understand the Senator from Vermont as agreeing to the suggestion of the Senator from Ohio, to add a provision for $4,000 salary as a part of the amendment?

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The question is on striking out the second section as amended.

The motion to strike out was not agreed to.

The next amendment of the Committee on Finance was in line four hundred and eighty-one on page 21, to strike out "$20,000" and insert "and for continuing the construction of the distributing reservoir to its contemplated bottom, and protecting its banks with slope-wall laid in hydraulic cement, $150,000;" so as to make the clause read:

Washington aqueduct:
For the payment of the employés in the management, engineering, and repairs of the Washington aqueduct, and for continuing the construction of the distributing reservoir to its contemplated bottom, and protecting its banks with slope-wall laid in hydraulic cement, $150,000.

The amendment was agreed to.

The next amendment was to strike out from line four hundred and ninety-seven to five hundred and two the following proviso to the appropriations for the Columbian Institution for the Deaf and Dumb:

Provided, That deaf mutes residing in the several States and Territories of the United States, applying for admission to the collegiate department of the institution, shall be received on the same terms and conditions as those prescribed by law for residents of the District of Columbia, at the discretion of the president of the institution.

The amendment was agreed to.

The next amendment was in section five, lines two and three, to strike out "the same as that of the appraiser general of Boston" and insert "$3,000;" so as to make the section read:

SEC. 5. *And be it further enacted*, That the salary of the general appraiser in the city of New York shall be $3,000. And the salaries of the assistant appraisers at Boston, Philadelphia, Baltimore, New Orleans, Portland, and San Francisco shall be $2,500 per annum.

Mr. SPRAGUE. I should like to know the present salaries.

Mr. SHERMAN. The general appraiser in New York now gets $2,500; the general appraiser in Boston, $3,000.

The amendment was agreed to.

The next amendment was in section seven, to strike out "hereafter" before "paid," in line twenty-eight, and to insert "hereafter" after "advertisements," in line twenty-nine.

The amendment was agreed to.

Mr. FESSENDEN. There is one provision in the seventh section which escaped the attention of the committee. It provides that the Clerk of the House shall select in the States named, for the publication of the laws, "one or more newspapers not exceeding in number the number of Representatives to which they would severally have been entitled by the apportionment based upon the census of 1860." My impression is that the law as it now stands confines the publication to two newspapers in each State. I think it better to strike out, in line five, the words "in number," and after "number" to strike out "of Representatives to which they would severally have been entitled by the apportionment based upon the census of 1860" and insert "now allowed by law;" so as to read "not exceeding the number now allowed by law." I move that amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was to insert as an additional section:

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to pay to such assistant assessors as were actually employed in the collection of internal revenue in the rebel States prior to the 1st day of August, 1866, compensation at the rate prescribed by law, and an amount sufficient for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. TRUMBULL. I hope this amendment will not be adopted. This is an old subject that we have had before the Senate several times heretofore, and I think this proposition never met the approbation of the Senate. I hope Senators will give their attention to it and certainly not allow it to pass *sub silentio*. The Secretary of the Treasury, in open violation of law, against a positive statute, thought proper to appoint persons to assess and collect the revenue in the rebel States who could not take the oath of office. In other words, he appointed men who had been engaged in the rebellion to do the work of this Government in defiance of a positive statute. They were continued in office after Congress met; and now I am sorry to see that the Committee on Finance have reported a section in favor of paying these persons thus employed in violation of law, and authorizing the Secretary of the Treasury in his discretion to pay them. The language is:

The Secretary of the Treasury is hereby authorized to pay to such assistant assessors as were actually employed in the collection of internal revenue in the rebel States prior to the 1st day of August, 1866, compensation at the rate prescribed by law.

And it then proceeds to make an appropriation of a sum sufficient for that purpose. No such provision as this would be necessary if these officers had not been appointed and continued in office contrary to law. The law provides that a person who cannot take the oath shall not be paid. The Secretary of the Treasury knew this, and a provision is here made to pay these parties down to the 1st day of August, 1866, to the close of the last session of Congress. I think it is setting a very bad example to the officers of the Government if after they have violated the law, and violated it in so objectionable a form as this by employing rebels to do the work of the Government, that violation of law is to be set aside and the parties thus appointed to office to receive the same compensation as if they had been legally in office. There will be very little encouragement hereafter for officers to do their duty, and to comply with the law, if these dispensing statutes are to be passed to relieve them from the consequences of violations of the law.

Mr. SHERMAN. The facts that induced the Committee on Finance to report this amendment are very simple, and may be briefly stated. The Secretary of the Treasury, if I remember aright, in his annual report a year and a half ago stated that it was impossible for him in certain districts in the southern States to procure resident assistant assessors to discharge the duties imposed by law. The law required that every assistant assessor should live in the county in which he was appointed. Another law declared that no one should be appointed who did not take the oath prescribed by law. The Secretary stated in his report that he could not get such persons residents in many of the counties in the southern States, and was compelled, from the necessity of the case, to employ other persons, and to dispense to some extent with the oath required by law. An effort was made at the last session of Congress to modify the oath so far as the assistant assessors in rebel States were concerned; but Congress, by a decided vote, refused to modify the oath. In the mean time, however, these persons, not very many of them, but so many as were employed, continued to discharge their duties, and actually rendered efficient service to the Government

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as assistant assessors, and their claims were presented to Congress at this session and referred by the Senate to the Committee on Finance. After an examination of two or three of these claims, we found that the services had been actually rendered in good faith upon the appointments made by the Secretary of the Treasury, and had been continued until Congress had determined that money should not be paid to them, when they were promptly discharged, so far as the facts before us show. This amendment simply provides that until the time Congress determined that they should not be paid they shall be compensated for the services actually rendered.

Now, I would ask the Senate whether it would be wise or just to refuse these men payment for their services when those services were rendered in the discharge of their duty, as they supposed, by order of the Secretary of the Treasury in pursuance of law, when the services were, as it appears, faithfully and honestly rendered and the taxes assessed by these assessors were collected by the Government? Under these circumstances the committee thought it was not wise to refuse to these men payment for services actually rendered. Hence we provide that they shall be paid up to the 1st of August, and prohibited all pay beyond that, because we thought the Secretary of the Treasury was bound to respect and did respect the decision of Congress at the last session.

It may be said that these services were rendered without law or in violation of law. That was true, and it was admitted by the Secretary of the Treasury; but the necessity for it was stated and the services were actually rendered by these men. Their money was expended, and we have had the benefit of their services; we have collected the taxes assessed by them. These claims were supported by urgent letters from some of the leading loyal men of the southern States, among the rest by Joshua Hill, of Georgia, and by very many Unionists in Charleston, South Carolina, and perhaps by others. Under these circumstances the Committee on Finance thought it was but just to pay for services actually rendered up to the 1st of August, and from that time as a matter of course these persons cannot draw any pay. It is a question appealing simply to the equity and I think the justice of Congress.

Mr. SUMNER. The Secretary of the Treasury has been guilty of an illegal act; ay, more, sir, he has been guilty of a crime, and the Senator from Ohio is now seeking to cover it over. I use plain language, for it is only in that way that the conduct of the Secretary of the Treasury can be properly characterized. There was a law of the land as positive, as plain, as imperative as any law in the statute-book which prohibited the employment of any person who could not take a certain oath. In defiance of that statute the Secretary of the Treasury, in his insane policy of reconstruction, in that madness which visited him and the President whom he served, undertook to employ certain persons who could not take this oath. Complaint was made, and how did the Secretary vindicate himself? By a falsehood, by an untruth. I have his report in my hands, from which I shall read. In it he said:

"In most of the southern States nearly every man of the character and intelligence necessary to qualify him for a position as a revenue officer, some time during the progress of the war, either engaged in hostilities against the Government of the United States, or held (willingly or unwillingly) office under rebel authority."

Now, it is notorious, and there has been ample evidence before the Senate, that in every one of the southern States there were faithful Unionists, some of whom had borne the brunt of battle under your flag, who could have held every one of these offices. In face of that unquestionable fact the Secretary goes forward and appoints rebels; and then he adds to the enormity of his conduct by a declaration of the notorious untruth that there were not Unionists who could be appointed.

Sir, the Congress of the United States has been too patient under the misconduct of that officer. I had the honor at the beginning of the last session of calling the attention of the Senate to these very transactions, and I now hold in my hand the report of the Secretary which was made in answer to a call which was passed through the Senate on my motion. Senators may remember that at the time it was debated I say nothing now which I did not say then. The Secretary of the Treasury has been guilty of the grossest violation of law. Congress ought to have censured him in the most solemn way. Both Houses ought to have censured him for this violation of a law of the land. But now, at this late hour, the Senator from Ohio comes forward and asks us to pay the rebels who have been thus put in office in defiance of the laws of the land. Sir, if anybody is expected to pay them, let the Secretary of the Treasury pay them out of his own pocket. He is the offender; he has violated the laws of the land; let him pay for the violation. I am against putting my hands into the pockets of the good people of this country to pay for the misconduct of one of our public servants.

When an act is done in unconscious violation of law there may be an occasion perhaps for some kind of remedy; but here there was an open, flagrant, barefaced violation of the law of the land. All who are familiar with the history of the time know how notoriously and with what barefaced language he vindicated it. You see his report, which I hold in my hand, by which he also vindicated it, perhaps in less barefaced language than he notoriously employed in his daily conversation, but there it is, an open violation of the law of the land; and now, if I understand the Senator from Ohio, he proposes to pay down to a certain date, and what date does he select? The date when he assumes that Congress had determined not to change the oath. Why, sir, Congress determined originally on the 2d day of July, 1862, not to change the oath. It was on that day that the oath became the law of the land, and when it became the law of the land you had embodied in it the determination of Congress not to change it, certainly until the change was made. I submit, therefore, that there is no occasion now for us to put our hands into the pockets of the loyal people of the United States to make payment to rebels. If the payment is to be made, let the Secretary of the Treasury, who in violation of law undertook to appoint these men, pay it out of his own pocket.

Mr. CHANDLER. Mr. President——

Mr. SHERMAN. I trust my friend from Michigan will allow me to reply in a few words to the Senator from Massachusetts.

Mr. CHANDLER. This proposition is the substance of a bill which I originally drew.

Mr. SHERMAN. I know, but I desire now a few moments for the purpose of replying to the Senator from Massachusetts.

Mr. CHANDLER. Very well. I yield for that purpose.

Mr. SHERMAN. I have nothing to say with respect to the remarks of the Senator from Massachusetts in regard to the Secretary of the Treasury. It seems he has some difficulty with the Secretary of the Treasury, or some dislike to him, and he vents that dislike on every occasion, proper or improper.

Mr. SUMNER. The Senator will pardon me——

Mr. SHERMAN. I do not yield now.

Mr. SUMNER. I hope the Senator will not charge me with——

Mr. SHERMAN. I do not yield the floor. The Senator from Massachusetts has said that the Senator from Ohio endeavors to cover up a crime. Mr. President, it is not parliamentary language, and the Senator prides himself on using such. It is not gentlemanly language, and the Senator prides himself on using such. It is false. I have endeavored to conceal no crime; and I never did conceal crime in all my life. The same charge could be made in regard to every member of the Committee on Finance, and in regard to the Committee on Commerce which reported the same proposition at the last session, and also in regard to the Committee on Post Offices and Post Roads. It seems to me that it is too strong language to say that a Senator here in the discharge of his duty, in the advocacy of an important public measure, is covering up a crime. Certainly we did not seek to cover up a crime; on the contrary, the claim that is proposed to be paid by this amendment is as just as can possibly be made by any man under the circumstances by which these men were surrounded. These men, it is true, could not hold office under and by virtue of the provisions of a law in which I concurred, which met my hearty approval. I refer to the law providing that no man should discharge the duties of any office under the United States who could not take the oath of office. That was the law; but the Secretary of the Treasury in his annual report last year stated that on the close of the rebellion he could not find in some counties of the southern States proper men who could take this oath. Wherever he could find such men he employed them, but in some of the counties he could not find them. The Postmaster General made the same declaration. Why does not the Senator now abuse one of the honored citizens of my own State who made the same declaration?

Mr. SUMNER. Who was that?

Mr. SHERMAN. Postmaster General Dennison. He made the same declaration, and actually did appoint as postmasters in the southern States persons who could not take the oath of office, and they have actually been paid by appropriations made by Congress.

Mr. SUMNER. Does the Senator ask me the question?

Mr. SHERMAN. Certainly; and I will hear your answer.

Mr. SUMNER. If the Senator will have the goodness to go back to the debates at the beginning of last session, he will find that I criticised the Postmaster General as I criticised the Secretary of the Treasury, and that all the information on this subject was brought out on my call, whether it concerned the Treasury or the Post Office just the same.

Mr. SHERMAN. Then let us look at it. These men who could not take the oath of office were employed by two public officers, and the reasons for that action were given in their formal communications to Congress. Congress, with this fact staring them in the face, with full official knowledge that these men were going on in the discharge of their duties, that they were assessing taxes, took no action for months. No action was had by Congress until the close of the last session, and then in one of the appropriation bills by a definite vote Congress refused to recognize the validity of this employment, refused to pay the persons up to that time for the services rendered. In the mean time these men had performed the work; they had made out their assessment rolls, and on these rolls we collected money. We have appropriated and spent the money collected by these men, and now it is proposed to refuse them their pay. If my friend from Massachusetts should go to his house and see some negro man sawing a pile of wood, and he should allow that man to proceed until the employment was finished, would he then turn around and say to him, "I will not pay you for this because I did not employ you?" Would that be honorable or honest or just? Certainly not. The law would say that in such a case the Senator must pay for the cutting of the wood, because he allowed the person to go on in an employment beneficial to him and did not object to it. By the plainest principles of law he would be held responsible. That is precisely this case. These men rendered services, and we have availed ourselves of their services. We knew they were rendering the services and we made no objection to it. For five months they continued to render these services before Congress acted on the subject, and then Congress acted so as to deny the obligation.

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Mr. SUMNER. Allow me to correct the Senator there. Objection was made to these services; I think it was the first week of the last session of Congress. There was no occasion of course for a statute; all that was needed was to call attention to the existing law of the land, which I did from my place, and the Secretary of the Treasury was standing on the floor of the Senate Chamber at the time.

Mr. SHERMAN. Then the question is whether an assistant assessor discharging his duties in the State of Georgia would probably know what the Senator from Massachusetts said here in the Senate of the United States. On the contrary, would he not rely upon the official appointment of the Secretary of the Treasury, and go on in the discharge of the duties of his office? If the voice of the Senator from Massachusetts was so potent, he ought to have put it in the form of a joint resolution and have had the sanction of Congress. It was natural that the assistant assessor would go on in the discharge of his duties until he heard the potent voice of Congress. The Senator from Massachusetts, although eminent in his way, must not suppose that he is so potent that every word he utters here about an insignificant matter of this kind shall be heeded in the remotest parts of the Union, and that an officer of the law will act in conformity to his opinions instead of to the official documents before him signed by the Secretary of the Treasury. But I know the Senator spoke warmly. He does not really intend to repudiate what is a fair and just obligation.

I am informed by the honorable Senator from Maine, a member of the Committee on Commerce, [Mr. MORRILL,] that that committee have reported in favor of paying these claims where the service was actually rendered in certain cases. Some applications, however, were referred to the Committee on Finance, and we examined them and came to the conclusion that after the decision by Congress was rendered these men ought not to draw pay; and so far as we could learn, all of them were then discontinued; but up to that time we thought it was but just and right that they should be paid. The amount involved in this appropriation probably does not exceed $10,000. There are between fifty and one hundred assistant assessors who discharged duties under these circumstances. One of the claims sent to us amounts to $107, and others are for amounts equally small. For us to refuse to pay these little accounts it seems to me is carrying the doctrine of rebeldom and loyalty to an extreme. Even rebels might render service to the Government for which the Government might be willing to pay them. If these services were rendered in violation of law it is a mere appeal to our equity, and I submit to every Senator to say whether under the circumstances these men ought not to have their pay. If not they will besiege the Halls of Congress and will eventually get the whole amount through the Committee on Claims or by appeals in individual cases to the equity of Congress. I think we might as well settle the question at once, pay them, and dispose of the case.

Mr. CHANDLER. Last winter the Committee on Commerce introduced a joint resolution to pay these claims, and my impression is that the Senate passed it upon the ground that these parties were innocent persons, and that unless the Congress of the United States impeached the Secretary of the Treasury for crime Congress was bound to pay these claims; that the only criminal was the Secretary of the Treasury, who appointed them. These men accepted their commissions believing that they had a right to accept them, and under their belief they had that right. The Secretary of the Treasury, however, knew that he was committing a crime. The Senator from Massachusetts properly says that it was a crime, and it was a crime known to him when he committed it. He knew that these parties could not take the oath. He knew that he was violating the law in appointing them; but they, perhaps, did not know it. They were innocent individuals. The Committee on Commerce reported a joint resolution to pay them for their services, and my recollection is that the Senate passed that joint resolution. I may be mistaken, but that is my recollection.

Mr. SUMNER. No; the Senate never passed it.

Mr. CHANDLER. But if the Senate did it was defeated in the House of Representatives. In my argument a year ago I said that if the Congress of the United States did not impeach the criminal, the Secretary of the Treasury, it must pay the claims, the honest claims of these innocent individuals.

Mr. SUMNER. Allow me to suggest to my friend another way. Make the Secretary of the Treasury pay them out of his own pocket.

Mr. CHANDLER. He is not able; he is a pauper. He cannot pay one hundredth part of them. The Government cannot afford to take that position. Congress must either impeach the criminal and bring him to the bar of justice, or must pay the honest claims against the Government.

But, sir, these claims seem to have been transferred in some way from the Committee on Commerce and put into the hands of the Committee on Finance.

Mr. SHERMAN. And we came to the same conclusion.

Mr. CHANDLER. Very well, they ought not to have been transferred. The case should go back where it started, and I hope the Senate will reject it since it has been transferred. Let it go back where it belongs. It does not belong to the Finance Committee. It is properly in the hands of the Committee on Commerce, and if it is a just claim we will carry it through if we can. I hope, however, the Senate will not submit to the transfer, but will reject it in the hands of the Committee on Finance.

Mr. SHERMAN. I make my humble apologies to the honorable Senator for this question having been transferred from the Committee on Commerce to the Committee on Finance. It seems the Committee on Commerce very wisely came to a correct conclusion on the subject. I am only sorry the Senator did not press the matter to a final vote.

Mr. CHANDLER. The Senate did press it to a final vote, and passed it according to my recollection; but the other House rejected it.

Mr. SHERMAN. The Senator is mistaken. The Committee on Finance had nothing to do with having the matter sent to them. I hope the Senate will take that into consideration in deciding the measure of punishment that ought to be accorded to us. The subject was referred specially to the Committee on Finance without our motion, and it properly belongs to the Committee on Finance. I do not see how it ever went to the Committee on Commerce.

Mr. CHANDLER. It belongs to them.

Mr. SHERMAN. I think not. I do not see what the Committee on Commerce have to do with collecting the internal revenue, and I do not think anybody else can see that but the Senator from Michigan. I did not know before that the Committee on Commerce attended to the internal revenue, and I supposed that really was the chief business of the Committee on Finance; but as both committees have come to the same conclusion, I do not think there ought to be any controversy between us.

Mr. WADE. I feel no particular bias as to which committee considers this subject, nor do I feel at all interested about it. We did very deliberately and with a stern purpose pass a law that no person should be employed in this agency unless he could take a certain oath. That oath was published to the people of the United States. The law was as well-known to the people as any law that we require shall be obeyed. It is a well-known legal maxim that no man can plead ignorance of the law. Even in the sternest criminal cases a man who has violated the law is not allowed to come up in open court and say that he did not know there was any such law. The courts do not hear such an excuse, even when they are going to visit on a man exemplary punishment for a crime. Surely if the courts will not permit such a defense it ought not to be allowed in this case.

Mr. TRUMBULL. If the Senator from Ohio will allow me, I will state to him that these persons cannot even plead ignorance of the law; for they were informed in the communications of the Treasury Department that if they did not take this oath they could not be paid, and they went on knowingly.

Mr. WADE. I did not care to resort even to that kind of evidence, because if you let everybody off by a plea of ignorance of the law, as is attempted here, there would be very little use of passing any laws. I do not see how we can vindicate our own principles if we pay these claims. If the parties did not know that they were violating the law, it would be a hardship on them, to be sure; but it is one of those hardships that you cannot remedy without trampling the law under foot and giving universal impunity to anybody that see fit to violate it. There is the difficulty. I have no ill feeling against these people; but they did undertake to execute a business which you had sternly prohibited them by law from doing under a penalty; and having done it, it is now proposed, not that they shall be punished for their violation of the law, but to pay them for the work and labor they did in violating the law. If we do that they will hold us and our legislation in utter contempt. We cannot do it and preserve the dignity, authority, and power of Congress. I do not see how we can do it unless we mean to license all transgressions of the laws. If you pay these men for work and labor done in transgressing your law, how can you punish anybody for its transgression hereafter?

It is said these men have labored for us and they are equitably entitled to pay. No court on God's earth would permit such an obligation to be inferred. No man can raise an assumpsit to pay a debt for labor in violation of the law. If you do what is now proposed, you give universal immunity to everybody to transgress and violate your law. I do not see how you can do it; and I hope no man will vote for it who intends to vindicate the laws we lay down for the government of the country.

Mr. TRUMBULL. Mr. President, there is more involved in this than a few thousand dollars, $10,000 I think the Senator from Ohio [Mr. SHERMAN] said.

Mr. SHERMAN. The claims we have had presented to us are about from one hundred to one hundred and twenty dollars each, and I do not know how many there are.

Mr. TRUMBULL. It is not the amount of money that is involved in it, nor is it any desire, on my part certainly, to cast any imputation upon the Secretary of the Treasury. I have no unkind feelings toward that officer. I have not, and never have had, any other than relations of personal kindness with him. It is only as a public matter that I regard this as important. The loyal men of the South whom I have seen—and I appeal now to the Senator from Ohio and to the members of the Reconstruction Committee in this body for the truth of what I say—the loyal men of the South who have come here complaining of the condition of things there, have based their complaint upon the fact that offices in the rebel States have been filled by disloyal men. That is the great complaint on the part of our loyal friends all through the rebel States. And what has been the complaint in regard to the reconstruction policy adopted by the President? It has been that under that policy disloyal men have taken control of the political organizations in the rebel States. Certainly I would not care how the political organizations originated in a State if, when formed, they were in the hands of loyal men, and legislated so as to protect the rights of loyal men and of all alike. It would be immaterial how the organizations originated

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or who got them up in that event. Our complaint, and the question upon which we went before the people during the last canvass, was that under the policy of the President, the rebel States had been placed under the control of rebels. And now what do we propose to do? After having made this point; after having carried the country upon it; after having passed a bill through Congress at this very session disregarding the governments in the disloyal States, because they were in the hands of disloyal men, you propose to turn around and pay the officers who, in violation of your law, were appointed by the Secretary of the Treasury. Here is the importance of this question.

I recollect that early in this session I had occasion to present a memorial here from the loyal people of Louisiana; and I was furnished with evidence at that time, and stated in the few remarks which I then submitted to the Senate, that in the State of Alabama loyal citizens of that State were being taxed to raise money to pay the salaries of disloyal officers, of officers under the rebel government; and I recollect that I was informed at that time by a gentleman who had fled from his home to avoid conscription into the rebel ranks, and who afterward raised a regiment for our Army, that the very officer who commanded the squad of rebels that drove him from home when they were endeavoring to conscript him into the rebel service, had been paid a salary for his services while a rebel officer out of the money raised by taxation in Alabama since the conflict of arms had ceased; and now you propose to tax the people of this country to raise the money to pay rebels who held office in utter violation of your law.

It will not do for the Senator from Ohio to say that this was stopped as soon as the Secretary's attention was called to it. It was no inadvertence. One of the very first things which the Congress of the United States did after assembling a year ago last December was to pass a resolution on the 13th of December, 1865, calling for information in relation to persons in the employ of the Treasury Department who had not taken the oath prescribed by law. The Secretary of the Treasury responded to that resolution on the 5th of January, 1866. Again, on the 11th of April, 1866, nearly a year ago, we had another response from him, and I hold it in my hand, and there is upon one page of it a list of more than fifty persons in the employ of the Treasury Department who have not taken the oath, and the names are given.

Mr. SHERMAN. Let me ask the Senator whether Congress took any action upon that report?

Mr. TRUMBULL. What action was necessary? Must we repeat our laws? What action could we take?

Mr. SUMNER. Allow me to interrupt my friend there. In the debate on that report it was stated all around that no action was needed; that there was a law of the land which the Secretary was bound to obey.

Mr. TRUMBULL. I would ask what other action was necessary than to point the Secretary of the Treasury to the law. The law was quoted in the very resolution which was submitted in this body. I will read the resolution which the Senate passed, as I said, on the 13th of December, 1865:

"Whereas it is provided by act of Congress that every person in the civil, military, and naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of his office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe a certain oath in prescribed form; and it is further provided in another act of Congress (February 9, 1863, chapter twenty-five, section two,) that 'no money shall be paid from the Treasury of the United States to any person acting as an officer, civil, military, or naval, as salary in any office, which office is not authorized by some previously existing law, unless where such office shall be subsequently sanctioned by law;' and whereas it is reported that, notwithstanding these acts of Congress, certain persons have been allowed to enter upon the duties of office, and to receive the salary and emoluments thereof, without taking the prescribed oath, and certain other persons have been appointed to offices 'not authorized by any previously existing law:' Therefore,

"*Resolved*, That the Secretary of the Treasury and the Secretary of War be requested, so far as the records of their respective Departments allow, to inform the Senate whether any persons have been permitted to enter upon the duties of office, and to receive the salary and emoluments thereof, without taking the oath prescribed by Congress, or, if they have taken it, adding thereto explanations; and also whether persons have been appointed to any office 'not authorized by some previously existing law;' and if any persons have been so permitted or appointed, then to report if the same have received any salary or emoluments, and what they were, and out of what fund they have been paid, with the reasons for such permission or appointment, and also the explanations, if any, assigned by such parties at the time of taking such prescribed oath."

Could the Secretary misunderstand Congress when they called his attention to this law and said to him that it was reported or represented that persons had been appointed in violation of law, and he was called upon to say if that was so, and he sent his report here with the names upon one page of fifty-eight persons holding office in direct defiance of that statute which said that no person should enter upon the discharge of the duties of any office, civil, military, or naval, in the Government without first taking the prescribed oath? Now, the Senator from Ohio wants to know if we took any action. There was the statute. It need not be repeated. I trust it is not necessary to give line upon line and precept upon precept to a public officer as to his duty. It is enough if Congress has declared the law, and, when he violates it, points him to it and says, "Thus it is written."

But it is now proposed by the Finance Committee, which the Senator from Ohio represents on this occasion, to pay these officers, not up to the 13th of December, 1865, when this resolution was passed, not up to the time when the answer came in in January or in April, and the discussion took place, but to pay them until August, 1866, half a year afterward. Why, sir, we should cease in this body and before the people of the country complaining of the Executive of the United States, that he appointed provisional governors without authority of law, and afterward paid them without authority of law. We should cease complaining of the Administration or the policy of the President that it has inaugurated in power rebels, if we are prepared to pass a law here sanctioning the acts which have been done in appointing rebels to office, in defiance of law, by making an appropriation to pay them the salaries which the law said they should not receive.

Mr. DIXON. I do not desire to say a word in regard to the proper construction of the law to which the Senator from Illinois has alluded on the question whether this money shall be paid, but to allude to a single charge which fell from the lips of the Senator from Massachusetts with regard to the Secretary of the Treasury. He says he said precisely the same thing of the Postmaster General. I think he is mistaken. If I understood him this evening he said that the Secretary of the Treasury had not only been guilty of a violation of law, but that he had been guilty of falsehood—that was the word—actual untruth, that he had added to the violation of law falsehood. Now, sir, I am not here to say that what the Senator from Massachusetts has said is improper. I know too well the proprieties of the Senate to take upon myself to intimate that any Senator has said what he ought not to have said in this body; but I do say that the Secretary of the Treasury has not been guilty of untruth or of falsehood. I take issue with the Senator on that subject. Now, sir, I will read what the Secretary of the Treasury did say:

"In most of the southern States nearly every man of the character and intelligence necessary to qualify him for a position as a revenue officer, some time during the progress of the war either engaged in hostilities against the Government of the United States, or held (willingly or unwillingly) office under rebel authority."

That is what the Senator says is a falsehood, an untruth on the part of the Secretary of the Treasury. Now I take upon myself to say that the assertion is true, and that the Secretary therefore has been guilty of no falsehood, and that the remarks of the Senator from Massachusetts were not deserved.

Mr. NYE. I simply desire that it may be known that I am opposed to this amendment, and I am sorry to see the struggle between the Committee on Commerce and the Committee on Finance for the honor of the introduction of this measure. The measure itself is an insult to the loyal people of this nation. It is a downright wrong on its face, and in its essence and whole character. It is a base outrage to tax the maimed and wounded soldiers of the Federal Army to pay for illegal services rendered perhaps by persons from the rebel army, whose hands were red with loyal blood at the time they entered upon their official duties. It seems to me, in a word, that the Senate of the United States would perform an act that would do anything but redound to the dignity and the glory of this country by adopting this proposition. I undertake to say in mildest phrase that the Secretary of the Treasury was entirely mistaken when in his report he said that loyal men could not be found to discharge the duties of these offices. Sir, the last gathering of loyal men in the city of Philadelphia showed an army of loyalists who would not suffer in intelligence or integrity by comparison with any Senator upon this floor. The State of Alabama alone presented the scattered remains and desolated ranks of an entire regiment that had borne, not only the brunt of the battle, but borne the scorn and contumely of the men who came to gather taxes at their door. In mildest phrase, I repeat, the Secretary of the Treasury was mistaken when he said that. It cannot be that he looked for them. It is as patent as that the light shines upon us that this city was crowded with refugees begging, not for place, but for bread, that had been driven by the cruelty of these men from the States where these officials were doing their work.

But, Mr. President, these men were not officers. They were appointed in open violation of the law. It was no legal appointment. They knew what the law was. Not one of them had the power to enforce the collection of a dollar. Neither had the Government a bond from them that was worth the paper on which it was written. Overlooking in a word the entire Union population of those States, putting the men who had lorded over them with the sword to drain their last little pittance as tax-gatherers, with no responsibility to the Government, I should like to know how the Committee on Finance ascertained that they discharged their duties faithfully. To what tribunal were they bound to report? None. It was simply a license from the Secretary of the Treasury to illegally collect taxes that the Government could not coerce the collection of a single penny of.

Sir, in the name of common decency, and in the name of common propriety to the Union sentiment of the South, I protest against this legislation. It is wrong in itself, and I desire to record my vote against it. I know that the constituency whom I represent would feel wounded in their own person to have money wrung from them to pay red-handed rebels, illegally appointed, for services that they had no right to perform. The amount is nothing; but it is the character of the legislation to which I object. It is a recognition, a legislative recognition of a downright wrong. The Senator from Ohio said, very properly I have no doubt, that he would cover up no crime; that was not his duty, I do not believe the Committee on Finance intend to do that; but they have mistaken, I think, in a moment of generosity, what was stern duty in regard to this question. I am willing to trust the high sense of honor of the Committee on Finance; but while this proposition redounds to their generosity, it works a downright outrage upon the laws of this land, and the Senator from Illinois well

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remarked that we had better stop finding fault with the President for his illegal and improper actions if we here indorse the principle upon which he has acted.

Sir, I am content to record my vote against this measure, and I sincerely hope that this body will not adopt it. I hope that upon a review of the question it will so strike the Committee on Finance, who have the honor now of taking the proposition from the Committee on Commerce.

Mr. SHERMAN. The Senator from Nevada cannot be in earnest in saying we took this from the Committee on Commerce.

Mr. NYE. I leave that question to the Senator from Ohio and my belligerent friend from Michigan. [Laughter.]

Mr. SHERMAN. I have before me five papers which were referred to the Committee on Finance by the Senate.

Mr. NYE. I desire to relieve the Senator from any misapprehension. There have been papers enough here for all the committees.

Mr. SHERMAN. Here is one petition, in which the petitioner states exactly what he did in the ordinary form of a revenue return. It seems that Thomas D. E. Dudley, one of these petitioners, rendered his account in the regular form prescribed by the Treasury regulations for the amount of $115 58. This is certified to by the assessor, who was appointed and confirmed, no doubt a loyal man, for the first district of South Carolina. It seems that the amount of his assessments was about two thousand dollars. The amount assessed on the monthly list $125, on the annual list $595, on the special list $1,182; making about two thousand dollars collected on his assessments, and his account for services is $115 58. I have no doubt the Treasury of the United States received this $2,000, and it could not have been received but for his assessments. In his petition he states, whether truly or not, that there was no one in his district who could have subscribed to the oath.

Mr. SUMNER. Now I ask the Senator whether he can believe that?

Mr. SHERMAN. I will not say that I cannot believe any man who makes a statement until I know the contrary.

Mr. SUMNER. When any person tells me that in one of those districts there was nobody who could take the oath, I take the liberty to say that I do not believe it.

Mr. SHERMAN. In the State of South Carolina, where this man lived, I am not prepared to say that there was any person in one of the districts competent to discharge the duties of the office who could take the oath. No doubt all fell under its operations directly or indirectly; but I do not go into that question. Suppose it is true this man rendered service as assistant assessor, and he earned, according to the law, $115.

Mr. TRUMBULL. Not according to law.

Mr. SHERMAN. He could not take the oath; but by his services he has secured to the Government $2,000. Now, will the Government refuse to pay him $115, and at the same time keep the money that has been collected through his agency? I have done my duty. We had no doubt about the question, after full examination, in the Committee on Finance. It was an appeal to our sense of justice and our sense of equity.

Mr. SUMNER. I should not have said another word but for the remarks of the Senator from Ohio. He complained because I called the conduct of the Secretary of the Treasury criminal.

Mr. SHERMAN. Oh, no; I did not say anything about that.

Mr. SUMNER. I think the report will show that the Senator said a good deal about it; and then he complained because I went further and said that he had sought to cover up a crime. Now, I mean that there shall be no question between my friend from Ohio and myself on that. I do not suppose that my friend intends intentionally, if I may say so, to cover up a crime; but I do say that the effect of all he is now proposing to do is to cover up a crime, and a great crime, against the loyal people of this country. The Senator evidently does not feel very strongly on these questions. Those of us who listen to him in debate know that he feels less strongly upon them than some of the rest of us. He did not feel strongly when some of us felt it our duty to arraign the Secretary of the Treasury, now more than a year ago, for the crime he had committed. He was not aroused then; he did not summon to his mind those brave Unionists, all of whom were blasted by the conduct of this functionary here in Washington. He gave his sympathies at that time to the rebels appointed by the Secretary of the Treasury as he gives his sympathies to them now. Very well; I am sorry for it; I wish it were otherwise.

Sir, there is but one policy by which peace can be secured to this country. It is by cordiality and sympathy extended toward those brave Unionists who have been for so long a time looking for shelter under our flag. Alas! they have not yet found it. The flag has appeared within their borders; it has traversed their land; one bearing the name of the Senator from Ohio has carried it across their territory; but down to this hour that flag has failed to afford to the Unionists the protection which they have a right to expect. And now, sir, that protection, let me say, can be afforded only by requiring obedience to the laws of the land. We have already enacted, so far as we can do, a statute providing military protection for their protection with some elements of reconstruction. Must not that statute be obeyed? Is it to be trifled with? Is it to be set at naught? The Senator from Ohio sets an example of trifling with the laws of the land. I insist that the laws of the land throughout that whole region, so far as they are calculated to provide protection for the loyal people, shall not be trifled with. And now let us on this occasion set an example; let us teach the functionaries here that the laws must be obeyed; let us teach the loyal people throughout those States that they may look to the laws of the land for protection. It is in this spirit that I object to any such payment as is now proposed.

I have already said that if the payment is to be made it should be made by the criminal. Let the Secretary of the Treasury pay for the agents that he has employed in defiance of law. The Senator from Michigan says that he is a pauper and cannot pay. I know nothing about that. I only know that he is a great offender, who ought to be held to account. In the discharge of my duty here now to the measure of my ability I do hold him to account.

I will not, however, travel with these facts and characterize that officer further. Perhaps some other occasion may come yet when I may express my mind more freely with regard to him.

The Senator from Ohio says that I have some personal unkindness to the Secretary. The Senator does me injustice. I judge the Secretary by his acts. It is now something more than a year ago that I had occasion to denounce him for this very transaction which I now drag again into the Senate Chamber. Since then other incidents have occurred, all of the same character, showing how radically unworthy he is of public trust.

Mr. BUCKALEW. Mr. President, I believe the members of this body speak under the protection of the Constitution of the United States, and for language uttered here they cannot be called in question in any other place unless indeed it be in the forum of public opinion. The Senator from Massachusetts in denouncing a high officer of the Government as a criminal and ringing the charges upon that word, and the Senator from Michigan, perhaps with still more elevated taste, in informing us that he is a pauper instead of a high official of the Government, speak without any responsibility to the individual whom they assail. They cannot be called to account except here, and called to account only by way of debate.

I propose to show that the charge to which I first adverted is unjust. I do not think it is my business to investigate the pecuniary condition of the Secretary of the Treasury as a citizen of this country.

The employment of persons who were not qualified to take the oath prescribed by the act of July, 1862, was wholly discontinued when the action of Congress took place in July, 1866. No such persons have been employed in the public service since Congress expressed their opinion at that time. The employment of these persons was about the time of the conclusion of the war and for a brief period afterward, when the condition of things in the southern country was unsettled, and when it was necessary for the Treasury Department, by energetic and prompt action, to extend our revenue laws over that portion of the Union. Men described as "loyal," in the parlance of the times, and described as such, too, in our legislation, were appointed to those offices; a great part of them from the northern or central States. They were sent down into the southern country, some by Mr. Lincoln and some by his successor, in the latter part of 1864 and in the summer of 1865. These assessors sent there, and toward the latter portion of this period persons selected in some of those States that had been disloyal during the war were all qualified, as I understand, and all took the oath prescribed by the act of 1862; but in proceeding to their districts for the purpose of executing the laws, performing the duties with which they were charged, they found themselves unable to put the laws into execution because they could not obtain the proper assistance. They reported to the Secretary of the Treasury that it was necessary to employ certain persons who were competent and in whom they could confide to assist them; and it was upon these reports and applications that the selection of these subordinates was made. I have just looked at the list which the Senator from Illinois [Mr. TRUMBULL] held in his hand, and every one of the officers in that list, I think fifty-eight in number, are assistant assessors. None of them are principal officers.

Mr. SHERMAN. No collectors or assessors.

Mr. BUCKALEW. No collector or assessor in the whole southern country was appointed from among those persons who could not take the oath prescribed by the act of July, 1862.

Now, sir, what was the alternative presented to the Secretary of the Treasury at that time? It is proclaimed here that he broke the law. Consider that it was his duty to execute your revenue laws. That was a duty charged upon him by his official position; and if he had failed to apply his best efforts, put forth his best exertions for the purpose of executing the laws, he would, in the coarse and rude language of this debate, have broken the law, and to that extent would have been criminal. He had an alternative presented to him. It was that the revenue laws should not be executed, or that he should temporarily employ persons in the execution of those laws who could not take the test oath of 1862. So much, sir, with regard to the condition of things when he was called upon to act on this subject.

At the meeting of Congress in December, 1865, to a resolution promptly introduced and passed here, the Secretary responded and responded frankly. He told us precisely what he had done; he described the circumstances under which he had acted; he informed us of the necessities of the case; and he submitted the whole subject to the judgment and opinion of Congress; and when afterward Congress did act and declared in the summer following, some eight months afterward, that it was its opinion that no such person, even in subordinate employment, should be in the service of the Treasury, the entire practice of employing such persons was discontinued. That is the plain narrative

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of the conduct of the Secretary of the Treasury in this matter.

Now, sir, what as to these persons who were employed? Of course they were not officers. The law does not prevent the appointment of such persons, but they cannot legally act as officers, nor can they draw pay until they take the oath. The taking of the oath is not a qualification to appointment in the first instance: it is a qualification to the exercise of duties. In the first place, sir, observe that the law has never been violated or impinged upon in the slightest degree as to payment of salaries. Not one dollar has ever been paid for this service. That payment is forbidden by law, and so far the law has been strictly kept. As to their being officers, as to their authority to act in collecting taxes, I have a clear opinion about that. Suppose that a collector in the State of Georgia had reported to the Secretary of the Treasury that he could find no assistants to collect the taxes in his district, could not the Secretary of the Treasury, under such a state of facts, have sent down three or four clerks of his Department to pass around and collect the taxes in a district, and if the people submitted to it, if there was no question there and the taxes were paid and returns made through the regular principal officer, to wit, the collector, would not the proceeding have been legal? It would not have been breaking the law; it would have been an act of necessity. These subordinates of the collector who actually performed the duty would not have been legal officers; but their acts being acquiesced in, there would have been no room for complaint; there would have been no violation of law.

Now, what more was done in this case? Instead of the Secretary sending down a clerical force from his own bureau to assist his officers there, he allowed the assessors to name certain assistants in their districts. Those persons so appointed, in my opinion, violated no law at all in making assessments, and they would have violated no law in making voluntary collections also. The only difficulty in the case would have been, if any tax-payer had resisted the assessment and collection of tax from him, it could not have been perhaps imposed or exacted. The thing was voluntary on the part of the people, and if complaint ought to be made in any quarter with reference to the employment of these assistant assessors, it would be a complaint by the people there upon whom our taxes were charged. There was no law of ours broken. The only effect of those persons proceeding to perform their duties without taking the oath was that they could not enforce their jurisdiction; they were not legal officers; the proceeding was voluntary; they acted simply in the capacity of citizens and in a voluntary manner.

Let me mention a case. Here was an assessor appointed from the State of Kansas, a loyal man there, and sent down to the State of Georgia. He was appointed by Mr. Lincoln, and it was upon his recommendation that several of the persons that are arrayed in this list were engaged as assistants to assist him in the performance of his duties; and I presume that was the case with reference to every other principal assessor who went to that section of the country at that time.

The Senator from Massachusetts carefully avoids in this debate noticing the fact that the Secretary of the Treasury was not alone in his proceeding; that the Postmaster General at that time, under the necessities of the occasion, was obliged to employ persons to attend to the mails in the southern country without taking the oath of office.

Mr. SUMNER. I hope the Senator will excuse me. When I was interrupted before I stated that I believe the fact is the other way. I think, in reply to a call of the Senate, he distinctly stated that he had not employed any such person.

Mr. BUCKALEW. I recollect very well that the Postmaster General responded to the inquiry of the Senate that, in his opinion, there was a necessity for the employment of such persons.

I have but a few words to add. I only speak because this debate ought not to go into our published proceedings without a further statement of the points which constitute an answer to the large amount of declamatory matter to which we have listened. This employment of subordinate revenue officers in the southern country was clearly in good faith, for the purpose of promoting the public interests. What was the object of it? It was to impose and to collect taxes and bring them into the Treasury of the United States. This was the object. It was not to favor rebels; it was not to favor the people of the South; it was to favor our own Treasury; it was for the advantage and for the interests of the United States that this whole proceeding was conducted. Why then such heat and warmth? Why these appeals to popular passion against this proceeding? It was but temporary. It was to meet an exigency in the public service which has passed by, and which will not again recur.

I must remark another thing. This subject was brought up and discussed most thoroughly at the last session of Congress. The Senator from Massachusetts said then all that he can say upon this whole subject, and he had the advantage, if not the pleasure, upon one occasion of speaking in the presence of the Secretary himself, and of speaking with his utmost warmth, and conveying, perhaps to unwilling ears, the entire body of opinion which he held upon this subject. I think the Senator might have been satisfied with the delivery of that triumphant piece of rhetoric with which he assailed this high officer of the Government in this Chamber. He might have been satisfied with the impression which he then produced upon the Senate and upon the country, and have spared us at the present session a repetition of the debate. He might have supposed that we understood what his opinions were on this question and his eminent capacity for turning this proceeding of taxing rebels and collecting revenue into the United States Treasury into a piece of favoritism to the southern people, and of criminal conduct in their interest by our Secretary.

Mr. CHANDLER. The Senator from Pennsylvania says that I have made certain charges against the Secretary of the Treasury; among others that he is a pauper. Well, sir, that was a comparative term. The claims that would be brought against him under the suggestion of the Senator from Massachusetts would amount to millions. As regards his ability to pay those claims he is a pauper, unless he has stolen more than I think he could be able to steal during the time he has been in office. He may have been worth when he came here a few thousand dollars, or a hundred or two hundred thousand dollars; I do not know; but these claims that the Senator from Massachusetts proposes he shall pay amount to millions; and comparatively, therefore, he is a pauper. He could not pay ten cents on the dollar of the claims that would legitimately arise against him under the suggestion of the Senator from Massachusetts. I did not mean that he could not buy a loaf of bread. He was worth a little something. He had been a cashier or president or something of a little bank out in Indiana; and came here as a clerk, I believe, at two or three thousand dollars a year; I do not remember how much.

Mr. SUMNER. Three thousand dollars a year, I think.

Mr. CHANDLER. Three thousand dollars a year. It was his highest ambition, sir; but it was beyond his merits; it was too high for him. He was not equal to the clerkship; but through the favoritism of a very good man he was promoted; and then, sir, he lost his identity.

Mr. BUCKALEW. If the Senator will permit me, I have one very modest question to ask. I should like to know what clerkship the Secretary of the Treasury filled in the Government?

Mr. CHANDLER. Commissioner or Comptroller of the Currency, I believe.

Mr. BUCKALEW. I was not aware that the Comptrollership of the Currency was a clerkship.

Mr. CHANDLER. Certainly it is a clerkship at $3,000 a year. It was too high a salary. He was not worth it. [Laughter.] Fifteen hundred dollars would have been enough for him; all he could earn. I would not give him over $1,000 a year to be the teller of my bank in Detroit. [Laughter.] He is not fit for it. He is perhaps fit to manage a little bank out in South Bend. I think he could, with a good board of directors, manage a little bank of $100,000 capital admirably; but if he were in charge of my dry goods store in Detroit he would sink the institution in twelve months. [Laughter.] He is not fit to manage it. He does not know enough about finance to run a dry goods store in Detroit. [Laughter.]

Well, sir, he was not a pauper; he was worth a little something; but when the Senator from Massachusetts proposes that he shall pay these illegal claims, they would swamp all that he ever was worth or ever hoped to be worth.

The Secretary of the Treasury was very well in his place. As a clerk in the Treasury Department under the direction of a competent Treasurer he was very well; but when, through the partiality of the President, he was made Secretary of the Treasury, he lost his balance and turned politician. Well, sir, he is a better politician than he is Secretary of the Treasury.

Mr. SUMNER. He is a very bad politician.

Mr. CHANDLER. He is a worse Secretary. He knows literally nothing about politics and less about finance. [Laughter.] As a politician the country will judge him; as a financier I judge him.

The Senator from Pennsylvania says that charges have been made here because we are protected. Mr. President, I never made a charge here under the protection of privilege. Every charge that I ever made here I was prepared to make elsewhere and everywhere; and I claim no privilege. I never make a charge here that I am not prepared to publish to the world under my own signature; and if the Secretary of the Treasury takes exception, let him; that is all.

Sir, the Secretary of the Treasury knew, or ought to have known, when he made these appointments that they were illegal; and he knew that he made himself liable to impeachment when he made them. He knew that they were in direct violation of law.

Mr. President, the world has been moving for the last six years. In 1861 this Congress was not prepared to say that slavery should be abolished. In 1862 it was not prepared to say that our armies should not deliver slaves back into the hands of rebels. In 1863 it was hardly prepared to sustain the proclamation of emancipation of Abraham Lincoln. In 1866 it was just prepared for the constitutional amendment, and not any more. In 1867 it is prepared to insist upon the constitutional amendment and negro suffrage and the abolition of the rebel provisional governments. So it has decreed.

In 1861 the rebels were not obliged to us for any concessions that we made. They said it was from cowardice that we made any concessions of humanity or anything else. In 1866 I was prepared to advocate, and did advocate, a bill to pay these rebel claims. The Senator from Nevada has satisfied me that I was mistaken. These men knew that they were not officers of the Government. The Secretary of the Treasury knew that they were not officers of the Government. No man was obliged to pay taxes to them as officers of the Government. I now take back all that I said in 1866 in advocacy of this proposition, except that the Secretary of the Treasury should be impeached for his illegal acts. Then I said that he should be impeached or we should pay.

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I believed it, sir. I then said that unless we were prepared to impeach the criminal, we ought to pay these honest men. But, sir, I am now satisfied that these men have held office for a full year after that declaration was made, and I shall now vote against paying them one single cent. They knew they were not officers of the Government, and they had no right to collect a dollar under the law if they were not officers of the law. I hope, sir, that this proposition will not pass at all now.

Mr. LANE. Mr. President, it is certainly a somewhat novel position for me to occupy as a defender of the Administration or any member of it; and yet I feel impelled on this occasion to say a few words in vindication of the high standing and integrity and truth of the Secretary of the Treasury. I have known him for thirty years. No man in the State which I in part represent came here with a higher character than he did; he is regarded as an honest, efficient, and able man. Instead of being the cashier or clerk of an inconsiderable bank in the State of Indiana, for many years he was the president of the State Bank of Indiana with some twenty-five branches, and a capital of three or four million dollars, and managed it with great success. His management of that bank was doubtless the reason of his being selected as Comptroller of the Currency, selected by Mr. Lincoln upon his own motion, from personal knowledge of his character as a business man, an honest man, and an upright citizen. The position was not sought by Mr. McCulloch. He came here with great reluctance. After two years' experience as Comptroller of the Currency he was selected by Mr. Lincoln as Secretary of the Treasury, and no man perhaps knew him better or more intimately than did Mr. Lincoln. I cannot then sit quietly by and hear him denounced as a man wanting in truth, wanting in integrity, and having committed a great crime.

I shall not enter into the argument of this case further than to say this: I think as Secretary of the Treasury he violated the law, perhaps, in the appointment of these subordinate officers; but in his case there was a conflict of duty. It was his sworn duty to collect the revenue and enforce the revenue laws. Loyal men were appointed collectors and assessors in every single instance, but were unable to carry out the objects of that appointment without the assistance of some persons known to the community where the officers were stationed. These officers were not appointed by Mr. McCulloch in the first instance. They were appointed upon the recommendation of loyal collectors and assessors. They were not officers in any sense; they were not officers under the act of 1862. The only revenue officers recognized by that law are assessors and collectors for each congressional district. It is true they have a right to appoint assistant collectors with the concurrence of the Secretary of the Treasury, but these assistant collectors are in no sense officers. What is an officer? A man appointed to discharge the duties of a certain office, the duties of which are limited and established by law. No such duties are prescribed and established by law to be discharged by these assistant collectors and assessors. The whole duty devolves upon the principals, and they alone are the officers. These others are more agents, selected for convenience.

But suppose the Secretary of the Treasury made a mistake; is that a crime? Suppose he acted, as we believe, in contravention of the law of 1862. There was a conflict of duties. One duty was to obey the one law; the other, to obey the other. There was an anomalous condition of things in the country. These two duties were inconsistent, and he simply chose between them. I think he made a mistake, though I am not clear as to that, for I think the proof will show that not one single assessor or collector was appointed who could not and did not take the oath.

Now, sir, I do not feel like recognizing payment to these rebels who cannot take the oath, and yet I see a very strong equity in their case. When they were appointed they supposed that their office was legal. They were, perhaps, uninformed as to the law. I recognize the old law maxim, that ignorance of the law can excuse no man; and perhaps in strictness, in technical law, they might not in a court of law, as between individuals, recover their compensation. But here are poor, obscure deputy assessors and collectors, who have discharged duties to the Government where the whole charge for their services is less than $10,000, and where millions have been collected in your Treasury. Does it become a great, just, generous, magnanimous nation to turn around and make a technical point upon a hundred and twenty-five dollar account of a deputy whose services are certified to by your own assessors and collectors appointed by the President and confirmed by this very Senate? Every one of these collectors and assessors swore to the justice of this account, and you turn around and say you will not recognize the affidavit of your own officers, confirmed by yourselves, and will make this technical point against a petty deputy assessor whose account is only $125.

Any gentleman who will read these papers will see the strong equity of the case, even though he may fail to apply technical law learning to such a case. One of them I saw but a moment ago, certified to by our own collector, appointed and confirmed by your own Government. He was a member of the South Carolina Legislature, voted against the ordinance of secession, voted against sending troops to Virginia; but at a later stage of the rebellion he gave some aid to it, and therefore could not conscientiously take the oath; and the very moment the oath was presented he resigned his office. You owe him $121, and you will not pay him for fear you are encouraging rebels and acknowledging the sovereignty of the rebel States! This hundred and twenty-one dollar account, for honest service honestly rendered, is too little a point to make, as it seems to me, as acknowledging the sovereignty of the southern confederacy. I cannot see it in that light.

But I rose simply to enter my protest against this charge of want of honesty or want of integrity or ability on the part of the Secretary of the Treasury. God knows I see little enough in this Administration or in any of its *personnel* to vindicate and justify. It may be that a mistake has been made here; but that Mr. McCulloch in that report to the Senate uttered a deliberate falsehood I will not and cannot believe. What was the statement? That he could not get assistant assessors and collectors who could take the oath. Suppose he could have got hundreds; but suppose he had been misinformed, and really believed what he said in the report; is there any falsehood in that? Is there any crime in that? Suppose he simply chose the alternative between a conflict of duty and the enforcement of two laws; is there any crime in that?

Mr. WILSON. I move to amend the amendment by striking out all after the word "that" in the first line and inserting:

> In employing persons who could not take the oath required by law as assistant assessors in the rebel States in the collection of internal revenue, the Secretary of the Treasury acted in violation of law; but the persons so employed being guilty of no offense are entitled in equity to be paid for services performed; and the Secretary of the Treasury is hereby authorized to pay to such assistant assessors as were actually employed in the collection of internal revenue in the rebel States prior to the 1st day of August, 1866, compensation at the rate prescribed by law; and an amount sufficient for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CHANDLER. There seems to be an entire misapprehension with regard to this whole case. It is not the assistant assessors who are at fault; it is the assessors themselves; men appointed who could not take the oath, and who it was known could not take the oath. It will be remembered by nearly all the Senators in this Chamber that a year ago last fall the Secretary of the Treasury sent in a bill to relieve these men from taking the oath; and his claim to me was that he supposed Congress would annul or mitigate the oath, and parties were appointed whom he knew could not take the oath. They were not assistants, not subordinates, but the principals; and this provision applies not to subordinates, but to principals and their subordinates. Wherever he appointed a rebel, that rebel appointed rebels to act under him. Wherever he appointed a loyal man, that loyal man appointed loyal men to act under him.

I repeat, sir, this provision applies not to subordinates, it applies to principals and subordinates. I ask any Senator in this Chamber to point me to a case where a truly loyal man was appointed as principal, where he appointed a rebel as a subordinate. The principals and the subordinates are together; and, sir, let them together stand or fall. Rebel principals appointed rebel subordinates. Loyal principals appointed loyal subordinates. I know of no instance where that rule was reversed. I ask any Senator on this floor to point me to a case where a truly loyal principal appointed a rebel subordinate. Sir, the whole thing is an assumption——

Mr. BUCKALEW. As the Senator is putting that question in so confident a manner, I point him to the very case which I mentioned: the appointment of an assessor in Georgia from the State of Kansas, known to the Senators from that State. I spoke of it in my remarks a few moments ago.

Mr. CHANDLER. Who was the principal and who the subordinate?

Mr. BUCKALEW. The list shows who the subordinates were. I do not know the names. The Senator from Illinois [Mr. TRUMBULL] has the names.

Mr. CHANDLER. Well, sir, I can point you to a worse rebel in Michigan than you can find in South Carolina; but I have yet to hear of the first truly loyal man who has ever appointed a rebel as a subordinate. Now, sir, in Tennessee, in South Carolina, in Georgia, in Louisiana, wherever a truly loyal Union man was appointed he found truly loyal Union men who could take the oath as subordinates; but in South Carolina, in Louisiana, in Tennessee, or anywhere else, wherever a rebel was appointed he appointed none but rebel subordinates; and it is the same in Michigan. Where ever Andrew Johnson has appointed a copperhead in Michigan, that copperhead has appointed copperhead subordinates; and I prefer a South Carolina rebel to a Michigan copperhead. A Michigan rebel is worse than a South Carolina rebel. Sir, if I have got to take either, and the appointments show that we must either accept or reject them, give me a South Carolina rebel and traitor, but God deliver me from a Michigan copperhead.

Mr. CRAGIN. I understand the Senator from Michigan to say that these principals are the ones who are really guilty.

Mr. CHANDLER. I do.

Mr. CRAGIN. I ask him if they were confirmed by the Senate of the United States?

Mr. CHANDLER. No, sir; they were not.

Mr. SUMNER. Never; not one of them.

Mr. CRAGIN. Then they were never in office.

Mr. CHANDLER. No, sir; they never were in office.

Mr. FESSENDEN. This debate, if debate it may be called, the principal part of which consists of personal abuse, and language that certainly is very seldom heard on the floor of the Senate as applicable to anybody, has taken so singular a range that I really feel called upon from the position which I occupy, and which necessarily brings me in connection very much with the Secretary of the Treasury, to say a few words.

Let me call the attention of the Senate to the facts in this case. They are very simple. We passed a law which provided that if anybody should be appointed to any office he should take a certain oath, and that if he could not take

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that oath he should receive no pay for his services. That was substantially the law that we passed. After the adjournment of the last Congress, when the rebel armies surrendered, the Secretary of the Treasury and the Postmaster General, on examining the condition of affairs in the conquered country, the rebel States, found, as they thought, that they could not get fit men in some portions of those States to discharge the duties of assistant assessors and deputy postmasters without selecting men who could not take that oath. They deemed it very important to open communication with the rebel States, so called, as soon as possible; and accordingly the honored citizen from Ohio, who was then Postmaster General, selected certain men in certain portions of that country who could not take the oath, and appointed them deputy postmasters.

Mr. SUMNER. Will the Senator allow me to interrupt him there? The Postmaster General, in reply to our call, distinctly stated that he had made no such appointment.

Mr. FESSENDEN. It is an admitted fact that he did make those appointments. They were made, at any rate, from the Post Office Department.

Mr. SUMNER. His reply was printed by the Senate.

Mr. FESSENDEN. I have seen no such reply. You are speaking about the recent reply we have had from Mr. Randall.

Mr. SUMNER. No; about the reply made at the beginning of the last session. It was in reply to a call moved by myself in the Senate.

Mr. FESSENDEN. I took the statement from the Senator from Ohio.

Mr. SUMNER. He was mistaken, entirely mistaken.

Mr. FESSENDEN. I think he was not; but, nevertheless, suppose he was. The Secretary of the Treasury came to that conclusion with regard to certain minor offices, and he laid the matter before the Cabinet. It was a matter of very great consequence that the communication should be opened, that the laws should be enforced, that our revenue system should go into operation, and that it should go into the hands of honest and competent men. Under those circumstances, making no concealment at all, on consultation the Secretary of the Treasury concluded to take the risk and appoint certain men that he knew could not take the oath to fill these important offices, but minor offices, to collect the revenue in some portions of that country. At the very beginning of the next session of Congress he laid the matter before Congress and stated what he had done. He stated it openly. There was no concealment; there was no attempt at concealment, and no desire for concealment in reference to the matter. He informed the persons whom he appointed that if they took those offices they must take them at the risk of not being paid; that he could not pay them, because it was against the law; but if they choose to take the risk under the law of Congress, and perform the duties, and perform them faithfully, he thought Congress would be willing to pay them. He thought, probably, at that time as many others thought, that the oath, in its full extent, would not be exacted in those States of all men who should happen to hold these comparatively unimportant offices. That is the simple fact about it.

Now, sir, I have spoken of this matter before at a previous session, and perhaps at this session; and I stated then that perhaps if I had been Secretary of the Treasury I might have concluded that I would let the revenue go rather than undertake to make such appointments. The Secretary came to a different conclusion; and I do not know but that in coming to that conclusion he manifested more manliness than another man would have manifested who would have refused and let the interests of the country suffer rather than do what the Secretary did and what he thought best to do.

Mr. HOWE. Will the Senator allow me to inquire if there was any difficulty, if the law required that these assistant assessors or any of these officers should be residents of the localities?

Mr. FESSENDEN. The law requires the assessors and collectors to be. I do not remember about the assistant assessors, but I believe it requires the same thing of them.

Mr. HOWE. That they shall be residents of the locality?

Mr. FESSENDEN. I have that impression; but at any rate, it is not probable that you could get loyal and fit men from the northern States to go down into a rebel State and take all the risk of it for the pay of an assistant assessor; and besides, to do this business well and collect this money you must have men who are acquainted in the vicinity and who can live in the vicinity, and who are known to the people of the vicinity. Sir, I am not prepared to say at this moment that in coming to that conclusion, if he came to it honestly and for these reasons, the Secretary of the Treasury did not manifest more manliness than another would have manifested who had said, "I will let the interests of the country suffer rather than try this experiment, and trust to the magnanimity and sense of justice of Congress under the circumstances in which I am placed with regard to this matter."

And now, sir, because he has done that, and says that, and gives that reason, and gave it then, that he could not find the men, on his statement the honorable Senator from Massachusetts gets up here in his place in the Senate of the United States and says that he has stated a falsehood. Sir, the Senator from Massachusetts had no right to make that statement. He has no evidence on which to make it.

Mr. SUMNER. I beg the Senator's pardon; I have.

Mr. FESSENDEN. The Senator says he has, but we have not heard it. He takes it for granted, because he says they can be found. Who knows that they can be found to this day?

Mr. HOWE. Will the Senator allow me to inquire how these offices have been filled since the 1st of August last?

Mr. FESSENDEN. That is more than I can tell you. That is a matter I have not inquired into.

Mr. NYE. Were there not loyal men enough in the loyal States to fill them?

Mr. FESSENDEN. That is very true, and that is a question for the Senator to answer. I am not responsible for that effort any more than the Senator is; and on that he and I perhaps agree. But the Secretary's opinion was as I state. Now, sir, I undertake to say that if any man in this Chamber, who belongs to the Radical wing, as it is called, of this party of ours, had been in the same situation as the Secretary of the Treasury and had come to the same conclusion, neither the Senator from Massachusetts nor any other man would have opened his mouth; it would have been all right, the whole of it. In saying that I include myself; I believe that if I had been there and had taken the same course he did in this matter, and had not taken the same course that he has politically, the Senate would have found no fault with me about it. They might have overruled me, but I should not have been accused of lying or had any other of these foul-mouthed accusations made against me.

But, sir, what I object to is the language that is used in connection with this thing. I believe that the Secretary of the Treasury at that time in doing what he did acted with the most perfect integrity and honesty, and with a single view to collect the revenues which ought to be collected there, and to carry out what he believed to be for the good of the body-politic, and no other reason. I have always believed it. I believe it now; and I do not hesitate to say so here; and I do not think these railing accusations ought to be brought against him on that account.

Sir, unfortunately perhaps for the Secretary of the Treasury, he has not thought as we think with regard to certain political questions that have arisen here, and perhaps he has been quite as open as he ought to be in expressing his opinions on those subjects. There is the "head and front of his offending." Now, sir, while I differ with him on those points, and while I do not approve his opinions in relation to those matters, I do not think it just to get up here in the Senate and abuse him and attack his character for integrity, which has never yet been assailed where he is known. I know that he is not a favorite with the party to which I belong; but, sir, I would do justice to any man in that position. Had there been a man we call a copperhead, my friend from Pennsylvania, [Mr. BUCKALEW,] or any of his kith and kin, in the same position, acting in the same way, so long as I believed in his personal integrity, I would have defended him as I defend Mr. McCulloch on this floor for what he did in relation to that matter. I do not believe the country will be convinced by using hard words and calling hard names with regard to any man, that therefore there is ground of accusation. Sir, making so much, or attempting to make so much out of this matter shows, in my judgment, the violent straining after something to find fault with and something to abuse a man for.

The Senator from Michigan has also made a very violent attack upon the Secretary of the Treasury. I do not propose to reply to it. It was made in terms and in language that I cannot possibly reply to here. He is the judge of the proper kind of language for him to use, and it is not for me to characterize it. But, sir, one thing I will say, I differ with the Senator entirely when he speaks of this high officer as a man who would make a very good clerk, and who came here as a clerk, and that was all he was fit for, after having a little bank out in Indiana. Indiana, I suppose, is not so great a State as Michigan. I do not know how that may be. If it was not for fear of offending somebody, I would say it does not send such great men here; and I mean no offense to Indiana in any way. But, sir, such as it was, I believe he was at the head of one of the greatest banking institutions of the West, and managed it with distinguished ability; and when he came here, it was not as a clerk, it was as the Comptroller of the Currency, a most important office, then just created; and, I believe with the common consent of all men, he managed that new office, put it in execution, controlled it, did all that his duties required of him in it with distinguished ability. I know he did it to the entire satisfaction of the distinguished Secretary of the Treasury who appointed him, and to the entire satisfaction of the undistinguished Secretary of the Treasury who succeeded the one who did appoint him. I know, moreover, that while that undistinguished person to whom I refer held the office he found in Mr. McCulloch a safe and prudent and able and most honest and upright adviser and friend; and having found him so, he is not disposed to stand here or in any other place and hear him reviled and abused as a man merely fit to be a clerk.

The honorable Senator spoke of his having a little something, being worth a little money, and he seemed, as he said, "I judge him as a financier," to have come to the conclusion that a man must be considered a financier exactly in proportion to the depth of his pocket. Let me remind the distinguished Senator from Michigan that the greatest financier perhaps that ever stood at the head of our national Treasury, Alexander Hamilton, lived and died a poor man; and some of those who have succeeded him and been distinguished men have not been remarkable for the depth of their pocket or what they had in it. I differ with the honorable Senator therefore. I do not think that the mere capacity to trade and make money makes a financier. It may work very well so far as the individual is concerned,

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but I do not believe it proves the capacity to manage the financial concerns of a great nation. It requires something more besides barely making money. Although the Secretary of the Treasury may not be so distinguished as he ought to be in that line—I believe he is comfortably off—yet I think the country, as a whole, is pretty well satisfied that he is an able and an honest man. There may be abler men in the country, though not more honest, for I think he is as honest as a man can be; but, sir, we do not always get the best. It is our misfortune that we do not go to the right State to get a Secretary of the Treasury; but those things are accidental; they will come about in spite of all that we can do. I think that while he does stand there at the head of the Treasury Department trying to discharge his duties, it is very poor policy in us, owing as much money as we do, so much depending upon our national credit, so much depending upon the confidence that the people have, or ought to have, in the management of our financial concerns, to be continually in public depreciating, running down, and abusing the man who is placed at the head of it. Give him a fair chance at any rate. Judge him by his acts, and not deal in general declamation upon a matter so vital.

Mr. SUMNER. Mr. President, the most beautiful passage that has come down to us from antiquity I believe was that famous epitaph written by the Greek poet Simonides on those who fell at Thermopylæ. It was, if I remember it, as follows: "Stranger, say at Lacedæmon that we died here in obedience to her laws." God be praised that an ancient poet was inspired to give to mankind that legacy of obedience to law.

And now, sir, as a Senator of the United States, I arraign the Secretary of the Treasury for a violation of a solemn law of this Republic. The Senator from Maine treats it as a trivial offense. I treat it as a crime; and so from my place now arraign him. The Senator says that when he undertook to fill these offices he consulted the interests of the country as he understood them. How did he understand them? It was in this way: to save a few dollars of revenue; but what was the consequence? He set at naught a sacred statute of this Republic which was intended as one of the guardians of the public peace. If ever there was a statute which a member of this Government was solemnly bound to follow it was that statute which the Secretary of the Treasury thus set at naught. Therefore when it is said that he acted for the best interests of the country, I openly say the contrary. In undertaking to save a few dollars of revenue he set an example of infinite evil to the country. At this moment we are suffering incalculably from the example which he gave us.

This is what I have to say in reply to that part of the Senator's remarks in which he treated this criminal conduct of the Secretary as trivial. It was not trivial; it was a great offense; and as often as I think of it I wonder that the thunders of Congress have so long slept.

I shall not, however, be betrayed by the diffusive speech of the Senator into any general discussion of the character of the Secretary of the Treasury. My habit is to confine myself to the precise question. I shall not be led into a consideration of his previous history, of his character as a financier, or as an agent of a bank, or as a Comptroller. I have thus far made no allusion to that in this debate. I have confined myself strictly to the question under consideration; and that may be expressed in one single word: he is an open violator of the laws of the land. Do not treat it lightly, sir. Do not undertake to apologize for it by suggesting that in that way he saved a paltry revenue to the country. Ay, sir, in saving that paltry revenue he sacrificed the good name of this country, and unsettled the securities of peace and tranquillity. Ay, sir, human rights suffered immeasurably on that day when the Secretary of the Treasury was inspired to that evil conduct.

Sir, in thus arraigning him I do now nothing but what I have done before on this floor. And let me say, too—and I now make a statement which I have never made before—I act simply in the execution of a promise, of a vow made months before the last meeting of Congress, when I first heard of this unhappy conduct, and which, by letter, I communicated directly to the Secretary himself. I wrote to him from my home in Massachusetts the moment that I saw this unhappy conduct, fruitful as it has been in woes to our beloved country, protesting against it with all the ardor of my soul, entreating him not to pursue it, and telling him that if he did I should deem it my duty at an early occasion to expose it.

Mr. SPRAGUE. I think that the debate of this evening is unworthy of this body. Two committees of this Senate, both of them standing high, one last year and one this, have recommended the passage of this measure. The Committee on Finance have to-day reported it again. I do not mean to counsel the breaking of the law; but I know that if I occupied the position of the Secretary of the Treasury at the time that he broke this law, as it is alleged, I should have done exactly as he did. I know that if to-day I had any business to perform in the southern States I should more certainly take one cognizant of the people and of their relations to the business of the people than I should send a stranger to that point.

Sir, these constant attacks upon the Secretary of the Treasury of the United States undermine the industry and the business interests of this country. Few can really understand how intimately connected all the relations of business are with the Treasury of the United States; and when you attack that, through its highest officer, you attack every business relation in the country. I trust that when Senators hereafter unguardedly and thoughtlessly attack that high officer and the Treasury of the country, they will consider that they are undermining the foundation of the industry and business interests of the country.

Mr. TRUMBULL. I confess myself a little surprised at the purport of the remarks of the Senator from Rhode Island, in which he deplores the debate to-night as undermining the interests of the country in attacking a public officer. Did it not occur to him that in setting the high example of violation of law there was no undermining of the public interests of the country?

Sir, I hope the Senate is not to be led astray from the question before it by this discussion in regard to the Secretary of the Treasury. I do not think that we need to discuss him on the present occasion. For my part, I have nothing to say in regard to the Secretary of the Treasury. The question before us is whether these officers appointed in violation of law shall now be paid. The Senator from Maine seems to suppose that they could enter upon the discharge of their duties without taking this oath. The law prohibits that, and says:

"Before entering upon the duties of such office they shall take and subscribe the following oath."

Mr. SUMNER. And before being paid also.

Mr. TRUMBULL. I am now speaking of their entering upon the duties of the office. They had no right to enter upon those duties.

The Senator from Indiana [Mr. LANE] in his ardent and enthusiastic speech, and he is always earnest, seems to have been misled as to the facts. In his zeal to defend the Secretary of the Treasury he seems to have forgotten the case, and he supposes that these persons were not officers, that they were deputy collectors and assessors only; and the Senator from Massachusetts, [Mr. WILSON,] perhaps catching the idea from him, has offered an amendment confining the provisions of the section to assistant collectors and assessors of the internal revenue. Let me inform the Senator from Indiana that these persons who were appointed were officers—officers of the customs as well as assistant assessors and collectors. One of them is James M. Matthews, collector of customs at Tappahannock, Virginia. Was he not an officer? Could you not find a loyal man at Tappahannock, in Virginia? One of these officers was William Y. Leitch, surveyor at Charleston, South Carolina. Is he not an officer?

Mr. LANE. If the Senator will pardon me, my remarks were confined exclusively to assistant collectors and assessors of internal revenue.

Mr. TRUMBULL. I know they were, and that was the mistake of my good friend from Indiana, that in defending the Secretary he seemed to suppose nobody had been appointed in violation of law except assistant collectors and assessors. Why, sir, J. F. Marrast was appointed an inspector at Mobile, Alabama. Now, I want to ask the Senator from Ohio and the Senator from Maine, do you believe that no loyal man could have been found at Charleston or at Mobile, or at Tappahannock in Virginia? Why, sir, does not every one of us know, have we not a personal acquaintance with men in Mobile as loyal as any of us? I know some persons in Mobile who are loyal. Here were officers appointed at Savannah. I know persons in Savannah, with my limited acquaintance, who have been loyal all the time.

Mr. LANE. If the Senator will pardon me for a moment, the reason why I confined my remarks to assistant assessors and collectors was that they are the only persons embraced in this appropriation.

Mr. TRUMBULL. Well, sir, if we pay them, I know not why you should not pay these others. I do not recollect whether the appropriation is confined to them or not.

Mr. SHERMAN. It is confined to assistant assessors.

Mr. TRUMBULL. I see no distinction between these officers and the others. Officers were appointed to collect the customs in these cities who did not take the oath, and these officers were continued for months and months, nearly a year after the attention of the Secretary was called to this matter. Now, the question is, whether we shall pay them; and as I said before, let us not lose sight of this great question, not as to the dollars and cents; there is very little importance in that; it amounts, I am told, to but a small sum; but it is the example. It is the very difficulty which besets us in restoring peace and harmony in this country. If we had placed governmental authority in the hands of loyal men in the South we would have had the States restored long ago to their proper relations in the Union. That is the difficulty. That is what we complain of. What the loyal men of the South have complained of all the time, and what they complain of now is, that official position is given to the disloyal, and that they are oppressed. I have not seen a loyal delegation here during this winter, and we have had them here from almost every rebel State, that has not assured me that if the authority of office and official position could be given to the loyal men in the South they could maintain themselves. That would give them strength; and what they ask of us is to pass some law under which those States may be organized in such a way that the offices of the country will be filled by loyal men, and then the influence of the positions they occupy will enable them, as they think, to maintain their authority. It is in that point of view that I consider it very important that we do not adopt such a provision as this.

It is said that this has been reported by two committees, and that it was reported at the last session of Congress. Well, if it was, Congress did not pass it; and the very fact that the Congress of the United States, when the question was presented to it, refused to pass such a provision, it seems to me, should have as much weight at the present time as the other fact that committees have heretofore reported in favor of such a proposition.

Mr. WILLEY. It strikes me that the character of the Secretary of the Treasury for in-

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tegrity, for truth, or for capacity is really in no wise involved in this original proposition. Now, allow me to ask the honorable Senator from Illinois, if he were to employ me as his agent to build him a house, and in giving me authority as his agent to do so, he was to direct me to employ John Jones as a mechanic to do it, and I, it may be without his knowledge, were to employ John Smith to do it, and John Smith should accordingly proceed and build the house according to the specifications, in every respect perfect, and at the proper time I was to hand over to him the house, would he willingly enter into that house and say to Mr. John Smith, "I will not pay you for the labor and outlay that you have made in erecting this mansion?" When the storm was beating upon it and when his family were secure under it, would it be a comfortable reflection to him as a man of honor, of integrity, of justice and equity, to remember that he was secure in his home which cost him not one cent to erect?

The Secretary of the Treasury may have violated the law in making these appointments; but then the service was done. I hear no complaint in regard to that. The service was rendered, and the country has had the benefit of it. These may not have been the employés and agents contemplated by law; but the money has been received into the Treasury of the United States through their agency and through their services. We have got the benefit of them. Now, as a great and magnanimous nation, as a nation influenced simply by a sense of justice and equity, would we take advantage of that informality, it may be of that violation of law, and say that as a nation we are willing to receive these services, these benefits, and make no remuneration for them? As a man, in the case which I have put, I think I may certainly interpret the answer of the Senator from Illinois, and say that he would be the last man in the world to enter his mansion and enjoy it without paying the man who had built it for him. He would scorn to do it. He would not place his foot upon its threshold for an hour until he had made just compensation. No matter what the informalities or what the violation of his instructions to his agent had been, he would not receive his house and enjoy it without paying the man honestly for the cost of constructing it. Shall we then as a nation, actuated by the principles of justice and equity and honor, refuse to pay these men who have rendered a service to the country, satisfactory in itself, simply upon the ground that they were not the men that we directed to be employed to do it.

Entertaining this view of the subject, and without at all believing that the character of the Secretary of the Treasury is involved really in the merits of this question, I shall vote most cordially and most heartily for the original proposition and against the amendment of the honorable Senator from Massachusetts, [Mr. WILSON.] I am sorry that he has introduced an amendment that does in its terms bring the character of the Secretary of the Treasury absolutely and directly into the discussion. I hope that it will be voted down, and that we shall secure the passage of the proposition as it came from the Committee on Finance.

Mr. HOWE. Mr. President, the case put by the Senator from West Virginia comes so near my own idea of the point on which this controversy turns that it has induced me to attempt to point out the distinction between the case he puts and the case before the Senate. He supposes the case of a house built for his enjoyment by an agent of his own, but erected by an artisan in direct defiance of his commands, and he thinks it would not be just and right for him to enjoy the protection of that house without paying the artisan what his labor was worth; and I think he is right. But if his agent had employed an artisan to build the house in direct defiance of his commands, and then the agent should demand possession of his purse to pay John Smith according to his own pleasure for his services in building the house, I think the Senator from West Virginia would decline to yield the purse for that purpose.

If these assessors and other officers connected with the collection of our revenues have done honest labor for the Government, and will present their claims to the Government, I have no sort of objection to the Government paying them what their services were worth, and I think the Government ought to do it; but they have been employed, as has been said and shown over and over again, in defiance of a positive statute. An agent of the United States employed them; and now the proposition is to put the Treasury into the hands of that agent to pay them whatever he sees fit to pay them for their services. True, their per diem is limited by law, and the days are limited by the calendar perhaps; but he is authorized to determine the number of days they actually worked. He cannot pay them I suppose for more than three hundred and sixty-five days in the year; but then up to that time there is no limitation. It seems to me we ought not to do this. If these gentlemen have done honest labor for the United States Government, as I said before, let them present their claims, and let the Legislature of the nation pass upon those claims. I think that course is all the more necessary to take because of an item of information conveyed to the Senate just now by the Senator from Ohio. He has presented to us one of those claims; if I understood him, the claim of an assistant assessor who says he assessed $2,000——

Mr. SHERMAN. He swears to it. His statement is sworn to.

Mr. HOWE. And charged $115 for doing it.

Mr. SHERMAN. That is the regular rate. I have here the account made out in full if the Senator wants to see it.

Mr. HOWE. I do not understand that to be the regular rate.

Mr. FESSENDEN. It is not much worse than it is in the free States.

Mr. HOWE. I take it it is very much worse than it is in the free States. That is six per cent. for the mere work of assessing the internal revenue. Now, I think the whole expense of assessing and collecting the internal revenue does not amount to five per cent. That is my impression. But six per cent. for assessing internal revenue must certainly be an extravagant demand anywhere; and I think these claims should be inspected and examined.

There is another reason why I think these claimants should come before Congress with their individual claims, and that reason is this: neither the Senator from Ohio, nor the Senator from Maine, undertakes to tell us that the employment of these very assistant assessors is yet dispensed with. For aught we know they are still in the service of the Government. To be sure the amendment before us only proposes to pay them up to the 1st of August; but I suppose during the next session of Congress, if they are still in the service of the Treasury Department, there will be an application to Congress to pay them up to the 1st of August next; and so you go on; and the only distinction you make between these men whom the law says shall not be employed and those whom the law permits to be employed is that in the last case you make the appropriations for the payment a year in advance, and in the former case you make the appropriations a year after the work is done. That is all the distinction I see that is made by this sort of legislation.

If these gentlemen, for any reason whatever, have done service, and will come before Congress and say that they have given up these employments, are no longer prosecuting them, and show what number of days' work they did, then let Congress pay them for that work, and let that be the end of it. But, while we are told that these employments have been in direct defiance of a positive statute, I think we should not pass a general act authorizing the payment of them at the pleasure of the very officer of the Government who employed them; and certainly it seems to me if we are to authorize the Secretary of the Treasury to make these payments, as proposed by the Senator from Massachusetts, we ought not to precede that authority by the recital which is contained in the amendment of the Senator from Massachusetts. I should hate to vote for a proposition which denounces the Secretary of the Treasury in one breath for a violation of a positive law and in the next opens the Treasury to him to pay the agents that he has thus employed. I shall vote against the amendment of the Senator from Massachusetts, and I shall vote against the section in the bill reported by the Committee on Finance.

Mr. KIRKWOOD. I believe I have never had any occasion heretofore to explain any vote I expected to give in the Senate; but I think perhaps I had better do so now. I intend to vote against the payment of the money to these persons; but I do not intend to do it because I believe the Secretary of the Treasury is a liar or a dishonest man or a fool; I do not believe either of those things. In the spring of 1865, when the war closed, he deemed it necessary and proper to attempt to collect as much revenue as he could under the law in the lately rebellious States. He said that upon the information he could get, upon the inquiry he had time to make, he could not find in all parts of those States men who could take the oath of office. When he says that, I believe him. I believe in saying that he said what was true, that upon the inquiry he had time to make, and did make, he could not find those men. The Senator from Illinois must recollect that it is more easy to find loyal men in Savannah, Mobile, and Charleston now than it was just after the close of the war; at least I think so.

If he had not gone on then and proceeded to collect the revenue, if he had let our revenue go uncollected for six months until Congress met or for three months, is it not possible that we might have found men here denouncing him for a neglect of duty in that particular as well as for a neglect of duty in the particular for which he is now blamed? Would he not have been blamed for not collecting the revenue which he has brought into the Treasury by means of these officers? He had much work to do at that time; he could not give his whole time and attention to hunting men in these States who could take the oath; but upon the information he had, he thought he could not collect your revenue without employing men who could not take the oath. He did employ them, and in that way there is no doubt that he violated the letter of the law; but that he meant to do wrong I do not believe.

Another thing I must be permitted to say. I cannot see the public good to follow from these violent attacks upon both the integrity and the ability of the head of our Treasury Department. It has been well said here to-night that much of the welfare of this country depends upon the successful administration of our finances, upon the confidence of our own people and the people of other countries in the stability of our finances, and it does not seem to me to be a good way to produce or promote confidence in that stability for gentlemen here to attack the head of our Treasury Department in the way he has been attacked here on this occasion and on previous occasions.

I shall not vote to pay these men, not because as I have before remarked I believe the Secretary of the Treasury is dishonest or unfit for his position, but because I fear that the payment of these men at this time, or at any time before the lately rebellious States are restored to their former position in the Government, will induce subordinates in those States to employ men under them, without the knowledge of the Secretary of the Treasury, who ought not to be employed; and I think it better to leave these men wholly unpaid until these

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States shall be brought back to their former positions in the Government. I shall therefore vote against paying them in accordance with the recommendation of the committee, and also against the amendment offered by the Senator from Massachusetts.

Mr. MORRILL. Inasmuch as I happen to be a member of the Committee on Commerce, and that committee it is said is to share the bad eminence of the Committee on Finance for reporting this measure, and particularly as my chief and leader and head has flopped over, gone on to the other side, deserted the measure, I feel called upon to say a word or two in explanation.

The Committee on Commerce, when they considered this matter as a business affair, had no idea of its enormity in the way it seems now to be stated. They did not look at it as a matter of crime, nor did it occur to them that in authorizing the payment of the agents who had acted in collecting the revenues of the country, the committee were indorsing a crime and becoming responsible for it, as the Senator from Massachusetts seems to think. There are two views to be taken of this question. One is fanciful and poetical and dramatic, and the other is business-like. The Committee on Commerce, instituted for the transaction of business, took the latter view of it. My honorable friend from Nevada [Mr. NYE] takes the poetical view, and none can do it up better than he. He took at one time the fanciful view of it and fancied that this was a tax on the Federal soldiers. How, I think will be difficult for any one to show.

Now, Mr. President, the general state of facts before the Committee on Commerce can be briefly stated. Here had been a rebellion; on the surrender of the rebel armies the Secretary of the Treasury, following exactly in the line of what the Government had been doing during the rebellion, sent agents down there to collect the revenue, continued to send persons there to collect the revenue. That was a political fact known to us and known to everybody, that the Secretary of the Treasury was actually levying taxes on the people of the insurrectionary States. In a legal point of view the committee did not doubt that the whole thing was irregular. The committee did not believe that there was an officer really in that region of the country. Assuming that all these steps were irregular, as we hold they were, there could not well be an officer in all that region of country.

The honorable Senator from Nevada, when he treats this subject as a matter of business, comes precisely to the conclusion to which the Committee on Commerce came, and that was that in the collection of the revenues in the insurrectionary States the Secretary of the Treasury had employed persons, and not officers; that inasmuch as these men had not taken the oath and became qualified, they were not officers; but, nevertheless, they had collected the revenues, and they had collected a very considerable amount of revenues, and paid it into your Treasury. Nobody doubts that. Now, what sort of morality is that which holds the money, clutches the money, does not propose to pay that back, and then refuses to pay the agent who collected it? If you repudiate the agency, why do you not pay back the money? The Senator from Nevada says not a dollar has been legally collected. Then it has all been extorted; but it is in your Treasury. If you pay these persons a small compensation, a *quantum meruit*, so much as they deserved independent of their being officers, simply on the consideration that they had done you a service, it is not necessary to suppose that it is to be assessed on the Federal soldiers. That is buncombe; that is sensation; that is not a business matter; and that is not a result likely to happen. All you propose to do is to authorize the Secretary of the Treasury, out of the money collected in the insurrectionary districts, to pay the agents, the persons who have been employed in collecting it.

That being the business view of the case, what becomes of all those denunciations of the Secretary of the Treasury, what becomes of all this fancy sketch of assessing this tax on poor Federal soldiers, and taking this small compensation out of the earnings of Federal soldiers, and out of the pittance of their widows and orphans? That is all fancy.

According to the estimates before us probably four or five hundred thousand dollars have been collected in the insurrectionary districts in this irregular way. I agree that it was irregular. I agree with the honorable Senator from Nevada that those who collected it were not officers; but they were persons, and they were in your employment, as irregular as it was; and you have got the fruits of the employment. You have got at the least calculation three or four hundred thousand dollars as the fruits of this irregular transaction. Now, if this amendment shall pass, as proposed, out of the moneys thus collected you will pay those persons who have thus been irregularly employed. I do not feel that I shall be implicated in a transaction of that sort, nor that that act will be interpreted as participating in a crime depicted by the honorable Senator from Massachusetts, [Mr. SUMNER.]

I did not intend, Mr. President, to participate in the debate; but it seemed to me to become necessary to explain the simple business-like view which the Committee on Commerce took of the transaction. I will read the result to which that committee come, as allusion has been made it. On the 6th of June, 1866, the Senator from Michigan [Mr. CHANDLER] sent to the Committee on Commerce a resolution, which reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized to adjust the accounts and pay the salaries and compensation of all officers and employés of the Treasury Department who have have been heretofore actually engaged in collecting the revenue within the States lately in insurrection; such adjustment and payment to be made with and to each officer or employé who has failed to take the oath of office required by law whenever his successor has been duly appointed and lawfully qualified, and not otherwise.

The Committee on Commerce reported it back with an amendment, striking out all after the word "that" and inserting:

The Secretary of the Treasury be, and is hereby, authorized to pay a reasonable compensation to persons by him employed for the purpose of and who have been actually engaged in collecting the revenue within the States lately in insurrection, notwithstanding the failure or inability of such persons to take the oath of office required by law: *Provided*, That said compensation shall not be greater in any case than that provided for by law for officers of the revenue performing such services: *And provided further*, That this act shall not be deemed to authorize the continuance of such persons in such employment.

The Committee on Commerce placed it precisely on the ground of my honorable friend from Nevada: that there were no officers there, but persons had been employed, and had been collecting the revenues of the country; and therefore, without connecting ourselves with the illegality of the employment, we recognized that fact, and being participators in the collection of the money, being in the receipt of the money, we agreed that the persons who had thus collected it should have such compensation as was reasonable.

Mr. DAVIS. I have listened to this debate and have heard the facts disclosed in relation to the conduct of the Secretary of the Treasury. Certain I am that he has committed no moral offense, and if he has been guilty of an error it has been a venial one, in which is involved no wrong or impure motive. I am satisfied that if he had been acting as the private agent of any gentleman in the Senate in the collection of money in the South, and had received from his principal such instructions as are involved in the law regulating the appointment of these officers, and if in the circumstances in which the collection of the debt was involved, owing to the condition of the country, he had made just such a departure in the transaction of this private trust from the letter of his instructions as he did in the execution of his public office, his principal would have fully commended his course and approved of it.

I think the Secretary of the Treasury is an able man, that he is an experienced and skillful financier, and that he knows a great deal more about such matters than the men who impute to him ignorance and who assail his conduct. I believe, too, that he has spent a virtuous life, distinguished for integrity and principle, and the consequence has been that he has reared a character which is a solid monument and which no such assaults as these can shake. I believe that every shaft which has been aimed at him to-night will never reach him, and that if they should reach him they would rebound without hurting him.

Mr. President, some of the most impassioned speeches I have ever heard made in the Senate—short ones to be sure—I have heard to-night from the Senator from Massachusetts, [Mr. SUMNER.] He has quoted the instance of the heroes of Thermopylæ, who died in defense of that law of their country which commanded that they should never retreat from battle; and the most holy horror, the expression of the most poignant pain and grief that I have ever heard from mortal tongue in commenting upon and denouncing the violation of law, I have heard from that honorable Senator to-night. I do not know that, in the contemplation of the most heinous and diabolical crimes I have heard reprobated in my past life, I ever heard a keener or more condemning spirit in condemnation of such crimes than I have heard to-night from that honorable Senator with regard to, not this criminal, but this venial act of the Secretary of the Treasury in relation to the appointment of these assessors and collectors. A person to have heard his remarks and witnessed his manner and the agony of mind and of soul that the contemplation of the offense of the Secretary gave him would have thought that he was one of the most immaculate persons that ever trod the face of the earth; and that he could not look at, could not contemplate a disregard of law, much less the perpetration of an offense and of a crime, without an agony which it would be almost impossible for human nature to bear.

Mr. President, some years ago Congress passed a law which was submitted to the Supreme Court of the United States, and was by the unanimous judgment of that court decided to be constitutional. That law came before the district and circuit courts in many of the States of the Union, and before many of the State courts in the different States, and by all of them it was decided to be constitutional and to be obligatory upon all the citizens of the United States, and especially upon the law-givers of the United States, the members of Congress who had so often and so repeatedly taken an oath to support the Constitution of the United States. And yet this honorable Senator, with all his affected horror, notwithstanding all his indignant condemnation of the Secretary of the Treasury for this imputed violation of law, declared again and again that he would not yield obedience to that law which had been sustained by all the courts, Federal and State, that had ever passed upon it, and, he entered into a criminal conspiracy by which with force of arms that law was to be defied and overturned and its execution prevented.

That was the case, then. We have heard his speech now. Sir, I cannot comprehend such inconsistency, and without making any comment upon it I leave the matter to the Senate with this simple statement of the facts in each case.

Mr. BROWN. I move that the Senate do now adjourn.

The motion was agreed to; there being, on a division—ayes 14, noes 13; and (at eleven o'clock and forty-five minutes p. m.) the Senate adjourned.

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IN SENATE.

THURSDAY, *February* 28, 1867.

Prayer by Rev. E. H. GRAY, D. D.

On motion of Mr. POLAND, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PATENT OFFICE REPORT.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Commissioner of Patents, communicating his annual report showing the operations of that office for the year 1866; which was referred to the Committee on Patents and the Patent Office.

Mr. TRUMBULL. I move that the usual number of additional copies of that report be printed for the use of the Senate. The motion I suppose will go to the Committee on Printing.

The PRESIDENT *pro tempore*. The order to print generally will be entered if there be no objection, and the motion to print an extra number of copies will go to the Committee on Printing under the rule. The documents will be referred to the Committee on Patents and the Patent Office.

DEPARTMENT OF EDUCATION.

Mr. TRUMBULL. I move to postpone all prior orders and proceed to the consideration of the bill (H. R. No. 276) to establish a department of education.

Mr. SUMNER. I have a large number of reports that I desire to make; but I am so much in earnest for the bill of the Senator that I will take my chance of making my reports at some other time.

Mr. POMEROY. I do not wish to object to this bill; but after it is taken up, I hope we shall be allowed to introduce morning business, petitions, reports, and bills.

Mr. DAVIS. I hope the morning business will be gone through with.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 276) to establish a department of education.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from California, [Mr. CONNESS,] to strike out the word "department" where ever it occurs in the bill and to insert the word "bureau."

The amendment was rejected.

The PRESIDENT *pro tempore*. The Senator from California further proposed to amend the bill in section two, line eleven, by striking out after the word "per annum" the words "which said clerks shall be subject to the appointing and removing power of the commissioner of education," and to insert "and the said clerks shall be appointed by the Secretary of the Interior on the nomination of the commissioner."

The amendment was rejected.

The bill was reported to the Senate without amendment.

Mr. HENDRICKS. I have not felt like interposing special objections to this bill; nor do I feel inclined to allow it to pass in entire silence. I am not of the opinion that an establishment of this sort in this city through the General Government will really promote the cause of education in the country. It will be a benefit to a few persons; but that it will reach the masses of the people of the common schools of the country in any beneficial influence I do not believe. I think in that respect it will be very much like the Agricultural Department in its effect upon the agriculture of the country. While a few persons get the seeds that are distributed from that Department and a few persons get the reports, some of which are able, the great body of the farmers are not benefited by it; and I am not able, from my observation on the subject, to say that agriculture is at all promoted by the large expenditures that are made to support that Department.

The States have nearly all now entered upon a system of common schools; and so far as I know, they are well arranged, well considered, and adjusted systems. The State of Indiana has a very good system. It is generally under the control of a man well qualified for the position; in all probability equal in his qualifications to the man who will be put in charge of any department in this city. Our own system is understood by the people. It is satisfactory to them. They support it; they encourage it; and it is felt in every neighborhood. It furnishes a school to every neighborhood. The system of school-books is decided upon by the proper authorities, and the whole thing is a great blessing to the people. I do not think that any supervising control in the city of Washington over these State institutions and State systems can be of any benefit. I apprehend the opposite may prove to be the case. This bill will furnish some offices for some men. That is about all there will be of it. It will result in the end in a very large expenditure of the public money, in my opinion, without an adequate return.

Mr. STEWART. The object of this bill is not to exercise control over the States, but to collect information as to the very good systems of the States, and lay it before the whole country, so as to enable the States that have not perfected their systems, the new States and those that have not good systems of education, to know what is being done in other parts of the country. It seems to me it is legislation that is exceedingly desirable. There has been great improvement in some of the States and in some districts in the various States; great advances have been made; and it is very desirable that information as to it should be disseminated throughout the country. There will not be the same difficulty in having this information disseminated throughout the country that there is in distributing the agricultural reports. They must go to the farmers individually; but under this system the reports that are made up from the proceedings of the various States can be sent to the different school districts, and it will not take a very great number. It will be very easy to enable the whole country to enjoy the benefits of this system. It will not be required to send a report to every individual farmer, as is required under the Agricultural Department. It seems to me there are not the same difficulties in the way of making it beneficial to all the people, but that great good may grow out of the collection of information in regard to the various improvements in the systems of education and its dissemination throughout the country by means of a department of this kind. I think it is a bill which it is eminently proper should pass.

Mr. SAULSBURY. I shall vote against this bill for a different reason from any which has been assigned. In my judgment, Congress has no constitutional authority to enact such a measure as this; and leaving out of consideration all questions of expediency or propriety, I should place my opposition on the ground of want of constitutional authority in Congress to pass it.

The bill was ordered to a third reading, read the third time, and passed.

Subsequently, while the civil appropriation bill was under consideration,

Mr. BUCKALEW said: I move to reconsider the vote on the final passage of the bill (H. R. No. 276) to establish a department of education. I merely ask to have the motion entered for the present.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

PETITIONS AND MEMORIALS.

Mr. NYE presented resolutions of the Legislature of Nevada, in favor of an appropriation of the payment for the loss and damages sustained by the inhabitants of Humboldt county, in that State, by the depredations of hostile Indians in the years 1864 and 1865; which was referred to the Committee on Indian Affairs.

Mr. NYE. I also present resolutions of the Legislature of Nevada, in favor of the establishment of a post office at Pine Grove, and a mail route from Pine Grove to some other points in that State. I move their reference to the Committee on Post Offices and Post Roads.

Mr. CONNESS. I suggest to the Senator to let those resolutions lie upon the table until we take up the post route bill, as the committee have acted on that, and it will be up soon.

Mr. NYE. Very well; let them take that course.

The resolutions were laid on the table.

Mr. JOHNSON presented a memorial of citizens of North Carolina, remonstrating against the organization of a territorial government for that State; which was referred to the joint Committee on Reconstruction.

REPORTS OF COMMITTEES.

Mr. WADE, from the Committee on Territories, to whom were referred sundry memorials of the Legislative Assembly of the Territory of New Mexico, praying for an appropriation for the erection of a penitentiary in that Territory, and that the Secretary of the Treasury may be authorized to direct that the stone in the present unfinished penitentiary be used in finishing the capitol building, and that the site of the present penitentiary may be sold and a new site selected where there is a sufficient supply of water; and a memorial of the Legislature of Oregon in favor of incorporating the county of Walla Walla, in the Territory of Washington, in the State of Oregon, asked to be discharged from their further consideration; which was agreed to.

Mr. DAVIS, from the Committee on Claims, to whom was referred the joint resolution (H. R. No. 174) authorizing the Secretary of the Treasury to audit and pay the claim of John R. Beckley, reported it without amendment.

Mr. SUMNER, from the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 806) more effectually to preserve the neutral relations of the United States, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Joaquin De Palma, vice consul of Portugal at Savannah, praying for compensation for property taken from his family by the United States troops under the command of General Sherman on the 21st day of February, 1865, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom were referred sundry memorials remonstrating against the renewal of the so-called reciprocity treaty, and the memorial of the American Free Trade League, praying for a continuance of that treaty, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom the following subjects were referred, asked to be discharged from their further consideration:

Resolutions of the Chamber of Commerce of the State of New York, in favor of the employment of a portion of the Navy in ascertaining by proper soundings the facilities afforded by the bed of the Atlantic ocean for laying lines of telegraph cable directly connecting our Atlantic coast with the western coast of France and of southern Europe;

Resolutions of the Legislature of Oregon, in favor of a reciprocity treaty between the United States and the Hawaiian Governments;

Memorial of the Board of Trade of Detroit, Michigan, praying for the improvement of the St. Clair flats and the enlargement of the Canadian canals by means of a treaty with Great Britain for that object; and

Resolutions adopted at a meeting of citizens of St. Paul, Minnesota, in favor of a continuance of the existing arrangements for the navigation of the Welland canal by American vessels, and of Lake Michigan by Canadian vessels.

The PRESIDENT *pro tempore*. The question is on discharging the Committee on Foreign

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Relations from the further consideration of the subjects indicated by the Senator from Massachusetts.

Mr. CONNESS. I do not know why the Committee on Foreign Relations should be discharged from such a subject as the resolutions of the Legislature of Oregon touching the question of reciprocity between the Sandwich Islands and the United States, without making a report thereon. It appears to me that that is a subject of sufficient consequence to demand more serious attention, more of the time of that committee, than to merely ask, after keeping it during the session, to be discharged from its further consideration. That is a very easy report to make from a committee. I represent here in part a people who are deeply interested in that question, and who are petitioning and memorializing that the Government may establish such reciprocal commercial relations; and I am not willing that that question shall be bundled with a hundred others and disposed of by merely having the committee discharged from their further consideration. If the Committee on Foreign Relations of this body are not prepared to give more of their time and attention to a question of that character, then I think they should have made this request of the Senate at an earlier period of the session than this, so that it might be referred to other committees of this body who were not above giving it that consideration that its importance demands. I hope, sir, that that report will be excepted at least from this general request of the committee.

The PRESIDENT *pro tempore*. The Chair will put the question on discharging the Committee on Foreign Relations from the subjects named by the Senator from Massachusetts, saving the subject named by the Senator from California.

The motion was agreed to.

Mr. CONNESS. Now, I should like to hear from the honorable chairman of that committee why this report is made at this time.

Mr. SUMNER. The answer is very easy. In the multiplicity of concerns before the committee, and also before the Senate, it was thought that there was no time in these late hours for acting definitively upon the question. We are about to enter upon another session of Congress, when we shall be less embarrassed by this pressure of business. There will be then time, it may be next week, to proceed with the consideration of the subject which justly interests the Senator from California. The Senator himself must see that now in these hurried moments at the close of the session, when all our business is running like the rapids of Niagara, it will be impossible to secure attention to a question of that character.

Mr. CONNESS. If the honorable chairman of the Committee on Foreign Relations will pardon the expression, I must say that that is a "lame and impotent conclusion" to be told at this period of the session, when a bushel of questions, of inconsiderable consequence perhaps, or it may be of great consequence, are reported, and this grave subject is thus reported and we are told in support of the report that it is because there is no time. Then, Mr. President, it becomes proper for this great body to constitute committees so that subjects of this importance shall have time and consideration. I am not willing to sit here and have a question of this kind shuffled off in this manner. There are other committees of this body, as the Committee on Commerce, the Committee on Finance, who would have considered this proposition, and have at least ventured upon an intelligent and able report upon it. I must say in conclusion that I feel very much disappointed at this mode of treating so great a question.

Mr. SUMNER. I will simply content myself with remarking that the subject is one which, in different forms, has been before the committee ever since the first year that I entered the Senate, and thus far no practical conclusion has been reached. Let the Senator from California give to it his vigorous support, and let him give the Committee on Foreign Relations the benefit of that. Should I continue on that committee, I shall welcome his association, that we may have his direct influence on that and all other questions.

Mr. CONNESS. I shall not detain the Senate much longer on this question; but I cannot help remarking that within one day's reach of the honorable chairman of the Committee on Foreign Relations the whole material upon which to base an important report or presentation of this question has always been, namely, the State Department. When called upon to report on the subject of releasing the Pacific Mail Steamship Company from touching at the Hawaiian Islands, at the last session of Congress, the Committee on Post Offices and Post Roads of this body called upon that Department and obtained from it sufficient data and material for the intelligent presentation of this entire subject; and now we are told by the honorable chairman that he wants the vigorous support of a member of this body who is not a member of his committee. I must again express my surprise that a question of this magnitude is thus treated.

The PRESIDENT *pro tempore*. The question is, Shall the Committee on Foreign Relations be discharged from the further consideration of this subject.

Mr. CONNESS. I hope that the report will be laid upon the table.

Mr. SUMNER. I am perfectly willing that it should be.

The PRESIDENT *pro tempore*. It is moved that this report be laid upon the table.

The motion was agreed to.

Mr. SUMNER, from the Committee on Foreign Relations, to whom were referred resolutions of the Pennsylvania Peace Society, in favor of the establishment of an international tribunal for the settlement of all national disputes; the memorial of the Legislature of Wisconsin in favor of an appropriation to aid in defraying the expenses of forwarding articles to the Paris Exposition; the memorial of Frances McCanley; and sundry petitions praying for the adoption of an internation copyright law, asked to be discharged from their further consideration; which was agreed to.

Mr. SUMNER. I am also directed by the Committee on Foreign Relations to report a joint resolution responsive to a resolution adopted by the Parliament of Brazil, and to ask the action of the Senate upon it now.

The joint resolution (S. R. No. 183) thanking the Chambers of Senators and Deputies of Brazil for their resolutions of sorrow and sympathy on the death of President Lincoln, was read a first time by its title, and passed to a second reading.

Mr. SUMNER. I ask for the present consideration of this joint resolution.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider it the day it is reported.

Mr. CONNESS. I think that resolution may as well lie over.

The PRESIDENT *pro tempore*. Objection being made, it lies over under the rule.

Mr. SUMNER. I hope the Senator will bear in mind that it is a resolution in reply to the resolutions of a friendly Power.

The PRESIDENT *pro tempore*. The question is not debatable. Objection being made, it lies over under the rule.

Mr. CONNESS. I do bear that in mind.

The PRESIDENT *pro tempore*. The Chair was addressing the Senator from Massachusetts and not the Senator from California. The Senator from Massachusetts is debating the resolution.

Mr. CONNESS. If the Chair will pardon me, I was addressing the Senator, not the Chair.

Mr. SUMNER. Do I understand that objection is made?

The PRESIDENT *pro tempore*. The Senator from California objects to the present consideration of the resolution, and it lies over under the rule.

Mr. SUMNER. Then I wish to have the resolution read for information.

The PRESIDENT *pro tempore*. It has been read once. That is all it requires under the rules.

Mr. SUMNER. I think if it were read there would be no objection to it.

The PRESIDENT *pro tempore*. Objection is made. The Chair can only repeat the rule.

Mr. KIRKWOOD, from the Committee on Public Lands, to whom was referred the bill (S. No. 610) in relation to a certain tract of land in Burlington, Iowa, reported it without amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the joint resolution (S. R. No. 127) in relation to the American Atlantic Cable Telegraph Company of New York, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom were referred sundry memorials of citizens of Louisiana, praying for aid to repair and reconstruct the broken and dilapidated levees on the banks of the Mississippi and other rivers in that State, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom were referred two petitions of citizens of Washington, District of Columbia, praying that a company may be chartered for the purpose of building a railroad from Washington city, through Virginia, to Cincinnati, Ohio, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom were referred a memorial of the merchants of the city of New York, praying for an increase of the salaries of deputy collectors of customs, deputy naval officers, deputy surveyors, and assistant appraisers at the port, and a petition of gaugers employed at the New York custom-house, praying for an increase of compensation, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 632) to authorize the building of a military and postal railroad from Washington, District of Columbia, to New York, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom were referred the petition of Theodore J. Park, the petition of Thomas Neill, and the petition of Thomas L. Morgan, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom were referred a memorial of the citizens of Michigan, and a memorial of the Chamber of Commerce of Milwaukee, Wisconsin, remonstrating against granting American registers to foreign-built vessels, asked to be discharged from their further consideration; which was agreed to.

Mr. GRIMES, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 588) for the relief of William H. Webb, reported it with amendments.

PAY OF ARMY OFFICERS.

Mr. WILSON. I am directed by the Committee on Military Affairs, to whom was referred House bill No. 450, to reduce and establish the pay of officers and to regulate the pay of soldiers of the Army of the United States, to report it back and ask that the committee be discharged from its further consideration. This bill passed the House at the last session, and has been before the committee for several months. It professes to reduce the pay of the Army at a time when the officers of the Army are asking for an increase of pay. It is entitled "An act to reduce the pay of officers of the Army," when it puts it in the power of the Secretary of War to largely increase the pay of those officers. It increases the longevity ration from

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one additional ration, valued at $108 annually, for every five years of service, to ten per cent. on the pay every five years, so that at the end of forty years the pay would be increased eighty per cent. It authorizes the Secretary of War at his discretion to furnish quarters to officers; and if he should do so—and no doubt he would do so for this city and other large cities—he could not furnish such quarters for less than the present commutation prices allowed for quarters. The officers are allowed nearly three thousand servants, and are allowed commutation for them if they are actually kept. The enactment of this bill in its present form would be a strong temptation to officers not to keep servants, but to use soldiers for that purpose, or, at any rate, to impose duties upon soldiers which should be performed by servants. This table shows the pay of officers at different periods of service under the present system and this proposed system:

Grade.	System.	Compensation, without considering quarters and fuel.									Total annual compensation, with cost of quarters at present rates.		
		Before five years.	After five years.	After ten years.	After fifteen years.	After twenty years.	After twenty-five years.	After thirty years.	After thirty-five years.	After forty years.	Annual commutation of quarters.	Total.	Increase.
General	Old	-	-	-	-	-	-	-	-	-	-	$18,120	
	Proposed	$15,000	$16,500	$18,000	$19,500	$21,000	$22,500	$24,000	$25,500	$27,000	$3,600	30,600	$12,480
Lieutenant-General	Old	13,518	*	*	*	*	*	*	*	*	1,296	14,814	
	Proposed	10,000	11,000	12,000	13,000	14,000	15,000	16,000	17,000	18,000	1,296	19,296	4,482
Major General	Old	5,800	*	*	*	*	*	*	*	*	1,296	7,096	
	Proposed (1)	7,000	7,700	8,400	9,100	9,800	10,500	11,200	11,900	12,600	1,296	13,896	6,800
	Proposed (2)	6,500	7,150	7,800	8,450	9,100	9,750	10,400	11,050	11,700	1,296	12,996	5,700
	Proposed (3)	6,000	6,600	7,200	7,800	8,400	9,000	9,600	10,200	10,800	1,296	12,096	5,000
Brigadier General	Old	3,940	*	*	*	*	*	*	*	*	1,080	5,020	
	Proposed (1)	5,500	6,050	6,600	7,150	7,700	8,250	8,800	9,350	9,900	1,080	10,980	5,960
	Proposed (2)	5,000	5,500	6,000	6,500	7,000	7,500	8,000	8,500	9,000	1,080	10,080	5,060
Officers of heavy artillery and infantry: Colonel	Old	2,556	2,664	2,772	2,880	2,988	3,096	3,204	3,310	3,420	1,080	4,500	
	Proposed (1)	3,500	3,850	4,200	4,550	4,900	5,250	5,600	5,950	6,300	1,080	7,380	2,880
	Proposed (2)	3,000	3,300	3,600	3,900	4,200	4,500	4,800	5,100	5,400	1,080	6,480	1,980
Lieutenant Colonel	Old	2,266	2,374	2,482	2,590	2,698	2,806	2,914	3,022	3,130	864	3,994	
	Proposed (1)	2,800	3,080	3,360	3,640	3,920	4,200	4,480	4,760	5,040	864	5,904	1,910
	Proposed (2)	2,600	2,860	3,120	3,380	3,640	3,900	4,160	4,420	4,680	864	5,544	1,550
Major	Old	2,037	2,145	2,253	2,361	2,469	2,577	2,685	2,793	2,901	864	3,765	
	Proposed	2,500	2,750	3,000	3,250	3,500	3,750	4,000	4,250	4,500	864	5,364	1,599
Captain	Old	1,537	1,645	1,753	1,861	1,969	2,077	2,185	2,293	2,401	648	3,049	
	Proposed	2,000	2,200	2,400	2,600	2,800	3,000	3,200	3,400	3,600	648	4,248	1,199
First Lieutenant	Old	1,417	1,525	1,633	1,741	1,849	1,957	2,065	2,173	2,281	432	2,713	
	Proposed	1,800	1,980	2,160	2,340	2,520	2,700	2,880	3,060	3,240	432	3,672	959
Second Lieutenant	Old	1,357	1,465	1,573	1,681	1,789	1,897	2,005	2,113	2,221	432	2,653	
	Proposed	1,600	1,760	1,920	2,080	2,240	2,400	2,560	2,720	2,880	432	3,312	659

* Not entitled to additional rations for service.

Compensation of general officers, heads of bureaus, and colonels of the old regiments under the old and proposed systems.

Rank.	Names.	System.	Salary.	Full compensation with quarters under proposed system, and fuel and quarters under present system.	Increase.
Major General	H. W. Halleck	Proposed	$9,100	$10,396 00	
		Old	5,800	7,717 00	$2,679 00
Major General	George G. Meade	Proposed	9,800	11,096 00	
		Old	5,800	7,717 00	3,379 00
Major General	P. H. Sheridan	Proposed	8,400	10,696 00	
		Old	5,800	7,717 00	2,979 00
Major General	George H. Thomas	Proposed	10,500	11,796 00	
		Old	5,800	7,717 00	4,079 00
Brigadier General	Irwin McDowell	Proposed	8,250	9,330 00	
		Old	3,940	5,517 52	3,812 48
Brigadier General	W. S. Rosecrans	Proposed	7,150	8,230 00	
		Old	3,940	5,517,52	2,712 48
Brigadier General	P. St. G. Cooke	Proposed	9,350	10,430 00	
		Old	3,940	5,517 52	4,912 48
Brigadier General	John Pope	Proposed	7,700	8,780 00	
		Old	3,940	5,517 52	3,262 48
Brigadier General	Joseph Hooker	Proposed	7,150	8,230 00	
		Old	3,940	5,517 52	2,712 48
Brigadier General	W. S. Hancock	Proposed	7,700	8,780 00	
		Old	3,940	5,517 52	3,262 48
Brigadier General	J. M. Schofield	Proposed	6,600	7,680 00	
		Old	3,940	5,517 52	2,162 48
Brigadier General	O. O. Howard	Proposed	6,050	7,130 00	
		Old	3,940	5,517 52	1,612 48
Brigadier General	Lorenzo Thomas	Proposed	9,900	10,980 00	
		Old	3,940	5,517 52	5,462 48
Colonel	R. B. Marcy	Proposed	5,600	6,680 00	
		Old	3,384	4,961 52	1,718 48
Brigadier General	Joseph Holt	Proposed	5,500	6,580 00	
		Old	3,940	5,517 52	1,062 48
Brigadier General	James B. Fry	Proposed	7,150	8,230 00	
		Old	3,940	5,517 52	2,712 48
Brigadier General	M. C. Meigs	Proposed	8,800	9,880 00	
		Old	3,940	5,517 52	4,362 48

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Compensation of general officers, heads of bureaus, &c.—Continued.

Rank.	Names.	System.	Salary.	Full compensation with quarters under proposed system, and fuel and quarters under present system.	Increase.
Brigadier General	A. B. Eton	Proposed	$9,900	$10,980 00	
		Old	3,940	5,517 52	$5,462 48
Brigadier General	Joseph K. Barnes	Proposed	8,250	9,330 00	
		Old	3,940	5,517 52	3,812 48
Colonel	Benjamin W. Brice	Proposed	4,200	5,380 00	
		Old	2,952	4,529 52	850 48
Brigadier General	Richard Delafield	Proposed	10,450	11,530 00	
		Old	3,940	5,517 52	6,012 48
Brigadier General	Alexander B. Dyer	Proposed	8,250	9,330 00	
		Old	3,940	5,517 52	3,812 48
Colonel	George A. Blake	Proposed	5,600	7,680 00	
		Old	3,384	4,961 52	2,718 48
Colonel	Thomas J. Wood	Proposed	4,900	5,980 00	
		Old	3,168	4,745 52	1,234 48
Colonel	M. S. Howe	Proposed	5,600	6,680 00	
		Old	3,384	4,961 52	1,718 48
Colonel	L. P. Graham	Proposed	5,250	6,380 00	
		Old	3,276	4,853 52	1,526 48
Colonel	W. H. Emory	Proposed	5,950	7,030 00	
		Old	3,492	5,069 52	1,960 48
Colonel	David Hunter	Proposed	6,300	7,380 00	
		Old	3,600	5,177 52	2,202 48
Colonel	J. Vogdes	Proposed	5,250	6,380 00	
		Old	3,096	4,673 52	1,706 48
Colonel	W. F. Barry	Proposed	5,250	6,380 00	
		Old	3,096	4,673 52	1,706 48
Colonel	T. W. Sherman	Proposed	5,600	6,680 00	
		Old	3,204	4,781 52	1,898 48
Colonel	H. Brooks	Proposed	5,600	6,680 00	
		Old	3,204	4,781 52	1,898 48
Colonel	H. S. Burton	Proposed	5,250	6,330 00	
		Old	3,096	4,673 52	1,656 48
Colonel	R. C. Buchanan	Proposed	5,950	7,030 00	
		Old	3,310	4,887 52	2,142 48
Colonel	S. Burbank	Proposed	5,950	7,030 00	
		Old	3,310	4,887 52	2,142 48
Colonel	W. Hoffman	Proposed	5,950	7,030 00	
		Old	3,310	4,887 52	2,142 48
Colonel	Silas Casey	Proposed	6,300	7,380 00	
		Old	3,420	4,997 52	2,382 48
Colonel	Daniel Butterfield	Proposed	3,850	4,930 00	
		Old	2,664	4,241 52	688 48
Colonel	J. D. Green	Proposed	3,850	4,930 00	
		Old	2,664	4,241 52	688 48
Colonel	J. T. Sprague	Proposed	5,250	6,330 00	
		Old	3,096	4,673 52	1,656 48
Colonel	J. V. Bonford	Proposed	5,600	6,680 00	
		Old	3,204	4,781 52	1,898 48
Colonel	J. H. King	Proposed	5,250	6,330 00	
		Old	3,096	4,673 52	1,656 48
Colonel	E. B. Alexander	Proposed	6,300	7,380 00	
		Old	3,420	4,997 52	2,382 48
Colonel	W. S. Ketchum	Proposed	5,600	6,680 00	
		Old	3,204	4,781 52	1,898 48
Colonel	C. C. Augur	Proposed	4,900	5,980 00	
		Old	2,988	4,575 52	1,404 48
Colonel	J. V. D. Reeve	Proposed	5,600	6,680 00	
		Old	3,204	4,781 52	1,898 48
Colonel	C. S. Lovell	Proposed	5,250	6,350 00	
		Old	3,096	4,673 52	1,676 48
Colonel	O. L. Sheperd	Proposed	5,250	6,350 00	
		Old	3,096	4,673 52	1,676 48
Colonel	C. C. Sibley	Proposed	5,950	7,030 00	
		Old	3,310	4,887 52	2,142 48
Colonel	S. P. Heintselman	Proposed	6,300	7,380 00	
		Old	3,420	4,997 52	2,382 48
Colonel	H. B. Carrington	Proposed	3,850	4,930 00	
		Old	2,664	4,241 52	688 48
Colonel	E. R. S. Canby	Proposed	5,250	6,350 00	
		Old	3,096	4,673 52	1,676 48

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REPORT ON INTER-OCEANIC CANALS.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred a resolution to print additional copies of the report of the Secretary of the Navy in relation to inter-oceanic canals and railroads, to report it with an amendment, and to ask for its present consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendment of the Committee on Printing was in line one, to strike out "two" and to insert "five," and in line three to strike out "one thousand five hundred" and to insert "four thousand five hundred;" so that the resolution will read:

Resolved, That five thousand additional copies of the report of the Secretary of the Navy on inter-oceanic canals and railroads, with an additional chart, be printed and bound, of which four thousand five hundred copies shall be for the use of the Senate and five hundred copies shall be for the use of the Superintendent of the Naval Observatory.

Mr. ANTHONY. This additional number has been reported at the earnest request of the Senators from the Pacific coast, who regard it as of very great importance, in which the committee fully concur.

The amendment was agreed to.

The resolution, as amended, was adopted.

RUSSIAN PRESENTS TO AMERICAN OFFICERS.

Mr. SUMNER. I am directed by the Committee on Foreign Relations, to whom the subject was referred, to report a joint resolution (S. R. No. 184) authorizing Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomah and gunboat Augusta, to accept presents tendered them by the Emperor of Russia; and if there is no objection I ask for the action of the Senate upon it now.

By unanimous consent the joint resolution was read twice, and considered as in Committee of the Whole.

Mr. JOHNSON. The committee, I believe, were unanimous in recommending the passage of this resolution, and my impression was that the resolution of itself would save the necessity the Government are under, under the law as it stands, of exacting duties upon the articles we consent shall be received by these officers; but I understand that the Secretary of the Treasury is of the opinion that unless it is stated in the resolution that they are to be received free of duties the duties must be exacted. Among other articles that were presented to Mr. Fox particularly was a snuff-box surmounted by diamonds, and I understand the duties upon that box will be upward of four thousand dollars; and the books, which are, I believe, all of a statistical character, containing very valuable information to the country when they come to be translated, are also subject to a very high duty. It is the purpose of Mr. Fox, as he announced in the letter which was laid before the committee, as the chairman will state to the Senate, to distribute those books among the different literary institutes or colleges to be found in the United States, not to retain them himself. I therefore suggest to my friend, the chairman, that perhaps he had better amend the resolution so as to provide that these presents shall be received free of duty.

Mr. SUMNER. I have no objection to that myself, but I had supposed that question belonged to the Committee on Finance.

Mr. JOHNSON. I do not think there will be any difficulty about it.

Mr. SUMNER. I should gladly accept the amendment.

Mr. JOHNSON. I move to amend the resolution by adding to it the following:

And that the presents hereby authorized to be received may be admitted into the ports of the United States free of duty.

Mr. SPRAGUE. I should like to ask the Senator from Massachusetts what is the character of the presents indicated by the resolution?

Mr. SUMNER. There is a large number of books, which Mr. Fox proposes to distribute among different institutions. There is also a very valuable snuff-box, which was a present from the Emperor to Mr. Fox, and which the Senator from Maryland states has been subjected to a very onerous duty at the custom-house. Of that I know nothing, however.

Mr. GRIMES. I understand that Mr. Fox has accumulated a large amount of books, mostly professional books relating to the Naval profession, not only in Russia, but elsewhere—in Denmark, Italy, and France. They are now deposited, I understand, at the Naval Lyceum at the Charlestown navy-yard. They are of no use to him. He proposes, as I understand, or as the Senator has said, to distribute them at points along the coast where there are libraries connected with our Navy-yards. The resolution as it stands would hardly cover the books that were collected, except those received from the Government of Russia.

Mr. SUMNER. The Senate will understand that the resolution reported from the Committee on Foreign Relations is confined strictly to the matter that seemed to belong to that committee. We did not enter into the question which seemed properly to belong to another committee, that on Finance. We have simply followed the precedents of the body with reference to presents. I had supposed that the exemption from duty might be attached to an appropriation bill. At any rate, it would come properly from another committee.

Mr. FESSENDEN. I do not know how these gentlemen stand in so much better condition than men who go abroad and purchase libraries, and not only have to pay for them themselves, but pay the duties on them when imported. Here it seems that large numbers of books have been presented to these gentlemen, and presented to them because they happened to be the favored officers sent out on this very delightful cruise, in which they have been enjoying all sorts of hospitalities on account of their nation, and very properly, and I am very glad of it. They have had valuable presents made to them of books and other things. They have not been obliged, as others have been for similar purposes, to spend their money for the purchase of these books. I do not know what is to become of them. We hear some talk about what is proposed to be done with them, but we have no legal assurance on that subject. We know nothing about it. I submit to the Senate whether a distinction should be made in favor of gentlemen abroad, who have had valuable presents made to them of books and other articles and not been obliged to pay anything for them, and we should remit the duties on them because they cost them nothing, when other persons abroad who buy those articles and import them are obliged to pay the duties? That is the simple question presented to the Senate, and it is one for the Senate to determine.

Mr. SUMNER. If the resolution is confined to the amendment of the Senator from Maryland I think there can be no objection to it.

Mr. FESSENDEN. That involves the same question. It authorizes them to receive presents, &c. The question is whether the presents ought to be received free of duty.

Mr. GRIMES. It seems to me that this is a very different case from that put by the Senator from Maine. He undertakes to illustrate it by the case of a gentleman who goes to Europe and buys a private library. Here is an individual who goes to Europe by authority of the Government, and while there there is presented to him a large quantity of professional books, a snuff-box, a scimiter, and a quantity of very valuable ores and mineral specimens. Those ores came in free of duty. He immediately transferred them to the Smithsonian Institution; and in an interview that I had with Professor Henry he spoke of the great value of those specimens, and how much he was indebted to the Government and to Mr. Fox for them. On those he was not compelled to pay duty. The books, because he did not feel disposed to pay the duties on them, have been deposited, as I understand, in the library known as the Lyceum at the Charlestown navy-yard, subject to such action as may be taken in the future by the Government, and there they are to remain, or else they will be sold by the Government and purchased by whosoever chooses to purchase them under the custom-house regulations. He does not want them. He has no use for them. They all, I understand, or nearly all relate either to nautical subjects or to something in regard to the development and resources and history of Russia.

Mr. FESSENDEN. I will say to the Senator that if that was reduced to a certainty I should not object to it; but there is no certainty that they are to go into a Government library. If they are, there would be every reason why the duty should not be exacted, because it would be exacting duty on our own. If that is the case, I do not object.

Mr. GRIMES. It is only reduced to this certainty, that Mr. Fox does not want them; they are of no service to him; they are nearly all on professional subjects, nautical subjects, or the history of Russia.

Mr. SUMNER. I have a communication here from Mr. Fox on the subject. This is the letter communicated to the committee by the Department of State, which was the basis of our action. He says:

"I have a large number of books received from institutions, individuals, and societies, which are now in the Boston navy-yard. They are mostly statistical, and although personal gifts, I propose to distribute them where the information they contain will be made useful by translation and publication. There are many books, and other articles sent to me for distribution, which have been forwarded as the donors have requested."

It will be observed that this was all the committee had before them, and there is nothing said here about duties, and there is no prayer for exemption from duties. In reporting the resolution, therefore, the committee followed precisely the precedents of this body and what seemed to be the exigency. There is nothing here about exemption from duties.

Mr. JOHNSON. That is true, because at that time we were under the impression that the consent given by Congress to the acceptance of articles of that description would of itself exempt them from duty. It was thought the Secretary of the Treasury had that power, but he has not, I understand. He says so himself. He has no objection at all, but on the contrary, I am told he prefers that this shall be done.

Mr. ANTHONY. I hope the amendment will be adopted. I trust that the Government will never do such a shabby thing as to make money out of a present of the Emperor of Russia to an officer accredited by us to bear our congratulations to him on his escape from assassination. We want money very much, but we are not so poor as that.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concarred in.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Mr. POMEROY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 632) to authorize the construction of a bridge across the Missouri river at Fort Leavenworth, Kansas; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 633) in relation to certain public buildings in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

A. D. TROTTER.

Mr. HOWARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General inform the

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Senate whether any, and what, mail contracts, if any, have been made with A. D. Trotter, of Staunton, Virginia, and whether any, and what, moneys, if any, have been paid by the Government to the said Trotter on said contracts, without his taking the oath of office prescribed therefor by act of Congress; whether the oath filed upon which the said A. D. Trotter has drawn his pay as mail contractor is in the form prescribed by law; and whether the said Trotter ever actually subscribed and took the oath so filed.

HOUSE BILL REFERRED.

The bill (H. R. No. 1228) for the relief of Samuel Silver was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

PAY OF ARMY OFFICERS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill of the Senate No. 592, to provide for a temporary increase of the pay of officers in the Army of the United States, and for other purposes.

The PRESIDENT *pro tempore*. The action of the House will be read.

Mr. WILSON. I have examined those amendments, and although there are one or two I would have preferred otherwise, I move that the Senate concur in the amendments.

The PRESIDENT *pro tempore*. The amendments will first be read.

The Secretary read the amendments, as follows:

Strike out section three, and insert the following in lieu thereof:

SEC. 3. *And be it further enacted*, That the provisions of the joint resolution approved July 25, 1866, entitled "A joint resolution in regard to the rations of Union soldiers held as prisoners of war," shall be extended so as to allow commutation of rations at cost prices in the settlement of the accounts of all enlisted men of the Army, Navy, and Marine corps, who died while held as prisoners of war in the rebel States, or who, having been so held as prisoners of war, have died, or may die subsequent to release, to be paid, however, only to the widow of such deceased person, if such widow remain unmarried, or in case there be no such widow then to the surviving children of the deceased, or if there be no such widow or children, then to the parent or parents of the deceased, or if there be no such widow, children, parent or parents, then to the brothers and sisters of the deceased.

Strike out the fourth section:

In section eight, strike out all after the enacting clause down to and including the word "infantry" in line four and insert the following: "That (excepting the ordnance storekeeper and paymaster at the Springfield armory, who has the rank, pay, and allowances of a major of cavalry) all storekeepers of the Army shall hereafter have the rank, pay, and allowances of captains of cavalry."

Add the following as an additional section:

SEC. 8. *And be it further enacted*, That in any case where a person entitled to receive payment of bounty under the provisions of any law shall make application therefor, or where such application shall be made by the proper representatives of such person, being deceased, and the discharge of such person has been lost, it shall be competent for the accounting officers to receive, in lieu of the actual production of such discharge, proof of the actual loss of the same, and secondary proof of its issue and contents, together with proof of the identity of the claimant or person deceased, under such rules defining the character and form of the evidence as the Paymaster General shall prescribe.

Add the following as an additional section at the end of the bill:

SEC. 9. *And be it further enacted*, That section fifteen of the act to increase the present military establishment of the United States, and for other purposes, approved July 5, 1838, be amended so that general officers shall not hereafter be excluded from receiving the additional ration for every five years' service; and it is hereby further provided that officers on the retired list of the Army shall have the same allowance of additional rations for every five years' service as officers in active service.

The amendments were concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives further insisted upon its disagreement to the amendments of the Senate to the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the the Government for the year ending June 30, 1868, and for other purposes, and upon its amendment to the forty-sixth amendment of the Senate to the said bill, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. F. FARNSWORTH of Illinois, Mr. F. E. WOODBRIDGE of Vermont, and Mr. C. A. ELDRIDGE of Wisconsin, managers at the same on its part.

The message further announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill of the House No. 1039, making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1868, and for other purposes, and had agreed to other amendments of the Senate to the said bill with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. A. KASSON of Iowa, Mr. W. WINDOM of Minnesota, and Mr. W. E. NIBLACK of Indiana, managers at the same on its part.

The message further announced that the House had passed the bill (S. No. 534) to provide for the allotment of the members of the Supreme Court among the circuits and for the appointment of a marshal for the Supreme Court, with amendments in which it requested the concurrence of the Senate; and that it had also passed a bill (H. R. No. 1225) for the relief of Lieutenant John H. Osler, of Guernsey county, Ohio, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 878) to quiet titles to land in the towns of Santa Clara and Petaluma, in the State of California;

A joint resolution (H. R. No. 92) authorizing the Secretary of the Interior to pay certain claims out of the balance of an appropriation for the payment of necessary expenditures in the service of the United States for Indian affairs in the Territory of Utah;

A joint resolution (H. R. No. 175) to audit and pay the claim of Tuller & Fisher, of Missouri; and

A joint resolution (S. R. No. 182) for printing additional copies of the Appendix to the Diplomatic Correspondence of 1865.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1868, and for other purposes, disagreed to by the House of Representatives, and the amendments of the House to other amendments of the Senate to the said bill; and,

On motion of Mr. POMEROY, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives; disagree to the amendments of the House to other amendments of the Senate thereto, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HENDERSON, Mr. MORRILL, and Mr. SHERMAN.

CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House bill No. 1173.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, the pending question being on the amendment proposed by Mr. WILSON to the amendment reported by the Committee on Finance. The amendment of the committee was to insert as a new section the following:

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to pay to such assistant assessors as were actually employed in the collection of internal revenue in the rebel States prior to the 1st day of August, 1866, compensation at the rate prescribed by law; and an amount sufficient for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WILSON proposed to amend the amendment by striking out all after the word "that" in the first line, and inserting:

In employing persons who could not take the oath required by law as assistant assessors in the rebel States in the collection of internal revenue, the Secretary of the Treasury acted in violation of law, but the persons so employed, being guilty of no offense, are entitled in equity to be paid for services performed; and the Secretary of the Treasury is hereby authorized to pay to such assistant assessors as were actually employed in the collection of internal revenue in the rebel States prior to the 1st day of August, 1866, compensation at the rate prescribed by law; and an amount sufficient for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WILSON. I withdraw the amendment to the amendment, in order to allow the Senator from Vermont [Mr. EDMUNDS] to move an amendment which he has prepared, and which I shall vote for most cheerfully.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts is withdrawn.

Mr. SHERMAN. I observe in reading the morning papers that the debate of last night is stated in such a way as to do injustice, I think, both to the Senator from Massachusetts [Mr. SUMNER] and myself. As I always desire to cultivate the most kindly relations with my fellow-Senators, I desire to state that this report will undoubtedly give an erroneous opinion to persons reading it who did not hear the debate. I did feel very much hurt last night by a remark of the Senator from Massachusetts, that the Senator from Ohio sought to conceal a crime. I looked upon it as a personal reflection, to which I could not submit, and therefore I replied substantially in the language stated; but the subsequent disclaimer of the Senator from Massachusetts of all intention to apply the remark to me personally, or to the members of the Committee on Finance, relieved me from all trouble in regard to it. I certainly, therefore, did not feel like pressing the matter or saying anything more about it. I regarded the statement of the Senator from Massachusetts, that he did not apply the remark to me personally, as ample and sufficient, and therefore with great pleasure withdraw the remark that I made. I never have in any case to my knowledge made a remark to wound the feelings of the most sensitive Senator, unless I was pressed to it by some personally offensive remark made to me; and as the Senator, in the subsequent debate, which is not reported in the morning papers, disclaimed all such intention, I certainly would not wish to keep such a remark upon the record.

Mr. SUMNER. The Senator from Ohio only does me simple justice. I surely had no intention nor the most remote idea of throwing any such personal imputation on him or his associates of the committee as he imagined. My purpose was to develop as strongly as I could what seemed to me the natural effect and consequence of the pending provision. With this explanation I gladly let it pass. I have always entertained for the Senator, as he well knows, sentiments of friendship, and I should regret very much that any language should fall either from myself or from him which could interfere in any way with the relations between us. I do not believe in personalities, although I do believe in stating the truth on important questions strongly.

Now, Mr. President, as I am on the floor, allow me to say that it seems to me this discussion has reached such a stage that we are in a condition to act perhaps a little more positively upon the question than we were yesterday. It is seen, and I believe admitted all around, that there has been a certain service rendered without sanction of law or even in direct violation of law. Of course, therefore, there can be no payment here under existing law; and I now present to the Chair a question of order to this effect: that the pending proposition,

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being to pay certain persons for services rendered without any sanction of law, is in the nature of a private claim, and cannot be appended to an appropriation bill. The clause of our rules to which I call attention is as follows:

"And no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation."

I submit that under that rule of the Senate, the pending proposition being to pay for services rendered without sanction of law, and on that there is no question by the admission I think of both sides, it cannot be moved on an appropriation bill. I present that as a question of order, and ask for the decision of the Chair.

The PRESIDENT *pro tempore*. In the opinion of the Chair the objection cannot be sustained under the rules. The amendment moved by the committee, in the opinion of the Chair, is in order.

Mr. SUMNER. Do I understand the Chair to decide that this is to carry out the provisions of an existing law?

The PRESIDENT *pro tempore*. The Chair did not specify the reason of its decision, thinking it not necessary. In the opinion of the Chair the amendment is in order.

Mr. EDMUNDS. I move to amend the amendment of the committee by striking out all after the word "that" in the first line, and inserting the following:

The Secretary of the Treasury is directed to report to Congress as soon as may be the names of all persons employed in assessing or collecting the revenue from customs or from internal taxation, who did not, before entering upon the duties of their appointments, take and subscribe the oaths required by law, together with the nature, place, and amount of service rendered by each of such persons, and the sums paid to or retained by such persons respectively on account thereof, and the sums, if any, now claimed by such persons for such services.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. EDMUNDS. I do not wish to occupy time upon it. I hope that the committee will assent to it. I believe myself that there are many of these persons who ought to be paid, and I should be willing to pay them. I believe there are some, from what I have heard, who ought not to be. Now, I think if we could all agree to get the precise information as to each one of these claims individually we should have no difficulty at the next session in doing what is just. That is all I have to say.

Mr. CHANDLER. Mr. President, I made some remarks last night in relation to the Secretary of the Treasury which seem to have given offense to some of his particular friends, and I wish to say a word in explanation

It is an old saying that it is the last straw that breaks the camel's back, and yesterday I had the last straw placed upon mine. Now, sir, I gave the Senator from Maine [Mr. FESSENDEN] my views of the honorable Secretary of the Treasury a year ago last December, in a private conversation; and not only have I had no occasion to change those views, but they have been strengthened day by day from that time until the present. Sir, in my own city, the city of Detroit, where I live, we had some most efficient revenue officers. We had a most excellent assessor of internal revenue. It is a district that pays $3,000,000 into the Treasury of internal revenue tax. The Secretary of the Treasury removed this most efficient officer, and appointed a man who would not be trusted in that whole congressional district for a suit of clothes; a man so utterly unfit that no man of any party would recommend him or recommend his confirmation. True, the Senate rejected him; but he was kept in office month after month, after the Secretary of the Treasury knew of his unfitness; and after his rejection, the Secretary, without consulting the delegation, appointed a man no better.

I do not know how it may be in other States; but, sir, so far as the internal revenue department in the State of Michigan is concerned, the appointees are recommended by men who are utterly devoid of character, reputation, or position. The delegates from Michigan are not consulted, nor are respectable men in the State of Michigan consulted, as to who these appointees shall be. The Treasury is suffering by millions and by tens of millions through the inefficiency and the unfitness of these appointees, known to be unfit by the Secretary of the Treasury. I do not know how it may be in other States; but, sir, this very man that we rejected for his unfitness is to-day in the city of Washington controlling the appointment of his successor and of the other Treasury appointees in the State, and boasts that he controls the Treasury appointments.

Well, sir, I heard another thing yesterday, and I am perfectly willing to give my authority, and that is, that a man by the name of Voorhees, generally known as Dan. Voorhees, has been a secret traveling agent of the Secretary of the Treasury for months, traveling through the rebel States.

Mr. HENDRICKS. If the Senator has been informed of that he has been informed of what is not true.

Mr. CHANDLER. Hon. William A. Howard, late member of Congress from my district, is my informant.

Mr. HENDRICKS. It is not true. Mr. Voorhees has had no official connection with the Department at all.

Mr. CHANDLER. I am very glad to hear it.

Mr. HENDRICKS. I will state to the Senator, as I happen to know, exactly what was Mr. Voorhees' business in visiting Washington this winter. The western distilleries feel an interest in the honest execution of the revenue law. Some of them live in the State of Indiana. They did distill very large amounts of liquor, and rendered a fair and honest account of it; but they could not compete when liquor was being sold at $1 60 a gallon in New Orleans, and at almost the same price in New York. Their trade was important in New Orleans. There were such evasions of the law in some way or other that they could not find a market equal to the tax that they paid upon the liquors that they distilled. Some of them employed Mr. Voorhees as an attorney to represent that interest, and to visit Washington in relation to it. When Mr. Voorhees came here to press upon the Secretary important measures to secure an honest execution of the revenue law to protect the distillers of Indiana, he found it necessary to visit New Orleans to prosecute an investigation, not under the Treasury Department at all, but in the employment of distillers in Indiana, who were interested in having every man taxed who distilled any liquor.

Mr. CHANDLER. I am very happy to be corrected.

Mr. HENDRICKS. Now, I will ask the Senator what was his authority for making his statements?

Mr. CHANDLER. I gave my authority, Hon. William A. Howard.

Mr. HENDRICKS. What did he know about it?

Mr. CHANDLER. That I cannot tell you.

Mr. SHERMAN. I hope my friend from Michigan will allow me to appeal to him not to bring collateral matters into this debate. I will say to him that this miscellaneous appropriation bill will occupy some time yet—I hope not more than an hour or two—and then there are other appropriation bills and the tax bill to be taken up; and it is absolutely necessary that we should sit probably twelve hours to-day.

Mr. CHANDLER. I recognize the importance of time at present. I have said all I care to say. I will drop the matter there. I care nothing about it.

Mr. SHERMAN. I hope we may have a vote and take the sense of the Senate on this question.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont to the amendment of the committee.

Mr. WILLIAMS. I hope that that amendment will not be adopted. This whole subject was discussed at the last session; much time was consumed; and now very much precious time has been consumed in the discussion of this question. Every Senator, I presume, is prepared to decide at this time as to whether these persons ought or ought not to be paid. This amendment proposed by the Senator from Vermont only protracts the controversy, extends the discussion, and will lead to the consumption of more time. I hope that the Senate will now dispose of this question, either vote for the report of the committee or against it, and make a final determination of this matter.

Mr. EDMUNDS. As I said before, I am in favor of paying every one of these persons who, on examination, shall turn out to be justly entitled, independent of the technical considerations, to compensation; but I cannot vote for the section as it is reported by the committee. It treats these persons as lawful officers. It styles them "assistant assessors." It does not put any period, as the bill that was under discussion last year did, to their being mustered out of service, if we are to use such an expression; and it has various other informalities which I think will set a bad example for such a manifest violation of law as this was, although I concur with the committee in believing that it was violated with good intention on the part of the Secretary of the Treasury. Now, I do not want to go into debate about this at all. I simply want to say in justification of myself that while I believe that some, many, and possibly all, of these persons, when we see what their claims are, ought to be paid, I cannot vote for it in the form in which it is offered; and with that view I desire to get this information. If the Senate prefer the section as it stands I have no objection.

Mr. JOHNSON. These men have faithfully discharged their duty. They have collected about four millions of internal tax, and we have received the amount. They have collected about eleven millions of cotton tax, and we have received the amount. Without their aid that amount would not have been received, and the question is whether we shall not pay them the value of that service.

Mr. SHERMAN. In order to obviate the point made by the Senator from Vermont, and to make this amendment, if possible, satisfactory to him, I move to strike out the words "assistant assessors" and insert the word "persons;" and after the word "employed" to insert "as assistant assessors," so as to read, "That the Secretary of the Treasury is hereby authorized to pay to such persons as were actually employed as assistant assessors," &c. That will avoid all implication that they were legal officers.

Mr. FOWLER. I should like to know from the Senator from Ohio whether the same persons are still employed in the collection of the revenue?

Mr. SHERMAN. I understand not. At any rate, the amendment provides that they shall not be paid after the 1st of August of last year.

Mr. JOHNSON. They are not now employed.

The PRESIDENT *pro tempore*. The correction of the amendment suggested by the Senator from Ohio will be made if there be no objection. The Chair hears none.

Mr. SUMNER. Now, Mr. President, I rise again to a question of order under the rules of the Senate. I say we have arrived at this point in this discussion: it is proposed to pay certain persons who, it is admitted, held no legal office under the Constitution or laws, who were not bound by the oaths required by act of Congress, and who were therefore essentially private individuals, for certain alleged services; and that is proposed by way of amendment to an appropriation bill. That is the very case which is contemplated by the rules of the Senate when they distinctly declare that no appropriation for such services shall find a place on an appropriation bill.

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I say we have arrived at such a stage of the debate that we all see that no Senator on this floor now insists that this service was rendered under any existing law or under any treaty stipulation. It was rendered, then, in defiance of law. By admission here, these parties did not qualify themselves under the laws of the United States. They were in no respect legal officers. It is so admitted. Because they were not legal officers you are obliged to come forward with some proposition for their payment. In the argument it has been insisted that the service was rendered, and that therefore the Government is in equity bound to pay them. Very well, if it be so let them take the fortunes of other claimants on the Government, and let their case be dealt with by a special bill; do not crowd it into an appropriation act. You cannot do it, I submit, except by violating a rule of the Senate; and now I call particular attention to that rule. The first part is as follows:

"No amendment proposing additional appropriations shall be received to any general appropriation bill unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments."

That part of the rule is not applicable to this case. The amendment is moved by one of the standing committees of this body. In that respect, therefore, the requirements of the rule is satisfied. I mention this in order to set aside that part of the rule; and now I come to the next clause, which is applicable. It is as follows:

"And no amendment"—

The language is broad—

"no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation."

Now, I say this amendment is to provide for a private claim. It is such by the admission of this whole debate. There is no Senator that I am aware of who has ever argued that there is now any legal liability on the part of the Government. All that has been said by those who are most earnest for the proposition is that the service has been rendered, and that the Government is equitably responsible to compensate the service. That is all. It is therefore, I say, essentially a private claim. It then should share the fortunes of the private claims; it must not be tacked to an appropriation bill, and in that way enjoy adventitious support. Let it be brought in by a special bill, and amply considered, with proper provisions for its payment.

I ask the ruling of the Chair on the question of order that I raise; and I raise it now because since the amendment which has been made to the amendment all doubt on the question seems to be removed, could there have been any doubt; and that the Chair decided as he did of course satisfies me that there was doubt. Could there have been doubt before, I submit that that doubt is removed now by the amendment which drops the official designation of these persons and calls them simply "persons." I submit the point of order for the decision of the Chair.

The PRESIDENT *pro tempore*. The Chair feels no difficulty in deciding, as before, that this amendment is in order. The change made in the amendment does not, in the opinion of the Chair, vary the question as it was before presented.

Mr. SUMNER. Then I must take an appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. TRUMBULL. If this is not a private claim I do not know what it is. If it is a private claim, it cannot be offered to an appropriation bill.

Mr. EDMUNDS. It is not offered; it is reported by a committee.

Mr. TRUMBULL. It cannot be reported by a committee.

Mr. EDMUNDS. The rule does not say that.

Mr. TRUMBULL. Yes, the rule does say that. The rule is distinct, "no amendment shall be received," no matter who offers it, "whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation." Amendments may be received from a committee increasing appropriations; but a committee cannot report or cannot offer an amendment to pay a private claim on any general appropriation bill. The rule is not that no amendment proposing a private claim shall be offered; but the language is express that it shall not be received. The first part of the rule reads:

"No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments."

There is the end of that branch. Now comes the other clause:

"And no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation."

It will not be pretended that there is any treaty stipulation to be carried out by this amendment; it will not be pretended that there is any existing law carried out by it; and if it is not a private claim, to pay persons for services rendered to the Government when there was no law for it, what is it? There has been a claim before the Government here for work done upon the Patent Office. Will the Senator from Ohio say, and with all due deference to the President of the Senate, will the President of the Senate say, that the chairman of the Committee on Claims has a right to propose an amendment to pay the workmen on the Patent Office for services done? Can any committee propose such an amendment?

It seems to me that this is purely a private claim; and if it is a private claim, then the rule is positive, if the three last lines of the rule have any meaning, that under no circumstances shall a private claim be received unless there is a law for it or a treaty stipulation providing for it. There is no law for this; there is no treaty for it. The fact that a committee recommends it does not alter the case. Now, is it a private claim? It seems to me that it is.

Mr. EDMUNDS. It seems to me to be equally clear (as it does to my friend from Illinois that this is a private claim) that the decision of the Chair is correct, nevertheless. The language of that part of the rule is that "no amendment shall be received whose object is to provide for a private claim." How does this amendment get before us? Is the question on the reception of this amendment or on agreeing to it when it comes before us with the bill? If the bill is before us from this committee, then the amendment is before us as part of the bill, and the question substantially is whether it shall stand. Therefore it is not in violation of the rule; and I believe such has been the practice all the time, for a committee to report any amendment to a bill, no matter what, if they report it with the bill and as a part of the final proposition which they submit to the Senate. When the amendment comes in with the bill it is then received and it is before the body, and we must vote yea or nay upon it. The question seems to my mind to be perfectly clear.

Mr. TRUMBULL. Allow me to reply to this last suggestion. This is an amendment that is to be acted upon as an amendment.

Mr. EDMUNDS. Yes, acted upon.

Mr. TRUMBULL. Just the same as any other; and now when we come to it, the question is, is the amendment in order? Do I understand the Senator from Vermont to say that it would be competent for the committee having charge of a general appropriation bill to put to it any private claims it pleased?

Mr. EDMUNDS. I say so.

Mr. TRUMBULL. Then the rule amounts to nothing. If that committee can do it, any other committee can do it. The fact that they ask the amendment to be made when they report back the bill does not make it any more binding than if they proposed it afterward.

Mr. EDMUNDS. That depends on the rule.

Mr. TRUMBULL. That is not the rule. And then, let me answer the Senator further, this amendment has been changed; the Senator from Ohio in the Senate has changed the amendment. Now, suppose you strike out one of the sections of this bill that is clearly for a public purpose and clearly proper at the suggestion of the Senator from Ohio; suppose you amend the clause, "for compensation of laborer to take charge of the heating apparatus of the Library of Congress, $600," by adding to it "and to pay said laborer for services last year, $400;" suppose the chairman of the Committee on Finance moves that amendment in the Senate, can I not object to it?

Mr. EDMUNDS. Very likely you can.

Mr. TRUMBULL. The Senator from Ohio has moved to amend this proposition in the Senate. It is not what the committee reported. That is one answer, and the other answer, it seems to me, is also a good one.

Mr. HOWARD. I do not wish to occupy the time of the Senate on this question, but I entertain no doubt that this comes within the prohibition of the rule. The language of the rule is very plain, expressed in the most general terms, that "no amendment shall be received whose object is to provide for a private claim." This is confessedly a private claim. No one can doubt it. The rule prohibits any amendment providing for its payment to be received in the Senate. It is a rule of the Senate that we will not receive any such amendment, come from whatever source it may.

Now, sir, the Senator from Vermont says that we have already received it because we have received the bill with this amendment from the Committee on Finance. Is it in the power of the committee to overrule one of the standing orders of the Senate? Can it be said with any consistency and correctness that because a committee of the Senate have seen fit to tack on upon a bill that they report back to the Senate an amendment for the payment of a private claim, we have already received this amendment and agreed to act upon it? If so, then the Senate itself is no longer the master of its own rules and actions; but that is entirely referred to the committee, and they can alter and change the rules of the Senate as they may see fit in their committee-room, and it is out of the power of the Senate to correct their action, because it is not in order when a committee comes in the Senate and makes a report to refuse to receive the report, at least it is contrary to our uniform action, and we, not knowing what the amendment is when it is offered by the committee, receive the bill with the amendment as a matter of course without question and without knowing anything of the character of the amendment. That is a mere technical, formal reception of the amendment for the purpose of reading the bill, and nothing else. On reading the bill, however, we discover that the committee have violated one of the standing rules of the Senate in recommending an amendment for the payment of a private claim. That is the moment to take advantage of the objection that it is out of order, and that moment is seized upon by my friend from Massachusetts. It seems to me that if we yield this point, we authorize any standing committee of the Senate or any special committee to bring in, in the form of amendments, a string of acts for the payment of innumerable private claims, and therefore divest ourselves of the power of guarding ourselves against what may be in some cases direct imposition upon us. I can entertain no doubt that this amendment is out of order.

Mr. GRIMES. I understand that this question of order turns upon the fact whether or

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not these appointees were selected under a law of the United States. Now, I undertake to say that they were. It is true that the Secretary of the Treasury may have selected men who were unqualified under the law to act; but they were *de facto* officers, and they collected in our behalf and paid into our Treasury $4,000,000. The law merely requires that these officers, after they have been selected and appointed, shall take a certain oath.

Mr. TRUMBULL. And shall not enter on their duties unless they do take it.

Mr. GRIMES. That does not make any difference. They were *de facto* officers, and we have recognized them as officers. We have received the fruits of their labors, and the laborer is worthy of his hire. The question is, whether or not these men have been of service to us? Has their service been of value to the Government? The Secretary of the Treasury may have been wrong in making the appointment. He has been sufficiently rebuked for that. Should we visit our indignation upon these men who could not conscientiously take the oath because the Secretary was unfortunate in the selection which he made, or because he believed that he could not carry into execution the laws of the country for the reason that he could not find men who could take the oath?

Mr. President, this discussion, I believe, involves the sum of $10,000. I do not know that there is any very great principle involved in it. I think that we could safely, after the rebuke that has been administered to the Secretary of the Treasury by the Senator from Massachusetts and the Senator from Michigan, and from the fact that we have declared in this law that in the future we will pay no salaries in like cases—I think we could safely pay this $10,000, and let these men have the salary to which they are justly entitled.

Mr. POMEROY. In reply to the Senator from Iowa, I beg leave to suggest if these men are officers and are recognized by the law, why do they come here and ask for any special appropriation? They can be paid under the existing law if what the Senator from Iowa says is true, and you do not need any additional appropriation.

Mr. GRIMES. It is simply because a year ago we passed a law under the inspiration of the moment, under the inspiration of passion, I think, that they should not be paid.

Mr. POMEROY. I think not. I think no such thing was done.

Mr. FESSENDEN. The original oath-law provided that nobody should receive pay who did not take the oath. It is merely an irregularity.

Mr. BUCKALEW. The precise question I understand is upon the decision of the Chair.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BUCKALEW. The Chair declines ruling this amendment out of order. The rule upon which the objection is based is one upon the reception of an amendment. In the first place, this amendment is reported by the Committee on Finance, and it has been under consideration by the Senate during two days' sessions. The objection is, therefore, too late in point of time upon its reception. Besides that, the Senate itself has not only considered this amendment, but has proceeded to amend it. It is a proposition which the Senate has not only received, but which it has acted upon, and in its modified and amended form it is now before the Senate for its final decision. It would be impossible for the Chair now to rule that this amendment should not be received, against the plain and palpable fact of its having been under consideration at two sessions, and of the Senate having not only received it, but having modified it, so that it is now pending before us in its changed and modified form. This is the plain action of the Senate, and it is certainly beyond the power of the Chair to rule the amendment out of order, and declare it not before the body. That would be not only to act under the rule suggested, but it would be to undo a vote of the Senate itself. However the case might stand as an original question, therefore, as the point now stands before the Senate, the decision of the Chair is most indisputable. It would be impossible for the Chair to make any other decision.

One additional remark. I do not look upon this amendment as a private claim. I look upon it as in the nature of a public measure. Observe, we are not passing upon an application made by an individual or by several individuals before us by petition, followed by a bill, which is the form in which private claims come up. It would not be proper for a member to rise in his place and propose that a claim preferred by an individual or by several individuals should be paid upon a bill of this kind. If the objection in such case were made in due time, of course the rule of the Senate would exclude it; but here is a report from a committee upon a general subject, with reference to the public policy of the Government in one third of the Union in the collection of its internal revenue. It is a provision of general law, applying indiscriminately, not to any individual by name, but to a large mass of persons in connection with our general policy upon the revenue question. It is, therefore, in the nature of a public measure. This is not the claim of an individual or several individuals preferred before us and coming up for consideration in the usual and ordinary manner; it is in the nature of a question of public policy, and therefore, in my opinion, not obnoxious, not objectionable to the rule that has been cited.

However that may be, sir, at present unquestionably the Senate must vote to sustain the decision of the Chair, as it is perfectly conformable to the action of the Senate itself, this amendment having been received, and having been amended by the Senate.

Mr. POMEROY. I apprehend that the Senator from Pennsylvania does not state precisely the usage of the Senate. An amendment is received. It is received from a committee on an individual moving it, as a matter of course, by unanimous consent; but it is always competent to raise a point of order upon its reception at any time before action is had upon it, before the amendment is adopted. In receiving it the Chair is to understand that it is the unanimous consent that it shall be received, and by unanimous consent any private claim may be put upon an appropriation bill; but if the point is raised, if objection is made to it, then the Chair understands that it is not by unanimous consent, and the decision of the Chair must then be made. The point taken by the Senator from Pennsylvania has no bearing upon this question, because it is our usage always to receive any amendment and consider it; and if it occurs to the Senate or to any individual member that it is a private claim, then the point of order is made and decided. I think this point of order at least is made in time, according to the usage of the Senate.

Mr. DAVIS. This service was rendered under the authority of law, and the Committee on Finance simply report an amendment to this bill to pay men for having rendered service by authority of and in conformity to law. The position that this is a claim which is not authorized by an existing law is so unsound and so untrue that to my mind it is only necessary to state the facts of the case for its refutation.

Mr. SUMNER. I am sorry to protract this discussion for one moment; but there was a remark that fell from the Senator from Iowa [Mr. GRIMES] to which I wish to reply. If I understood him, he argued that this was not a private claim, because these persons as officers had entered upon the discharge of their duties. Now, allow me to remind the Senator that nothing, perhaps, for many years has been of more constant occurrence than the claims of persons who have rendered service in foreign countries as officers of the Government, but not precisely in conformity with existing laws. I have more than once presented such claims from the committee which I represent on this floor. I have moved them under the direction of that committee on appropriation bills, and they have been set aside as not in order. The precise ground taken was that they were essentially private claims. I may remind the Senator, for instance, of the claims of persons who had served as marshal of the consular court in Canton. There were other similar claims which I do not precisely recall; but they have always been treated as private claims, and on that account, although having the sanction of a committee of this body, ruled out of order.

Now, I humbly submit that these precedents are precisely applicable to the present proposition. These parties entered upon the discharge of certain duties, but they failed to comply with any existing law. They did not come within the requirements of the law. They were, therefore, in no just sense officers of the United States. They may have *de facto* performed certain duties, but they had not brought themselves within the requirements of the law. The law was positive that no man could enter upon the duties of office, or touch any salary or compensation therefor, until he had first taken a certain oath. But these persons, without taking that oath, entered upon their duties. What then, I ask you, was their predicament? They were private persons rendering service to the United States under the guise of office; but they were in no just sense officers of the United States, for the Congress of the United States had in advance declared that no such persons could be officers of the United States. How, then, can you, sir, in defiance of a statute recognize them as such? No, sir, they were not officers; they were simply private citizens discharging certain duties. Let their case, then, be presented on that ground; let them appear, if you please, as petitioners, like other private claimants on this Government, and let us consider their claims in a bill carefully matured, with proper safeguards and provisions.

Mr. FOWLER. I wish to make a single remark with reference to the main subject in hand as I understand it. These officers, as I shall call them, were appointed contrary to law, and they accepted their positions contrary to law. And for what purpose? It was not from the consideration that there were not loyal men in every one of these States sufficient to hold these offices and qualified to perform their duties; but it was because a policy had been adopted at that time to unite the southern rebel element with its friends in the northern States for the purpose of precipitating the canvass for the next presidential election. It was thought that it would not do to appeal to the down-trodden Union men of the South. I know personally that there were enough of those men all over the South to have discharged the duties of these offices. If they had received the patronage of the Government they would have held in their hands by this time almost every rebel State and given it to the cause of the Union. They are now to be thrown aside, and the Congress of the United States appears to be willing at one session to trample under foot what it has done at a preceding session. I am not prepared to vote for any such measure, nor am I prepared to place these individuals in a situation in which they will be enabled to wield these States against the policy of Congress. For one I wish to see in power in the southern States men who will represent the policy of Congress at this time. I will not say now precisely whether Congress is right or wrong in the contest which it is waging, has waged, with the executive department, and it is unnecessary to discuss that question; but the fact is that that contest exists. Placed as I have been on the side of this body, I expect to maintain the policy that Congress has assumed, although but half developed and half presented to the country as yet. I expect, of course, that this body will, as far as it can, see that it is represented, and stand by the solemn declarations it has made. I

make no charge upon any officer or any department whatever; but I think it is due to the dignity of this body to maintain at least the policy that they have set forth on this point.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SUMNER. On that question I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 10; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Cattell, Conness, Cowan, Cragin, Davis, Dixon, Doolittle, Edmunds, Fessenden, Fogg, Frelinghuysen, Grimes, Harris, Hendricks, Johnson, Kirkwood, Lane, McDougall, Morgan, Morrill, Nesmith, Norton, Patterson, Poland, Ramsey, Riddle, Ross, Saulsbury, Sherman, Sprague, Stewart, Van Winkle, Willey, and Williams—37.

NAYS—Messrs. Creswell, Fowler, Howard, Howe, Nye, Pomeroy, Sumner, Trumbull, Wade, and Yates—10.

ABSENT—Messrs. Chandler, Foster, Guthrie, Henderson, and Wilson—5.

So the decision of the Chair was sustained.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. TRUMBULL. I desire to say a word or two in reply to the equitable ground which is assumed by the Senator from Maryland and the Senator from West Virginia and some other Senators as to the basis for the payment of this claim, and the assumption which they make, that good morals require us to pay this money. I think the Senator from Iowa repeated the same thing, that we have got the money, that these men collected money, we have received it, and now we ought to pay them. That argument, let me say to the Senator from Maryland, will justify a band of ruffians to-day going into the custom-house in New York, driving out the officers of the Government, and collecting your customs, and then when they have done it you must not receive the money, or you must pay them for doing it. Here, in defiance of law, men have collected the money of the Government, and it is said if you take the money, the sum which is due on the goods imported into the country, you are bound to pay the men, who, knowingly and without authority of law, usurped this authority. It is put upon moral grounds, and that is the morality taught in the Senate of the United States by the Senator from Maryland and others to the people of this country. They do not pretend to justify the act, but they say no matter if a man did act in violation of law, no matter if the law said he should not exercise the duties of the office without taking an oath, what of that? He did exercise the duties and collected the money, and you cannot receive the revenue due the Government unless you pay him. That is the kind of morals proclaimed in the Senate of the United States; and we are told that we will put it in the law that we will not pay again. Will that help it? Have you not put it in the law already that you will not pay?

Sir, so far from there being any consideration of morals requiring this payment, it is demoralizing to the legislation of the country. It is teaching men to disobey the law. It is saying to executive officers whose duties are prescribed by law, "You may violate the law, and yet you have the moral right to be paid for whatever you do for the Government, even in violation of law; it makes no difference that we have prescribed your duties; it is true, we have directed you in the discharge of your duties to discharge them in a particular way, but it is immaterial whether you do it or not; discharge them any way you please, and if we have the benefit of them we must pay you." Suppose you appoint an architect to construct this Capitol, and you direct him how he is to do it. He does not follow the law; he disobeys your directions, the very authority under which he holds office, and you must either go without a Capitol and not occupy it, or you must sanction what is done, because you receive the benefit of his labor. And this is called good morals.

Mr. JOHNSON. Mr. President, I have never supposed that I could compete with the honorable chairman of the Judiciary Committee either in a question of morals or a question of law of any description. I never in my life knew him when he was not always right upon both questions, and I sometimes doubt whether I am. He has the advantage of me, therefore. But in reading to me a lecture—for it was delivered in such a tone that it amounted to a lecture—the honorable member should recollect that he is lecturing three fourths of the Senate of the United States; and however he may doubt whether my sense of morals is as keen as his, it would have been at least, perhaps, if he will permit me to say so, decorous to admit that it was barely possible that the large majority of the Senate of the United States had as nice a sense of morals and honor as the honorable chairman of the Judiciary Committee.

Mr. TRUMBULL. The Senator from Maryland, with all his self-complacency, cannot, I am sure, have forgotten that he himself rose in this Senate and made the point of morals. He was the Senator who said that we had received ten millions of money from these persons, and ought to pay them because we had received the money. He put it upon that ground; and when he is replied to he chooses to call the reply to this assault upon our morals who were not inclined to make this payment, a lecture. I suppose, sir, we are permitted to reply to this assault upon our morals by saying that the course advocated by him is demoralizing in the extreme, and teaching the people of this country to disregard the law.

But, sir, with all the Senator's modesty, he assumes that three fourths of the Senate are with him. I have not canvassed the Senate to know whether three fourths of the Senate are with him or with me. I am not satisfied that this measure will pass; and allow me, with all due deference to the Senator's better opinion, to give it as my humble opinion that it will never pass the Congress of the United States. I do not believe the Congress of the United States will pass this measure. It is possible this body may. The Senator may have canvassed the Senate and ascertained how they will vote.

Mr. JOHNSON. Let me say to the honorable member that that is what I never do. What his practice is I know nothing about.

Mr. TRUMBULL. I do not know by what authority the Senator assumed that three fourths of the Senate would vote with him, then.

Mr. JOHNSON. By the vote just taken.

Mr. TRUMBULL. The vote just taken was on a question of order.

Mr. JOHNSON. Very well.

Mr. TRUMBULL. It was on the question whether the decision of the Chair should stand as the judgment of the Senate; and because the Senate voted to sustain the Chair in that decision the astute Senator from Maryland assumes that that is a judgment upon the merits of the question. I am unable to meet an argument of that kind. I did not suppose that that had anything to do with the merits of the question.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment reported by the committee.

Mr. CONNESS. I ask that that amendment be read before the vote is taken.

The Secretary read the amendment to the amendment, as follows:

That the Secretary of the Treasury is directed to report to Congress as soon as may be the names of all persons employed in assessing or collecting the revenue from customs and from internal taxation, who did not, before entering upon the duties of their appointment, take and subscribe to the oaths required by law; together with the nature, place, and amount of service rendered by each of such persons, and the sums paid to and retained by such persons, respectively, on account thereof, and the sums, if any, now claimed by such persons for such service.

Mr. HOWARD. I understand that this is offered as a substitute for the amendment suggested by the Committee on Finance. This requires no appropriation at all.

Mr. BUCKALEW. We have already had a report such as is contemplated by this amendment. The names of these officers were reported to us by the Secretary of the Treasury, and he stated that he had not paid them. Certainly there can be no motive in adopting such an amendment.

Mr. SHERMAN. There is not a single fact which the Secretary can give which has not already been given on this subject; and therefore I do not see the use of renewing the controversy at the next session. Let us take a vote of the Senate *pro* or *con*. I do not care one particle which way the Senate decides; but the proposition is before us, and I think we had better dispose of it now.

Mr. HOWARD. I have not heard, and the gentlemen around me have not heard, a single word that the Senator from Ohio has said. We are anxious to know what he is stating.

Mr. SHERMAN. I say there is not a single fact which the Secretary can communicate to us that we have not now. We have the names of the assistant assessors and all the facts connected with their services. I would rather the Senate would dispose of the question now; and I would not turn my hands, except as a matter of justice and equity, for a decision either way. I hope the Senate will take the question and pass its judgment upon the proposition of the Committee on Finance. If the Senate decide that these men ought not to be paid under the circumstances, well and good; that is a plain proposition. But there is no use in calling on the Secretary of the Treasury or anybody else for further information. We have it all in his official reports.

Mr. HOWE. Let me suggest to the Senator that I think he is mistaken in saying that the Senate has that information.

Mr. SHERMAN. The Senator from Illinois read here last night from an official document giving the names of the assistant assessors who had been appointed and could not take the oath of office. We have the amounts charged for their services. We have several cases on our tables. There are probably fifty or sixty of them; perhaps a hundred; I do not know how many.

Mr. HOWE. The paper from which the Senator from Illinois read last night contained only the names of certain assistant assessors who had been appointed in defiance of law up to the date that report was sent to the Senate.

Mr. SHERMAN. None were appointed after that.

Mr. HOWE. We have no authentic information that I know of whether others have been appointed since or not. We do not know how long these men were continued in office. We do not know whether they are continued in office to-day or not. We do not know what the amounts claimed by these parties are. I do not understand what one fact the Senate has in its possession which would authorize it to pass upon the question.

Mr. EDMUNDS. What I desire is information. The committee only reported an authority, with an appropriation in support of it, to the Secretary of the Treasury to settle these accounts according to his discretion; that is, to pay all the persons employed the same sum to which they would have been entitled had they been entitled by law to perform the duties to which these salaries and emoluments would then attach. The committee have not favored the Senate with any information which they possess as to the amount of service rendered by any one of these persons, the nature of it, except a mere general statement—we all know the general nature—where it was performed, how much is now claimed to be due to these persons, whether there is any distinction in the rightfulness, in the natural equity between one person and another, as frequently there is in such cases. We have no information at all of that description. But it is proposed to leave to the discretion of the Secretary of the Treasury the power of paying these persons without regard to any difference or distinction that exists between them. It leaves

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him the power to pay a person who may have been appointed—I do not say that he was, because I do not know—in a State and a place where there were dozens of men who were ready and willing to take the oath, and who could take it with a good conscience, and who were perfectly capable of performing these duties.

My proposition is to get this information rather than to go forward, and not knowing now whether these persons are holding these what they call offices or not, still authorize the Secretary of the Treasury to pay them, and then next year have another appropriation possibly for further services; because, when this subject was under examination by the Committee on Commerce last summer, down in the last days of July, we then had reason to believe from the information we received that some of these persons—we could not readily ascertain how many—were still engaged in this service notwithstanding that many months had passed since the attention of Congress and the attention of the Secretary of the Treasury was drawn to it. It may be that the Secretary of the Treasury had good reason for continuing these persons in this illegal employment after Congress had shown its dissatisfaction with it. I hope he had good reason, if he did so; and I do not mean to say that he had not; but I do mean to say that if in any other case, when a post office contractor is to have anything in addition to what the law gives him, if any claim, however small, of loyal citizens against the Government is to be settled, we know the detail of each individual case, and the nature and extent of the service. If in such cases, I say, we must have information of this description before we act, then we ought to have it now, and decide justly when it is before us. Therefore I think there is reason for the amendment which I offer.

Mr. CONNESS. Mr. President, so many collateral questions have been drawn into this discussion that it is exceedingly difficult for a Senator to know, unless he has been able to form his opinion from other sources, how to vote upon the main question in this case as to whether these claims or accounts shall be paid or not. My objection to the form of amendment now presented by the honorable Senator from Vermont is that it is simply a call for information upon a departmental officer, which may be made by a resolution of the Senate, and seems hardly the thing to append to an appropriation bill. We can get all the information contemplated in this amendment if it be put in the shape of a resolution calling on the Secretary of the Treasury to report; and for that reason I do not see the importance of sustaining this amendment, which in itself is well enough however, but is rather out of place here, as I think.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Finance as amended.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 13; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Cattell, Conness, Cragin, Davis, Dixon, Doolittle, Fessenden, Fogg, Foster, Frelinghuysen, Grimes, Hendricks, Johnson, Lane, McDougall, Morgan, Morrill, Nesmith, Norton, Patterson, Poland, Ramsey, Riddle, Ross, Saulsbury, Sherman, Sprague, Van Winkle, Willey, and Williams—33.

NAYS—Messrs. Chandler, Edmunds, Fowler, Howard, Howe, Kirkwood, Nye, Pomeroy, Sumner, Trumbull, Wade, Wilson, and Yates—13.

ABSENT—Messrs. Cowan, Creswell, Guthrie, Harris, Henderson, and Stewart—6.

So the amendment was agreed to.

The next amendment of the Committee on Finance was to add as an additional section:

SEC. 9. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to sell at public auction the following property belonging to the United States, namely: the buildings and grounds known as the old custom-house at Alexandria, Virginia; the building and grounds known as the old custom-house at New Haven, Connecticut; the building and grounds known as the old custom-house at Portsmouth, New Hampshire; the parcel of ground known as the old custom-house lot at Norfolk, Virginia; the parcel or lot of ground purchased in the city of Perth Amboy, New Jersey, for the erection of a custom-house; and the custom-house and grounds at Sackett's Harbor, New York; and he is hereby authorized to make, execute, and deliver all needful conveyances to the purchaser or purchasers thereof.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Finance are now disposed of.

Mr. FESSENDEN. I have two or three other amendments to propose from the Committee on Finance. I move to strike out in lines two hundred and sixty-eight, two hundred and sixty-nine, and two hundred and seventy of section one the words:

"For repairs of the building used as the custom-house and post office at Middletown, Connecticut, $6,000; and;" so as to leave the clause read:

For the erection, under the direction of the Light-House Board, of an iron spindle on Success rock, Long Island sound, $500, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. FESSENDEN. Now I move to strike out lines two hundred and seventy-four and two hundred and seventy-five, in these words:

For the payment of fixtures and furniture furnished to said post office, $600.

The amendment was agreed to.

Mr. FESSENDEN. In line two hundred and eighty-two I move to strike out "repairs" and insert "miscellaneous expenses;" so as to read:

For furniture, carpets, and miscellaneous expenses of Treasury buildings, $35,000.

The amendment was agreed to.

Mr. FESSENDEN. I am further authorized by the committee to move to insert after line two hundred and eighty-nine "for continuation of the Treasury extension, $50,000."

Mr. ANTHONY. I should like to have the Senate accept an amendment to that amendment—I believe we adopted it here once—restoring the building to its original design, and getting rid of those deformities that are stuck on the side next to the President's House.

Mr. FESSENDEN. I would rather not have that added; I am not sufficiently acquainted with the subject.

Mr. ANTHONY. I can move it afterward.

The amendment was agreed to.

Mr. FESSENDEN. After line two hundred and sixty-one I move to insert:

For the purchase of a site and the erection of a building for a custom-house and post office at Machias, Maine, $20,000.

The amendment was agreed to.

Mr. WILLIAMS. I am authorized by the Committee on Finance to move this amendment, to come in after line two hundred and sixty-one of section one:

For the purchase of a site, and the erection of a custom-house and post office at Astoria, Oregon, $25,000: *Provided*, That vessels may load and unload at the city of Portland, in said State, under such regulations as may be prescribed by the Secretary of the Treasury.

Mr. TRUMBULL. I do not know that I shall oppose this amendment; there was one just like it adopted a moment ago; but I wish to apprise the Senate that we shall claim the erection of post offices and custom-houses in other States if they are to be put on for such places as Machias, in Maine, and the point in Oregon now proposed. I recollect that some years ago the policy was adopted of erecting court-houses and post offices in various places in the United States, and we had considerable discussion about it in the Senate; and now I see that a motion is made to erect a custom-house and post office at some place in Oregon; I do not remember the name of the place.

Mr. FESSENDEN. Astoria.

Mr. TRUMBULL. A moment ago an amendment was adopted to purchase a site for and erect a custom-house and post office at Machias, in Maine. I should like to move a similar amendment for Quincy, in my State. I have no authority from a committee to do it, and of course therefore cannot make the motion; but Quincy is a place of fifteen thousand inhabitants, and we have many applications for an appropriation for the erection of a custom-house and post office there. I do not know what amount of rent the Government pays for its buildings there, but it is considerable. Then I think we ought to have a similar appropriation for Alton if these appropriations are to be made generally to erect post offices and custom-houses at places where we have surveyors and post offices and the cities are of any considerable importance. There are two or three such places in the State of Illinois, and I presume there are others in other States. If we are to adopt this policy I should like to know how far it is to go. I hope the Committee on Finance will allow me to move an appropriation for a similar building at Quincy, in the State of Illinois. A motion was made in the House of Representatives to insert Quincy; but it was made, I believe, at a time when it did not receive fair consideration or it would have been put on the bill.

Mr. FESSENDEN. In regard to the motion I made, I can say to the Senator that Machias is a port of entry in the State of Maine, where considerable business is done, and the only accommodation they have now is an old wooden building, which is not at all fit for the purpose, and is not safe in any degree.

Mr. TRUMBULL. Can the Senator from Maine inform the Senate how much revenue is collected there?

Mr. FESSENDEN. I cannot from recollection. I know it is not very much, but still a considerable business is done there. A citizen of that place has offered for a very small sum to have a custom-house erected. When I was in the Treasury Department I was consulted about the matter, and I recommended to Congress the erection of a custom-house at Machias. I was perfectly satisfied that one ought to be erected there; and of course, if a building were erected in that place it might as well be used for a post office. I supposed the lower part would do for the post office and the upper part for the custom-house.

Mr. TRUMBULL. How much of a place is Machias?

Mr. FESSENDEN. Some seven or eight thousand inhabitants. The question of a custom-house does not depend so much on the number of inhabitants, but the section of country where it is, whether there is a large population around it, &c.

Mr. TRUMBULL. So far as the post office is concerned, that would be a test.

Mr. FESSENDEN. The Government now has to hire, I believe, a building for a post office and a building for a custom-house, and neither is fit for the purpose. A wealthy citizen of that place, who owns some valuable lots there, has offered for a very trifling sum in proportion to its real value to sell to the Government a lot for this purpose. Undoubtedly, of course, it will be to the advantage of the rest of his property. On the strength of that offer and the recommendation which was made by myself two years ago, the Secretary of the Treasury has again investigated the matter and sent us a communication requesting decidedly that this appropriation may be made. If the Senator from Illinois, with regard to Quincy or any other town where business of that sort is done, will go through the same process, and get the same recommendations on an examination of the whole subject-matter from the proper authorities it will undoubtedly be provided for. It was not moved at the instance of the Committee on Finance; I knew nothing about it until the papers were sent to me from the Department, and the committee on investigation were so well satisfied about it that they authorized the thing to be done as proper and as a real saving to the Government.

Mr. TRUMBULL. I was not particularly objecting to that appropriation or to the one moved by the Senator from Oregon, because I am not particularly advised in regard to either of them. My colleague in the House, who represents the Quincy district, made a motion to have an appropriation for the erection of a cus-

tom-house and post office at Quincy. I have not been furnished with any facts in regard to it; and I am not in a condition to move the amendment if I had the facts at this time. I wished merely to call the attention of the Senate to this policy. If we are to inaugurate it again, of course each State will take steps to have public buildings erected in its important cities for the accommodation of the custom-house and post office. I am not certain but that is the best policy. That I suppose could be determined by ascertaining what amount the Government pays in rent. If it is cheaper to put up a building and own it than to rent accommodations in these large places it is probably good policy to erect a building at once. The post office accommodations cost the Government a very considerable amount I know in my own State; I cannot state the precise amount, but as much as $1,000 rent is paid in some places, and probably considerably more in others. What is paid for custom-house accommodations I do not know. I imagine that the amount of customs collected at these places is small, unless it is at a time when railroads are being built in the vicinity, and then considerable amount of iron have been entered and the duties has been paid on it. Quite a considerable sum has been collected in that way; but in an ordinary year I suppose the amount of customs collected at Quincy would be small. I do not know what it is.

Mr. FESSENDEN. If the Senator gets a recommendation from the Department, of course it will be done in his place as readily as another.

Mr. TRUMBULL. I imagine that it would; but it is a question of general policy whether it should be adopted.

Mr. WILLIAMS. I presume the Senator from Illinois is not familiar with the history of this subject, or he would not interpose any objection to the amendment. Astoria is located at the mouth of the Columbia river, and is the port of entry for the collection district of Oregon, and there has been a custom-house there for a great many years.

Mr. TRUMBULL. Is the building owned by the Government?

Mr. WILLIAMS. No, sir; the building is an old frame building, in which the records of the United States are kept, and are exposed to destruction at any time by fire.

Mr. CRESWELL. What amount of duties is collected there?

Mr. WILLIAMS. A very large amount of duties, and it is constantly increasing. I do not know the exact amount. This subject has been investigated by the Treasury Department, and a plan and specifications have been prepared by the chief architect. I have here the letter of the Secretary of the Treasury recommending the construction of this custom-house for the sake of safety, so that the Treasury and the records of the United States can be preserved, and it is certainly usual to have one custom-house in a collection district. This custom-house will collect duties for the whole State of Oregon. There is a very large foreign commerce now between the towns on the Columbia river and British America and other foreign ports; and that business is rapidly increasing, and the revenues are rapidly becoming important, and in the judgment of the Treasury Department it is necessary that there should be a fire-proof building there, so that the treasury and the records will be safe. In 1852 $40.000 were appropriated for the erection of a custom-house at Astoria, and yet the money was suffered to go back to the Treasury without being expended, for some reason or other. There is no doubt of the necessity of such a building there.

The amendment was agreed to.

Mr. WILSON. I move to amend the bill by adding at the end of the first section the following clause:

To enable the Commissioner of Agriculture to erect a Department of Agriculture on reservation No. 2 in the city of Washington, according to the plan proposed by him, to be constructed under the general provisions of law relating to the construction of public buildings, $100,000.

Mr. TRUMBULL. As that amendment will probably take some little time, I desire, with the indulgence of the Senator from Massachusetts, to submit at this point a report from a committee of conference.

Mr. WILSON. Very well.

PAYMENTS TO LOYAL PERSONS.

Mr. TRUMBULL, from the committee of conference on the disagreeing votes of the two Houses on the joint resolution of the House (H. R. No. 222) prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression, submitted the following report:

The committee of conference on the disagreeing votes of the joint resolution of the House (H. R. No. 222) prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its first amendment, disagreed to by the House, and agree to the bill as passed by this House with the Senate's other amendment.

LYMAN TRUMBULL,
GEORGE G. FOGG,
J. W. NESMITH,
Managers on the part of the Senate.

C. DELANO,
JOHN B. ALLEY,
A. THORNTON,
Managers on the part of the House.

Mr. TRUMBULL. I am inquired of by a Senator behind me the effect of this report. Really I do not think it changes the joint resolution at all. The Senate struck out the words which forbade payment, not only to a person who had aided the rebellion, but also to any person who was not known to be in favor of its suppression, and inserted in lieu of those words other words on the motion of the Senator from Wisconsin, [Mr. HOWE.] The other words inserted in lieu of them were that no payment should be made to a person who should not prove to the proper accounting officers that he was opposed to the rebellion. I think the two expressions amount to about the same thing, and the committee agreed to abide by the resolution as it was before those words were stricken out.

The report was concurred in.

CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes, the pending question being on the amendment of Mr. WILSON, to appropriate $100,000 for the erection of a building for the Department of Agriculture.

Mr. FESSENDEN. I should like to have some explanation of this matter.

Mr. SHERMAN. I will explain what I know about this proposition. Under the act creating the Department of Agriculture certain rooms were assigned to it in the building of the Department of the Interior. Ever since that time there has been a constant struggle by the Department of the Interior to get the Department of Agriculture removed to other buildings beyond its limits, on the ground that all the room in that building was needed for the Department of the Interior. Every Secretary of the Interior for the last four years, and I believe there have been three of them in that time, has, in official communications addressed to Congress, and also in letters to the Committee on Agriculture, asked that some arrangement of this kind be made. About three years ago Congress by law authorized the Commissioner of Agriculture to hire a building outside of the Department of the Interior for the accommodation of some of the officers of his Department. Rooms were hired, and the duties of some of the branches of the Agricultural Department were discharged outside of the Department of the Interior. By the terms of that law the arrangement continued but for three years, and the term expires on the 1st of July next. The Commissioner of Agriculture has been for years beseeching Congress to provide some suitable building for the Department of Agriculture, and so has the Secretary of the Interior. The Committee on Agriculture have been considering the matter very thoroughly for three years. The trouble was, first, to get a site; and second, to agree upon a plan, so as to get a style of building that would be suitable for the purpose. Finally we have agreed upon the ground; we have agreed upon the form of the building, not a very expensive one, and on the whole have concluded to recommend that provision be now made for the erection of this building. The plan contemplated is on your table, and may be readily seen. It contemplates the erection of a comparatively plain brick structure about one hundred and fifty feet long and some sixty feet wide, upon a very neat plan, that will look very well.

It was first proposed to erect this building on Judiciary square; but the Secretary of the Interior was very much opposed to that, because he said that that ground was reserved for a Department building for the Department of the Interior, to be erected at some future time, and he objected to the use of that ground for this purpose. It was then proposed to put it upon reservation No. 2, which lies to the west of Smithsonian Institute, where the United States have some twenty or thirty acres of ground now in possession of the Agricultural Department. It is proposed to erect this building in that place; and after a careful examination of the plan proposed and the site selected we thought it was better to erect the building now as a matter of economy. The architect has prepared the plan and estimates, I think correctly, that the building can be constructed for $100,000.

We now pay for rent of buildings for the use of the Department of Agriculture $3,500 a year, besides occupying a considerable portion of the basement or lower story of the Department of the Interior; and the Department of the Interior in the mean time for want of room have been compelled to hire a house outside for some of their officers. The result is that we are now paying in rent nearly the interest on the money it will cost to erect a suitable building for the Department of Agriculture.

I will state also that the collections which Congress have authorized the Commissioner to buy, and the collections of agricultural productions which are constantly increasing, have become so great that the Agricultural Department want additional room for them. The plan of the new building appropriates a very handsome room for the exhibition of agricultural products. On the whole, the Committee on Agriculture thought it wise to propose this measure, and I can state to the Senate that it has been very fully considered, and has not been reported without a careful examination, perhaps more than is usually given to most propositions of this kind, and it is sanctioned by the Secretary of the Interior, the Commissioner of Agriculture, and I believe by every one who has had anything to do with it.

Mr. FESSENDEN. I do not know that it will be of any service for me to say a word about this proposition; and I do not know but that it is all right. That depends upon what Congress intends to do. I wish, however, to call the attention of the Senate for a moment to the progress of things. In the first place, if I had the book before me, I should like to call their attention to a debate that took place in this body when the Department of Agriculture was established, which was only about four or five years ago. Before that time we had been in the habit of expending about seventy thousand dollars a year for agricultural purposes, and that had grown up by degrees from the first appropriation of $1,000, which was very strongly opposed on the ground that this Government was not instituted for the purpose of having departments of agricul-

ture or of taking care of agricultural matters in the country particularly. After a very strenuous opposition, however, the original appropriation of $1,000 was made; and I believe it was then foretold that the result would be that the thing would grow up into a Department, a notion which struck everybody with surprise at the time.

When this Department was established it was on the express statement that all which was designed by it was to give character to the agricultural interests as connected with the Government. It was said that the name of a Department was wanted. It was not to cost any more than the usual appropriations then made; $70,000 a year was to cover the whole expense. That assurance was given very decidedly by gentlemen who were in favor of the proposition. I believe I prophesied then that it would grow regularly every year until it got to be one of the great institutions of the nation; perhaps it ought to be. That is for Congress to decide. I think the very next year after the Department was established the amount asked for under the direction of the present able and learned head of that institution was $150,000; and it has stood at that, or something about that sum, since that time. It has grown up to have a chemical department and several learned professors connected with it, some in the investigation of one branch of agricultural science and some in the investigation of another. The last proposition, I believe, was to make four or five new professorships in connection with it. Congress, however, did not quite indulge that idea at the time.

Now, it is found, and it is unquestionably true, that this Department is encroaching very much upon the Department of the Interior, and more room must be provided for it. We have hired some buildings for that purpose; and we have at last come to this point, that a Department building is to be erected costing us, it is said, $100,000; but I take it that is merely a beginning. Senators do not know that that is going to cover the cost, and it has never been found that the first appropriation covered, or began to cover the expenses of a public building here.

Mr. WILSON. I am told the building can be completed by the 1st of December for that sum.

Mr. FESSENDEN. Undoubtedly the Senator is told so. Perhaps it will grow up like a fairy palace, in the night, under the direction of Sir Isaac and others connected with the matter. Now, I have simply to say that if this were to be considered the beginning of the end it would be something; but the result must inevitably be that we shall have a vast mass of buildings, and the Government will be committed irrevocably—because there is no backward step in this progress—to a large Agricultural Department of the Government, involving very great expense.

Sir, I should not regret this if I were satisfied that it was to do much good; but I have never yet been able to believe that any good was to be accomplished by making a Department here to attend to matters which are a great deal better taken care of at home. We are about to establish a department of education. I believe it will do no good. I believe it will do harm. I believe it will simply stand in the way of the efforts which have hitherto been made by the States to conduct educational matters; and that by degrees those efforts will slack; the burden will be attempted to be thrown upon the General Government of making large appropriations for educational purposes; that they will not be half as well conducted as they are now when the persons immediately interested have the control of them under the systems adopted in the different States. It will not be five years before we have a proposition to erect a building on some reservation or other to accommodate the department of education, and we shall have a large establishment, I suppose, in the shape of a normal school for the education of teachers, &c.

I deem it my duty to state these things to the Senate. Experience has shown me that it is almost, if not quite, impossible to resist with any effect the current that seems to be setting in the direction of absorbing all powers into the hands of the General Government. I am not much of a State rights man, and I never was, but I think our country differs very much from other countries in the fact that it is made up of States, a congregation of States, which have been in the habit of considering that they had some duties to perform under our system, which distinguishes us pretty much from all other nations. I dread this course of legislation; but all I can do is to express my fear of it and my dissent from its wisdom. The Senate of course will do as they please.

Mr. WILSON. I will simply say that the building to be erected according to the plan is to be a plain brick building, and it is believed it can be built for the amount of this appropriation between now and the close of the year. The intention is to have it ready by December next. It will be a beautiful building.

Mr. FESSENDEN. On paper.

Mr. WILSON. Yes, on paper; the plan is here. I hope we shall come to a vote.

The amendment was agreed to.

Mr. BROWN. I am directed by the Committee on Public Buildings and Grounds to offer this amendment, to come in in line four hundred and ten of section one:

For the removal of the foot-bridge on Maine avenue, now of no further use at that point, to Third street west, which the Commissioner of Public Buildings is hereby directed to have done, $300.

To complete the culvert through the Botanic Garden, $15,000,

I will state——

Mr. FESSENDEN. There is no objection to the amendment.

Mr. BROWN. Very well.

The amendment was agreed to.

Mr. WADE. I offer the following amendment as a new section:

And be it further enacted, That the sum of $75,000 be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated for the completion of public buildings in the Territory of New Mexico; said sum to be expended by the Governor of that Territory, under the direction of the Secretary of the Interior.

Mr. FESSENDEN. That is a large sum.

Mr. WADE. Not larger than they generally have. Buildings have been commenced there, but they are in such a condition that they seem to be going to decay, as it is represented to us, and it is absolutely necessary either to give them up or complete them.

Mr. FESSENDEN. I should like to know from the Senator where the estimate of the cost of these buildings comes from?

Mr. WADE. There has never been an estimate of the cost that I know of. There never has been any in such cases that I know of.

Mr. FESSENDEN. I think we have not been in the habit of appropriating over $20,000 for territorial buildings.

Mr. WADE. Yes we have. This is to complete the buildings, and they have already had several thousand.

Mr. FESSENDEN. They must cost more than the public buildings in the States, then.

Mr. WADE. This is to complete the public buildings in New Mexico, and I presume this amount will not be more than enough for that purpose. That is the information the Committee on Territories had. There was no information from the Department, and there never is any that I am aware of in regard to these buildings.

Mr. FESSENDEN. There always should be.

Mr. WADE. I think the Departments are not in the habit of estimating for these things.

Mr. FESSENDEN. Invariably.

Mr. WADE. The amount appropriated in the different Territories for public buildings, jails, State houses, &c., has been in some cases $40,000, and in some cases $50,000, and in others $60,000. I suppose these buildings are necessary in all the Territories. The committee came to that conclusion, but if the Senate think differently, be it so. I have discharged my duty in bringing the proposition forward.

Mr. JOHNSON. Permit me to ask the honorable member how he got at the amount named in his amendment?

Mr. WADE. We got the amount from the resolutions from the Legislative Assembly and from various other sources, not very authentic or official, I agree, but such information as we could pick up. I have never known a case where there has been an estimate from a Department as to the cost of public buildings in a Territory before we made an appropriation for them. Different sums have been appropriated in different Territories. This is rather larger than most of the Territories have expended; but it seems they have begun a very large building there, and left it in an unfinished and dilapidated state. They have no State house for the Legislative Assembly to meet in. They have, as they represent, one of the oldest buildings on the continent which they use, built originally for a temple or a cathedral, or something of that kind. It is represented as being in a very dilapidated state, and it will cost a large sum to repair it and to make it comfortable for the transaction of business. This sum is to finish up that building and to complete their prison. It was represented to the Committee on Territories in such a shape that we could not doubt the propriety of the appropriation for this purpose.

Mr. GRIMES. Permit me to inquire of the Senator whether it is the usual practice for the Government of the United States to build jails for the Territories.

Mr. WADE. Yes, sir; prisons are always built in the Territories.

Mr. GRIMES. Penitentiaries.

Mr. WADE. I call it a jail; you may call it a penitentiary if you please. It is a place to put prisoners in.

Mr. DOOLITTLE. Ten years ago this summer I was at Santa Fé and saw the buildings there used as public buildings. The building which is used mainly is older I presume than any building in the city of Philadelphia, called the palace of justice, built at a very early day by the Spaniards, built in the manner in which buildings in that country are built, of adobe bricks. It is a pretty large building, and is occupied by the various territorial officers, and the Senate and the Legislative Assembly of the Territory meet there. It is not such a building as would be regarded as very desirable in modern times. Besides that, there are standing outside some considerable distance from this the walls of a building which was intended to be erected for the Territory by the Government of the United States. I understand an appropriation was once made for it, and the walls of the building were erected; but it stands in that condition unfinished, as it has stood I suppose for ten years. For some reason or other, I think, because somebody connected with the affair misappropriated the money, the building was not completed; and the thing is in such a condition that I think the honorable Senator from Ohio would desire to have some detailed estimates before he could form a judgment as to what would be necessary to be appropriated to finish that building. The amount is altogether uncertain unless there be some estimates from competent authority.

Mr. WADE. I do not know where we could get any estimates on such a subject.

Mr. FESSENDEN. From the Secretary of the Interior.

Mr. WADE. The amendment provides that the money is to be expended under the direction of the Secretary of the Interior. I suppose he could take means of doing it which would satisfy him that the money was properly expended. I have no objection to putting any proper restriction on him that the Senator may propose; but I think this proposition is in the form of the appropriations

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usually made for these purposes. The provision is copied from other territorial bills, that the Governor of the Territory shall expend the money under the direction of the Secretary of the Interior. I have followed the ordinary precedents, supposing that this Territory was like other Territories in this matter. It is an old Spanish settlement, and it is proposed to repair some of their old buildings. I looked to find the last appropriation, and I think it was made in 1856, and the amount was $50,000 to complete the penitentiary. I presumed from that language that there had been a previous appropriation for that purpose, but on looking at the laws I have never been able to find any such appropriation.

We have been informed by various resolutions of the Legislative Assembly, and by the Delegate from the Territory, and from various sources, that it is very desirable to have this building completed. I think we have obtained all the light that is usual in such cases. Possibly an engineer might be sent out there to examine the building and make an estimate, but I think we have done all that is usual in cases like this. If gentlemen think proper to provide that the Secretary of the Interior shall cause an estimate to be made, and report at the next session, let them do so; but it will be an unusual provision.

Mr. FESSENDEN. I am now drawing an amendment to that effect.

Mr. WADE. If that is the pleasure of the Senate I shall not object.

Mr. BUCKALEW. It strikes me that this appropriation is large; and I suppose of course the territorial authorities will expend all the money we vote. I think the appropriation ought to be reduced to $50,000.

Mr. FESSENDEN. I move as a substitute for the amendment offered by the Senator from Ohio:

That the Secretary of the Interior be directed to procure an examination to be made of the condition of the public buildings in the Territory of New Mexico, and report to the next Congress an estimate of what amount is necessary to complete the same.

The amendment to the amendment was agreed to, and the amendment, as amended, was adopted.

Mr. WADE. I have another amendment:

And be it further enacted, That the sum of $40,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the erection of public buildings in the Territory of Dakota, said sum to be expended under the direction of the Secretary of the Interior.

This appropriation is some ten thousand dollars less than almost any modern Territory has had for public buildings. There have been no public buildings provided for the Territory of Dakota, and I suppose it would cost the Government much less to erect these buildings at once than to leave them to a later period. The condition of things in that Territory, as I am informed and believe, is such that when they convict a man of any crime they have got to transport him to Detroit, and in that way, if things go on as they are, we shall have to incur more expenses than we would to erect a penitentiary.

Mr. GRIMES. What do they send them to Detroit for?

Mr. WADE. There is no prison nearer.

Mr. GRIMES. There is one at Omaha.

Mr. WADE. Perhaps they might find one at Omaha, but I am told they send prisoners to Detroit.

Mr. GRIMES. The real capital of Dakota, that is to say the place where most of the business of the Territory is done, is Sioux City, in the State of Iowa.

Mr. WADE. That is two or three hundred miles off.

Mr. GRIMES. Yancton, the capital of the Territory, is northwest of that. I do not remember the distance, but they have to go to Sioux City, and through Sioux City across the State of Iowa, and then across the State of Illinois, and then across the State of Michigan to get to Detroit, rather a long journey to carry a prisoner to prison.

Mr. WADE. The Territory is a very large one, and the population is scattered over a large extent of it, not very continuous in villages or towns. It is very difficult for them to get along without a prison in any of these Territories. The Committee on Territories has been beset very much with applications for appropriations from Montana and from Idaho and the other Territories, and it seems to me that their request is reasonable and just. For fear, however, that it should be thought the Committee on Territories were extravagant, I have withheld, even against my better judgment, bringing in applications for these appropriations. There the same complaint is made. Half the prisoners they convict run at large because they have no place to put them.

Mr. GRIMES. What is the number of convictions that have taken place in Dakota?

Mr. WADE. I do not know.

Mr. JOHNSON. What is the population?

Mr. WADE. I do not know certainly.

Mr. JOHNSON. About six hundred, I believe.

Mr. WADE. I imagine it is much more than that. There are a good many Indians there, you have brought your Indian population down into that Territory. A jail is wanted there, and a jail is wanted in all these Territories. Gentlemen here may think lightly of it, but the honest inhabitants there do not think lightly of it. There is a great trouble in all these rambling Territories for want of a place to put prisoners when they are convicted; and if I continue upon the Committee on Territories I shall have very soon to propose appropriations for public buildings in all these other Territories, and unless the Senate mean to adopt a new rule they will grant this request. Such applications never have been refused heretofore that I know of. No Territory once organized has asked for money to erect public buildings that I know of which has been refused. There seems to be a kind of a rule under which it is expected that the Government shall provide public buildings for them in the commencement. They have always done it, and I suppose they will have to continue to do it as long as they organize Territories. I ask in this case a sum more moderate than any appropriation that I know of for public buildings in any Territory. The amount here asked is $40,000, and I know of none others where the appropriation has been less than $50,000. The judgment of the Committee on Territories was that we ought to grant this reasonable sum; but I leave the matter to the decision of the Senate.

Mr. FESSENDEN. I suppose we shall have to put up these buildings in accordance with what has been the modern practice; but the Senate will perceive that the system on which we go is a very wasteful and extravagant one. We appropriate a gross sum of money to be expended in the erection of buildings. We do not know anything about the plans and specifications. There is nobody to approve them, and nobody under whose direction the buildings are to be put up. All that is wrong. It ought to be under the direction of some public officer. I move to amend the amendment by adding after the words "Secretary of the Interior" the words "and upon plans and specifications approved by him."

Mr. WADE. I have no objection to that. I supposed the language of the amendment already would embrace that.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. I think I shall propose another amendment. It is very evident that they cannot spend so much money as is proposed to be appropriated this year. I move to cut down the amount to $20,000. That will be as much as can possibly be expended in this year, and then next year we shall have the plan before us, and we shall know something more about it. We shall by that time be able to ascertain some facts in relation to it. I have no objection to making an appropriation to begin with, of all that is necessary for the year.

Mr. WADE. I am pretty well satisfied now that the amendment which has been added requiring the work to be upon plans and specifications approved by the Secretary of the Interior will involve a great additional expense to the Government. The Secretary will probably make the building on a much more extravagant plan than the people there would if it was left to them. They might be satisfied with a kind of temporary building; and I am afraid that if we leave him to pass upon the plans and specifications he will get up a building infinitely more expensive than the people there would get up if we left the matter to them alone. They do not build such buildings as master-builders here when you submit the job to them to get up. They are less expensive as a general thing. It seems proper enough that there should be specifications; and yet under the circumstances my opinion is that the effect of that provision will be what I have stated.

Mr. FESSENDEN. I will say to the Senator that if the people of the Territory were to erect the buildings out of their money I have no doubt what he says would be correct; but when we pay for them they will get as large buildings as they can, and as expensive ones.

Mr. POMEROY. I have always been in favor of a liberal policy toward the Territories; but I think our legislation in regard to questions of this character should be governed somewhat by the population of the Territory and the necessity for these buildings. If an amendment were put on here that this amount might be expended when the population reached twenty thousand there would be some reason why we should make the appropriation.

Mr. JOHNSON. What is the population?

Mr. POMEROY. I have found from some experience that these public buildings are never, or hardly ever, built in the beginning where the people, when they come to be a State, want them located. There was a large appropriation made for the Territory of Kansas, but there never was any building erected with it.

Mr. JOHNSON. What became of it?

Mr. POMEROY. A building was commenced, the money was expended, and the stone that was quarried and prepared was afterward sold. Why? Because the capital of the Territory was located at Lecompton, a place the people of the State did not want for a capital; and the Government lost about seventy-five thousand dollars. In other Territories the organic acts sometimes prescribe the place where the capital shall be, or else allow the Governor to select a capital. The organic acts have differed in that respect; but neither Congress nor the Governor has any right to make a permanent capital, and we ought not to erect public buildings until the permanent capital is established. We may put up temporary buildings that will answer the purposes of the territorial legislation, but when we appropriate large sums for public buildings the capital should be well defined and well established, because the buildings are not for a day, they are not for this year; and the appropriations are of a sufficient character to erect buildings to last years and years.

I have seen something of Dakota, and I think that in such a Territory we ought to require the population to be at least twenty thousand before public buildings are erected. I would vote for an appropriation for that purpose, to be expended when the population reaches twenty thousand; but if the population is not now five thousand, and if they do not add a thousand a year, as they do not, I cannot see why we should make appropriations of this character. There are some Territories—Montana, for instance—where the population is increasing enormously. If the capital was well established there, so that we could with prudence and discretion say that the amount of $75,000 might be used for public buildings, if it would answer

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the purpose of public buildings when they became a State, I would vote for it.

Mr. GRIMES. Permit me to make an inquiry of the Senator from Kansas. He lives in the vicinity, and I should like to know what his estimate is of the population of Dakota, and what is the number of votes that were polled at the last election.

Mr. POMEROY. The population must be very small, or else the people are so scattered that they could not get to the polls to vote. I noticed that the vote was very small.

Mr. SPRAGUE. What was the vote?

Mr. POMEROY. Less than a thousand.

Mr. GRIMES. Was it not less than five hundred?

Mr. POMEROY. The Territory is very large and the people are very much scattered, so that they did not all get to the polls to vote. But I believe there was only one ticket running; and in a Territory or in a State when there are not two parties, you never get out a full vote. You cannot tell by the voting whether there is any population or not in a Territory or State where there is only one ticket running; because if there is no contest hardly anybody will take the trouble to go to the polls and vote. Judging by the last vote, the population of Dakota is very small, indeed; but I think they have more population than that vote would indicate.

But, sir, I close what I have to say by saying that an expenditure of this character should not be made, in my opinion, unless the capital of the Territory is well settled, and unless the population is at least twenty thousand.

Mr. WADE. I do not wish to introduce any new principle in regard to these appropriations. The precedents have been that when you have organized a people into a territorial government, when you have given them a Governor and a Legislature, and all the paraphernalia of self-government, when you have set them up as a quasi independent organization in that form, you have always given them an outfit of public buildings. I believe that has been the invariable rule.

Mr. NYE. Not in our case.

Mr. WADE. But you were erected into a State before you were hardly born. [Laughter.] It has been the rule in all other cases that I know of, when we erect a people into a Territory, when we provide for their choosing a Legislature, we do not provide that they shall meet at certain times to transact legislative business without providing a place in which they shall meet. It is supposed that to carry on civil government they will want offices for the transaction of the business of the Territory. Then, in the administration of justice they will want a jail or a prison, unless nobody goes there but angels, and that has not always been found to be the case. It has always been considered that there was a kind of propriety in giving an outfit in this form to a new Territory just starting in the work of organization. When you authorize them to make laws you provide a place in which their Legislature shall meet to enact laws. I suppose that is the reason upon which, in every Territory so far as I know, appropriations for these purposes have been made.

I agree with the Senator from Kansas that it would be exceedingly well if the proper site for a permanent seat of government could be ascertained at an early period of the Territory when we make the appropriation; but if you were to take the vote of the people of Dakota on that question to-day they could not tell where they would ultimately want their capital to be, and I think the permanent capital has rarely been fixed upon in an early period of the Territory. Nobody can tell then where the settlements will predominate, where the population will be thickest, where the convenience of roads will indicate the proper point to be. Nobody can now foresee what may happen in the next ten years. Consequently, fix it where you may at first, you will find that the people after a while will have a pretty violent contest over it, and they will finally fix it to suit themselves without regard to the location you may name. It is impossible to permanently locate the capital when a Territory is first organized. You cannot do it unless the geography of the country is so marked that the place where the capital should be is at once indicated by great rivers or great roads, or something showing where the center of population and business will be.

But, sir, I have said all that I care to say on this subject. If the Senate do not see fit to deal with this Territory as we have dealt with other Territories, be it so. I have done my duty.

Mr. FESSENDEN. On the statement of the Senator from Ohio, it appears to me to be exceedingly unwise to make any appropriation just now for this purpose. It seems that there are very few people there, and it is impossible to tell where these buildings should be put up. If we spend $40,000 or $20,000 now it may be wasted; it may be used up in buildings at a place which will be nothing more than a county seat. I think they can wait until we know something more definite in regard to it, and even risk the consequences the Senator apprehends in regard to criminals. I hope the amendment will not be adopted. This is too early a day altogether to put up public buildings in this Territory.

Mr. WADE. If you mean to make no appropriation for this Territory I hope you will resolve it back into its original form and take it under the protection of the General Government again. It seems to me very singular that you should provide a territorial government for these people, create a Legislature, and require them to meet and manage their local affairs, and deny them a place to meet in.

Mr. NYE. I desire to make a suggestion to the Senator from Maine. I understood his amendment to be that this money should be expended under the direction of the Secretary of the Interior.

Mr. FESSENDEN. That was adopted.

Mr. NYE. I think that should be reconsidered. It will lead to a great deal of trouble. You have local officers there, and if they are fit for their places they know better how to expend the money than the Secretary here. You are now building a mint in Nevada of course under the direction of the Secretary of the Treasury who receives monthly reports from there, and there are no payments until the reports are received. It takes a report a month to come here and a month to go back, so that the Government is in debt two months all the time to those who are doing the work. I suggest as a matter of convenience and as a matter of economy that the money could better be expended by the officers of the Territory.

Mr. FESSENDEN. The original proposition of the Senator from Ohio was to have the money expended under the direction of the Secretary of the Interior. What was added on my suggestion was a provision that the buildings should be constructed on plans and specifications approved by him. But I think the appropriation ought not to be made at all, or at any rate not more than $10,000, because it is evident that it is impossible to ascertain anything about it at the present time. I agree with the Senator from Kansas that we ought not to make any appropriation for this purpose to the Territory. There are so few people in it.

Mr. POMEROY. I would put in a proviso at the end of the amendment that the money should not be expended until the population reaches ten or twenty thousand.

Mr. FESSENDEN. That will not be for some time, and we can provide for it just as well next year.

Mr. POMEROY. I do not think there is really any occasion for making this provision now. The difficulty I have found about these appropriations is that the territorial officers, the men who first go into a new Territory will buy a town site and become largely interested in it, and they are very clamorous to have buildings erected there, so that it becomes more a matter of speculation and of necessity to them than of public interest. I am clear that in a Territory like Dakota there should be a population sufficient to warrant an expenditure of this character, and the location of the public building should be well stated and defined. This amendment appropriates for "public buildings." I do not know what is contemplated by that. If it means a jail or a penitentiary, $10,000 is enough for that purpose. If it means a Capitol for the Legislature, $40,000 is not too much. I really do not know from this amendment what kind of buildings are contemplated.

Mr. WILLIAMS. I have lived in two Territories, and know something of the manner in which money appropriated for such purposes is expended in the Territories, and I doubt very much whether the expenditure has ever been of any particular advantage to the people, though it has been very often to individuals. I rise, however, simply to suggest that unless money enough is appropriated to construct a State-house and penitentiary in a Territory, none ought to be appropriated. If $10,000 will not build either a State-house or a penitentiary in a Territory, the appropriation of that amount would be simply so much money thrown away for no good purpose. The legislative officers of the Territory can hire the necessary buildings for the meetings of the Legislative Assembly, and they can temporarily construct a jail or penitentiary for the use of the Territory. But if this money is appropriated in this manner it will not, I presume, be applied to the construction of a penitentiary, but will more probably be applied to the construction of a State-house or a place for the meetings of the Legislative Assembly, and for the transaction of the business of the territorial officers. If the object be to appropriate money to this Territory for the purpose of providing it with a penitentiary, the law ought to declare that so much money is appropriated for that purpose; for when you pay this money into the hands of the territorial officers a contest arises between the different localities that aspire to be the capital of the Territory as to which place shall have the public buildings, and a contest arises as to the location of the penitentiary; and I undertake to say, without positive knowledge, except as to two or three Territories, that in three fourths of the Territories where money has been expended in this way a great proportion of the amount has been lost in these local controversies between town sites and places contending for the capitol and penitentiary. According to the information I have received here, and without any personal knowledge on the subject, it does seem to me that it would be advisable to wait a little while before this expenditure is made, although I am always favorable to every sort of friendly legislation for the Territories. As I have been so identified with them, I feel an interest in them always, and any legislation that looks to their advantage would certainly receive my support; but if the population of this Territory is but five or six hundred or a thousand people scattered all over a large extent of country, the expenditure of this amount of money for the purpose of constructing public buildings there would be about so much money thrown away, as it seems to me. I think it advisable to wait a little while and see what the Territory will become.

Mr. CRAGIN. I apprehend from this discussion that some Senators are not aware of the fact that a bill was passed by the Senate a few weeks ago appropriating to each Territory $40,000 for the purpose of building a penitentiary. Such a bill was passed by the House of Representatives at the last session, and was reported by the Senate Committee on Territories and passed by the Senate a few weeks ago. I reported it during the morning hour, and it went through without any objection, appropriating $40,000 to each of the Territories for the purpose of building a penitentiary, the money to be taken from the internal revenue collected in each of the Territories for the years 1866, 1867, 1868, and 1869.

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Mr. POMEROY. I would inquire of the Senator whether that bill has become a law.

Mr. CRAGIN. I suppose it is a law. I am not aware that the President has vetoed it or kept it back.

Mr. POMEROY. It had escaped my recollection entirely.

Mr. CONNESS. I remember it.

Mr. POMEROY. Then why do we have this appropriation of $40,000 in addition?

Mr. WADE. I think that bill was confined to Montana and Idaho.

Mr. CRAGIN. No, it applied to the Territories of the United States, and appropriated $40,000 to each, except to Washington Territory, and to that we appropriated $20,000, it having already received $20,000 for the same purpose.

The PRESIDENT *pro tempore*. The question is on amending the amendment by striking out $40,000 and inserting $20,000.

Mr. FESSENDEN. I withdraw that amendment to the amendment, and I think it is evident that the whole proposition should be rejected on the information we have.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio.

The amendment was rejected.

Mr. WADE. I offer this amendment as additional sections:

And be it further enacted, That all advertisements, notices, and proposals for contracts for all the Executive Departments of the Government, and the laws passed by Congress and executive proclamations and treaties, shall hereafter be advertised by publication in the two daily papers published in the District of Columbia now selected under the act of the first session of the Thirty-Ninth Congress, making appropriations for the service of the Post Office Department during the fiscal year ending 30th of June, 1867, and for other purposes, until otherwise ordered by Congress, and in no other District of Columbia papers: *Provided*, That the charges for such publications shall not be higher than such as are paid by individuals for advertising in said papers: *And provided also*, That the same publications shall be made in each of said papers equally as to frequency.

And be it further enacted, That all laws and parts of laws conflicting with the above provision with respect to official advertising in the District of Columbia be, and are hereby, repealed.

Mr. JOHNSON. What are the two papers referred to?

Mr. WADE. The Chronicle and the Star. They were selected under the law of last session, which required the advertisements to be published in those papers having the largest circulation, which was ascertained in the way prescribed by that law. But I understand that law has been very much evaded, and this is an attempt to correct that evasion, I believe the law spoke of newspapers published in the city of Washington, and I have been told that some papers here—one, at all events—purported on its face to be published at Georgetown, and thus evaded the law and obtained the publication of Government advertisements, although it had not the largest amount of circulation. This is an attempt to correct that abuse, and to require the publication to be made in those papers that were selected because they did have the largest circulation.

Mr. JOHNSON. The circulation of the Star is quite large locally, but it cannot be extensively circulated out of the city. The effect of this amendment, as I understand, is to confine the publication to the Chronicle, which I suppose is circulated generally, and to the Star which has a mere local circulation, and to prevent the publication in any other papers. I doubt whether the publication in the Star will answer the purpose throughout the country. I do not think it is a paper which has any circulation out of the city. The honorable member says the law is the same now, that the Departments are obliged to give these publications to the Chronicle and the Star. If that be the law I do not know that it has been violated.

Mr. CONNESS. It cannot be given to any other papers than those now without a violation of the law by evasion, and as I understand it this is to prevent that.

Mr. WADE. That is all there is of it.

Mr. HENDRICKS. I believe the law of last session provides that the publication shall be made in the newspapers having the largest circulation. This is an abandonment of that law in this respect. This will make the papers which are now publishing the advertisements the organs for that purpose by act of Congress; and should they cease at any time to have the largest circulation the Departments could not transfer the publication, according to the law of last session, to any other paper, unless Congress should order it to be done. I think it is small business for Congress to be saying what papers shall publish the laws. They should be published in papers of general circulation. To say that any two papers shall continue to publish the laws is to say arbitrarily that they shall have the benefit of this patronage without regard to their circulation. The effect of this amendment is simply to take away from the Departments the control of it under the act of last session. That act allowed the publication to be given to the papers of largest circulation.

Mr. WADE. And this provides for the publication in those papers selected under that law by the methods provided for in that law.

Mr. JOHNSON. But suppose they have lost that circulation now?

Mr. WADE. Their relation to the other papers in point of circulation, no doubt, is now just about what it was then. As the Senator from Maryland well remarked, one of those papers, as I understand, has a very large local circulation in the District of Columbia, and it was therefore thought proper not to confine it to that one. The Chronicle undoubtedly has a much wider circulation outside the District of Columbia than the Star; but these two papers are the leading papers here, having a much larger circulation than any other two papers in the District. They were selected under the law of last session for that reason, and this provision continues the publication in these same papers, and it prevents the practice of running off with papers, inferior in circulation, to Georgetown and setting them up there, and thus evading what was intended by the law. This speaks of papers published in the District of Columbia instead of in the city of Washington.

Mr. HENDRICKS. If I understand the purpose of the Senator, it would be accomplished properly by providing that the laws and other advertisements shall be published in the two papers in the District of Columbia having the largest circulation, instead of the city of Washington, as he says the law of last year provided. He wants now to insert "District of Columbia" instead of "city of Washington." But this amendment goes much further, and says the publication shall be continued in two particular papers until Congress shall otherwise order. That has no defense upon any ground. They may now have the largest circulation, and next year may not.

Must Congress legislate on this subject and investigate every year what papers in the District of Columbia have the largest circulation? That certainly cannot be right. I am willing to legislate offices from one man to another if the Senate thinks that important for party ends; but to say that Congress shall commence naming the newspapers that shall do the publication for the Government, is I think rather small business. Certainly this matter ought to stand on the general principle that the papers who have the largest circulation at the time the advertisement is to be made should be selected.

Mr. WADE. There is no doubt that is the case now; and as for Congress taking the power over the subject I am perfectly willing that they should. Indeed, I would rather Congress should settle the question than to leave it to any other power to ascertain it. That is just how I feel.

Mr. YATES. I understand the fact to be that the papers in this District were required to furnish a statement under oath of the number of their copies in circulation, and that these two papers, the Star and the Chronicle, were ascertained to have the largest circulation. I think therefore this order which continues it to them with the further action of Congress is entirely correct. I cannot see any objection to it. The question has been settled by the returns made under oath.

The amendment was agreed to.

Mr. CRESWELL. I am directed by the Committee on the Library to propose this amendment, to come in after line three hundred and eighty-five of section one:

For the construction of a new green-house, with central dome and a wing, to correspond in size with the present green-house in the Botanic Garden, to be built of iron and glass, according to the plan prepared by the architect of the Capitol extension and approved by the joint Committee on the Library, $35,000, the same to be expended under the direction of the joint Committee on the Library of Congress.

The Botanic Garden, as I gather from the appropriations heretofore made for it, was established somewhere between the years 1850 and 1855. Appropriations have been made continuously from that time down, as well as for the support of the employés necessary to conduct it as for the construction of the buildings and for procuring necessary manures, shrubs, plants, &c. The building which is now used for that purpose has in the course of time become entirely too small. In fact it was only a part of the original plan as proposed by the architect. At the time that it was constructed, it was thought that that would suffice for the protection of the shrubs and plants which were then in the possession of the Government; but the time has arrived when it is necessary, by reason of the accumulation of plants on our hands, that that building shall be greatly enlarged, and a necessity exists that a new building shall be constructed of an entirely different material, as appears from the present condition of the building now in the Botanic Garden. The building there is in such a condition from decay that in a very few years it will be necessary entirely to replenish it.

The amendment that I have proposed requires that the original plan of the architect, a copy of which I have, shall be executed, and executed in iron. It has been found from experience it is by far the most economical. The Library Committee, after a careful consideration of this subject—and upon that committee are associated with me the honorable chairman of the Finance Committee and the honorable chairman of the Committee on Claims, two I think of the most lynx-eyed gentlemen in this body with regard to the appropriation of public money—agreed that it was far better that we should appropriate a sufficient sum to construct a building of iron at once and thereby make it permanent. As the garden now is, I would not recommend the appropriation of another dollar to maintain the building there unless this appropriation that I now suggest were made. I think it is essential with a view to the credit of the Government and to a proper ornamentation of the grounds connected with the Capitol. In the interest, therefore, of science as well as of economy, I have moved the amendment, and I hope it will be adopted by the Senate.

Mr. WADE. It seems to me, when we are on economy, we could as well dispense perhaps with the Botanic Garden in this city as a Territory can dispense with buildings to legislate in. The one seems to me to be a necessity, and the other a mere matter of fancy. If the Government is not able to give the people of a Territory, who are always poor and not very well calculated to take care of themselves in the first place, a building to legislate in when we require legislation at their hands, it strikes me we can just as well dispense with this Botanic Garden and its arrangements as the people out there can dispense with a place to legislate in. If the Government cannot do the one, I think it ought not to do the other.

Mr. CRESWELL. Why, Mr. President, the only objection made to the appropriation that the gentleman asked for in the Territory of Dakota was that there were not people

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enough there to fill the building, excepting the Indians, who perhaps would not congregate in it. When the time comes that such a building as that will be useful in Dakota the Senator will find that every member of the committee to which I am attached will cheerfully vote for it, but not before. But, sir, there is a necessity for the construction of this building in the Botanic Garden, unless Congress in its wisdom shall determine to destroy everything like an improvement in the interest of the Botanic Garden.

The amendment was agreed to.

Mr. SPRAGUE. I offer the following amendment as an additional section:

And be it further enacted, That the Secretary of War is hereby authorized, at his discretion, to increase the pay of the clerks of the United States armory at Springfield, Massachusetts, to $1,200 per annum, instead of $800, as now fixed by law.

I am directed by the Committee on Military Affairs to offer this amendment. I have also explained it to the Senator from Ohio, who has charge of this bill, [Mr. SHERMAN,] and have his approval to the offering of the amendment.

The amendment was agreed to.

Mr. ANTHONY. I wish to offer an amendment, to come in on page 13, after the amendment of the committee in relation to the extension of the Treasury building. This building, which I have regarded with a great deal of interest, as I suppose all of us have, one of the most superb buildings on the face of the earth, has had the misfortune to have had a series of architects, each of whom thought it necessary to put on some little alteration, which generally has been a departure from the plan of the building, to signalize his own administration. You will recollect, Mr. President, that a year or two ago we interfered to prevent an alteration that was to fill up the recess fronting on the Potomac, so as to make two or three more rooms there. The original plan of the building, I understand—indeed every one must see that it must have been the original plan—was to have a balustrade go across the roof of the building what is called the eave; but that has been departed from, and there is a row of galvanized iron leaves stuck up there. Any person on looking at it will see that it is a great deformity. The architect, I know, desires to restore the original plan; and we passed an amendment to this effect in the appropriation bill last year; but it was lost in the House, I suppose from some misunderstanding. The amendment which I propose now to offer is so carefully guarded that the change cannot be made if it requires any additional expense or is not deemed proper. It is to insert the following:

Provided, That the supervising architect of the Treasury building, in accordance with the recommendation in his annual report, with the approbation of the Secretary of the Treasury, is hereby directed to remove the galvanized iron ornaments on the west front, and to complete the building in harmony with the original design.

It cannot be done without the approbation of the Secretary of the Treasury.

Mr. FESSENDEN. Then the architect should be "authorized," not "directed," to make this change.

Mr. ANTHONY. Yes, sir; that would be better, and I will modify the amendment in that way.

Mr. FESSENDEN. I think it very likely that that alteration ought to be made at some time, but I doubt very much whether it is advisable to undertake it now, because it cannot be done without considerable expense, and we are appropriating $100,000 for that building for this year to complete it. It can stand well enough for two or three years and be done afterward as well. The history of this matter is a very disagreeable one. A former architect, not the present one, had all the stone cut to make this balustrade conform to the balustrade in front and on the other parts of the building. The material was all prepared, or very nearly prepared, at an expense, I think, of twenty or twenty-five thousand dollars. It would cost now probably not less than $30,000. The late architect, it seems, got an idea, whether it was from some contract that he wanted to make or whether he thought it would make a lighter and prettier appearance, to put up this iron balustrade or these iron leaves; and one day, as I understood it, he had the Secretary of the Treasury out there and suggested some little alteration he wanted to make on the other corner, and explained it so that the Secretary did not understand, as many Secretaries do not such explanations, and the Secretary assented to it verbally. Before anything further was known all this stuff was put there at an expense of ten or twelve thousand dollars, this iron balustrade, and there it is.

Mr. ANTHONY. It is not a balustrade. If it was it would not be so unsightly.

Mr. FESSENDEN. What do you call it?

Mr. ANTHONY. They are leaves, an irregular surface making an irregular skylight.

Mr. FESSENDEN. Whatever you please to call it—I am not very well acquainted with the terms properly applicable—it was put around on the top of the building to give it an appearance, and all the stone that was cut out was used for another purpose, put down below there, and you can see it at any time around the building.

Mr. ANTHONY. Can it not be put on there now?

Mr. FESSENDEN. I do not know whether it can or not. It cannot without under this arrangement costing a great deal of money, besides throwing away this iron, which must have cost $15,000. You have no other place to put it. Certainly it would cost $30,000 to do the other thing. Now, although it may be, when we have money, very proper to do it after we get the building finished, in order to complete it, I doubt the wisdom of going to the expense now. It will really occasion an expense, I think, to the Government more than it ought to pay at the present time when that part of the building is doing well enough, although that is unsightly. I hope, therefore, the amendment will be withdrawn at present. The reason probably why it did not pass at the last session was that it was not thought worth while to tear to pieces what was finished, although badly finished, when we are expending so much money in continuing the extension. By and by I think perhaps it ought to be done when we can afford to do it; but at present it would take, besides having time devoted to it that ought to be devoted entirely to the extension, which is very much needed, a very large portion of the appropriation we have here made. I hope, therefore, the Senator will withdraw his amendment.

Mr. ANTHONY. I understand that the plan of this building was fixed by act of Congress, and that neither the architect nor the Secretary had a right to change it.

Mr. FESSENDEN. Suppose it was; is it worth while for us to expend a large amount of money on its embellishment now?

Mr. ANTHONY. We are spending money on the embellishment of the building continually, and I suppose it is at least fair to presume that the new extension will be embellished in the same hideous manner as the other portions of the building.

Mr. FESSENDEN. Not at all, because that architect has gone out; and the Secretary and Assistant Secretary both saw the mistake that was made, and also the present architect.

Mr. ANTHONY. But if this architect is turned out and another one appointed he may have some new monstrosity of his own.

Mr. FESSENDEN. The present architect is a man of taste and ability.

Mr. ANTHONY. I believe he is.

Mr. FESSENDEN. And although he wants this done, I think it had better be postponed to some future time.

Mr. ANTHONY. He recommends it in his report.

Mr. FESSENDEN. Very well; but as it answers the purpose we can bear the unsightliness of it a little longer, until we have completed the extension, which is absolutely necessary, and not spend this money upon it at the present time. I trust, therefore, that the amendment will not be adopted. I hope my friend will withdraw it.

Mr. ANTHONY. It is no use to withdraw it. If the Senator from Maine is against it, of course the Senate will vote it down; but we will take a vote upon it.

The amendment was rejected—ayes four, noes not counted.

Mr. TRUMBULL. I offer the following amendment, to come in as a new section:

And be it further enacted, That so much of section twenty-four of an act approved February 24, 1864, entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved March 3, 1863, as provides that the Secretary of War should appoint a commission in each of the slave States then represented in Congress, charged to award to each loyal person to whom a colored volunteer might owe service a just compensation, not exceeding $300 for such colored volunteer, be suspended until otherwise provided by law, and that the duties and compensation of the commissioners heretofore appointed under said section shall cease from the date of the passage of this resolution.

Mr. JOHNSON obtained the floor.

Mr. FESSENDEN. If my friend from Maryland will allow me, I wish to appeal to my friend from Illinois to withdraw that amendment. This bill has now been under consideration for two days, and as soon as it is disposed of I must ask the Senate to take up the bill to amend existing laws relating to internal revenue; but if these matters of general legislation in regard to other things, and which will excite debate and controversy, are to go on this bill, it is impossible for us to get through. I really hope my friend will withdraw the amendment and offer it as a separate proposition. If he attempts to put it on here, it will make a long debate, and it will be absolutely impossible for us to get through with the necessary business of the session if the debate on this bill is to be protracted. The Senator from Maryland already rises to contest it.

Mr. TRUMBULL. As we are voting away so much money in this bill, I thought it would be the very best place to put on a provision which is intended to keep money in the Treasury. If I could only get time to have this proposition considered, I would just as soon consider it here as anywhere else; but if I move to take this up in the morning, my friend from Maine will come in with another appropriation bill, and tell us that we must have that considered, and I shall not be able to get the consideration of this measure. If he will promise me that he will suffer it to be considered in the morning, and will not take up an appropriation bill to get it out of the way, if I can possibly get the floor and get it up, I will withdraw the amendment.

Mr. FESSENDEN. I cannot say that to the Senator. I will say to him, however, that as soon as the necessary bills of the session are disposed of I will not only withdraw all objection, but will help him to pass the measure; but now it will give rise to so much debate and interfere with so much business that we must do, that I really hope the Senator will withdraw it. It is general legislation on another subject; it has nothing in the world to do with this bill, and it only makes a difficulty.

Mr. TRUMBULL. It has this much to do with it: this is a bill appropriating a great deal of money, and if the proposition which I have submitted passes, it will stay the drain on the Treasury to some extent. However, I will withdraw it; but I wish to give notice that I shall try to get it up to-morrow as a separate measure. It is a House bill and only needs our action here to become a law.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. ROSS. I wish to offer an amendment which will have the effect the Senator from Illinois desires of keeping some money in the Treasury. It is on page 27, section seven, line sixteen, after the word "exceeding" to insert "two dollars per page for the publication of

treaties and laws, and not exceeding;" and in line seventeen, after the word "space" to insert "for the publication of advertisements;" so that the clause will read:

The compensation for which, and other terms of publication, shall be fixed by said Clerk at a rate not exceeding two dollars per page for the publication of treaties and laws, and not exceeding one dollar per square of eight lines of space for the publication of advertisements, the accounts for which shall be adjusted, &c.

Mr. FESSENDEN. There is no objection to that amendment.

The amendment was agreed to.

Mr. ROSS. I now move to add as an additional section the following:

And be it further enacted, That the rates fixed in section seven of this act to be paid for the publication of the treaties and laws of the United States in the States designated in said section shall also be paid for the same publications of all laws in all the States not therein designated.

Mr. JOHNSON. How is that?

Mr. ROSS. The effect of the bill as it now stands, without the amendment that has just been made, is to pay to each newspaper selected in the ten States named the sum of about four thousand dollars for the publication of the treaties and laws; but with that amendment it will cost the Government but one fourth of that, or $1,000. In order to make the prices paid by the Government to the papers in the ten States named and the other States uniform, I have offered this last amendment, which increases the price paid by the Government from one dollar to two dollars, the price now fixed being actually less than the proprietors of the newspapers pay for the setting of the type. This increases it so that, on the whole, taking the laws of the last session as the basis for an estimate, these amendments will save to the Government from sixty to seventy thousand dollars for one session of Congress.

Mr. FESSENDEN. I did not distinctly hear the Senator from Kansas; but I suppose he stated that this just doubles the expense of publishing the laws and treaties in all the other States. From what I have heard, I do not suppose the pay is anything of any consequence, but the papers in the different States are not only very willing, but there is competition among them for the publication of these laws and treaties, not so much because they are paid for it according to ordinary rates as because the fact of the publication of the laws, &c., in their columns increases their circulation, and is found advantageous in that way. If the Senate choose to double the amount paid in the other States, of course they will adopt the amendment. I believe we now pay a dollar a page.

Mr. ROSS. It is true that this amendment increases the price for this service over the price now paid; but if the Senator's argument is good for anything it would conclude us from paying anything for the publication of these laws in the southern States. As I explained while up before, as this bill stood originally, it paid to papers selected in these ten States from eight to ten dollars a page, while at the same time we are paying in the northern States but one dollar a page. Now, I propose to equalize this, to make it uniform, to pay the papers in the North just what we pay the papers in the South. I think that is fair. As the bill stood originally, it certainly made a very unjust discrimination against papers in the North, the papers to which we owe so much, in my judgment, for the support of the Government in the late war.

Mr. RAMSEY. I should like to inquire if any arrangement has been made in regard to a recess to-day? ["No."] I move, then, that the Senate at half past four o'clock take a recess——

Mr. FESSENDEN. I hope the time for a recess will not be fixed now, because I want to get through with this bill if I can before a recess is taken.

Mr. RAMSEY. Very well; I shall not press the motion now.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

Mr. WILLIAMS. I move to amend the amendment by striking out the words "in the States designated."

Mr. ROSS. I should object to that elimination, as in my judgment it would detract from the sense of it.

Mr. WILLIAMS. As a part of the same amendment, I will move also to strike out the words "in all the States not therein designated" and insert the word "elsewhere;" so that, if amended, the amendment will read:

That the rates fixed in section seven of this act to be paid for the publication of the treaties and laws of the United States in said section shall also be paid for the same publications elsewhere.

The amendment to the amendment was rejected.

The amendment was not agreed to—ayes five, noes not counted.

Mr. WILSON. I offer an amendment, as an additional section, by instruction of the Committee on Military Affairs and also of the Committee on Naval Affairs:

And be it further enacted, That the laws enacted by the Thirty-Ninth Congress relating to the Army, Navy, and the Militia, and the Marine corps of the United States be published officially in the United States Army and Navy Journal at such rates as are fixed by the Secretary of State for the publication of the laws of the United States.

Mr. FESSENDEN. I have no objection to that.

The amendment was agreed to.

Mr. WILLIAMS. I move to amend the bill on page 27, section seven, line nine, by inserting after the word "as" the words "are or;" so that it will read:

In which such treaties and laws of the United States as are or may be ordered for publication in newspapers according to law, &c.

The PRESIDENT *pro tempore* put the question, and declared the amendment agreed to.

Mr. HENDERSON. I should like to ask the Senator if the effect of that will not be to pay a dollar per square for eight lines for all this advertising in all the States?

Mr. WILLIAMS. Not at all. It is simply intended to provide that the treaties and laws that are now ordered to be published shall be published, as well as those that may hereafter be ordered to be printed. That is all the effect that it has.

Mr. FESSENDEN. Would it not have the same effect to have them published, whether or no, in these southern States that have not been published there heretofore?

Mr. WILLIAMS. I do not understand that that will be the effect.

Mr. FESSENDEN. To have published in the southern States all that have not been, as a sort of a job. My friend does not understand it so, but I do.

Mr. WILLIAMS. That is not my understanding.

Mr. HENDERSON. It would very likely have that construction.

Mr. FESSENDEN. It might have that construction. I hope it will not be adopted.

Mr. WILLIAMS. I do not think it has or could have that construction.

Mr. FESSENDEN. I hope the question will be put.

The PRESIDENT *pro tempore*. The Chair has put the question and declared the vote.

Mr. FESSENDEN. I ask that the question be put again.

The PRESIDENT *pro tempore*. The Chair will consider the matter as reconsidered, if there be no objection, and put the question again.

The question being again put, the amendment was rejected.

Mr. WILLIAMS. In the eleventh line of the same section I move to strike out the word "such" before the word "advertisements," and after the word "advertisements" to strike out the words "as may be;" so that it will read:

And in some one or more of which so selected all advertisements ordered for publication, &c., shall be published.

Mr. FESSENDEN. The same objection exists to that. I hope these amendments will not be made.

The amendment was rejected.

Mr. MORRILL. I offer the following amendment from the Committee on the District of Columbia, to come in as an additional section:

And be it further enacted, That for the extension and completion of the City Hall in the city of Washington, District of Columbia, there be appropriated $100,000, to be expended under the direction of the Secretary of the Interior upon such plan as he may adopt; said work to be advertised by him for at least thirty days before the letting in the principal newspapers of New York city, Boston, Philadelphia, Cincinnati, Baltimore, and Washington. And for the purpose of reimbursing the United States for part of the cost of said extension and completion it shall be the duty of the proper authorities of the city of Washington, and they are hereby required to raise, by tax or otherwise, and pay into the Treasury of the United States, at or before the completion of said work, the sum of $40,000. And it shall be the like duty of the proper authorities of the city of Georgetown, and they are hereby required to raise, by tax or otherwise, and pay into the Treasury of the United States, at or before the completion of said work, the sum of $5,000. And it shall be the like duty of the proper authorities of the county of Washington, and they are hereby required to raise, by tax or otherwise, and pay into the Treasury of the United States, at or before the completion of said work, the sum of $5,000; which several sums shall be deemed the fair proportion of the cost of said work of each of said cities and the county of Washington. And said cities and county are hereby authorized and required to assess and levy upon the taxable property of said cities and said county of Washington a tax sufficient to raise the amount so by each city and said county required to be paid as aforesaid.

I will state the facts in this case. This City Hall, according to the original plan, is but half completed. The proposition is now to complete it, not exactly according to the old plan, but finish it according to the plan which I hold in my hand. The Committee on the District of Columbia are moved to recommend this, first upon a petition presented by the judges of the District who represent that the accommodations there are very inadequate, and upon an inspection of the premises the committee came to that conclusion themselves. Their communication is sent to us by the Secretary of the Interior, who recommends it, and that was accompanied by the plan which I hold in my hand.

Mr. FESSENDEN. A very pretty plan.

Mr. MORRILL. It is an excellent plan. This extension is undoubtedly necessary for the accommodation of the courts of this District. It has been said to me, "What have we to do with it? Why do not the people of the District of Columbia do this work for themselves?" That is a very pertinent inquiry; but in all these matters the reply is, that the Congress of the United States has borne pretty much the expense of justice in this District out of the Treasury. This building was erected at the expense of the Government in part, and is maintained at the expense of the Government in part. It is a thing undoubtedly proper in itself to be done. Whether the Committee on Finance think it proper altogether to go upon this particular bill is another question. It is one of the things that we ought to do. That building as it stands is incomplete, and the accommodations there are inadequate.

Mr. FESSENDEN. Let us have a vote upon the proposition. My colleague has made a good argument against it.

The amendment was rejected.

Mr. DOOLITTLE. After all of the white people and all the Territories and all the court-houses have been taken care of last of all comes the poor Indian.

Mr. FESSENDEN. We took care of him on the Indian bill.

Mr. DOOLITTLE. I offer the following amendment:

To enable the Secretary of the Interior to make up to the Chippewa Indians of the Mississippi river and Lake Superior the difference in the value of coin and currency in 1863 and 1864, in which latter funds the annuities of said Indians were paid to them instead of coin, as per treaty stipulations, $32,812 50.

Mr. FESSENDEN. That same matter was before the Committee on Finance, and carefully examined and deliberately rejected. There is no more reason why we should pay them that then there is that we should make a similar

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payment to every other creditor of the United States.

Mr. DOOLITTLE. I shall make no speech on this subject. I will simply say that in my opinion when we make a treaty with the Indian tribes to pay them in coin we are as much bound to pay them in coin as we would be to pay the Government of Great Britain or France, if we had such a treaty stipulation with them.

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole, and the Chair will take the question on the amendments collectively unless some Senator asks for a separate vote on a particular amendment.

Mr. EDMUNDS. I ask for a separate vote on the amendment, on page 12, respecting the custom-house at Newport, Vermont.

The PRESIDENT *pro tempore*. That will be excepted.

Mr. HOWE. I ask for a separate vote on the adoption of the eighth section in regard to paying rebel officers.

The PRESIDENT *pro tempore*. That amendment will be excepted. If no other amendments be excepted, the question is on concurring in the amendments made as in Committee of the Whole, with the exception of the one named by the Senator from Vermont and the one named by the Senator from Wisconsin.

The amendments were concurred in.

The first excepted amendment was on page 12, after line two hundred and fifty-nine to strike out the following clause:

For a custom-house in Newport, Vermont, $10,000.

Mr. EDMUNDS. Since the debate took place yesterday I have been informed, as a matter of fact, from the chairman of the House committee, and I hold in my hand a letter from the Commissioner of Customs stating the same thing, that this item was recommended from the Treasury Department. The chairman has lost the original letter; but I stated the circumstances to the honorable Senator from Ohio who had charge of the bill, and he was satisfied, and I trust the committee will be, and allow it to stand.

Mr. FESSENDEN. I have no objection if it is recommended. It was stricken out simply because we could not find any recommendation for it.

The PRESIDENT *pro tempore*. This appropriation being stricken out in Committee of the Whole, the question now is, Will the Senate concur in the amendment made as in Committee of the Whole, to strike out the appropriation.

The amendment was non-concurred in.

The next excepted amendment was to insert as section eight the following:

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to pay to such persons as were actually employed as assistant assessors in the collection of internal revenue in the rebel States prior to the 1st day of August, 1866, compensation at the rate prescribed by law, and an amount sufficient for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HOWE. Now, Mr. President, I am not going to detain the Senate longer than to remind them of the effect of adopting this section. It is nothing less than to sanction the employment of officers in direct contravention of a positive statute still remaining on the books. It was said that there was a necessity for their employment. If there ever was any such necessity that necessity still exists, and your statute should be repealed if it stands in the way of the collection of the revenue. The proof of that necessity is utterly wanting; at least I have not seen it. I no more believe in the existence of that necessity than I believe in the most improbable statement that could be devised. But one of two things we should do, repeal that law or stand upon it.

It is said that the Secretary of the Treasury had to conform his action to an exigency, and that he employed these men in the supposition that Congress would approve the measure. Why, sir, those officers were continued in the employ of the Treasury Department during the whole of the last session of Congress, notwithstanding he had notice from time to time that Congress did not acquiesce in it. It was not a formal vote of the two Houses; but he heard those protests going out repeatedly from individual members in and out of these Halls; but still those persons were continued in the employ of the Treasury Department up to the close of the last session of Congress; and now almost at the close of this session of Congress we have no notice that they are not all in the employ of the Treasury Department to-day.

In view of this state of facts I have felt called upon to ask another vote on this proposition. Mr. President, I do think it a sad thing when a minister of state directly defies a law of the land; but I do not think that so sad a thing as when the makers of the law themselves acquiesce in and sanction that defiance. I ask for the yeas and nays on the adoption of this section.

The yeas and nays were ordered.

Mr. SUMNER. I am glad that the Senator from Wisconsin has given the Senate another opportunity of recovering what seems to me to be the true position on a very important question. Of all the questions that have arisen on this bill this is by far the most important, dwarfing absolutely everything else. If this proposition prevails it is a premium offered by the Congress of the United States to an open violation of law; it is a premium offered to rebellion; it is a discouragement to loyal men, to whom you ought to extend a helping hand. I cannot express my feelings with sufficient strength when I think of the evil consequences of this proposition. Perhaps no one thing in the recent history of our country has been more productive of bad results than this act of the Secretary of the Treasury which you now propose, if I may so say, to sanction. Out of that act of disobedience sprang that malignant policy which has already cost this Government millions of money and postponed the day of peace and tranquillity. I entreat Senators to take the first opportunity and to take every opportunity to set themselves against that unhappy policy.

Mr. CRAGIN. If the Senator from Massachusetts will give way, I will make a motion that the Senate take a recess at five o'clock until half past seven o'clock.

Mr. FESSENDEN. Let us finish this bill first. We shall dispose of it in a short time.

Mr. TRUMBULL. It does not look like it.

Mr. FESSENDEN. I must take up another bill in the evening.

Mr. TRUMBULL. We canot stay here all the time. We must take a recess.

Mr. FESSENDEN. We can stay a little while longer, I suppose. I hope Senators are not going to argue this whole matter over again after it has been argued for two days.

Mr. SUMNER. I am not going to argue it, but I deem it my duty not to allow this vote to be taken without again making my protest against it. Let it go for what it is worth. I know the Senator from Maine will value it very little. I do not expect to please him by it. I discharge a conscientious duty to my country.

Mr. FESSENDEN. None of the rest of us, I suppose, have any conscience in regard to our duty.

Mr. SUMNER. I recognize the conscience of the Senator. I make no question with regard to the conscience of any Senator on this floor. Each one judges for himself. I remember when, more than a year ago, I felt it my duty first to arraign the Secretary of the Treasury for this open violation of law, I was then encountered by the Senator from Maine, who vindicated the Secretary of the Treasury and held him up almost to approbation. The Senator from Maine started—

Mr. FESSENDEN. The Senator from Maine will inform his friend that he can vindicate himself.

Mr. SUMNER. Why, of course he can. The Senator from Maine always vindicates himself. I only covet some of his ability in developing what I think the better cause. I wish that I could have in favor of what I think the true policy on this occasion the great powers that the Senator from Maine can so easily display. I know he can vindicate his side. I am only sorry that his side is not that which it seems to me at this moment the Senate ought to adopt. If we had his powerful support the Senate would not commit itself to a proposition which to my mind can have but disastrous influences.

I do not wish to be a prophet; I am not; but I see full well that this proposition, should it be adopted, will carry into the rebel States a distrust of your legislation. It will say to them, "We put laws on our statute-book against rebels, but we will not enforce them; we will allow a Secretary of the Treasury or other Cabinet officer deliberately to set them at defiance, and then we will give him a letter of license." Sir, I deplore that any Senator can consent to such a course. I wish that now by your votes you would discard this proposition so that it may not pass into our statutes and become a source of evil.

Mr. CONNESS. I do not hope, sir, to see the time when we shall escape these lectures, particularly those of us who assume only to perform a simple duty here. It would have been ungracious enough in the honorable Senator who has just spoken if he had left out one part of his speech; but that seemed the unkindest cut of all. As a soothing application to the honorable Senator from Maine, which he presumed that Senator required, we are told that if he, the Senator from Maine, should join the Senator from Massachusetts, then all would be well. Now, Mr. President, I have great respect for the capacity and ability of the Senator from Maine; I have great faith in his power; but just for the sake of the experiment, I should like to see the two Senators some time undertake to impose just what is their judgment upon the Senate on a proposition that the Senate have so clearly understood, and so decidedly expressed their opinion upon as the one that is now pending. I incline to think, if I should be pardoned the words, that whoever shall undertake it will have less of a certain quality after the experiment shall have been made.

Mr. President, this thing of advertising to the country, (as I have before undertaken to say here,) that there are but a few in this Chamber, perhaps but a single one, who can perform a duty, and perform that duty fearlessly, is a very ungracious presentation of a case. Sir, the highest test of courage is not in the Senate Chamber. I hope that we shall be allowed hereafter to express our opinions and to vote upon public questions here, and that Senators will feel that they have performed their full duty when they shall have spoken and given their opinions for what they are worth, and that they shall not be subjected or subject others to these continuous strictures.

Mr. FESSENDEN. I should like to ask my friend if he includes me in any part of his lecture?

Mr. CONNESS. No, Mr. President; I do not understand that the Senator is otherwise responsible than that he has been sought to be drawn into it.

Mr. TRUMBULL. If the lecturing is over I hope we may be permitted to vote.

The PRESIDENT *pro tempore*. The Chair will put the question as soon as the debate ceases. The question is on concurring in the amendment made as in Committee of the Whole.

The question being taken by yeas and nays, resulted—yeas 27, nays 12; as follows:

YEAS—Messrs. Anthony, Buckalew, Cattell, Conness, Cragin, Davis, Dixon, Doolittle, Fessenden, Fogg, Foster, Frelinghuysen, Harris, Henderson, Hendricks, Johnson, Lane, Morgan, Morrill, Patterson, Ramsey, Ross, Saulsbury, Sprague, Stewart, Willey, and Williams—27.

NAYS—Messrs. Creswell, Edmunds, Fowler, Howe,

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Kirkwood, Nye, Pomeroy, Sumner, Trumbull, Wade, Wilson, and Yates—12.

ABSENT — Messrs. Brown, Chandler, Cowan, Grimes, Guthrie, Howard, McDougall, Nesmith, Norton, Poland, Riddle, Sherman, and Van Winkle—13.

So the amendment was concurred in.

Mr. FESSENDEN. There is a little amendment of phraseology necessary that escaped. It is on page 19, lines four hundred and forty-five, four hundred and forty-six, and four hundred and forty seven. It now reads:

To enable the register of deeds of the District of Columbia to pay for books of record furnished, and fitting necessary shelving in his office, $600.

I think that should be changed. I move to strike out the words "register of deeds of the District of Columbia," and to insert "Secretary of the Interior;" in line four hundred and forty-six I move to insert the word "heretofore" before the word "furnished," and after the same word to insert "in the office of the register of deeds in the District of Columbia;" and in line four hundred and forty-seven I move to strike out the word "his" and to insert the word "said;" so that the clause will read:

To enable the Secretary of the Interior to pay for books of record heretofore furnished in the office of the register of deeds in the District of Columbia, and fitting necessary shelving in said office, $600.

Mr. TRUMBULL. Is it a deficiency? The word "heretofore" confines it to something already done.

Mr. FESSENDEN. I understand that this has already been done, and this is an appropriation to pay for it.

The amendment was agreed to.

Mr. ROSS. I wish now to renew the amendment that I offered in Committee of the Whole. As I now offer it, it is to come in as a proviso at the end of the seventh section:

Provided, That the rates fixed in this section to be paid for the publication of the treaties and laws of the United States in the States therein designated shall also be paid for the same publications in all the States not therein designated.

The purpose of this amendment is simply to equalize the payment for this class of service by the newspaper press of the country, and I hope the Senate will not permit the bill to go out with the unfair distinction which it now contains between the northern and southern press. I simply ask that the northern press may be paid the same amount that this section provides shall be paid to the papers in the ten States enumerated in it.

The amendment was agreed to.

Mr. CRAGIN. I wish to suggest an amendment to the one that was adopted last evening to the second section relating to the Commissioner of Public Buildings. I suppose it is not strictly in order; but I wish to suggest that instead of the President of the Senate and the Speaker of the House of Representatives, the Sergeant-at-Arms of the Senate and the Clerk of the House be authorized to appoint the police officers of the Capitol.

Mr. FESSENDEN. That section has been already adopted in the Senate, and it cannot be amended.

Mr. CRAGIN. I am aware that it cannot be amended except by general consent. It will be perfectly apparent to every Senator that nearly one half the time the President of the Senate and Speaker of the House are absent, and no one will have any charge and direction of the police during the vacation. It is necessary that this change should be made.

The PRESIDENT *pro tempore*. The question is on ordering the amendments to be engrossed and the bill to be read a third time.

Mr. TRUMBULL. I move to reconsider the vote by which the amendment to the second section was adopted, so as to get at the amendment suggested by the Senator from New Hampshire.

Mr. FESSENDEN. I hope it will not be reconsidered. The matter has been well considered in the Senate. It is only taking the power of appointment from the President of the Senate and Speaker of the House and putting it into the hands of the Sergeant-at-Arms. If it is necessary that the Sergeant-at-Arms should control the men, that can be done by an order of the Senate at any time, if they think it best that he should have the control of them after they are appointed; but this is only a question as to the appointment, and the appointment is well enough vested in the Presiding Officers of the two Houses. It is a question of considerable patronage, and there is no sort of objection to its being done in that way.

Mr. TRUMBULL. I know nothing about it. The Senator says it was considered. It was not considered at all in the Senate. I was here, and I did not hear the matter suggested at all.

Mr. FESSENDEN. That particular matter was.

Mr. TRUMBULL. It was done on motion in the Senate, and was not considered at all.

Mr. FESSENDEN. There was a long debate about it.

Mr. TRUMBULL. Not one word of debate. The Senator from Ohio proposed that the Presiding Officers of the two Houses should appoint the Capitol police, and everybody agreed to it. Now, the suggestion is this: I do not know whether there is force in it; I have heard it, and it struck me there was force in it—the Presiding Officers of the two Houses are not here except during the session; during the recess of Congress they are not here at all; these police officers ought to be responsible to somebody; the Clerk of the House has charge of the House wing, and he ought certainly to have some control over the police about the House of Representatives; our Sergeant-at-Arms has the control of this wing of the building, and they are the proper persons to select these officers, as it struck me. That matter was not considered in the Senate at all, and the suggestion of the Senator from New Hampshire was that by unanimous consent the change be made. That was objected to, and I made the motion to reconsider in order that the Senate might reconsider it. It seemed to me that there was force in the suggestion that these persons who have charge of the building during the recess should be responsible to the officers who have the charge of the building, who I understand are the Clerk of the House and the Sergeant-at-Arms of the Senate.

Mr. FESSENDEN. The President of the Senate has charge of the Senate portion of the building, and always has had, and the Speaker of the House of the other wing. That is the rule with regard to it.

Mr. SHERMAN. It is the law now. They have the charge of the building, and this section simply places in the power of these two officers the appointment of the custodians of the property. The amendment was moved by me upon the suggestion of the present Commissioner of Public Buildings, who saw he was about to be disposed of, and said that while he had that patronage it gave him a great deal of trouble, and yet it was really invested in the President of the Senate and Speaker of the House, who by law had the custody of the whole, and he was bound by law to obey their orders, and he thought it was better to give them the appointment directly of the custodians of this building, the police. That is all there is of it.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the motion to reconsider?

Mr. TRUMBULL. I shall not press the motion to reconsider if the suggestion does not strike the Senate as it struck me. My object was to get at it. I supposed from what I had heard stated in regard to it that there was a manifest propriety in the control of the building being under somebody who is here. I was not aware that the law provided that the Presiding Officers had control of the building. I supposed this building was under the control of the Commissioner of Public Buildings.

Mr. SHERMAN. The Presiding Officer no doubt can state the law. I have seen the law, though, making those two officers responsible for the building; but I am not sufficiently familiar with its details to state it.

Mr. TRUMBULL. I do not wish to take up any time with it. I supposed it would meet with general concurrence.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Illinois to withdraw his motion?

Mr. TRUMBULL. Yes, sir.

The amendments were ordered to be engrossed and the bill to be read a third time. It was read the third time, and passed.

ALLOTMENT OF JUDGES.

The Senate proceeded to consider the amendment of the House to the bill (S. No. 534) to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court.

The Secretary proceeded to read the amendment, but was interrupted by

Mr. TRUMBULL. I think the Senate will understand what that amendment is by a single word. The Senate passed a bill authorizing the justices of the Supreme Court of the United States to allot themselves among the circuits, and a section of the bill also authorizes them to appoint a marshal for the Supreme Court of the United States. The House of Representatives have returned the bill with an amendment, authorizing the supreme court of the District of Columbia to appoint a marshal for the District of Columbia. I move that the Senate disagree to the amendment of the House.

The amendment was non-concurred in.

INTERNAL REVENUE.

Mr. FESSENDEN. I move that the Senate proceed to the consideration of House bill No. 1161, to amend existing laws relating to internal revenue. I merely wish to get it up. We must go on with it at once this evening if we expect to pass it.

Mr. HOWE. I told the Senate yesterday that I should ask them this evening to give me about an hour to dispose of some bills reported from the Committee on Claims. We are almost at the end of the session, but I do not think it will take over an hour to consider them. The bill which the Senator from Maine has in charge of course will be passed any way.

Mr. FESSENDEN. I do not know about that. That is the very reason why I want to take it up at once.

Mr. HENDRICKS. The Committee on Claims ought to have some time.

Mr. HOWE. We have not occupied the time of the Senate but very little during the session.

Mr. FESSENDEN. They can be passed after we pass this bill. They are bills, I suppose, from the House, to which there will be no objection. I must get this bill forward, because we must have probably a committee of conference on it, and I cannot possibly yield under such circumstances. If the Senate intend to pass it at all they must proceed with it at once. These matters of private claims are certainly not of that public importance which this is.

Mr. HOWE. They are not of that public importance, but they touch individuals very closely.

Mr. FESSENDEN. This bill touches the whole community.

Mr. HOWE. None of my cousins are provided for in any of these bills, but other members are interested in them, and I leave it to the Senate.

Mr. TRUMBULL. Let us have a recess.

Mr. FESSENDEN. After this bill is taken up we can take a recess.

The motion of Mr. FESSENDEN was agreed to.

Mr. WILSON. I now move that the Senate take a recess until seven o'clock.

Mr. TRUMBULL. Half past seven. It is a quarter after five now. I move to substitute half past seven o'clock.

Mr. WILSON. Well, I will say half past seven.

The motion was agreed to; and the Senate accordingly took a recess until half past seven o'clock p. m.

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EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed without amendment the bill (S. No. 490) to amend an act entitled "An act to provide a temporary government for the Territory of Idaho," approved March 3, 1863.

The message also announced that the House had passed the bill (S. No. 501) amendatory of an act to provide a temporary government for the Territory of Montana, approved May 26, 1864, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 950) to amend the organic acts of Arizona and New Mexico;

A bill (H. R. No. 1063) to regulate and fix the salary of the consul at Hamburg;

A bill (H. R. No. 1121) amendatory of the organic act of Colorado Territory;

A bill (H. R. No. 1230) for the relief of the widow of Andrew Cunningham; and

A joint resolution (H. R. No. 300) authorizing the Secretary of the Treasury to audit and settle the accounts of John Sedgwick, collector of internal revenue of the third collection district of California.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 222) prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression.

INTERNAL REVENUE.

Mr. DAVIS. I move to take up House joint resolution No. 174. It is a little resolution which will not occupy more than five minutes, I think.

Mr. FESSENDEN. I will say to the Senator from Kentucky that I have been appealed to by friends on this side of the House to give way to allow them to call up various measures, and I have told them uniformly that I could not do it; and they said they would be satisfied unless I gave way to somebody else. I must, therefore, insist upon going on with the regular order of business.

Mr. DAVIS. I shall not interpose against the wish of the honorable Senator.

Mr. FESSENDEN. I would yield with pleasure, but I am notified that if I yield to one I must to others.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The bill regularly before the Senate is the bill (H. R. No. 1161) to amend existing laws relating to internal revenue. This bill is now before the Senate as in Committee of the Whole, and it will be read at length. To facilitate business, unless objection be made, the amendments recommended by the Committee on Finance will be considered as they are reached in their order as the reading of the bill proceeds. The Chair hears no objection, and that course will be taken.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Finance was in section nine before the word "amended" in line five to insert "subsequently," and after "amended" to strike out "by the act approved July 13, 1866;" so as to read:

That the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, as subsequently amended, be, and the same is hereby, amended as follows, namely.

The amendment was agreed to.

The next amendment was after line twenty-nine of section nine to insert:

That section forty be amended by striking out the following words: "that in case a collector shall die, resign, or be removed," and inserting in lieu the following: "that in case of a vacancy occurring in the office of collector by reason of death or any other cause."

The amendment was agreed to.

The next amendment was after the word "fine" in line forty-three of section nine to insert "or penalty."

The amendment was agreed to.

The next amendment was to strike out lines forty-eight to sixty-four of section nine in these words:

That if any collector, assistant collector, assessor, assistant assessor, inspector, district attorney, marshal, or other officer, agent, or person charged with the execution or supervision of the execution of any of the provisions of this act, or of the act to which this is amendatory, shall demand, or accept, or attempt to collect, directly or indirectly, as payment or gift or otherwise, any sum of money or other property of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of any of the provisions of this act, except as expressly authorized by law so to do, he shall be held to be guilty of a misdemeanor, and shall for every such offense be liable to indictment and trial in any court of the United States having competent jurisdiction, and on conviction thereof shall be fined in double the sum or value of the money or property received or demanded, and be imprisoned in a penitentiary for a period of not less than one year nor more than ten years.

The amendment was agreed to.

The next amendment was in section nine, line seventy-two, to strike out "and" and insert "or."

The amendment was agreed to.

The next amendment was to strike out lines eighty to eighty-six of section nine in these words:

Also in the second proviso, after the words "that manufactured tobacco" insert "or," and after the word "snuff," immediately following, strike out the words "or cigars, whether of domestic manufacture or imported." Also in the latter part of said proviso, after the word "tobacco" wherever it occurs, insert the word "or," and strike out the words "or cigars" wherever they occur.

The amendment was agreed to.

The next amendment was to strike out lines eighty-eight, eighty-nine, and ninety of section nine in these words:

By striking out the paragraph commencing "on oil, naphtha, benzine, benzole" down to the words "ten cents per gallon," inclusive.

The amendment was agreed to.

The next amendment was in line ninety-one of section nine to strike out "also" and insert "by striking out."

The amendment was agreed to.

The next amendment was in line ninety-seven of section nine to strike out "two" and insert "one and one half;" so as to read:

On refined sugars, and on the products of sugar refineries, not including syrup or molasses, a tax of one and one half per cent. *ad valorem*.

The amendment was agreed to.

The next amendment was to strike out in line one hundred and one and in line one hundred and six of section nine the words "upon which a tax or duty has been paid."

The amendment was agreed to.

The next amendment was to strike out lines one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, and one hundred and seventeen of section nine in these words:

Also, in the paragraph relating to "copper and brass tubes" by striking out the words "five per cent. *ad valorem*" and inserting in lieu thereof the words "one fourth of one cent per pound."

The amendment was agreed to.

The next amendment was to insert after line one hundred and forty of section nine:

On manufactures exclusively of glass, three per cent. *ad valorem*.

The amendment was agreed to.

The next amendment was to strike out lines one hundred and forty-six and one hundred and forty-seven of section nine in these words:

On saddles, bridles, and harness, two per cent. *ad valorem*.

The amendment was agreed to.

The next amendment was to insert after line one hundred and forty-seven of section nine:

That section ninety-four be amended by adding to the end of said section the following words: "but no tax shall be imposed upon the dyeing or redyeing or reprinting of cloths or other articles, except the process of their manufacture."

Mr. FESSENDEN. I move to amend the amendment by striking out "dyeing or" before "redyeing" and then to strike out "except the process of their manufacture;" so as to read:

No tax shall be imposed upon the redyeing or reprinting of cloths or other articles.

The amendment to the amendment was adopted, and the amendment, as amended, was agreed to.

The next amendment was in line one hundred and fifty-nine of section nine to strike out "words 'ferry' where they occur twice" and insert "word 'three' where it occurs," and after "proviso" to insert "and inserting the words 'two and a half;'" so as to make the clause read:

That section one hundred and three be amended by striking out the word three where it occurs in the second proviso, and inserting the words two and a half, and by striking out the words until the 30th day of April, 1867.

The amendment was agreed to.

The next amendment was in line one hundred and seventy-three of section nine to strike out after "affidavits" the words "and receipts for the payment of money;" so as to make the proviso read:

And provided further, That all affidavits shall be exempt from stamp duty.

Mr. HENDRICKS. I wish to ask the chairman of the Committee on Finance whether this operates to repeal the law which requires a stamp upon writs issuing from the State courts?

Mr. FESSENDEN. Affidavits and writs.

Mr. HENDRICKS. And all proceedings in the State courts?

Mr. FESSENDEN. Yes.

The amendment was agreed to.

The next amendment was to insert at the end of section nine:

The reduction of taxes provided in this section shall take effect on and after March 1, 1867.

The amendment was agreed to.

The Secretary read section ten of the bill.

Mr. FESSENDEN. I move to insert after the word "spirits" in line nine of section ten the words "mineral oil."

The amendment was agreed to.

Mr. FESSENDEN. I move to add to section ten:

That section forty-three [of the act of July 13, 1866] be amended by striking out the last two sentences.

The amendment was agreed to.

The Secretary read section eleven, containing the free list.

The Committee on Finance proposed to insert after line nine of section eleven:

Bar, rod, hoop, band, sheet, and plate iron of all descriptions, and iron prepared for the manufacture of steel: *Provided*, That the exemption aforesaid shall be confined exclusively to said articles in the state and condition specified in the foregoing enumeration, and shall not be construed as exempting spikes, nails, or any other manufactures of iron from the taxes now imposed by law.

The amendment was agreed to.

The next amendment was after "meats" in line eighteen of section eleven to strike out "not including" and insert "and;" so as to make the clause read:

Canned and preserved meats and shell-fish.

The amendment was agreed to.

The next amendment was in line thirty of section eleven to strike out the word "on."

The amendment was agreed to.

The next amendment was to strike out after "apple-paring machines" in line forty-five of section eleven the following words:

Grinders of coffee with hand-mills only, by retail dealers for their own use, and for retailing where the amount so ground does not exceed the value of $500 in any one year.

The amendment was agreed to.

The next amendment was in line fifty-three of section nine to strike out "iron" after

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"wood" and insert "or;" so as to read: "drain, gas, and water-pipe made of wood or cement;" and after "cement" to strike out "sheet lead, lead pipe, and shot."

The amendment was agreed to.

The next amendment was to strike out lines fifty-nine and sixty of section eleven in these words:

Horse-rakes, horse-powers, tedders, hames, scythe-snaths, hay-forks, hoes, and portable grinding mills.

Mr. HOWARD. I will ask the chairman of the Committee on Finance why he proposes to strike these articles out of the free list? These are articles in very common use, and ought to be furnished as cheaply as possible to those who use them.

Mr. FESSENDEN. The reason of it was that if we put these in the free list we found that we should have to exempt everything that is an agricultural implement; and axes and scythes are in just as common use as these articles. It is found by experience that putting such things on the free list does not lessen the price. We had a debate here on the last bill over mowing-machines, which were then put on the free list, and people now say that they do not pay a less price for them in consequence of it. It is only so much more in the pockets of the manufacturer. We had letters complaining of this discrimination, and so we proposed to strike out the difficulties.

The amendment was agreed to.

The next amendment was to insert after line sixty-two of section eleven "legs of pianofortes."

The amendment was agreed to.

The next amendment was to strike out lines sixty-four and sixty-five of section eleven in these words:

Leather of all descriptions, and goat, deer, calf, kid, sheep, horse, hog, and dog skins, tanned or partially tanned, curried, finished, or in the rough.

Mr. SPRAGUE. I should like to ask why that amendment is made.

Mr. FESSENDEN. The committee were satisfied that we could not afford to part with a revenue of between five and six million dollars on these articles.

The amendment was agreed to.

The next amendment was in section eleven, line seventy-two, to strike out "fifty-nine" and insert "seventy;" so as to make the clause read:

Oil, naphtha, benzine, benzole, or gasoline, marking more than seventy degrees Baumé's hydrometer, the product of the distillation or redistillation or refining of crude petroleum, or of crude oil produced by a single distillation of coal, shale, peat, asphaltum, or other bituminous substances.

The amendment was agreed to.

The next amendment was after "substances" in line seventy-five of section eleven to strike out the following clause:

But if any person shall mix for sale naphtha and illuminating oils, or shall knowingly sell or keep for sale or offer for sale such mixture, or shall sell or offer for sale oil made from petroleum for illuminating purposes, inflammable at less temperature or fire test than one hundred and ten degrees Fahrenheit, such person shall be held to be guilty of a misdemeanor, and on conviction thereof by indictment or presentment in any court of the United States, having competent jurisdiction, shall be punished by a fine of not less than $100 nor more than $500, and by imprisonment for a term of not less than six months nor more than three years.

Mr. HOWARD. I should like to have some explanation of this amendment.

Mr. FESSENDEN. The provision is put in a wrong place here. The penalty is transferred to another part of the bill.

The amendment was agreed to.

The next amendment was to strike out line ninety of section eleven in these words:

Potato-hooks, manure, and spading forks.

The amendment was agreed to.

The next amendment was in line one hundred and two of section eleven to strike out "costing" and insert "sold for;" so as to read:

Soap, common brown, in bars, sold for less than seven cents per pound.

The amendment was agreed to.

The next amendment was in line one hundred and twelve of section eleven to strike out "buck-saws, stump-machines, potato-diggers."

Mr. TRUMBULL. I see that the committee have recommended the striking out of all agricultural implements nearly from the free list. I think we may as well make the question and see whether it is the intention of the Senate to disagree with the House of Representatives in regard to agricultural implements. I supposed the object of this bill was to reduce the revenue and relieve the people to some extent by reducing the amount of revenue collected. That, at least, I understood was one object. Now, it seems the Senate Committee on Finance are taking a different view, and are striking out articles which the other House has agreed to put on the free list. I have not been able to look through this bill, have not read it through; but I see on these pages covering the free list agricultural implements to a great extent, which were put on by the House of Representatives, are stricken out.

Mr. FESSENDEN. The present law exempts plows, cultivators, harrows, straw and hay cutters, planters, seed-drills, horse-rakes, hand-rakes, cotton-gins, grain-cradles, winnowing-mills, reapers, mowers, threshing-machines and separators, corn-shellers, and wooden ware, cotton and hay presses, and fertilizers of all kinds. We cannot go any further without introducing all agricultural implements, on some of which there is considerable revenue. We thought that we ought not to carry the exemption any further. We struck out these articles in committee on the motion of the Senator from Ohio, [Mr. SHERMAN,] who is considered the representative of the agricultural interest as much as anybody.

Mr. HOWARD. I am in favor of taking off the internal tax entirely from agricultural implements. I do not know, to be sure, what amount of revenue is derived from that source; but as there seems to be a general tendency of public feeling to reduce the internal revenue in some degree, I know of no articles on which that reduction can be applied more beneficially.

Mr. FESSENDEN. That is plausible; but taking off the tax does not affect the price, as we are informed. The assessors in the State of Ohio have represented to us that it does not affect the price at all; it is only putting so much money in the pockets of the manufacturers, and they hope the exemption will not be carried any further. This question does to make a little capital upon. This exemption was not reported by the House committee, but was put in there by gentlemen who wanted to manufacture a little personal capital, and these exemptions really lead to confusion and difficulty.

Mr. HOWARD. I have to say that I am not influenced by any such motive.

Mr. FESSENDEN. I do not impute it to the Senator; but I say the exemptions were put on in the other House in that way.

Mr. HOWARD. I was going to say that I fear the committee have been misled by somebody as to the non-increase of the price of these articles in consequence of the tax. It is a very curious state of things indeed, if the manufacturer does not increase the price of his article at least, in proportion to the amount of tax imposed on him. I think he will find that to be a practice so general that it may be fairly called universal. It arises from the interest of the manufacturer, and he cannot well conduct his business without increasing his price.

Mr. FESSENDEN. This is not putting on taxes, but simply leaving them as they are now.

Mr. HOWARD. I am replying to the remark of the Senator that a small tax imposed upon agricultural implements does not increase the price of the implements.

Mr. FESSENDEN. I only say that the assessors of the West tell us that putting these other things on the free list has not diminished the price a particle, but has only put so much more into the pockets of the manufacturers.

Mr. HOWARD. Then that is one reason why the tax should be taken entirely off all classes of these articles, and I am in favor of it.

Mr. FESSENDEN. It is only for the benefit of the manufacturer instead of the agriculturist. That is the effect of it.

Mr. HOWARD. Not at all.

Mr. TRUMBULL. These articles which were put upon the free list by the House of Representatives are those entering into general consumption. They are used everywhere. Pitchforks, spading-forks, buck-saws, shovels, and articles of that kind are used in all parts of the country. The reason given by the Senator from Maine for taxing these articles is that the tax makes no difference in the price. Can that be possible?

Mr. FESSENDEN. I only say that it is so represented by western people.

Mr. TRUMBULL. It is not so represented by my constituents.

Mr. FESSENDEN. Yes, it is.

Mr. TRUMBULL. I have had no such representation from any of them.

Mr. FESSENDEN. We have had such representations from the very city of Chicago.

Mr. TRUMBULL. There may be an individual who has so informed the Senator; but the information I have is right the reverse. I have letters from Illinois asking that these articles which are used by the agriculturists of the State be put upon the free list.

Mr. FESSENDEN. I suppose those letters come from manufacturers.

Mr. TRUMBULL. From different parties.

Mr. FESSENDEN. Do they not come from the manufacturers?

Mr. TRUMBULL. I have had letters from manufacturers asking to have these articles put upon the free list. The reason given by the Senator from Maine has with me no sort of force when he says the House committee did not put them on the free list, but the House did it. I rather rely upon the action of the House than of one of its committees. Then there is another reason. I want to say to the people of the country that they are to be relieved to some extent of their burdens. We imposed most exorbitant taxes in order to raise money to carry on the war. The war is over, and we are raising money by the million more than there is any necessity for.

Mr. FESSENDEN. We shall not this year. The Senator need not be alarmed about it.

Mr. TRUMBULL. There is complaint on this subject among my constituents. They complain that times are hard, that the taxes are high. We have more than one hundred and forty millions of money in the Treasury, and the Senator tells us we shall not raise more than is necessary this year. How does he know?

Mr. FESSENDEN. That is my reasoning.

Mr. TRUMBULL. That is the Senator's reasoning, and he is holding now in the Treasury $140,000,000, and no provision is being made to get it out; and now, when we have a revenue bill in which the House of Representatives has put on the free list these agricultural implements, implements that are used all over the country, we are told that the tax on them does not increase the price, somebody has so informed the committee.

Mr. FESSENDEN. I should like to know of the Senator whether these articles are of more common use than the shirt every man wears. We keep the tax on shirts. Why not strike it off everything of that kind. Is there anything in more common use?

Mr. TRUMBULL. We must begin to reduce somewhere. We must have some revenue; but because we must have some revenue are we to tax everything? When the desire of the whole country is to have the burdens of taxation reduced, I do hope that the Senate will not agree to tax these articles. It is as well to begin upon these as upon any others. There is nothing sectional in it. The Senator's constituents use as many hoes, axes, and shovels as mine. It will benefit all portions of the country; and

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when we want to reduce taxes and relieve the burdens that are on the people why should we not relieve them by putting on the free list those articles which are used by the masses of the people in all portions of the country? Sir, I cannot give my assent to the proposition of the Senator from Maine, that taxing an article does not increase its price. I do not believe in that doctrine.

Mr. FESSENDEN. I did not lay down that doctrine. I said that the experiment we had tried of taking taxes off agricultural implements had resulted in not reducing their price, and in only putting money into the pockets of the manufacturers, so far as we have information on the subject, and it is very general and very extensive. I supposed that would be the case at the time the great effort was made here, and we had so much talk about reapers and mowing-machines and everything of that description. I think that we have gone far enough in this direction. Now, is the Senator willing to lose all the taxes that we get from these large manufactures, of axes for example? It is not proposed to put axes on the free list; it is not proposed to put shovels on. We cannot afford to lose the revenue from them; but there is just as much reason for exempting the ax and the shovel and the scythe as there is the articles mentioned here, and yet they are a large manufacture, and the House of Representatives has not proposed to take off the tax, although the reasoning applies precisely as well to them.

I do not care anything about this little amendment. I am only speaking of the principle. I know it is considered popular to take off taxes on agricultural implements, and it is a very pretty thing to make a speech about, and to talk about everybody using them; but after all the question is whether it is advisable.

Mr. POMEROY. I was surprised that the committee of the Senate should have taken agricultural implements out of this section, when the House had put them on the free list.

Mr. FESSENDEN. Allow me to suggest that we have done one thing that is much more beneficial and more operative than taking off the tax on these implements. We have taken off all from ordinary bar and hoop iron, of which these articles are made. We have already put in an amendment to that effect. Now to take the tax off the material of which they are made, and then off the thing themselves, is more than can be afforded.

Mr. POMEROY. I was equally surprised that the House did not put the ax and the scythe and the shovel on the free list, the most common implements used by the poorest classes, and the rudest form in which an agricultural implement can be made. I find that even the House propose to continue the tax upon them. If we are to take the tax off any of our agricultural implements, we should begin with the simplest, the rudest. As to those that are complicated, and require a great deal of labor, there may be reason why they should bear some tax. My opinion differs entirely from that of the Senator from Maine in regard to the effect on the price of these articles of putting them on the free list. I know that manufacturers who had a stock lying over from the year previous marked down their implements the whole amount of the internal revenue tax taken off, and sold them for that much less. In the western States mowers especially have been lower than we have ever had them—a great article among all our farmers. There is hardly any farmer in the West so poor that he does not have a mower on the prairie and a reaper.

Mr. FESSENDEN. They are exempt by the existing law. The thing is carried as far as it can be, especially when we take the tax off the iron from which these things are made.

Mr. POMEROY. I do not see why we cannot go at least as far as the House went. Even if we keep the ax and shovel and these other implements on the lists that pay taxes, I should be in favor of sustaining the House on this question.

Mr. HOWARD. The Senator from Maine remarks that the subject of agricultural implements is a very pretty subject on which to make a speech. I do not accept this sneer as a reply to the objection that I made to the exclusion of these articles from the free list; nor do I think it becomes that Senator to use that kind of argument in this body, considering the section from which he comes. He tells us that the price of these articles is not enhanced by the tax, and the exemption of them is only putting money into the hands of the manufacturer. Where is the manufacturer, and where is the mass of the purchasers of these articles and of those who use them? The manufacturer lives at the East, in the New England States and in New York and New Jersey chiefly. Almost all those articles are manufactured at the East. They are sold and used chiefly in the West. This description of commerce has become immense between the East and the West; and the eastern manufacturers supply our farmers a vast amount of agricultural implements for which they get their pay. It is the consumer here who pays the tax; it is the western farmer who uses the hoe, the ax, the reaping-machine, the hay-rake, &c., that finally pays these taxes for the benefit of the eastern manufacturer, whom the Senator, so far as his section is concerned, represents here.

Now, I submit to him with great respect that this kind of sneer is not to be accepted here as an argument. I wish the Senate to take this matter into consideration. We must begin somewhere to relieve the people from the weight of taxation under which they now labor. Why may we not as well begin in reference to these small articles of every day use which are indispensable in the primary affairs of life as to begin at any other point? I submit that it is the best point at which we can begin the work of reduction, the most convenient, the most palpable, and the most acceptable to the great mass of the laboring men in the country.

The amendment was rejected.

The next amendment was in line one hundred and thirteen to strike out "buck" and insert "muck."

The PRESIDING OFFICER, (Mr. EDMUNDS.) This verbal correction will be made, no objection being interposed.

Mr. CRESWELL. I desire to call attention to an amendment on the 16th page; I was not present when it was acted on. It was in the fifty-fourth line of section eleven, striking out the words "sheet lead, lead pipe, and shot." Why did the Finance Committee propose to strike out those words?

Mr. FESSENDEN. We did not see any good reason for keeping them in.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Maryland that it is not in order at this time to go back to that amendment.

Mr. CRESWELL. I will raise the objection when the bill shall be reported to the Senate.

The Secretary read the next amendment, which was to strike out lines one hundred and fifteen and one hundred and sixteen of section eleven, in these words:

Steam locomotives and marine engines, including boilers, and log, siding, and shingle machines.

Mr. HOWARD. I hope we shall not agree to this amendment.

Mr. SPRAGUE. I join in that hope.

Mr. FESSENDEN. I hope the clause will be stricken out. The committee could not see any reason for inserting these articles in the free list. They are mostly used by corporations who can afford to pay for them. It cannot be said that this exemption is for the benefit of the poor.

Mr. HOWARD. It is true, they are mostly used by corporations, but they are the most useful description of corporations in the country; they are the steamboat corporations, the railroad corporations, corporations that do the carrying to market and from market of all the articles of trade and commerce of the country. This kind of business is very important. If a company is obliged to pay a very heavy price for the engine that drags its train or moves its steamboat, it increases the price of its freight in proportion, and that increase of the price of freight is so much increase of the price of the article itself when it falls into the hands of the consumer. Everybody knows this.

Mr. FESSENDEN. I do not think the small tax paid on the manufacture of the machine itself, when we come to divide it around in its application to freight, will make a great deal on a bushel of corn. It requires a good deal of very nice mathematical calculation to make the tax on the freight of a bushel of corn appreciable. There is considerable of a revenue raised from the manufacture of steam-engines, and the committee could see no reason why they should be exempted any more than many other things that are taxed. Manufacturing corporations of different descriptions that manufacture the necessaries of life have to pay a tax on their products, although they are used by everybody much more generally than these; and why should we legislate simply to relieve the railroad corporations and steamboat corporations?

Mr. SPRAGUE. The House of Representatives, it seems to me, decided this question properly when they decided to relieve this branch of the industry of the country. The section I represent has probably built all the railroads it will build, but we desire to open up the western country, and a tax of five per cent. on a locomotive is a very large tax, a thousand dollars nearly for every locomotive. Those who desire to develop the country, to build railroads, to open up the country should look to it that this great industry is not embarrassed by excessive taxation. You have relieved your railroad iron so far as you can of a considerable tax, and for the same reason you should relieve the engines that run upon the track.

Mr. FESSENDEN. We have taken the tax off the raw material, the iron of which these articles are made, and placed it on the free list, which was not done by the House. I suppose Senators would not agree to that because the House did not do it. I do not know but that the House is very wise; it probably is; but it seems that in regard to every question the argument is "the House has done it." If that argument be good, there is no reason in referring a House bill to a committee of this body to act on it; all we have to do is to register the decrees of the House. I will say to the Senate that we have taken the tax off bar iron, the iron in the first shape in which it is sold, and castings. That begins at the beginning, at the foundation. Now, to relieve the manufactured article in addition is doing too much for these particular articles I think, when we leave the tax on others that are used much more extensively.

Mr. CONNESS. I do not know any branch of mechanical production that requires relief more than that comprehended in this paragraph. There is certainly more in this bill that relates to the country that I represent, which requires and demands relief more than this. We cannot take a step in our industries without the use of steam-engines. It costs us more to build railroads by at least from fifty to one hundred per cent. than it does any other people in the Union. We cannot begin to develop a mine; we cannot sink a shaft; we cannot extract the ore from the mine; we cannot take the water out of a mine; we cannot crush the ore; we can do nothing in our industries that is not subject to this tax; and I confess my disappointment at its being proposed by the Finance Committee of the Senate to tax this product. I think it should be left where the House of Representatives placed it.

Mr. FESSENDEN. I ask the Senator if he thinks the other should be left, if we should keep the tax on iron, should not take it off?

Mr. CONNESS. If I had my choice I would sooner tax the iron—and I think the people I represent would agree with me—than to tax this. I do not understand the justice or the

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policy of relieving the iron, the raw material, from tax, and taxing these manufactured articles. And, sir, while I am up on this subject, I will say that I shall feel prepared to vote for a very considerable reduction of internal taxes, even at the risk of having less than eighty millions in excess of the estimates of the Secretary of the Treasury for a year's revenue. We have, as I believe, nearly taxed many of the industries of the country to death; and it is time that we stopped. If we do not stop, they will stop. But, sir, I do not wish to occupy time. I know how valuable it is.

Mr. SHERMAN. I do not know anything that can bear taxation better than steam locomotives and marine engines. It is a tax probably as easily collected as any in the whole list of internal taxation. They are articles of manifest inspection, the value of which is fixed, made in a few shops in the United States where the tax can be readily assessed. We have removed all forms of taxation on the crude iron which is made in a great number of shops, produced in a great variety of forms. When it assumes the form of a locomotive or a marine engine it is an article of value and of use, the highest form of iron manufacture; and therefore it seems to me that when we are selecting objects to be relieved from taxation this is among the last to be selected. It is not because locomotives are not valuable, for they are of immense value; and so of marine engines, but because they are articles which can be most readily taxed, which can bear taxation. A tax on such articles is paid mainly by corporations; and therefore it is the cheapest form of taxation. When you come to small articles like buckets and common domestic ware, that are made all over the country, I think it is very proper to relieve them from taxation; but these heavy articles which can be easily reached, the tax on which can be easily levied, it seems to me ought to be the last to be relieved.

It is manifest that we cannot now extend the relief that we hoped for six months ago. Our internal taxation receipts are falling off rapidly; and unless Senators will remember when they are appropriating money that taxes are necessary to meet the appropriations, they will find that it will be necessary to keep up a very formidable tax list. We cannot expect to raise revenue enough from imported goods to pay the interest on the public debt; so that we have to depend on our internal revenue to pay our expenses and to meet the enormous appropriations made by the present Congress.

Mr. HOWARD. Do I understand the Senator from Ohio to say that our internal revenue is greatly falling off, becoming reduced in amount?

Mr. SHERMAN. I do say so.

Mr. HOWARD. I should like very much to hear some explanation why that result is now upon us; how it happens that our internal revenue is falling off; what are the causes of it?

Mr. SHERMAN. It happens simply because not as many things are made now as were made a year ago, and not as many things are sold as were sold a year ago, and the business of the country is not so prosperous as it was a year ago. That is the reason.

Mr. HOWARD. Is not this reduction the result in a very great degree of losses occurring in the collection of the internal revenue in consequence of the bad management of that revenue by the head of the proper department?

Mr. SHERMAN. I have no doubt the chief cause of the loss of revenue is because people will manufacture whisky without paying the tax on it. But so far as these articles are concerned we can reach them, and I do not know that there is any attempt to evade taxation upon them; nor can taxation be easily evaded on locomotives and marine engines. As to who is at fault in regard to collecting the revenue I imagine that many officers are at fault. If the Senator can find a way by which we can get only honest men to collect the revenue, I should think he would be a very valuable officer of the Government, and I should like to see him made Secretary of the Treasury.

Mr. HOWARD. The Senator is not ignorant of the fact that there have been a great many revolutions and changes in the revenue department, and that hundreds and thousands of officers who were perfectly competent, honest, and prompt and regular, have been turned out of office within the last year, to make room for parvenues, adventurers, and incompetent men. What have been the effects upon the amount collected of this revolution in our force?

Mr. SHERMAN. I have no doubt the wholesale removal of revenue officers has been very injurious to the public revenue, and I think I have been as anxious to prevent that by rejecting political appointments as any one in the Senate.

Mr. HOWARD. No doubt about that.

Mr. SHERMAN. At the same time I do not think that is a matter which has anything to do with this. The gentleman at the head of the Internal Revenue Bureau is not only an honest and able man, but also politically right, so that we cannot very well find fault with him.

Mr. FESSENDEN. I would state also that last year we relieved the freight business of tax; took away all tax from freight receipts, and now we are taking it off iron. It is impossible to take taxes off everything. If we do we cannot get revenue to support the Government.

Mr. CONNESS. I cannot admit the force of one of the arguments, and the principal one made by the Senator from Ohio, that we can certainly tax that which we can easiest catch, so to speak. Because a locomotive cannot be put out of the way, and we can certainly collect the tax on it, therefore he says we should impose a tax upon it. If that is to be the basis of taxation we shall find taxation very unequally applied. It is very true that a locomotive is easily caught, except when under a full head of steam, and that is given as a reason why we should tax it. I think that is the least of reasons.

In this connection let me say that I think there is additional reason from any that has been suggested here for the falling off in revenue. For some reason or other, I think, against the great majority of the opinion of the country and of the persons experienced in collecting revenue, the committees of the two Houses of Congress have determined continually to keep the tax upon manufactured spirits at two dollars per gallon; creating the highest possible reward for evasions of the law, for perjuries, for the commission of the highest crimes known to the law, and really spreading among the people a source of corruption such as has never before been furnished. My information on this subject is obtained exclusively from honest men engaged in the collection of the public revenue, and they uniformly and all testify that it is impossible to collect the revenue upon spirits at two dollars per gallon. But our committees, for whom I have great respect, having begun to collect it at two dollars per gallon, are determined to enforce its collection; and the manner in which they enforce the collection is such that they lose millions of dollars of revenue; that they enrich the worst men in the country; that they fail to get revenue; and I will say here that I am prepared for a reduction of the tax on spirits as a means of obtaining revenue and increasing it.

Mr. HENDRICKS. Before the Senator takes his seat, I wish to ask him if he has considered the effect of a large reduction of the tax upon the dealers who now hold whisky in quantities. I agree with what he has said with regard to an excessive tax upon whisky or upon any other article; it defeats revenue. But I have felt, and I suppose the committees have felt, an embarrassment in the way of a reduction, with a view to revenue. I have felt embarrassed because of the effect it would have in breaking up nearly all the men who are dealing in that article. I do not see how that is to be avoided.

Mr. CONNESS. There is force in the suggestion of the honorable Senator, and I have thought of it; but shall we be deterred from doing a great right lest some injury occur to some part of the country? Shall we remain attached to a system of taxation that keeps money out of the Treasury, that corrupts the people, simply because a change will bring injury to a part of the people? It is better that that injury should come. I think it is not impossible to devise means by which a large amount of that injury may be averted. But I am concluded upon one point, and that is that it is vain to attempt to collect revenue, that it is a crime to attempt to impose and collect the present tax on spirits, because it is a patronage of crime.

Mr. HENDRICKS. I do not see any reason why the tax should not be continued upon locomotives and marine engines. They are generally used in a very profitable business, purchased by companies of large means, who are able to pay the increased price occasioned by the tax that is imposed. I shall vote for this amendment unless some reason be given that I have not heard.

Mr. TRUMBULL. It has been stated by the Senator from Ohio, who of course has the facts or else he would not have made the statement, that the revenue is falling off greatly. I would be obliged to him if he would state what was the difference between the revenue collected in December, 1866, and January, 1867, and the revenue collected in December, 1865, and January, 1866. I should like to know what the falling off amounts to.

Mr. SHERMAN. I am not prepared on this sudden call to give the precise figures; but I know that the general fact is so, and I can furnish the precise amounts perhaps by to-morrow. I can to-morrow morning get a statement of the actual revenue and the falling off from the highest authority.

Mr. TRUMBULL. If we are to act on any such assumption, we ought to have definite information. I should like to know the extent of the falling off. I was not aware that there was any considerable falling off. I know that we collect much less revenue some months than others; but as compared with the revenue collected a year ago in the corresponding months I was not aware there was any considerable decline, anything that affected materially the revenue of the country. I shall be glad to see the tables, or see the amount so that we can know what it is.

Mr. FESSENDEN. The Commissioner states that the falling off recently from the corresponding months of last year is something like four or five millions per month, but we cannot tell yet exactly.

Mr. CONNESS. That would only be $48,000,000 a year, while the excess last year over the estimates of the Secretary was more than eighty millions. I do not think there need be any fear about that. Besides, there is another important consideration. Last year we paid off the Army. It is true, we owe the Army yet something in the way of bounties; but last year was a year of very heavy outlay and expenditure. It appears to me the Finance Committee ought to be prepared here, and able to state very closely and with great accuracy, the proper estimates for the present and the coming year, both the outlay and the income. I do not see how our taxes can be intelligently laid unless we have these figures before us.

Mr. FESSENDEN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 19, nays 14; as follows:

YEAS—Messrs. Buckalew, Cattell, Cowan, Cragin, Dixon, Edmunds, Fessenden, Fowler, Frelinghuysen, Hendricks, Johnson, Lane, Morgan, Poland, Saulsbury, Sherman, Van Winkle, Willey, and Williams—19.

NAYS—Messrs. Anthony, Chandler, Conness, Creswell, Davis, Howard, Nye, Patterson, Pomeroy, Ross, Sprague, Stewart, Trumbull, and Wade—14.

ABSENT—Messrs. Brown, Doolittle, Fogg, Foster, Grimes, Guthrie, Harris, Henderson, Howe, Kirk-

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wood, McDougall, Morrill, Nesmith, Norton, Ramsey, Riddle, Sumner, Wilson, and Yates—19.

So the amendment was agreed to.

The next amendment was in lines one hundred and seventeen and one hundred and eighteen of section eleven to strike out "and straw wrapping-paper."

Mr. FESSENDEN. The committee think that amendment had better be rejected.

Mr. SPRAGUE. I hope it will be.

The amendment was rejected.

The next amendment was in line one hundred and nineteen, to insert "made."

The amendment was agreed to.

The next amendment was in line one hundred and twenty-seven of section eleven, to strike out "when" after "fabrics," and in line one hundred and twenty-eight to strike out "used" and insert "produced;" so as to make the clause read:

Fabrics, the products of hand-looms, when not produced in penitentiaries or other penal establishments.

The amendment was agreed to.

Mr. FESSENDEN. The word "and" should be inserted after "bee-hives" in line one hundred and thirty-one of section eleven; and all the words after "bee-hives" to the end of the section should be stricken out, the same provision having been made in another place.

The PRESIDING OFFICER. That change will be made, no objection being interposed.

The next amendment was to insert at the end of section eleven "wire-cloth."

The amendment was agreed to.

The next amendment was to add to section eleven the following proviso:

Provided, That the exemptions aforesaid shall, in all cases, be confined exclusively to said articles in the state and condition specified in the foregoing enumeration, and shall not extend to articles in any other form, nor to manufactures from said articles.

The amendment was agreed to.

The next amendment was to insert (as an exception to the computation of income) after the word "whatever" in line forty-six of section twelve, the words "except the rental value of any homestead used or occupied by any person or by his family in his own right or in the right of his wife."

The next amendment was in lines ninety-five, ninety-six, and ninety-seven of section twelve to strike out the words "in such manner as the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, may prescribe."

The amendment was agreed to.

The next amendment was after "return" in line one hundred and one of section twelve to insert "on or before the day prescribed by law."

The amendment was agreed to.

The next amendment was after "trustees," in line one hundred and six of section twelve, to insert "executors and administrators."

The amendment was agreed to.

The next amendment was to strike out the words "guardian or trustee" in line one hundred and ten of section twelve, and insert "person acting in a fiduciary capacity."

The amendment was agreed to.

The next amendment was after the word "act," in line one hundred and twelve of section twelve, to strike out the words "as guardian or trustee."

The amendment was agreed to.

The next amendment was in line one hundred and seventeen of section twelve, to insert "such" before "person," and after "person" to strike out "guardian or trustee."

The amendment was agreed to.

The next amendment was to insert after line one hundred and seventy-nine of section twelve the following proviso:

Provided, That the tax on incomes for the year 1866 shall be levied on the day this act takes effect.

The amendment was agreed to.

Mr. FESSENDEN. In line one hundred and thirty-four the words "guardian or trustee" should be struck out, and the words "such fiduciary" inserted.

The amendment was agreed to.

The next amendment was to strike out in line two hundred and two of section twelve the words "several auditors," and insert "accounting officers."

The amendment was agreed to.

The next amendment was to add to section twelve the following proviso:

And provided further, That in case it should become necessary for showing the true receipts of the Government under the operations of this section upon the books of the Treasury Department, the requisite amount may be carried from unappropriated moneys in the Treasury to the credit of said account; and the increase of the exemption from $600 to $1,000 provided in this amendment, as to salary and compensation, shall take effect for the month of March, 1867, and thereafter.

Mr. FESSENDEN. I move to amend the amendment by striking out "the increase of the exemption from $600 to $1,000 provided in this amendment as to" and inserting "this section shall take effect upon," and also by striking out the words "and thereafter;" so as to make the latter branch of the amendment read:

And this section shall take effect upon salary and compensation for the month of March, 1867.

The amendment to the amendment was agreed to, and the amendment, as amended, was adopted.

The next amendment was to strike out in line twenty-four of section fourteen the words "under the direction of the Secretary of the Treasury."

The amendment was agreed to.

Mr. FESSENDEN. I move to amend the fifteenth section by inserting the word "or" after "alcohol" in the third line.

The amendment was agreed to.

Mr. FESSENDEN. The Committee on Finance recommend that all the sections from section sixteen on page 3 to section thirty-eight, inclusive, on page 62, be stricken out; and then a new section, which is printed on page 62, is to be inserted as section sixteen. The reason why they are all stricken out (with the exception of one section, which is struck out here to be put into another part of the bill) is that they are merely redrafts of the existing law, with a change of phraseology simply. On examination of them the committee thought, with the advice of the Commissioner of Internal Revenue, who examined them more carefully, that it would be perfectly useless to insert the new draft. It is a mere change of phraseology, and perhaps not an improvement. The committee decided, therefore, to leave them all out and allow the present law to stand as it is in these respects. Unless the Senate wish to hear these sections read they may just as well be passed over without being read.

Mr. HOWARD. I suppose they are merely penal clauses.

Mr. FESSENDEN. Some are; and some are not. They are general provisions.

Mr. HOWARD. Are the old penal clauses saved in the present act?

Mr. FESSENDEN. All the penal clauses are left in.

Mr. HOWARD. But do I understand that the committee propose to strike out these penal clauses?

Mr. FESSENDEN. To strike them out of this bill; but they remain in the present law.

Mr. HOWARD. Is the Senator perfectly sure that those old penal clauses will for the future apply to this amended act?

Mr. FESSENDEN. There is no reason why they should not. We repeal nothing except that which is inconsistent with this act.

Mr. HOWARD. The Senator is aware that very often in criminal trials the question becomes a very delicate one whether an act performed under a subsequent law is punishable under an old penal act where the penalty is changed, or the mode of proceeding is changed. Where there is a change of penalty by a subsequent act, the old penal law is generally held to be repealed by its operation. I merely call the Senator's attention to this. He certainly does not desire to let any violation of this bill pass unpunished.

Mr. FESSENDEN. Of course not. The idea is to make it more simple.

Mr. HOWARD. Undoubtedly; but in your anxiety you may omit to do the very thing you desire to do.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the reading of the sections indicated, proposed by the Committee on Finance to be stricken out, shall be omitted.

Mr. HOWARD. We can before we come to a final vote on those clauses look at the matter more carefully and see whether there is any necessity for retaining these sections.

Mr. FESSENDEN. If the Senator will look at the new section twenty four, on pages 69 and 70, he will see that the penalties there are revived. These sections can be passed over for the present, and the Senator can look at section twenty-four when we arrive at it, and see whether it is not sufficient.

Mr. KIRKWOOD. I should like to ask the Senator from Maine a question. I notice on page 46, lines nineteen and twenty, that the punishment of imprisonment for not less than two nor more than five years is provided in addition to a fine. I may be in error, but my impression is that the old law did not provide imprisonment as a punishment in any case, so that in this section a more severe penalty is imposed. I refer to section twenty-seven on page 46. Is it the intention of the committee to impose not only a fine, but imprisonment for the acts there specified?

Mr. FESSENDEN. If the Senator will turn to section twenty-four on page 70 he will see that it covers all these penalties. I will read it, so that Senators may notice it:

That the owner, agent, or superintendent of any still, boiler, or other vessel used in the distillation of spirits, who shall neglect or refuse to make true and exact entry and report of the same, or to do or cause to be done any of the things by law required to be done in relation to the manufacture or sale of spirits, shall forfeit for every such neglect or refusal all the spirits made by or for him, and all the vessels used in making the same, and the stills, boilers, and other vessels used in distillation, and all materials fit for use in distillation found on the premises, together with the sum of $500 for each offense, to be recovered with costs of suits, and shall be deemed guilty of a misdemeanor, and be subject to imprisonment for a term not exceeding one year.

Mr. KIRKWOOD. That extends imprisonment to most of the offenses under the law.

Mr. FESSENDEN. "And be subject to imprisonment for a term not exceeding one year."

Mr. KIRKWOOD. I did not understand. I thought that by striking out these sections the Committee on Finance were opposed to imprisonment for any offense.

Mr. FESSENDEN. The sections remain in the old law as they were before. They are not repealed.

The PRESIDING OFFICER. The Senator from Maine asks unaimous consent that the reading of the sections named by him be dispensed with. Is there objection? The Chair hears none. The reading of the sections is dispensed with; and the question is on the amendment reported by the committee, to strike out from section seventeen to section thirty-eight inclusive.

The amendment was agreed to.

The next amendment was to insert as section sixteen:

And be it further enacted, That hereafter all distilled spirits, before being removed from the distillery, shall be inspected and gauged by a general inspector of spirits, who shall mark the barrels or packages in the manner required by law; and so much of the act approved July 13, 1866, as requires the appointment of an inspector for each distillery established according to law is hereby repealed: *Provided*, That such other duties as have heretofore been imposed upon inspectors of distilleries may be performed by such other duly appointed officers as may be designated by the Commissioner of Internal Revenue.

The amendment was agreed to.

The next amendment was to insert as section seventeen:

And be it further enacted, That whenever, in the

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judgment of the collector, there shall be a general bonded warehouse so located as to be conveniently accessible to a distillery, and in the same collection district, the said collector shall direct all spirits which may be stored in the bonded warehouse attached to such distillery to be transferred directly to a general bonded warehouse; and all spirits thereafter produced in such distillery shall be removed to a general bonded warehouse within the time and in the manner heretofore required for removal to the bonded warehouse attached to the distillery.

The amendment was agreed to.

Mr. FESSENDEN. I move to add to section [forty-one] twenty "nor to sales made by judicial and executive officers under the order or decree of any court."

The amendment was agreed to.

The next amendment was in section [forty-three] twenty-two, line two, to strike out "transportation" before "bond," and after "bond" to insert "under which any distilled spirits shall have been withdrawn from a bonded warehouse."

The amendment was agreed to.

The next amendment was in line eight of section [forty-three] twenty-two to insert "by" after "or."

The amendment was agreed to.

The next amendment was to strike out section forty-four, as follows:

SEC. 44. *And be it further enacted*, That if any person shall falsely represent himself to be a revenue officer of the United States, and shall in such assumed character demand or receive any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any revenue law of the United States, such person shall be deemed guilty of a felony, and on conviction thereof shall be liable to a fine of $500, and to imprisonment not less than six months and not exceeding two years, at the discretion of the court.

Mr. FESSENDEN. That provision is carried forward to another place.

The amendment was agreed to.

The next amendment was to strike out section forty-five, in these words:

SEC. 45. *And be it further enacted*, That no distilled spirits which have been forfeited to the Government in accordance with law shall be sold for a price less than the amount of the tax required thereon by law at the time of such sale. And if the officer having such spirits in charge shall have been unable, for a period of ninety days, to sell the same for the price equal to the tax, such spirits shall be destroyed, under such rules and regulations as the Commissioner of Internal Revenue may prescribe.

Mr. FESSENDEN. That is carried forward also.

The amendment was agreed to.

The next amendment was to strike out section forty-six, in these words:

SEC. 46. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. And sections sixty and one hundred and fourteen of an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and so much of sections fourteen and one hundred and sixty-seven, as relate to turnpike roads are also hereby repealed.

Mr. FESSENDEN. Senators will observe that the last section of the bill as reported by the Committee on Finance simply repeals all acts and parts of acts inconsistent with this act; but this section which we propose to strike out not only does that, but it also specially repeals section one hundred and fourteen of the act of June 30, 1864. That section one hundred and fourteen is the section which imposes a tax upon advertisements in newspapers. The committee came to the conclusion that that ought to be struck out, that there was no reason why a tax should not be paid upon advertisements as well as other things. I call attention to the subject in order that, if any Senator desires to test the sense of the Senate upon it, he may do so by moving to add the repeal of that section to the last clause of the bill as reported by the committee, when we read it.

The amendment was agreed to.

The next amendment was to strike out section forty-seven, as follows:

SEC. 47. *And be it further enacted*, That inspectors of distilleries, appointed under the provisions of this act, shall be required to give bonds, with security, approved by the Secretary of the Treasury, or assessor of the district, in a sum not less than $5,000, conditioned for the faithful discharge of the duties of such inspector.

Mr. FESSENDEN. That provision is carried forward.

The amendment was agreed to.

The next amendment was to strike out section forty-eight, as follows:

SEC. 48. *And be it further enacted*, That no action or prosecution for the recovery of any claim of the United States, arising from alleged violations of, or frauds upon, the revenue laws, shall be compromised or discontinued without the assent of the district attorney of the United States for the district in which such proceeding is pending, or of the Attorney General of the United States, with the approval of the court in which the action is pending; and such assent shall, in all cases, assign the reasons for such compromise or discontinuance, and shall be indorsed upon the papers in the case, and shall be preserved in the files of the court.

Mr. FESSENDEN. That is not carried forward; it is struck out.

Mr. HOWARD. Let me ask the honorable Senator why it is struck out?

Mr. FESSENDEN. It was very much discussed in committee, and very deliberately considered. There is no compromise now upon the liquor clauses, but there are many small matters arising in the course of the collection of taxes that not to allow to be compromised would make a great deal of difficulty. Sometimes things are done by mistake and misapprehension, small matters owing to the different modes in which the various taxes are collected. It was the opinion of the Commissioner that it would make the law very onerous if there was no power to compromise such cases. It would be throwing embarrassments around it that would render it very difficult to execute the law. The committee came to the conclusion that it was best to leave the law as it is on that subject. It is a power that should exist somewhere.

Mr. HOWARD. So as to leave the power of compromising a prosecution in the hands of the district attorney?

Mr. FESSENDEN. No, sir; it is in the hands of the Commissioner of Internal Revenue and the Secretary of the Treasury and the assessor and collector. Those officers are all consulted.

Mr. NYE. Do they not compromise felonies?

Mr. FESSENDEN. No; they simply compromise the claims of the Government in these cases.

Mr. NYE. I think there is a bill pending in the other House now for some two or three hundred thousand dollars claimed by a Mr. Dorsheimer, growing out of the compromise of a case where seizures of whisky were made.

Mr. FESSENDEN. The Court of Claims decided against the claim.

Mr. NYE. No matter what the Court of Claims may have decided, the claim is presented.

Mr. FESSENDEN. Anybody can present a claim to Congress.

Mr. HOWARD. I ought to be sufficiently acquainted with the revenue laws to answer the question I am about to put to the honorable Senator, but I must confess my ignorance. It is this: is the district attorney in all cases neeessitated to apply to the Commissioner of Internal Revenue or to the Secretary of the Treasury or to any other officer in Washington to get his consent to enter imto a compromise?

Mr. FESSENDEN. The district attorney has no power whatever to compromise.

Mr. HOWARD. Then there can be no compromise of such prosecutions without the consent of the Commissioner?

Mr. FESSENDEN. No, sir; the Secretary of the Treasury and the Commissioner and the assessor and the collector are consulted.

Mr. HOWARD. The reason I am so inquisitive about it is that I see great danger of the abuse of authority in various cases by the district attorneys; the temptation is very great.

Mr. FESSENDEN. The district attorney has no power over the subject. I objected to the section giving the power to compromise only with the assent of the district attorney or Attorney General of the United States, and indorsed by the judge. It has been found safe and proper, and has been the custom from the foundation of the Government, from time immemorial almost, to leave the power of compromising these matters under the customs revenue in the hands where they are now, with the Secretary of the Treasury.

Mr. HOWARD. I am very glad the committee have taken that course. I think any other provision would make unhappy and unfortunate controversies.

Mr. JOHNSON. This, I believe, does not take away the power to compromise.

Mr. FESSENDEN. It leaves it where it is.

Mr. JOHNSON. So it can only be done with the consent of the Commissioner and Secretary.

Mr. TRUMBULL. I have been informed that there have been very great abuses in these settlements; that advantage has been taken of violations of the law in the earlier stages, when it was not as well understood as it is now, and perhaps now to some extent, where parties have omitted to use a stamp, for instance, and the penalties go on multiplying so that the amount becomes very large; and then complaints have been made when the omission was a mere inadvertence; and then compromises made by which parties have been enriched. I am very much in the dark as to what the law is, as the Senator from Michigan is. I was under the impression that at one time the collector and the assessor, with the district attorney, effected compromises. But if they do not do it in form they do it substantially, because on their recommendation, knowing the facts, the officers are very likely to act. Now, I should like to know if it would be a hardship to prohibit any of these compromises except by consent of the court? What is the objection to requiring that the assent of the court should be had? And let it be done in open court, where it can be understood.

Mr. FESSENDEN. Sometimes the court is not present. The court may be away; and things must stand and everything be held up until the court can return. Again, the court may be sick.

Mr. TRUMBULL. Is it any great hardship if things are required to remain in *statu quo*?

Mr. FESSENDEN. It may be a great injury, because the property is all held in the mean time. It might occasion a great deal of difficulty; but that matter was discussed also. The rule is better as it is now, as the law originally fixed it, than to have any of these alterations made.

Mr. TRUMBULL. There has been very great complaint in the city where I live of abuses under this law.

Mr. FESSENDEN. Abuses in compromising suits?

Mr. TRUMBULL. Abuses in the execution of the law and inflicting penalties, when perhaps they ought not to be collected, when the cases ought to have been compromised. Informers, it is said—I do not know with what truth—with a view of making money, have enforced the law very harshly sometimes; and the charge is made in different parts of the country that officers have paid more attention to making money by getting up suits and then compromising them, than to the discharge of their duties. I think we should guard against the abuse, if there be any.

Mr. DAVIS. There are very great abuses connected with that portion of the law to which reference is now being made in this conversation. I have in my possession copies from four records in the State of Kentucky. In one it was an action of debt for a violation of the law, and there is a declaration with seventeen counts; and in the four cases there are forty-nine counts. Each count charges an offense or a violation of the law that subjects the offender to a penalty of $500. The violation of law is this, and simply this: there is a pro-

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vision which requires that the quantity of grain mashed every day shall be entered in a book, and that extracts from this book shall be furnished every seven days or every fourth of the month to the assessor. The violation of this law commenced by some country distillers in Harrison county, one of whom made but ninety barrels during the distilling season, immediately after the passage of the law, because of their utter ignorance of its provisions on that point. The collector had access to their distilleries. He had access to their books. He summoned the distillers before him. He made them yield to him an inspection of their books. He swore them and then examined them upon oath in his own office and made them disclose exactly the mode in which they were carrying on their distilleries and every entry that they made. He knew the law and they did not. Notwithstanding he knew the law, and it was his duty to inform them of its provisions, he carefully concealed their violations of the law from them, until in one case the violations had run up to such a number as authorized him to institute a suit with seventeen counts, each count running through one month, and each quarter of the month subjecting the distiller to a penalty of $500, making $2,000 a month.

These men reported the exact amount of liquor that they had distilled to the assessor by wine measure, and consequently having paid the tax upon all the liquors which they made by wine measure they paid upon a larger quantity of liquor than the law would have subjected them to pay tax upon. They paid up every cent of tax for every gallon of whisky that they manufactured; and after they had settled up and received receipts in full for the whole amount of whisky manufactured, this assessor became the informer, and had actions of debt and indictments brought against them, in which he charged against them in forty-nine counts a violation of the law for four times in each count, or every quarter of a month. The result was that they were fined at that rate. He discontinued his suits upon a few counts, and these distillers were fined at that rate, one of them upward of $8,000, when they did not owe one cent of tax to the Government, when they had paid for more, according to the rates of taxation, than they were bound to pay for, and when in utter ignorance of the law they had failed to enter the amount from day to day of the grain that they mashed.

The courts had no power to release them. The law of 1797, which I hold in my hand, provides that whenever persons have not been guilty of fraud or willful neglect or willful violation of the law they shall make out their case to the district attorney, and he shall certify it to the Secretary of the Treasury, and the Secretary of the Treasury may remit or mitigate the penalty according to his pleasure. I have brought four cases of that kind up, not as counsel, but as the friend of these oppressed men, to the Treasury Department for relief, and I applied a few days ago to the officer there to know what disposition had been made of the cases. He informed me that they had not yet acted on the subject, but they would write back to the assessor and the collector to know what to do with the cases. That reminds me of the folly of an attempt to reclaim from the throat of a hungry dog a pound of butter that he had licked up.

Now, sir, this law in its provisions in relation to distilling is exceedingly complicated. There is not a distiller of common intelligence in the land who can understand it. It requires the study of a lawyer, or of a skillful and experienced collector or comptroller of internal revenue to understand this law, after years almost, or at least months of the most careful reading, and after receiving legal counsel too as to its meaning. Well, sir, these unsophisticated innocent men were utterly ignorant of the provision of the law. This shark lay in wait for them that their innocent violations of the law might amount to a sum of penalties in the aggregate that would enrich him; and when this delay had taken place to his satisfaction as to the amount it would produce him, he instituted these oppressive suits and had these distillers fined at the rate of $2,000 a month. I went to the district judge. I had their cases certified. They were brought up to the Treasury Department. They were referred to the proper officer. I went to him for information as to what he had done or was doing in the cases, and he told me that he had referred them back for counsel and advice as to what he should do to these officers who have thus imposed upon these unsophisticated distillers.

I have here the act of 1797. It gives some remedy, but the remedy is exceedingly tedious. It requires the case upon its facts to be made out before the district judge, and that the district judge shall certify them to the Treasury Department, and they shall be taken into consideration by the head of the Treasury Department, and the officers there shall do what they please on the application for remission or mitigation. I will read a single clause of the law, and then in connection with it an amendment that I shall propose:

"And [the judge] shall cause the facts which shall appear upon such inquiry to be stated and annexed to the petition"—

That is the petition for relief—

"and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without willful negligence, or any intention of fraud in the person or persons incurring the same."

I propose that this question of fraud or of willful negligence, instead of being referred to the Treasury Department through a most slow and tedious and circumlocutory process, shall be referred at once to the judge and to the jury. Here is the section which I intend to propose as an amendment to this bill:

And be it further enacted, That in any indictment, suit, or other proceeding in the name of the United States against any person or persons, who by law shall be subject to any fine, forfeiture, penalty, or disability whatever for non-compliance or violation thereof, no person shall be subject to such fine, forfeiture, penalty, or disability that was not incurred with intent to commit fraud or with willful negligence.

Instead of referring this point of inquiry upon which the relief is to be granted to the Treasury Department under this slow and dilatory proceeding, I propose at once to refer it to the court which tries the case and before which all the facts are proved by the witnesses to it. It is certainly the best mode. It is the mode of obtaining the justice of the case. The proof, according to my amendment, has to satisfy the judge that the party charged with the delinquency is guilty neither of fraud nor of gross neglect. If he is not guilty of either fraud or gross neglect the penalties or disabilities ought not to be imposed upon him. If he is guilty of fraud or gross neglect they ought to be imposed upon him; and the facts must relieve him both from fraud and gross neglect before he could be entitled to any exemption from those penalties under my amendment.

Mr. JOHNSON. Would that amendment, if passed, cover all the penalties under this law or any other law?

Mr. DAVIS. Yes, sir; because this is a general law applying to all. I will read the clause.

Mr. JOHNSON. I know what it is. I only want to know if your amendment comprehends everything.

Mr. DAVIS. Everything. It is drawn just parallel with the act of 1797. Therefore, when it becomes proper for me to offer this amendment, I intend to offer it. I give this notice that gentlemen may understand what I contemplate. I think the internal revenue law in relation to distillers is the most complex, oppressive, and outrageous law that exists anywhere.

The PRESIDING OFFICER. The question is on agreeing to the amendment recommended by the committee.

Mr. FESSENDEN. With regard to this particular section it has nothing to do at all with the remarks made by Senators on either side. It is simply whether we shall leave the power to compromise in the hands of the Secretary and the Commissioner, where it is now. That is the only question. If there ought to be any other provisions with regard to it they can be added afterward; but the argument that has been made all along is that there should be this power to compromise. Therefore I hope this will be passed upon and that we may be suffered to go on, and then Senators who want to move amendments can do so.

The amendment was agreed to.

The next amendment was to strike out section forty-nine, as follows:

SEC. 49. *And be it further enacted*, That any informer, on furnishing satisfactory security to the court for the appearance of himself and his witnesses, and also for the costs and expenses of the proceedings, shall have the right to prosecute in the name of the United States, notwithstanding any refusal or neglect of any collector so to do; and, upon furnishing the security as aforesaid, the same proceedings shall be had as if the collector had authorized it, but without responsibility to him, and the proceedings shall be thenceforward under the control of the district attorney.

The amendment was agreed to.

The next amendment was to strike out section fifty, as follows:

SEC. 50. *And be it further enacted*, That any person who shall sell any empty cigar-box or boxes which have been stamped, without first removing such stamp, or shall refill any cigar-box without first removing such stamp, shall, on conviction of each offense, be liable to a penalty of $100, or to imprisonment not exceeding sixty days, or both, in the discretion of the court, with the costs of the trial; and it shall be lawful for any cigar inspector or revenue officer to destroy any empty cigar-box upon which a cigar stamp shall be found.

Mr. FESSENDEN. That section is carried forward.

The amendment was agreed to.

The next amendment was to strike out section fifty-one, as follows:

SEC. 51. *And be it further enacted*, That the dealers of any lottery shall give bond, in the sum of $200, that the person paying such tax shall not sell any tickets or supplementary ticket of any lottery which has not been duly stamped according to law, and that he will pay the tax imposed by law upon the gross receipts of his sales.

The amendment was agreed to.

The next amendment was to insert as section twenty-three, the following:

And be it further enacted, That the forty-fourth section of the act of July 13, 1866, aforesaid, be amended by adding thereto as follows: *Provided*, That when any still used or fit for use in the production of distilled spirits, the same not exceeding $1,000 in value, has been or shall be seized for any violation of the laws relating to internal revenue, the same shall not be released by the court to the claimant, or any other intervening party, before judgment; and if declared forfeited, such still shall be so destroyed as to prevent its use for the purpose aforesaid, and the materials thereof shall be sold as other forfeited property. In case of seizure, as above, of a still exceeding in value the sum of $1,000, its release to the claimant or any other intervening party, before judgment, shall be at the discretion of the court.

The amendment was agreed to.

The next amendment was to insert as section twenty-four the following:

And be it further enacted, That the owner, agent, or superintendent of any still, boiler, or other vessel used in the distillation of spirits, who shall neglect or refuse to make true and exact entry and report of the same, or to do or cause to be done any of the things by law required to be done in relation to the manufacture or sale of spirits, shall forfeit for every such neglect or refusal all the spirits made by or for him, and all the vessels used in making the same, and the stills, boilers, and other vessels used in distillation, and all materials fit for use in distillation found on the premises, together with the sum of $500 for each offense, to be recovered with costs of suits, and shall be deemed guilty of a misdemeanor, and be subject to imprisonment for a term not exceeding one year; which said spirits, with the vessels containing the same, with all the vessels used in making the same, and all said materials may be seized by the collector and held by him until a decision shall be had thereon according to law: *Provided*, That proceedings to enforce said forfeiture shall be commenced by such collector within twenty days after the seizure thereof. And the proceedings to enforce said forfeiture of said property shall be in the nature of a proceeding *in rem*, in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction.

Mr. FESSENDEN. That section needs one or two little amendments. In line six I move

to strike out the words "in relation to the manufacture and sale of" and to insert "concerning distilled."

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line twelve the "suits" should be "suit;" so as to read, "costs of suit."

The PRESIDING OFFICER. That correction will be made.

The amendment, as amended, was agreed to.

The next amendment was to insert as section twenty-five the following:

And be it further enacted, That if any collector, deputy collector, assessor, assistant assessor, inspector, district attorney, marshal, or other officer, agent, or person charged with the execution or supervision of the execution of any of the provisions of this act, or of the act to which this is amendatory, shall demand or accept or attempt to collect, directly or indirectly, as payment or gift or otherwise, any sum of money or other property of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of any of the said provisions, except as expressly authorized by law so to do, he shall be held to be guilty of a misdemeanor, and shall for every such offense be liable to indictment and trial in any court of the United States having competent jurisdiction, and on conviction thereof shall be fined in double the sum or value of the money or property received or demanded, and be imprisoned for a period of not less than one year nor more than ten years.

The amendment was agreed to.

The next amendment was to insert as section twenty-six the following:

And be it further enacted, That no distilled spirits which have been forfeited to the Government in accordance with law shall be sold for a price less than the amount of the tax required thereon by law at the time of such sale. And if the officer having such spirits in charge shall have been unable, for a period of ninety days, to sell the same for the price equal to the tax, such spirits shall be destroyed, under such rules and regulations as the Commissioner of Internal Revenue may prescribe.

The amendment was agreed to.

The next amendment was to insert as section twenty-seven the following:

And be it further enacted, That if any person shall falsely represent himself to be a revenue officer of the United States, and shall in such assumed character demand or receive any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any revenue law of the United States, such person shall be deemed guilty of felony, and on conviction thereof shall be liable to a fine of $500, and to imprisonment not less than six months and not exceeding two years, at the discretion of the court.

The amendment was agreed to.

The next amendment was to insert as section twenty-eight the following:

And be it further enacted, That no person shall mix for sale naphtha and illuminating oils, or shall knowingly sell or keep for sale or offer for sale such mixture, or shall sell or offer for sale oil made from petroleum for illuminating purposes, inflammable at less temperature or fire test than one hundred and ten degrees Fahrenheit, and any person so doing shall be held to be guilty of a misdemeanor, and on conviction thereof by indictment or presentment in any court of the United States, having competent jurisdiction, shall be punished by a fine not less than $100 nor more than $500, and by imprisonment for a term of not less than six months nor more than three years.

The next amendment was to insert as section twenty-nine the following:

And be it further enacted, That if two or more persons conspire either to commit any offense against the laws of the United States, or to defraud the United States in any manner whatever, and one or more of said parties to said conspiracy shall do any act to effect the object thereof, the parties to said conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a penalty of not less than $1,000, and not more than $10,000, and to imprisonment not exceeding two years. And when any offense shall be begun in one judicial district of the United States and completed in another, every such offense shall be deemed to have been committed in either of the said districts, and may be dealt with, inquired of, tried, determined, and punished in either of the said districts in the same manner as if it had been actually and wholly committed therein.

The amendment was agreed to.

The next amendment was to insert as section thirty the following:

And be it further enacted, That all inspectors appointed under the provisions of the act or acts of which this is amendatory shall be required to give bonds, with security approved by the Secretary of the Treasury or assessor of the district, in a sum not less than $5,000, conditioned for the faithful discharge of the duties of such inspector.

The amendment was agreed to.

The next amendment was to insert as section thirty-one the following:

And be it further enacted, That any person who shall sell any empty cigar box or boxes which have been stamped, without first removing such stamp, or shall refill any cigar box without first removing such stamp, shall on conviction of each offense be liable to a penalty of $100 or to imprisonment not exceeding sixty days, or both, in the discretion of the court, with the costs of the trial; and it shall be lawful for any cigar inspector or revenue officer to destroy any empty cigar box upon which a cigar stamp shall be found.

Mr. FESSENDEN. There are a couple of amendments to be made in that section. In line three I move to strike out the word "removing" and insert "defacing or destroying."

The amendment to the amendment was agreed to.

Mr. FESSENDEN. I move the same amendment in line four, to strike out the word "removing" and insert "defacing or destroying."

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line five I move to strike out the word "each" before the word "offense," and to insert the word "either."

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

Mr. HENDRICKS. It is now half-past ten o'clock, and I think we have progressed very rapidly with this bill. I move, therefore, that the Senate do now adjourn.

Mr. FESSENDEN. I hope not. I want to get through with the bill if I can to-night.

Mr. HENDRICKS. Does the Senator expect to pass the bill to-night?

Mr. FESSENDEN. I should like to do so; but at any rate, we can go on with it for at least another hour yet. The nearer we get through the better.

Mr. HENDRICKS. I withdraw the motion until the reading of the bill is finished.

The next amendment was to insert as section thirty-two the following:

And be it further enacted, That spirits of turpentine may be transferred, without payment of the tax, to a bonded warehouse established in conformity with law and Treasury regulations, under such rules and regulations and upon the execution of such transportation bonds or other security as may be prescribed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, said bonds or other security to be taken by the collector of the district from which such removal is made; and may be transported from such a warehouse to any other bonded warehouse established as aforesaid, and may be withdrawn from bonded warehouse for consumption on payment of the tax, or removed for export to a foreign country without payment of tax, in conformity with the provisions of law relating to the removal of distilled spirits, all the rules, regulations, and conditions of which, so far as applicable, shall apply to spirits of turpentine in bonded warehouse. And no drawback shall in any case be allowed upon any spirits of turpentine.

The amendment was agreed to.

The next amendment was to insert as section thirty-three, the following:

And be it further enacted, That all acts and parts of acts inconsistent with this act are hereby repealed.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the amendments reported by the committee.

Mr. FESSENDEN. The committee have some other amendments that they desire to offer.

Mr. HENDRICKS. I believe the reading of the bill has been completed, and I renew the motion that the Senate do now adjourn.

Mr. FESSENDEN. I hope not.

The motion was not agreed to.

Mr. FESSENDEN. On page 2, section three, line six, after the word "attorney" at the end of the line, I move to insert the words "instead of reporting to the Solicitor of the Treasury."

The amendment was agreed to.

Mr. FESSENDEN. On page 8, section four, lines two and three, I move to strike out the words "lands and other property" and to insert "real estate;" and in line three to strike out the word "have" and insert the word "has."

The amendment was agreed to.

Mr. FESSENDEN. On page 5, section seven, line five, I move to strike out the word "their" and to insert the word "his."

The amendment was agreed to.

Mr. FESSENDEN. On page 7, section nine, line twenty-nine, I move to strike out the word "petroleum" and to insert the words "other articles."

The amendment was agreed to.

Mr. FESSENDEN. On page 15, section eleven, after line sixteen, I move to insert in the free list "boots, shoes, shoe-bindings, and strings, and gloves made of leather or skins."

The amendment was agreed to.

Mr. CONNESS. I offer the following amendment as an additional section, to come in as section twelve of the bill:

SEC. —. *And be it further enacted*, That there shall be levied, collected, and paid on brandy made from grapes fifty cents per gallon; and if any person shall knowingly manufacture, compound, put up, sell or dispose of, or cause to be manufactured, compounded, put up, sold or disposed of, or aid or assist therein, any fluid as or for or under or with the name of brandy made from grapes, which shall not be really such, he shall on conviction thereof be punished for each offense by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court, and any such simulated or compounded fluid as aforesaid shall be forfeited to the United States.

Mr. FESSENDEN. I should like to have an explanation of the amendment.

Mr. CONNESS. Mr. President, until one year ago the tax on brandy made from grapes never exceeded fifty cents per gallon. At the last session of Congress the tax was raised from fifty cents per gallon or less to two dollars per gallon. The result has been nearly a total destruction of this product. I need not say to Senators how important it is that this product shall be encouraged in our own country, so that, in place of sending to Europe millions of dollars in gold, we may be able to pay those amounts to our own people and keep that treasure within our own country.

It happens in the progress of natural causes that the State of California is peculiarly adapted to the production of the grape, and therefore to the production from the grape of wines and brandies, perhaps in their very best condition. All the arable surface of that State below the altitude of three thousand feet above the sea may be called the native home of the grape. Thousands of our people have engaged in planting vineyards and in the production of wine and brandy. Necessarily their efforts are surrounded with the greatest possible difficulties. It takes, in the first place, a long time after the planting of the vineyard until it is fit to produce a crop; it takes a very long time after wine and brandy are produced from the grape before they are fit for market; and during all this period of time capital is invested in large amounts without any result or return. The State of California, appreciating these difficulties fully, has provided by its legislation for the exemption from all taxation of vineyards and their product.

As a revenue measure, the tax proposed in this section will yield the largest amount of revenue. There is no disputation about that. But it has been held in the House of Representatives, and by some others, that the reduced tax applied to brandy produced from grapes will lead to the production of simulated compounds represented to be brandy made from grapes, for the purpose of escaping the tax of two dollars per gallon which is imposed upon all spirits produced from the cereals. The facts and figures in the revenue department of this Government do not bear this out at all. As a cure for that apprehended difficulty and evil a tax of two dollars per gallon has been levied, thus destroying at one stroke this great industry which it is our duty, and should be our pleasure, to encourage.

That it may not be pretended that we desire to evade the law, or that we intend to promote an evasion of the law, it will be seen that we have prepared the section with sufficient safeguards and punishments and forfeitures to pre-

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vent the production of simulated compounds representing to be brandy made from grapes. It cannot be held in any fairness that we cannot protect the revenue against impositions of that character. I have been very much surprised to find gentlemen willing to destroy a great industry of this kind in their own country lest attempts should be made to violate the law, when we know that there is no law connected with the raising of revenue that attempts are not made to violate.

I do not wish at this late hour to occupy the time of the Senate. I think I have said sufficient that Senators may appreciate this amendment, and I hope it will be adopted.

Mr. SHERMAN. I shall not detain the Senate in discussing this matter. If there is any reason why spirits distilled from grapes should pay a lower rate of duty than spirits distilled from corn I cannot see it. As a matter of course the result of such legislation will be that all the whisky made in the country will be distilled from grapes hereafter. Ohio is at least the second, if not the first, grape-growing State in the Union, and yet I do not know why a discrimination should be made in favor of brandy distilled from grapes by the same process that whisky is distilled from corn. Perhaps the Senator from California can point it out. I cannot see it.

Mr. CONNESS. I think I can tell the Senator. In the first place, the cereals are much more easily and cheaply raised than grapes. It takes a long time to establish a vineyard, and it takes a great deal of capital to get a grape crop. After wine and brandy are made from grapes it takes years before they are in a marketable condition, while spirits made from the cereals, produced readily and cheaply, are ready for the market as soon as produced. That is the difference, and it is a very material difference.

Besides, Mr. President, as I stated in the outset of my remarks, it is essential that we establish this industry in our own country, and thus avoid sending millions annually to foreign countries to purchase this particular article. The Senator must know very well that those who consume brandy will not be willing to consume whisky or ordinary spirits instead. If it is not an object to raise those articles in our own country and encourage their manufacture, then we legislate for a great many branches of industry in vain.

Mr. WILLIAMS. I am able to make a statement as to the effect that this proposed change will have upon the revenue. I hold in my hand an exhibit on that subject. I find that from July 1, 1865, to July 1, 1866, when the tax was fifty cents a gallon, there were eighty-nine thousand four hundred and eighty gallons produced, yielding a revenue of $44,740. The average per month of revenue was $6,000. During the months of July and August, 1866, the tax was fifty cents a gallon, and there were twenty-six thousand five hundred and thirty gallons produced during those months, an average of thirteen thousand two hundred and sixty-five gallons per month. But from September 1, 1866, to January 1, 1867, when the tax was two dollars per gallon, there were only eight thousand five hundred and forty gallons produced; so that the effect of the tax of two dollars per gallon was to reduce the amount produced and practically to destroy the business.

Mr. DAVIS. I move to amend the amendment by striking out "fifty cents" and inserting "one dollar."

Mr. CONNESS. I hope that will not be done.

Mr. SHERMAN. A word in reply to the Senator from Oregon. He very properly shows us by statistics that the imposition of two dollars a gallon on brandy has tended to decrease the quantity manufactured. He might extend the same argument to whisky. One hundred million gallons of whisky were produced in 1860, and now only about fifteen or twenty millions are produced according to the returns. As a matter of course, the effect of this duty is to decrease the quantity produced; but still, as we need the revenue, we cannot make any discrimination as to the kind of spirits, whether made from grapes or corn or barley or beans, or anything else. Whisky may be produced from molasses. Every vegetable substance will produce whisky. There is no reason in the world to discriminate in favor of grapes. I am very fond of grapes, but certainly I would not discriminate in favor of the distillation of spirits from grapes. An attempt of this kind will only produce frauds, will evidently lead to frauds. It cannot be avoided. The argument which is made goes in favor of the reduction of the duty on spirits entirely; and if any reduction is made on any kind of spirits it ought to be on all spirits.

Mr. CONNESS. The Commissioner of Internal Revenue, with two years' experience under a tax of two dollars per gallon, differs diametrically from the honorable Senator, with all the experience of his office and with all his desire to collect revenue. Now, Mr. President, it does appear to me that the honorable Senator——

Mr. SHERMAN. Does the Senator say that the Commissioner of Internal Revenue is in favor of a reduction of the tax on spirits?

Mr. CONNESS. I do say the Commissioner of Internal Revenue is of opinion that a larger amount of revenue can be collected under a tax of fifty cents per gallon upon this commodity than at two dollars per gallon.

Mr. SHERMAN. I guess you are mistaken.

Mr. CONNESS. Mr. President, I am at a loss to understand the coolness with which the honorable Senator proposes to wipe out an important industry of this country. We pass tariff bills here with a view to protect infant industries; but at another point you determine to maintain a tax against spirits which, as I have said before, in place of giving you revenue, corrupts the whole country, and then, lest you shall not be enabled to enforce its collection, you propose to destroy another industry completely and entirely. Sir, I do not understand such statesmanship; I do not understand its wisdom; I do not understand its economy.

Mr. SHERMAN. I have not attempted to discuss the proper rate of duty on whisky. Perhaps the Senator and I might agree upon that. Probably the rate is too high. I was always opposed to a tax of two dollars a gallon on whisky; I was opposed to it when it was made; I thought it too high then. The question of its reduction now is a very different thing. It is manifest that against the vote in the House, after a discussion and a full examination of this question, and against the opinion of the Commissioner of Internal Revenue, my friend to the contrary notwithstanding—he is present—who is not in favor of a reduction of the tax to one dollar, it is idle for us to discuss the question, and therefore the Committee on Finance have not presented the question. But allow me to say, waiving that, perhaps I might agree with the Senator that a dollar would yield more revenue. A dollar would be better on spirits; but that does not answer the question. Why discriminate in favor of grapes? Why should spirits made from grapes pay a less duty than spirits made from corn or wheat or barley or any other grain or any other product? That is the question.

Mr. CONNESS. I have undertaken to answer the Senator.

Mr. SHERMAN. The Senator's answer was not satisfactory. His answer was that brandy to be good must be kept a little longer. Whisky to be good must be kept three or four years, although when people take it for poison they drink it from the still. And so with brandy; if it is drank within the first year it is brandy; but still it is better every year it is kept. That is true of whisky and all other spirits.

Mr. CONNESS. Upon this question I ask for the yeas and nays, not upon the amendment of the honorable Senator from Kentucky, which I hope will not be adopted, though I appreciate the motives of the mover, but upon the question of imposing a tax of fifty cents per gallon on this commodity.

The yeas and nays were ordered.

Mr. DAVIS. I will suggest one reason why I propose the amendment to the amendment. When I get the opportunity I intend to propose an amendment that the tax upon whisky shall be two dollars until the 1st day of October next, and from that time until the 1st of April following, $1 50, and after April 1, 1868, one dollar; and I propose the amendment now so that there shall be a conformity in the rate of tax upon whisky and brandy.

Mr. WADE. I perceive that we shall hardly get through with the bill to-night.

Mr. CONNESS. I hope the Senator will let us get a vote on this proposition before he proceeds to other business.

Mr. WADE. If Senators are ready to take a vote I shall not make the motion that I intended to make.

Mr. HENDRICKS. I shall support the amendment proposed by the Senator from California, because I think in the reduction of the tax upon brandy produced from the grape in this country there are not the embarrassments that surround the question of the reduction of the tax upon whisky. I suppose there is not any large amount of this quality of brandy in the hands of the dealers, and we are not likely to bankrupt many men by the adoption of the Senator's amendment. We are comparatively free in that respect to do what we think is right. I think it would be right to make a very large reduction of the tax upon whisky with a view to revenue, as well as with a view to justice to a large interest; but the embarrassment in the way of doing that is very great, because of the large quantity of liquor in the hands of dealers, which will immediately depreciate in value, bringing ruin upon that class of men.

But in regard to the grape, I agree with everything that has been said by the Senator from California. It is an interest that we ought to promote as much as possible, or, to say the least of it, it is an interest that we ought not to embarrass. I believe no Senator here can form a correct opinion about the production of the grape in California unless he has seen that production. A friend at one time sent me nearly a bushel of grapes that were grown near Los Angeles, and I know that I would not have believed any person who had told me just what sort of grapes were produced there. The size of the cluster and the size of each particular grape was a matter of wonder. Of course I cannot speak with great confidence, but my opinion is that portions of California will equal any portion of the world in the production of the grape. We should encourage it for very many reasons. One is the temperance reason. It is important to produce our own wines in this country, and as much as possible discourage the use of stronger liquors. Although the proposition of the Senator from California only applies, I believe, to the brandy that is produced from the grape, yet that will encourage the production of the grape, the cultivation of vineyards, and produce perhaps a temperance reformation to some extent. Of course this interest labors under some embarrassment at this time, and we should not burden it with a tax. I regard the tax upon the production of the grape as in wisdom about like the tax upon cotton—a tax upon agriculture. Therefore I shall vote for the amendment of the Senator from California. I think it is right.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky to the amendment of the Senator from California.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from California, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 27, nays 13, as follows:

YEAS—Messrs. Buckalew, Cattell, Conness, Cowan, Cragin, Creswell, Davis, Doolittle, Fogg, Fowler,

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Henderson, Hendricks, Howard, Lane, Nye, Patterson, Poland, Ramsey, Saulsbury, Stewart, Sumner, Trumbull, Van Winkle, Wade, Williams, Wilson, and Yates—27.

NAYS—Messrs. Anthony, Chandler, Dixon, Edmunds, Fessenden, Foster, Frelinghuysen, Morgan, Pomeroy, Ross, Sherman, Sprague, and Willey—13.

ABSENT—Messrs. Brown, Grimes, Guthrie, Harris, Howe, Johnson, Kirkwood, McDougall, Morrill, Nesmith, Norton, and Riddle—12.

So the amendment was agreed to.

ADMISSION OF COLORADO.

Mr. WADE. I now move to postpone the present and all prior orders and take up the bill for the admission of Colorado into the Union as a State, with the veto message of the President upon it.

Mr. FESSENDEN. I hope that will not be done. I do not understand the necessity particularly of taking that up to-night instead of to-morrow or next day. This bill must be passed here, and then it must go to the House with our amendments, which are numerous, and be considered there, and we must have a committee of conference. It is of the utmost importance that we should pass it as soon as possible. I do not understand that the question of acting upon the President's veto is of such infinite importance that it must be taken up to-night at near midnight and the admission of a State be acted upon. I hope it will not be done.

Mr. HENDRICKS. I suppose the Senator from Ohio wants to take the Colorado bill up to set it for some time. He hardly wants to force it to a vote to-night.

Mr. WADE. Certainly. I expect to get a vote to-night. I do not know that I can succeed; but I shall try it.

Mr. HENDRICKS. To-night?

Mr. WADE. Yes, to-night.

Mr. HENDRICKS. That is a rather refreshing undertaking at this time of night. The tax on whisky ought to be reduced if that is the style of labor we have got to undertake. [Laughter.] I will suggest what is fair in regard to Colorado; and that is, that without debate to-morrow at half past twelve o'clock we take the vote.

Several SENATORS. That is fair.

Mr. HENDRICKS. That is fair. Some Senators are not able to be here to-night on account of sickness. The Senator from Delaware [Mr. RIDDLE] has been sick for some time with the rheumatism; and it is, I suppose, impossible for him to come out at night.

Mr. JOHNSON. The Senator from Iowa [Mr. GRIMES] is sick, too.

Mr. HENDRICKS. And I believe the Senator from Iowa has also been sick recently; and although he is able to attend the day sessions he would hardly be willing to come out at night. I think I can say for our side of the Chamber that we can take the vote to-morrow at half-past twelve o'clock without any delay.

Mr. WADE. I have been endeavoring now for more than two weeks to get this bill up, and appropriation bills and other measures have intervened every time; and I know to-morrow how these measures will be pressed upon us. I have taken infinite pains here this evening to endeavor to keep a quorum for the purpose of disposing of this question now, and I think it ought to be disposed of before we adjourn. I hope we shall be permitted to vote on the question whether we will take it up, and we will try to see if we can get a vote upon it.

Mr. HENDRICKS. Why can you not agree to my proposition?

Mr. WADE. The gentleman knows very well why I do not want to agree to his proposition.

Mr. HENDRICKS. Why?

Mr. WADE. I am very frank to tell him. It is because I think I am better prepared to-night than I shall be to-morrow to decide this question. I want to be frank and plain about it. I think that that is the case. It is a subject of great importance. Two gentlemen elected as Senators have been dancing attendance upon Congress for nearly two sessions, and we have kept them off, with all that anxiety that always besets men under those circumstances. I really do not think we have treated these gentlemen with that fairness that we should have exhibited toward them. Their people are exceedingly anxious for admission as a State into the Union, and here we are baffling them in a way that no Territory ever has been interrupted in its progress before to my knowledge.

Mr. LANE. Let us take the vote on taking it up.

Mr. WADE. Very well; let us have the vote on taking it up.

Mr. JOHNSON. I have no doubt that the vote may be taken to-morrow, and taken without debate. The honorable member may have, as he supposes, if he supposes correctly, a better chance of accomplishing his object now; but if he has, it is only because of the absence of Senators who are sick and unable to be here to-night, and who, when they left the Chamber, had not the least idea that the bill would be called up. Under those circumstances, I should hope that the Senate would agree to postpone the matter until some hour to-morrow, with the understanding that then, without any discussion, the vote shall be taken.

The PRESIDENT *pro tempore*. The question is on the motion to take up the bill.

Mr. DOOLITTLE. Mr. President, I think the proposition which has been made at this time of night, that to-morrow at half past twelve o'clock, without debate on the part of those who are opposed to the passage of the bill, we come to a vote, is a proposition which has never before been declined in the Senate of the United States, never. It is a proposition which it seems to me it would be impossible for the majority, or those who control the majority here, to decline. It is known that we have been in session day and night, and even Sundays, for the purpose of finishing the business of the Senate. Now, here at half past eleven o'clock—almost midnight—right in the midst of the business of the Senate upon an important revenue measure, which every one supposed was the business of the evening and that nothing else was to come up, to have pressed upon us by surprise a motion to postpone a bill like this, and take up Colorado for a vote to-night, is beyond anything that I could ever have anticipated. Sir, we are not without being observed. The world stands looking on. The people of the United States know what is transpiring in this body; and there are peculiar reasons which connect themselves with the Senator from Ohio, which will draw some attention to him, and to the course he is pursuing on this occasion. We all know, time and again, that Senator, in pressing this matter of Colorado, has said over and over that his purpose was to reënforce a majority in this body, already more than two thirds. And for what, sir?

Mr. WADE. If the Senator will permit me——

Mr. DOOLITTLE. Certainly, I yield to the Senator.

Mr. WADE. It is said that this is very unusual on my part. Why, sir, I have been up here more than one night, nay, two nights in succession, and the following Sunday, in order to press a question much less meritorious than this. That is not a new thing; but it is a new thing to resist the admission of a State in this way. It never has been done before. Gentlemen resort to unusual means to prevent the wishes of the people of this State or Territory being carried out, but nevertheless many of my friends here do not agree with me; they think the proposition made on the other side is a reasonable one——

Mr. LANE. Take up your bill first.

Mr. WADE. I should like to take up the bill to-night. I do not know, however, that that would make any difference, because it would be superseded by something else.

Mr. JOHNSON. That makes no difference.

Mr. SHERMAN and Mr. LANE. You had better take it up.

Mr. WADE. I do not like the hour that is suggested very well. I suppose Senators on the other side do not care anything about the hour. I do not think the hour mentioned is the best.

Mr. JOHNSON. What hour would you prefer?

Mr. WADE. I should prefer one o'clock rather than half past twelve.

Mr. JOHNSON. There is no objection to that.

Mr. HENDRICKS. I have no objection to fixing that hour. The only reason I suggested half past twelve was because I thought the Senator from Maine would want to go on with the tax bill at one o'clock.

Mr. WADE. Say one o'clock. If it is understood that it shall be taken up then and a vote be had without debate, I will agree to it.

Mr. DOOLITTLE. I yielded to the Senator from Ohio to allow him to make an explanation. If the proposition is accepted, so far as I am concerned, I do not know that I desire to go any further; though I was remarking in relation to the course of the Senator from Ohio that there are peculiar reasons why not only the members of the Senate, but the whole country have their eyes upon him in relation to this question of Colorado. But, sir, as the proposition is accepted I have nothing further to say. I shall take some other occasion, perhaps, to speak upon it.

Mr. BUCKALEW. I should like to address the Senate on this subject——

Mr. HENDERSON. What subject?

Mr. BUCKALEW. The subject of the admission of Colorado as a State.

Mr. WILSON. It is not up now; the motion is withdrawn.

Mr. WADE. I renew the motion if there is no agreement about it.

Mr. BUCKALEW. I do not give way to the Senator from Ohio.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania has the floor.

Mr. BUCKALEW. I had uttered one sentence when the Senator from Ohio arose. I said I should like to address the Senate on this subject; and if the Senator from Ohio had insisted upon his motion, and had been successful, I should have taken the privilege of speaking, endeavoring to condense my remarks within the reasonable limit of a couple of hours, not to waste time, but because the subject admits of legitimate debate. It is only in consequence of the general desire of other members that this subject should go over until to-morrow, and that it should then be voted on without debate, that I waive my privilege, or expect to waive my privilege of speaking.

I believe that the greatest subject that can possibly be considered by the American Congress is legitimate to the discussion of this bill. I do not mean the question whether a State, under the circumstances in which Colorado presents herself, shall be admitted or not; the circumstances attending the formation of her constitution, irregular and without authority of law, as it was; nor whether it is proper to admit that State, notwithstanding the objections of the President of the United States, as stated in his veto message. But, sir, it is a deep-rooted conviction of my mind that political power in this country is unfairly and injuriously lodged, and that without some fundamental amendment it is impossible that our system of republican government should go on permanently. My great objection to the introduction of Colorado and of Nebraska into the Union as States has been that that existing inequality and injustice are thereby increased.

I am not going into a debate upon this great subject which I have suggested; but I desire to say that it is with extreme reluctance that I shall yield my strong desire of traversing this field of debate, which has not been entered upon in the former discussions upon the admissions of these States, and which, in my opinion, constitutes a field of investigation more important, even at this time when other great questions are pressed upon our attention, than any other one possibly can be.

Sir, after the 4th of March next, one million

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six hundred thousand electors of the United States, representing a population of about eight million people will be represented in this Chamber by two voices only. In all the States of the North and in all the States of the West including the Pacific coast, the only Representatives of the political minority of the country will be the Senator from Indiana [Mr. HENDRICKS] and myself. That great mass of intelligent humanity will have two votes in this Chamber, and the two million two hundred thousand that constitute the majority will have about forty. In the other House the case is, if possible, still stronger, because there it is supposed that the popular principle prevails.

I say that if we enter upon this field of debate, which is proper and appropriate upon the consideration of this measure, we have a more important subject presented than any other which is before Congress, a more important subject even than the admission of the southern States. Eight thousand voters in the State of Colorado are to have two votes in this Chamber. Eight thousand voters in Colorado are to have the same weight in the other House that twenty-two thousand in other parts of the country (taking the average ratio) have.

What I meant in rising, however, was to say that upon the first favorable occasion—I shall not embrace this one—I shall desire to be heard by the Senate at length, not for the purpose of complaining of the existing injustice, not for the purpose of pointing out defects in our republican system, not for the purpose of showing that without amendment and without change this experiment of ours must fail, not for the purpose of showing that civil convulsion and war arose from these defects in our system, but for the purpose of directing attention to useful changes, to amelioration, to improvement, by which our political system can have safeguards for its permanence and for its success hereafter. I regret from the bottom of my heart that this Senate is admitting these small States, increasing this existing inequality, accumulating difficulties in the way of reform. But, sir, I know that before the hot and heady passions of the hour—ay, and the interests of the hour—protest will be unavailing; and all that I could accomplish, if I were heard fully to-morrow or upon any other occasion would be to convince thoughtful and honest men in the country that this thing is wrong; it would be impossible to change present votes.

But, sir, the truth, the interests of our people, and the permanence of our institutions demand that this subject should be investigated, and upon the first proper occasion after this, when I shall be within the rules of order, and when remarks from me on this subject will be tolerated by the Senate, I intend to be heard, and to show facts and to discuss principles that are much more worthy of attention, in my opinion, than the current politics of the times. My political passions are not of the warmest and most ardent description; perhaps they are rather lukewarm for a good partisan. I would willingly sacrifice all my connections with party politics and retire cheerfully from public life if I could induce my countrymen to reform those defects in our system out of which existing troubles have arisen, and without the correction of which it is impossible that our system of government should continue successful and glorious in the future.

Mr. WILSON. I move to amend the bill——

The PRESIDENT *pro tempore*. The motion before the Senate is the motion of the Senator from Ohio, to postpone the present and all prior orders, and proceed to the consideration of the bill named by him.

Mr. WADE. In consequence of this arrangement, I am willing to withdraw the motion.

Mr. POMEROY. You had better take up the bill and have it assigned for to-morrow.

Mr. WADE. It is understood that we shall take it up.

The PRESIDENT *pro tempore*. The motion has been made and not withdrawn.

Mr. WADE. I withdraw it if I am permitted to do so.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted upon its amendment to the bill of the Senate No. 204 to provide for an annual inspection into Indian affairs, and for other purposes, disagreed to by the Senate, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN A. KASSON of Iowa, Mr. ROBERT C. SCHENCK of Ohio, and Mr. WILLIAM WINDOM of Minnesota, managers at the same on its part.

The message further announced that the House had disagreed to the amendment of the Senate to the bill of the House No. 746, for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE W. JULIAN of Indiana, Mr. IGNATIUS DONNELLY of Minnesota, and Mr. STEPHEN TABER of New York, managers at the same on its part.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill of the House No. 598, to establish a uniform system of bankruptcy throughout the United States, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS A. JENCKES of Rhode Island, Mr. HENRY L. DAWES of Massachusetts, and Mr. JOHN L. DAWSON of Pennsylvania, managers at the same on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution of the House, No. 266, granting certain public property to the State of Ohio, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. JAMES G. BLAINE of Maine, and Mr. JOHN W. HUNTER of New York, managers at the same on its part.

And the message further announced that the House had passed a bill (H. R. No. 1183) amendatory of an act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill of the Senate No. 534, to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court, disagreed to by the Senate, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES F. WILSON of Iowa, Mr. THOMAS WILLIAMS of Pennsylvania, and Mr. WILLIAM RADFORD of New York, managers at the same on its part.

The message further announced that the House disagreed to the first amendment and agreed to the other amendments of the Senate to the bill of the House No. 1154, making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the Senate No. 220, for the relief of certain contractors for the construction of vessels-of-war and steam machinery.

The message further announced that the House disagreed to the amendment of the Senate to the bill of the House No. 1220, to provide ways and means for the payment of compound-interest notes.

The message further announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution of the House:

A bill (H. R. No. 588) for the relief of Richard Chenery;

A bill (H. R. No. 1166) to authorize the building of light-houses therein mentioned, and for other purposes; and

A joint resolution (H. R. No. 268) to pay Lieutenant John H. Hamlin for military services.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 490) to amend an act entitled "An act to provide a temporary government for the Territory of Idaho," approved March 3, 1863; and

A bill (S. No. 590) to provide for a temporary increase of the pay of officers in the Army of the United States, and for other purposes.

CONTRACTORS FOR THE IRON-CLADS.

Mr. HENDRICKS. With the permission of the Senate, I submit the following report from a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 220) for the relief of certain contractors for the construction of vessels-of-war and steam machinery, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate agree to the House amendment with the following amendments:

After the word "same," in the fourth line, insert the words "under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864."

Add to the House amendment the following words: *Provided*, That the Secretary of the Navy, under this resolution, shall investigate the claim of W. H. Webb for constructing the steamer Dunderberg, applying the provisions of this resolution in such investigation, except that proper consideration shall be given to the increased cost incurred by said Webb by reason of any alteration in the plans and specifications for the Dunderberg made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price.

THOMAS A. HENDRICKS,
HENRY B. ANTHONY,
WAITMAN T. WILLEY,
Managers on the part of the Senate.
ITHAMAR C. SLOAN,
COLUMBUS DELANO,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 950) to amend the organic acts of Arizona and New Mexico—to the Committee on Territories.

A bill (H. R. No. 1063) to regulate and fix the salary of the consul at Hamburg—to the Committee on Commerce.

A bill (H. R. No. 1121) amendatory of the organic act of Colorado Territory—to the Committee on Territories.

A bill (H. R. No. 1230) for the relief of the widow of Andrew Cunningham—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 1231) for the relief of Nott & Co.—to the Committee on Foreign Relations.

A joint resolution (H. R. No. 800) authorizing the Secretary of the Treasury to audit and settle the accounts of John Sedgwick, collector of internal revenue third collection district of California—to the Committee on Finance.

The bill (H. R. No. 1183) amendatory of an act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, was read twice by its title.

Mr. POMEROY. I move that that lie on the table.

The motion was agreed to.

INDIAN AFFAIRS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill of the Senate No. 204, to provide for an

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annual inspection into Indian affairs, and for other purposes, disagreed to by the Senate and insisted on by the House; and,

On motion of Mr. DOOLITTLE, it was

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the said bill, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DOOLITTLE, Mr. POMEROY, and Mr. CATTELL.

COMPOUND-INTEREST NOTES.

The Senate proceeded to consider its amendments to the bill of the House (H. R. No. 1220) to provide ways and means for the payment of compound-interest notes, disagreed to by the House of Representatives; and,

On motion by Mr. SHERMAN, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and ask a conference on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. SPRAGUE, and Mr. JOHNSON.

GOVERNMENT OF MONTANA.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (S. No. 501) amendatory of an act to provide a temporary government for the Territory of Montana, approved May 26, 1864.

The amendment of the House was in section three, line four, to strike out "$4,000" and to insert "$3,500."

Mr. WADE. I move that the Senate concur in that amendment.

The motion was agreed to.

DONATION OF CERTAIN PROPERTY TO OHIO.

The Senate proceeded to consider its amendment to the joint resolution of the House No. 266, granting certain public property to the State of Ohio, disagreed to by the House of Representatives, and upon which the House asked for a committee of conference.

Mr. WILSON. I move that the joint resolution and amendment lie on the table.

The motion was agreed to.

LAND DISTRICTS IN THE TERRITORIES.

The Senate proceeded to consider its amendments to the bill of the House No. 746, for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana, disagreed to by the House of Representatives; and,

On motion of Mr. STEWART, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. STEWART, Mr. EDMUNDS, and Mr. PATTERSON.

ALLOTMENT OF JUDGES.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 534) to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court, disagreed to by the Senate and insisted upon by the House; and,

On motion by Mr. TRUMBULL, it was

Resolved, That the Senate insist upon its disagreement to the amendment of the House to the said bill insisted upon by the House, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. TRUMBULL, Mr. HARRIS, and Mr. HENDRICKS.

RIVER AND HARBOR BILL.

The Senate proceeded to consider its first amendment to the bill (H. R. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law, and for other purposes, disagreed to by the House.

Mr. RAMSEY. The House have agreed to all our amendments except the first, and I move that the Senate recede from that amendment.

Mr. KIRKWOOD. What is it?

Mr. RAMSEY. A very small amendment relating to Sandusky harbor.

Mr. EDMUNDS. I ask that the amendment to which the House does not agree be read.

The Secretary read the amendment, which was on page 3, line eleven, after the word "Sandusky" to insert "harbor, bay, and."

Mr. EDMUNDS. Let the context be read to show the application of the amendment.

The SECRETARY. The clause in the bill reads, "for improvement of Sandusky river, from Frémont to lake Erie, $20,000." The amendment of the Senate is to insert after the word "Sandusky" the words "harbor, bay, and;" so that it will read: "for improvement of Sandusky harbor, bay, and river from Frémont to lake Erie, $20,000."

The PRESIDENT *pro tempore*. It is moved that the Senate recede from this amendment.

The motion was agreed to.

INTERNAL REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1161) to amend existing laws relating to internal revenue.

Mr. WILSON. I have two or three amendments that I desire to offer. I will offer one and then move an adjournment, as I understand the Senator from Maine is wearied out. I send the amendment to the desk, which I ask to have read.

The Secretary read as follows:

Insert after line four of section ten:

That section one be amended by adding thereto the following proviso: "*Provided*, That on and after the 1st day of September, 1867, a tax of two cents per pound only shall be levied, collected, and paid on any cotton produced in the United States."

Mr. WILSON. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate (at eleven o'clock and forty-five minutes p. m.) adjourned.

IN SENATE.

FRIDAY, *March* 1, 1867.

Prayer by Rev. RUFUS BABCOCK, D. D., of New York.

On motion of Mr. POLAND, and by unanimous consent, the reading of yesterday's Journal was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate of the 13th of February, information in relation to the amount of fees received by the American consuls general, consuls, consular and commercial agents, and other agents of the Treasury Department in Europe during each of the four years next preceding June 30, 1866, and the amount of money for salaries, compensation, and expenses required to maintain such officers; which was ordered to lie on the table, and be printed.

CREDENTIALS.

Mr. POLAND presented the credentials of Hon. JUSTIN S. MORRILL, elected a Senator by the Legislature of the State of Vermont, for the term of six years from the 4th day of March, 1867; which were read, and ordered to be filed.

NAVAL APPROPRIATION BILLS.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 1176) making appropriations for the naval service for the year ending 30th June, 1868, reported it with amendments.

SUSPENSION OF JOINT RULES.

Mr. FESSENDEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, (the House of Representatives concurring,) That the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the session.

The sixteenth and seventeenth joint rules are:

"16. No bill that shall have passed one House shall be sent to the other on either of the last three days of the session.

"17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the last day of the session."

DUTIES ON WOOL AND WOOLENS.

Mr. SHERMAN. I move to discharge the Committee on Finance from the further consideration of House bill No. 793, which is entitled "A bill to provide increased revenue from imported wool, and for other purposes."

The motion was agreed to.

Mr. SHERMAN. The bill being now before the Senate, I propose to offer an amendment to it, striking out all after the enacting clause, and inserting what I send to the desk. I will state that the bill itself is a bill which was passed by the House of Representatives at the last session, proposing to increase the duties on wool and woolen goods to correspond with the House tariff bill on that subject. I propose now, by direction of the Committee on Finance, to amend it by striking out all after the enacting clause and inserting the precise phraseology adopted in the Senate bill on that subject. As this question has already been gone over in detail, and is fully understood, I think we can act upon it and take the vote at once.

The PRESIDENT *pro tempore*. It is moved that the Senate now proceed to the consideration of the bill from the consideration of which the Committee on Finance has just been discharged, and in connection with that subject the Senator from Ohio offers an amendment to the bill.

Mr. TRUMBULL. Is that in order?

The PRESIDENT *pro tempore*. The first question is, Will the Senate now proceed to consider the bill?

Mr. GRIMES. I inquire whether the Senator from Ohio proposes that we shall proceed with the consideration of this bill without having it printed or knowing anything about it?

Mr. SHERMAN. It is printed. The Senator has a printed bill on his files word for word just what this is. We have not varied it.

Mr. GRIMES. Printed in what form?

Mr. SHERMAN. Printed in the form in which it came to us from the House, and printed in the precise form which I now offer.

Mr. GRIMES. What I want to know is, in what shape the Senator offers a substitute for the House bill.

Mr. SHERMAN. That is printed precisely as I offer it.

Mr. GRIMES. When was it printed?

Mr. SHERMAN. It was printed the other day. I offer precisely the wool part of the tariff bill as we passed it some weeks ago. It was printed by the House precisely as we sent it to them. The Senator can send a page to the document-room and get a copy of it.

Mr. GRIMES. I think it would be well enough for us to be able to understand what this thing is before we are called upon to act on it. I have not seen the bill which the Senator proposes as a substitute, and I do not know anything about it. I had no idea that any such proposition as this was going to be made.

Mr. SHERMAN. When the bill is taken up I will explain it so that every Senator will have no trouble in knowing all about it.

Mr. GRIMES. I have no doubt the Senator will explain it very satisfactorily to himself and those who may be in favor of the proposition, and perhaps I may be in favor of it eventually; but I should like to see the proposition before me so that I can judge for myself.

Mr. SHERMAN. I will tell the Senator precisely the history of it, if it is in order for me to do so now. The House of Representatives at the last session sent us a general tariff

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bill. After the Senate had postponed the consideration of that bill until the present session, the House followed it with a bill which embraced that portion of the general tariff bill which affected wool and woolens alone, with slight modifications. That bill is still pending in the Senate, we never having taken any action upon it, because having taken up the general tariff bill at this session we disposed of the wool and woolen question in that bill. Now, the tariff bill having been defeated in the other House, an effort is being made to pass it so far as relates to wool and woolens. The Senate Committee on Finance propose the Senate bill on that subject as a substitute for the House bill. That is all there is in this question. Both propositions are printed and the Senator can get them in the very form that they are now presented to the Senate.

Mr. GRIMES. But we do not know now the exact form in which the tariff bill went from the Senate.

Mr. SHERMAN. It is printed.

Mr. GRIMES. We had the original tariff bill in print, but I have never seen the tariff bill in print just as we passed it.

Mr. SHERMAN. It was printed by the House of Representatives in that shape.

Mr. GRIMES. Where is it?

Mr. SHERMAN. I can get the Senator a copy if he wants one. There are plenty in the document-room.

Mr. GRIMES. I should like to see it before I proceed to consider it.

The PRESIDENT *pro tempore*. Is the Senate ready for the question upon the motion of the Senator from Ohio?

Mr. HENDRICKS. I do not understand how this bill can come up again in the Senate.

The PRESIDENT *pro tempore*. The bill has not yet come up; the motion is to take it up. On the motion of the Senator from Ohio, the Committee on Finance was discharged from its further consideration, and that Senator then proposed an amendment to the bill. The Chair regarded that as equivalent to a motion that the Senate now proceed to the consideration of the bill, and that is the motion before the Senate.

Mr. HENDRICKS. The question which I wish to ask the Chair is, whether that is a House bill?

Mr. SHERMAN. It is.

Mr. HENDRICKS. Did not the Senate substitute for that bill another bill?

Mr. SHERMAN. I shall have to make the same explanation to my friend from Indiana that I just did to my friend from Iowa. There were two bills passed by the House at the last session. The first was the general tariff bill; but the Senate postponed that until the present session, and then the House passed another bill, containing the same phraseology as to wool and woolens, but confined to that subject, and that bill has lain in our committee ever since. The tariff bill having been defeated, we now feel bound to take up the House wool and woolens bill; and we propose to amend it by substituting the very words which were inserted in the tariff bill in regard to the duties on wool and woolens. The whole subject has been debated at great length, and I supposed, the Senate having previously acted on this very matter, there would be no controversy, but that we would at once send back the House bill on the subject of wool and woolens with our amendment, and give them the opportunity of agreeing to it if they can. The whole subject has been debated and gone over, and there is no necessity for consuming time with it now.

Mr. HENDRICKS. I suppose this particular bill which the Senator now proposes to call up, has never been debated in the Senate, on the statement he makes. I did not know there was such a bill pending before the body. I think it is a remarkable proposition to take up a tariff bill on Friday, when we necessarily adjourn the day after to-morrow or the next day, with a view to its passage. I do not think the revenue laws should be changed in any such manner as that. I hope the bill will not be taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of the bill.

Mr. TRUMBULL. Can a bill be considered the same day it is reported?

Mr. SHERMAN. I have not reported it.

The PRESIDENT *pro tempore*. The bill has not been reported. The Committee on Finance has been discharged from its further consideration, and the motion is that the Senate now proceed to its consideration.

Mr. TRUMBULL. Was the committee discharged to-day?

The PRESIDENT *pro tempore*. It was discharged to-day.

Mr. TRUMBULL. I ask if that is not a report from the committee to be discharged from the consideration of the bill, and if it can be considered to-day?

Mr. SHERMAN. I did not make any report on the subject. The action that was taken was done on my own motion.

Mr. TRUMBULL. But it discharged the committee. Now, I ask, can it be called up the same day?

Mr. SHERMAN. I have seen it done often. My impression was that the motion to discharge the committee brought the bill directly before the Senate; but if the Presiding Officer thinks not, I acquiesce.

Mr. TRUMBULL. We have a rule—I do not remember the number of it—which declares that no bill shall be considered on the same day that it comes from a committee; I cannot give the precise language of it. If this bill now comes from the committee, can a majority take it up to-day?

Mr. SUMNER. I was going to call the attention of the Senator from Ohio to the precise fact that the Senator from Illinois alludes to. It seems to me that his motion cannot be made without jumping over one of the most fixed rules of the Senate. A bill cannot be considered the same day it is reported except by unanimous consent.

Mr. SHERMAN. That is a mistake in regard to the rule. The rule simply applies to reports of committees, and requires that they must lie over one day. If the committee reported this bill to-day, it must lie over at the request of any Senator until to-morrow. I, however, submitted a motion that the committee be discharged from the further consideration of the bill. That was agreed to, and that brought the bill directly before the Senate. The Senate may now either postpone it till to-morrow or take it up and act on it.

The PRESIDENT *pro tempore*. The Chair is of opinion that the motion to take up the bill is in order. As, however, regards proceeding with it, the Chair does think that it comes under the spirit of the twenty-sixth rule with reference to action on bills, joint resolutions, &c., the latter clause of the rule being—

"And all other resolutions shall lie on the table one day for consideration; and also reports from committees."

This, it is true, is not a report from a committee. The committee has been discharged from the consideration of the bill; and it therefore comes into the possession of the Senate, but under the same limitations, in the opinion of the Chair as regards action upon it, as though it had been reported from a committee. The reason of the rule is the same in both cases. The Chair thinks, therefore, that it is obnoxious to the objection that it cannot be considered to-day unless by unanimous consent. Still the Chair is of opinion that the motion to take up the bill is in order, because until the question is put on that motion the point for an objection hardly arises.

Mr. SHERMAN. I insist on my motion. It is a question for the majority of the Senate to decide whether they will proceed with the consideration of the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill (H. R. No. 793) to provide increased revenue from imported wool, and for other purposes, is now before the Senate, as in Committee of the Whole. It will be read.

Mr. HENDRICKS. I object to the further consideration of the bill. After it has been once read, I object to more than one reading of it to-day.

Mr. SHERMAN. This bill was read twice before it was referred to the Committee on Finance, and is now upon its third reading. It is before the Senate as in Committee of the Whole, and open to amendment. The practice has been very often to discharge a committee of the body and at once consider the bill. I have seen it done here frequently without objection. The point has never been raised. The rule is intended to prevent a committee from bringing a subject before the Senate without the consent of the Senate; but here is a motion made by a member of the Senate, not the report of a committee, but a motion by a member to take up a particular bill. It is true that bill is in the committee, but that makes no difference. It is always within the power of the Senate to take up any bill. A committee cannot by its report force a subject upon the Senate; but the body, at any time, by a majority vote, can take up any bill on its Calendar, whether it be in a committee or elsewhere. That is the plain, manifest meaning of the rule. Two readings of a bill cannot be had on the same day if objection be made; but this bill has already been read twice, and it is now open for amendment.

I do not want to debate the question. I trust if a majority of the Senate are in favor of an increased duty on wool and woolens we may have some decisive vote to test that matter without discussion. If a majority of the Senate are not in favor of passing this bill substantially as it passed the Senate, and in the same words that it passed the Senate, we may as well know it, and then of course we shall make no further effort to get it before the body.

Mr. CRESWELL. I should like to propound a question to the honorable gentleman from Ohio, and that is, whether we are to understand by the fact that he presses this measure this morning that all the rest of the tariff measure is abandoned by the Committee on Finance?

Mr. SHERMAN. I do not say anything of the kind.

Mr. CRESWELL. I make that inquiry.

Mr. SHERMAN. When the bill is taken up the Senator can move any amendment he chooses, and then the question will arise what amendments ought to be made.

Mr. CRESWELL. That is no answer to my question.

Mr. SHERMAN. My desire is to see this passed substantially without any change, as the Senate passed it before.

Mr. CRESWELL. Precisely; but my question is still unanswered.

Mr. SHERMAN. What is it?

Mr. CRESWELL. I ask if we are to understand by the fact that the gentleman representing the Finance Committee of the Senate presses this bill this morning, that the residue of the tariff measure is to be considered as abandoned by that committee?

Mr. SHERMAN. I cannot speak for the Committee on Finance on that matter; I speak for myself. I want to get all of it that I can get. I am in favor of the passage of this bill relative to the duties on wool and woolens without any further amendment.

Mr. GRIMES. I should like to address an inquiry to the Senator from Ohio. If he is anxious that there shall be a bill passed for the benefit of wool and woolens, why is he not content to take the House bill without amendment?

Mr. SHERMAN. I should prefer to do it myself individually; but I do not think I can get that. I always like to accomplish what I can. If I cannot get all I want, I take the best I can get.

Mr. GRIMES. I should like to know how

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the Senator is satisfied that he cannot get that, and why he proposes this, so as to open the whole question for consideration and amendment, thus enabling a new tariff to be made by the Senate?

Mr. SHERMAN. I propose to take up the House bill. When it shall be taken up, it will be for the Senate to say what amendments, if any, shall be made to it.

Mr. GRIMES. I know that the Senator proposes to take up the House bill; but at the same time he proposes an amendment to the House bill changing it entirely.

Mr. SHERMAN. I intend to stand by the action of the Senate. If the Senate choose to vote me down on that question, be it so. I feel that we have considered this subject, and ought to stand by the deliberate action of the Senate, although I should personally prefer the House bill.

Mr. KIRKWOOD. I understand that the bill which the Senator from Ohio proposes to take up is the bill that was passed by the House at the last session, and is now on the table and our action upon which, if we pass it as it came from the House, makes it a law.

Mr. SHERMAN. If we pass it without amendment.

Mr. FESSENDEN. Perhaps it may be as well to explain just how this matter stands. The proposition of the Committee on Finance, so far as they have taken any action, is to pass, instead of the House bill as it stands, the bill that the Senate acted upon deliberately, on the subject of wool and woolens, and adopt that, thinking it to be a better bill, more elaborated, and protecting the interests of woolen manufacturers and wool-growers quite as well and perhaps better. There are two consequences involved. We can take up the House bill on wool and woolens and pass it precisely as it passed the House *in totidem verbis* if the Senate sees fit, and the result of that is necessarily an abandonment of all the rest of the tariff measure.

Mr. CRESWELL. So I supposed.

Mr. FESSENDEN. But if the bill is amended, as proposed by the Committee on Finance, by substituting for it the bill which the Senate passed on the subject of wool and woolens, it will go back to the House of Representatives, and then the House can put any amendment on our amendment that they see fit to do. In the one case we get a bill for the protection of wool and woolens alone and nothing else; and in the other we have a chance to extend protection to other interests. That is the simple state of the case.

Mr. CONNESS. In either case, then, I submit to the honorable Senator, we had better proceed with the consideration of this bill.

Mr. FESSENDEN. I cannot consent to allow it to be proceeded with beyond one o'clock, because that would be an abandonment of the tax bill.

Mr. CONNESS. It is not possible that Senators desire to debate this question. I think they are prepared to vote upon the proposition.

Mr. FESSENDEN. The Senate is in a condition that I never saw it in yet during all the fourteen years I have been here, if they are prepared to act on the suggestion of the Senator from California. I never yet saw a measure of this sort, or of any other kind, that was allowed to be passed without debate, on the ground that it had been fully debated before. We took up the tax bill yesterday, and it is yet undisposed of. We ought to pass it to-day, if it is to be passed at all. It will be entitled to precedence at one o'clock. I cannot yield it to the wool bill, unless I am compelled to do so by the vote of the Senate, because it would be virtually to destroy the tax bill, which we have a very much better chance to pass than we have to pass the other.

Mr. CONNESS. I desire to say to the Senator that I am not prepared to vote to put the tax bill aside, but will vote with him to proceed with its consideration when the proper time comes. I propose simply that, without further discussion about the order of business, we proceed to vote on this other bill if we can.

Mr. FESSENDEN. If the Senator will persuade all the Senate to that course I shall not object.

Mr. CONNESS. I think the Senator with his fourteen years' experience must be ready for an improvement this morning, and I hope he will witness it.

Mr. FESSENDEN. That remains to be seen. There will be no speech from me on the subject.

Mr. CONNESS. Nor from me.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

Mr. GRIMES. I understand the question of order was decided by the Chair that the bill could not be considered if objection was made. Are we going on with the bill?

The PRESIDENT *pro tempore*. The Chair decided that a motion to take up the bill was in order, because objection could not very well be made to its consideration until it was taken up. The Chair, therefore, put the question to the Senate, on taking up the bill, and the Senate voted to take it up. It is up, and its reading has been directed. No objection has yet been made to proceeding with the bill. The reading will therefore be continued.

The Secretary read the bill.

Mr. SHERMAN. My purpose is to offer amendments in detail to make this bill correspond precisely to the Senate bill. I therefore move to strike out the clause with regard to Wilton, Saxon, Aubusson, and other carpets of various kinds.

The PRESIDENT *pro tempore*. The portion of the bill proposed to be stricken out will be read.

The Secretary read as follows:

On Aubusson and Auxminster carpets, and carpets woven whole for rooms, fifty per cent. *ad valorem;* on Saxony, Wilton, and Tournay velvet carpets, wrought by the Jacquard machine, seventy cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on Brussels carpets wrought by the Jacquard machine, forty-four cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on patent velvet and tapestry velvet carpets, printed on the warp or otherwise, forty cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on tapestry Brussels carpets, printed on the warp or otherwise, twenty-eight cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on treble ingrain, three-ply, and worsted chain Venetian carpets, seventeen cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on yarn Venetian and two-ply ingrain carpets, twelve cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on druggets and bockings, printed, colored, or otherwise, twenty-five cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem;* on hemp and jute carpeting, eight cents per square yard; on carpets and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified, forty per cent. *ad valorem: Provided*, That mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpeting shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description, and that the duty on all other mats, (not exclusively of vegetable material,) screens, hassocks, and rugs, shall be forty-five per cent. *ad valorem.*

Mr. SHERMAN. And in lieu of those words I propose to insert the following:

On Wilton, Saxony, and Aubusson, Axminster, patent velvet, Tournay velvet, and tapestry velvet carpets and carpetings, Brussels carpets, wrought by the Jacquard machine, and all medallion, or whole carpets, valued at $1 25 or under per square yard, eighty cents per square yard; valued at over $1 25 per square yard, ninety cents per square yard: *Provided*, That no carpeting, carpets, or rugs of the foregoing descriptions shall pay a duty of less than fifty per cent. *ad valorem.*

On Brussels and tapestry Brussels carpets and carpetings, printed on the warp or otherwise, sixty cents per square yard.

On all treble ingrain, three-ply, and worsted chain Venetian carpets and carpetings, forty-five cents per square yard.

On yarn Venetian and two-ply ingrain carpets and carpeting, thirty-five cents per square yard.

On druggets, baizes, and bockings, and felt carpets and carpeting, printed, colored, or otherwise, twenty-five cents per square yard, and, in addition thereto, thirty per cent. *ad valorem;* on carpets and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified, thirty-five per cent. *ad valorem: Provided*, That mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpeting shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description, and that the duty on all other mats, (not exclusively of vegetable material,) screens, hassocks, and carpet, and door rugs, shall be forty-five per cent. *ad valorem.*

I ought to explain that this is a reduction of the rates proposed by the House. The House schedule of duties on carpets was materially reduced by the Senate committee, and in carrying out the view I expressed awhile ago, I make this motion to adopt the duties proposed by the Senate on carpets instead of the duties proposed by the House. Senators may find it in the Senate printed bill.

Mr. TRUMBULL. If I understand this amendment, it is to insert in lieu of the bill known as the Bingham bill the Senate bill on the same subject as we passed it some days ago in the general tariff bill.

Mr. FESSENDEN. A portion of it, not the whole.

Mr. TRUMBULL. I know it is not all the bill that we passed.

Mr. FESSENDEN. It is in this particular about carpets.

Mr. TRUMBULL. In the short time that I have had since this matter was called up I have been unable to compare these two bills together; but they are designed to accomplish about the same object, as I understand: to afford protection to the wool-growers and also to the manufacturers of wool. The House has passed a bill on that subject. A great many of my constituents have written to me about it, particularly in regard to wool. They have had meetings of wool-growers' associations in Illinois, and they have been content to abide by the bill as it came from the House. The bill has been discussed by them, and I understand it is satisfactory to them; at least they are willing to take it; and if we are to pass any bill on the subject I should greatly prefer to take the House bill.

Mr. CONNESS. This is more favorable to the wool-growers.

Mr. TRUMBULL. Well, suppose it is; they are satisfied with the bill as it passed the House; at least my constituents are, although the amendment of the Senate may be more favorable to them, as the Senator from California says. I have not had time to compare them together and to state upon an examination of my own how that is. Doubtless the Senator from California is correct. He probably has compared them. But my constituents, so far as I know their views, would be satisfied with what was known as the Bingham bill on this subject. I shall, therefore, vote against any of these amendments, and hope the Senate will consent to take the bill as it passed the House of Representatives. If the Senate amendment is more favorable to those whom I represent, and who have taken a particular interest in this matter, I can only say they are willing to rest content with the bill as it came from the House of Representatives. If we send this bill back to the House we run this hazard: they may put upon it just what they please, perhaps the whole tariff bill that passed and was sent to us at the last session, perhaps our tariff bill as we passed it, and we shall thus have the whole subject back again, and the result will be that you will accomplish nothing. Now, if it is desirable to pass any bill on this subject, we make that certain by taking the House bill as it passed.

Mr. CONNESS. Let us vote.

Mr. TRUMBULL. The Senator from California says, "Let us vote." I did not rise with a view of taking up time, but merely to state that I shall vote against this amendment and all amendments, because I prefer taking the bill as it passed the House rather than to run the hazard of losing any bill, and because I think that bill would be satisfactory to the people whom I represent, who are interested in this matter.

Mr. GRIMES. I desire to say to the Senator that it is the purpose, or at any rate if not the purpose it is the intention, of some to do the very thing which he has suggested. I apprehend there is an amendment in the hands of a Senator here ready to be offered the moment

an amendment shall be made to this bill, and he can get an opportunity to offer it, to raise the duties twenty per cent. upon all articles that are now dutiable, except tea, sugar, coffee, and salt. If that is adopted, it goes to the House for concurrence. If that is not adopted here, either that proposition will be made or the House bill will be added to it in the House of Representatives without requiring the two-thirds majority that is now required under their rules, and then the whole question goes to a committee of conference, and the committee of conference make the tariff bill.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment proposed by the Senator from Ohio?

Mr. WILSON. I hope that amendment will not be adopted. I should prefer to vote for the House bill as it came from the House, with a slight amendment that may be made to it. I do not wish to vote for this amendment as now proposed. I prefer the original bill.

Mr. SHERMAN. The friends of this bill ought to understand the matter distinctly. If they divide in regard to these amendments that is the end of the effort to pass a bill relative to the duty on wool. Personally, I prefer to take the House bill.

Mr. TRUMBULL. Why not do so?

Mr. SHERMAN. Simply because I do not believe the majority will agree to it. If the question could be taken now, and the majority should prefer to pass the House bill, well and good. But there ought to be some modifications in the House bill; and we made them very carefully. They are generally in the interest of the consumer. The very amendment I now propose reduces considerably the duties on carpets; and yet the Senator from Illinois objects to that, although his constituents use the carpet and do not make any of it. That seems strange to me. It is natural that the Senator from Massachusetts should object. I intend myself to offer the amendment proposed by the Senator from Massachusetts and ingrafted on the tariff bill. Now, he ought to take the thing either upon one aspect or the other. If he wants the duty on a certain class of woolen goods increased a little, I propose to agree to that. I have got an amendment prepared to satisfy his views. In other words, I propose to offer his amendment to satisfy the interest which he says will be very unjustly dealt with by the House bill. But the Senator from Illinois objects to a bill that reduces the duty on carpets. The people of Illinois consume them and do not produce them. It is evident we must take one thing or the other; either take the House bill without any amendment whatever, or else we must take it with the amendments that have been carefully considered in the Committee on Finance, carefully considered in the Senate, and which improve the bill vastly. I do not care which course is pursued. If we take the House bill singly and alone it passes without any further difficulty.

Mr. CATTELL. I desire to notice the statements made by the Senator from Ohio. The reason that the amendments are proposed here is simply because the Senate fully discussed this question, and made improvements in the House bill, a very important one of which was made on the motion of the Senator from Massachusetts, [Mr. WILSON.] The whole question has been thoroughly discussed by the Senate, and by a large vote our bill was passed, and those in the Finance Committee who were in favor of relieving the oppressed industries of the country thought it best to suggest that the Senate take their own action so far as wool and woolens were concerned. The whole question was discussed here, and a very important amendment moved by the Senator from Massachusetts was adopted. If you take the House bill you leave out that amendment. Now, the whole object of the movers of this measure is simply this: the tariff bill which has been so long discussed here, and which was passed by so large a vote, having failed in the House, they desire that something shall be done, and done promptly, in these two last days of the session to relieve the oppressed industrial interests of the country.

Mr. WILSON. Will the Senator allow me to ask him is it intended to put the Senate bill entire on this bill?

Mr. CATTELL. No, sir; and while I am on my feet I will say in answer to the remarks of the gentleman from Iowa that I do hold in my hand an amendment which it will be at the option of the Senate to adopt or not when we shall have arrived at the proper time to offer it, a simple amendment increasing by a percentage the duties upon imported manufactured goods. That will be a question for the Senate to determine.

Mr. WILSON. Will the Senator read it?

Mr. CATTELL. Yes, sir.

Mr. CONNESS. Not now.

Mr. CATTELL. I will send it to the Secretary's desk; but I apprehend it has no relation to the question now under consideration.

Mr. TRUMBULL. I should like to know what it is.

Mr. SHERMAN. Let us go through with the question before us first.

Mr. GRIMES. Let it be read.

The Secretary read the amendment intended to be proposed by Mr. CATTELL, as follows:

And be it further enacted, That from and after ten days from the passage of this act there shall be levied, collected, and paid on all goods, wares, and merchandise not herein provided for imported into the United States from foreign countries and now subject to duty under existing laws, an additional duty of one fifth, or twenty per cent. of the duty or rates of duty, including specific and *ad valorem* rates now imposed by law upon such goods, wares, and merchandise: *Provided*, That no additional duty shall be levied, collected, or paid on sugar, molasses, tea, coffee, salt, lumber, coal, and railroad iron.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio.

Mr. KIRKWOOD. It seems to me to be a clearer and safer plan not to make any amendments to this bill as it came from the House. The bill is reasonably fair as it stands in regard to these matters, and if we do not amend the text of the bill as it stands it will simplify matters. If we vote down this proposed amendment, and then the additional amendment to be proposed by the Senator from New Jersey, these two votes may dispose of the whole subject. It is possible that the amendment offered by the Senator from Ohio to the text of the bill from the House of Representatives would benefit it; but it will complicate matters. By adhering to the bill as it came from the House in its text, and then taking a direct and single vote upon the amendment proposed by the Senator from New Jersey, it seems to me you will much simplify the matter. If there be any reason for this particular amendment it can be made at the next session. That seems to me to be the better way.

Mr. JOHNSON. So far as I am able to judge from the signs of the times, the West is now very much against the protective system, and in all probability that opinion will become a fixed one in the West. The West now are in favor of protecting the woolen interest because they want to have protected the wool-growing interest. If this bill, therefore, passes in the shape in which it came from the House in all human probability no tariff can hereafter be passed which will protect any other interest. I think, therefore, the members of the Senate who are of opinion, as I am, that there are other interests that ought to be protected, ought to take care so to act on the bill before it as to enable the House or to enable the Senate to provide a protection for other industries that I think stand as much in need of it as the woolen interest. I am not against protecting the woolen interest. I shall vote, therefore, with pleasure for the amendment suggested by the Committee on Finance; but I cannot vote for the bill as it came from the House, and leave the other interests of the country to be acted upon adversely or not, as those who are apparently opposed to the other interests may hereafter think proper.

Mr. KIRKWOOD. I do not think the Senator from Maryland understood me. I do not propose to avoid a direct vote upon the proposition to increase the tariff upon anything besides what is contained in the House bill as it stands. Let us suppose that the House bill as it came to us is, on the particular subject referred to in it, a reasonably good one. My proposition is that we do not amend that at all in its text; but let the Senator from New Jersey offer his proposition to increase by twenty per cent. the duties upon everything else except certain specified articles, and then the sense of the Senate can be taken upon that proposition. If that proposition be added to the bill as it came from the House then the question will be for the Senate to determine whether they will make this general increase or not; and Senators who believe that that general increase will be beneficial will vote for it, while those who are opposed to it will vote against it. I do not desire to avoid a vote upon the general proposition at all.

It may be as well for me to say also, as I am classed perhaps among those who are opposed to an increase of the tariff, that I really do not occupy that position. I have said in conversation, and say now publicly, that I regard the bill we passed here as the fairest bill to western interests, so far as my knowledge extends, we have ever had. I voted against it, because I thought it too high, not because I was against affording protection to our manufactures to an extent that I thought proper and right. But I think we shall simplify our action, and, perhaps, get on the whole as good a bill, by not changing at all this bill as it came from the House, and taking a direct vote on the proposition of the Senator from New Jersey.

Mr. HOWE. I apprehend the Senator from Maryland somewhat mistakes the position of the West, to which he has referred. Undoubtedly the West is in favor of the protection of the wool-growers and of the wool manufacturers, what he calls the woolen interest; but only in favor of it because they are legitimate branches of American industry. I do not think the West has any idea of securing protection to those two branches of American industry, and of destroying every other branch of American industry and driving labor into those two occupations. I think the West, while it would encourage these productions, would be willing to encourage every other legitimate branch of American industry; and I do not think it is worth while to attempt to put the West under bonds to favor any other branch of American industry. Therefore I think we may act, and I think the East may vote according to its convictions of duty and its convictions of the public interest upon the bill now before the Senate, without any danger that they will lose any strength in the West for other interests that may be proposed for protection hereafter. But it does seem to me that in this very late hour of the session we had better try to secure this much of protection and this much of additional revenue that is promised in the bill before us. Then I should be very glad to see the proposition suggested by the Senator from New Jersey put into a separate bill; let that be submitted to the Senate, and let it go to the House, if the Senate agree to it.

ADMISSION OF COLORADO—VETO.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House bill No. 1161, to amend existing laws relating to internal revenue.

Mr. WADE. There was an arrangement made last night that at this hour we should take up and vote upon the bill for the admission of Colorado into the Union. I therefore move that the unfinished business and all other business be laid aside informally, and that we take up that bill and have a vote upon it. I suppose there is to be no debate about it.

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Mr. JOHNSON. The understanding was that there was to be no debate.

Mr. FESSENDEN. I shall not object to that, as it was an understanding of the Senate, provided the unfinished business, being the act to amend existing laws relating to internal revenue, does not lose its place. If it can be laid aside informally, so that it will be the business before the Senate after the vote is taken on the Colorado question, I have no objection.

The PRESIDENT *pro tempore*. The bill before the Senate, being House bill No. 1161, can be laid aside by unanimous consent, and the subject named by the Senator from Ohio be proceeded with.

Mr. FESSENDEN. And when that is finished it will be the order of business?

The PRESIDENT *pro tempore*. It will be so if laid aside informally by unanimous consent. It is moved that the Senate now proceed to the consideration of the bill named by the Senator from Ohio, the bill returned by the President of the United States, with his objections, for the admission of the Territory of Colorado into the Union as a State.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? and upon this question the yeas and nays must be taken by the provision of the Constitution.

The question being taken by yeas and nays, resulted—yeas 29, nays 19; as follows:

YEAS—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Creswell, Fowler, Frelinghuysen, Henderson, Howard, Howe, Kirkwood, Lane, Morrill, Nye, Poland, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—29.

NAYS—Messrs. Buckalew, Cowan, Davis, Dixon, Doolittle, Edmunds, Fessenden, Foster, Grimes, Harris, Hendricks, Johnson, McDougall, Morgan, Nesmith, Norton, Patterson, Riddle, and Saulsbury—19.

ABSENT—Messrs. Brown, Fogg, Guthrie, and Sumner—4.

The PRESIDENT *pro tempore*. On this question the yeas are 29, the nays are 19. Two thirds not having voted for the passage of the bill, it does not become a law.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a resolution suspending the sixteenth and seventeenth Rules of the two Houses for the residue of the session, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution of the House No. 205, for the erection of an equestrian statue in memory of Brevet Lieutenant General Winfield Scott.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 588) for the relief of Richard Chenery;

A bill (H. R. No. 1166) to authorize the building of light-houses therein mentioned, and for other purposes;

A joint resolution (H. R. No. 205) for the erection of an equestrian statue in memory of Brevet Lieutenant General Winfield Scott;

A joint resolution (H. R. No. 222) prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression; and

A joint resolution (H. R. No. 268) to pay Lieutenant John H. Hamlin for military services.

PETITIONS AND MEMORIALS.

Mr. GRIMES presented a petition of honorably discharged soldiers, late of the Army of the United States, praying for the passage of the bill, now pending in Congress, providing for the allowance of eight and one third dollars per month to all honorably discharged soldiers of the Army for the suppression of the rebellion for the term of their respective service; which was referred to the Committee on Military Affairs and the Militia.

Mr. POMEROY presented a copy of an act of the Legislature of the State of Kansas, relieving the incompetent Wyandotte Indians from the restrictions imposed upon them by the fourth article of the treaty of January 31, 1865, and subjecting them to the laws of the State of Kansas relating to the descent of property and the conveyance of lands; which was referred to the Committee on Indian Affairs.

He also presented resolutions of the Legislature of Kansas, in favor of the payment to certain soldiers of company G, eighth regiment Kansas volunteers, first Army corps, of the amount of bounty money to which they are entitled, and which they failed to receive, as is alleged, through the fraud or negligence of an officer and authorized agent of the United States; which were referred to the Committee on Claims.

He also presented resolutions of the Legislature of Kansas, in favor of an appropriation for the erection of suitable buildings at Leavenworth, in that State, for a custom-house and post office; which were referred to the Committee on Commerce.

Mr. STEWART presented resolutions of the Legislature of Nevada, in favor of increasing the size and capacity of the mint now being erected at Carson City; which were ordered to lie on the table, and be printed.

REPORTS FROM COMMITTEES.

Mr. HOWARD, from the Committee on Military Affairs and the Militia, to whom was referred the joint resolution (H. R. No. 270) for the relief of J. H. Riley, asked to be discharged from its further consideration, and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; which was agreed to.

Mr. CRESWELL, from the Committee on Commerce, to whom was referred the bill (H. R. No. 899) in relation to the revenue-cutter service, reported it with an amendment.

SMITHSONIAN REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print additional copies of the Report of the Smithsonian Institution for the year 1863, have instructed me to report it back with an amendment, and to ask its present consideration. The amendment makes the resolution precisely similar to the one we pass every year.

There being no objection, the Senate proceeded to consider the resolution, as follows:

Resolved, That five thousand additional copies of the Report of the Smithsonian Institution for the year 1866 be printed, two thousand for the use of the Institution, and three thousand for the use of the Senate, and that said report be stereotyped.

The amendment of the Committee on Printing was to add the following proviso:

Provided, That the aggregate number of pages contained in said Report shall not exceed four hundred and fifty pages, without wood cuts or plates except those furnished by the Institution.

The amendment was agreed to.

The resolution, as amended, was adopted.

SUSPENSION OF JOINT RULES.

Mr. FESSENDEN. I should like to take up the resolution that has come from the House suspending the sixteenth and seventeenth joint rules for the last three days of the session.

There being no objection the Senate proceeded to consider the following resolution:

Resolved, (the Senate concurring,) That the sixteenth and seventeenth joint rules of the two Houses be suspended for the remainder of the present session of Congress.

Mr. FESSENDEN. I move that the Senate concur in that resolution.

The motion was agreed to.

SUSPENSION OF THE TWENTY-SIXTH RULE.

Mr. DIXON. I submit the following resolution with regard to the order of business, which I desire to have laid upon the table for the present:

Resolved, That the twenty-sixth special rule of the Senate, with the exception of the last sentence of the same, be suspended during the remainder of the present session of Congress.

The PRESIDENT *pro tempore*. The resolution will be laid upon the table.

CONFERENCE COMMITTEE ON INDIAN BILL.

Mr. SHERMAN. I find that other engagements will prevent me from serving on the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th of June, 1868. I am already on two other committees of conference, and I trust the Chair will relieve me from this one and appoint somebody else.

The question being put, Mr. SHERMAN was excused.

Mr. SHERMAN. I move that the vacancy in the committee of conference be appointed by the President *pro tempore*.

The motion was agreed to; and the President *pro tempore* appointed Mr. WILLIAMS.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills of the Senate:

A bill (S. No. 32) to prevent the absence of territorial officers from their official duties;

A bill (S. No. 460) in relation to persons imprisoned under sentence for offenses against the laws of the United States;

A bill (S. No. 547) to amend an act entitled "An act to extend the time for the reversion to the United States of the land granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point at or near Traverse bay, in the State of Michigan, and for the completion of said road," approved July 3, 1866; and

A bill (S. No. 550) to amend an act entitled "An act authorizing the construction of a jail in and for the District of Columbia," approved June 25, 1866.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1233) to establish certain offices for the assay of gold and silver in lieu of certain branch mints heretofore established; and

A joint resolution (H. R. No. 301) in relation to the laws passed by the Legislature of the Territory of New Mexico.

INTERNAL REVENUE.

Mr. FESSENDEN. I call for the order of the day.

The PRESIDENT *pro tempore*. The bill (H. R. No. 1161) to amend existing laws relating to internal revenue is now before the Senate as in Committee of the Whole, the pending question being on the following amendment proposed by the Senator from Massachusetts, [Mr. WILSON,] to add to section one the following proviso:

Provided, That on and after the 1st day of September, 1867, a tax of two cents per pound only shall be levied, collected, and paid on any cotton produced within the United States.

Mr. WILSON. I will simply say that I think this amendment ought to be adopted. If we have a large crop, say three million bales of cotton, the price must fall, and the tax as now fixed by law will be very heavy. This tax was fixed at a time when the price of cotton was very high; and I think it would be liberal and just to make this reduction of one third upon the tax after September next. I do not wish to take up any time in discussing it.

Mr. FESSENDEN. I will merely say that this matter was discussed somewhat in the Finance Committee, and the committee concluded that it was best to leave the tax for the

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present as it was, whether we have an increased crop or not. If we have a large crop, of course the price will fall. It is a matter about which I have no particular feeling, and cannot tell one way or the other what will be best. I shall ask for the yeas and nays upon it. It is a very important question. I think it would be likely to create difficulty, and one great difficulty about it is that it would be likely to embarrass the passage of the bill at this late stage of the session.

Mr. HENDERSON. I desire to offer an amendment to the amendment as a substitute, which I send to the desk.

The SECRETARY. It is proposed to amend it by adding:

And provided further, That no tax shall be levied or collected on cotton grown after the passage of this act.

Mr. HENDERSON. My design was to offer it as a substitute for the amendment of the Senator from Massachusetts. However, it may be added to it. The Senator from Massachusetts proposes that after this date a tax of two cents shall be levied on cotton. That would apply to the present crop now in the hands of planters. My amendment is not inconsistent, however, with his. It is that after the passage of this act no tax shall be levied upon cotton grown hereafter; that is, upon the coming crop, the crop that will be planted in the course of the next month or two. I do not know that it is at all inconsistent, and it may very well be added to the amendment. I call for the reading of the Senator's amendment.

The Secretary read the amendment of Mr. WILSON.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to strike out all after the word "that" in the amendment proposed by the Senator from Massachusetts, and to insert:

No tax shall be levied or collected on cotton grown after the passage of this act.

Mr. WILSON. The tax now is three cents a pound. I propose to amend it so that it shall be only two cents after the 1st of September, and the Senator from Missouri proposes to make all cotton grown after the passage of this act free. It is a plain question. I think we ought to have some tax, but I think we ought to make a reduction.

Mr. HENDERSON. I offer my amendment as a substitute for the Senator's amendment, and that will leave the present crop to be taxed at three cents. The Senator will see that his amendment might operate unjustly. If the tax has been paid upon a portion of the crop heretofore grown, it would be but just that the same tax should hereafter be paid upon that crop. I have no objection to subjecting the existing crop already grown, now in the hands of the planters, to the tax of three cents; that is, to make it equal upon all planters.

Mr. JOHNSON. Do you think we have the authority to impose it?

Mr. HENDERSON. No, sir, I do not; but as the Senate has so decided, and the legislation of the country has so fixed it, I would not make a discrimination between them, and the Senator will see that possibly it might operate in that way. My amendment is perfectly just, because the planter's hereafter will grow the cotton with a full knowledge that no tax is to be levied upon it.

Mr. President, I will make but one remark with reference to this matter. It seems to me the strangest policy in the world to levy this tax. I cannot understand it. Senators differ with me in regard to the propriety of it; but I can state, from some knowledge which I have on this subject, that unless an amendment of this sort be adopted to this bill or some other bill, and some encouragement for the production of cotton in the southern States shall be held out to the planters, but very little cotton will be grown the coming year. It is an interest that we ought rather to foster than to burden. In my judgment, it would be better for this Congress to pay a premium or a bonus for the growth of cotton than to tax it. That is my honest judgment. I take into consideration the present condition of our finances; I take into consideration the condition of the country in the South, where there is almost starvation existing, and it is threatened to become even more alarming than it is now; I take into consideration the condition of the negro population in the South, to whom we are annually appropriating large sums of money; and I would rather encourage them to support and take care of themselves in this way.

Last year numbers of men from my State went to the southern States to grow cotton; and each and every one of them, so far as my knowledge extends, came home a broken merchant. The production of cotton in the present state of affairs, with the present legislation, with the incubus of this tax resting upon it, will not be carried on to any very great extent in the southern States. We need it because it is an article upon which we can build up exchange and restore the disordered condition of our finances. We need some two or three hundred million dollars as an exchange in Europe made upon the sale of this article, and we should encourage its growth and exportation. Instead of sending our bonds to Europe to be hawked about in the markets to create an exchange for our merchants and business men to draw upon, we should encourage the production of an article which can be made better and cheaper in this country than in any other part of the world. In the present condition of labor in the South, the southern country now threatened to be flooded with the rise of waters in the western rivers, and with the general poverty existing among the planters and the negroes, I for one believe that it would be the best possible stroke of policy on the part of Congress to adopt this amendment.

One other idea and I shall have done. We complain now that the southern people are still rebellious in their disposition; that they have not accepted the situation; that they are still opposed to the Union. Will not the adoption of this amendment tend to send among the people of the South a large immigration? Northern people will go there to produce this article of cotton. They will be tempted to go there by the idea of profit; and all who go there will carry with them the sentiments of attachment, as we suppose at least entertained by the people of the North to the Union. Will it not have a tendency to mix and commingle the people of the North and of the South, and to do away with much of this clannish and separate feeling which originally brought about the war, and which in our judgment yet threatens to keep up an ill-feeling between the North and South?

I do sincerely hope that this amendment may be adopted. The small sum that we collect from the article is no consideration at all in comparison with the great injury that we inflict upon the country at large. It is demanded, in my judgment, by the manufacturers themselves. Every manufacturer of the northern States should be in favor of taking this tax from the raw material. And let me suggest that there is not a tax levied upon an agricultural product except this one. It is often supposed that we have levied it, because it is the only article from which we can get a large tax from the southern States. It has been said that we get no tax from the rebellious States except upon the article of cotton. That may be so. We may get, and we do get, but a small tax on this article, and the reason is quite apparent. We shall get but little revenue from there until we revive the industry of the South, until we carry back there again the hum of industry, until we make the people contented and satisfied, and get them to till the soil as they formerly did, because the cultivation of the soil is the most profitable pursuit in those States. They can grow an article of cotton better than is grown anywhere else. If we encourage the growth of cotton we encourage all branches of industry in the southern States. We then make it necessary to grow sugar. We then make it necessary to build up manufactures there. We then make it necessary for those people, and we enable them thereby, to buy the manufactures of the northern States, and in that way we benefit not alone the people of the South, but in my judgment we benefit the people of other sections of the Union more than we benefit the people of the South. I have said enough, and I hope the amendment will be adopted.

Mr. JOHNSON. I have two objections to the tax on cotton. The first is that I do not believe we have the power to impose it; and that is a question which I have examined with as much care as I could, and formed very deliberately that opinion. The next is that if we have the power it is very bad policy to exercise it at this time, for the reasons stated by the honorable Senator from Missouri. We are now called upon to protect, and the Senate has protected by passing the tariff bill, and a large majority of the Senate are willing, I am sure, to protect, nearly all the manufacturing interests of the country, and what may be called the agricultural interest of the country. We are now called upon to protect the wool-growing interest, which is a very large and increasing one. But here is a commodity much more important to the United States, in my judgment, than the woolen interest, and particularly in the present condition of the country. We are imposing a tax which, I have information as well as the honorable member from Missouri, has tended very much to diminish the growth of cotton, and which promises to defeat it altogether if the tax shall be continued.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. FESSENDEN. That is to take off all the tax.

Mr. HENDERSON. On all cotton grown after this date; but to leave it on the present crop. I ask for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 19; as follows:

YEAS—Messrs. Anthony, Buckalew, Davis, Dixon, Doolittle, Foster, Fowler, Henderson, Hendricks, Johnson, Nesmith, Patterson, Riddle, Saulsbury, Sherman, Sprague, Van Winkle, Willey, and Williams—19.

NAYS—Messrs. Cattell, Conness, Creswell, Edmunds, Fessenden, Grimes, Harris, Kirkwood, Morgan, Nye, Pomeroy, Ramsey, Ross, Stewart, Sumner, Trumbull, Wade, Wilson, and Yates—19.

ABSENT—Messrs. Brown, Chandler, Cowan, Cragin, Fogg, Frelinghuysen, Guthrie, Howard, Howe, Lane, McDougall, Morrill, Norton, and Poland—14.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Massachusetts, and upon that question the yeas and nays have been ordered.

Mr. SPRAGUE. I have had some experience in the planting of cotton for the last three years, and I have yet to learn of a single instance where the money invested in that enterprise has brought any profitable return. I know of no agricultural interest except that which has not brought a profitable return, and I know of no other agricultural interest in this country to-day that suffers under the burden of a tax of this description. Under those circumstances, it seems to me very clear that there should be some reduction of this tax. If it is wise to encourage the cultivation of cotton, it is certainly unwise to impose this burden upon it that will prevent its cultivation. Sir, you depend entirely upon this product to pay your indebtedness. Without it your country is to-day bankrupt in every particular. As certainly as you continue the burden to the extent that you have for the past three or four years, so certainly will you curtail its production and drive it out of the producing States of the country; and it is well that you may be warned in time. I speak, sir, from a knowledge of the Mississippi valley, from a knowledge of the Red river section, from a knowledge of the upland countries, from a knowledge of the Sea island cultivation; and I have yet to learn, and I challenge contradiction in that respect from any Senator, where

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money has been invested in this production that it has had a profitable return.

Mr. FOWLER. I regret very much, sir, that the amendment of the Senator from Missouri was lost. I think it very bad policy to impose so high a tax upon an article that has yielded recently, and even formerly, under the very best circumstances, when labor was thoroughly organized, a bad return to the capital invested in it. In my own State, which is a very good cotton-producing State, the most intelligent and the best farmers there would not, under any consideration, raise a crop of cotton on their farms, because of its exhausting character. The farmer who continues to raise cotton grows poorer and poorer annually, as the soil in which it is raised becomes poorer and poorer every year that it is produced. It will not yield anything like a remunerative profit for the capital and labor expended in it.

It is unnecessary to discuss this question longer; but I do hope that the Senate at any rate will concur in the present amendment, as it proposes a small reduction, and will do so much in the right direction. Beside, sir, this crop is to be produced by about four million freedmen, who have recently been turned loose from the state of slavery. They are the poorest, most hopeless, and most helpless population on the face of the globe at this time. This tax comes off them entirely; and so far from burdening them it is our duty to relieve them as much as possible. In addition to that, we need this crop for the purpose of supplying us with the means of keeping up our commerce with Europe. I hope that at any rate this amendment will be adopted, though it does not go as far as we ought to go.

Mr. POMEROY. The amendment of the Senator from Massachusetts I believe is to reduce the present tax from three to two cents per pound. I move to amend the amendment of the Senator from Massachusetts by a still further reduction to one cent. I think something might be collected from this source, but three cents a pound is a very heavy tax. The present tax is very heavy. If the price of cotton should come down, as it will perhaps to fifteen cents a pound, a tax of three cents will be one fifth of the entire price of the article. A tax of one cent is a large tax considering the condition of the material. It is not a manufactured article. It is almost a raw material. Some little labor beside raising it is expended on it to clean it and bale it. My opinion is that, considering the unprofitableness of the business for the last few years, one cent is as large a tax as ought to be collected. I move, therefore, to amend the amendment of the Senator from Massachusetts by reducing it to one cent per pound.

Mr. SHERMAN. I am opposed to tampering with this question in that way, because a tax of one cent would not pay the expense of collecting it. So many difficulties have arisen in the practical collection of the cotton tax, and the losses have been so great during the past year, that I have made up my mind, as I voted a moment ago, to repeal the tax entirely. The law will have to be changed materially if it is attempted to collect the cotton tax. The whole system of warehouses and transferring it from place to place that we have adopted is not adapted to the country in which the cotton is grown. But from what I learn from merchants and others engaged in the business I am satisfied when the cotton is brought in competition in Liverpool with the cotton of other countries the effect is, the whole of this tax falls on our own producers; first upon the planter who is engaged in raising it, then upon our own producers, and finally upon the laborer, the negro who raises the cotton. I think, therefore, public policy demands that this tax should be entirely repealed. I do not want to discuss it. I have a great many statistics on the subject, which at a more favorable season I should like to present to the Senate; but there is no time to do it now. I think we ought to choose, therefore, between the present tax of three cents and no tax at all. I am willing to vote for the amendment of the Senator from Massachusetts; but I think it would be much wiser for Congress to abandon the tax after the present year. I think the tax on the existing crop ought to be collected; but as to all that is grown hereafter it ought, in my judgment, to be abandoned, and I should so vote.

Mr. HENDERSON. On all that ripens hereafter?

Mr. SHERMAN. Yes, sir.

Mr. FESSENDEN. We got last year about seventeen million dollars in the ten rebel States, $14,000,000 of which was from cotton. Senators will see that by taking off the tax on cotton you make considerable of a hole in the revenue; and I do not know how it is to be made up.

Mr. WADE. How much?

Mr. FESSENDEN. Seventeen million in the whole, and $14,000,000 from cotton; so I think it did somewhat more than pay the expenses of collection, as my friend from Ohio suggests.

Mr. SHERMAN. I spoke of the cent tax.

Mr. FESSENDEN. The cent tax would do something more than that, although it would be a very large reduction. Now, sir, I do not object to reducing the tax from three cents to two cents, although I do not think any harm would come from letting it stand at three cents, as it is; but I should be altogether unwilling to go below two cents. That is a question that has been somewhat debated, and upon which the committee were somewhat divided; but I really hope this tax will not be taken off. It is all we get, or shall be likely to get for some time, in those States. Where the tax falls I am not able to say. I suppose it falls partly upon the producer, but mostly upon the consumer of cotton.

Sir, I fear nothing from the competition of which the Senator from Ohio speaks. The production of cotton in other parts of the world has been falling off since the spasmodic effort that was made to bring it up when it seemed as if we would get no cotton from the southern States. It has fallen off very much, and will be likely to fall off more, because there is no cotton production anywhere that will stand the chance of coming in serious competition with that which is raised in this country.

It will be very difficult to put on this tax again after it is once taken off, and I am unwilling to lose this source of revenue. I think we ought to collect some portion of the hundreds of millions which we collect from the people of this country, from the southern States; and I see no other point at which we can aim than that which is now fixed. A reduction to two cents would leave the burden a very light one comparatively; and taking it off altogether would produce an effect upon the revenue at the present time which I am not willing to experiment upon, it would be an experiment that I am not willing to try. I hope the tax will not be reduced below two cents. I hope the Senator from Kansas will not urge his amendment.

Mr. POMEROY. I would not urge any amendment unreasonably, but I think myself that two cents is a very large tax to be paid on cotton almost as a raw material, especially when the price comes to be reduced to fifteen or perhaps fourteen cents per pound. Then it will amount to one seventh or one eighth of the whole price of the article. We do not tax any product with as little labor expended on it as there is on cotton anything like that amount.

The Senator from Ohio objects to a tax of one cent per pound because he says it cannot be collected without great difficulty. There will not be half as much temptation to evade the payment of the tax if it is only one cent as there is when it is three cents. In the next place, when cotton is baled, it is as easy to get four dollars off a bale certainly as it would be to get twelve dollars. As the law now is, you take twelve dollars off it. If the amendment I have moved prevails and becomes a law, you get four dollars. Of course it is only one third as much; but there will be less temptation to evade it, and it is just as easy to collect. It will only be one third as much; but still it will amount to something; and if the crop increases, and if this amendment should stimulate its production, it might come up even to the amount of revenue the Senator from Maine desires. I want revenue of course as much as any one; but let us stimulate production. Let us come up to the old production of former years, and then with one cent per pound we shall get as large a revenue as we now get from a tax of three cents.

Mr. FESSENDEN. I apprehend that will not make much difference; and I have no belief whatever in the idea that you are going to prevent evasion by reducing the tax. Dishonest men will evade the tax whether it is large or small, and it will not make much difference to them. One singular fact has been told me by the Commissioner of Internal Revenue with regard to the whisky tax; and that is that so far as they have been able to trace up the frauds, (and they are very much more successful now in ascertaining frauds than they were before,) they find that they run back to the time when the tax was sixty cents, and there were just as many in proportion then as there are now when the tax is two dollars. We did not lose so much because the tax was not so high; but they can trace the frauds back to the time when the tax was sixty cents a gallon instead of two dollars. It will be the same with cotton at a tax of one cent as well as at two or three cents.

Mr. HENDRICKS. I take some interest in this question, and I did at the last session, because I feel that it is the interest of the State which I represent to encourage the productions of the southern States; because when they become again more prosperous, they will furnish a market to our part of the country for much of its production.

I understand the argument so forcibly put by the Senator from Maine to be something like this: during the last year we have received from cotton $14,000,000 of revenue. Now, he says, "Why make this hole in the revenue?" Suppose that at the last session, or the session before, there had been a tax of ten cents on every bushel of wheat raised in the country; perhaps that would have brought into the coffers of the Government $14,000,000; would it be said now that it must not be reduced because you will make a hole in the revenue? That argument of the Senator applies to everything and anything that will yield a revenue. But I think there overrides that argument the consideration of good policy in developing a great interest. The Senator from Maine knows that cotton growing has never been so depressed as it is at this time. They have been peculiarly unfortunate; unfortunate in the grain that they have sowed; unfortunate in the breaking of the banks of the levees upon the rivers; unfortunate in their poverty, being unable to restore their farms to their former conditions.

It is not a question of punishing the South; it is a question of restoring prosperity to every section, for when the South or the West or the East is prosperous, I think every other section shares in that prosperity. I think you might just as well tax the bushel of wheat when measured as to tax the pound of cotton when weighed. I think you might just as well tax the hogs that are raised in Indiana as the cotton that is raised on a plantation in Louisiana. I cannot see the difference. It is a tax upon a raw material as produced by agricultural labor. It is not the policy of the country to tax that class of articles. You can realize revenue from all of them. You can realize large revenue by taxing the stock raised in the western States; but yet we do not think it is good policy. We want to encourage agriculture. Every reason that will exclude our productions in Indiana from taxation will apply, with perhaps increased force, to this most depressed interest. Therefore I shall vote for the amendment proposed by the Senator from Kansas, as perhaps the best we can get. I think cotton ought not to be taxed at all.

Mr. DAVIS. Mr. President, I suppose there are no people of their numbers on the earth who are in so deplorable a condition as the free negroes of the South now. I am going to make a suggestion that is true: it may startle and shock the Senate; but it is true. The best thing possible for human wisdom, in my humble opinion, to do at this time for the benefit of the free negroes, and of the country too, would be to put them back into the very condition in which they were six years ago. Of course that will never be done, and will never be attempted; and I should be opposed to it myself if it could be done. If I could do it myself I would not do it. But still I am satisfied it is the very best possible thing that could be done, both for the negro and the white man.

Mr. POMEROY. I should like to inquire of the Senator from Kentucky why he would not do what he thinks best to be done for both white and black?

Mr. DAVIS. I will tell you why. Because the Senator from Kansas could never be convinced on earth that that was the best thing that could be done, and I do not suppose there are many other people who could be.

Mr. POMEROY. Does the Senator then shape his actions to suit what he regards as the prejudices of other people?

Mr. DAVIS. I am going to give my reason in these words: the country would not accept it; the world would not accept it; it would convulse all civilized society; and of course it ought to be rejected. But, Mr. President, I was going to remark that the next best thing that can be done for the negro is to give him employment, to give him a motive to work, to work regularly, diligently, systematically; and whenever the negro can be obtained to work in that manner he will not only support himself, but will support himself comfortably, and he will ameliorate his condition. One thing is perfectly certain: that so far as cotton is to be made in the United States at all it is to be made by negro labor. You cannot get white labor to go voluntarily into the production of cotton to any considerable extent. It may be regarded, then, as a truth that the only labor that can be profitably applied to the production of that article is negro labor.

The present tax upon cotton and the depressed condition of the owners of the cotton lands make it utterly impossible for those owners by all their best, most persevering, and economical efforts to produce cotton and to be remunerated by the profits which they make out of the article. If the owner of the cotton land cannot be remunerated by the growth of cotton he will be discouraged from attempting it; he will gradually discontinue his effort to grow it; and consequently the negro must remain unemployed; and being unemployed he is a pauper, a vagabond, a criminal, and a charge upon the public Treasury.

I agree with the honorable Senator from Missouri most emphatically that it would be a wiser policy now to give a premium to the cotton-grower upon the article rather than to impose upon him the burden of a tax. It would redound largely to the advantage of the country generally, and particularly and especially it would redound to the benefit of the negro laborer. It would induce the owners of the cotton lands generally to attempt their cultivation, and of course it would employ the negro, who is the only laborer to cultivate them.

This tax is not only impolitic, but it is unjust; and as the honorable Senator demonstrated, I think conclusively, when the tax was imposed, we are not authorized by the Constitution to impose such a tax upon the growth of the soil in this country; but that question was decided. It seems to me to be one of the plainest propositions in the world that any system of policy that would bring back the production of cotton to anything like what it was in 1860, when there were five million bags——

Mr. HENDERSON and Mr. JOHNSON. Bales.

Mr. DAVIS. No; the planters call them bags. It is the same thing; a bag contains four hundred or four hundred and fifty pounds; but I will adopt the language of Senators. There were five million bales produced. I remember when cotton was sold for six cents a pound, and when a planter if he could get eight or ten cents was entirely satisfied, and thought he was getting a price for it not only remunerative, but one that would enrich him. Of course to reduce it to the lowest prices you must come back to a specie circulation; and in addition to that, you must have a production of cotton equal to what it was some ten or fifteen years ago. The larger the production of cotton the better for the country generally, for the negro particularly, and for every moneyed interest of the whole country; because the large production of cotton employs and stimulates industry in more forms than the production of any single article whatever that grows in the country or is made in the country.

I think, sir, that the tax upon cotton ought to be removed; that an appropriation for the purpose of reconstructing the levees, and reclaiming from the floods some of the finest cotton lands of America, ought to have been made at the last session. It would have brought back to the growth of cotton a very large quantity of land that has not been flooded in that way at all during the past year; and at this time every encouragement that can be given by the legislation of Congress to the production ought to be given.

Mr. FESSENDEN. Let us have a vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the Senator from Massachusetts.

Mr. POMEROY. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I beg to state that I voted before under a misapprehension. After the statement of the chairman of the Committee on Finance I think two cents a pound is a fair duty on cotton. I vote "nay." I will vote to reduce the tax to two cents, but not lower.

The result was announced—yeas 21, nays 18; as follows:

YEAS—Messrs. Davis, Dixon, Doolittle, Fogg, Fowler, Henderson, Hendricks, Johnson, Lane, Nesmith, Patterson, Pomeroy, Riddle, Ross, Sprague, Stewart, Van Winkle, Willey, Williams, Wilson, and Yates—21.

NAYS—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Creswell, Edmunds, Fessenden, Frelinghuysen, Harris, Howard, Kirkwood, Morgan, Nye, Poland, Sumner, Trumbull, and Wade—18.

ABSENT—Messrs. Brown, Buckalew, Cowan, Foster, Grimes, Guthrie, Howe, McDougall, Morrill, Norton, Ramsey, Saulsbury, and Sherman—13.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment as amended; and on that question the yeas and nays have been ordered.

Mr. HOWARD. I ask that it be read as it now stands.

The Secretary read the amendment, as amended, as follows:

Provided, That on and after the 1st day of September, 1867, a tax of one cent per pound only shall be levied, collected, and paid on any cotton produced within the United States.

The question being taken by yeas and nays, resulted—yeas 24, nays 18; as follows:

YEAS—Messrs. Cowan, Davis, Dixon, Doolittle, Fogg, Foster, Fowler, Henderson, Hendricks, Johnson, Nesmith, Patterson, Pomeroy, Riddle, Ross, Saulsbury, Sherman, Sprague, Stewart, Van Winkle, Willey, Williams, Wilson, and Yates—24.

NAYS—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Creswell, Edmunds, Fessenden, Frelinghuysen, Grimes, Harris, Howard, Kirkwood, Morgan, Nye, Sumner, Trumbull, and Wade—18.

ABSENT—Messrs. Brown, Buckalew, Guthrie, Howe, Lane, McDougall, Morrill, Norton, Poland, and Ramsey—10.

So the amendment, as amended, was agreed to.

Mr. DIXON. I move to amend the bill on page 19, line one hundred and twenty-nine of section eleven, by inserting at the beginning of the line the words "sewing-machines," so as to put them on the free list.

The question being put on the amendment, there were, on a division—ayes 9, noes 17; no quorum voting.

Mr. SHERMAN. If the Chair will put the question again, and we have another division, it will show the presence of a quorum. There were some Senators who did not vote.

Mr. PATTERSON. I ask for the yeas and nays on this proposition.

The yeas and nays were ordered.

Mr. NYE. I hope this amendment will prevail. The article sought to be exempted here is an article perhaps in as common use as any manufactured article in our country, and it is in use by that class of people who are ill prepared to pay an additional price for the purpose of raising a revenue for the country. It is mostly used by poor and industrious females, a class quite numerous in our large towns. It is found, sir, in the garret. It is found in the abode of the lowly. Its tick is heard by the dim lamp of midnight and by the early light of the morning. It is an article which in its use perhaps furnishes as much revenue to the country as any article used. Almost every article that is manufactured by these sewing-machines pays a duty to the Government, from the shirt to the shoe. The sum derived upon the machine itself is very diminutive compared with the revenues derived from the articles manufactured from it.

An impression prevails that the manufacturers of sewing-machines make large and heavy profits. I think upon investigation it will be found that the opposite is true. It is not the manufacturers that have amassed fortunes, but the inventors. Perhaps no amount of capital invested in one occupation to the same extent has been so unproductive to those who invested it as the capital invested in the manufacture of sewing-machines. They have been kept down during the entire war at the prices established before the gold prices; and if this amendment does not prevail the result must be that there must be an advance in the price of the article itself. In view of the persons who mostly use these machines, it seems to me it is taxing really the hard earnings of a class of people who are ill able to pay. The mere tax upon the machine is a trifle; but the revenue derived from the articles manufactured by it amounts in the aggregate to millions. I hope that the Senate will vote for this amendment. I shall do it most cordially, as an act of justice to that large and unfortunate class who are so much compelled to use them.

Mr. FESSENDEN. The honorable Senator's argument is that we get a large revenue from the clothing, boots and shoes, &c., manufactured by the sewing-machines. I suppose a sufficient answer to that is that clothing and boots and shoes are put in the free list by this bill, and therefore we shall get nothing from them if we adhere to the proposition to put them in the free list. Now, sir, I am informed that the stock of the Wheeler & Wilson Company, who are among the great manufacturers of sewing-machines, sells for about eight hundred per cent. at this time. I have not heard any petitions from these poor people the Senator speaks of. The agent who has been here is the agent of the manufacturers, who has been insisting upon what they should have to do. I can only say that this proposition was carefully considered in the Committee of Ways and Means and rejected, moved in the House and rejected, considered in the Finance Committee and rejected, in view of all the facts laid before us; and if it is now to be put in by the Senate on the ground of which we hear so much, that poor people use them, it will be a singular proceeding. Poor people use everything that is taxed as well as this article; and when Senators are taking the taxes off cotton and everything else and reducing the revenue, I should like to have them devise and suggest other places where we can get the revenue we want. It is very easy to move to insert articles in the free list; but it is another thing to

direct us where we shall go to make up the deficiency.

Mr. NYE. I voted with the Senator from Maine to retain the tax upon cotton. I was not aware that boots and shoes and all manufactured clothing were in the free list, but it seems to me if that be so it is no answer to the position that I assume. If the tax is taken from those articles, I think, with great deference to the opinion of the Committee on Finance, which the Senator seems to assume should be controlling here, they have begun at the wrong end to reform. Greater profits by far are made upon the manufactured article that is manufactured upon these machines than upon the machines themselves. But, sir, if it be true that the tax is removed from the manufactured articles, then I insist that it should be removed from the article that manufactures them. It is the labor which produces, and from which a little profit in its use is made as any other machine known I think to our industries. I do not know how Wheeler & Wilson may stand, but it is a thing patent, if the public papers are to be credited, that there have been extensive failures of manufacturers of machines of this kind, and there is a very good reason for it now. Heretofore there has been a large export of this article abroad. Now it is pretty much stopped by the making of like machines in other countries. I cannot see why these machines alone should be singled out to pay this tax, when I again assert that it is a known fact that the most of the persons who purchase them are poor females. Senators upon this floor have time and again been asked for donations to buy some unfortunate young lady here a machine to support herself. This tax falls upon a class of people ill able to pay it, and that is the reason why I have interposed in behalf of this amendment.

Mr. DIXON. I believe it is true that some of the larger establishments for the manufacture of sewing-machines have been heretofore profitable, and I do not know but that they now are; but I will state that a great many manufactories are now springing up over the country for the manufacture of an article of sewing-machine at a low price comparatively, which is very much used by the class of persons to whom the Senator from Nevada has alluded. Now we propose to place a tax upon them all. That tax, of course, must raise the price, and must come very hard upon that class of people whose great ambition is to own a sewing-machine. They consider it a fortune to them. If they can only obtain a sewing-machine which shall assist them in their hard work, that work being of a peculiarly hard character, especially in the manner in which it is performed, by night, as the Senator from Nevada has said, and early in the morning, it is to them a fortune. It is the sole means in many cases of their living, and now you add to the price in a manner which to them is burdensome.

Now, sir, with regard to the amount of revenue which the Government receives from it, the Senator from Nevada has alluded to the fact that the articles manufactured pay a large amount, while the sewing-machine pays comparatively a small amount. I will state to the Senate what the amount of tax received by the Government is. During the year 1866 the whole amount of revenue raised by taxing sewing-machines was a little over $150,000.

Mr. FESSENDEN. Where does the Senator get his statement?

Mr. DIXON. I am so informed. I have the paper before me.

Mr. FESSENDEN. By whom?

Mr. DIXON. By a reliable gentleman, and I have no doubt it is true.

Mr. FESSENDEN. I can only say that I inquired of the Commissioner as to the amount, and he said it was impossible to tell; that it was so mixed up with other things it could not be ascertained with certainty.

Mr. DIXON. This intelligent gentleman informs me that it is somewhere about one hundred and fifty or one hundred and seventy-five thousand dollars; whereas the amount of revenue received from clothing, boots, and shoes, and other manufactures made by the sewing-machine, of which that is the foundation, amounts to nearly one tenth of the entire revenue—six or eight million dollars. Now, it does seem to me it would be far better for us, as a mere revenue matter, to increase to the utmost extent the use of the sewing-machine, if we had only reference to the amount of tax which we should receive from the articles made by it. I think, therefore, the policy of the country requires that the article should be in the free list.

The question being taken by yeas and nays, resulted—yeas 17, nays 22; as follows:

YEAS—Messrs. Anthony, Davis, Dixon, Foster, Harris, Howard, McDougall, Nesmith, Nye, Patterson, Pomeroy, Riddle, Ross, Sprague, Sumner, Wilson, and Yates—17.

NAYS—Messrs. Cattell, Conness, Cowan, Cragin, Creswell, Edmunds, Fessenden, Frelinghuysen, Grimes, Henderson, Hendricks, Johnson, Kirkwood, Lane, Morgan, Norton, Ramsey, Sherman, Van Winkle, Wade, Willey, and Williams—22.

ABSENT—Messrs. Brown, Buckalew, Chandler, Doolittle, Fogg, Fowler, Guthrie, Howe, Morrill, Poland, Saulsbury, Stewart, and Trumbull—13.

So the amendment was rejected.

Mr. SHERMAN. I am directed by the Committee on Finance to offer the following additional section:

And be it further enacted, That the tonnage duty now imposed by law on all ships, vessels, or steamers engaged in foreign commerce shall be levied but once within one year; and when paid by such ship, vessel, or steamer no further tonnage tax shall be collected within one year from the date of such payment.

Mr. JOHNSON, (to Mr. SHERMAN.) Explain it.

Mr. SHERMAN. The Senator from Maryland wishes me to explain the amendment. I thought it would explain itself. By the present law there is a tonnage duty of about thirty cents on every vessel engaged in foreign commerce; but by various enactments that I have here a large portion, the great body, of our foreign commerce is relieved from it, and the tax paid annually. All the coasting trade, all the trade with Mexico, the trade of California, the Panama trade, the West India trade are relieved, and they pay the annual tonnage duty. The result is that the new lines of steamers being formed between this country and Europe are compelled to pay tonnage duty every round trip under the general law. This relieves them from that. It makes them pay a single tonnage duty once a year, and allows them to run for one year after the date of payment. I think it is just.

Mr. JOHNSON. I am satisfied.

The amendment was agreed to.

Mr. CONNESS. I move to amend the bill on page 14 by inserting after line seventeen of section ten the following:

Amend section forty-eight of the act relating to internal revenue, approved July 13, 1866, so as to insert in the proviso the word "thirds" after the word "halves" and before the word "quarters; and also amend it by striking out the words "more than one quarter, and not more than one half, shall be accounted one half," and insert "more than one quarter, and not more than one third, shall be accounted one third, and more than one third, and less than one half, shall be accounted one half."

I will state, in regard to this amendment, that I have consulted the Commissioner of Internal Revenue, and it is to supply a deficiency in the present law. There was a change made in the law of 1864, which resulted in a very unequal taxation. If, however, the chairman of the committee is satisfied I will not occupy time in explaining it.

Mr. FESSENDEN. I understand the Commissioner has no objection to it.

Mr. CONNESS. None at all. It is entirely necessary. For the sake of explanation I will read a part of the petition that I hold in my hand——

Several SENATORS. Oh, no; we will agree to it.

Mr. CONNESS. Very well.

The amendment was agreed to.

Mr. CATTELL. I wish to offer an amendment, which is merely verbal, and has the approval of the committee, to correct a clerical error in drawing the bill. It is on page 11, line one hundred and forty-one, after the word "glass" to insert "other than window glass;" so that the clause will read:

On manufactures exclusively of glass, other than window glass, three per cent. *ad valorem*.

Mr. FESSENDEN. That is right.

The amendment was agreed to.

Mr. WILSON. I move to amend the bill on page 18 by inserting after line ninety-three of section eleven the words "files and rasps," so as to place them on the free list.

Mr. FESSENDEN. I hope that will not be adopted. There is no reason why they should be exempted; it is a prosperous business.

Mr. SPRAGUE. I hope this amendment will be made. Files and rasps are supplies that enter into the construction of your machinery and as such should be exempt from tax. There have been great interests established in this country; but in consequence of the introduction of foreign commodities they have been forced to suspend their business operations and their machinery is idle. If they can be relieved of this tax in a very short time they will perfect this product so that it will be brought into consumption at one half the price it has heretofore cost to those who use it. I hope the amendment of the Senator from Massachusetts will prevail.

Mr. FESSENDEN. The same argument will apply to everything else that we tax.

Mr. SPRAGUE. This is a new industry in this country, and it requires to be relieved of this burden.

The amendment was rejected.

Mr. DAVIS. On page 29, line four of section thirteen, after the word "gallon" I move to insert these words:

Until the 1st day of October, 1867; and $1 50 for each and every gallon until the 1st day of April, 1868; and after that date, for each and every gallon, one dollar.

I will state that the effect of this amendment is simply to reduce prospectively the tax upon whisky. It provides that it shall remain at two dollars per gallon until the 1st day of October next, and from that time to the 1st day of April, 1868, at $1 50; and after the 1st day of April, 1868, that it shall be reduced to one dollar.

The PRESIDENT *pro tempore* put the question, and declared that the noes seemed to have it.

Mr. DAVIS. I wish to have the yeas and nays on that proposition, but I will wait until we get into the Senate, if it is agreeable to the chairman of the committee. I would as soon take them there.

The PRESIDENT *pro tempore*. The amendment is not agreed to.

Mr. DAVIS. I offer another amendment: on page 69, after the fifty-first section of the bill, which has been stricken out, to insert the following additional section:

And be it further enacted, That in any indictment, suit, or other proceeding in the name of the United States against any person or persons who by law shall be subject to any fine, forfeiture, penalty, or disability whatever for non-compliance or violation thereof, no person shall be subject to such fine, penalty, forfeiture, or disability, that was not incurred with intention to commit fraud or willful negligence.

That is the amendment upon which I made some remarks last night. The whole effect of it is to withdraw the power of remitting or reducing fines from the Treasury Department, and to make it a question upon the trial of cases when persons are sued or indicted for violations of the revenue laws. Now, sir, I will read the first section of the act of 1797, which will enable the Senate, or such members of it as pay any attention to the subject, the better to comprehend its provisions:

"That whenever any person or persons who shall have incurred any fine, penalty, forfeiture, or disability, or shall have been interested in any vessel, goods, wares, or merchandise, which shall have been subject to any seizure, forfeiture, or disability by force of any present or future law of the United States for the laying, levying, or collecting any duties or taxes, or by force of any present or future act concerning the registering and recording of ships or vessels, or any act concerning the enrolling and licensing ships or vessels employed in the coasting trade or fisheries, and for regulating the same, shall prefer his petition

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to the judge of the district in which such fine, penalty, forfeiture, or disability shall have accrued, truly and particularly setting forth the circumstances of his case; and shall pray that the same may be mitigated or remitted, the said judge shall inquire, in a summary manner, into the circumstances of the case; first causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability or any part thereof, if in his opinion the same shall have been incurred without willful negligence or any intention of fraud in the person or persons incurring the same; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued upon such terms or conditions as he may deem reasonable and just."

The object of the amendment is not to interfere with the tax that may be imposed by any of the laws referred to in this section of the act of 1797; but the act of 1797 refers to suits in debt and to indictments of persons for violations of the law, and provides that where the party who has incurred such fines and penalties presents his petition, stating the facts and circumstances of the case to the district court, the district court shall certify to the Secretary of the Treasury the facts of the case; and if the Secretary of the Treasury is satisfied that there has been no intent to commit fraud and no willful neglect, he may mitigate or remit the fine according to his discretion. This amendment proposes that that duty, instead of being devolved in this tedious, circumlocutory manner upon the Secretary of the Treasury, shall be performed at once by the court and jury. In other words, if the facts of the case satisfy the court and the jury that the party has not been guilty of an intent to commit fraud or of gross neglect, there shall be imposed no fine, forfeiture, or disability in the case.

Last evening I presented to the Senate a statement of some cases that had occurred under the internal revenue law in relation to distilling, where four distillers were sued and indicted in indictments and actions of debt that contained counts to the amount of forty-nine; and each count charged the party with a violation of the law four times in each month; and each violation subjected the party to a fine of $500. In other words, the charges against these distillers were forty-nine counts, and each count contained in the aggregate a charge of fines against the party that would have amounted to $2,000 per month; making a charge against them of fines that in the aggregate amounted to upward of $90,000. All these fines were not imposed. The district attorney had the conscience to discontinue some of the counts. But there were fines imposed upon those distillers to the amount of $15,000. Under the law one half of each fine was indorsed upon the record to the use of the informer, who was the assessor, and who had lain in wait for these uninformed and unsophisticated men for two or three years, knowing that they were in innocent violation of the law; his object being that they should accumulate fines until his cupidity was satisfied. When they had run up to that point, he had them sued to the enormous amount which I have stated; he had them fined and judgments against them to the amount of $15,000; he had one half of those judgments indorsed to his use as informer upon the record, and moved the court to commit them to prison until the fines were paid; and compelled them then and there to account to him for his half. Such oppression and iniquity under the color of law I have never known enacted in any other case except in relation to these distillers.

One of these distillers distilled only his own grain, and he made about ninety barrels of whisky. The tax imposed upon him would have sunk the whole value of his whisky at that time two or three times over, for it was when the tax was twenty cents per gallon on whisky, and the price was proportionately low. These men were unacquainted with the law. They had caused all the liquor which they distilled to be gauged and measured; they had paid the tax according to the law upon it. They had receipts for the full amount of all the whisky they had made, full acquittances from the officers of the Government for every dollar of tax which had been assessed upon them or which the whisky which they made was subject to be taxed with. The assessor knew these facts. He knew that these men were in violation of the law innocently and from ignorance. He concealed from them that fact, and permitted them to continue their violations of the law for the purpose of extorting from them money for his own enrichment. I have heard that in about a year he made $100,000 from that mode of extortion.

After these distillers had paid on every gallon of whisky they had made the amount of tax that was levied by law upon it, this officer had them indicted in the oppressive manner in which I have stated, had fines to the amount of about fifteen thousand dollars imposed upon them; he himself being the informer, whose duty it was to inform them of their violations of the law and to admonish them to the observance of the law. Instead of that, he called these men before him in his office, having the power to do so under the law, swore them, made them disclose the mode in which they were operating, and in that way to reveal their innocent violations of law; and with this knowledge in affidavits in his office he still continued to permit them thus to violate the law until they had violated it to his full satisfaction. Then, notwithstanding they had paid all the tax which they owed upon the liquor, he sued them simply for not having made a return of the amount of grain which they daily mashed, according to one of the regulations of the law. For that informal and innocent violation of it they were impoverished—one of them at least—to the extent which I have named.

Now, what does the law of 1797 provide? That where these violations of the law were without an intent to commit fraud and without willful neglect, upon those facts being certified by the district court to the Treasury Department the Secretary of the Treasury may, at his discretion, remit or mitigate the fines. I said last night that petitions had been prepared by these distillers, that they had them presented to the district court of Kentucky, and the court had certified according to the act of 1797. The petitions are in the Treasury Department. I went to the Treasury Department a few days ago and inquired the situation of this business. They had done nothing at all in it, and told me that they would write to the assessor and collector to know whether the remission should be made or not. Sir, could there be a more absurd, a more unjust, a more iniquitous mockery than to refer to officers, who have thus lain in wait to entrap innocent and ignorant men, and to mulct them with fines and judgments for their own enrichment to the amount of thousands and tens of thousands of dollars, when the Government has not lost a cent, the question whether there shall be a remission or mitigation of the fines?

The only change I ask is that this question of the remission or mitigation of the fines instead of being referred in that way to the Treasury Department, shall be decided when the trials take place by the court and jury that try them. It can result in no loss to the Government. It would have resulted in no loss to the Government if the law had been at the time of these trials as I now desire it should be; because the judge would have immediately instructed the jury that if they believed from the evidence those parties had no intent to defraud the Government, and were guilty of no willful neglect, they should so find, and the consequence would have been that there would have been no judgments or fines imposed for these innocent violations of the law.

I trust, sir, that the Senate will adopt this modification, and that they will withdraw this important duty from the Treasury Department, and put it upon the courts that consider the cases.

Mr. FESSENDEN. All I have to say with regard to this awful hard case is, that it is now under the consideration of the Secretary, who has the power to relieve from this suffering, if on the whole, on examination, he thinks it best to do so. The effect of the amendment as offered is simply to change the whole burden of proof. If you put it in the terms and manner that is stated in the amendment of the honorable Senator, it will be incumbent upon the Government in every prosecution not only to prove the fact of a breach of the law, but to prove that the man did it with an intent to defraud, instead of putting the burden of proof on him. The Senate will judge how many convictions we should be likely to get under that.

Mr. DAVIS. I am sorry I did not hear a word the honorable Senator said.

Mr. JOHNSON. He says it puts the burden of proof on the Government.

Mr. DAVIS. No, sir; I beg the honorable Senator's pardon. It does not put, nor was it intended to put, the proof upon the Government. The presumption of fraudulent intent would arise from the violation of the law; and the amendment provides that it must appear from the case that there was neither an intent to commit fraud nor willful neglect in the violation of the law.

Mr. JOHNSON. You do not put it upon the defendant?

Mr. DAVIS. Not in terms; but that is the effect of it. That is a matter of defense; of course it must be sustained by the defense. I should be willing though, and I will so modify the amendment, that the proof of the absence of fraudulent intent or willful negligence shall be put upon the defendant.

Mr. JOHNSON. You had better do that.

Mr. FESSENDEN. The universal system has been in all our revenue laws to leave these matters to be relieved by the proper authorities, if they are satisfied, on the whole, that the relief ought to be given; and I hope that the system which has always been in operation will not be changed now. It is difficult enough to procure a conviction for a breach of the revenue law, and this will make it more so. I hope the Senate will not interfere with a system so well established.

Mr. DAVIS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 8, nays 26; as follows:

YEAS—Messrs. Davis, Hendricks, Nesmith, Norton, Patterson, Riddle, Saulsbury, and Willey—8.

NAYS—Messrs. Anthony, Cattell, Chandler, Dixon, Edmunds, Fessenden, Fogg, Foster, Frelinghuysen, Grimes, Harris, Howard, Morgan, Morrill, Nye, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Van Winkle, Williams, Wilson, and Yates—26.

ABSENT—Messrs. Brown, Buckalew, Conness, Cowan, Cragin, Creswell, Doolittle, Fowler, Guthrie, Henderson, Howe, Johnson, Kirkwood, Lane, McDougall, Poland, Trumbull, and Wade—18.

So the amendment was rejected.

Mr. HOWARD. I wish to offer an amendment, to come in at the end of the thirty-third section, as amended by the committee, at the end of the bill. The object of it is to save all present causes of prosecution and other causes from being lost by the possible operation of the present bill. It is a general saving clause:

Provided, That this act shall not be construed to affect any act done, right accrued, or penalty incurred, under former acts; but every such right is hereby saved. And all suits and prosecutions for acts already done in violation of any former act or acts of Congress relating to the subjects embraced in this act, may be commenced or proceeded with in like manner as if this act had not been passed. And all penal clauses and provisions in existing laws relating to the subjects embraced in this act shall be deemed applicable thereto.

The amendment was agreed to.

Mr. FESSENDEN. I have some amendments that I desire to offer after line seventeen, section ten, page 14; and before the amendment which has been adopted I move to insert:

That section nineteen is hereby amended by adding the following thereto: "And no suit in equity or otherwise for the purpose of restraining the assessment or collection of tax shall be maintained in any court."

The amendment was agreed to.

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Mr. FESSENDEN. On page 10, line ninety-seven of section nine, I move to strike out the words "not including sirup or molasses."

The amendment was agreed to.

Mr. FESSENDEN. On the same page, line one hundred and four of section eleven, after the word "process" I move to insert "extract sugar from or."

The amendment was agreed to.

Mr. FESSENDEN. I offer the following amendment, to come in as a new section at the end of the bill:

And be it further enacted, That coal oil which has been returned to a bonded warehouse after having been withdrawn for the purpose of being redistilled or refined, according to law, may be withdrawn from said warehouse for consumption upon payment of the tax upon the quantity so removed for consumption.

The amendment was agreed to.

Mr. CONNESS. I should like to ask the chairman of the Committee on Finance what the effect of the first of those amendments is, excluding or not including the words "sirup or molasses?"

Mr. FESSENDEN. If you reduce the one you ought to reduce the other.

Mr. CONNESS. I have not had time to examine it.

Mr. FESSENDEN. The tax being put down to one and a half per cent. *ad valorem*, it seemed hardly worth while to distinguish between them.

Mr. CONNESS. That is right. I understand it now.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments which have been made as in Committee of the Whole, and the Chair will take the question upon the amendments collectively, saving those amendments which may be excepted by Senators.

Mr. HOWARD. I wish a separate vote upon the amendment made on page 16 of the bill, by which lines fifty-nine and sixty were stricken out.

The PRESIDENT *pro tempore*. That amendment will be excepted.

Mr. POMEROY. I wish to have a separate vote on the amendment on page 18, line ninety, by which certain agricultural implements are stricken from the free list.

The PRESIDENT *pro tempore*. That amendment will be excepted.

Mr. NYE. I wish to have a separate vote upon the amendment adopted last night on page 9, lines eighty-eight, eighty-nine, and ninety. I wish to reinstate what was reported by the House.

Mr. FESSENDEN. We fixed that over in the other sections.

Mr. NYE. How does it stand?

Mr. FESSENDEN. It is not necessary.

Mr. NYE. I want to reinstate it after April 30, 1867.

The PRESIDENT *pro tempore*. That amendment will be excepted.

Mr. CATTELL. I wish to except the amendment on page 16, line fifty-three, by which the word "iron" has been stricken out.

The PRESIDENT *pro tempore*. That amendment will be excepted.

Mr. FRELINGHUYSEN. I wish to except the amendment on pages 16 and 17 striking out lines sixty-three, sixty-four, and sixty-five, and also the amendment on page 12, lines one hundred and fifty-nine, one hundred and sixty, and one hundred and sixty-one.

The PRESIDENT *pro tempore*. Those amendments will be excepted.

Mr. FESSENDEN. I should like to reserve the amendments reducing the duty on cotton and placing boots, shoes, bar-iron, &c., on the free list. If we take the tax off the cotton we must put it on the others.

The PRESIDENT *pro tempore*. Those amendments will be excepted.

Mr. NYE. I should like a separate vote on the proposition to place sewing-machines on the free list.

The PRESIDENT *pro tempore*. That amendment not having been adopted it cannot be excepted. The Senator can renew it in the Senate if he chooses to do so.

Mr. NYE. I give notice then that I shall renew it.

Mr. HOWARD. I desire at the proper time to move to strike out the thirty-second section. I suppose it will be necessary, therefore, to have that excepted.

The PRESIDENT *pro tempore*. That amendment will be excepted.

Mr. CRESWELL. I desire to except the amendment on page 16 striking out "sheet lead, lead pipe, and shot."

The PRESIDENT *pro tempore*. That will be excepted. If no other amendments be indicated, the question is on concurring in the amendments made as in Committee of the Whole with the exceptions specially named.

The amendments not excepted were concurred in.

The Secretary read the first excepted amendment, which was to strike out lines fifty-nine and sixty of section eleven in these words:

Horse-rakes, horse-powers, tedders, hames, scythesnaths, hay-forks, hoes, and portable grinding-mills.

Mr. HOWARD. I do not wish to occupy the time of the Senate on this matter. I think the House acted wisely by putting these articles in the free list; and I hope the Senate will concur in the action of the House, and refuse to strike them out, as recommended by the committee.

Mr. FESSENDEN. Horse-rakes are already on the free list; this puts them in twice.

Mr. HOWARD. Where?

Mr. FESSENDEN. In the old bill.

Mr. HOWARD. Then to put them here will do no harm; it will only make it stronger. I ask for the yeas and nays in concurring in the amendment.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. These words were stricken out in Committee of the Whole, and the question is in concurring in the amendment which was made in Committee of the Whole.

Mr. JOHNSON. Were they in the free list?

Mr. TRUMBULL. They were in the free list, and the committee reported to strike them out of the free list. I confess I do not know exactly how the question is being put.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendment made as in Committee of the Whole. These articles were placed in the free list by the bill as it came from the other House, and by vote of the Senate acting as in Committee of the Whole they were stricken out.

Mr. TRUMBULL. Then those who want to keep them in the free list will vote in the negative on this question. ["That is it."]

The question being taken by yeas and nays, resulted—yeas 10, nays 26; as follows:

YEAS—Messrs. Anthony, Cragin, Edmunds, Fessenden, Fogg, Foster, Harris, Morgan, Poland, and Sherman—10.

NAYS—Messrs. Chandler, Conness, Creswell, Davis, Dixon, Doolittle, Grimes, Hendricks, Howard, Johnson, Kirkwood, Nesmith, Nye, Patterson, Pomeroy, Ramsey, Riddle, Ross, Saulsbury, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Willey, and Yates—26.

ABSENT—Messrs. Brown, Buckalew, Cattell, Cowan, Fowler, Frelinghuysen, Guthrie, Henderson, Howe, Lane, McDougall, Morrill, Norton, Wade, Williams, and Wilson—16.

So the amendment was non-concurred in.

Mr. ANTHONY. I desire to submit a motion at this time that at five o'clock to-day the Senate take a recess until half past seven.

The motion was agreed to.

The next excepted amendment was to strike out in line ninety of section eleven the following words: "potato-hooks, pitchforks, manure and spading forks."

Mr. JOHNSON. Were they stricken from the free list?

Mr. POMEROY. They were. It is precisely like the case the Senate have just passed upon.

The amendment was non-concurred in.

The next excepted amendment was to strike out lines eighty-eight, eighty-nine, and ninety of section nine in these words:

By striking out the paragraph commencing "on oil, naphtha, benzine, benzole" down to the words "ten cents per gallon inclusive."

Mr. FESSENDEN. I hope that will remain.

Mr. NYE. We want to reinstate that provision.

Mr. FESSENDEN. We struck out the clause, and the Senator wants to keep it in. I shall object, and state the reason why I do. The matter the Senator refers to is in relation to gas companies. This has nothing to do with that.

Mr. NYE. We want to insert gas companies.

Mr. FESSENDEN. That amendment can be moved after we get through with the reserved amendments.

Mr. NYE. Very well.

Mr. FESSENDEN. There is no opposition to this amendment then.

The amendment was concurred in.

The next excepted amendment was to strike out the word "iron," in line fifty-three of section eleven, and to insert the word "or;" and after the word "cement," in line fifty-four, to strike out "sheet lead, lead pipe, and shot."

Mr. CRESWELL. I am not informed upon what ground the Finance Committee propose to strike out sheet lead, lead pipe, and shot from the free list, and therefore I cannot speak by authority as to the motives that actuated them; but in the House of Representatives, by the action of the House these articles were inserted in the free list, and I think wisely. A system has grown up under the law, as at present established, which virtually defeats everything like fair dealing in the manufacture of these articles. The act of June 30, 1864, provides for levying an internal revenue tax of five per cent. upon these manufactures; and it further provides that unless the increased value of the manufactured article shall be five per cent. there shall be no tax whatever levied. The cost of these manufactures of lead is about ten and a half cents per pound; but the manufacturers in certain quarters of the country, in derogation of every principle of fair dealing, have entered into an arrangement one with the other that they will produce these manufactures for a rate not exceeding half a cent per pound, which brings them below the rate of increase which under the act is chargeable with tax; that is to say, the increased value of the article is less than five per cent., and of course therefore no tax is to be paid.

This has been carried on so extensively that the manufacturers of these articles who are disposed to deal fairly with the Government have been virtually driven out of the market, and I apprehend, although I am not positively informed upon the question, that the amount of tax paid upon these manufactures during the past year has been almost nothing; and therefore, so far as the question of revenue is concerned, these articles might just as well be put upon the free list; but the manufacturers in a statement which I have before me say that it is not so much to their interest that these articles should be placed on the free list as it is to their interest that the tax placed upon them shall be so certain that those in the trade who are disposed to be dishonest may not be able to evade it. They think, therefore, that either these articles should be entirely relieved from the tax imposed by this bill, that is to say, the five per cent., or that there should be placed upon them a specific charge of one fourth or one half of one cent per pound. In view of the fact that these articles really pay no tax as the law now stands, and that the manufacture of them has been very much deranged by the illicit practices that have been resorted to, I think it is unwise to strike them from the free list in which the House placed them by their action the other day.

Mr. FESSENDEN. The whole difficulty which the Senator states has been done away

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with by a provision in this very bill, which he will see, on page 12:

That section ninety-six be amended by inserting after the words "and also all goods, wares, merchandise, and articles," and before the words "made or manufactured from materials" the words "not specially named and taxed, and which are."

By turning to the provision in the law to which this item refers, he will see that these articles are specially named and taxed, so that they come within the provision mentioned, and the difficulty which the Senator has stated is obviated.

Mr. CRESWELL. How will the section read then as applicable to these articles?

Mr. FESSENDEN.

And also all goods, wares, and merchandise, and articles not specially named and taxed, and which are made or manufactured from materials which have been subjected to and upon which internal duties have been actually paid, or materials imported upon which duties have been paid or upon which no duties have been imposed by law, where the increased value of such goods, wares, or merchandise, and articles so made or manufactured, shall not exceed the amount of five per cent. *ad valorem*, shall be, and hereby are, exempt from duty.

By turning to page 66 the Senator will find that sheet lead and lead pipe and shot are specially named in the law, so that the difficulty is obviated.

Mr. CRESWELL. Does the Senator mean to say that these articles are now exempt by law?

Mr. FESSENDEN. I read from the law of 1864, and the clause on page 12 of this bill, to which I have called attention, is an amendment to that law, inserting the words which I have read, and thus relieving the matter from all difficulty.

Mr. CRESWELL. But they are still chargeable with five per cent. tax.

Mr. FESSENDEN. Certainly.

Mr. CRESWELL. That is the very difficulty. The Senator does not reach the point I make. I make this point, that some of the manufacturers by fraudulent practices represent that the increased value of these manufactures is not equal to five per cent.

Mr. FESSENDEN. That is done away with by this provision, because these articles by this amendment do not come within that clause.

Mr. CRESWELL. Then they are all chargeable with the five per cent. whether there be five per cent. increase in value or not.

Mr. FESSENDEN. Certainly.

Mr. CATTELL. I asked for the exception of the amendment striking out the word "iron" in line fifty-three of section eleven, and I hope that amendment, which was adopted in Committee of the Whole, will be disagreed to. The House put upon the free list drain, gas, and water pipe made of wood, iron, or cement. The amendment made as in Committee of the Whole struck out the word "iron." Now, I believe it is quite important that we should be able to furnish these articles, which are almost essential and necessary to the public good, and not by taxing them so heavily as five per cent., to drive the smaller towns and cities of our country to the use of cement and wooden pipes, which are left free, instead of the very much better material of iron pipes.

Further, I would say to the Senate, that having some knowledge of the manufacture of these articles, I think I am justified in the statement that in the last fifteen years every single establishment on the sea-board for the manufacture of gas iron pipes has gone to the wall with the exception of two. It is a hard trade, and cannot afford to pay the excessive tax of five per cent. I hope the Senate will disagree to the amendment and reinstate the word "iron" in this clause.

Before taking my seat, I will state that the Committee of Ways and Means of the other House agreed to insert this word "iron," and a motion was made to strike it out in the House; and after a fair and full discussion the insertion of it was sustained by the House. I believe the other words in the clause, "sheet lead, lead pipe, and shot," were added upon motion in the House; but the word "iron" came from the committee, and on a motion being made in the House to strike it out it was retained.

Mr. FESSENDEN. I think this is rather an unreasonable request. Drain, gas, and water pipe made of iron is very generally used, and used principally by corporations who are perfectly able to pay the tax; more so than individuals usually are. This article yields a very considerable revenue. The committee thought it was well enough to take the tax off the cheaper kinds of pipe which are used by individuals, who perhaps cannot afford to buy the iron pipe and lay it down. Iron certainly has been very much favored, and we do not see why we should take the tax off this manufacture, which is important in the way of revenue, and which is used by those who can well afford to pay, because it is used mostly by corporations.

Last year we took the duty off coal used in the manufacture of iron; we took the duty off pig iron. Now the persons who manufacture these pipes want us to take the tax off the iron pipes themselves. I think they ought to stand on the same level with other manufactures. There is a strong demand and always will be for the manufacture itself, and the manufacturers can charge their prices for it. I see no reason for this special exemption of a flourishing interest. I hope the amendment of the committee will be adopted.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in this amendment made as in Committee of the Whole?

The amendment was concurred in.

The Secretary read the next excepted amendment, which was to strike out lines sixty-three, sixty-four, and sixty-five of section eleven, in these words:

Leather of all descriptions, and goat, deer, calf, kid, sheep, horse, hog, and dog skins tanned, or partially tanned, curried, finshed, or in the rough.

Mr. FRELINGHUYSEN. The effect of this amendment, as I understand it, is to take leather of all kinds from the free list. I think that those articles named should be upon the free list. When the tariff bill was being considered there was an effort made to have the duty upon these articles much increased, and all agreed, I think, that the duty should be increased; but it was stated that they were to be placed upon the free list in the internal revenue bill, and that would give them sufficient protection, as they would be relieved from the existing tax. The same effort was made in the House to have the duty on these articles increased, and I think everybody was satisfied that it should be increased; but the persons interested in these articles withdrew the effort to have the duty increased, because they were assured that they would go upon the free list in the internal revenue bill; and the House placed them upon the free list. The effect of this amendment is to remove them from the free list. I think the amendment should not prevail.

Mr. FESSENDEN. This was a matter of considerable discussion in the other House, and the result which the committee came to was founded on the fact that we could not afford to lose a revenue of between five and six millions that has been derived during the year from leather. Boots and shoes have yielded about two millions and a half. Boots and shoes are put on the free list instead of leather. That is substantially the way it was reported from the Committee of Ways and Means in the House originally. I should be very glad to take the tax off all these articles and put them all on the free list. I should be very glad to get rid of taxation altogether; I dare say we all should. But the question to be considered, after all, is not whether we cannot succeed in getting a particular interest relieved, but whether we can afford to do it with reference to the revenue. The Senate this morning has voted off the revenue about ten million dollars in the article of cotton alone.

Mr. CONNESS. Provided its production is not stimulated.

Mr. FESSENDEN. We cannot tell how that will be; but at any rate, judging from what we have received, the reduction will be ten millions; and if we put leather on the free list, that will add five millions, making fifteen millions; and then the placing of iron on the free list will add two or three millions more. I think, on the whole, as the matter stands now, I shall have to ask the Senate to strike iron off the free list, because the votes of the Senate seem not to have been influenced by that fact. The Senate has been insisting upon putting on the free list articles made of iron which we thought it advisable to strike off, besides having the iron itself on the free list.

With regard to the question before the Senate, I wish to suggest to my friend from New Jersey that there are various interests that I should like very much to relieve, leather among the rest; but we cannot part with the revenue on all these things. It is very gratifying to hear patriotic sentiments on a subject of relieving these things from taxation. But the question is whether the country can afford it. Senators say that if we only increase production we make the country rich; but we do not make the Treasury rich unless the production pays something. The object of the bill is to get some of the money which the country makes into the Treasury to pay the bills with. I hope the Senate will not put this article on the free list, for I think the effect will be very injurious, and we cannot afford it.

Mr. FRELINGHUYSEN. I regret very much that the Senate have taken off the tax on cotton, and think it was a great error, so far as my judgment goes; and I would be very sorry if our other industries are to suffer in consequence of that error. When the subject of the duty on these articles was up, there was no doubt but that those who examined the subject thoroughly, among them the Commissioner, who understood this whole subject, were clearly of opinion that it was requisite that a higher duty should be imposed on these articles; but inasmuch as it was understood that they were to be placed upon the free list in the internal revenue bill that was waived, as it was in the House also. The House, after mature consideration placed them upon the free list in this bill, and I hope they will be restored to the free list. To take off the duties on these articles and then impose the tax is destroying the interests of the country.

Mr. FESSENDEN. This argument about what the House has done works very curiously in reference to these questions. If what the House has done suits the views of a particular Senator, it is a wise and sensible House, and we ought to stick to it! If otherwise, it is an unwise House, and it did not act right in that particular. Now, I think we are just as capable of forming opinions as the House is, and I do not like to hear the question argued in that way. The real point is whether or not we can afford to dispense with this amount of revenue. I should like very much to dispense with it on this and a great many other articles. I do not like the high price I have to pay for boots and shoes more than anybody else.

Mr. HOWE. The Senator from New Jersey says that we agreed to take off this tax as an equivalent for not raising the duty on the imported article.

Mr. FESSENDEN. We did not understand it so.

Mr. FRELINGHUYSEN called for the yeas and nays, and they were ordered; on being taken resulted—yeas 22, nays 11; as follows:

YEAS—Messrs. Anthony, Cragin, Davis, Dixon, Edmunds, Fessenden, Fogg, Foster, Fowler, Grimes, Harris, Hendricks, Kirkwood, Lane, Morgan, Patterson, Pomeroy, Riddle, Saulsbury, Stewart, Wade, and Willey—22.

NAYS—Messrs. Cattell, Conness, Frelinghuysen, Howard, Howe, Nesmith, Nye, Ross, Trumbull, Van Winkle, and Wilson—11.

ABSENT—Messrs. Brown, Buckalew, Chandler, Cowan, Creswell, Doolittle, Guthrie, Henderson, Johnson, McDougall, Morrill, Norton, Poland, Ramsey, Sherman, Sprague, Sumner, Williams, and Yates—19.

So the amendment was concurred in.

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The Secretary read the next excepted amendment, which was in line one hundred and fifty-nine of section nine to strike out the words "words ferry where they occur twice," and to insert "the word 'three' where it occurs in the second proviso," and inserting the words "two and a half."

Mr. EDMUNDS. I should like to have the chairman of the Committee on Finance inform the Senate what this clause means, what it applies to, what will be the effect of agreeing to the whole of it as it stands, particularly the words which follow what has just been read, and which are "by striking out the words 'until the 30th day of April, 1867.'"

Mr. FESSENDEN. The effect of the first amendment is simply to cut the tax on all the articles named in the section referred to down from three per cent. to two and a half per cent. The effect of the second clause is to take off the limitation upon the right of horse railroad companies to put the tax upon their passengers.

Mr. EDMUNDS. Is it confined to horse railroad companies?

Mr. FESSENDEN. It applies to all corporations which transport persons. The time within which they were allowed to add the tax to their charges were limited to the 30th of April. That was done with a specific object. After a good deal of discussion the House thought it best to strike that limitation off. They refused to do it in the case of gas companies, but did it in all these other cases.

Mr. ANTHONY. The practical effect, I understand, upon these railroads where the fare is very small and the tax amounts to one eighth or a quarter of a cent, is that they take one cent from their passengers, and pay the Government one fourth or one eighth.

Mr. FESSENDEN. That is provided for.

Mr. ANTHONY. It is provided for by a provision that they shall sell packages of tickets at such a rate as will simply add the tax to the fare.

Mr. FESSENDEN. Yes, sir; it was provided for in that way at the last session.

Mr. ANTHONY Yes, and a horse railroad company in New York will sell packages of tickets up at Two Hundred and Fifty-second street. If you go up there you can buy a package, but you cannot buy them in the cars. So the practical effect is, that under this law the horse railroad companies in New York exact of their passengers one cent and return to the Government one fourth or one eighth of it. It seems to me it would be very easy to collect one cent off the company upon each fare and have it all paid to the Government. Then the people would pay no more than they do now, and the Government would have the benefit of the tax. Now, in order to get one eighth or one fourth of a cent to the Government, the people are taxed one cent.

Mr. FESSENDEN. Complaints have always been made, and some companies try to evade the law, I have no doubt.

Mr. ANTHONY. Pretty much all the companies do it in New York. On other roads it is not so great an inconvenience; but on a horse railroad fare, twenty per cent. is added in order to give the Government two and a half per cent.

Mr. FESSENDEN. I suppose they try to evade it. This arrangement was fixed, according to my recollection, by my friend from Iowa.

Mr. GRIMES. No, sir.

Mr. VAN WINKLE. These companies are compelled according to law to sell tickets in packages for the amount of the fare and the exact tax.

Mr. GRIMES. I do not like to have the paternity of anything that does not belong to me assigned to me. I have not the slightest recollection of ever having had anything to do with this matter. So far from it, I would oppose, if I thought it would avail anything, the whole proposition. I can see very well that in some cases, so far as it relates to the railroads in some States, such legislation on the part of the Federal Government would be just and wise; that is to say, where the amount that is authorized to be exacted from a passenger by a railroad company is fixed by law, and that is the case in only a few of the States. But I know no reason why a railroad in my State where the amount they are authorized to receive is not fixed by law, but they can make it unlimited, should not be subject to the same payment on account of the receipts they receive as any other corporation.

The amendment was concurred in.

The next excepted amendment was to insert at the end of the first section of the bill the following proviso:

Provided, That on and after the 1st day of September, 1867, a tax of one cent per pound only shall be levied, collected, and paid on any cotton produced within the United States.

Mr. FESSENDEN. I hope the Senate will not interfere with the tax on cotton. The revenue cannot afford it.

Mr. VAN WINKLE. I should like to inquire whether that amendment was proposed by the Senator from Ohio [Mr. SHERMAN] who is absent?

The PRESIDENT *pro tempore*. It was moved by the Senator from Massachusetts, [Mr. WILSON.]

Mr. WILSON. I desire to inquire whether it would be now in order to amend that amendment by inserting "two cents" instead of "one cent?"

The PRESIDENT *pro tempore*. It is in order to amend the amendment.

Mr. WILSON. I move to amend the amendment by striking out "one cent" and inserting "two cents."

Mr. FESSENDEN. I will agree to that. I am perfectly willing that should be done.

Mr. ANTHONY. I hope the Senate will compromise on that, for I think it is a fair tax. The price of cotton is considerably lower than it was when the tax was fixed at three cents, and there ought to be some reduction; and yet I suppose the Government cannot afford to lose the revenue.

The amendment to the amendment was agreed to, and the amendment, as amended, was concurred in.

The next excepted amendment was to insert the following additional section:

And be it further enacted, That spirits of turpentine may be transferred, without payment of the tax, to a bonded warehouse established in conformity with law and Treasury regulations, under such rules and regulations and upon the execution of such transportation bonds or other security as may be prescribed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, said bonds or other security to be taken by the collector of the district from which such removal is made; and may be transported from such a warehouse to any other bonded warehouse established as aforesaid, and may be withdrawn from bonded warehouse for consumption on payment of the tax, or removed for export to a foreign country without payment of tax, in conformity with the provisions of law relating to the removal of distilled spirits, all the rules, regulations, and conditions of which, so far as applicable, shall apply to spirits of turpentine in bonded warehouse. And no drawback shall in any case be allowed upon any spirits of turpentine.

Mr. HARRIS. I am informed that the operation of this section will be very injurious to the holders of the article mentioned in the section, and that it will not be insisted on by the Finance Committee. I will not, therefore, go further until I am advised to the contrary.

Mr. FESSENDEN. I have no objection to its being struck out.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. The excepted amendments have all been disposed of. The bill is still open to amendment.

Mr. NYE. I move to amend the bill by inserting after line eighty-seven of section nine:

Strike out in the paragraph relating to gas the words "until the 30th day of April, 1867."

This is a question that does not affect the revenue, but simply a question as to who shall pay that revenue. By reference to the law in regard to railroads, steamboats, ferry-boats, and bridges, passed last year, it will be seen that the companies were authorized by the provisions of that law to become the collectors of certain taxes from their passengers, and to pay them over to the Government. The same provision was applied in that law to gas companies, with this condition: that in relation to the gas companies the privilege of charging the tax to their customers should exist only until the 30th day of April, 1867.

I do not desire to occupy the time of the Senate, and will simply read a little statement I have before me in regard to the enact condition of these gas companies. I read the statement of the Manhattan Gas-Light Company in New York city.

Statement of the Manhattan Gas Light Company.

There are four gas companies in the city of New York, namely:

The New York, charging $3 50 per one thousand feet, company paying the tax; Metropolitan, charging $3 50 per one thousand feet, company paying the tax; Harlem, charging $4 per one thousand feet, company paying the tax; Manhattan, charging $2 50 per one thousand feet, and additional tax twenty-five cents; consequently with the tax added the consumers of the Manhattan Company's gas pay seventy-five cents per thousand feet less than those who are supplied by the New York and Metropolitan companies, and $1 25 per thousand feet less than those supplied by the Harlem Company.

The Manhattan is the only company restricted in price. The limitation was imposed upon a specie paying basis.

Before the war gas coals were imported from the British Provinces free of duty. Now the duty on the same is $1 25 per ton.

Before the war the provincial coals were delivered in New York at five dollars per ton, and coals from England at $6 37½ per ton.

Now, coal from England costs, delivered, about eleven dollars per ton, and from Pennsylvania and the British Provinces about ten dollars per ton. This is bituminous or gas coal; anthracite coal will not make gas.

Before the war labor in the gas works could be had at thirty-seven dollars per month per man. Now, the same class of laborers receive $2 50 per day, or seventy-five dollars per month, while the wages of mechanics are more than doubled.

All the materials which enter into the construction of gas works, or the distribution of gas are also more than doubled in price.

Last year the Manhattan Gas-Light Company paid to the Government for tax on gas sold $285,000, and for duty on coal imported $100,000 in gold. Its capital is $4,000,000 all paid, in cash.

It has not paid a dividend in more than a year, and can never again pay a dividend until the country returns to specie payments, unless the State of New York removes the restrictions imposed in its charter.

While, therefore, this company pays to the General Government over ten per cent. on its capital, it does not pay its stockholders one dollar.

The price of the company's stock has been alluded to as being above par. The explanation is simply this: many years ago the company purchased a large amount of real estate, which having advanced in value really makes the stock worth more than par.

The Manhattan Company respectfully asks that it may be permitted to charge the tax until it can be placed on the same footing as other Companies not restricted and whose property is not affected by the tax. CHARLES ROOME, *President*.

My amendment is that the Manhattan Gas-Light Company, of the city of New York, so far as this section applies to them, shall have the privilege of collecting the tax from their consumers after the 30th of April, 1867, as they have heretofore done.

Mr. FESSENDEN. The only effect of this amendment is to allow certain gas companies who are limited by law by the terms of their charters as to the price at which they shall sell gas, to add to that price the amount which they pay to the Government. Last year the companies made a very strenuous effort to have that privilege, which was before granted to them, renewed, and they represented that all they wanted was to have it continued so that they might apply to their several Legislatures to have the restrictions taken off. We accommodated them by allowing them to charge the tax till the 30th of April next, by which time all their Legislatures will have had a chance to act. In New York I understand the Manhattan Gas-Light Company applied to the Legislature, and the Legislature removed the restriction; but Governor Fenton vetoed the bill. I do not know whether applications were made in any other State or not.

I have always been in favor of allowing the gas companies to charge over the tax in these cases. I think it is no more than just. We allow it in regard to horse railroads, and I think we ought to allow it in regard to these corporations who cannot take the advantage which the railroads do of our permission. The

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Committee on Finance, I believe, were unanimous that this ought to be done; but we did not insert the provision for the reason that we feared it would be impossible to carry it through the House. The House did reject it over and over again, and would not hear anything about it, would not listen to the recommendation of either committee. We thought, therefore, to put in this amendment would be only to multiply matters of contention with the House at a period of the session when they ought to be as few as possible. If, however, the Senate see fit to try the experiment I have no objection.

Mr. EDMUNDS. It appears to me that this amendment ought not to be agreed to. The prices and emoluments that corporations are to receive for their operations ought to be regulated by the authority that establishes them, the State governments that give them life, the representatives of the very people among whom they exercise their monopolies and their privileges; and the representatives of those people are supposed to know better than we can know what is right and just as between the corporations, the monopoly, and the people from whom they derive their revenue. This view has been taken by the Legislatures to whom application has been made, and they have done one way or the other in increasing or diminishing those limitations as to them appeared to be fit and just. And we have been told by the chairman of the committee that this experiment to allow these monopolies still further to operate upon the people has failed in the other branch, if it is proper to allude to that at all, and now it is to be forced on here.

It is bad enough as the bill stands that railroads and carriers are authorized to charge over upon their passengers not only the tax which is imposed upon the rates of fare that they get upon the passenger business, but upon all their income derived from the transportation of the mail; so that the hundreds of thousands of dollars that the railroad companies in this country receive from the Government for the transportation of mails, being taxed at two and one half per cent., that two and one half per cent. upon that mail service is charged over to the passengers under the existing law. I think it to be an outrage upon the people, and I do not think we ought to go any further in that direction.

Mr. POMEROY called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 24, nays 13; as follows:

YEAS—Messrs. Cattell, Chandler, Dixon, Doolittle, Fessenden, Fogg, Fowler, Harris, Hendricks, Howard, Howe, McDougall, Morgan, Nye, Patterson, Pomeroy, Ramsey, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, and Willey—24.

NAYS—Messrs. Anthony, Conness, Cragin, Davis, Edmunds, Foster, Frelinghuysen, Grimes, Kirkwood, Lane, Poland, Ross, and Wilson—13.

ABSENT—Messrs. Brown, Buckalew, Cowan, Creswell, Guthrie, Henderson, Johnson, Morrill, Nesmith, Norton, Riddle, Saulsbury, Sherman, Williams, and Yates—15.

So the amendment was agreed to.

Mr. FESSENDEN. I wish to make one amendment now that I think of it, on page 70, in line six of the new section twenty-four. It is to insert after the word "shall" at the end of that line the words "in addition to other fines and penalties now by law provided."

The amendment was agreed to.

Mr. CONNESS. I desire to inquire if it is in order to move to strike out an amendment adopted on the recommendation of the committee?

The PRESIDENT *pro tempore*. An amendment agreed to in certain words cannot be stricken out now.

Mr. CONNESS. I desire to inquire of the Committee on Finance the reasons which induced the committee to recommend the amendment which was made on page 16, inserting in the free list "legs of piano-fortes?"

Mr. FESSENDEN. The reason simply was, that legs of piano-fortes are taxed when we get them into the piano.

Mr. CONNESS. So is every other part of the piano taxed when it goes into the piano as well as the legs.

Mr. FESSENDEN. If the Senator has any violent objection to the legs he may strike them out. [Laughter.]

Mr. CONNESS. I do not intend to be put in the wrong about the matter. I have no very violent objection, but there seems to be something about it that is not right. I hold in my hand the House bill as reported in the House, in which, among the articles placed on the free list, occur "legs of piano-fortes, melodeons, and billiard-tables;" but it appears that by subsequent action the whole line was stricken out and none of these articles were allowed to be placed on the free list. In the report from the Finance Committee of the Senate "legs of piano-fortes" are introduced. It appears palpable to me that some very active agent of the manufacturers of legs of pianos has been about here steadily, a man with "swift legs," as my friend from Vermont [Mr. EDMUNDS] suggests, for he got himself exempted with two other articles in the report of the House bill, and that being stricken out in the House, he got himself reported on the free list separately here. Now, as we should not legislate for particular interests, and as we should never reward special efforts of this kind, I move to reconsider the vote by which that amendment was adopted.

Mr. FESSENDEN. Let the legs travel; I have no objection.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment inserting those words.

Mr. CONNESS. I hope it will not be agreed to.

The amendment was rejected.

Mr. GRIMES. I move that the Senate proceed to the consideration of executive business.

Mr. FESSENDEN. Let us get through with the bill. I think we can finish it in a few moments. I am not aware of any more amendments to be offered.

Mr. SPRAGUE. I have an important amendment to present.

Mr. GRIMES. I think we cannot get through the bill before the time fixed for the recess, and therefore I insist upon my amendment.

The motion was agreed to.

ALLOTMENT OF JUDGES.

Mr. TRUMBULL, from the committee on conference on the disagreeing votes of the two Houses on the bill of the Senate No. 534, to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to Senate bill No. 534, to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendment to the said bill as passed by the Senate.

LYMAN TRUMBULL,
IRA HARRIS,
THOMAS A. HENDRICKS,
Managers on the part of the Senate.

JAMES F. WILSON,
W. RADFORD,
Managers on the part of the House.

The report was concurred in.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. At five o'clock the doors were re-opened, and the Senate took a recess till half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at seven and a half o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 532) for the relief of the inhabitants of cities and towns upon the public lands, with an amendment, in which it requested the concurrence of the Senate.

SUPPLIES FOR WALLACE'S COMMAND.

Mr. LANE. I move to take up House joint resolution No. 226. I came here with nothing on the Calendar, and this is the only thing I now have on the list. I desire to leave with nothing on the Calendar. I hope the Senate will indulge me.

The motion was agreed to; and the joint resolution (H. R. No. 226) extending the provisions of section two of an act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the Army of the United States, approved July 4, 1864, was considered as in Committee of the Whole.

It proposes to extend the provisions of section two of the act of July 4, 1864, to cover all cases where quartermasters' stores were actually furnished to forces under command of Major General Lewis Wallace, and duly receipted for by persons acting under his authority, during the Morgan raid in Ohio and Indiana during the summer of 1863; and for the purpose of giving such receipts the persons referred to are to be held to be proper officers of the Government.

Mr. TRUMBULL. I would inquire what is the necessity for the passage of this resolution? Do not these persons come within the law?

Mr. LANE. I will state the necessity for it in one moment, and the Senator will see it. We passed a law on the 4th of July, 1864, that we supposed covered every possible case; but the accounting officers of the Treasury refuse to acknowledge receipts given by officers during this Morgan raid because they were not regularly mustered into the United States service. The second section of the act of July 4, 1864, provided:

"That all claims of loyal citizens, in States not in rebellion, for quartermasters' stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster General to cause such claim to be examined, and, if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement."

We supposed that was broad enough to reach every case; but the accounting officers have determined that volunteer officers under the command of General Wallace are not embraced in the term "proper officers" as here used. When Morgan invaded the State of Indiana there were no United States troops there to meet him. In three days sixteen thousand troops were raised in the State of Indiana, and General Wallace, a major general of the Army of the United States, happening to be at Indianapolis, he, at the request of Governor Morton, took command of those troops. The regiments had their colonels and quartermasters and commissaries, but they were not regularly mustered into the service of the United States, and only served some six or eight days; but in passing through the country in pursuit of Morgan it was found necessary to take horses. Perhaps thirty or forty horses were impressed from the farmers, which at the end of the expedition were turned over to the United States. They were receipted for regularly by the commissaries and quartermasters of the volunteer forces; but those officers never having been mustered into the United States service the accounting officers think on this section they cannot pay on their receipts. That is the whole difficulty. We simply extend the provisions of that section in the very words of the section itself, to cover these cases where volunteer officers gave their proper receipts for the horses.

Mr. POMEROY. I think that is a very good case as it applies to Indiana. I have tried to get a bill reported from a committee to meet

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precisely such a case in my own State; but I have never been able to succeed in it. The facts were that in the State which I have the honor in part to represent, our militia were called out to the extent of twenty thousand at one time, and were under arms, and yet we have never been able to get a single commissary or quartermaster store paid for. The troops provided for by this joint resolution were nothing but militia. I never could get a bill reported to pay persons in the case I have referred to, because the receipts were given by militia officers not properly mustered into the service of the United States. I am not going to object to this joint resolution; I only say that it will prepare the way for one which I will try to get reported myself.

Mr. LANE. I will say that this is a House joint resolution, which, after being passed by that body, was referred to our Committee on Military Affairs and reported favorably. It was reported a month ago, and I have been trying to get it up. I think the general provisions of law ought to be held to cover the case; but the Treasury officers decide differently.

Mr. POMEROY. But there are not less than a million of dollars of claims precisely in the same situation.

Mr. FESSENDEN. This is a very loose proposition. It covers cases of property taken by order of Major General Lewis Wallace for the use of the forces under his command during the Morgan raid, "and duly receipted for by persons acting under his authority." What "persons?" We do not know what officers they were, or what became of the property, or anything else. What proof is there to be of the authority to take the property?

Mr. LANE. If the Senator had listened to the reading of the act of 1864 he would have seen precisely what proof is required.

Mr. TRUMBULL. Proof as to loyalty, &c.

Mr. LANE. Yes, sir. That act provides "that all claims of loyal citizens in States not in rebellion for quartermasters' stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same," are to be paid. The only difficulty is that the quartermaster and commissary officers of the volunteers are not regarded by the accounting officers as the "proper officers" under this act.

Mr. FESSENDEN. But this resolution speaks of "persons," not officers.

Mr. LANE. The reason for that is that these troops were sent out and officered upon a sudden emergency, and the quartermasters and commissaries were appointed under State authority, and acted under the orders of General Wallace. If the Senator from Maine will look at the act of 1864 he will find that it provides that such claims are to be presented to the Quartermaster General—

"Accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report such case to the Third Auditor of the Treasury with a recommendation for settlement."

Some thirty or forty horses were taken and used for about a week, and then turned over to the United States quartermaster three years ago; and the farmers have got no pay for their horses, and never can get it unless we pass a resolution of this kind. Every one of the horses, as the proof shows, was turned over to the United States, and seized for their use. That is the whole of it.

Mr. TRUMBULL. I will state what I suppose the danger of this is. If it only opened the door for payment for thirty or forty horses that were taken by persons under the command of General Wallace during the Morgan raid I am sure there would be no objection to it; but the law of 1864 was framed with some care so as to guard against paying for property that was taken by persons, as this resolution reads, who were connected with the Army, and we intended to pay for no property unless it was actually taken by the proper officer, and received and used by the Army. If this is passed, what will be the result? In Kentucky, in Tennessee, in West Virginia, and in Missouri, all of which States now come under the operation of the law of 1864 by amendatory acts, and in Kansas, where as the Senator from Kansas has told you, there is $1,000,000 claimed, we have got to pay for all the property that was taken by anybody acting under command of an officer. I am sure this precedent will open a very wide door. The original law, it will be seen, intends to pay for no property where the proper officer did not give a receipt. Now, if this resolution was changed so as to provide that property should only be paid for which was taken by the quartermaster or commissary of General Wallace's command it would be different.

Mr. LANE. That is exactly it, "persons acting under his authority."

Mr. TRUMBULL. If you say persons acting under his authority you have got to pay for all the property taken by any of our soldiers; for they were all acting under somebody's command.

Mr. LANE. Not at all. This resolution extends the provisions of the second section of the act of July 4, 1864, to this case, and that act requires the proper officer's receipt. The accounting officers of the Treasury refuse to acknowledge these men as officers. That is the whole trouble. They were officers acting under authority; but the Treasury refuses to recognize them as officers, and that is the whole difficulty.

Mr. HENDRICKS. This joint resolution is confined in its operations to Wallace's command during the Morgan raid. It cannot extend to any other cases.

Mr. TRUMBULL. Of course not; but can the Senator from Indiana refuse to extend it to Kentucky and to Tennessee and to Missouri, and to the other States in precisely such cases?

Mr. HENDRICKS. If there is any other such cases as the case of the Morgan raid I would not want to refuse to extend it. If the troops of the southern army invaded any other northern State, or State not in rebellion, and made war there, and the people had to rise to meet it because there were no troops of the Army there, I should say that the expenses of that volunteer force ought certainly to be paid by the United States, whether it was in Illinois or in Indiana or elsewhere; but this joint resolution is confined exclusively in its operations to the Morgan raid and to the soldiers under General Wallace's command.

Mr. FESSENDEN. As it reads, if anybody under his command chose to take a horse and give a receipt for it, the Government is to pay for it.

Mr. LANE. It has to be proved that a proper officer gave a proper receipt.

Mr. FESSENDEN. That is not the expression. It is "persons acting under his authority;" it does not say "proper officer."

Mr. LANE. It extends the provision of the act of 1864, and the manner of proof is all contained in the second section of that act.

Mr. FESSENDEN. It does not say the proof required by that act.

Mr. HENDRICKS. Yes, it does; for it extends the provisions of that law to this class of cases. I cannot think there is any danger in it. It is a most meritorious case.

Mr. FESSENDEN. I move to strike out the words "and duly receipted for by persons acting under his authority."

Mr. HENDRICKS. I hope that will not be done, because it will defeat the joint resolution.

Mr. FESSENDEN. How defeat it?

Mr. HENDRICKS. Because the amendment cannot be concurred in in the House of Representatives, in all probability.

Mr. FESSENDEN. Why not?

Mr. HENDRICKS. Because there is not time. At any rate I do not think it is necessary.

Mr. LANE. Striking that out leaves nothing of the resolution. We intended to cover cases where officers under his command receipted for property, as their receipts are not recognized at the quartermaster's department.

Mr. FESSENDEN. That would recognize them. If the provisions of that act were extended to the case, the officers of the same relative rank would be the "proper officers." Extending the provisions of that act to this case distinctly and in terms would be sufficient; but it would not allow of course anybody's receipt to be taken who might happen to take a horse and give a receipt for it.

Mr. RAMSEY. I suggest to the Senator from Indiana that he allow this joint resolution to be passed over informally so that I may call up the post route bill.

Mr. LANE. Oh, no. I shall never be able to get it up again.

Mr. FESSENDEN. I must insist upon going on with the tax bill presently.

Mr. LANE. I think I can show the Senator from Maine in a very few minutes that there is no use in passing the resolution if his amendment be made. It will amount simply to nothing at all. The resolution is:

That the provisions of section two of the above-entitled act, be, and they are hereby, extended to cover all cases of quartermaster's stores actually furnished to forces under command of Major General Lewis Wallace.

Under the present law, if there were proper officers under him, technically speaking, the cases would be included. But there were not, and hence the necessity for the words "duly receipted for by persons acting under his authority during the Morgan raid," &c. If you strike out that part of the resolution, the officers who acted will not be held to be proper officers; and if that clause is stricken out the resolution might as well lie on the table.

Mr. FESSENDEN. I think the Senator is mistaken. If amended as I propose, it will apply to whoever may be the officers holding the same relative position, on the same footing precisely as others.

Mr. LANE. I would agree to the Senator's amendment if he would leave in the words "and for the purpose of giving such receipts for property so applied said persons shall be held to be proper officers of the Government."

Mr. FESSENDEN. I think the Senator is mistaken in his construction. Those words I move to strike out also. I should like to have the phraseology changed to make it a little more safe.

The amendment was rejected.

Mr. LANE. I believe the Senator from Illinois has prepared an amendment which will satisfy all parties.

Mr. TRUMBULL. I move to amend the resolution by striking out in line seven the words "persons acting under his authority" and inserting "acting quartermasters of his command."

Mr. HENDRICKS. Will not that raise precisely the same question which is raised under the law?

Mr. TRUMBULL. No; because this declares that the acting quartermaster's receipt shall be received. That is the difficulty now, as I understand.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed, and the resolution to be read a third time. The resolution was read the third time, and passed.

NATIONAL CAPITAL INSURANCE COMPANY.

Mr. MORRILL, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 234) to incorporate the National Capital Insurance Company, submitted the following report:

The committee of conference appointed upon the disagreeing votes of the two Houses upon House bill No. 234, to incorporate the National Capital Insurance Company, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their first amendment, with the following amendment: in line nine, page 1, after the word "elsewhere" insert "subject to the laws of the several States."

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That the Senate recede from their second amendment, with the following amendment: in line fourteen, page 1, after the word "elsewhere" insert "subject to the laws of the States as aforesaid."

That the Senate recede from their third amendment, and that the whole of section nine, as amended, be stricken from the bill.

That the Senate recede from their fourth amendment, with the following amendments: in line twenty-seven, page 6, strike out the word "twenty" and insert "one hundred and fifty;" after the word "dollars" in line one, page 7, insert "in shares of fifty dollars each;" in line two of same page strike out the word "twenty" and insert "one hundred and fifty;" strike out all of the tenth section after the word "insurances," in line three, page 7.

That the House concur in the fifth amendment of the Senate, with the following amendments: in line four of said amendment strike out the word "January" and insert in lieu thereof the word "February;" after the word "Interior" in line six of said amendment insert as follows: "a detailed report of their transactions for the preceding year;" in same line strike out the word "shall;" in line seven after the word "some" insert the word "value;" after the word "Columbia" in lines seven and eight insert "for at least ten days;" strike out the word "premiums" in lines eight and nine and insert in lieu thereof the word "profits;" at the end of said Senate amendment add the following: "together with the amount of stock subscribed and the amount actually paid in;" and the Senate agree to the same.

LOT M. MORRILL,
J. B. HENDERSON,
D. T. PATTERSON,
Managers on the part of the Senate.

ULYSSES MERCUR,
MARTIN WELKER,
J. W. CHANLER,
Managers on the part of the House.

The committee also recommend the following amendments to the bill:

On page 2, strike out after the word "upon" in line five down to and including the word "upon" in line eight.

On same page, after the word "lives" in line nine insert "and health."

On page 3, strike out all after the word "that" in line eighteen over to and including the word "representatives," on page 4, line nine.

On page 4, strike out the words "members or" in lines eleven and twelve.

On same page, strike out all after the word "responsibilities" in line thirteen down to and including the word "company" in line fifteen, and insert in lieu thereof as follows: "beyond the amount of stock subscribed by them respectively."

On same page, strike out all of section five.

On same page, strike out the word "members" in line twenty-five and insert in lieu thereof the word "stockholders."

On same page, strike out the words "said deposit notes or" in lines twenty-five and twenty-six.

On same page, strike out the word "thereon" in line twenty-six, and insert in lieu thereof the words "on their stock."

Strike out all of section seven on pages 5 and 6.

On page 6, strike out the words "members or" in line nine.

LOT M. MORRILL,
J. B. HENDERSON,
D. T. PATTERSON,
Managers on the part of the Senate.

ULYSSES MERCUR,
MARTIN WELKER,
JOHN W. CHANLER,
Managers on the part of the House.

The Senate proceeded to consider the report.

On motion by Mr. MORRILL,

Resolved, That the Senate agree thereto.

The Senate then proceeded to consider the recommendations of the committee of conference on the amendments to the text of the bill.

The recommendation of the committee was unanimously agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. No. 534) to provide for the allotment of the members of the Supreme Court among the circuits, and for appointment of a marshal for a Supreme Court.

The message also announced that the House had passed the following bills and joint resolution of the Senate:

A bill (S. No. 128) authorizing limited partnerships in the District of Columbia;

A bill (S. No. 264) to grant certain privileges to the Alexandria and Washington Railroad Company, in the District of Columbia;

A bill (S. No. 470) to authorize the change of a name;

A bill (S. No. 477) to amend an act entitled "An act to continue, alter, and amend the charter of the city of Washington," approved May 17, 1848;

A bill (S. No. 493) supplemental to an act to establish the Treasury Department, approved the 2d of September, 1789;

A bill (S. No. 529) to incorporate the Howard University in the District of Columbia;

A bill (S. No. 570) extending the time for the completion of certain street railways;

A bill (S. No. 589) to amend an act entitled "An act to incorporate the National Theological Institute," and to define and extend the powers of the same; and

A joint resolution (S. R. No. 160) for the relief of Dempsey Reece, of Indiana.

The message further announced that the House had passed a bill (H. R. No. 1183) amendatory of "An act for the disposal of the public lands for homestead settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 202) for the relief of certain contractors for the construction of certain vessels-of-war and steam machinery;

A bill (S. No. 501) amendatory of an act to provide a temporary government for the Territory of Montana, approved May 26, 1864;

A bill (S. No. 460) in relation to persons imprisoned under sentence for offenses against the laws of the United States;

A bill (S. No. 547) to amend an act entitled "An act to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road," approved July 3, 1866; and

A bill (S. No. 550) to amend an act entitled "An act authorizing the construction of a jail in and for the District of Columbia," approved June 25, 1866.

HOUSE BILL REFERRED.

The bill (H. R. No. 1183) amendatory of an act for the disposal of the public lands for homestead settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, was read twice by its title, and referred to the Committee on Public Lands.

INTERNAL REVENUE.

On motion of Mr. FESSENDEN, the Senate resumed the consideration of the bill (H. R. No. 1161) to amend existing laws relating to internal revenue.

Mr. DAVIS. I wish to renew in the Senate the amendment which I offered in committee reducing the tax on whisky. It is to insert after the word "gallon," in line four of section thirteen, on page 29, the words "until the 1st day of October, 1867; and $1 50 for each and every gallon until the 1st day of April, 1868; and after that date for each and every gallon one dollar."

I think it is the predominant sentiment of the Senate that the tax upon whisky is too high, that it diminishes revenue, encourages fraud and crime from its excess, and that both good policy and good morals require that the liquor taxation should be reduced. I have no doubt that a dollar a gallon would produce a larger amount of aggregate revenue than the present high rate of two dollars. The amount of fraud, perjury, and crime would be greatly diminished, I have no doubt, by a reduction of the tax as I have proposed. I admit that it might be hard and unjust, probably might be ruinous to those who have large stocks on hand at the present time if a reduction was to take place suddenly and at once; but that is provided for by my amendment. My proposition is that the present rate shall continue for six months, and then the rate of $1 50 a gallon shall continue until the 1st of April next, and that after that time the rate shall be reduced to one dollar. It seems to me that the reduction would be proper and politic with a view to the revenue, with a view to the morals of the country, and with a view to justice to the dealers in whisky who have now large stocks on hand.

Mr. TRUMBULL. I shall vote for this amendment, and I should wish we were not crowded into so few hours that there is not time to consider it with deliberation; I think a great mistake was made when we placed the tax on whisky at two dollars a gallon. I thought so then, and I struggled against that tax as exorbitant and out of all proportion to the other taxes. Congress, however, thought differently, and I remember that some members of this body pretended that our revenue would be largely increased by doubling the tax upon whisky. Experience showed that we got very little revenue for a long time from whisky; and now we do not get as much revenue as we should get at one dollar a gallon tax. There are more reasons than one for this: one is that the temptation to fraud is much greater when the tax is two dollars a gallon than when it is but one dollar. I think the Senator from Maine said to-day that in tracing back the frauds it was found that frauds were practiced even when the tax upon whisky was only sixty cents a gallon. That is very likely; but still the inducement is much greater when the tax is two dollars a gallon. We should get a larger revenue by putting the tax at one dollar a gallon, not only in consequence of making more whisky pay a tax, but because the quantity of whisky produced would be very greatly increased. Now, we all know that whisky has been driven out of all other uses except to drink. People will buy it to drink whether you have a tax of two dollars a gallon on it or one dollar. I do not think it makes much difference in that point of view; but the effect of the high tax has been to drive it out of domestic uses and drive it out from the manufacturing establishments of the country. They use some other article which they can obtain cheaper to supply its place; and I have been told by manufacturers who used many barrels of whisky during the week that since this high tax upon it they have not used a single barrel; and the consequence is that not as much of it is produced. A Senator asks if I want to increase its production. Yes I do for manufacturing purposes and domestic purposes other than those of drinking; and I do not think you will reform the morals of the country by placing a tax of two dollars a gallon upon whisky. It is an unreasonable tax in my judgment. It is out of proportion to any other tax which is levied. We know that a bushel of corn, which in the State where I reside costs perhaps no more than twenty-five cents, makes some four gallons of whisky; and eight dollars tax is paid upon what the cost of the material from which it is made is not more than twenty-five cents—a tax of thirty-two hundred per cent. There is no such tax upon anything else.

Mr. FESSENDEN. Oh, it has already been argued over and over again.

Mr. TRUMBULL. I know it has been argued, and I think it ought to be argued until we can reform it. If you want revenue put on a reasonable tax that can be collected. Is not the experience of last year enough to satisfy the Senator from Maine that this two-dollar tax does not work? Has he not seen whisky advertised all over the country at $1 50 a gallon when you pretend to collect two dollars a gallon tax on it? And now you put a clause in the law that nobody shall sell whisky for less than the amount of the tax. How easy it will be to evade that? The nominal price of it may be equal to the tax, but this provision will be evaded just as the tax upon the production of the article is evaded. I wish it was possible to get the attention and the thought of the Senate to this question of levying a tax of two dollars a gallon upon whisky. I call for the yeas and nays upon the adoption of the amendment.

The yeas and nays were ordered.

Mr. FESSENDEN. The great objection to

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this is that the matter has been tried, and it is impossible in my judgment to get it through at this late period of the session. If I thought it was possible I might be willing to try the experiment, but it is only embarrassing the bill to no sort of purpose. The proposition was rejected in the other House by such a vote as to satisfy me that it cannot possibly pass. At this very late period to insist upon it is endangering what there is in the bill. That is my objection to it. At another time I might be willing to try it.

Mr. POMEROY. I hope there will be no change in this tax now. When the tax of two dollars a gallon was put on whisky it was admitted that for some time at least there would not be as much manufactured as before, and perhaps there was not as much; but to change the law after it has got into operation, when our system of detecting frauds has just commenced working, is yielding the whole question, in my opinion. I do not believe that this is an exorbitant tax. I do not know what use the article is for except to tax, and I certainly think it ought to be well taxed. I have not found that it lessened the consumption, unless it be for the purposes the Senator from Illinois speaks of. I do not know what mechanical and medicinal purposes he alludes to; but for all the purposes that I have known of it has been used just as freely and consumed just as much as before the tax was imposed. Other Governments, which are a great deal older than ours and have well-regulated systems of taxation, tax this article even higher than we do. If the experience of the English Government is worth anything to us I think we may follow it at least in this particular. I am for holding this tax precisely as it is, having our revenue officers instructed to execute the law, and having the most vigilant search into frauds; and let it be distinctly understood that if this article is manufactured it shall pay a tax.

Mr. HENDRICKS. From my information on the subject this interest is almost destroyed now.

Mr. POMEROY. So much the better.

Mr. HENDRICKS. It is certainly not better with a view to revenue. When Senators talk about revenue, that contemplates production. Congress has nothing to do with legislating with a view to a moral reform in the country. The only object Congress can have in a tax is to produce revenue, and experience has shown that the present law does not produce revenue. It defeats revenue; it defeats production. I do not think Congress has a right to select out a northwestern interest and destroy it. The production of this article is a matter of profit to the farmers of the West. If the Senator from Kansas, or any other Senator, does not want to use it, all they have to do is to close up their mouths. It is a matter for a man to consider whether he chooses to use liquor or not. It is a necessity for many proper purposes, and its production is of importance to the State which I in part represent. This has been an unjust tax all the while. The proposition of the Senator from Kentucky is free from the objection which I suggested the other evening; this proposition is not likely to destroy the dealers who hold the article.

Mr. SPRAGUE. It is within my personal knowledge that the consumption of whisky has been reduced many thousand barrels in consequence of the tax; I speak of the whisky entering largely into the mechanical productions of the country. In lieu of whisky articles of foreign production have been imported, and the consequence has been that productions of foreign countries have taken the place of a production of our own.

The question being taken by yeas and nays, resulted—yeas 14, nays 24; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Fowler, Grimes, Hendricks, Nesmith, Patterson, Ross, Saulsbury, Sprague, Trumbull, Wade, and Williams—14.

NAYS—Messrs. Cattell, Cragin, Creswell, Dixon, Edmunds, Fessenden, Fogg, Foster, Harris, Henderson, Howe, Kirkwood, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Stewart, Sumner, Van Winkle, Willey, and Wilson—24.

ABSENT—Messrs. Anthony, Brown, Chandler, Conness, Doolittle, Frelinghuysen, Guthrie, Howard, Johnson, Lane, McDougall, Norton, Riddle, and Yates—14.

So the amendment was rejected.

Mr. STEWART. I renew the amendment of the Senator from Connecticut, [Mr. DIXON,] to place sewing-machines on the free list.

Mr. FESSENDEN. I hope it will not be adopted. It was voted down before, and I see no necessity for taking up the time of the Senate by renewing amendments in this way.

The amendment was rejected.

Mr. SPRAGUE. I move to amend the bill by inserting after line one hundred and twelve of section eleven, on page 18, "foundery facings, when manufactured from coal." It is the same as stove polish, under a different name. If stove polish should be exempt from taxation, this article should be also. I offer the amendment at the instance of my colleague, [Mr. ANTHONY.]

Mr. FESSENDEN. I do not know anything about it. The clause proposed to be amended puts on the free list "stove polish or other manufacture exclusively of plumbago." Is this made from plumbago?

Mr. SPRAGUE. Stove polish is made from plumbago; this is made from coal.

Mr. FESSENDEN. I do not know what it is or what the extent of the manufacture is.

Mr. SPRAGUE. It is very small.

Mr. FESSENDEN. This clause is only intended to include stove polish for domestic purposes.

The amendment was rejected.

Mr. CRESWELL. I move to amend the bill by inserting after line one hundred and thirteen of section nine—

Also in the paragraph relating to "copper and brass tubes, nails, rivets, sheet lead, lead pipes, and shot," by striking out the words "sheet lead, lead pipes, and shot" and adding to the said paragraph the words "on sheet lead, lead pipes, and shot, a tax of one fourth of one cent per pound."

The only object is to make the tax specific and certain upon sheet lead, lead pipes, and shot. It is now five per cent. *ad valorem*, and the difficulty is that with unfair manufacturers the revenue is defrauded. I am sure the amendment I offer will increase the revenue and give strength to the trade.

Mr. FESSENDEN. The same provision was attempted in relation to copper and brass tubes, and it was found, on examination, that it would not have the effect.

Mr. CRESWELL. That was an entirely different article.

Mr. FESSENDEN. I know they are different articles; but they ought to pay something. I hope the amendment will not be adopted.

Mr. CRESWELL. So far as I am informed by gentlemen familiar with this trade——

Mr. FESSENDEN. If we are to put on every amendment that every interested person outside solicits we shall never get through.

Mr. CRESWELL. For the life of me I cannot see why the chairman of the committee on Finance should object to giving this article greater certainty.

Mr. FESSENDEN. I do not know that this will have that effect.

Mr. CRESWELL. The trade think so.

Mr. FESSENDEN. It has been found in regard to other articles that such a provision cannot be made operative, and therefore the clause to which I referred was struck out on the suggestion of the commissioner, and probably the same objection would apply to this.

Mr. CRESWELL. I have understood that was a mistake.

Mr. FESSENDEN. Of course the commissioner does not know anything about the operation of the bill so well as those in the business! [Laughter.]

Mr. CRESWELL. I suppose we all know something about it. It may be an entirely erroneous conjecture.

Mr. FESSENDEN. I hope Senators will not continue to offer amendments on mere suggestions of outsiders. If this course be persisted in we shall never get through with the bill.

Mr. CRESWELL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HENDRICKS. What is the effect of it?

Mr. CRESWELL. The effect is merely to relieve sheet lead, lead pipes, and shot from the *ad valorem* tax of five per cent., and to make the manufacture subject to a specific tax of one fourth of a cent per pound. It gives greater certainty to the tax, and I am sure will result in a greater product to the Government, as well as greater certainty to the trade.

Mr. FESSENDEN. The commissioner does not think so.

The question being taken by yeas and nays, resulted—yeas 14, nays 20; as follows:

YEAS—Messrs. Anthony, Buckalew, Cattell, Chandler, Creswell, Davis, Frelinghuysen, Hendricks, Nesmith, Patterson, Ross, Sprague, Van Winkle, and Wade—14.

NAYS—Messrs. Cowan, Dixon, Edmunds, Fessenden, Foster, Grimes, Harris, Howe, Kirkwood, McDougall, Morgan, Morrill, Poland, Pomeroy, Ramsey, Sherman, Stewart, Willey, Williams, and Wilson—20.

ABSENT—Messrs. Brown, Conness, Cragin, Doolittle, Fogg, Fowler, Guthrie, Henderson, Howard, Johnson, Lane, Norton, Nye, Riddle, Saulsbury, Sumner, Trumbull, and Yates—18.

So the amendment was rejected.

Mr. SPRAGUE. I move to amend the bill by inserting the words "or of cotton" after "wool" where it first occurs in line one hundred and forty-three of section nine, on page 11, and by inserting the words "or cotton" after "wool" where it next occurs in the same line, so as to make the clause read, "on manufactures of wool or of cotton, or of which wool or cotton is the chief component material, or the component material of chief value, two and one half per cent. *ad valorem*."

This is a very important amendment, and I I am very anxious that the Senate should adopt it. The bill reduces the tax on woolen goods from five per cent. to two and a half per cent., and the question naturally arises why select out woolen goods and not embrace cotton goods? Why this distinction? In December, 1865, I took occasion to suggest to the Senate that if taxes were left as they then existed, and if there was no change in the tariff, the result would be that in six months from that time your woolen interest would be dead; and I say to the Senate now, that if they continue this tax of five per cent. three fourths of the smaller cotton manufactures of this country will be prostrated. I hold in my hand a letter from a southern man who has been engaged in cotton manufacturing for the last forty years, and he writes thus:

"If no better can be done, reduce the tax on cotton manufactures to the same level as the proposed tax on woolen goods."

That is, two and a half per cent. He continues:

"I cannot see why they intend to discriminate. During all the war the woolen business was much better than the cotton business. The cotton business suffered terribly in this war. We have only had one year of good trade, part of 1865 and 1866. Now it is all up with us. Our business is very bad. We have immense stocks of goods on hand, made out of high-priced cotton. On these we shall lose heavily. Our mills that are not stopped are now working on short time."

Mr. President, you do not hear any application from the section that I have the honor in part to represent for the reduction of this tax, and why? The tax as it now exists will drive from the country all the smaller cotton manufactures, and will throw the business into the hands of the larger establishments, into the hands of monopolies, corporations with great capital. This tax is certain to drive from the country all the smaller cotton manufactures in Georgia, in the Carolinas, in Delaware, in New Jersey, and in Pennsylvania, everywhere where they exist, and in their stead to build up the great manufacturer. If that is the desire of the Senate, that those who are great already shall be greater, let them continue this tax. Why, sir, the tax of three cents a pound on raw cot-

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ton, and of five per cent. upon the manufactured article, amounts to just about as much on all the heavier articles of goods as the price of cotton was before the war. Who pays this great tax? Where does it rest? It rests upon the men who obtain a dollar and a quarter a day for their wages; it is paid by the people of those States with great populations, the masses of whom receive small compensation for their labor. Sir, there is nothing in the whole list of taxable articles that bears one half the amount of tax that cotton manufactures do this day.

When it is recollected that the price of cotton is three times what it was before the war, it must be plain to Senators that a five per cent. tax upon the manufactured article is three times as much taxation as the corresponding rate would be upon any other article similarly situated. Take wool, if you please, by way of comparison. The price of wool to-day is not very much greater than it was before the war. A tax of five per cent., therefore, upon woolen manufactures would not bear more heavily than the same tax would have done before the war, whereas that tax upon cotton manufactures bears with three times the weight it would before the war. Sir, the women and children will bear this burden, your sewing-girls, your housemaids, those who work for their daily living, and whose compensation is small. The taxation is out of all proportion to that upon any other interest that I know of; and the result will be, as I have said before, to destroy and lay prostrate the smaller establishments. It seems to me the Senate should be warned in time. The great concerns can live and prosper; they can live when they get a profit of one half of one cent a yard; but no small concern can live a day upon that compensation. This tax will prevent the further running of every small mill in this country.

It may be asked why I should be interested in maintaining the smaller establishments. I was requested in 1857 to devise a course of policy that would prevent the banks from suspending, and it was in so many words stated, "We will destroy all the smaller interests, all the small people in this business with you and me." But, sir, that will not do in this country, and it will not do in any country. You cannot concentrate a monopoly of the cotton manufacturing interest in this country; and if there are any large interests who have used this bill as a means for carrying out that state of things they will destroy themselves, for they cannot collect such an interest as this in one locality; and when they attempt to drive this hard bargain, when they attempt to destroy and drive from the business operations of this country the smaller interests, they are at the same time striking a blow at themselves, and they in their turn will be served in the same way.

I know as certainly as I stand here that those who advocate the continuation of this tax advocate it for the very reason that they desire to crush out the smaller interests. The gentleman from whose letter I have read is a gentleman of Delaware, who stands as high as any other man in this country, and he says that their mills which are not stopped are to-day running upon short time. The small mills engaged upon heavy articles of cotton production are as certain to be driven out of the business of this country as that this tax remains.

No commodity in the history of the world during the last five years has ever experienced such great embarrassments as this; none has been cultivated at such great expense; upon no article has there been such great loss; upon no article in the history of manufacturing has there been such a great risk run by those who engaged in it as has been run by those who have devoted themselves to the cultivation and the manufacture of cotton; and yet to-day you continue a war tax when it is self-evident that two thirds of those engaged in it must stop if the tax continues.

I said a year ago last December, considering the exorbitant tax upon woolens which led to the importation of woolen goods into this country, that before six months expired that interest would be prostrated. That remark has been verified; and after that great interest has been prostrated what is now proposed? My honorable friend from Ohio [Mr. SHERMAN] comes in with a bill specially to protect them after they have been destroyed. If they attempted to-day to sell the product they have on hand and the machinery and the buildings that they have erected for the manufacture of that product three fourths of them could not pay fifty cents on the dollar. The same course is now being pursued toward the cotton interest. This bill reduces the tax on woolen goods to two and a half per cent. Now, what I ask of the Senate is, that they shall pause before they destroy the cotton interest. Take the matter in time, take warning from the fate of the woolen interest, and avert the disaster which is as sure to come as that Senators sit in their chairs. The woolen interest was prostrated because prompt legislation was not had when the Senate and the country were warned of the impending danger. Now, you propose to continue a war tax upon an interest which stands exactly as the woolen interest stood a year ago.

I have been pleased by the communication from which I have read, sent to me by a man who has been engaged in this business for forty years. I have been desirous of exposing the selfish policy of those great monopolists, those great corporations, who would absorb every interest into their own hands; and I desire to tell them that never with my help shall they be forwarded in their designs.

Why, sir, there is in the woolen bill which we had before us one of the most nefarious, the meanest, the most detestable designs for that particular interest that I ever heard or read of. A great interest that combines within itself more capital than forty of the smaller cotton mills that we now desire to help, who are making millions of money to-day, come in here in this woolen bill for additional protection and additional law, that they may continue to thrive and to overshadow all the other interests. By the very greatness of their own they would absorb and destroy all around them.

I do not want to take up the time of the Senate on this matter. I feel a deep interest in this question. I know that if this tax is continued as it now is the smaller manufacturers of cotton in the middle and southern States must go to the wall. We have but very few small manufacturers in my own section of the country; but in the middle and southern States they have begun to show themselves, and have gained a foothold and gained strength; but all that are engaged in the manufacture of heavy goods must stop, and the revenue that you expect now from these manufactures will cease to exist. I think justice to the localities where these establishments are located requires you to pause in this course of legislation.

If the interest which I am seeking to benefit were confined to Rhode Island, the Senator from Maine and the Committee on Finance might attack it as they chose; but if they will look into the State of New York they will find that it has more cotton interests than all of New England. Go into New Jersey, and they will find this interest distributed in almost every town. Go into Delaware, and they will find forty or fifty of these smaller mills. Go into Maryland and into South Carolina and Georgia, and they will find them there. When, hereafter, they find that the continuation of a burdensome tax has compelled the suspension of all these establishments they will ask what is the reason of this; who has done this?

Sir, I have done my duty when I have warned the Senate that the effect of this burdensome tax, of this war tax in time of peace, will be the destruction of this interest. I ask for the yeas and nays on the proposition.

The yeas and nays were ordered.

Mr. FESSENDEN. I wish to say one word. This will take about six millions from the revenue, and I do not know how the Senator proposes to make it up.

Mr. SPRAGUE. And the result of continuing the tax will be to destroy forty millions.

Mr. FESSENDEN. It cannot destroy $40,000,000 of revenue, because we do not get that much revenue from it.

Mr. SPRAGUE. Forty millions of property.

Mr. FESSENDEN. I appreciate the very disinterested efforts of my friend in behalf of New Jersey, Delaware, Georgia, and South Carolina, and I dare say they do; but in my judgment we cannot afford to strike off this revenue. If, as my friend from Rhode Island says, the continuation of this policy will be advantageous to the large establishments, we had better continue it and put something in his pocket. He admits that a very large portion of them are doing very well, and can make money. It is perfectly well understood that the cotton interest is not suffering, and we cannot afford to part with these $6,000,000 of revenue just now.

Mr. FRELINGHUYSEN. The Senator from Maine asks where this tax is to be made up from. That very same argument was used in reference to what I considered a perfectly fair amendment in regard to the leather interest. Since that vote was taken the revenue has been increased $6,000,000 by an increased tax of one cent per pound on cotton.

Mr. FESSENDEN. No, a decrease of one cent.

Mr. FRELINGHUYSEN. I beg the Senator's pardon. The vote that has been taken has raised the tax from one cent to two cents. The revenue from raw cotton last year at three cents was $18,000,000; so that the increase from one cent to two cents makes a difference of $6,000,000. Therefore the $6,000,000 of which the Senator speaks has been made up since that vote was taken. Now, sir, looking at the report of the Secretary of the Treasury, I find that the estimate was that the expenditures of the Government for three quarters of the fiscal year ending June 30, 1866, were estimated to exceed $112,000,000 beyond the receipts. The result was widely different. The receipts exceeded the estimates $89,000,000, making a difference of $289,000,000 between the estimates and the result. I believe that if we follow this policy of laying heavy taxes on cotton and on all the manufacturing interests of the country, while we seem to be perfectly regardless of protection, of protecting our labor from foreign competition, we shall reduce our manufacturing interests to a position in which they will be unable to pay any tax. I know from information that comes to me that our factories are now being closed. Where shall we then look for our revenue? I hope that the amendment which has been proposed will be adopted.

Mr. FESSENDEN. We put glass into the free list for the benefit of New Jersey. I really think my friend ought to be content with that, and not seek to throw off the revenue on cotton goods.

The question being taken by yeas and nays, resulted—yeas 12, nays 23; as follows:

YEAS—Messrs. Anthony, Creswell, Davis, Fogg, Frelinghuysen, Howe, McDougall, Nesmith, Patterson, Ross, Sprague, and Wilson—12.

NAYS—Messrs. Chandler, Cowan, Cragin, Dixon, Edmunds, Fessenden, Foster, Hendricks, Johnson, Kirkwood, Lane, Morgan, Morrill, Nye, Ramsey, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, and Yates—23.

ABSENT—Messrs. Brown, Buckalew, Cattell, Conness, Doolittle, Fowler, Grimes, Guthrie, Harris, Henderson, Howard, Norton, Poland, Pomeroy, Riddle, Saulsbury, and Sherman—17.

So the amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

On motion of Mr. FESSENDEN, its title was amended by adding the words "and for other purposes."

TOWN SITES ON PUBLIC LANDS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 532) for the

relief of the inhabitants of cities and towns upon the public lands.

Mr. STEWART. I move that the Senate concur in the House amendment with the following amendment to be added to it:

Provided, That no title shall be acquired under the provisions of this act to any mine of gold, silver, cinnabar, or copper.

Mr. POMEROY. This has not been examined by any committee that I know of.

Mr. STEWART. It has been examined by the Committee on Public Lands of each House.

Mr. CONNESS. It is the same bill that was debated here the other day.

Mr. JOHNSON. How does the House amendment differ from our bill?

Mr. STEWART. It does not differ in any material particular, except that they have left out a proviso of mine.

Mr. JOHNSON. I should like to know how the amendment varies the bill.

Mr. STEWART. The amendment I now propose?

Mr. JOHNSON. I speak of the House amendment, which I understand is a substitute for our bill.

Mr. STEWART. They have changed the phraseology, but in substance the two bills are the same except that theirs is a general bill and ours only applied to a few States specifically named.

Mr. JOHNSON. Was the amendment the Senator proposes in the original bill?

Mr. STEWART. It was in the original bill, but not in the same language. I think this language will be acceptable.

Mr. CONNESS. If the Senator from Nevada will agree, I think it is best, perhaps, to have the matter referred to the Committee on Public Lands. They can consider it in their seats and report it back at almost any time. That will be more satisfactory to the Senate, and I hope it will be done. I move that the bill and amendment be referred to the Committee on Public Lands.

The motion was agreed to.

FORTIFICATION BILL.

On motion of Mr. FESSENDEN, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868.

The Committee on Finance proposed to amend the bill by striking out the second section, in these words:

SEC. 2. *And be it further enacted*, That there shall not be over fifty per cent. of the foregoing appropriations expended during the fiscal year ending June 30, 1868, and the residue thereof shall not be expended till otherwise ordered.

Mr. WILSON. I move to amend the bill by adding the following additional section:

And be it further enacted, That in order to determine the relative powers of resistance of the turret and the broadside systems of iron-clad vessels-of-war, and whether or not our present heaviest guns are adequate to the rapid destruction of the heaviest plated ships now built or deemed practicable on either system, and whether or not our best stone forts will resist our heaviest guns, and if not, what increase in strength by adding either stone or iron, or variation in form is necessary to that end, the Secretary of War and the Secretary of the Navy are hereby authorized to detail a joint board of not less than six competent officers, three from the Army and three from the Navy, whose duty it shall be to construct and test by firing upon them such targets as they may deem necessary for the purpose above named; and the Secretary of War and the Secretary of the Navy are hereby authorized and directed to supply the board with such facilities for this purpose as they may require: *Provided*, It can be done from the unexpended funds and materials now at their disposal, the expenses to be borne equally by the War and Navy Departments, and from such funds at their disposal as the Secretary of War and the Secretary of the Navy may designate respectively.

The amendment was agreed to.

Mr. MORGAN. I offer the following amendment with the approval of the Committee on Finance, to come in after line sixty-six on page 8:

For the construction and repair of barracks for engineer troops at the depot of engineer supplies at Willet's Point, New York, $25,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

NAVAL APPROPRIATION BILL.

On motion of Mr. FESSENDEN, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1176) making appropriations for the naval service for the year ending 30th June, 1868.

The first amendment of the Committee on Finance was to insert after line thirty-three on page 2, at the end of the appropriation for the Boston navy-yard:

For purchase of wharf adjoining the navy-yard $135,000: *Provided*, That this sum shall cover the whole cost of the property, and it can be acquired on terms satisfactory to the Secretary of the Navy.

Mr. SUMNER. I wish to know whether that is the sum that was fixed last year?

Mr. FESSENDEN. The same sum.

The amendment was agreed to.

The next amendment was to strike out the following clause from line forty-one to line forty-seven:

And the Secretary of the Navy is hereby authorized and directed to receive and accept a deed of gift, when offered by the State of Connecticut, of a tract of land situated on the Thames river, near New London, Connecticut, with a water front of not less than one mile, to be held by the United States for naval purposes.

Mr. FOSTER, (Mr. POMEROY in the chair.) I should like to know why the committee proposed this amendment, striking out those words.

Mr. FESSENDEN. The committee thought it would be time enough to act upon the question of accepting a deed of gift to land on the Thames, in Connecticut, near New London, when the State of Connecticut offered it. It has not offered anything of that sort at present. To pass a provision of this kind is entirely useless, certainly unusual. We do not know now what is proposed to be done with this land if it shall be given. When Congress acts on such a matter Congress should know distinctly what the offer is, instead of leaving it to the discretion of somebody else before the offer is made to accept it when it shall be made. Besides, we supposed that if this provision was made it might be considered as an implied obligation, having accepted the gift, to proceed to use it for naval purposes, which at present Congress is not prepared to determine. These were the simple reasons that operated on the mind of the committee in proposing to strike out the clause. We saw no good reason why it should be there.

Mr. FOSTER. It is a mistake to suppose that an offer of this land has not been made by the Legislature of the State of Connecticut. If I mistake not, two years ago the Legislature took the necessary steps to transfer the jurisdiction of this tract of land to the United States. Everything requisite to be done on the part of the State to convey it to the United States has been done by the State of Connecticut; and if the offer has not been formally or technically made, it is because the State, in her modesty, has not thought proper to appear obtrusive in regard to her gift. It may not be as "munificent" as some other gifts that have been offered to the United States and accepted; but I can assure the Senator, and I can assure the Senate, that so far as the State of Connecticut is concerned there will be nothing implied in the acceptance of this gift by the United States; and, further than that, it will not be an expensive gift to the United States, for it will not cost what some other gifts accepted by Congress will cost before they can be of any possible utility to the country.

The frigate Sabine, which is the practice-ship of the Navy, has been making New London harbor her station for more than a year past. It is very frequently the case that the young lads on board are taken on shore to be drilled, and it would be very convenient if there was a drilling-ground which could be used for that purpose. There are very many purposes for which this land may be used with very great advantage by the Government. There is nothing, as I apprehend, wanting on the part of the State of Connecticut to complete the offering of the property. Her action may not be officially before the Senate; but I can assure the Senator from Maine and the Senate that everything has been done which is requisite in order to give the Government of the United States a tract of land there which will be very valuable, in my opinion, for naval purposes. It seems to me a little singular that it should be declined. I can see no reason why it should be. It costs nothing to accept it. If it should not be offered finally in such a manner as to convey anything, the Secretary of the Navy will probably not accept it; but if it should be deemed of any possible use to the Government I can see no reason why it should be refused. I confess the opposition of the honorable Senator to the acceptance of a conveyance of this sort seems to me strange, unusual, unaccountable.

Mr. FESSENDEN. I will state to the Senator that my opposition is not more to this than it was to League Island. I voted against the acceptance of that gift knowing all about it; and now I vote against the acceptance of this gift because I do not know anything about it, and because Congress knows nothing about it. What the consequence may be, what use it may be put to, what necessity we may have for it, I think ought to be known before we enter into an implied obligation to use any place for naval purposes.

Mr. GRIMES. Before the question is taken on striking out the clause, I move to amend it so that it shall read:

The Secretary of the Navy is hereby authorized and directed to receive and accept a clear and indefeasible title deed by gift of any tract of land from any State, county, city, or other municipality or individual in the United States, and to be used only for naval purposes: *Provided*, That such acceptance shall not imply any obligation on the part of the United States to use or occupy the same or expend money thereon.

I am not exactly clear that it would not be advisable for many purposes that the Government should have stations along the coast where under certain exigencies there might be depots of naval supplies, or where naval vessels might at times be laid up. Two or three places on the coast of Maine have been mentioned in this connection. Wiscassett, I think, is one; and an application has been made I believe from Booth bay. I remember that my friends from Ohio a year ago were insisting on a station being established either at Sandusky or Cleveland, and certainly one was proposed on Lake Michigan. Now, if the municipal authorities at these places saw fit to give us a grant of land, to be used by us whenever it should be required for naval purposes, I do not know any reason why the Government should not accept it.

Mr. FOSTER. As an amendment to the amendment moved by the Senator from Iowa, I move to add at the close of it "and the principle herein contained shall apply to the gift of League Island."

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from Iowa moves an amendment to the amendment.

Mr. FESSENDEN. With great deference to the Chair, I beg to suggest that there is a motion to strike out the clause, and the Senator from Iowa simply proposes to amend it before it is stricken out. His, therefore, is an original amendment.

The PRESIDING OFFICER. Then the amendment of the Senator from Connecticut is in order, and the question is on that amendment to the amendment of the Senator from Iowa.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Iowa, as amended.

The amendment was rejected.

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The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Finance to strike out the clause which has been read.

Mr. HENDRICKS. What objection is there to that clause?

Mr. FOSTER. That is what I am trying to ascertain.

Mr. HENDRICKS. If the State of Connecticut is willing to give this property I do not see any objection to our taking it.

Mr. FESSENDEN. I have stated the objection at length once.

Mr. HENDRICKS. I was in favor of accepting League Island for the purposes of a navy-yard at Philadelphia, and contributed what little I could toward securing the passage of that bill. Now, if the State of Connecticut wishes to make a present to the Government of some water front on the Thames river, I do not know that it is unbecoming the United States to accept it. There is no obligation on the part of the Government by receiving it to improve it, and I think there are some purposes for which this location, if secured, would be of value.

Mr. CATTELL. The Senator from Indiana asked what objection there was to this clause. The Finance Committee in looking at the subject discovered that there had been no offer whatever from the State of Connecticut of a gift of this kind, and they consequently concluded that it would be as well for the United States to wait until a tender was made, and not invite Connecticut to make it at present.

Mr. EDMUNDS. What was the tender from Philadelphia?

Mr. CATTELL. The tender from Philadelphia was by the city councils having purchased League Island and offered it to the Government as a free gift.

Mr. FESSENDEN. I will suggest to the Senator from Indiana that the last words of the clause "to be used by the United States for naval purposes" contain, in my opinion, an implied obligation on the part of the Government that they will at some time use the premises for naval purposes. I think that Congress ought to have the supervision over that question, and decide in the first instance before the land is accepted whether they think it advisable to accept it before they enter into such an implied obligation. We do not know what it may lead to, and it is simply removing the judgment of the question whether we ought to have it or want it for naval purposes from Congress to the Secretary of the Navy, whoever he may be.

Mr. HENDRICKS. The point made by the Senator from New Jersey in answer to my inquiry is just this: that the State of Connecticut has not proposed to make this gift to the Government, and it is a question of propriety whether the Government of the United States shall suggest it or the State shall suggest it.

Mr. FOSTER. The Senator from Indiana will pardon me for suggesting that the Legislature of the State of Connecticut two or three years ago passed a resolution directing the jurisdiction of this soil to be conveyed to the United States, and made all the provisions necessary to give to the United States jurisdiction and everything over this tract of land which the State as such could do, and other provisions were made. I have not the resolution before me, this matter having come up suddenly and unexpectedly to me. All the provisions necessary to give to the United States title to this tract of land have been made by the State in the most ample manner.

Mr. HENDRICKS. That was my recollection about it, though I never investigated the question in regard to New London, because I did not think it properly arose when we were considering the other proposition in regard to League Island. The objection of the Senator from Maine, I think, is not sufficient to control me in my vote on this question. I do not think it is implied that the Government will improve this site; but I think it means just what it says, that the Government will use it for no other purpose than naval purposes. I think the faith of the Government will be committed that far, that we cannot accept of this gift and afterward use it for some other purposes. The State of Connecticut offers it for a particular purpose, and we accept it for that purpose; but we do not agree to improve it unless the interests of the Government so require. Therefore I shall not vote to strike this clause out.

Mr. DIXON. What are "naval purposes?" The Senator from Maine objects that the Government of the United States may be bound to use this ground for some naval purpose, and is in that way committed. I will state that there are almost always more or less ships-of-war of the United States lying in the harbor of New London every season for several years past, and I believe at this very time there is one there, if not more. It does not seem to me that there is any committal here which can injure the Government at all.

Mr. DAVIS. I think this is a new form of competition between Connecticut and Pennsylvania. It seems to me that there is more in both of these munificent gifts than meets the eye, and that the object is to create some consideration upon which some demand shall be made in the future upon Congress for legislation in regard to both places. I have no doubt that probably at the next session or the session afterward there will be a claim set up that in consideration of the munificent gift of League Island the site of the present naval depot in Philadelphia shall be ceded by the United States to that city. I suspect that one of the objects of this proposition on the part of the State of Connecticut is to be at least as liberal as Philadelphia, and to have as much of consideration upon which to receive the future benefit of favorable legislation from Congress as Philadelphia will have by reason of the cession of League Island.

Mr. FOSTER. The honorable Senator from Kentucky will pardon me a word right there. On the part of Connecticut we do not claim this to be a munificent gift. We do not wish that epithet applied to it. We certainly do not call it so.

Mr. DAVIS. I stand corrected.

Mr. FOSTER. It is by no means a munificent gift, although I must say that in my opinion it is worth half a dozen League Islands; but it is not in the judgment of the people of Connecticut at all munificent, and we do not suppose the General Government to be under any obligation to accept it. We have no ulterior designs to interfere with League Island. We will keep clear of that if we can, and advise all our friends to do so.

Mr. DAVIS. I stand corrected, and frankly concede that the State of Connecticut had not claimed for her gift the character of munificence, and agree with the Senator in another particular. I think that the gift which is now offered by Connecticut will be of ten times the value of League Island to the United States. I have no doubt that League Island has already initiated a very great expenditure of money on the part of the United States, and that it will be found the most costly gift that was ever characterized on the earth as a munificent gift to the donee. I wish we could get rid of both these gifts, and if some gentleman will move an amendment that League Island shall be surrendered instead of this gift of a tract of land at the mouth of the Thames being received I should be disposed to vote for the proposition. I wish it could be made and successfully made. I want to get clear of League Island, and I do not think there is any occasion for accepting the gift either of League Island or of a tract at the mouth of the Thames, because I think the naval depot at Washington city is the proper site for an iron-clad station, and that the Government ought to put it here at the metropolis, where there is better water, and everything more favorable to the construction of a great iron-clad depot. This is the proper place for it in my humble opinion.

Mr. COWAN. If my ancient Trojan friend [Mr. DAVIS] had been in Troy with his extraordinary sagacity to look into the wooden horse, I have no doubt he would have seen the armed men contained in it, and perhaps have saved the city. He is evidently suspicious of gifts; he fears the Greeks bearing gifts; but I am free to say that his arguments have not yet convinced me that the United States may not accept gifts, and accept them all over the country on the same terms. Why not? Is it to be presumed that the next Congress will have no more sense than this? I expect my friend from Kentucky would not be guilty of indulging in any such violent presumption as that.

Mr. DAVIS. Perhaps less sense.

Mr. COWAN. If that be true, I should think he would have small hopes of the country.

Mr. DAVIS. That is true also.

Mr. COWAN. *Facilis descensus Averni*; but suppose we are on the downward road rapidly, how does that affect this question? I really never could see much objection to receiving grants of this kind. I cannot conceive now of any possible mischief which can come from them. I was very strongly in favor of accepting League Island, and I was in favor of it because it was a gift, because it cost nothing, and because we were not bound by any obligation I could see to use it even for naval purposes. I look upon this in the same way; and without any desire to be revengeful, I would be glad to accept this from Connecticut; and I think it is a munificent gift, with all due deference to my honorable friend, [Mr. FOSTER,] a great gift. Why not? It is true, Connecticut is a small State, and not very wealthy, I presume, and therefore the more munificent the gift. Very wealthy people may give larger gifts than poorer people; the widow's mite may be more in proportion than Peabody's million. Still, not to jest on this subject, Connecticut is able to give, and that she has done. I think we ought to accept it and trust to the future to make a proper use of it. I am not by any means disposed to tinge the future with a rose color, but I believe there will be no disposition in future Congresses to expend money idly or uselessly upon either League Island or the Thames. We shall have difficulty in expending money uselessly anywhere if the present spirit of contention goes on, if all over the Union such a spirit prevails that we cannot agree upon a tariff, we cannot agree upon a revenue bill, and we cannot reconcile conflicting interests anywhere, and cannot prevent their clashing so as to stop almost the wheels of Government. I learn from a report lately made to the House of Representatives that it is almost considered a crime to attempt a reconciliation between the President and the legislative department of the country. Think of it!

Gentlemen suggest that I am taking up the time of the Senate with useless talk. It may be so, but I wished to calm the apprehensions of my friend from Kentucky. I am pretty certain that when it is proposed to expend money either upon League Island or upon the Thames there will be here champions ready to protect the Treasury against any onslaught which may be made upon it.

Mr. DAVIS. Mr. President——

Mr. SHERMAN. Let us vote.

Mr. DAVIS. I assure the honorable Senator from Ohio that I am not going to make a speech, but I must remonstrate strongly and earnestly against the honorable Senator from Pennsylvania finding any apology for accepting League Island in the Trojans receiving the Grecian horse. If that present had been tendered in the form of an irreclaimable swamp, instead of in the form of a Grecian horse, the Trojans never would have admitted it within the walls of Troy. [Laughter.]

The PRESIDING OFFICER. The question is on the amendment of the Committee on Finance, to strike out the clause which has been read.

The amendment was rejected.

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The next amendment of the Committee on Finance was to strike out the following clause from line ninety-eight to line one hundred and two:

For pay of some suitable person, appointed by the Secretary of the Navy, to examine the archives of the Department and other sources of information, and collect and collate the facts which may illustrate the history of the United States Navy, $1,500.

The amendment was agreed to.

The next amendment was in line one hundred and nineteen, to strike out "fifteen" and insert "twenty-five;" so as to make the appropriation "for preparing for publication the American Nautical Almanac," $25,000.

The amendment was agreed to.

Mr. CONNESS. Are there any other amendments from the Finance Committee?

The PRESIDING OFFICER, (Mr. POMEROY.) The amendments reported by the committee have been completed.

Mr. CONNESS. I move then to amend the bill on page 4, line eighty-nine, by inserting after the words "Washington, District of Columbia" the words "and Mare Island, California." It is the clause requiring the nomination by the President, and the confirmation by the Senate, of master mechanics at certain navy-yards.

Mr. WILLIAMS. That is right.

Mr. FESSENDEN. I have no objection to it.

The amendment was agreed to.

Mr. FESSENDEN. The Committee on Finance recommended an increase of the appropriation for preparing for publication the American Nautical Almanac from $15,000 to $25,000. They were governed in that by the estimates and by what was said about $15,000 probably not being enough. I understand from my friend from Iowa that the gentleman having charge of it thinks that $6,000 more, $21,000 in all, will be sufficient. I therefore move to reconsider the amendment of the committee for the sake of amending it.

Mr. GRIMES. I do not know that my recollection is accurate on the subject; but the gentleman who called on me wrote in my committee-room a letter to the Senator from Maine, and I suppose that was true.

Mr. FESSENDEN. I never received it. I never had any letter from him.

The motion to reconsider was agreed to.

Mr. FESSENDEN. I now move to amend that clause by striking out "fifteen" and inserting "twenty-one;" so that it will read:

For preparing for publication the American Nautical Almanac, $21,000.

The amendment was agreed to.

Mr. MORGAN. I move to amend the bill by inserting on page 2, after line thirty-six, the following:

Naval Laboratory, New York:
For repairs of apparatus, machinery, fixtures, painting, glazing, wagons, furniture, &c., $3,500.

Mr. FESSENDEN. I think that is right.

The amendment was agreed to.

Mr. HENDRICKS. I am authorized by the Committee on Naval Affairs to propose the following amendment as an additional section:

And be it further enacted, That the Secretary of the Navy be, and he is hereby, authorized and empowered to negotiate with the city of Brooklyn, in the State of New York, and to effect a further exchange of lands in Wallabout bay between the United States and the said city, and thereupon to make, execute, and deliver good and sufficient deeds and releases therefor.

I will explain this amendment in a word or two. By the act of July 2, 1864, the Secretary of the Navy was authorized to make an exchange in this language of some lands between the city of Brooklyn and the navy-yard. An exchange was made, but that exchange did not adjust the grounds as is desirable. The Secretary understands that the exercise of the power is exhausted, that he has not the power to make any further exchange. I have here a letter from the head of the Bureau of Docks and Yards which I will ask the Secretary to read.

The Secretary read the letter, as follows:

NAVY DEPARTMENT,
BUREAU OF YARDS AND DOCKS, *March* 1, 1867.

SIR: The city of Brooklyn and the Navy Department have in view a further exchange of ground and water privileges at the navy-yard, New York. The terms proposed are not yet consummated, and it is not certain that they will be; but it will require legislation of Congress, as I think, to confirm such arrangement if agreed upon by the parties. It would be well that such a resolution be passed at once authorizing the Secretary of the Navy to make such exchange on terms which may be agreed upon, and which are supposed under all the circumstances to advantage both parties.

The Secretary has referred this matter to this bureau subject to his approval.

JOSEPH SMITH,
Chief of Bureau of Yards and Docks.

Mr. MORGAN. If the Navy Department really require this, and if the Secretary of the Navy makes an application for this power, I should be in favor of giving it to him; but I do not quite understand that that is the application.

Mr. HENDRICKS. I do not know that I understand the question asked by the Senator from New York. The act of 1864 authorized the Secretary of the Navy to negotiate an exchange of some lands between the navy-yard and the city of Brooklyn. One exchange has been made, and that is understood by the Department to exhaust the power. A further exchange is desired, but it cannot be made except there be a renewal of the power. The amendment which I propose is in the language of the act of 1864, except that it says "further exchange." This is submitted, just as the act of 1864 submitted it, to the discretion and judgment of the Department.

The amendment was agreed to.

Mr. SUMNER. I move to insert on page 4, line eighty-four, after the words "master laborer" the words "master mason, master cooper, master boat-builder, master sparmaker, and superintendent of rope-walk." Those all come within the enumeration which precedes them. The passage immediately before is as follows:

Provided, That the offices of civil engineer, master machinist, master carpenter, master joiner, master blacksmith, master boiler-maker, master sailmaker, master plumber, master painter, master caulker, master laborer, and naval storekeepers, be, and the same are hereby, established in connection with the navy-yards at Kittery, Maine, &c.

I propose to insert the words I have read after "master laborer." It merely adds to the enumerated list.

Mr. EDMUNDS. Are they to be appointed by the President.

Mr. SUMNER. By the President just the same as the others, and the same reason is applicable to them that is applicable to the others.

Mr. EDMUNDS. Are they as important?

Mr. SUMNER. Two of them are full as important as any. I have several letters from gentlemen familiar with the operations of the Charlestown navy-yard, in which they say it is very desirable that this addition should be made.

Mr. TRUMBULL. I should like to inquire if they have all these offices at the navy-yards?

Mr. SUMNER. At Charlestown they have; at some of the other yards they have not.

Mr. TRUMBULL. This would apply to the navy-yards at Kittery, Brooklyn, Philadelphia, and Washington.

Mr. SUMNER. If they have not these offices at those navy-yards then this is not applicable to them.

Mr. TRUMBULL. But this establishes them. It makes it necessary to have the office of a master rope-walker [laughter] at Philadelphia, Washington, and all these places. I do not know but you will have a rope-dancer next. I do not know whether these offices are established at these places.

Mr. FESSENDEN. As a rule they are not.

Mr. TRUMBULL. Then we are to establish these rope-dancers and rope-walkers and masters of all these various performances. I doubt the propriety of establishing them in this bill.

Mr. SUMNER. I have no objection to inserting the words "so far as the same may be necessary in these yards respectively."

Mr. TRUMBULL. I think we are carrying this to a great extent.

Mr. SUMNER. I merely wish to apply to these other officers the same precaution that we apply to those already mentioned.

Mr. FESSENDEN. My own opinion is that the whole thing is an absurdity.

Mr. TRUMBULL. I think so, too.

Mr. HENDRICKS. I think the proposition of the Senator from Massachusetts is just about as proper as the rest of this proviso. The whole thing is mighty cheap, a getting down small for Congress, in my opinion. Here are certain persons that superintend mechanical employés or laborers for the Government, and they must be constituted into officers to be confirmed by the United States Senate, as if they were officers of dignity and importance under the Constitution of the United States! Why, sir, if a machinist is appointed, what does the Senate know about him as a machinist?

Mr. SUMNER. I will ask the Senator with his permission, when a second lieutenant is appointed what does the Senate know about him?

Mr. HENDRICKS. For a second lieutenant we expect a man of ordinary intelligence and cultivation, and the Senate can judge for that office just as well as for a postmaster, just as well as for a revenue collector. But a master machinist is a man who is learned in his particular trade, and whether he be fit for the place the Senate can form no judgment at all. That is generally ascertained by having a test of his skill by practical men. Generally they grow up in the shops, promoted from one position to another until they become master machinists. The idea of the Senate of the United States undertaking to confirm a master machinist is too ridiculous. In my judgment it is beneath the dignity of the body to talk about it. We want for that position a man who knows how to construct machinery, a man of practical business and good judgment; and who can tell of that as well as the person in command at the navy-yard. If he is not found to be suitable he ought to be dismissed at once. Now, if you require him to be confirmed by the Senate, and he cannot be removed except a case be made out, and it be tried before the Senate, I say it defeats the efficiency of our navy-yards, and it is a blow at the good of the Government and of the service for political purposes. It is beneath the dignity of Congress to talk about it. Whether it be the master machinist or the rope-dancer, as the Senator now proposes to amend, is a matter of no consequence. The whole thing ought to be stricken out. If this amendment fails, I shall move to strike out the whole clause.

Mr. COWAN. Mr. President——

Mr. TRUMBULL. Let us strike it all out.

Mr. COWAN. I am perfectly satisfied to do that. I rose for the purpose of saying that I think another very wholesome amendment might be made now. Why all this trouble about master machinists and rope-walkers and the like of that? It is to contrive some kind of machinery by which they may be turned to political advantage.

Mr. EDMUNDS. Are they not now?

Mr. COWAN. That is the trouble; and they always have been. Now, if all the people who seek employment in the public navy-yards and other public works were disfranchised there would be no difficulty about this subject; the politicians would not care a cent who you made foreman, or who you made master of any particular branch; but it is because they are to be manipulated through these positions and these offices and made of use to political parties that these questions arise. I understand the motive of this new procedure. Always heretofore the President and his party had the advantage of these things. Now, the dominant party want to secure this influence in some way or other, and they want to get the advantage.

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Mr. EDMUNDS. We give the appointment to the President.

Mr. COWAN. But it is by and with the advice and consent of the Senate. That is only making it worse, because it is bringing it into a higher arena, into a larger theater, and giving it greater importance; and the fact is, confirmations by the Senate, if you undertake to run them into all these things, will become such an absurdity that the Senate itself will be absurd. It will be impossible for the body to make the necessary examinations required and to perform its duties here.

Mr. SUMNER. I have one word to say in reply to the Senator from Indiana. He says, why should the Senate act upon a machinist? I ask him, why should the Senate act upon an engineer? It does now act upon engineers. We confirm them or reject them as we please; and the reason is just as good in one case as in the other. Then the Senator asks what is the reason for this provision? I will tell the Senator; there is no secret in it; I will disclose it to him so that he shall know it completely. It is to provide against the exercise of a peculiar political influence over these places by the Administration here in Washington. The Secretary of the Navy has exerted his power over these officers. It is felt by all people who are familiar with it, injuriously to the public interests.

Mr. HENDRICKS. The Senator asks a question which I will answer now if he will allow me.

Mr. SUMNER. Certainly.

Mr. HENDRICKS. He asks how the Senate know anything about an engineer. The engineer before he can be appointed at all must undergo an examination. That examination in regard to his fitness comes to the Senate, and the Senate can have some information about it, though I do not think that the confirmation by the Senate of even that class of officers is important.

Mr. SUMNER. Very well. The argument is just as strong in one case as in the other; and it is now proposed to apply the principle to these cases simply to meet an abuse which has recently occurred. And permit me to say that the Senate is just as competent to deal with these cases as the gentlemen who now deal with them. For instance, these appointments are now made by the naval constructor and naval officers, who as a general rule know nothing of mechanical duties; and yet they appoint these mechanics. In appointing them latterly in the yard with which I have most acquaintance they have followed not merit, but simply political interests. They have made all these appointments subordinate to party politics. I think we ought now to interfere and check it. I am sorry that there is an occasion for it; but I do think that the occasion has come.

Mr. ANTHONY. I did not happen to be present when this matter was before the Committee on Naval Affairs. I suppose this bill was before that committee before it was reported.

Mr. FESSENDEN. This bill does not come from the Committee on Naval Affairs.

Mr. ANTHONY. The naval appropriation bill has always been before the Committee on Naval Affairs at former sessions. I should like to know the views of my friend the Senator from Iowa, the chairman of the Committee on Naval Affairs, upon this legislation upon an appropriation bill, which brings to the confirmation of the Senate, as I understand, for the consideration of the Senate, officers some of whom control from three to five men. Here is the master caulker, the master sailmaker, the master plumber, the master painter. I understand that in some of these navy-yards they do not have the control of but four or five men; and if they are confirmed by the Senate, and the bill which we have passed with regard to the tenure of office becomes a law, they cannot be turned out except by the assent of the Senate, and we are to be called upon here in executive session to discuss the qualifications of a master painter in a navy-yard who has the control of seven men. I should like to have my friend from Iowa give us his views on this subject.

Mr. CONNESS. I am very much inclined to take the view of not only opposing this amendment, but all such provisions made here. The Senator from Pennsylvania has nearly convinced me that if we do these things the navy-yards will become as demoralized as the collection of the revenue in the State of Pennsylvania. It is a bad thing to change officers who are merely engaged in what might be called the useful avocations, who get acquainted with trades and become masters of the situation, who learn the intricacies of the internal revenue laws, and fill the places of those persons with mere tyros. I incline to think that that ought not to be done. I am glad to see a little sign even of latter-day reformation on the part of my friend from Pennsylvania.

The severest rule applied in this respect that I know of is the one applied by the honorable Secretary of the Navy, which we have had partially here before us, in the Norfolk navy-yard, wherein that official declared to the commandant of the yard that disunionists should not be employed even as laborers, and then proceeded with a political disquisition on what constituted disunionists, namely, persons opposed to the thirty-six stars of my friend from Wisconsin, [Mr. DOOLITTLE;] persons opposed to the representation of the rebel States in Congress. Those were disunionists in the estimation of that distinguished functionary. If the country could be made to laugh at anything, and laugh at it heartily, they would have laughed at the honorable Secretary of the Navy more than they have ever laughed at him before for such a definition of Unionism, and particularly for laying down such a rule for the employment of laborers in navy-yards.

I am one of those who believe that political office, that the employments connected with the administration of this Government, are resolved entirely too much into political organisms. I can say with full truthfulness that so far as I have any political experience in life all the men whom I have advised the public employment of have never been worth the snap of a finger to me; and I care nothing about their services or their assistance politically; and I do not think a man is fit for high station who does. Because the honorable Secretary of the Navy has belittled himself by the proceedings taken by him it is no proper example to be followed by the Senator. I think we have too much of this.

Mr. COWAN. Mr. President——

Mr. SUMNER. I will withdraw my amendment, and not attempt to add to the proviso as it stands.

Mr. COWAN. Then I will speak to the general project which my friend from California and myself have in our eye at this time; that is, to dispense with all this legislation. I must confess to a little astonishment at hearing the corruption of Pennsylvania rebuked from that quarter; and especially was I astonished afterward that with the exceedingly high ground the honorable Senator takes now in regard to the use of political patronage, he says he has never so far derived a single particle of benefit from it, and does not care anything about it, and no man of sense does. After that experience I am glad to welcome him into the ranks of those who never thought it was worth anything, and have never used it in that way, especially in Pennsylvania, where we have never been in the habit of that.

Mr. CONNESS. No; we know that.

Mr. COWAN. Now, I should be glad to join him, particularly after his speech this evening, and have all this legislation dispensed with, and let us go on in the old way and trust to Providence to encounter evils as we best may, without introducing others worse than those they are proposed to remedy.

Mr. GRIMES. I suppose that the Committee on Finance, who have had this subject under consideration and who have given their approval to this proposition, perhaps did not intend to include sailmakers.

Mr. FESSENDEN. The proposition came to us in the bill from the House.

Mr. GRIMES. But I understand it was under consideration in the Committee on Finance and met their approval.

Mr. FESSENDEN. We reported it as it came from the House.

Mr. GRIMES. Sailmakers are petty officers, and stand exactly like boatswains and carpenters and other officers of that kind. They do duty at sea for a three years' cruise and then come home and are attached to a navy-yard for two years or a year and a half, and then are ordered to sea again. It is the same case with the carpenter.

Mr. HENDRICKS. I move to strike out the proviso commencing in the eighty-first line on page 4. That is the bill we have been speaking about.

The PRESIDING OFFICER. Does the Senator move to strike out the whole proviso?

Mr. HENDRICKS. Yes, sir; it all relates to the same subject. I move to strike it all out from the eighty-first to the ninety-seventh line, in these words:

Provided, That the offices of civil engineer, master machinist, master carpenter, master joiner, master blacksmith, master boiler-maker, master sailmaker, master plumber, master painter, master caulker, master laborer, and naval storekeepers, be, and the same are hereby, established in connection with the navy-yards at Kittery, Maine; Charlestown, Massachusetts; Brooklyn, New York; Philadelphia, Pennsylvania; and Washington, District of Columbia; and Mare Island, California; and that the persons selected to fill the several offices hereby established shall be appointed by the President, by and with the advice and consent of the Senate, and shall have the immediate supervision and direction of the work to be performed in their several departments, with authority to select and discharge such workmen as the necessities of the service may require, subject always to the approval of the commandant of the navy-yard to which they are attached.

I think if Senators will reflect for one moment they will strike out this proviso. These persons ought not to be placed under political influence. They are business men, superintendents of work that is to be done, and they ought not to depend upon political influences for their position nor for holding their position. The Secretary of the Navy cannot know what sort of men to nominate for such places. It ought to be left to the commandants of the yards to select practical, business, experienced men. This bill was not before the Committee on Naval Affairs, or I suppose that committee would have considered this question.

Mr. GRIMES. This bill was not, but this proposition was.

Mr. HENDRICKS. We never favored it.

Mr. GRIMES. This proposition was before the Committee on Naval Affairs as an independent measure, and was decided against. I think there was only one member of the committee who was in favor of reporting it to the Senate. I do not feel any responsibility for this bill, and do not take any particular interest in it; but as the Senator from Rhode Island has made an inquiry of me, I choose to answer it. I suppose that ever since the foundation of the Government navy-yards have been regarded as a sort of political instrumentalities in the hands of the politicians in their vicinity, and whenever there has been a change of Administration there has invariably been a change of the civil employés of the navy-yards at the instance of the Congressmen in the immediate vicinity, they regarding them as a part of their local patronage. When the Republican party came into power six years ago this same change took place, very much against the remonstrance of the chief of the Bureau of Yards and Docks in some instances, who desired to retain—and I have no doubt from conscientious motives and very properly—some of the best master workmen that the Government had ever had; but I think, as a general rule, they all went out.

Now, I suppose there is no doubt that last year, when there was an effort made to organize what is known as the Johnson party, in the navy-yards at Philadelphia and New York, and

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perhaps in one or two instances in Boston, and I am told in one or two instances at Kittery, changes were made for the purpose of promoting political ends; and the Secretary has made two changes in the Norfolk navy-yard, very improperly I think, and he wrote a very foolish and improper letter, for which, if it was in my power, I would desire to rebuke him. But I want my political friends to understand that while there have been those changes made, there are five to one of the present master mechanics in the different yards who are our friends. The only effect, therefore, of adopting this proposition will be to cause all those men to come before the President for appointment, and we must take our chances of getting our friends reappointed or not.

Then, again, if the tenure-of-office bill shall become a law—I am not very familiar with its provisions, but the Senator from Vermont [Mr. EDMUNDS] and the Senator from Illinois [Mr. TRUMBULL] can explain it to the Senate—I apprehend the effect of it will be that when we get a master mechanic into one of these places it will be somewhat difficult to get him out.

Then again, in regard to the provision itself, it will be observed that it applies, as it now stands, to all the navy-yards of the United States. We carry on different kinds of business in different yards. At one yard we manufacture all the rope that is used in the Navy of the United States, and there we have a rope-yard. The amendment of the Senator from Massachusetts covers the case of the master of the rope-walk, and it would establish one in every other yard where we have no such institution. Then again, in the yards at New York, Philadelphia, and Boston we repair ships, and we have a master caulker, but we have none, I believe, at the Washington yard, and I think we have none at Kittery.

Mr. TRUMBULL. This law would establish one.

Mr. GRIMES. This law would establish one where we have not one now, and where we do not desire any. Then in regard to sailmakers, they are warrant officers of the Navy, and this will take from them the duty that is now imposed upon them, change it entirely, make it a permanent office connected with the yard, instead of their having their regular routine of sea and shore duty, as they have had ever since the foundation of the Government. There is one officer in that list who ought to be confirmed, and that is the naval storekeeper. He has the control of a large amount of property. It ought to be a presidential appointment, and he ought to be confirmed by the Senate; but I cannot see the necessity for confirming all these master workmen. I should like to restore if I could some of the men who have been removed. One of them is a friend of mine; I believe he is a very worthy officer; I am satisfied he is a good man; I think he ought not to have been removed. But I do not think it is worth while to disturb half a dozen good men who are my political and personal friends, for example in this yard, for the sake of requiring his successor in the future to be sent before the Senate for confirmation.

Then, again, I do not understand the latter clause of this provision, which declares that these officers—

> Shall have the immediate supervision and direction of the work to be performed in their several departments, with authority to select and discharge such workmen as the necessities of the service may require, subject always to the approval of the commandant of the navy-yard to which they are attached.

What is "subject to the approval of the commandant?" The selection of the workmen or the supervision and direction of the work? Does this last qualification apply only to the second member of the preceding sentence, or does it apply to both? If it does not apply to both, then you will have no discipline, no subordination in your yards? This is all I have to say. I am indifferent as to the proposition. I am not affected one way or the other by it.

Mr. CRAGIN. As I understand this provision, it simply changes the mode of appointment of the officers named in it; nothing more, nothing less. I hope that the provision will be retained.

Mr. GRIMES. I will inquire of the Senator from New Hampshire if they make boilers at the Portsmouth navy-yard?

Mr. CRAGIN. I am not sure about that.

Mr. GRIMES. Have they got any engine-shop there?

Mr. CRAGIN. They have constructed several steamers, gunboats, &c., there.

Mr. GRIMES. But the engines were made in New York and carried there, were they not?

Mr. CRAGIN. I think they were, or some other place. Perhaps there might be an amendment to this provision saying that these offices shall only be established if necessary.

Mr. GRIMES. I will inquire if there is a master caulker at the Portsmouth navy-yard?

Mr. CRAGIN. I think we have not a master caulker, but something that answers the same purpose. I have, at any rate, recommended a man for master caulker this very session, and expect to get him appointed.

Mr. GRIMES. I ought to say that another great clamor that has been raised on this subject grows out of this fact: they have in a navy-yard a master workman, and then under this master workman there used to be what were called quartermen. A quarterman was a man who was a sort of go-between, an intermediary man between the common mechanic and the master mechanic, and he got an extra pay for acting as quarterman. Each quarterman had from seven to fourteen men under him. Now, some of these master mechanics have been abolished, and the business they have performed has been put under the control of the constructor of the yard, and this constructor has abolished a great many of these quartermen; and instead of these quartermen doing nothing except superintending the work of seven or fourteen men, they now have in some yards only one quarterman to forty men. Each one of these quartermen was anxious to be restored to his old position; and I suppose out of that has originated a great deal of clamor on this subject.

The PRESIDING OFFICER. The question is on striking out the proviso.

Mr. SUMNER. I hope it will not be struck out. It has come to us from the House where it was introduced to meet an existing abuse. The evidence is ample as to the abuse. Now, it may be that the proviso, should it be adopted, will not work well. If it does not, then on the next naval appropriation bill it can be repealed.

Mr. GRIMES. Do you want to create these new offices?

Mr. SUMNER. It is not proposed to create new offices.

Mr. GRIMES. The bill does.

Mr. SUMNER. I am not sure of that. All of these offices exist certainly in the Charlestown navy-yard. I should have no objection to the words being introduced "so far as the same may be necessary in the different yards respectively."

Mr. FESSENDEN. Let us take a vote.

Mr. SUMNER. I hope the clause will not be struck out. I have a great many letters here to the effect that there is great hardship from the want of something like this. There is in the Charlestown navy-yard a positive abuse. Political power has been exercised there against worthy men simply because they agreed with the Senator from Iowa in political opinions. Now, I think we ought to step in and relieve them.

Mr. HENDRICKS. I wish to disclaim all possible political considerations in making this motion. If I had charge of a navy-yard I should despise myself if I turned out a good mechanic merely because he differed with me politically. I ask Senators what would they think of the management of the affairs of a railroad company if the president did not have the power to remove at once a principal machinist in his shops if he found the locomotives were not running well? This power is necessary to the efficiency of the public service. This question, as was said by the Senator from Iowa, was before the Committee on Naval Affairs, and that committee thought it very impolitic indeed to make this change; that it would be injurious to the public service.

Mr. CRAGIN. I wish to say in relation to this matter being before the Committee on Naval Affairs, that it was not very fully discussed or considered there. The Senator from Indiana and the chairman of that committee will recollect that the bill that came from the House was passed over into my hands; but we did not act finally upon it; and we were to consider it hereafter to some extent. I admit that a majority of the committee, on first impression, were opposed to it. But, Mr. President, there is great necessity for this provision at the present time so far as the yard at Portsmouth or Kittery is concerned. The abuses there are very great at the present moment. I have received since the adjournment of the Senate to-day two dispatches from there urging the passage of this proposition from men of the highest character. I hope that this proviso will not be stricken out.

Mr. SAULSBURY. Mr. President, it is rather amusing to me and others who observed with me the course pursued during the Administration of President Lincoln in reference to removals from office, and who have heard the laudations pronounced upon him and his Administration, to see gentlemen rise in the Senate of the United States and find fault with President Johnson for imitating, to a very limited extent, the glorious and noble example set by such a glorious and noble chief of a party. The idol before whom these gentlemen have bowed down and worshiped, so far as my State was concerned, left no single office-holder in office who differed with him in political opinion, not even the humblest postmaster throughout the length and breadth of that State. Throughout this whole country, where ever his hand could reach an office-holder, however humble, or any person holding employment under the Federal Government, that hand was reached forth to remove him, provided he differed from him in political opinion. And yet these gentlemen, who even now since he has passed from earth have erected his image in the rotunda of this Capitol, that every time they pass to the other Hall they may be reminded of their idol, whose administration to them was an administration worthy to be remembered in all after time, now that he fills the presidential chair no more, but President Johnson occupies it, are horrified at the idea of executive power, and cry out "usurpation, oppression worthy only of impeachment!" Oh, consistency, thou art a jewel; and oh, politicians, how changeable ye are!

Mr. HOWE. Is it in order to move an amendment to the proviso before striking it out?

The PRESIDING OFFICER. It will be in order.

Mr. HOWE. Then I move to amend by striking out all of the proviso after the word "storekeepers" in the eighty-fifth line, and inserting "whenever the same exist shall hereafter be filled only by persons appointed by the President, by and with the advice and consent of the Senate;" so that the proviso will read:

> *Provided*, That the offices of civil engineer, master machinist, master carpenter, master joiner, master blacksmith, master boiler-maker, master sailmaker, master plumber, master painter, master caulker, master laborer, and naval storekeepers, wherever the same exist, shall hereafter be filled only by persons appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment moved by the Senator from Indiana, to strike out the proviso as amended.

Mr. SUMNER. I hope that will not be done.

Mr. HENDRICKS. I hope it will be done.

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Mr. HOWE called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. I am extremely sorry that on account of momentary exasperation at misconduct that has undoubtedly been practiced, we should undertake to make the Senate of the United States the supervisors of the selection of carpenters and joiners and blacksmiths and boiler-makers and sailmakers and plumbers and painters and caulkers and laborers at all the naval stations of the country. It is derogatory to the dignity of the Senate. It is injurious to the public service in every respect, in my judgment. If we are to adopt this principle of descending to these minor mechanical employments, which involve no trust, although the mechanics may be politicians, as everybody has a right to be in this country, we shall have our hands certainly full enough; because if we do this we must go to every laborer, every clerk, every employé of the Government everywhere. The Senate on a former occasion, by a very decided vote declined, after a long debate, to increase the number of appointees of this description, although of a much higher grade, who should be appointed by and with our advice and consent. We have much more important duties for the benefit of the country to be performed by us than these. We cannot attend to them all. The remedy for this evil lies in another bill, which I hope will pass before many years, although I have no idea that it will this Congress, regulating the civil service of the Government. I do hope that this proviso will be stricken out.

Mr. SUMNER. I hear a great deal very often said about "the dignity of the Senate." It is beneath the dignity of the Senate to take into consideration the grave question of who shall be a master mechanic! Sir, I believe it is not beneath the dignity of the Senate to protect any American citizen against political oppression; and that is the precise point here. The evidence is ample, it is overflowing, that this protection is needed. If my friend from Vermont had a navy-yard in his State, and he became practically acquainted with the abuses there through the exercise of political power, he would not come into the Senate and invoke its "dignity." No; the word is out of place. It is not worthy of this discussion. No honest attempt to sustain an American citizen against oppression can be beneath the dignity of the Senate. I say the evidence is complete that there is an existing abuse; and there is no single argument in favor of the bill which the Senator from Vermont so ably carried through this Chamber which is not applicable to this proposition; not one of his speeches which I might not make now in favor of this humbler proposition.

Mr. CRAGIN. One word further. Some Senators seem to think that this is a very small business; that the officers named here are of no consequence. I think every one of the officers named here receives a compensation equal to $1,500 at least.

Mr. SUMNER. Some two thousand dollars.

Mr. CRAGIN. Some more. The naval storekeeper, who is named here, has charge in some cases of millions of dollars' worth of property, more than a paymaster in the Army or a paymaster in the Navy, and those officers are confirmed by the Senate. The master carpenter and master machinist and the civil engineer have the employment of hundreds of men. They are officers of great importance. They are not mere laborers. They are head men in these establishments, and we confirm here every day hundreds and thousands of men whose salaries are less, whose responsibilities are infinitely less, and whose offices are less dignified and in every way of less importance.

Mr. EDMUNDS. Then why does my friend from New Hampshire insist upon carrying in on the shoulders of these very dignified and important personages all the rest of the laborers and unimportant personages whom he does not mention, but who are mentioned in this proviso?

Mr. CRAGIN. Will the Senator be kind enough to mention those unimportant laborers?

Mr. EDMUNDS. I only omit to mention those that my friend from New Hampshire did. He has named the naval storekeeper and two or three others, and has omitted the sailmakers and painters and caulkers and laborers and all the rest of the mechanics that work in navy-yards.

Mr. CRAGIN. Does the Senator observe that this master painter is the man who has charge of all the painting and employs all the laborers under him, the head man?

Mr. EDMUNDS. Certainly. When he says paint white, they paint white, and when he says paint black, (if that is not an offensive word in this audience,) they paint black, [laughter;] and we are to decide upon whether John Smith or William Jones is to conduct this painting business. Now, I undertake to say that is beneath our dignity altogether. It involves no trust or responsibility commensurate with being put in opposition to the duties that we have to perform. It is quite evident that there is some personal grievance or political grievance under all this thing. Some one has "shot the albatross," as The Ancient Mariner said, of my friend from Massachusetts.

"Since then, at an uncertain hour—"

As I believe the poet has it—

"That agony returns:
And till his ghastly tale is told
His heart within him burns."

We hear it every time these questions come up. All these minor officers, mere laborers that involve no great pecuniary responsibility, no public trust at all, are undertaken to be drawn into our consideration. Now, I agree that no man ought to be removed from an employment merely on the ground that his political opinion does not agree with that of his superior, because political opinion in this country is free. A man, under the Constitution of the United States, and under any other free constitution, has just as good a right to believe on one side of a political question as he has on the other; and it is just as wrong, in my judgment—it may be heresy to say so—to turn out a man from one of these mere mechanical employments because he is a Democrat as because he is a Republican.

Mr. JOHNSON. It is the same thing precisely.

Mr. EDMUNDS. It is exactly the same thing. I do not dispute but what some of these head officers in navy-yards may have undertaken to turn out men for political opinion. If so, it is a mere temporary abuse that ought to be punished; but we ought not to upset the whole proper policy of the country because some subordinate in a navy-yard having charge of a gang of men has been guilty of some abuse. We are making too much of it. We must correct it in a better way. We must put the civil service on stable ground which will enable those who have charge to oversee it, rather than do it here. We cannot draw to ourselves the whole detail of the business of the country.

Mr. TRUMBULL obtained the floor.

Mr. HOWE rose.

Mr. TRUMBULL. I certainly have no speech to make. I give way.

Mr. HOWE. I will make a speech for the Senator from Illinois for nothing. [Laughter.]

Either Mr. Macaulay or somebody else says that within a few months after Walpole was driven from the ministry there was not so odious a word in the English language as that of "patriot." Mr. President, I am very much afraid that in a short time we shall make the word "magnanimity" as odious in this country as the word "patriot" was made in England.

Mr. EDMUNDS. Has anybody used it in this debate?

Mr. HOWE. The word has not been used in this debate until I introduced it; but the thing has been attempted to be palmed off upon us until I begin to get sick of it already. Mr. President, the undeniable fact is that men every day are being proscribed for holding just such opinions as the Senator from Vermont is supposed to hold, hurled out of employments, hurled out of trusts, thrust out from offices for no offense in the world but for holding such opinions as the Senator from Vermont is supposed to hold, and for holding such opinions as the large majority of this Senate and of the other House is supposed to hold; and that is being done because we will not prohibit it from being done. No "albatross" named in this section of the bill and belonging to me has been shot. I am not a sufferer in that sense or in that way; but I see these things being done, and whenever magnanimity rises to the height that it refuses to withdraw the power which is smiting one's own friend, and because he is such a friend, then magnanimity is an odious and a contemptible thing, and the word ought to be stricken from the English dictionary. Every one of these officers named in the bill——

Mr. EDMUNDS. They are not officers.

Mr. HOWE. They are officers; they are provided for by law, or they have no business to be employed.

Mr. EDMUNDS. Do you mean that every person employed in a navy-yard is an officer?

Mr. HOWE. No, sir; but I mean that every one of the officers named here are created by law, or there is no authority for their employment.

Mr. EDMUNDS. There is a general authority.

Mr. TRUMBULL. This very provision proposes to make them officers.

Mr. HOWE. This does not make them officers.

Mr. TRUMBULL. Yes, sir.

Mr. HOWE. Not with the amendment which the Senate has already agreed to. They are officers now, or these offices do not exist; one of the two. As the section is amended it only provides that where these offices exist they shall be filled by persons to be appointed by the President, by and with the advice and consent of the Senate.

Mr. TRUMBULL. Suppose they do not exist as offices.

Mr. HOWE. If they do not exist it becomes inoperative.

Mr. TRUMBULL. Not by any means, because you name the particular persons. This part does not say they are officers.

Mr. HOWE. We do not name the particular persons. We name the particular places where the offices exist.

Mr. TRUMBULL. Do you not name the employment?

Mr. HOWE. We name the employment, to be sure, the character of the office.

Mr. EDMUNDS. You make a question that it is an office.

Mr. HOWE. I do not make any question at all. The section as it stands now before the Senate only provides for offices which exist by law. If they do not exist by law in any particular place, then the section is inoperative. Where they do exist by law it is said here that the salaries attached to them are not less in any one case than $1,500. In other cases——

Mr. CONNESS. Let us vote.

Mr. HOWE. Yes, you shall vote if you live. [Laughter.] In other cases you require offices where the salaries are $1,000 to be filled by appointments by the President, by and with the advice and consent of the Senate, the duties of which are no more important, involve no more trust than these. The dignity of the office consists not in the employment, not in the service performed. The man who makes a sail fills a place of as much dignity as the man who opens a letter or the man who writes letters in one of your Departments. But the dignity and the rank of the office depend upon the emoluments, the salary attached to it; and certainly if so adjudged, an office with a salary of $1,500 is of higher rank than one where the salary is only $1,000. There is no reason, satisfactory to me at least, why you

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should not protect these officers of this higher salary if you protect others of this lower salary. I will not detain the Senate longer.

Mr. FESSENDEN. Let us have a vote.

Mr. SUMNER. I want to say a word. The Senator from Vermont made an appeal to me. He seemed to intimate that I was speaking under some sense of personal injury.

Mr. EDMUNDS. I beg my friend's pardon; I did not intend to say that. I meant to say he was laboring under some feeling for some person who had received injury in that way.

Mr. SUMNER. That is an imputation which Senators have thought it proper to deal in of late. This is not the first time it has been launched at me within a very few hours. I meet the Senator from Vermont. I do not know a human being now who is suffering in this regard—personally, I mean—not one. The albatross that has been shot is no friend of mine, except that every man who is suffering from oppression is my friend, and he ought to be the friend of the Senator from Vermont. The Senator from Vermont discards him because he is humble.

Mr. EDMUNDS. Oh, no.

Mr. SUMNER. Oh, yes; that is the argument of the Senator, or he said nothing. He discards him because he is only a mechanic, and therefore it is inconsistent with the dignity of the Senate that we should protect him. The most beautiful sentence—it is so considered—that has been given to the English language was those last words of the first book of Hooker where he describes law as having a seat on the bosom of God, and after proceeding with his picture he concludes by saying of her that in her beneficent sphere the greatest was not exempt from her power and the humblest was not below her care. Now, I insist that the humblest citizen of the United States should not be below the care of this Senate. The evidence, I have already said, is ample, is multitudinous that there is an abuse growing out of the head of the Navy Department and running from him down through all the subordinates, which I insist the Senate ought to correct

Mr. CONNESS. It is a painful task, sir; but I entreat Senators to vote. We have before us a bill which the wool-growers are suffering for the passage of, and the manufacturers are in need of. We can pass it in half an hour if we can get to it; and we are spending nearly the last night of our session in what certainly is not useful discussion.

Mr. GRIMES. Is it in order to amend the proviso before it is stricken out? ["Let us vote."] I want it amended first.

The PRESIDING OFFICER. That part of the amendment which has not been inserted can be amended.

Mr. GRIMES. In the part that has been inserted by the Senator from Wisconsin, after the word "exist" I propose to insert the words "by law."

Mr. SUMNER. I should like to know what the operation of that will be.

Mr. GRIMES. The operation will be to give effect to exactly the purpose which the Senator from Wisconsin said he had in view, that where these officers already exist by law they shall be appointed by the President and confirmed by the Senate.

Mr. SUMNER. Do any of these officers exist by law? Are they specified in the statute?

Mr. GRIMES. I do not think the amendment of the Senator from Wisconsin would reach the case which the friends of the Senator from Massachusetts desire to accomplish, to be frank with him. I understand the trouble in the Charlestown navy-yard is not that men of the Senator's political sentiments have been turned out and men of the adverse political party appointed, but that they have abolished certain offices and given the general supervision of the departments that have hitherto been under the charge of the master workmen to commissioned officers in the service, such as naval constructors. For example, Mr. Pook, the naval constructor there, has now the charge of the men who are employed as carpenters and as caulkers, and thereby two men have been turned out of office; and the purpose of the gentleman who offered this provision was to establish by law those offices. The Senate has decided against that on motion of the Senator from Wisconsin. Now, I want to make it clear that the provision is to apply only where ever these offices do exist, as they do, I suppose, at some navy-yards by law.

The PRESIDING OFFICER. Will the Senator state at what part of the proviso, as amended, he proposes to insert his amendment?

Mr. GRIMES. After the word "exist" in the part that has already been inserted on the motion of the Senator from Wisconsin.

The PRESIDING OFFICER. That would not be in order.

Mr. GRIMES. I understand it is not amendable now, but will be in the Senate.

The PRESIDING OFFICER. The question now is on striking out the proviso as amended.

Mr. GRIMES. Should the Senate refuse to strike out the whole proviso, will it be in order to strike out "sailmakers?"

The PRESIDING OFFICER. It will be in order in the Senate.

The question being taken by yeas and nays, resulted—yeas 25, nays 15; as follows:

YEAS—Messrs. Buckalew, Conness, Cowan, Davis, Dixon, Doolittle, Edmunds, Fessenden, Foster, Frelinghuysen, Grimes, Hendricks, Johnson, Kirkwood, Lane, McDougall, Nesmith, Patterson, Poland, Ross, Saulsbury, Sprague, Trumbull, Van Winkle, and Willey—25.

NAYS—Messrs. Cattell, Chandler, Cragin, Creswell, Fogg, Fowler, Howe, Morgan, Nye, Pomeroy, Sherman, Stewart, Sumner, Wade, and Wilson—15.

ABSENT—Messrs. Anthony, Brown, Guthrie, Harris, Henderson, Howard, Morrill, Norton, Ramsey, Riddle, Williams, and Yates—12.

So the amendment was agreed to.

Mr. FESSENDEN. I now move to insert in place of the proviso which has been stricken out these words:

Provided, That naval storekeepers shall hereafter be appointed by the President, by and with the advice and consent of the Senate.

Mr. HENDRICKS. I think that is right, and shall vote for it.

The amendment was agreed to.

Mr. WILSON. I offer the following amendment as an additional section:

And be it further enacted, That no workingman in the navy-yards shall be required nor requested to contribute or pay any money for political purposes; nor shall any workingman be removed or discharged for political opinions; and any officer or employé of the Government who shall offend against this act shall be dismissed the service of the United States.

Mr. CONNESS. I simply rise to suggest that if a provision of that kind is to be adopted it ought to be gotten up with care. This amendment is very loose, and it ought not to be adopted in its present form. I think some legislation in that direction might be had, but certainly not in the form of that amendment.

Mr. HOWE. I think no legislation in that direction ought to be entered upon at all. We have already decided that these persons shall be the creatures——

Mr. SUMNER. The victims.

Mr. HOWE. The creatures of the head of the Department; and if he wants them to do one kind of work they shall do it; if he wants them to do another, they shall do it; if he wants them to black boots, they shall black boots; if he wants them to pay money, they shall pay money.

Mr. EDMUNDS. We have not decided anything of the kind.

Mr. HOWE. Yes, we have decided that exactly.

Mr. FESSENDEN. The majority of the Senate will not yield to the minority and of course the Senate is all wrong.

Mr. LANE. I move to amend the amendment so as to provide that the money heretofore collected shall be paid back, and no statute of limitations shall bar the claim. [Laughter.]

Mr. WILSON. Mr. President——

Several SENATORS. Withdraw your amendment.

Mr. WILSON. I do not choose to do it. If I vote alone I shall vote for it. I remember that a year ago last fall an effort was made to raise money in the navy-yards, especially at Brooklyn, for electioneering purposes, and the Secretary of the Navy positively forbade it. I thought he was right then. I have always been opposed to raising money from men who were employed as laboring men for the Government, or making any test of political opinions among them. Last autumn that same Secretary of the Navy, at that same yard, had the whole power of the Government brought to bear to force these laboring men, under pains and penalties, to vote for a certain political policy.

Now, sir, this amendment is a declaration of opinion that it is time this thing should stop. Whoever is in power, whoever has the government, let the laboring men of the country who go into Government employment feel that they can think, speak, act, and vote just as they please. If they desire to make a contribution for the support of their political friends let them make it; but let us provide against their being required to pay money or to give a certain vote on pain of dismissal.

As regards the manner in which the amendment is drawn, I drew it here at my desk, and submitted it to two or three Senators; and the Senator from Vermont [Mr. EDMUNDS] suggested the insertion of the word "requested," to make it a little stronger. I think that the language is clear, and that such a declaration should go out and should be lived up to, whoever has the government of the country.

Mr. CONNESS. An ordinary difference of political opinion such as exists or is developed by political parties should not forfeit any man's right to labor in a navy-yard. That is my opinion; but yet there may be political opinions held that would unfit a man for public employment in one of the navy-yards of the United States. A man may be there who is in favor of breaking up this Union. He should be dismissed. He should not be cherished nor kept there. I say, with great respect to the Senator, that this is a loose manner of legislating. I hope the amendment will not be adopted.

Mr. SPRAGUE. Under the present system the laborer is given a dollar or two more than is given him by all outside employments, and that pays for his vote for the parties who have the control of him.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana to the amendment of the Senator from Massachusetts.

Mr. LANE. If it makes any division of opinion among my friends with whom I am so proud to act I will withdraw my amendment to the amendment. [Laughter.]

The PRESIDING OFFICER. The amendment to the amendment is withdrawn, and the question is on the amendment.

Mr. McDOUGALL. If this legislation could be carried through our entire system it would be a wise thing for our Government. It is a fact that our navy-yards, scattered as they are in different parts of our Union, can be employed and can be made useful for political purposes. It is true that they are taxed. It is true that there is not a custom-house from Maine to Florida and from Florida to California, throughout the whole country, where men are not taxed to carry out political sentiments, and where men are free. The idea of the amendment meets with my full concurrence. All that it lacks is having extension enough to embrace all these things; so that postmasters shall not be taxed; so that the various officers of customs shall not be taxed; so that the collectors of internal revenue shall not be taxed; so that no man shall be taxed to fight a partisan fight, as they have been mercilessly of late.

Sir, of all the evils under which we groan this thing of having our officers subsidized to maintain other men in office is one of the greatest. Such a policy is inconsistent with a

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republican form of government; it is inconsistent with our Government. It may be smiled at by those who have not thought; but to me, who have undertaken to think upon such questions, it is a matter of grave consideration. I think this proposition itself, as an initiative, is well, that men shall not be subsidized, and because they take a small office of fifty dollars per month have to pay five dollars, or $500 and have to pay fifty dollars, or $5,000 a year and have to pay $500. This has been the practice of our country, to our great demoralization, and unless it shall be retrieved by our going back to our first integrity, farewell to the institutions established in this Republic.

I have had occasion to remark, and I remark again, that republics in their foundations rest in virtue; monarchies, as Montesquieu says, rest in honor; tyrannies rest in force. When we cease to have virtue and to maintain virtue in office we must seek new institutions, not such as were contemplated by the men of 1787. There are, it seems, wiser men now than they were, better instructed in the history of nations, abler to organize systems; but the opinion that this is so has not come within my own contemplation.

I agree with the Senator from Massachusetts in the idea of his amendment, but it is not sufficiently extended. We are guilty of a lack of virtue in office, and I fear a lack of virtue among all officers. Our people are virtuous; but from the time a man becomes a scribe in a clerk's office, he only thinks of office; by the time a man becomes a county clerk, he only thinks of office as a rule. There are exceptions to the rule. We have multiplied offices, and the multiplication of offices is what most demoralizes us. It would be well if we circumscribed offices by stringent law; and I should be well pleased if the Senator from Massachusetts would carry his present thought through the full source of legislation and make it a general law.

Mr. SUMNER called for the yeas and nays on the amendment, and they were ordered; and being taken, resulted—yeas 20, nays 9; as follows:

YEAS—Messrs. Anthony, Chandler, Davis, Dixon, Edmunds, Fogg, Grimes, Lane, McDougall, Morgan, Nesmith, Nye, Ross, Sherman, Sprague, Stewart, Sumner, Van Winkle, Wade, and Wilson—20.

NAYS—Messrs. Buckalew, Conness, Cowan, Foster, Frelinghuysen, Howe, Pomeroy, Willey, and Williams—9.

ABSENT—Messrs. Brown, Cattell, Cragin, Creswell, Doolittle, Fessenden, Fowler, Guthrie, Harris, Henderson, Hendricks, Howard, Johnson, Kirkwood, Morrill, Norton, Patterson, Poland, Ramsey, Riddle, Saulsbury, Trumbull, and Yates—23.

So the amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. The Chair will put the question on the amendments collectively unless a separate vote is demanded on any particular amendment.

Mr. GRIMES. I desire to except the amendment striking out the appropriation of $1,500 for an examiner of the naval archives.

Mr. CONNESS. I wish to except the last amendment voted upon.

The PRESIDING OFFICER. Those amendments will be excepted. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The Secretary read the first excepted amendment, which was on page 5, after line ninety-seven, to strike out the following clause:

For pay of some suitable person, appointed by the Secretary of the Navy, to examine the archives of the Department and other sources of information, and collect and collate the facts which may illustrate the history of the United States Navy, $1,500.

The amendment was concurred in.

The next excepted amendment was to insert as an additional section the following:

And be it further enacted, That no officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this act shall be dismissed the service of the United States.

Mr. WILLEY. I desire to make a suggestion to the Senator from Massachusetts in regard to the application of the terms of that amendment. The language is, "any officer or employé of the Government who shall offend against the provisions of this act." It makes an offense against this "act" a cause for dismissal. That applies to the whole bill.

Mr. SHERMAN. It ought to be "against the provisions of this section." The word "act" should be stricken out and "section" inserted.

Mr. WILSON. Very well, I will make that change in the amendment.

The PRESIDING OFFICER. That modification will be made unless there be objection.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time. It was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 598) to establish a uniform system of bankruptcy throughout the United States.

The message further announced that the House had agreed to some and disagreed to other of the amendments of the Senate to the bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THADDEUS STEVENS of Pennsylvania, Mr. N. P. BANKS of Massachusetts, and Mr. SAMUEL SHELLABARGER of Ohio, managers at the same on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 1161) to amend existing laws relating to internal revenue, asked a conference on the disagreeing votes of the two Houses thereon and had appointed Mr. JUSTIN S. MORRILL of Vermont, Mr. JAMES K. MOORHEAD of Pennsylvania, and Mr. JOHN HOGAN of Missouri, managers at the same on its part.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the enrolled bill (H. R. No. 1154) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes; and it was thereupon signed by the President *pro tempore* of the Senate.

DUTIES ON WOOL AND WOOLENS.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of House bill No. 793.

Mr. HENDRICKS. What is that?

Mr. SHERMAN. The wool bill.

The PRESIDING OFFICER, [Mr. POMEROY.] The Senator from Ohio moves to proceed to the consideration of the bill (H. R. No. 793) to provide increased revenue from imported wool, and for other purposes.

Mr. TRUMBULL. The Senator from Pennsylvania [Mr. BUCKALEW] entered a motion the other day to reconsider a bill which had passed. I understand that he merely wished to get a vote on the bill, and I ask that that vote may be taken now.

Mr. SHERMAN. Let this bill be taken up first, and then I shall not object.

Mr. TRUMBULL. I allude to the motion to reconsider the vote on the passage of the bill providing for a department of education.

Mr. BUCKALEW. I understand that the Senator from Ohio will give way informally to allow the vote on that subject to be taken when this bill is taken up.

Mr. SHERMAN. Let us take up this bill first.

The PRESIDING OFFICER. If the bill is taken up it can be laid aside informally for the purpose of taking that vote.

Mr. HOWE. I wish to remind the Senate again that there are a large number of private claims pending here that ought to be acted upon. They have been passed by the House and must be passed by the Senate, or go back again, and although I am not interested in any of them myself, nor my constituents, other Senators are, and I should like to have the Senate act upon them at some time. I have waited until this hour, and I hope the Senate will allow me to take them up now.

Mr. GRIMES. Make a motion.

Mr. HOWE. I cannot make a motion, because this other motion is pending.

Mr. SHERMAN. Let the question be taken on this.

Mr. HOWE. I cannot help the question being taken, but I want to call the attention of the Senate to the condition of those bills; and if, in view of these facts, they vote to proceed with the consideration of this bill, of course I acquiesce as in duty bound.

The PRESIDING OFFICER. The question is on the motion made by the Senator from Ohio.

Mr. HENDRICKS. I do not believe that we ought to proceed with the consideration of the bill named by the Senator from Ohio. I think at this stage of the session we ought not to open the tariff bill for its examination for the first time to-day; and we might just as well meet the question perhaps now as anywhere, whether we intend to undertake to change the system of tariff, of revenue from duties at this session at all. Both sessions have been to some extent occupied in the consideration of a tariff bill. The two Houses, after very full consideration of the questions, have been unable to agree upon any bill. Now, at a time when it is impossible for Congress properly to consider a bill, it is proposed to secure the passage of one which could not pass if there were time for its consideration. The very fact that there is not time is the reason given for passing this bill. This bill is not going to become a law providing merely for wool and woolen goods. Senators know the pending amendment proposed by the Senator from New Jersey——

The PRESIDING OFFICER. The Chair must remind the Senator that a discussion of the merits of the bill is not in order on a motion to take it up.

Mr. HENDRICKS. Yes, sir; but on that I have a right to refer to the whole question, its general scope. I am discussing now what it is proposed to take up. Taking up this bill, as I said, is not taking up a proposition simply to provide for wool and woolen goods. The proposition which we propose to take up goes very much further, for we take up the amendment proposed by the Senator from New Jersey. In that light I think it is proper for me to make the remarks I am suggesting.

Mr. President, I think there ought to be some stability in our system of taxation. It affects the values of property in the country. I think this practice of changing the revenue system every session of Congress is a most vicious one. I believe in the last four years we have had four or five or six tariff laws. To undertake to adopt a system at this stage of the session, it seems to me, is risking too much. We might just as well say now as at any other time of the session that we will not take up the bill for consideration, and then we can take up other bills which we can properly consider.

The motion of Mr. SHERMAN was agreed to.

DEPARTMENT OF EDUCATION.

Mr. TRUMBULL. I now desire to call up this motion to reconsider, to which I have referred.

The PRESIDING OFFICER. The bill regularly before the Senate can be laid aside

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informally by unanimous consent. Is there any objection?

Mr. SHERMAN. Is it for debate, or simply for a vote?

Mr. TRUMBULL. For a vote, as I understand.

Mr. SHERMAN. I have no objection if it is to be laid aside informally, and if there is to be no debate.

The PRESIDING OFFICER. The Chair hears no objection, and the question is on the motion to reconsider the vote of the Senate on the bill (S. No. 276) to establish a department of education.

Mr. BUCKALEW. I merely wish to say that I moved the reconsideration of this bill after its final passage for the purpose of having my vote recorded upon it. I desire to have the record made up.

Mr. TRUMBULL. I hope the motion to reconsider will not be agreed to, and that will end the matter.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the bill was passed.

Mr. BUCKALEW. I call for the yeas and nays on that question as a test vote.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called) said: I have paired off on this question with the Senator from Connecticut, [Mr. DIXON.] If he were here he would vote against the motion to reconsider, and if I were at liberty to vote I should vote in favor of the reconsideration.

The result was then announced—yeas 7, nays 28; as follows:

YEAS—Messrs. Buckalew, Fessenden, Grimes, Hendricks, Nesmith, Saulsbury, and Van Winkle—7.

NAYS—Messrs. Anthony, Cattell, Chandler, Cragin, Creswell, Edmunds, Foster, Frelinghuysen, Henderson, Howe, Kirkwood, Lane, McDougall, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Trumbull, Wade, Willey, Williams, and Wilson—28.

ABSENT—Messrs. Brown, Conness, Cowan, Davis, Dixon, Doolittle, Fogg, Fowler, Guthrie, Harris, Howard, Johnson, Norton, Patterson, Riddle, Ross, and Yates—17.

So the motion to reconsider was not agreed to.

INHABITANTS ON THE PUBLIC LANDS.

Mr. STEWART. I am directed by the Committee on Public Lands, to whom was referred the amendment of the House of Representatives to the bill of the Senate (S. No. 532) for the relief of the inhabitants of cities and towns on the public lands, to report it with an amendment, and I ask for its present consideration in order that it may go back to the House at once.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill.

The amendment reported by the Committee on Public Lands was to add to the House amendment the following proviso:

And provided further, That no title shall be acquired under the provisions of this act to any mine of gold, silver, cinnabar, or copper.

The amendment to the amendment was agreed to.

The amendment of the House, as amended, was concurred in.

INDIAN APPROPRIATION BILL.

Mr. HENDERSON, from the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 1039, making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1868, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1089) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various tribes for the year ending 30th June, 1868, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the first amendment of the Senate, and agree to the same with an amendment, as follows: strike out the words "for first installment of annuity" and insert "for first of payments to be made during the pleasure of Congress," and the Senate agree to the same.

That the House recede from the second amendment of the Senate, and agree to the same with an amendment, as follows: strike out the words "for first installment of annuity" and insert "for first of payments to be made during the pleasure of Congress," and the Senate agree to the same.

That the House recede from the third amendment of the Senate, and agree to the same with the following amendments: strike out the words "Secretary of the Interior" and insert "President;" strike out the word "fifteen" and insert the word "ten," and the Senate agree to the same.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment, striking out the word "ten" and inserting the word "five," and the Senate agree to the same.

That the House recede from its disagreement to the sixth amendment of the Senate, and agree to the same with the following amendment: add at the end of the section the following proviso: "*Provided*, That the Attorney General of the United States shall be, and is hereby, instructed to inquire into the condition of the funds held in trust by the United States for said tribes and for all other tribes of Indians, and what remedy exists for the security of the United States in respect to the non-paying stock so held, the value thereof, what stocks are non-paying, and what proceedings should be taken for the security of the United States in respect to the same, and report to Congress on the first Monday of December next," and the Senate agree to the same.

That the House recede from its disagreement to the seventh amendment of the Senate, and agree to the same with an amendment, as follows: strike out the words "for first installment of annuity" and insert in lieu thereof the words "for first payments to be made during the pleasure of Congress," and the Senate agree to the same.

That the Senate recede from its tenth amendment.

That the House recede from its disagreement to the eleventh amendment of the Senate, and agree to the same with an amendment striking out the word "Tamer" and inserting in lieu thereof the word "Tama," and the Senate agree to the same.

That the House recede from its disagreement to the twelfth amendment of the Senate, and agree to the same with amendments, as follows: strike out the words "Secretary of the Interior" and insert in lieu thereof the word "President;" strike out the word "seventy" and insert in lieu thereof the words "thirty-five," and the Senate agree to the same.

That the House recede from its disagreement to the twentieth amendment of the Senate, and agree to the same.

That the House recede from its disagreement to the twenty-sixth amendment of the Senate, and agree to the same with amendments, as follows: strike out the words "seven thousand and two" and insert in lieu thereof the words "three thousand and six," and the Senate agree to the same.

That the House recede from its disagreement to the twenty-eighth amendment of the Senate, and agree to the same with amendments, as follows: add at the end the following words: "except in case of extreme necessity, the facts of which shall be certified to the Secretary of War by the officer commanding that military district," and the Senate agree to the same.

That the Senate recede from its thirty-second amendment.

That the Senate recede from its thirty-third amendment.

That the Senate recede from its disagreement to the amendment of the House to the thirty-fourth amendment of the Senate and agree to the same with the following amendment: strike out all after the enacting clause of said House amendment and insert in lieu thereof the following: "That the sum hereinbefore appropriated to the Miamis of Indiana, or which shall hereafter be appropriated to them, shall only be paid to such persons as may be, upon the opinion of the Attorney General, legally entitled to the same under the provisions of the treaty with said Indians of June 5, 1854," and Senate amendments thereto, regardless of any subsequent legislation.

JOHN B. HENDERSON,
GEORGE H. WILLIAMS,
L. M. MORRILL,
Managers on the part of the Senate.
JOHN A. KASSON,
WILLIAM WINDOM,
Managers on the part of the House.

The report was concurred in.

INTERNAL REVENUE.

The Senate proceeded to consider its amendments to the bill of the House No. 1161, to amend existing laws relating to internal revenue, disagreed to by the House of Representatives; and

On motion by Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. FESSENDEN, Mr. MORGAN, and Mr. HENDRICKS.

ARMY APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, disagreed to by the House of Representatives; and

On motion by Mr. FESSENDEN,

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WILSON, Mr. LANE, and Mr. KIRKWOOD.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. SHERMAN, from the second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th of June, 1868, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1868, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendments numbered one, two, three, four, six, eight, ten, and eleven.

That the House of Representatives recede from their disagreement to the amendments of the Senate numbered nine, eighteen, twenty-eight, thirty-five, forty-five, and forty-seven, and agree to the same.

That the House of Representatives recede from their amendment to the forty-sixth amendment of the Senate, and agree to the same.

The committee of conference further report that they are unable to agree upon the amendments numbered forty-four, forty-eight, and fifty.

JOHN SHERMAN,
LUKE P. POLAND,
C. R. BUCKALEW,
Managers on the part of the Senate.
J. F. FARNSWORTH,
F. E. WOODBRIDGE,
C. A. ELDRIDGE,
Managers on the part of the House.

Mr. SHERMAN. The points of disagreement still between the two Houses relate to the amendments with regard to the salaries of the district judges, with regard to the compensation of some of the employés of the Senate, and certain extra compensation voted by resolution of the House to their own employés. On these three points the conferees were unable to agree. There are but two courses to take: either that the Senate insist on these amendments and ask for another conference on these points, or that the Senate recede from all its other amendments and adhere to its action upon the points of disagreement. I do not know which would be the best course. This is the second committee of conference. The first having been unable to agree, the second have made only a partial agreement.

Mr. ANTHONY. I hope whatever committee is appointed will be instructed to let each House settle the compensation of its own officers. I think it is discreditable to the two Houses to be disputing with each other, each House questioning the right of the other to fix the compensation of its own officers. I am willing that the House of Representatives should fix the compensation of its officers and take the responsibility of it, and we fix the compensation of our officers, and take the responsibility of it.

The PRESIDING OFFICER. What motion does the Senator from Ohio make?

Mr. SHERMAN. I move that another committee of conference be asked for on the disagreeing votes.

Mr. FESSENDEN. Had the report better not be accepted so far as an agreement has been had?

Mr. SHERMAN. Yes; I move that the report be concurred in so far as it goes.

The report was concurred in.

Mr. SHERMAN. I now move that the Senate insist on its action upon the amendments not disposed of by this report, and ask

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for a further conference on the disagreeing votes.

Mr. ANTHONY. If it is in order, I wish to move that the conferees on the part of the Senate be instructed to agree upon the basis of allowing each House to settle the compensation to be paid to its own officers. We have had disputes session after session on this question, and I think it ought to be settled.

Mr. SHERMAN. I think it will expedite matters in regard to the future course of this bill to make a statement of the points of difference. My friend from Pennsylvania [Mr. BUCKALEW] has had chief charge of the matter. The matter of the compensation of the judges, as I supposed, was agreed upon at one time; but it became a point of disagreement again. The real controversy is in regard to the various resolutions passed by the House of Representatives at the last session increasing the pay of their own employés. This controversy comes up at every session, and at the close of the last session we settled it by a law by which we increased the compensation of all the employés of both Houses twenty per cent. The House, however, by various resolutions passed at the last session, agreed to give some of their employés twenty, in some cases forty per cent. increase, and in some cases sixty per cent.; and now they insist that these resolutions shall be carried into effect. There are eight or ten or twelve of them. It is difficult to tell from reading them what compensation they do fix. These resolutions were in violation of law. They admit themselves that they were in violation of law; they admit that the practice is wrong; and the committee of conference on the part of the Senate, in view of the judgment of the Senate so strongly expressed against this practice, thought it ought to stop. It is expressly prohibited by law. It is true that the prohibition has been repealed two or three times to meet special cases; but still the House have continued to pass these resolutions, and now they seek to put authority for them in the appropriation bills.

Mr. ANTHONY. It is not in violation of any law if this law authorizes it.

Mr. SHERMAN. They now attempt to legalize it in this bill.

Mr. ANTHONY. This makes it legal. I propose to authorize each House to fix the compensation of its own officers at whatever it sees fit.

Mr. SHERMAN. The Senate conferees were perfectly willing to sit down and make a fair adjustment of the compensation of the officers of the two Houses, and they entered into that work. My own impression is that the best way to solve the whole matter is to adhere to our action on the second section of the bill which involves this question, and then to provide for a joint committee to adjust the compensation of the employés of the two Houses. I am satisfied that when the question is presented to the other House in that form they will agree to that. If there was any way of amending the second section so as to be in order, it might be well to do that. The Senator from Vermont had a very good section prepared as a substitute for section two, and perhaps it would be better to amend that section by agreeing to his substitute. If both Houses will agree to that it would solve the controversy without another conference; and if the Senator from Vermont has his section prepared and ready to offer he can now present it as an amendment to the second section; and perhaps the House will agree to it.

Mr. TRUMBULL. Can we deal in this way with the report of a committee of conference?

Mr. SHERMAN. Undoubtedly.

Mr. TRUMBULL. I am not familiar with such things; but it seems to me it is a very strange proceeding to take the report of a committee of conference in part. I thought it was an entirety.

Mr. SHERMAN. A committee of conference may report an agreement in part and a disagreement in part; and then, upon reporting a disagreement in part, the amendments upon which there is a disagreement are open, and we can now act upon them according to parliamentary law. Section two, being the section in regard to the extra compensation of the House employés, is a question of disagreement between the two Houses, and that is now open to us. We can amend it and send it back in an amended form by insisting upon our amendment with an amendment; or we can recede; or we can adhere; or we can insist simply. We can insist with an amendment, and modify the proposition in any form we choose.

Mr. POLAND. I desire to say a word if this matter is going to another committee of conference. The real point of difference in the last conference was in relation to the compensation to be paid to the House clerks. The House of Representatives having during the last session of Congress passed several resolutions providing for an increase in the amount of compensation of several of their clerks and employés, insist that they should now be paid according to those resolutions. In relation to the amendment that was made in the Senate raising the salaries of the district judges there was no substantial disagreement in reference to that. With a slight modification we agreed entirely on that point. There was no difference between the conferees of the two Houses in relation to raising the salaries of the district judges, provided we had been willing to accede to what they claimed in accordance with the idea of the Senator from Rhode Island. If we had been willing to accede to their claims, that an appropriation should be made to pay the clerks and other employés of the House according to their resolutions, they were perfectly ready to accede to the amendment of the Senate in relation to the salaries of the judges with a slight modification. I apprehend, therefore, that the real difference is not at all in regard to the question about the compensation of the judges; and if I may be allowed so to speak, that is viewed as mere leverage in aid of their claim for compensation to their clerks. The Senate may therefore understand that there is no occasion to peril the provision as to raising the salaries of the judges to help out the disagreement of the two Houses in reference to the compensation of the clerks of the House of Representatives.

Mr. BUCKALEW. I will say a few words on this question before it is disposed of. During the last Congress the House of Representatives voted to increase the compensation of their own officers by resolution of that body alone. At the end of the session the question came up in a committee of conference, and the House insisted upon executing the resolution they had passed, which was in open contempt of a public statute. The Senate resisted it, but finally in the committee conceded the point. Under that resolution $40,000 or upward was added to the contingent fund of the House and distributed among the officers of the House. It was very reluctantly conceded on the part of the Senate, but under the pressure of circumstances those who represented this body gave way. That was voted upon the ground that the House was bound in honor to its own officers by the resolution which it had adopted. Those officers were then paid over forty thousand dollars, and not a dollar of extra compensation was given to the officers of the Senate. We supposed at that time that we were done with this mode of doing business. Gentlemen on the part of the House insisted that the subject had not been understood; but that the House having pledged its honor, we ought to allow it to execute its resolution, and we did so.

Last session, in defiance of the understanding which had been entered into when this large amount of money was paid to the House officers, the House adopted at various times a number of resolutions. It would seem that one and another member of the House, on different occasions, would get up and offer a resolution relating to some particular officer, and the House would vote it, and that was the end of it. These resolutions were accumulated, and I think there were more than a dozen in number by the end of last session. When our committees of conference met on the appropriation bill, they had a renewal of the scene of last year; they were met with the demand on the part of the House that we should allow these illegal resolutions to be carried out. It required the concurrence of the Senate in a law voting the money to cover them, because no money could be drawn from the Treasury for them unless we agreed to it. The result of the conference at that time was that the Senate agreed with the House to increase the compensation of the officers of both Houses twenty per cent. That was agreed to as a substitute for this irregular and illegal proceeding of passing resolutions in the House, and it covered the whole subject. The money was paid, and the officers received it. On that occasion our officers participated in the twenty per cent. increase, and they get it now; the officers of both Houses get it.

At the end of this session, for the third time in the appropriation bill, the House claim that we shall go back to the last session of Congress and take up these defunct resolutions, and pay these officers the whole amount of money for which they provided. One officer was increased by one of these extraordinary resolutions sixty-six per cent.; a number of others were increased forty to fifty per cent. At the same time other officers of the House, of the same rank and grade and merit, were not increased at all. Some of these resolutions commenced the gratuity to the officers from the commencement of the Congress; others commenced from the beginning of the fiscal year; others are limited in the duration of time over which they go, and others are not. In other words, it is a mass of confusion, of irregularity, of inequality; and these resolutions are the very ones upon which the arrangement for paying twenty per cent. at the last session was based.

Now, sir, the question is whether this system is to stop or go on. Our officers get their twenty per cent. under the law; the officers of the House get their twenty per cent. under the law; they are equal. If you undertake to pay these House officers under these old, unequal, and objectionable resolutions which were provided for last year and settled, then as a matter of justice you must go over all the Senate officers, and you must make up your mind to a similar system of confusion and irregularity here. It was the opinion of the committee who have just had this subject in their charge that the House ought to recede from that portion of the bill as they framed it, and allow this matter of the compensation of the officers of both Houses to go to a joint committee at the beginning of the next session next week, where it can be considered, and where you can have a principle of equality and justice between the two Houses. I do not know what may occur hereafter on this bill; but for one, I will never vote one dime or one copper upon these resolutions of the last session of the House of Representatives. We stand upon a law, a public law, known to the House, known to the country, in resisting this attempt after we have had this subject up for two years, and after we have expended $40,000 upon the House officers at the last Congress, after we have increased twenty per cent. by a permanent provision of law the compensation of the officers of both Houses. It is a system of favoritism, and if you yield on this occasion you will have to do it at the next session again. Nobody who represents the interests of the House can insist that this thing is right; nobody pretends that it is right. I have not heard any one make an argument in favor of it; but it is said we ought to do whatever the House asks. Under the circumstances, I am not willing to do what the House asks on on this particular point.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, that the Senate further insist upon its forty-fourth, forty-eighth, and fiftieth amendments to this bill, and ask for a further conference of the

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disagreeing votes of the two Houses on those amendments.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee of conference on the part of the Senate, Messrs. TRUMBULL, EDMUNDS, and DAVIS were appointed.

DUTY ON WOOL AND WOOLENS.

On motion of Mr. SHERMAN, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 793) to provide increased revenue from imported wool, and for other purposes.

Mr. SHERMAN. I withdraw the amendment which I offered.

Mr. HENDRICKS. I think the Senate might be allowed to adjourn now.

Mr. SHERMAN. Let us pass this bill.

Mr. CATTELL. I move to amend the bill by adding as an additional section:

And be it further enacted, That from and after ten days from the passage of this act there shall be levied, collected, and paid on all goods, wares, and merchandise, not herein provided for, imported into the United States from foreign countries, and now subject to duty under existing laws, an additional duty of one fifth or twenty per cent. of the duty, or rates of duty, including specific and *ad valorem* rates now imposed by law upon such goods, wares, and merchandise: *Provided*, That no additional duty shall be levied, collected, or paid on sugar, molasses, tea, coffee, salt, lumber, coal, dyewoods, soda-ash, and bleaching powders.

I do not propose to consume five minutes of the time of the Senate.

Mr. GRIMES. Let us adjourn, and hear the Senator's speech in the morning. I move that the Senate do now adjourn.

Mr. SHERMAN. There is a quorum here, and I think we ought to go on.

Mr. CATTELL. I desire only to say that both Houses of Congress were engaged for many days in the consideration of a tariff bill; and the votes of both Houses, our own being near three to one, have settled the question that some additional duties on imports are demanded by the present condition of the industries and the wanted revenues of the country. And yet, on account of the shortness of the session, the tariff bill prepared with so much care is likely to fall; and it is now proposed that a bill sent to us from the other House, covering one of the most important branches of industry, the wool and woolen interest, shall be taken as it came from the House. I propose by the amendment which I offer to that bill to atone in some degree for the loss of the tariff bill by providing for a uniform advance of twenty per cent. upon the duties which are payable by present laws upon imported goods. This will do something to revive the depressed industries of the nation. It is not more than half the increased rate of duty provided by the bill which received the sanction of this body, and which has virtually received the sanction of the other House by a large majority, judging from several votes there taken.

I conceive that it is due to ourselves and to the country that we shall at least do something before we adjourn to revive the flagging industries of the nation. The amendment which I propose reaches this point and excepts from its provisions the great staples of tea, coffee, sugar, molasses, and coal, and one or two of the articles which furnish the base of our manufacturing industry, as soda-ash and bleaching powder. Such a proposition as this, I conceive, can hardly fail to meet the approbation of the Senate, for we have deliberately by a vote of nearly three to one decided that some further protection ought to be given to American industry. I sincerely trust that the amendment will be adopted and the bill itself passed.

Mr. TRUMBULL. It is manifest that we cannot sit all night and all day, too, and I think we had better adjourn to meet at eleven o'clock to-morrow; and if it meets the views of the Senate, I will move that the Senate now adjourn to meet at eleven o'clock to-morrow.

The motion was agreed to; and (at twelve o'clock and thirty minutes a. m.) the Senate adjourned to meet to-morrow at eleven o'clock a. m.

IN SENATE.

SATURDAY, *March* 2, 1867.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. GRIMES, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 1134, declaring and fixing the right of volunteers as a part of the Army.

REPORT OF A COMMITTEE.

Mr. VAN WINKLE. The Committee on Finance, to whom was referred the joint resolution (H. R. No. 300) authorizing the Secretary of the Treasury to audit and settle the accounts of John Sedgwick, collector of internal revenue for the third collection district of California, have directed me to report it without amendment, and as this is merely to facilitate a settlement at the Treasury, I ask that it be taken up for consideration.

Mr. GRIMES. I object.

Mr. VAN WINKLE. It will not take a minute.

Mr. GRIMES. I have got a bill that will not take a minute.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution cannot be considered on the day it is reported.

WILLIAM H. WEBB.

Mr. GRIMES. I move that prior orders be suspended, and that the Senate proceed to the consideration of the bill (S. No. 588) for the relief of William H. Webb. It will take but a moment, I think.

Mr. CONNESS. I suggest to the Senator to allow the unfinished business to lie over informally and proceed with the consideration of this bill. I am not willing that that shall be displaced.

Mr. GRIMES. Very well.

Mr. TRUMBULL. I was going to suggest that we go into executive session and clear that docket now.

Mr. CONNESS. I leave that between the Senators.

Mr. TRUMBULL. It will take but a few moments to clear the galleries, and in a few moments we can get rid of our executive calendar.

Mr. WADE. There are a great many confirmations contested.

Mr. TRUMBULL. We would not take up the contested cases, but dispose of the others.

Mr. SUMNER. I will remind my friend that in the absence of so many Senators we can hardly tell what is contested.

Mr. TRUMBULL. They will be in by the time the doors are closed.

Mr. CONNESS. I would not ask for an executive session now.

Mr. TRUMBULL. I only suggested it. I thought it would be a saving of time, and I believe it would be.

Mr. CONNESS. I understand the Senator from Iowa consents that the tariff bill shall be laid over informally for the purpose of proceeding to the consideration of the bill he has named.

The PRESIDENT *pro tempore*. The first business in order is the reception of petitions and reports.

Mr. GRIMES. I must insist on my motion. I prefer to have a vote taken upon it.

The PRESIDENT *pro tempore*. The Chair understood that upon the suggestion of the Senator from California the motion was withdrawn.

Mr. TRUMBULL. I make my motion that the Senate proceed to the consideration of executive business. I am sure it will be a saving of time.

Mr. CONNESS. You cannot carry any motion that is contested now.

Mr. TRUMBULL. Are you going to contest it?

Mr. CONNESS. Yes.

Mr. TRUMBULL. Well, if you are going to contest it——

Mr. CONNESS. There is too light a Senate here now.

Mr. TRUMBULL. You will not find it too light a Senate for this business. I think we had better proceed to the consideration of executive business, and I insist on the motion.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from Iowa.

Mr. CONNESS. I hope that will not be pressed to a division. I am willing to consent that that bill shall be gone on with the present time provided the unfinished business is laid over informally. I think there will be no objection to that.

Mr. SUMNER. I think the unfinished business will not come up before one o'clock. We have all the intermediate time for the consideration of other measures.

Mr. RAMSEY. I hope the Senate will give me some early hour to-day to dispose of the post route bill.

Mr. CONNESS. Not now.

Mr. RAMSEY. I am simply calling attention to the importance of disposing of it to-day. There are a great many amendments to be offered to it, which must go back to the House. It is a House bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

Mr. CONNESS. I ask for the decision of the Chair upon the question suggested as to whether the unfinished business will be displaced by this motion if carried.

The PRESIDENT *pro tempore*. There is no unfinished business now before the Senate. The unfinished business, by the rule of the Senate, comes up at the expiration of the morning hour. The first business in order is petitions, next reports, next bills, next resolutions.

Mr. CONNESS. Then I have no further objection to make to the motion.

The motion of Mr. GRIMES was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 588) for the relief of William H. Webb.

The Committee on Naval Affairs reported the bill with amendments. The first amendment was in line six, after the word "iron" to insert the word "clad."

The amendment was agreed to.

The next amendment was in line nine to strike out the words "ninety days," and to insert the words "one year."

The amendment was agreed to.

The next amendment was in line ten, to insert the word "or" before the word "advanced," and after the word "advanced" to strike out the words "or expended."

The amendment was agreed to.

The next amendment was in line eleven, after the word "order" to strike out the words "for and on account of vessel," and to insert "to said Webb on account of said contract."

The amendment was agreed to.

Mr. CONNESS. I should like to hear the bill reported as it now stands amended.

The Secretary read the bill, as amended, as follows:

Be it enacted, &c., That the Secretary of the Navy, be, and he is hereby, authorized and directed to release to William H. Webb, of New York, all right, title, interest, and demand of the United States in and to the iron-clad steamship Dunderberg, built by said Webb under a contract with the Navy Department, upon payment by said Webb into the Treasury of the United States, within one year from the passage of this act, of any and all sums of money paid or advanced by the Secretary, or by his order, to said Webb on account of said contract.

Mr. CONNESS. I should like to inquire of the honorable chairman of the Committee on Naval Affairs whether we have not already made full provision for any extra allowance

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necessary to compensate Mr. Webb for the building of the Dunderberg in the bill which has been passed by Congress providing for the compensation to iron-clad constructors. I desire in this connection to say, while I am up, that I am in favor of either fully compensating Mr. Webb for his ship or releasing him; but I very much prefer compensating to releasing him, because this great engine of war, in my opinion, ought to remain in the possession of our Government and not put in the hands of any other.

Mr. GRIMES. Some three or four years ago the Government contracted with Mr. Webb for the construction of a vessel-of-war, for which he was to receive the sum of $1,250,000. There has been advanced to him nearly a million dollars. Something like nine hundred and fifty or nine hundred and seventy thousand dollars. The vessel has cost him in the neighborhood of two million. He thinks he can sell her to some Government that is at peace with this country and with all the world, and has sought an opportunity to do so, at a price not only greater than that which we contracted to pay, but that which it cost him; and in order to get an opportunity to do so he has proffered to the Secretary of the Navy to build another vessel of as large capacity and as good war qualities, as great speed, in every respect as perfect a vessel as this, for the sum of $1,250,000, the original price contracted for. If this bill passes, therefore, we shall be relieved from all claim of Mr. Webb upon us to make good the difference between $1,250,000, which we contracted to pay, and the cost of the vessel, which was a little upward of two million, probably. I am not prepared to state the exact amount which it has cost him accurately, but somewhere in the neighborhood of two million dollars. We would save three quarters of a million, and if the Secretary of the Navy chose, could have another vessel as good as this one, or we would save that amount of money to Mr. Webb. Under the bill to which the Senator refers it is not thought, I believe, that Mr. Webb will be able to secure much. The House committee have been very strenuous as to the provisions of that bill. Probably it would cover the case of the contractors of the other iron-clads, but I suspect it would not really be of much advantage to Mr. Webb.

Mr. CONNESS. I said when up before that I was in favor of fully compensating Mr. Webb; but I cannot help uttering here the opinion that this vessel ought not to pass out of our hands. It is suggested that she may be sold, profitably by the contractor or builder, to a Government with which we are at peace. I have no doubt of that. But suppose Mr. Webb should sell her to the Colombian Government, and the Colombian Government should then undertake to say we should not pass through its territory any longer? Why, sir, with the Dunderberg at Aspinwall she might defy our entire Navy. That may be said to be an improbable circumstance, but it is a circumstance entirely possible to occur. I think it is a very serious proposition to pass this vessel out of our hands. I think if the war capacities of the vessel were now known accurately to both branches of Congress——

Mr. GRIMES. Do you know them?

Mr. CONNESS. I believe I do know something of them—that they would hesitate before they would give this vessel to the contractor rather than pay him the full cost of her. That is all I have to say about it.

Mr. GRIMES. I am perfectly indifferent as to the passage of the bill. It met the approval of the Department, and, so far as I know, of all naval officers who have examined the Dunderberg and know her capacity.

Mr. HOWARD. I understand the case to be exactly this: that the Government of the United States has employed Mr. Webb to build an iron-clad vessel-of-war, and that he has nearly completed the job and the Government has nearly paid him for it.

Mr. CONNESS. No, not half.

Mr. RAMSEY. Paid him the contract price.

Mr. HOWARD. We paid what we agreed to pay. We paid for it in part. Of course this is the property of the United States; and I am unable to understand the policy of building iron-clads at the expense of the United States and then selling them to foreign Governments.

Mr. GRIMES. We do not propose to sell it to any foreign Government.

Mr. HOWARD. The Senator says we do not propose to sell it to any foreign Government; but in his speech just now he announced that it was quite probable that Mr. Webb, to whom we release all our claim, would immediately sell it to a foreign Government. Are we building vessels for this purpose; are we building iron-clads upon speculation, to enable the contractors to make a good speculation out of the jobs which we place in their hands; and are we thus to use the public money for the purpose, in effect, of building iron-clads and navies for foreign Governments? It seems to me this is a perfect anomaly in legislation, a sort of speculation which we ought to avoid.

Mr. CONNESS. I have only one more remark to make, and that is touching any intimation that Mr. Webb desires to speculate at the expense of the Government. I know the facts too well to allow that to be stated without contradiction. Mr. Webb simply desires as an honest citizen to be reimbursed for a great work that he has performed; and I am in favor of reimbursing him either as this bill proposes or otherwise.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. HOWARD. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. GRIMES. I desire to say a single word in reply to the Senator from Michigan. The Government does not propose to build vessels-of-war for other nations, but it has been the policy, I believe, of all maritime nations to encourage their citizens to construct vessels for foreign nations; and if he will visit the shipyards in France and England he will find to-day a great number of vessels in process of construction for foreign Governments. Now, we have contracted with Mr. Webb for this vessel. She has cost him about a million dollars more than the contract price. He claims that we shall reimburse him that million dollars. The question is, whether we will compel him to suffer that loss of a million dollars or allow him to take the vessel at his own risk, at his own cost, and refund us the money, and do just what he chooses with her? That is all there is of it. If we do not pass the bill, then Mr. Webb presents himself before us and says, he having in good faith carried out his contract, that in consequence of the depreciation of the currency and on account of the tariffs we have levied and the internal tax we have laid upon the articles that went into the vessel, we have caused her to cost him a million dollars more than he had reason to believe she would cost at the time he made the contract.

Mr. HOWARD. When was the contract made?

Mr. GRIMES. In 1862.

Mr. HOWE. What was the contract price?

Mr. GRIMES. One million two hundred and fifty thousand dollars, and she has cost him upward of two million dollars. Now we propose to let him repay to us all the money he has received, amounting to between nine hundred and fifty thousand and one million dollars and take the vessel. That is the bill.

Mr. HOWARD. It comes exactly to this: that, according to his statement, he has made a bad bargain, or rather a hard bargain with the United States, by which he is not likely to make money; and he now calls upon the United States to release to him all its title in the vessel which he has agreed to build for us for a particular sum on his refunding to the United States what he has received from the United States. That is the beginning, the middle, and the end of the transaction. The vessel then becomes his; he sells it to a foreign Government as a vessel-of-war; and thus the United States is made to become a sort of manufacturer of war vessels practically for other nations.

Mr. GRIMES. All I have got to say in reply to that is that there are a great many vessels belonging to the United States that I should like to hand over to anybody who would take them at what they cost us.

Mr. HOWARD. If this vessel is so imperfect in its construction——

Mr. GRIMES. I do not say that.

Mr. HOWARD. If it is in process of decay now or is likely to be soon, that presents another feature of the case; but the Senator does not declare any such thing. The vessel, so far as we know, is a good, sound vessel, and would be entirely fit for public service. Why should we sell it or allow him to sell it?

The question being taken by yeas and nays, resulted—yeas 36, nays 4; as follows:

YEAS—Messrs. Buckalew, Cattell, Chandler, Conness, Cragin, Creswell, Davis, Dixon, Edmunds, Fogg, Foster, Fowler, Frelinghuysen, Grimes, Harris, Henderson, Hendricks, Howe, Johnson, Kirkwood, Morgan, Morrill, Nesmith, Nye, Patterson, Poland, Ramsey, Ross, Saulsbury, Stewart, Sumner, Trumbull, Van Winkle, Willey, Williams, and Wilson—36.

NAYS—Messrs. Howard, Sherman, Sprague, and Wade—4.

ABSENT—Messrs. Anthony, Brown, Cowan, Doolittle, Fessenden, Guthrie, Lane, McDougall, Norton, Pomeroy, Riddle, and Yates—12.

So the bill was passed.

PETITIONS.

Mr. CATTELL presented the petition of the German Library Society of Philadelphia, the petition of the Apprentices' Library Company of Philadelphia, and the petition of the Wagner Free Institute of Science of Philadelphia, severally remonstrating against the imposition of the proposed duty on books, maps, and charts intended for the use of public libraries, colleges, schools, and other literary institutions; which were laid on the table.

RIGHTS OF VOLUNTEERS.

Mr. WILSON. I submit the following report from a committee of conference:

The committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 1134) declaring and fixing the rights of volunteers as a part of the Army, having met, after full and free conference have agreed to recommend to their respective Houses, as follows:

That the Senate recede from their amendments to the first and second sections of the bill, and that the House recede from their disagreement to the additional section of the Senate, and agree to the same.

HENRY WILSON,
J. M. HOWARD,
Managers on the part of the Senate.
ROBERT C. SCHENCK,
H. E. PAINE,
Managers on the part of the House.

Mr. GRIMES. I should like to have an explanation of the report.

Mr. WILSON. The House bill originally provided for putting volunteer officers who go into the regular Army on the same footing as other officers, both in regard to rations and to rank. It counts the time of the service in the volunteers the same as though it had been in the regular Army, and puts the officers who have gone from the volunteers into the regular Army on the same footing in regard to their rank and in regard to their rations and time as the other officers, as if they had been in the regular Army.

Mr. TRUMBULL. That is right.

Mr. WILSON. Then there is another portion of it which will save about five million dollars against a construction made by the Court of Claims.

Mr. HARRIS. What is that provision?

Mr. WILSON. In regard to increased commutation for servants.

Mr. KIRKWOOD. You save that, do you?

Mr. WILSON. That is in the bill, and is according to law, and I am utterly amazed that any body of men on earth should raise a question about it.

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Mr. HARRIS. Is that all there is in the bill?

Mr. WILSON. That is all. The brevet part of it, which was in when it came from the House, has been stricken out.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. SUMNER, from the Committee on Foreign Relations, to whom were referred the following joint resolutions, asked to be discharged from their further consideration; which was agreed to:

A joint resolution (S. R. No. 3) in relation to the present condition of Mexico, and the policy of the Government of the United States in reference thereto; and

A joint resolution (S. R. No. 124) for the protection of citizens of the United States in the matter of the public loans of the republic of Mexico.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom were referred the following bills and joint resolution, asked to be discharged from their further consideration; which was agreed to:

A bill (H. R. No. 1225) for the relief of Lieutenant John H. Osler, of Guernsey county, Ohio;

A bill (H. R. No. 1228) for the relief of Samuel Silver;

A bill (H. R. No. 1230) for the relief of the widow of Andrew Cunningham;

A bill (S. No. 108) to increase the number of cadets in and raise the standard of admission to the Military Academy;

A bill (S. No. 436) to reorganize the clerical force of the War Department, and for other purposes;

A bill (S. No. 471) to authorize the sale of land on certain sand islands to the Mobile Harbor and Railroad Company;

A bill (S. No. 487) donating a portion of the Fort Leavenworth military reservation for the exclusive use of a public road;

A bill (S. No. 488) to authorize the construction of a bridge across the Missouri river at Fort Leavenworth, Kansas;

A bill (S. No. 447) to authorize the Secretary of War to sell a portion of the Fort Leavenworth military reservations to the city of Leavenworth, in the State of Kansas, for a public park; and

A joint resolution (S. R. No. 83) respecting the publication of the Volunteer Army Register.

Mr. MORRILL, from the Committee on the District of Columbia, to whom were referred the following bills and joint resolution, asked to be discharged from their further consideration; which was agreed to:

A bill (S. No. 27) to provide for the election of the register of deeds for the county of Washington, in the District of Columbia;

A bill (S. No. 118) to regulate suffrage and elections in the District of Columbia;

A bill (S. No. 124) to incorporate the Washington Canal Company in the District of Columbia, and for other purposes;

A bill (S. No. 245) to incorporate the Brewer's Association of the District of Columbia;

A bill (S. No. 271) to authorize a special tax for the purpose of improving the Washington city canal;

A bill (S. No. 337) to incorporate the National Gas-Light Company;

A bill (S. No. 417) to incorporate the Washington and Georgetown Ferry Company;

A bill (S. No. 426) for the punishment of adultery in the District of Columbia, and for other purposes;

A bill (S. No. 468) in relation to the appointment of marshal and also of register of wills in the District of Columbia;

A bill (S. No. 485) in relation to the appointment of a register of wills and a register of deeds for the county of Washington, in the District of Columbia;

A bill (S. No. 486) in relation to the appointment of a marshal for the District of Columbia;

A bill (S. No. 519) to incorporate the Metropolitan Fire and Marine Insurance Company of the District of Columbia;

A bill (S. No. 533) to amend an act entitled "An act to incorporate the Washington Temperance Society of the city of Washington," approved July 27, 1866;

A bill (S. No. 574) to incorporate the Metropolitan Gas-Light Company of the District of Columbia;

A bill (S. No. 585) to amend and simplify the acts relating to the Metropolitan police of the District of Columbia;

A bill (S. No. 587) to incorporate the Atlantic and Inland Wrecking Company in the District of Columbia;

A bill (S. No. 559) in relation to guardians of minors in the District of Columbia, their appointment, powers, and duties;

A bill (S. No. 561) to provide for the appointment of a marshal for the District of Columbia, and to change the mode of appointing that officer;

A bill (S. No. 607) to arch the Tiber creek north of Pennsylvania avenue; and

A joint resolution (S. R. No. 135) relating to the supply of Potomac water to the Capitol.

Mr. CONNESS. I am instructed by the Committee on Post Offices and Post Roads to ask to be discharged from the further consideration of the resolution of the Senate of the 10th of December last, instructing the committee to inquire into the expediency of authorizing the Post Office Department to construct and operate telegraph lines along the principal mail routes, or as it may deem necessary to contract with such lines as may be already established if deemed more advisable, and establish offices at such points as may be determined upon; and also from further consideration of the resolution of the Senate of January 30, 1866, instructing the committee to inquire into the expediency of a postal telegraphic system. I am also instructed to state in connection with this report that the committee regard the subject as a very important one, one that requires time to consider, more than the committee have been able to give to it, and that it is their disposition to consider it at another time. At present they ask to be discharged from its further consideration.

The report was agreed to.

POST ROUTE BILL.

Mr. RAMSEY. I move that the Senate postpone all prior orders and proceed to the consideration of House bill No. 1182. ["Oh, no."] It can be passed in fifteen minutes. It is the post route bill, and it must go back to the House, as there are a number of amendments reported to it. All the States are represented in it very largely.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1182) to establish certain post roads.

Mr. RAMSEY. I suggest that the amendments reported by the Committee on Post Offices and Post Roads be considered as they are reached in the reading of the bill, to save time.

The PRESIDENT *pro tempore*. That course will be pursued if there is no objection.

The Secretary proceeded to read the bill.

The first amendment of the committee was to strike out line eleven, under the head of "California," as follows:

From Wilmington to Yuma, on Colorado river.

Mr. RAMSEY. I will simply remark that where words are stricken out the route has been heretofore established, and the reëstablishment would be superfluous.

The amendment was agreed to.

The next amendment was to insert as line twelve, under the head of "California," the following:

From Havilah, via Rio Bravo Ranche, to Bakersfield.

The amendment was agreed to.

The next amendment was to strike out lines twenty-two and twenty-three, under the head of "Illinois," as follows:

From Rock Island, via Coaltown, Zuma, Canoe Creek, to Sterling.

The amendment was agreed to.

The next amendment was to insert after line forty-three, under the head of "Illinois," the following:

From Rock Island, via Coaltown, Zuma, and Carver Creek, to Sterling.

The amendment was agreed to.

The next amendment was to insert after line fifty-six, under the head of "Indiana," the following:

From Shelbyville to Winterrowd.

The amendment was agreed to.

The next amendment was to strike out lines fifty-nine and sixty-four, under the head of "Iowa," as follows:

From Waverly to Northwood.
From Denison to Ida.

And to insert after line sixty-six the following:

From Sioux Rapids, via Douglas and Lincoln, to Spencer.
From Chariton, via Freedom, Bixler's Grove, and Lancaster's Mills, to Corydon.

The amendment was agreed to.

The next amendment was to insert after line seventy-seven, under the head of "Kansas," the following:

From Troy, via Doniphan and Atchison, to Leavenworth.

The amendment was agreed to.

The next amendment was in line eighty-eight, under the head of "Michigan," to strike out the word "to" and insert "via," and after "Leonidas" to insert "and Colon to Burr Oak;" so that the clause will read:

From Climax Prairie, via Leonidas and Colon, to Burr Oak.

The amendment was agreed to.

The next amendment was after line ninety-two, under the head of "Michigan," to insert the following:

From Big Rapids, via Paris, to Manistee.

The amendment was agreed to.

The next amendment was to strike out lines ninety-five and ninety-six, under the head of "Minnesota," as follows:

From St. Paul, via Minneapolis, Richfield, Bloomington, and Eden Prairie, to Shakopee.

The amendment was agreed to.

The next amendment was to strike out lines one hundred and five, one hundred and six, one hundred and seven, and one hundred and eight, under the head of "Minnesota," as follows:

From Mankato, via Madelia and Jackson, to Sioux City.
From Blue Earth City, via Rose Lake, Fairmount, Jackson, and Sioux Falls City, to Yancton City, in Dakota.

The amendment was agreed to.

The next amendment was in line one hundred and fourteen, after the word "from" to strike out "Madelia, Ashippem, and;" so that the clause will read:

From Jackson, Minnesota, and Spirit Lake, in Iowa, to Sioux City, Iowa.

The amendment was agreed to.

The next amendment was in line one hundred and sixteen after the word "from" to strike out "Blue Earth City via;" so as to read:

From Fairmount, Fox Lake, Wooster, and Graham Lake, in Minnesota, to Yancton, in Dakota Territory.

The amendment was agreed to.

The next amendment was to insert after line one hundred and twenty-one, the following:

From Rushford, via Brossburg, Highland, Lenora, in Minnesota, and Burr Oak, to Decorah, in Iowa.
From Shakopee to Excelsior.
From Owatonna to Albert Lea.
From Mankato to Minnesota Lake.
From Paynesville, via James Tuttle's, Burbank City, Norway Lake, Limberey's Town, Glenwood, and Big Stone Lake, Minnesota, to Fort Wadsworth, Dakota Territory.
From Richmond, via Lake George, Big Grove, Grove Lake, White Bear Lake, Reno City, and Holmes City, to Chippewa.
From Geneva to Freeborn.

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From Buffalo, via Frankfort, Hassan, Battineau Prairie, to Minneapolis.
From Paynesville, via Burbank and Norway Lake, to School Lake.
From Crow Wing to Fort Clark.
From St. Charles, via Quincy and Little Valley, to Plainview.
From Paynesville to Alexandria.

Missouri:
From Sedalia, via Osceola, Virgil City, Lamar, Carthage, and Granby, to Neosho.
From Osage, via Last Creek and Walton's Mill, to Potosi.
From Bremos, via Cold Water and Moser's Hill, to Green.
From New London, via Madisonville, to Hellsville.
From Danville, via Big Spring, Dry Fork Mills, Rhineland, Loutre Island, to Herman.

Nebraska:
From Plattsmouth, via Weeping Water, Stoor Creek, Shirley Station, Lancaster, Saline City, and Middle Creek, to Blue River.
From Beatrice, via Snow City, to Big Sandy.

New Mexico:
From Fort Cummings, via Fort Bayard, to Penos Altos.

The amendment was agreed to.

The next amendment was after line one hundred and sixty-one, under the head of "New York" to insert:

From Monticello, via Bushville, Stevensville, Briscoe, Jeffersonville, Falls Mill, and Calicoon, to Calicoon Station.

The amendment was agreed to.

The next amendment was to insert after line one hundred and sixty-three the following:

North Carolina:
From Hillsdale to Greensboro'.

The amendment was agreed to.

The next amendment was to insert after line one hundred and sixty-nine the following:

Oregon:
From Salem, via Howell Prairie, to Silverton.

The amendment was agreed to.

The next amendment was after line two hundred and four, under the head of "Pennsylvania," to insert:

From Mohrsville to Bernville.
From Dundaff to Uniondale.

The amendment was agreed to.

The next amendment was to insert after line two hundred and eleven the following:

Virginia:
From Trevilian's Depot to Green Springs.

The amendment was agreed to.

The next amendment was in line two hundred and seventeen, under the head of "West Virginia," to strike out "and Maple Lawn" and to insert "Weisiger's and Brown's;" so that the clause will read:

From New Port, via Salt Pond, Weisiger's and Brown's, to Salt Sulphur Springs.

The amendment was agreed to.

The next amendment was to insert after line two hundred and twenty the following:

From Petroleum, via California House and Oil Rock, to Rathbone.
From Perrysville, via Clear Fork, to Tug River Post Office.

Wisconsin:
From Milwaukee, via New Koeler, to Painsville.

The amendment was agreed to.

Mr. RAMSEY. I have a few other amendments that, under the instructions of the committee, I propose to offer. The first is to insert on page 7, after line one hundred and forty-one, under the head of "Minnesota," the following:

From Swan river, via Martins, Long Prairie, and Hoadley, to Long Prairie river.
From Suak Centre, via Scott, Long Prairie, and Lamphear, to Bassett.
From West Union to Long Prairie.
From Minneapolis, via Richfield, Bloomington, Bloomington Ferry, and Eder Prairie, to Shakopee.

The amendment was agreed to.

Mr. RAMSEY. After line one hundred and fifty-nine I move to insert the following:

Nevada:
From Dayton, via Hot Springs, to Pine Grove.

The amendment was agreed to.

Mr. RAMSEY. After line one hundred and sixty-three, under the head of "New York," I move to insert the following:

From Oswego City, via Oswego Centre, and North Hannibal, to Hannibalville.

The amendment was agreed to.

Mr. RAMSEY. After line two hundred and six, under the head of "Pennsylvania," I move to insert the following:

From Salona to Lamar Mills.

The amendment was agreed to.

Mr. RAMSEY. After line two hundred and twenty-six, under the head of "Wisconsin," I move to insert the following:

From Rural, via Waupaca, Ogdensburg, Little Wolf, North Royalton, and North Port, to New London.

The amendment was agreed to.

Mr. RAMSEY. I have one more amendment. It is to insert after line seventy-nine, under the head of "Kansas," the following:

Kansas:
From Salina, Saline county, via ———, Ottawa county, up the Saline river valley to the mouth of Spillman's creek.
From Saline, via the Kansas Salt Company's Works, Oakland, Minneapolis, thence up the Solomon river valley, via Usher's creek, to the mouth of Oak creek.
From Emporia, Lyon county, via Madison, Janesville, and Noonday, to Eureka, Greenwood county.
From Humboldt, Allen county, via south branch of Bull creek, thence down the east branch of Buffalo creek to its mouth, in Wilson county, thence to Coyville.
From Topeka, via Indianola, in Shawnee county, and Mitchell's Mills, to Holton, in Jackson county.
From Wamego, Pottawatomie county, by way of Allen, Wabaunsee county, to Council Grove.
From Burlington, Coffey county, to Belmont, Woodson county.
From Hiawatha, Brown county, via Muscotah, to Grasshopper Falls, Jefferson county.
From Osage Mission, Neosho county, via Sherman, Salamanca, Petersville, Cherokee county, to Neosho, Newton county, Missouri.
From Lawrence, via Oskaloosa, to Grasshopper Falls.
From Desoto, Johnson county, via Gardner, to Ossawattomie.
From Topeka, by way of Holton and Sabetha, to Nebraska City.
From Mound City, Linn county, Kansas, by way of Trading Post, Linn county, to Pleasant Hill, Missouri.
From Manhattan, Riley county, by way of Clay county, to Lake Sibley, in Shirley county.
From Manhattan, by way of Westmoreland and Savannah, Pottawatomie county, to Council Grove.
From Paola to Rockville, by way of Miami Village, to New Lancaster, Miami county.
From Fort Scott, via Cato, to Monmouth; and a tri-weekly mail from Prairie City, via Centropolis, to Burlingame; also, tri-weekly from Council Grove to intersect Santa Fé mail near Fort Larned.
From Topeka to Holton, Jackson county, Kinnekuk, Atchison county, and Troy, Doniphan county.
Missouri river railroad, from Wyandotte to Leavenworth.
From Mound City, Linn county, to Cherokee City, Cherokee county, via Mannatou county, Monmouth, Crawford county.
From Fort Scott to Baxter's Springs, via Pleasant View and Petersville, Cherokee county.
From Council Grove, via Cottonwood Falls, Eldorado, Fort Arbuckle, to Sherman, Texas.
From Topeka, Shawnee county, to Burlington, Coffey county.
From Perryville, Jefferson county, to Oskaloosa, Jefferson county.
A route from Carlyle, Allen county, to Geneva, Allen county.
A route from Fort Scott, Kansas, via Mapleton, Xenia, in Bourbon county, to Garnett, Anderson county.
From Cottonwood Falls to Junction City.

The amendment was agreed to.

Mr. HENDERSON. I desire to offer an amendment to the bill, if there be no objection to it. It is to add as additional sections the following:

And be it further enacted, That whenever the North Missouri Railroad Company, a corporation duly organized and incorporated under the laws of the State of Missouri, shall erect or cause to be erected a bridge over the Missouri river at the town of St. Charles, in the State of Missouri, to be used in connection with or to form a part of a railroad belonging to said company, known as the North Missouri railroad, said bridge, when completed in accordance with the laws of the State of Missouri, and under the limitations and conditions hereinafter provided, is hereby declared to be a lawful structure and a post road for the conveyance of the mails of the United States. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States of the State of Missouri.

And be it further enacted, That the bridge built under the provisions of this act may, at the option of the company building the same, be built as a drawbridge, with a pivot draw, or with unbroken or continuous spans: *Provided*, That if said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and not less than three hundred feet in length: *And provided also*, That if the bridge built under this act shall be constructed as a drawbridge the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span to the draw shall not be less than two hundred and fifty feet; and said spans shall not be less than thirty feet above low-water mark, and not less than ten feet above extreme high-water mark, measuring to the bottom chord of the bridge, and the piers of said bridge shall be parallel with the current of the river: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains.

And be it further enacted, That no higher charge shall be made for the transmission over the bridge to be built under this act, and according to its limitations, of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroad or public highways leading to the bridge.

And be it further enacted, That the right to alter or amend this act, so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge, is hereby expressly reserved.

Mr. RAMSEY. I trust the Senator from Missouri will withdraw his amendment. It is unusual to encumber the annual post route bill with any legislation other than itself. General legislation is very seldom indulged in or anything out of the line of post routes themselves. It is a bill that the Post Office Department and the post offices throughout the country have occasion to refer to very frequently, and it is printed and distributed among them; and if it is encumbered with matter of this kind I think it will be unusual and inconvenient. Otherwise, I should have no objection to the amendment.

Mr. HENDERSON. I have been for some days trying to get the floor to call up this bill. It is a bill to authorize the construction of a bridge across the Missouri river at the town of St. Charles. The road has been completed and in operation for five or six years, and it is exceedingly important to the best interests of the country in north and west Missouri that the bridge should be constructed at an early day. An act of the Legislature of the State has authorized the company to build it, and they are collecting the materials now for constructing it. I thought it was appropriate to put it upon this bill because of the fact that the only legalization needed is to make it a post road. It is clearly within the limits of the State of Missouri and does not interfere with any other State at all. However, it will be necessary to get the authority of Congress to construct the bridge, because it is a navigable stream. I hope that the Senator will withdraw all objections to this bill as an amendment, because, as I understand it, it is unanimously reported by his own committee, the Committee on Post Offices and Post Roads; and I think it is quite germane to the matter now under consideration. It is strictly in accordance with the law of the last session of Congress authorizing the construction of bridges across the Mississippi river. It requires a span of one hundred and sixty feet, which is some thirty-two feet more than the bridge authorized the other day at Clinton, in Illinois. I hope that no objection will be made and that it will be adopted. It is quite germane, I think.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is the House bill No. 793.

Mr. CONNESS. I hope the unfinished business will be allowed to lie over temporarily until we can get a vote on the post route bill; and I appeal to my friend from Missouri to withdraw his amendment. The Committee on Post Offices and Post Roads, when they gave a favorable report to the bill of the Senator, did not expect that he would move to encumber this bill, which never excites opposition, and which, as was correctly stated by the chairman of the Committee on Post

Offices and Post Roads, is frequently printed in circulars for distribution, and involves nothing but post routes. I hope the Senator will withdraw his amendment, and I will aid him in taking up his bill and passing it at any time.

Mr. HENDERSON. I have occupied but very little of the time of the Senate. I have some eight or ten, perhaps fifteen bills, lying here now that I have attempted to get passed, a great many of them being for the interests of the people I represent. Now, at this late hour, after having unsuccessfully tried for the last five or six days to get the floor to have this bill passed, Senators, members of the committee, insist that I shall withdraw it. Sir, I now do so, and I do so feeling that at the next session of Congress I shall be just as helpless as I have been at the present session to get the floor in order to get business done. This proposition is perfectly germane. It is unanimously reported by the committee. It is making a bridge a post road; and for my life I can see no objection to it. It is entirely within the limits of my State. The whole question has been determined by previous legislation. The bridge is to be strictly in accordance with the bridges authorized over the Mississippi at the last session. I can see no possible objection to it; but if Senators insist upon it I withdraw the amendment.

The PRESIDENT *pro tempore*. The motion to amend is withdrawn.

Mr. CONNESS. Let us have a vote on the bill.

Mr. SHERMAN. I have no objection to waiving the unfinished business if this bill will not excite debate.

Mr. CONNESS. Not at all.

The PRESIDENT *pro tempore*. By common consent the bill before the Senate will be proceeded with until its passage, if no objection be interposed.

The bill was reported to the Senate as amended, and the amendments were concurred in. It was ordered that the amendments be engrossed and the bill read a third time. It was read the third time, and passed.

PAPERS WITHDRAWN.

On motion of Mr. RAMSEY, it was

Ordered, That John C. Jacobs have leave to withdraw his petition and papers.

ORDER OF BUSINESS.

Mr. POLAND. I ask leave to make a report from a committee of conference.

Mr. SHERMAN. I object to that until we dispose of the wool tariff bill. That report is on the bankrupt bill, which will give rise to debate, I know, and therefore I insist on the regular order of business.

The PRESIDENT *pro tempore*. The bill named by the Senator from Ohio is the bill properly before the Senate, the morning hour having expired.

Mr. POLAND. I had supposed that this was a privileged matter, that took precedence. I do not apprehend there will be a word of debate upon it.

The PRESIDENT *pro tempore*. The Chair has not decided that it is a privileged question to such an extent as to overrule the special order. It has been the practice of the Senate, however, especially at this stage of the session, to receive reports from committees of conference. The Chair will not decide that it is such a question of privilege as to override the special order.

Mr. POLAND. I can assure the Senator from Ohio that there will be no debate upon it.

Mr. SHERMAN. A gentleman near me says there will be debate upon it, and therefore I cannot waive the unfinished business.

Mr. POLAND. I move that this report be taken up.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone all prior orders for the purpose of proceeding to the consideration of the report named by him.

Mr. SHERMAN. Before that question is put I desire to state to the friends of the wool-tariff bill that if this motion succeeds, as a matter of course it necessarily defeats that bill. I know that there will be debate on the bankrupt bill, because a Senator near me says he is determined to debate it; and now the tariff bill can be disposed of in fifteen minutes.

Mr. POLAND. This will be disposed of in one. I protest against its being put off on any such pretense.

Mr. SHERMAN. I assure the Senator it will not be disposed of in one minute nor in an hour, because a Senator near me says he intends to debate it.

The question being put, there were, on a division—ayes 11, noes 16.

Mr. POLAND. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 13, noes 27; as follows:

YEAS—Messrs. Anthony, Davis, Edmunds, Harris, Howard, Johnson, Norton, Nye, Poland, Ramsey, Saulsbury, Stewart, and Sumner—13.

NAYS—Messrs. Buckalew, Cattell, Chandler, Conness, Cragin, Creswell, Fogg, Foster, Fowler, Frelinghuysen, Henderson, Howe, Kirkwood, Lane, Morrill, Nesmith, Patterson, Pomeroy, Ross, Sherman, Sprague, Trumbull, Van Winkle, Wade, Willey, Williams, and Wilson—27.

ABSENT—Messrs. Brown, Cowan, Dixon, Doolittle, Fessenden, Grimes, Guthrie, Hendricks, McDougall, Morgan, Riddle, and Yates—12.

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, requested the Senate to return to the House the bill of the Senate No. 32, to prevent the absence of territorial officers from their official duties, erroneously returned to the Senate yesterday as passed by the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1868.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1134) declaring and fixing the rights of volunteers as a part of the Army; and it was thereupon signed by the President *pro tempore* of the Senate.

RETURN OF A BILL.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the House of Representatives:

Ordered, That the Senate be requested to return to the House the bill of the Senate No. 32, to prevent the absence of territorial officers from their official duties, the same having been erroneously transmitted to the Senate.

Mr. SHERMAN. I move that the request of the House be complied with.

The motion was agreed to.

DUTIES ON WOOL AND WOOLENS.

The PRESIDENT *pro tempore*. The bill named by the Senator from Ohio, being the bill (H. R. No. 793) to provide increased revenue from imported wool, and for other purposes, is now before the Senate as in Committee of the Whole, the pending question being on the following amendment offered by the Senator from New Jersey, [Mr. CATTELL:]

And be it further enacted, That from and after ten days from the passage of this act there shall be levied, collected, and paid on all goods, wares, and merchandise not herein provided for, imported into the United States from foreign countries, and now subject to duty under existing laws, an additional duty of one fifth, or twenty per cent. of the duty or rates of duty, including specific and *ad valorem* rates now imposed by law upon such goods, wares, and merchandise: *Provided*, That no additional duty shall be levied, collected, and paid on sugar, molasses, tea, coffee, salt, coal, crude dye woods, soda-ash, and bleaching powders.

Mr. WADE. Everybody knows that I should be for this amendment if I believed it was possible that it could pass the House of Representatives; but I am informed by members of that body who are well versed in its rules of proceeding that there is very little if any probability, if an amendment is put upon this bill, that it will pass at this session. I shall be compelled, therefore, in that view to vote against the amendment; for it is all-important, in my judgment, that this bill should be passed. This proposition may just as well be offered as a separate measure, and I shall be as much in favor of it as any member on this floor, and will aid and assist to put it through as soon as it can be done; but I hope it will not be ingrafted upon this bill so as to jeopardize the whole; for my opinion is that if we put the amendment upon this bill we shall lose everything.

Mr. STEWART. I hope no amendment will be made to this bill, but that we shall pass it as it came from the House. It is of great importance to the wool-growers of the West. I have voted very consistently for a general tariff all the way through, although the people I represent manufacture nothing, and they are only burdened by the protection afforded by a tariff. I did it for the general good of the whole country. But the House cannot agree upon any general bill. Any amendment to this bill will throw the whole question over and we shall lose it altogether. I shall therefore vote against any amendment.

Mr. EDMUNDS. I have always understood that it was not a very sound argument for one branch of a Government or legislative body to induce it to act or to abstain from acting in any particular direction on account of either hopes or fears as to what its coördinate branch would do.

The PRESIDENT *pro tempore*. The Chair feels called upon to say in justice to itself, not having previously spoken on this subject, that allusions to the action of the other House are clearly out of order.

Mr. EDMUNDS. I am very glad that the President has made that suggestion. I think it is a practice exceedingly dangerous to sound legislation, to say nothing of the taste of it, to undertake to control (with the best of motives, as I know my friend from Ohio [Mr. WADE] had in his anxiety that this bill should pass) our action by urging upon us any considerations touching what may or may not be the action of another branch of the Legislature. Therefore the question is, in my judgment, whether it is right, whether it is due to the country, whether it is due to other branches of industry than that which is provided for by this bill, as we have solemnly decided by a very heavy majority that it is, that we should advance the rates of the tariff upon the various articles that are imported and come into competition with our other industries. We have committed ourselves to that ground. Now, are we to be driven from it by any considerations except those that appeal to the real merit of the proposition? If in any other place there is difficulty or confusion, it is not our business to arrange that. It is due to the laborer, to the mechanic, to the manufacturer, to every American citizen that earns money by his labor and increases the wealth of the country by it to meet its burdens, that we should aid him as well as this special interest. It is true that the largest share of my constituents are interested in this special interest. I shall be glad to have it passed. I shall be still more glad if justice is done to the other interests of the country.

Mr. WADE. Except just at the last end of the session it is not well to speculate, perhaps, on what any branch of the Government will do; but we had better take a common-sense and practical view of this and all other questions. What induced me to allude to the House bill was this: we know the intricacy of their rules; we know sometimes that a thing is impossible to be done there, and we should not attempt impossibilities; and when the Speaker of the House, who is acquainted with their rules of proceeding, informs us that it will be fatal to put an amendment on the bill, it strikes me it is better for us to take what we can get and not attempt impossibilities. The bill is right so far as it goes; but it does not go by any means as far as I wanted it to go.

No Senator here is more anxious for that amendment to pass than I am. If you will put it in any form in which it will not jeopardize the whole, I am for it. It can be done by a separate resolution just as well as by jeopardizing this bill with it. If the House would pass the amendment, they would also pass a resolution backing up and making perfect this amendment, and do it without endangering the whole.

Mr. POMEROY. I desire to say in one word that while I would be willing to go with the Senator from Vermont to adjust the tariff equitably and fairly in all its details—and I expect to stay here in the Senate long enough to do it—I do not believe the closing hours of this session to be the proper time, nor do I believe the manner of raising the revenue contained in this amendment would be the right way of doing it. Twenty per cent. on everything is not what would be equitable and just at all. Let us pass this bill. We can get this much if we pass it without amendment. If we try to get more we shall lose the whole; not because of the action of the House perhaps, but because of the fact that we are in the closing and dying hours of the session, and we cannot afford to risk it.

Mr. CATTELL. Mr. President, I am anxious that the amendment which I have offered shall be adopted. I do not like selecting one single department of industry in the country and protecting it while all others are left out in the cold. It does not agree with my sense of justice or of propriety. In answer to the objection of the Senator from Kansas, that this is an unjust and inequitable mode of raising the tariff, I will simply remark to him that it has been acted upon by the Congress of the United States on more occasions than one, and that its result, in my judgment, has been advantageous to the country in both the cases in which the Congress of the United States have acted in this direction.

Mr. GRIMES. When did they do so?

Mr. CATTELL. In 1863 and 1864.

Mr. GRIMES. And when at another time?

Mr. CATTELL. I am not sure. Perhaps I am wrong in saying that it was done more than once.

Mr. GRIMES. Only once.

Mr. CATTELL. My impression was that it was done in 1861 and in 1864.

Mr. GRIMES. It was done once, and then another joint resolution was passed extending the continuance of it.

Mr. CATTELL. Those are the two instances to which I referred.

Mr. GRIMES. And which have involved us in a labyrinth of trouble ever since.

Mr. BUCKALEW. Mr. President——

Mr. SHERMAN. I think we had better take the vote.

Mr. CATTELL. I believe I have the floor; and with all respect to the distinguished Senator from Ohio, I presume a vote can hardly be called while a Senator is on the floor. I object to this way of disposing without the slightest discussion of what I think as important a proposition as has been submitted to the Senate of the United States. I believe some increase of the tariff duties is demanded by the people of the country generally. It is a simple proposition. It is a proposition imposing a duty less by far than the average duty which, after full discussion, was decided upon in this Chamber. In my judgment it will be unwise for us to select one single department of industry in which the West is very largely interested, and which I am disposed to vote for myself. I believe it is right in itself; but it ought and should carry with it some regard for the other industrial interests of the United States. The proposition which I have offered is a simple one, one easily understood, and one which, in my opinion, will become a law if the Senate will adopt it. I do not feel disposed at this late hour of the session to take up time in discussion. I only express my regret at the indications that the friends of American industry are likely, just at this emergency, to allow this proposition to be overslaughed.

Mr. BUCKALEW. Mr. President, I did not rise a few moments since to take the floor from the Senator from New Jersey. I rose for the purpose of asking him a question, which I will now put. I desire to inquire of him, as I suppose he is familiar with this whole subject of import duties, what was the average rate of increase in the bill which was recently passed by the Senate?

Mr. CATTELL. My opinion is that the increase was about fifteen per cent.—it is only an estimate, however—upon the dutiable amount of value, which would be equivalent to about seven per cent. on the duty.

Mr. BUCKALEW. Then do I understand that the Senator proposes in his present amendment an average rate of duty which will be considerably greater than the rate of duty contained in the bill which was passed by the Senate?

Mr. CATTELL. No.

Mr. BUCKALEW. I do not understand the Senator's answer exactly.

Mr. CATTELL. Will the gentleman permit me to explain? The twenty per cent. additional here is upon the duty, not upon the value of the goods. The fifteen per cent. was about the increase upon the value of the goods. This is but little more than half, in my judgment, of the increase proposed by the tariff bill passed by the Senate.

Mr. BUCKALEW. I now understand the Senator, and shall vote for the amendment. It seems to me rather an invidious thing—I will not say an odious thing—to select out one interest, which was provided for in the former bill, and by some skillful arrangement, or by good management I will say, pass a bill through both Houses for its advantages, leaving all other interests unattended to and undisposed of. I do not know any principle upon which this can be done, except that we should select an interest which is a little more powerful in Congress than any other, and which, therefore, in the closing hours of the session, can obtain a hearing when others cannot be heard. Upon principles of justice and fair treatment I shall vote for the amendment proposed by the Senator from New Jersey as a temporary measure. I presume that some time during the next Congress this whole subject will be investigated, and we shall have a general law. In the mean time if we are to do anything, it seems to me more reasonable that we should do what we did two or three years ago: make a temporary arrangement by a horizontal increase of the duties generally rather than to select out one leading interest to which particular members of the two Houses may feel specially friendly, disregarding all other considerations. I object to this sort of legislation, and shall therefore vote for the amendment of the Senator from New Jersey.

Mr. GRIMES. I simply rise to repeat an inquiry that I am not confident I distinctly understood. Did I understand the Senator from New Jersey to say that this proposed increase of twenty per cent. is about one half of the increase proposed in the bill that was recently passed through the Senate and sent to the House of Representatives?

Mr. CATTELL. I answer by saying nearly; it is not quite half; and that this is upon the duty itself.

Mr. GRIMES. Then the bill that we passed was forty per cent.?

Mr. CATTELL. Between thirty and forty per cent. increase of duty.

Mr. FRELINGHUYSEN. I hope that the Senate will exercise their judgment, without regard at all to what the consequences are likely to be in the result of legislation, as to whether this proposition is just. It certainly is most unjust to select out one branch of industry and give that protection and let all the other industrial interests of this country suffer. The Senator from Ohio, [Mr. WADE,] with great candor and sincerity, says that he will aid in having this measure advanced after the one proposed by his colleague is passed. But you see at once that there is a difference in the Senate. The Senator from Iowa and the Senator from Kansas demur to that proposition, and would not be in favor of adopting the amendment proposed by my colleague.

Sir, this is the most important measure to the people of anything we have had before us, and the people will require it of us; and I can say that if this Congress dissolves without giving protection to the industrial interests of this country results may accrue to this country which we do not at all now appreciate. I believe that the great projects that we as a party have in hand will be sacrificed by it. I believe that the people will have little confidence in a party that has two thirds of both Houses, and that, after sitting here for three months, could not give them any protection to their industry. They will seek that protection elsewhere. I do not imagine that the Senators from the western States realize the importance of this measure to the eastern States. We spend our time here week after week in laying taxes upon the industrial interests of the country, but cannot give them the protection which is absolutely necessary to their existence. Their factories are now discharging their hands, and work is being stopped for the want of this very protection. The people will require it of those who have had it in their power to give them this protection.

Mr. CHANDLER. Is it in order to move to amend the amendments?

Mr. SHERMAN. I trust the Senator from Michigan will let us take a vote on the amendment, and if it is adopted then the Senator can move to add to, change, or modify it in any form in the Senate.

Mr. CHANDLER. I was going to move to strike out all after "sugar, molasses, tea, and coffee."

Mr. SHERMAN. That can be done in the Senate in case the amendment is adopted. I trust we shall have a decisive vote, and take the sense of the Senate as to whether they will put on any amendments.

Mr. CHANDLER. Very well.

Mr. EDMUNDS. Are the yeas and nays ordered on the amendment?

The PRESIDENT *pro tempore*. They have not yet been demanded.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. I cannot vote for this amendment, and I do not know that I can vote for the bill. The bill as it came from the House is obnoxious to the statement made by the honorable Senator from New Jersey, that it is legislating for a special interest that does not show any special claim for protection above others. It is obnoxious to that charge, and cannot commend itself, it seems to me, to those who are looking for general legislation for relief.

The wool and woolen interest in my State is a small interest comparatively. It is not an indifferent interest by any means, and it is not one to which I feel indifferent. I am disposed to do anything that I can here to foster it; but it is a minor interest comparatively; and therefore I cannot look upon this as a measure of relief.

The bill ignores the leading interests of my State, and the action of the House has been hostile to those interests. One of the leading interests of my State is ship-building. Everybody knows that that interest is absolutely prostrate and is in process of extinction. My State for the last ten years has built nearly half the sailing ships of the whole country, and in some years a little more than half. Now, sir, under the operation of the present laws and the condition of the times that interest is absolutely prostrate, and we cannot build a ship except at a great sacrifice. This Congress has been advertised of that fact. This branch of the Congress of the United States yielded to the argument, but the other House (if I may be permitted to allude to it) did not.

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It comes back to us disfavored by that branch of Congress. We are not to have relief, and still we are asked to impose an additional burden on that interest of twenty per cent. The ship-building interest is in process of extinction under the present order of things, and no relief whatever is offered to it; and the question now put to me is, "Will you add twenty per cent. to the burdens under which that interest is staggering to-day?" I ask, what is the inducement? Why, "We will give you a protection on wool and woolens." Well, sir, the woolen interest in my State is not an inconsiderable interest, I admit, and I should be glad to extend it protection; but I cannot extend it that protection to the sacrifice of other interests that are absolutely prostrate, as that is not. Therefore I shall feel obliged to oppose any action of this Congress which does not look to the general protection of the industry of the country. A mere partial measure, one so partial as this is, does not commend itself to my judgment. I would rather forego all action at present than to adopt this.

Mr. SHERMAN. I have but one rule in regard to matters of this kind, and that is to accomplish as much good as I can, and only to attempt that which I can accomplish. Here is a bill which the House have passed, upon full and careful consideration, the result of mature deliberation; which we can now pass and make a law. We know that any amendment to this bill at this stage of the session necessarily defeats it.

Mr. EDMUNDS. We do not know anything of the sort.

Mr. SHERMAN. It is absolutely so, without any reference to the proceedings of the other House; and the question is whether we will, by indirection, defeat a bill which has already received the sanction of the Senate by a vote of four to one. That is all there is about it.

Mr. EDMUNDS. I think my friend is mistaken in saying "that is all there is about it." We are passing bills here every moment, day and night, covered with amendments that go back to the House. Are we to presume that this will meet any fate that they will not? We have no right to presume anything of the kind. There will be no difficulty, no danger on an amendment of this kind which we offer to this bill more than to any other. We are bound to presume that it will receive justice. We have a right to presume nothing else. Therefore I think it unjust to say that it is certain that this amendment defeats the bill. If amendments do not defeat other bills, why should an amendment defeat this if it is right?

The question being taken by yeas and nays, resulted—yeas 17, nays 28; as follows:

YEAS—Messrs. Anthony, Buckalew, Cattell, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Frelinghuysen, Johnson, Morgan, Nye, Poland, Ramsey, Sprague, and Van Winkle—17.

NAYS—Messrs. Chandler, Davis, Dixon, Fogg, Grimes, Harris, Henderson, Hendricks, Howard, Howe, Kirkwood, Lane, McDougall, Morrill, Nesmith, Norton, Patterson, Pomeroy, Ross, Saulsbury, Sherman, Stewart, Sumner, Trumbull, Wade, Willey, Williams, and Wilson—28.

ABSENT—Messrs. Brown, Cowan, Doolittle, Fowler, Guthrie, Riddle, and Yates—7.

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. JOHNSON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HENDERSON. Before the vote is taken, I simply desire to say that this is an illustration to our eastern friends of the workings of the tariff. This is tariff to satiety. This perhaps is an overdose. This is commending to them the poisoned chalice. As my friend from Rhode Island just now said, we are delivered into the hands of the Philistines.

The question being taken by yeas and nays, resulted—yeas 31, nays 12; as follows:

YEAS—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Dixon, Edmunds, Fogg, Foster, Fowler, Frelinghuysen, Grimes, Harris, Howard, Howe, Kirkwood, Lane, Norton, Nye, Poland, Pomeroy, Ramsey, Ross, Sherman, Stewart, Trumbull, Van Winkle, Wade, Willey, Williams, and Yates—31.

NAYS—Messrs. Buckalew, Creswell, Davis, Henderson, Hendricks, Johnson, McDougall, Patterson, Saulsbury, Sprague, Sumner, and Wilson—12.

ABSENT—Messrs. Brown, Cowan, Doolittle, Fessenden, Guthrie, Morgan, Morrill, Nesmith, and Riddle—9.

So the bill was passed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of February 13, 1867, a report of the Quartermaster General respecting a military commission sitting at Nashville, Tennessee, during the war, for the adjudication of claims of loyal citizens of Tennessee; which was ordered to lie on the table.

The PRESIDENT *pro tempore* also laid before the Senate a report of the Postmaster General, communicating, in compliance with a resolution of the Senate of the 28th ultimo, calling for information relative to mail contracts with Mr. A. D. Trotter, of Staunton, Virginia, the amount of money paid him on said contracts without his taking the oaths prescribed by act of Congress; which was laid on the table.

The PRESIDENT *pro tempore* also laid before the Senate a report of the Secretary of the Senate, communicating, in obedience to law, a detailed statement of the payments from the contingent fund of the Senate for the year ending December 3, 1866; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

The PRESIDENT *pro tempore* also laid before the Senate a message from the President of the United States, transmitting a copy of a correspondence between the Secretary of State and G. V. Fox, Esq., relative to the presentation by the latter to the Emperor of Russia of a resolution of Congress expressive of the feelings of the people of the United States in reference to the providential escape of that sovereign from an attempted assassination; which, on motion of Mr. SUMNER, was ordered to be printed and lie on the table.

AGRICULTURAL REPORT.

Mr. SHERMAN submitted the following resolution:

Resolved, That there be printed for the use of the Senate twenty thousand additional copies of the Report of the Commissioner of Agriculture for the year 1866, and the accompanying documents, and three thousand additional copies of the same for the use of the Department of Agriculture.

Mr. SHERMAN. I suppose the resolution will go to the Committee on Printing.

Mr. ANTHONY. The Committee on Printing have had the matter under consideration and are in favor of the resolution.

Mr. SHERMAN. Then it might as well be passed at once. It is in the usual form.

The resolution was considered by unanimous consent, and agreed to.

BANKRUPT BILL.

Mr. POLAND. I now submit the report of the committee of conference on the bankrupt bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill to establish a uniform system of bankruptcy throughout the United States (H. R. No. 598) having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendment numbered twenty-six to the thirty-third section of said bill.

That the House recede from its non-concurrence with the Senate in the other amendments made to said bill by the Senate, and concur in the same.

LUKE P. POLAND,
EDWIN D. MORGAN,
JAMES A. McDOUGALL,
Managers on the part of the Senate.
THOMAS A. JENCKES,
HENRY L. DAWES,
Managers on the part of the House.

Mr. LANE. I ask for the yeas and nays on concurring in the report of the committee.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 20; as follows:

YEAS—Messrs. Anthony, Chandler, Conness, Creswell, Dixon, Edmunds, Fessenden, Foster, Frelinghuysen, Harris, Howard, Howe, Johnson, McDougall, Morgan, Morton, Nye, Poland, Pomeroy, Ramsey, Ross, Stewart, Sumner, and Van Winkle—24.

NAYS—Messrs. Buckalew, Cragin, Davis, Fogg, Fowler, Henderson, Hendricks, Lane, Morrill, Nesmith, Patterson, Saulsbury, Sherman, Sprague, Trumbull, Wade, Willey, Williams, Wilson, and Yates—20.

ABSENT—Messrs. Brown, Cattell, Cowan, Doolittle, Grimes, Guthrie, Kirkwood, and Riddle—8.

So the report was concurred in.

COMPOUND-INTEREST NOTES.

Mr. SHERMAN. I submit a report from the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 1220 to provide ways and means for the payment of the compound-interest notes.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 1220, entitled "An act to furnish ways and means for the payment of the compound-interest notes," after a full conference have agreed that the House recede from its disagreement to the Senate amendment, and agree to the same with amendments, as follows: strike out "one hundred" in last line of first section of said amendment and insert "fifty," and strike out the second section of said amendment; and that the Senate agree to the said amendments to their amendment.

JOHN SHERMAN,
REVERDY JOHNSON,
WILLIAM SPRAGUE,
Managers on the part of the Senate.
HIRAM PRICE,
THEODORE M. POMEROY,
Managers on the part of the House.

Mr. SHERMAN. The effect of this is to authorize a loan of $50,000,000 instead of $100,000,000. The second section the House objected to, and we receded from it.

Mr. TRUMBULL. What was the second section?

Mr. SHERMAN. The second section prohibited national banks from receiving and paying interest, and also denied them the right to use the compounds as reserves. The House objected to that strenuously, and we thought it best to abandon it.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, further insisted upon a disagreement to the amendments of the Senate to that bill, and asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROSCOE CONKLING of New York, Mr. ROBERT C. SCHENCK of Ohio, and Mr. HIRAM MCCULLOUGH of Maryland, managers of the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore* of the Senate.

A bill (S. No. 128) authorizing limited partnerships in the District of Columbia;

A bill (S. No. 264) to grant certain privileges to the Alexandria, Washington, and Georgetown Railroad Company, in the District of Columbia;

A bill (S. No. 470) to authorize the change of a name;

A bill (S. No. 477) to amend an act entitled "An act to continue, alter, and amend the charter of the city of Washington," approved May 17, 1848;

A bill (S. No. 493) supplemental to "An act to establish the Treasury Department," approved September 2, 1789;

A bill (S. No. 529) to incorporate the Howard University in the District of Columbia;

A bill (S. No. 534) to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal of the Supreme Court;

A bill (S. No. 570) extending the time for the completion of certain street railways;

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A bill (S. No. 589) to amend an act entitled "An act to incorporate the National Theological Institute," and to define and extend the powers of the same; and

A joint resolution (S. R. No. 160) for the relief of Dempsey Reece, of Indiana.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, disagreed to by the House of Representatives.

Mr. SHERMAN. In order to expedite business, I move that the Senate further insist upon its amendments to the bill disagreed to by the House of Representatives, and agree to the further conference asked by the House on the disagreeing votes of the two Houses. I will state that this proceeding is rather a singular one. The Senate asked for a committee of conference last night and appointed conferees, but the House have overlooked it and asked for a committee of conference themselves. I suppose the shortest way is to grant their request and appoint the same committee that was appointed last night.

The motion was agreed to.

Mr. SHERMAN. I move that the conferees on the part of the Senate be appointed by the President *pro tempore*.

The motion was agreed to.

The PRESIDENT *pro tempore* appointed Mr. TRUMBULL, Mr. EDMUNDS, and Mr. DAVIS.

INDEMNITY TO MILITARY OFFICERS.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of House bill No. 859. It is a bill to indemnify the officers of the Government for acts done in the suppression of the rebellion. It is a House bill reported from the Committee on the Judiciary.

Mr. HOWE. I want to call the attention of the Senate once more to the private claims that are pending. I am urged constantly by members of this House and of the other to bring forward certain bills in which they are particularly interested. I cannot bring them forward without the consent of the Senate. I am interested in none of them myself.

The motion of Mr. TRUMBULL was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 859) to declare valid and conclusive certain proclamations of the President, and acts done in pursuance thereof, or of his orders, in the suppression of the late rebellion against the United States.

All acts, proclamations, and orders of the President of the United States, or acts done by his authority or approval after March 4, 1861, and before July 1, 1866, respecting martial law, military trials by courts-martial or military commissions, or the arrest, imprisonment, and trial of persons charged with participation in the late rebellion against the United States, or as aiders or abettors thereof, or as guilty of any disloyal practice in aid thereof, or of any violation of the laws or usages of war, or of affording aid or comfort to rebels against the authority of the United States, and all proceedings and acts done or had by courts-martial or military commissions, or arrests or imprisonments made in the premises by any person by the authority of the orders or proclamations of the President, made as aforesaid, or in aid thereof, are declared to be approved in all respects, legalized and made valid, to the same extent and with the same effect as if the orders and proclamations had been issued and made, and the arrests, imprisonments, proceedings, and acts had been done under the previous express authority and direction of the Congress of the United States, and in pursuance of a law thereof previously enacted and expressly authorizing and directing the same to be done. And no civil court of the United States, or of any State, or of the District of Columbia, or of any district or Territory of the United States, is to have or take jurisdiction of, or in any manner reverse any of the proceedings had or acts done, nor is any person to be held to answer in any of the courts for any act done or omitted to be done in pursuance or in aid of the proclamations or orders, or by authority or with the approval of the President within the period aforesaid, and respecting any of the matters aforesaid; and all officers and other persons in the service of the United States, or who acted in aid thereof, acting in the premises shall be held *prima facie* to have been authorized by the President; and all acts and parts of acts heretofore passed, inconsistent with the provisions of this act, are hereby repealed.

Mr. JOHNSON. I move to strike out all of the bill after the word "done" in the twenty-sixth line to the word "President" in the thirty-eighth line, in these words:

And no civil court of the United States, or of any State, or of the District of Columbia, or of any district or Territory of the United States, shall have or take jurisdiction of, or in any manner reverse any of the proceedings had or acts done as aforesaid, nor shall any person be held to answer in any of said courts for any act done or omitted to be done in pursuance or in aid of any of said proclamations or orders, or by authority or with the approval of the President within the period aforesaid, and respecting any of the matters aforesaid; and all officers and other persons in the service of the United States, or who acted in aid thereof, acting in the premises shall be held *prima facie* to have been authorized by the President.

Mr. President, I have very great doubt whether we can pass that part of the bill which I do not propose now to strike out, at least in one particular. The Supreme Court have decided that, as the laws now stand, or did stand at the period when the prosecutions to which I am about to refer were instituted, there was no law which authorized a trial by military court of any description of a citizen who was not a soldier. They were unanimous in so thinking. The only difference between the judges was, that a majority thought it was not in the power of Congress to provide for the trial of a citizen charged with an offense by a military court in a State where the civil courts were in the exercise of their ordinary jurisdiction; but the whole court say that under the act which was supposed to authorize these military commissions they were illegally held. I have some doubt, therefore, whether this act of indemnity would be sanctioned by the judges; but I am perfectly willing to leave that to the determination of the courts if the question should be presented before them. What I object to is, that we undertake, if we pass this bill, to prohibit the courts from entertaining any jurisdiction at all, from hearing the case.

I admit that we should go to the very verge of the Constitution in protecting the officers who have acted under the authority of the Government, in all acts which they honestly believed were necessary to preserve the Government from the effort which was then being made to destroy it; but this bill goes much further than that. It provides that wherever a person has acted in point of fact under the authority of the President, no matter how he acted, no matter in what manner he performed the duty which the President's proclamation or order authorized, no matter how cruelly, with what unnecessary severity, he executed the order, the citizen who may have been injured shall be debarred the privilege of having the propriety of his arrest or the propriety of the manner in which the arrest was conducted examined by a civil tribunal. It therefore assumes, by prohibiting, that there might be cases which the courts would hold were not justified by any orders of the President, because there was no authority to issue such orders, or cases in which there would be no justification under the orders, because of the manner in which the orders had been carried out. I have heard of very many cases of most unnecessary hardship, uncalled for severity on the part of agents of the Government in the exercise of what they supposed to be the orders of the President of the United States.

If this bill passes, and is regarded, (and we should pass no bill that we do not think will be regarded,) the question of the validity of the President's orders, or the question as to the legality of the manner in which the orders have been executed can never be brought before the courts of the United States for investigation, because we say:

And no civil court of the United States, or of any State, or of the District of Columbia, or of any district or Territory of the United States, shall have or take jurisdiction of, or in any manner reverse any of the proceedings had or acts done as aforesaid, nor shall any person be held to answer in any of said courts for any act done or omitted to be done in pursuance or in aid of any of said proclamations or orders, or by authority or with the approval of the President within the period aforesaid, and respecting any of the matters aforesaid.

So that, no matter how unconstitutional those orders of the President of the United States may have been in the judgment of the judiciary, the Supreme Court of the United States as the ultimate tribunal, no matter how illegal —even if the orders of the President were legal—may have been the manner in which those orders have been executed, the party suffering, if the Constitution prohibited the orders or the law prohibited the manner in which the orders were executed, can in no possible way bring his case for redress before the courts of the United States. The Congress of the United States by this law assumes for itself to decide that these acts and proclamations are all legal, and that the manner in which they have been performed is legal, and proposes to deny to the courts jurisdiction over any cases arising under this law in the exercise of what it evidently seems to suppose is its paramount authority under the Constitution to interfere with what would otherwise be the jurisdiction of the courts of the United States. It is in my view, therefore, neither more nor less than an assumption on the part of Congress, if the bill should pass, first to pass a law, and secondly to say that that law shall never be disputed, no matter how absolutely without authority under the Constitution Congress may have been to pass it. It is too late to discuss the question. I shall content myself, therefore, with offering to amend it by striking out that part of the bill which the amendment covers and calling for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. SAULSBURY. Mr. President, the English Parliament claims to be omnipotent, and so it is. It may legalize any act, however wrongfully committed, and there is no remedy, because, according to the theory of the British Constitution, there is no power that can review the decisions of that body. This, however, is the first time in the history of the Government of the United States when a majority in Congress have solemnly committed themselves in the form of a bill to the doctrine that they possess omnipotence under the Federal Constitution. I know that bills like this have been passed in England when the Crown has been guilty, in times of great public danger, of doing that which was forbidden by the constitution of Great Britain; but I never expected to live to see the day when the Federal Congress, acting under a written Constitution, should claim for themselves this omnipotence of power. I have seen, it is true, during the last few years step by step being taken in this direction by Congress; but now we have it in the form of a bill, boldly avowed to the whole world, that this American Congress, whose powers are defined and limited by a written Constitution, and which is only a coördinate branch of the Government, possesses all power under the Federal Constitution, that its will is law, and that neither constitutions nor anything else can bind that will. Why, sir, what does this bill propose? It proposes to ratify, legalize, and make valid—

All acts, proclamations, and orders of the President of the United States, or acts done by his authority or approval, after the 4th of March, A. D. 1861, and before the 1st day of July, A. D. 1866, respecting martial law."

Yes, sir, if he declared martial law throughout the whole United States, over that portion of the United States where there was no invasion or rebellion, where he had no authority to do it, where you, the Congress of the United States, had no authority to declare it, where

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no officer or department of the Government had authority to declare it, you, in your assumed omnipotence of authority, undertake to say the wrong thing was all right: "It was wrong when it was done; but we, the omnipotent masters of the people of the United States; we, who derive our powers, it is true, under a written Constitution, but who are superior to all written constitutions, now proclaim that we will that it shall be all right, and our will shall not be questioned." Yes, sir, even the mouths of the Federal courts, to whom, under the Constitution of the United States, is committed exclusively the power of determining all questions of law and equity arising under the Constitution, are to be shut; the voice of justice and right is not to be heard in her own temple; the omnipotence of the Congress of the United States is to say that outrage and wrong are right, that injustice is justice. We, who in our omnipotence of power have proclaimed to the American people and before the world that black is white, now proclaim that wrong is right:

"Military trials by courts-martial or military commissions"—

A thing unknown to your Constitution, and which you have no power to ordain! Military commissions to try citizens of the United States whose rights are secured by a written Constitution! Military commissions to try persons not connected with the Army and Navy of the United States! If the courts of justice were open, and if justice could be impartially administered, every member who has sat on such tribunals would be liable to be tried and hanged for every murder committed by them. In England—call it a monarchy if you will—men have been tried and hung for being guilty of the very acts which you propose to legalize. Even the omnipotence of Parliament was not invoked to shield them, after the lapse of twenty years, against their murderous acts.

"Or the arrest, imprisonment, and trial of persons charged with participation in the late rebellion against the United States, or as aiders or abettors thereof, or as guilty of any disloyal practice in aid thereof."

"Any disloyal practice!" What is it? Have you defined it by law? Did you proclaim to any citizen of the United States before these unjustifiable proclamations were issued, before martial law was declared, what a "disloyal practice" was? Its definition can be found in no law-book in England, in America, or throughout the civilized world. And yet now, if a little petty officer has arrested any man because he charged him with having been guilty of a disloyal practice, you propose to legalize his acts; and if the injured citizen appeals to your courts of justice for redress, though the wrong he has suffered may have been the most grievous and outrageous, you say to him that he shall have no redress; that neither the Federal nor the State courts shall be open to his complaint. Ay, you do more: you reverse all the law of evidence in order to carry out the abominations of this bill. According to the theory, both of British and American law, every man is presumed to be innocent until he be proved to be guilty; and heretofore it has been held throughout the civilized world that where an act was done for which authority of law was claimed that authority must be shown; but you step in, in the exercise of that omnipotence of power which you unwarrantably claim, and you say before men and in the presence of high Heaven that all this shall be reversed, and however illegal, and however outrageous the act may have been which has been committed, it shall *prima facie* be presumed that it was done under the order of the President of the United States.

Sir, what are some of these "disloyal practices?" Some of us have heard of them. A respectable citizen of my own State, but not a member of your party, was on the day of the election, before the polls were opened, dragged away from his native State and imprisoned in a Federal den—if it is a den located on the borders of my State, Fort Delaware—and I should shed no tears if it and Fort McHenry and Fort Warren and Fort La Fayette were demolished, and ships were sent to the desert of Sahara for sand to cover them and blot them out from the human eye. This man was held till the election was over; and he was then permitted to learn the "disloyal practice" of which he had been guilty, and lo and behold! it was that he was a man "dangerous to the neighborhood." That was the written charge, and he was not allowed to see it until he was about to leave the fort. You by your bill say that if he seeks redress in a court of law it shall be presumed *prima facie* that the act was done under the authority of the President of the United States.

Sir, even if the President of the United States had authorized such acts, where did he get the power to authorize them? His power is limited by a written Constitution as well as yours. He has no more right in time of war to transgress the powers delegated to him than he has in time of peace; and neither has Congress.

Again, sir, a peaceable, quiet citizen in the county in which I reside was arrested by a petty, sub-provost marshal, carried to Baltimore, denied a hearing, and banished beyond the lines under the penalty of death if he dared return, when Maryland, once proud, glorious Maryland, by the side of whose sons the sons of my native State fought for that liberty which this Congress is transgressing, was trodden under foot and crushed to earth by a little petty military official that never won a battle and never will win one. One of your petty provost marshals took into his head that possibly he might have returned, and that one night he was about his house. So, in the exercise of his unlimited authority, he summoned a set of willing instruments, and they surrounded that man's house at the hour of midnight; with guns and weapons of every kind they demanded entrance into the house; frightened the man's wife, who was there with her little child; gained admission, and ate and drank to their heart's content, and no one was to be found there but a helpless wife and an infant child. Against every one of these trespassers, as counsel for that man, I brought an action of trespass *quare clausum fregit*, and if there could be any more horrible names attached to the writ I would have added them. I will try those cases; and when your miserable bill, that is not worth the paper it is written upon, is produced in the courts of Delaware as a justification for that act, and I am called upon to prove that the act was not done by authority of the President of the United States, I will tell that court that I do not care whether it was done by his authority or not. I do not recognize, and I do not believe the courts of my State will recognize, the fact that we had any legal despot in the United States, however despotic his acts were; and they will not, in my judgment, recognize the omnipotence of the Congress of the United States. If they do, I shall submit peaceably and quietly, as a law-abiding citizen, to their decision; but the question must be heard before the legal tribunals.

If the provost marshal undertakes, from envy, hatred, or malice, to surround my house at midnight, to break open my dwelling, and commit not only trespass *vi et armis*, but trespass *quare clausum fregit*, what right have you to say that the State of Delaware shall not have jurisdiction of actions for the violation of her own criminal law or for trespass committed against her citizens? Who gave you the right to oust a State court of its jurisdiction?

But, Mr. President, there is something in your bill after all: it declares that these acts are "legalized and made valid to the same extent" as if they "had been done under the previous express authority and direction of the Congress of the United States, and in pursuance of a law thereof previously enacted." Now, suppose in time of war you had passed an act authorizing military officers to go to my house, to break into my close, to tread down my grass, to dig up my soil, to beat and assault me, would you have had any right to do it? If you have any such power I should like some of the legal gentlemen on the other side of the Chamber to tell me where in the Constitution that authority is delegated to Congress. If one of your military officers went to the house of a peaceable, quiet, unoffending citizen, broke his close, trod down his grass, dug up his soil, broke open his doors, destroyed his furniture, would you have a right to say that the courts of Delaware should have no jurisdiction over that matter, but that it is justified under your authority, because you passed an act authorizing him to do it?

There is one sovereign remedy for all the evils which this bill contemplates; and that is the provision in it that the acts referred to are legalized to the extent that they would be authorized if they had been made valid by an act previously passed by Congress. Then if Congress would have had no right under the Constitution to pass such an act, what becomes of the legalization of these acts when committed by authority of a President's proclamation or otherwise? Mr. President, this is only one more step in the utter destruction and subversion of constitutional civil liberty, in the overthrow of that Federal system of government adopted by our fathers. Did I say "one more step?" Ah, sir, let me recall the expression. That "one more step" it is not possible to take. You have already done it; you have dissolved the Union; you have destroyed the Federal Constitution; you have left nothing of constitutional liberty, liberty regulated by law, but a name. There is but one hope as against your unconstitutional acts. When armed men by hundreds of thousands trod your soil, and who could be commanded by military authority to do as you suggested, you proclaimed yourselves to be Union men, friends of the Constitution, men who were prosecuting a war, as you proclaimed, simply to preserve the Union and restore the Constitution; but now that that armed soldiery no longer in such numbers treads your soil, you are proving every day that you yourselves are the real disunionists. The words "Copperhead" and "traitor" you rolled as a sweet morsel under your tongues. It seemed to delight you to boast that you in patriotism were superior to your neighbors. Oh, to question then the rightfulness of any opinion of your chosen chief was disloyalty. To question then the constitutionality of your action as a Federal Congress was evidence of being a Copperhead. Now, that you have it in your power to restore the Union which you have dissevered, and to bring into one loving fold all the people of this country, vast and extensive as it is, you show your devotion to the Union of these States by saying to ten of them, "Stay away from your father's house; you have no part or lot in our heritage." You evince your love of the Constitution and fidelity to the Union by levying taxation and denying representation. You evince your love of liberty and your high regard for the Constitution by passing a bill delegating the power to suspend the writ of *habeas corpus* over these States, of denying their citizens every constitutional right. But not content with that, not content with what you have done in reference to the southern States, you propose now by this bill to close the courts of justice to my appeal if a man pretending to act under Federal authority has come into my peaceful State, outraged my rights, and done me most grievous wrongs.

Sir, there is but one hope that I see against your action, and that is an appeal to the great thinking mass of this country. I hope that judgment has not wholly fled to brutish beasts, that men are not wholly lost to reason; and if there is one particle of judgment left or one spark of reason left, I hope that such bills as this will be a powerful appeal to that judgment and that reason, and that ere long the American people in their majesty will rise up and pronounce your acts violative of all that is dear to the human heart and all that is sacred to the ideas of constitutional liberty.

Mr. STEWART. I think the whole effect of

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this bill is misunderstood. This is an amnesty bill—amnesty to the officers and soldiers who have preserved this Union by their valor and by their devotion to the country. It simply says that they shall not, for their good conduct, be annoyed by law-suits growing out of the war; that they shall have peace. I did not suppose that those who are so very desirous that rebels should have immunity from punishment, those who are so strenuously opposed to every measure adopted for security lest in some way it might circumscribe the claims of rebels, those who have been so fiercely opposed to what has been deemed absolutely necessary for the preservation of peace and order, would be so violently opposed to giving this small boon to the loyal soldier engaged in this war, that after they have risked their lives for the preservation of their country and have preserved its liberty, they shall not be subjected to law-suits growing out of their obedience to the orders of the President.

Mr. SAULSBURY. Will the Senator allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. SAULSBURY. I wish to know for whom this bill is an act of amnesty unless it be somebody who has transgressed the law? To whom does it propose to extend amnesty except to the violators of law?

Mr. STEWART. I will answer that. Every time a rebel brings suit against our men it relieves them from the necessity of being harassed by going back to get the evidence that they were acting in pursuance of law, and it throws the onus on the party who desires to bring this great contest into the courts of showing that he did not have the order of the President and was not acting according to law.

Mr. SAULSBURY. Suppose these illegal acts were committed against persons who were not rebels nor disloyal, as you call it; against men whom you yourselves call loyal, would you close the courts of justice against such men?

Mr. STEWART. I reckon there was no order of the President to take a person because he was loyal. But, as I said before, the whole scope and purpose of this bill is an amnesty to the loyal; and we who have been in favor of amnesty to the disloyal certainly must be in favor of amnesty for the loyal, for there is no greater annoyance than to be afflicted with all sorts of vexatious law-suits every time a man who has fought for his country happens to be caught in the vicinity where he was compelled to fight.

Mr. TRUMBULL. I shall say but a very few words in reply to what has been said on this bill. Congress has been legislating for several years to protect persons who were engaged in the suppression of the rebellion from prosecutions and suits for acts which were done in the line of their duty and in obedience to the orders of the President of the United States and those acting under his authority. Several statutes have been passed on that subject. The first, I think, was on the 3d of March, 1863; and we passed an amendatory act on the 11th of May, 1866, protecting all officers from having to pay damages in consequence of such acts as are recited in this bill and in the acts to which I have referred; but those statutes went no further than to authorize the party who was sued to transfer his case from the State to the Federal court, and to make the orders of the President, or the fact that the party acted under a color of law in the suppression of the rebellion, a defense to the suit. This statute goes very little further. It authorizes the party to make this defense in the preliminary stages of the action, to plead to the jurisdiction of the court.

The Senator from Maryland, by moving to strike out the latter part of the bill as it stands, recognizes, as I understand, the authority to pass the first portion of this bill. Now, what is it? It declares that these parties shall be protected to the same extent that they would have been protected by an existing law at the time the acts were done. Is there any Senator here who is not willing to go that far?

Mr. NORTON. Allow me to ask if this does not really go further, and go to the extent of preventing a court from reviewing a judgment of a military commission when a person may perhaps be suffering imprisonment under the sentence of a military commission?

Mr. TRUMBULL. It goes that far if an act of Congress existing at the time would have protected the party. The clause which it is proposed to strike out, which is that "no civil court of the United States," &c., shall "take jurisdiction of or in any manner reverse any of the proceedings had or acts done as aforesaid," merely authorizes the party to plead to the jurisdiction. You may bring the suit; but if the fact is made to appear to the court that it is a case coming within this law, and this law is constitutional, then the court would proceed no further in the case. Now, is not the Senator from Minnesota and are not all of us prepared to go to the full extent we can go to protect all persons who took part in putting down this rebellion? I presume so.

Mr. NORTON. I will say to the Senator from Illinois that I am entirely willing and I am very anxious to vote for a bill that will protect and relieve persons who acted in the discharge of their duty, under the orders and proclamations here referred to, from all civil or personal liability for their acts; but the question with me is, whether this does not go to the extent of preventing a court from reviewing in any manner, even by *habeas corpus*, the proceedings of a court-martial or military commission, so that if a person was illegally imprisoned he could not be enlarged. If it goes to that extent, I should dislike very much to vote for this bill; but if it does not go that far, and is only for the protection of our officers in acts done under presidential orders and proclamations, I shall be very willing to vote for it.

Mr. TRUMBULL. As I understand the bill, it intends to go thus far and no farther: to protect the party just as far as it would have been competent for Congress to have protected him had a law previously existed. Suppose Congress had passed a law authorizing a military commission, if you please, as the Senator refers to that: if the existence of such a law at the time would have warranted the commission, then the commission having been held without that law, and the parties having acted in obedience to orders who sat upon that commission, the effect of this bill is to protect them. I presume the Senator from Minnesota desires to protect them. It protects them although the act had no warrant of law at that time. If Congress could have given the warrant, then we want to give it now.

Mr. NORTON. I certainly do, and the doubt in my mind arises out of the provision that no court "shall have or take jurisdiction of or in any manner reverse any of the proceedings had or acts done as aforesaid." And it certainly would be a reversing of the proceedings of a court-martial or military commission to reverse the sentence or to declare it illegal and discharge the person from imprisonment; but so far as the protection of the members of the court or persons acting under those orders is concerned, I am entirely willing to go as far as the Senator from Illinois; but I do think that if persons are under imprisonment by the sentence of a military commission, and in the judgment of the courts that is illegal, the persons ought to have their liberty.

Mr. TRUMBULL. Does not the Senator see that the bill does not go to the extent that he proposes?

Mr. NORTON. That is the question.

Mr. TRUMBULL. The first part of the bill does what? It declares "that all acts, proclamations, and orders of the President of the United States, and acts done by his authority" upon military commissions and otherwise "are hereby approved in all respects, legalized, and made valid." How? Made valid "to the same extent and with the same effect as if said orders and proclamations had been issued and made, and said arrests, imprisonments, proceedings, and acts had been done under the previous express authority and direction of the Congress." The object of this bill is to legalize to some extent, if we can. They are to have the benefit of this protection. Then what follows? No civil court shall reverse what? "Shall reverse any proceeding which would have been valid if we had had the authority to order it." That is all. They shall not take jurisdiction. Now, when shall they not take jurisdiction? They shall not take jurisdiction when the state of the case is made to appear in the court. You may go into the court with your case, and when the case comes up your defendant pleads, what? That he did this act complained of under the authority of an order of the President, if you please; he refers you to this statute that that order of the President is a protection to him, provided a law of Congress, had it existed at the time, would have protected him. The court is of opinion that a law would not have protected him. Then your case is not within the law, and the court would go on with its jurisdiction; or, if the court believe this law to be unconstitutional, it would proceed to hear the case. After all, the court is to decide it; but you authorize the party to meet the prosecution or the suit at the threshold and plead to the jurisdiction of the court.

I think, and I have always thought, that we should go to the very extent of our power in protecting parties for acts done in the suppression of the rebellion. Let the waters of oblivion wash over and bury out of sight and out of remembrance, if it were possible, all the acts connected with this terrible war. I wish to protect these parties as far as we can. I was as much opposed as the Senator from Minnesota to the exercise of unwarranted power, and regret that it ever should have been resorted to; but where authority was exercised without the direct sanction of law at the time, if it was exercised in the preservation of the Union and for the country, I want to protect the party as far as I can. Most of these cases would be protected by the laws as they exist. This remedy, or the protection afforded by this bill, is a little more summary. I think in that is the chief distinction between what this bill proposes and the protection which parties have under existing statutes. We passed a law in 1863 limiting to two years suits in this class of cases. That act of limitation would be a protection to most of the officers, but perhaps not to all; and it was thought important by the House of Representatives to pass this bill. I am so unwilling at this stage of the session, with the important measures which are pressing upon us, to take up time, that I shall not discuss this matter further than merely to state the reasons, as I understand, for the law, and leave it to the Senate to determine whether they will pass it or not.

Mr. HOWARD. Mr. President, I had intended to speak briefly on the subject of this bill when it was called up; but I shall refrain, and content myself with saying that after looking it over as carefully as I can at my seat, I am satisfied that there is no clause in it which is unconstitutional, and that in my opinion it ought to pass for the purpose, as announced by the honorable Senator from Nevada, of enacting at least an amnesty to the Union soldiers and officers who have carried us through this war. I am unwilling that henceforth there should be outstanding against them, either in the North or the South, any causes of litigation by which they may be harassed and put to trouble and expense. I regard it as a simple duty that Congress should establish and enact this most necessary bill of indemnity in favor of all persons who have been concerned necessarily in the prosecution of this war.

I will say further, that this bill does not in any of its clauses cover the case of a private trespass which seemed to exercise the imagination and the feelings of the honorable Senator from Delaware. It does not relate to any case of a mere private trespass, but only to such orders as have been issued by the President

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of the United States or by his authority, and to acts which have been done *colore officii* under that authority. Thus far we surely have the right to go, and there I am content.

Mr. NORTON. The Senator from Illinois certainly cannot be more anxious to accomplish the object he proposes to accomplish by this bill than I am, and I felt that the Senator did not really understand the suggestion that I made. I am entirely willing, as I said before, to afford all protection that we can to persons who have acted under these orders or proclamations; but the difficulty in my mind grows out of the first clause of that part of the bill proposed to be stricken out. I will read it:

And no civil court of the United States, or of any State, or of the District of Columbia, or of any district or Territory of the United States, shall have or take jurisdiction of or in any manner reverse any of the proceedings had or acts done as aforesaid.

These acts done were acts done by military commissions, among others, and those proceedings this part of the bill proposes shall not be reversed, and in order to prevent their reversal it provides that no court shall take jurisdiction of any suit or action or proceeding to reverse the proceedings of a military commission. Now, suppose that a person in prison under sentence of a military commission applies to a court or a judge for a writ of *habeas corpus* to test the legality of his imprisonment; the question I put to the Senator from Illinois is whether that court under this provision would not at once refuse the writ, giving effect to this provision, because Congress had deprived the court of jurisdiction of a proceeding or an action which should reverse proceedings of that military commission? The consequence would be that the person imprisoned would have no means of testing the legality of his imprisonment, and he would have to serve out that term of imprisonment imposed by the military commission. I do not think we ought to deprive persons who are serving their term of imprisonment under the sentence of a military commission of all access to the courts to determine the legality of their imprisonment. That is the objection I make, if it be an objection which is well founded; but outside of that, and in view of the purpose of the bill as stated by the Senator from Illinois, I am willing to go as far as he proposes to protect every person from all civil or criminal liability by reason of any acts done under any of those orders or proclamations. The only difficulty in the way of my supporting the bill is the doubt in my mind as to whether this provision does not go to the extent I have stated. If it be true that the bill does not go to that extent I should vote for it cheerfully.

Mr. TRUMBULL. I understand that no court has ever had authority to revise the proceedings of a court-martial and discharge the person——

Mr. NORTON. This applies to military commissions as well.

Mr. TRUMBULL. Military commissions are just as legal as courts-martial, where they were properly authorized. There has been no decision that you cannot try a person by military commission. The decision was that a particular military commission in a certain State, under the peculiar circumstances of that case, was not authorized to try the party, but military commissions in the disloyal States have never been pronounced to be illegal.

Mr. NORTON. There may be other military commissions similarly circumstanced to that which was decided to be illegal.

Mr. TRUMBULL. There may be, and I do not suppose that this bill would prevent a court from acting if the court believed that the law forbidding it to act was unconstitutional. That would be a question for the court to decide; but I suppose that this bill would prevent the court from going behind the conviction, and I think it ought.

Mr. NORTON. I assume that this bill is constitutional, and that the courts will act upon it as such.

Mr. DAVIS. I shall vote against this bill. I think it is without the least authority on the part of Congress to pass it, and it is eminently impolitic. I think that this Congress is now engaged in forging and has forged more weapons for the subversion of the liberties of the people of this country than all the other powers that have ever existed in it. When the scepter of power shall have changed from the party now holding it and gone into the hands of another, and that other and triumphant party turns the precedents and principles established by the present party upon it, it will want no other authority for the perfect subjugation and slavery of the present dominant party.

This is a bill of indemnity as it is called. There are various modes of indemnity. We have two systems of government in our country; the one is national and the other State. For the violation of the national penal laws the President of the United States is clothed with the entire power of granting indemnity either by special pardon or by a general proclamation of indemnity. As to violations of the penal laws of a State, there is no power that can indemnify for such violations except the Governor of the State where the violations have taken place; and I deny utterly that Congress can pass any law whatever that will exempt a citizen of the United States from his responsibility for a wrong and a trespass against the laws of Congress or of a State. Such wrongs are in the nature of private wrongs; they are not public offenses or crimes; and the power of the Executive of the United States and of the States to grant pardon and amnesty for these private trespasses and wrongs does not exist.

Mr. President, an officer or a person in the employment of the United States may commit a crime against the laws of a State, and where he does he becomes a criminal against the laws of that State, and neither the President of the United States nor Congress has any power whatever to exempt him from his liability as a criminal against the laws of a State which he has violated. When indemnity or pardon is asked for an individual or for a class of persons for having violated the laws of the United States, the appropriate power for indemnity, for pardon and amnesty for the violation of penal laws is the President of the United States. So, sir, in relation to violations of the State laws there is no Federal authority, congressional or executive, that can release any individual whatever as a criminal against State law. The authority to grant that pardon belongs to the State Executive.

Congress has power to create courts; that power has been exercised. Congress has power to vest, to increase, to withdraw the jurisdiction of these courts; but Congress has no power whatever over the jurisdiction of State courts. It cannot vest any jurisdiction in State courts; it cannot create any jurisdiction in State courts; it cannot divest any jurisdiction of State courts; such powers are exercised by the State authorities under the constitutions of the States without any regard to the powers of Congress, and Congress has no power whatever to revise the investment of jurisdiction in courts by the Legislatures of the States nor the exercise of that jurisdiction by State courts.

The only indemnity which Congress can give to a President even, or to any man acting under the order or authority of a President, is in the form I have stated. The President has power to grant pardon for all violations of the Federal laws; but he has no power whatever to grant pardon for violations of State laws; and Congress has no power to pass laws to authorize him to exercise any such power; and if it did pass such laws they, tested by the Constitution, would be nugatory and void.

There is no power in the United States in time of war or peace that can legitimately and constitutionally try a civilian who is not in the naval or military service of the United States, or in the militia of a State in the actual service of the United States, by a court-martial or by a military commission. It is a usurpation, and a flagitious usurpation of power for any military court to try a civilian; and if any military court tries a civilian and sentences him to death, and he is executed under the sentence, the whole court are nothing but murderers, and they may be indicted in the State courts where such military murders are perpetrated; and if the laws were enforced firmly and impartially every member of such a court would be convicted, sentenced, and punished as a murderer.

Mr. TRUMBULL. I should like to inquire of the Senator from Kentucky if he would be willing to punish any of those men as murderers who acted upon those courts under orders.

Mr. DAVIS. I am arguing the principle and the power.

Mr. TRUMBULL. The object of this bill is to protect such persons.

Mr. DAVIS. There are some that I would be willing to try and execute as murderers, and in regard to whom I should like to have it done.

Mr. TRUMBULL. Would you try and execute as a murderer a man who sat upon the military commission here that tried the assassins of the President?

Mr. DAVIS. I am not saying anything about that. I am testing the principle of the Constitution; I am testing the powers of the General Government; I am appealing to the principles of the Constitution that protect the liberties of this people.

I am not talking in the interest of any party or of any faction or for the protection of any party or any faction. I am speaking in the name of the liberties of my countrymen against present abuses of power and all future abuses of power. I regard the constitutional liberties of this country as of inestimable value. I regard the great principle of trial by jury of all civilians, according to the course of the common law, as of inappreciable value to the people, present and future, of the United States; and never would I sanction any violation, any infraction of that right, or of the principles of the Constitution which secure it to the people. I have no objection to amnesty, to the oblivion which the honorable Senator wishes to pass over those acts which have taken place. In my State, the Governor and Legislature of Kentucky have both acted with a view to this amnesty, this pacification and peace, and their action receives my full approbation; but I say that when such acts are attempted and passed, they ought to be by the appropriate constitutional power.

I say in addition that this principle, this precedent of trying a civilian by a military court in times of war or peace, is a usurpation of power, and there is no constitutional sanction for it. I say that the principle of constitutional law by which it is to be tested would make every man who is concerned in such trials and sentences and their execution a murderer. Such is the law of England. It has been administered there; it was administered there sixty or seventy years in the case of Governor Wall that has been so often cited. My purpose in rising was not to express any dissent from the oblivion, the amnesty, the peace and forgiveness proposed. Everything of that kind receives the sanction of my reason and of my heart. But I do not want the Constitution and its great principles to be trampled under foot in the forms of administering this mercy. I think, Mr. President, that the only indemnity that can be granted to these men, outside of the laws of Congress and the courts, is simply the power of Congress where they are sued and are mulcted in fines and judgments to appropriate the money necessary for their indemnity. If there is anything on earth that I worship, it is liberty according to law; and of all the great principles that secure liberty according to law there is nothing that commands so much of my deep idolatry as trial by jury, as the subjecting of civilians to trial by civil courts and by juries alone. That is the constitutional principle to which I give in my adhesion, and which I will never cease

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to support. I want every mercy, every justice, every liberality extended toward the parties that have been engaged in this war, but I want it done by the appropriate authorities, State and Federal, and I do not want the Congress of the United States to usurp powers even to do this act of forgiveness and mercy. It has been amply done in my State with regard to all our people and all our citizens, and I approve of it; and instead of Congress passing this measure, a good portion of it and of the effects that it is intended to have ought to be given over to the States, in my judgment.

Mr. BUCKALEW. I believe there are very extensive provisions already made by law for the protection of officers of the United States and of citizens who have assisted them in all cases where they have executed the orders of the President of the United States, or have performed any legal duty under the laws of the country. I do not, therefore, understand why this measure is introduced. In the debate, so far as the affirmative is concerned, the argument has been exclusively upon the condition of things existing in the States which were in insurrection, and it is alleged that this measure is to afford further additional security to loyal men in that portion of the Union against the actions which may be instituted against them by persons who were opposed to the Government in the late war. But, sir, the bill itself has no such restricted operation. It is general in its provisions and applicable to all parts of the country, North and West as well as South.

Mr. President, there is an inconvenience attending the consideration of this bill. It is introduced for actual consideration on the last day of the present session when we are crowded with other engagements, and when it is impossible to investigate carefully and critically the propositions which it contains, and to examine the former legislation upon this subject with care and with exactness. But, sir, the debate so far as it has progressed has exhibited to us several salient points which cannot escape attention. In the first place, the motion of the Senator from Maryland covers the latter portion of the bill, and can be considered distinctly from the other portions of the bill and the former laws. This bill for the first time, as I understand, in our history forbids the courts of the country to look into or investigate a case introduced or brought before them by a citizen. We may have had some such measures during the war within portions of the country and with reference to military operations; but I believe it has never been proposed to place upon the statute-book of the United States a law forbidding our courts and forbidding all courts in the country from taking cognizance of a case brought regularly before them in the usual and accustomed manner by a citizen. I may be mistaken upon this point, but I believe I state the fact correctly. Whether it be an unexampled provision or not, it is one, in my judgment, objectionable in the highest degree, one which ought not to receive the sanction either of the Senate or of the people of this country.

By the law of the 11th of May, 1866, very large and extensive provisions were placed upon the statute-book with reference to this general subject. That law provided that in case of any prosecution or action for any arrest, imprisonment, or other proceeding to the injury of the citizen, a defense that the act done or committed was under an order of the President of the United States or by his authority should be a sufficient defense. Nay, sir, that law went so far as to provide that even verbal authority from the President, directly or through any head of a Department, or other official authorized by him, should be sufficient upon the defense. Certainly that was a very remarkable and a very extensive provision for the protection of the class of persons covered by the law.

I need not refer to other provisions contained in that and in other laws which are likewise very extensive and protective in their character; but that law did not close the doors of the courts. That law left them wide open to the citizen. He could go into court, but he would be deterred from going (although he had the liberty of approach) in any case where public authority had in due form sanctioned the proceeding against him. Even parole authority was made sufficient to the vindication of the officer and all who assisted him.

What more did we do by former laws? I believe there are two or three statutes on the subject. We have provided that where a suit is instituted in a State court in any part of the country it may be removed into the courts of the United States. We have most extensive and most stringent provisions drawing within the jurisdiction of the Federal courts and within the protection of the United States laws all cases whatsoever arising under military jurisdiction or under alleged authority, military or civil, proceeding from the United States. Now, what more can be asked for the protection of all those who have served the Government either in a military or in a civil capacity, either as officers or citizens, in any possible case which has arisen or can arise? Sir, I am opposed to closing the courts of the country; I am opposed to a flat, open, shameless denial of justice to the citizen; I am opposed to closing the mouth of any complainant in any part of the country who in a regular, orderly, peaceful, and lawful manner approaches any tribunal of justice demanding an investigation of a complaint which he has to prefer against either officer or citizen. Is it not sufficient when with all your power you arm your officer and the citizen who has assisted him with the right of defense in a regular, in a legal, in a usual, and ordinary manner?

Besides, sir, if there should be some omission in former laws, we might adopt new provisions hereafter; or if some officer or citizen of merit who has acted *bona fide* should happen to be cast in damages in the performance of a duty, which we think was laudable or which was innocent, under color or pretense of authority, we may step forward and rescue him. I do not know that any such case can arise under existing laws, but if it should we could indemnify the officer upon the ordinary and usual principle which has prevailed in other countries as well as this. The present bill, however, which proposes to close the courts of justice and forbid the citizen to approach a tribunal where the laws will be administered, ought at least to stand condemned and be rejected.

Mr. President, there were in the adhering States—by which I mean the States that were represented in Congress during the war, that participated in the legislative department of the Government by their Senators and Representatives—there were in the adhering States during the war, and even since the war to some extent, cases of gross outrage and of injustice committed upon the citizen, and that, too, under pretense of Federal authority where there was no authority in point of fact. This bill contains a provision which is justly odious, justly obnoxious to censure, if not to contempt. It is that persons who have been aggrieved, really and truly aggrieved, who have been oppressed, who have not only been insulted, but oppressed, plundered, or imprisoned without any legitimate authority, without any good cause whatever, shall, when they come into court with their cases, be obliged to prove a negative. Why, sir, what a monstrous proposition that is; how much opposed to all ideas of justice; how flatly it contradicts a legal principle which is not only found in the common law, but recognized by statute law both in this country and abroad. How is it possible for the party who comes into court to prove that an officer who has oppressed him had no authority? Written authority is sufficient; parole authority is sufficient under the law. How can he prove a negative? The thing is simply impossible; and yet that is one of the provisions of the bill, and it is included, I believe, in that portion which the Senator from Maryland proposes to strike out.

The bill provides that where an officer or a citizen who assisted him has committed an illegal act, an act of outrage, of oppression, and of wrong upon the citizen, the presumption shall be that all that was done was authorized, and the opposite party is required in the first instance to prove what is impossible, to wit: that he had no authority for the proceeding which is complained of or objected to. Both these points of which I have spoken are covered by the amendment of the Senator from Maryland—the closing of the courts in a large mass of cases, and then where they are open, throwing upon the party who complains of an injury the burden of proving that the person against whom he complains had no authority for doing the act or thing for the committing of which the suit is instituted.

I shall go no further into this debate than I have already gone—the statement of considerations applicable to the amendment which has been proposed. If time permitted, if we had the leisure to look into the existing laws, to scan carefully the provisions of this bill, it might perhaps be profitable to enter more fully into the debate; it might be advantageous to search very carefully into the various clauses of this bill for the intention with which it is proposed, for the object in view in its enactment. As at present advised, I can see no good reason for the passage of any such bill, while I see strong, powerful, insuperable objections, at all events, to that portion of it which is covered by the motion to strike out, submitted by the Senator from Maryland.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland; upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 9, nays 30; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Hendricks, Johnson, McDougall, Nesmith, Norton, and Saulsbury—9.

NAYS—Messrs. Anthony, Chandler, Conness, Cragin, Dixon, Edmunds, Fessenden, Foster, Fowler, Frelinghuysen, Grimes, Henderson, Howard, Howe, Kirkwood, Lane, Morgan, Morrill, Nye, Patterson, Ramsey, Ross, Sherman, Stewart, Sumner, Trumbull, Willey, Williams, Wilson, and Yates—30.

ABSENT—Messrs. Brown, Cattell, Creswell, Doolittle, Fogg, Guthrie, Harris, Poland, Pomeroy, Riddle, Sprague, Van Winkle, and Wade—13.

So the amendment was rejected.

Mr. NORTON. I move to amend the bill by striking out in the twenty-ninth line the words "or in any manner reverse any of the proceedings had or," and to insert "any civil action, suit, or proceeding founded upon any such," so as to make the provision read that no civil court "shall have or take jurisdiction of any civil action, suit, or proceeding founded upon any such acts done as aforesaid."

I will state that my object in moving this amendment is to relieve the bill from any doubt as to the jurisdiction of the courts to test the regularity of the sentences as judgments of military commissions, and of affording full protection to the persons against whom civil suits may be instituted for the recovery of damages by reason of any acts done under these orders or proclamations. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 29; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Hendricks, Johnson, McDougall, Nesmith, Norton, and Saulsbury—9.

NAYS—Messrs. Anthony, Chandler, Conness, Cragin, Dixon, Edmunds, Foster, Fowler, Frelinghuysen, Grimes, Henderson, Howard, Howe, Kirkwood, Morrill, Nye, Patterson, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—29.

ABSENT—Messrs. Brown, Cattell, Creswell, Doolittle, Fessenden, Fogg, Guthrie, Harris, Lane, Morgan, Poland, Pomeroy, Ramsey, and Riddle—14.

So the amendment was rejected.

Mr. HENDERSON. Before the vote is taken on this bill, I should like to ask the Senator from Illinois, who has charge of it, if the effect of it would be to prevent the courts from releasing upon a writ of *habeas corpus* persons occupying the position of Bowles and Milligan, whose cases were recently decided in the Su-

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preme Court. Those persons the Supreme Court held, I believe unanimously, should be tried by a civil tribunal, and could not be tried by a military tribunal on account of the act of March 3, 1863.

Mr. TRUMBULL. That is a question for the courts to decide. There is a difference of opinion as to whether Congress could have authorized military commissions or not. This bill undertakes to make valid whatever military commissions did to the same extent that they would have been valid if a law had existed at the time authorizing them. If an act of Congress authorizing a military commission in the Bowles case had existed at that time, according to this bill the action of the military commission would have been valid. What the courts may hereafter decide on that point I cannot say.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. McDOUGALL. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. DIXON. It is one thing to establish military commissions for the future; it is another to legalize so far as we can the action of those which were ordered during the war. I am willing to vote to legalize what has been done.

The question being taken by yeas and nays, resulted—yeas 36, nays 8; as follows:

YEAS—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Dixon, Doolittle, Edmunds, Fogg, Foster, Fowler, Frelinghuysen, Grimes, Harris, Howard, Howe, Kirkwood, Lane, Morgan, Morrill, Nye, Patterson, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—36.

NAYS—Messrs. Buckalew, Cowan, Davis, Hendricks, Johnson, McDougall, Norton, and Saulsbury—8.

ABSENT—Messrs. Brown, Creswell, Fessenden, Guthrie, Henderson, Nesmith, Poland, and Riddle—8.

So the bill was passed.

TENURE OF OFFICE—VETO.

Mr. W. G. MOORE, Secretary to the President of the United States, appeared below the bar and delivered the following message:

Mr. President, I am directed by the President of the United States to return to the Senate, in which House it originated, the bill (S. No. 453) entitled "An act regulating the tenure of certain civil offices," with his objections thereto in writing.

THANKS TO BRAZILIAN CHAMBERS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a message from the President of the United States.

Mr. SUMNER. Before the reading of that paper is commenced I appeal to the Senate, and ask them to pass unanimously a resolution responsive to resolutions that passed the Parliament of Brazil unanimously, expressing condolence with us in the death of the late President Lincoln. It has been reported from the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. Is there any objection to entertaining the motion of the Senator from Massachusetts? The Chair hears none.

The joint resolution (S. R. No. 183) thanking the Chambers of Senators and Deputies of Brazil for their resolutions of sorrow and sympathy on the death of President Lincoln, was read a second time, and considered as in Committee of the Whole. It is in these words:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States has received with respect and gratitude the resolutions of sorrow and sympathy which the Chambers of Senators and Deputies of Brazil have adopted on the death of President Lincoln, and hereby tenders to those Chambers the thanks of the people of the United States.

SEC. 2. *And be it further resolved*, That it shall be the duty of the President of the United States to forward a copy of these resolutions to the Emperor of Brazil, with a request that it be communicated to the two Chambers.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

TENURE OF OFFICE—VETO.

The PRESIDENT *pro tempore*. The message of the President of the United States will now be read.

Mr. HOWE. I move that the message lie on the table, and that the Senate proceed to the consideration of House bill No. 483.

Mr. EDMUNDS. I insist that the message be read in the regular order, and that we then dispose of the question. It is of considerable importance to the country that it should be disposed of, and we had better do it now. I hope the Senate will not agree to the motion of the Senator from Wisconsin.

Mr. HOWE. Some time or other I shall have to get the sense of the Senate upon considering some bills from the Committee on Claims. I am just as much in favor of the consideration of that message as any other member of the Senate I suppose, and recognize the importance and the necessity of its being taken into consideration; but I shall have to take the sense of the Senate as to whether they will consider these other bills or not. I have raised the question ever since I was a young man, and against almost every bill that has come up since, and I have not received any favor yet. I propose to pursue the endeavor.

Mr. FRELINGHUYSEN. I hope the Senate will permit the bills referred to by the Senator from Wisconsin to be taken up. The chairman of the Committee on Claims has been endeavoring to get them up from time to time. Other committees have had their opportunity. It will take but a little while, and then they will be out of the way.

Mr. WILLIAMS. I am on both these committees, and I am anxious that the chairman of the Committee on Claims should have the bills of which he has charge taken up; but it seems to me that it is of great importance that we should dispose of this veto message at this time, so that the bill may go back to the House and be acted on there. After the vetoes are out of the way I think I shall be ready to support the chairman of the Committee on Claims in his applications against any measure that may then be brought up.

Mr. JOHNSON. Will the chairman inform me what the question is?

The PRESIDENT *pro tempore*. The motion of the Senator from Wisconsin is that the message of the President of the United States be laid on the table, and that the Senate proceed to the consideration of the bill named by him.

Mr. JOHNSON. What is the bill?

Mr. HOWE. A private claim.

The motion was not agreed to.

The message was read, as follows:

To the Senate of the United States:

I have carefully examined the bill to regulate the tenure of certain civil offices. The material portion of the bill is contained in the first section, and is of the effect following, namely:

That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been appointed by the President, with the advice and consent of the Senate, and duly qualified; and that the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

These provisions are qualified by a reservation in the fourth section, "that nothing contained in the bill shall be construed to extend the term of any office the duration of which is limited by law." In effect the bill provides that the President shall not remove from their places any of the civil officers whose terms of service are not limited by law without the advice and consent of the Senate of the United States. The bill, in this respect, conflicts, in my judgment, with the Constitution of the United States. The question, as Congress is well aware, is by no means a new one. That the power of removal is constitutionally vested in the President of the United States is a principle which has been not more distinctly declared by judicial authority and judicial commentators than it has been uniformly practiced upon by the legislative and executive departments of the Government. The question arose in the House of Representatives so early as the 16th day of June, 1789, on the bill for establishing an executive department, denominated "The Department of Foreign Affairs." The first clause of the bill, after recapitulating the functions of that officer and defining his duties, had these words: "To be removable from office by the President of the United States." It was moved to strike out these words, and the motion was sustained with great ability and vigor. It was insisted that the President could not constitutionally exercise the power of removal exclusive of the Senate; that the Federalist so interpreted the Constitution when arguing for its adoption by the several States; that the Constitution had nowhere given the President power of removal, either expressly or by strong implication; but, on the contrary, had distinctly provided for removals from office by impeachment only. A construction which denied the power of removal by the President was further maintained by arguments drawn from the danger of the abuse of the power; from the supposed tendency of an exposure of public officers to capricious removal, to impair the efficiency of the civil service; from the alleged injustice and hardship of displacing incumbents, dependent upon their official stations, without sufficient consideration; from a supposed want of responsibility on the part of the President, and from an imagined defect of guarantees against a vicious President, who might incline to abuse the power.

On the other hand, an exclusive power of removal by the President was defended as a true exposition of the text of the Constitution. It was maintained that there are certain causes for which persons ought to be removed from office without being guilty of treason, bribery, or malfeasance, and that the nature of things demands that it should be so. "Suppose," it was said, "a man becomes insane by the visitation of God, and is likely to ruin our affairs: are the hands of Government to be confined from warding off the evil? Suppose a person in office not possessing the talents he was judged to have at the time of the appointment, is the error not to be corrected; suppose he acquire vicious habits and incurable indolence, or totally neglect the duties of his office, which shall work mischief to the public welfare, is there no way to arrest the threatened danger? Suppose he become odious and unpopular by reason of the measures he pursues, and this he may do without committing any positive offense against the law, must he preserve his office in despite of the popular will? Suppose him grasping for his own aggrandizement and the elevation of his connections by every means short of the treason defined by the Constitution, hurrying your affairs to the precipice of destruction, endangering your domestic tranquillity, plundering you of the means of defense, alienating the affections of your allies, and promoting the spirit of discord, must the tardy, tedious, desultory road, by way of impeachment, be traveled to overtake the man who, barely confining himself within the letter of the law, is employed in drawing off the vital principle of the Government?" The nature of things, the great objects of society, the express objects of the Constitution itself require that this thing should be otherwise. To unite the Senate with the President "in the exercise of the power" it was said, "would involve us" in the most serious difficulty. "Suppose a discovery of any of these events should take place when the Senate is not in session, how is the remedy to be applied? The evil could be avoided in no other way than by the Senate sitting always." In regard to the danger of the power being abused if exercised by one man, it was said "that the danger is as great with respect to

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the Senate, who are assembled from various parts of the continent, with different impressions and opinions;" that such a body is more likely to misuse the power of removal than the man whom the united voice of America calls to the presidential chair. As the nature of Government requires the power of removal, it was maintained "that it should be exercised in this way by the hand capable of exerting itself with effect, and the power must be conferred on the President by the Constitution as the executive officer of the Government." Mr. Madison, whose adverse opinion in the Federalist had been relied upon by those who denied the exclusive power, now participated in the debate. He declared that he had reviewed his former opinions, and he summed up the whole case as follows:

"The Constitution affirms that the executive power is vested in the President. Are there exceptions to this proposition? Yes, there are. The Constitution says that in appointing to office the Senate shall be associated with the President, unless in the case of inferior officers, when the law shall otherwise direct. Have we (that is, Congress) a right to extend this exception? I believe not. If the Constitution has invested all executive power in the President, I return to assert that the Legislature has no right to diminish or modify his executive authority. The question now resolves itself into this: is the power of displacing an executive power? I conceive that if any power whatever is in the Executive, it is in the power of appointing, overseeing, and controlling those who execute the laws. If the Constitution had not qualified the power of the President in appointing to office by associating the Senate with him in that business, would it not be clear that he would have the right by virtue of his executive power to make such appointment? Should we be authorised, in defiance of that clause in the Constitution—'the executive power shall be vested in the President'—to unite the Senate with the President in the appointment to office? I conceive not. It is admitted that we should not be authorized to do this. I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an executive nature as the other; and the first is authorized by being excepted out of the general rule established by the Constitution in these words: 'The executive power shall be vested in the President.'"

The question thus ably and exhaustively argued was decided by the House of Representatives, by a vote of 84 to 20, in favor of the principle that the executive power of removal is vested by the Constitution in the Executive, and in the Senate by the casting vote of the Vice President. The question has often been raised in subsequent times of high excitement, and the practice of the Government has nevertheless conformed in all cases to the decision thus early made.

The question was revived during the Administration of President Jackson, who made, as is well recollected, a very large number of removals, which were made an occasion of close and rigorous scrutiny and remonstrance. The subject was long and earnestly debated in the Senate, and the early construction of the Constitution was nevertheless freely accepted as binding and conclusive upon Congress.

The question came before the Supreme Court of the United States in January, 1839, *ex parte* Hennen. It was declared by the court on that occasion that the power of removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of the Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate, and the great question was whether the removal was to be by the President alone or with the concurrence of the Senate, both constituting the appointing power. No one denied the power of the President and Senate jointly to remove where the tenure of the office was not fixed by the Constitution, which was a full recognition of the principle that the power of removal was incident to the power of appointment; but it was very early adopted as a practical construction of the Constitution that this power was vested in the President alone, and such would appear to have been the legislative construction of the Constitution, for in the organization of the three great Departments of State, War, and Treasury, in 1789, provision was made for the appointment of a subordinate officer by the head of the Department, who should have charge of the records, books, and papers appertaining to the office when the head of the Department should be removed from office by the President of the United States. When the Navy Department was established, in the year 1798, provision was made for the charge and custody of the books, records, and documents of the Department in case of vacancy in the office of Secretary, by removal or otherwise. It is not here said "by removal of the President," as is done with respect to the heads of the other Departments; yet there can be no doubt that he holds his office with the same tenure as the other Secretaries, and is removable by the President. The change of phraseology arose probably from its having become the settled and well-understood construction of the Constitution that the power of removal was vested in the President alone in such cases, although the appointment of the officer is by the President and Senate. (13 Peters, page 139.)

Our most distinguished and accepted commentators upon the Constitution concur in the construction thus early given by Congress, and thus sanctioned by the Supreme Court. After a full analysis of the congressional debate to which I have referred, Mr. Justice Story comes to this conclusion:

"After a most animated discussion, the vote finally taken in the House of Representatives was affirmative of the power of removal in the President without any coöperation of the Senate, by the vote of 34 members against 20. In the Senate the clause in the bill affirming the power was carried by the casting vote of the Vice President. That the final decision of this question so made was greatly influenced by the exalted character of the President then in office was asserted at the time, and has always been believed; yet the doctrine was opposed as well as supported by the highest talent and patriotism of the country. The public have acquiesced in this decision, and it constitutes perhaps the most extraordinary case in the history of the Government of a power conferred by implication on the Executive by the assent of a bare majority of Congress, which has not been questioned on many other occasions."

The commentator adds:

"Nor is this general acquiescence and silence without a satisfactory explanation."

Chancellor Kent's remarks on the subject are as follows:

"On the first organization of the Government it was made a question whether the power of removal in case of officers appointed to hold at pleasure resided nowhere but in the body which appointed, and, of course, whether the consent of the Senate was not requisite to remove. This was the construction given to the Constitution while it was pending for ratification before the State conventions by the author of the Federalist. But the construction which was given to the Constitution by Congress, after great consideration and discussion, was different. The words of the act (establishing the Treasury Department) are: 'And whenever the same shall be removed from office by the President of the United States, or in any other case of vacancy in the office, the assistant shall act.' This amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as decisive authority in the case. It applies equally to every other officer of the Government appointed by the President, whose term of duration is not specially declared. It is supported by the weighty reason that the subordinate officers in the executive department ought to hold at the pleasure of the head of the Department, because he is invested generally with the executive authority, and the participation in that authority by the Senate was an exception to a general principle and ought to be taken strictly. The President is the great responsible officer for the faithful execution of the law, and the power of removal was incidental to that duty, and might often be requisite to fulfill it."

Thus has the important question presented by this bill been settled, in the language of the late Daniel Webster, (who, while dissenting from it, admitted that it was settled,) by construction, settled by precedent, settled by the practice of the Government, and settled by statute. The events of the last war furnished a practical confirmation of the wisdom of the Constitution as it has hitherto been maintained in many of its parts, including that which is now the subject of consideration. When the war broke out rebel enemies, traitors, abettors, and sympathizers were found in every department of the Government, as well in the civil service as in the land and naval military service. They were found in Congress and among the keepers of the Capitol, in foreign missions, in each and all of the Executive Departments, in the judicial service, in the Post Office, and among the agents for conducting Indian affairs; and upon probable suspicion they were promptly displaced by my predecessor, so far as they held their offices under executive authority, and their duties were confided to new and loyal successors. No complaints against that power or doubts of its wisdom were entertained in any quarter. I sincerely trust and believe that no such civil war is likely to occur again. I cannot doubt, however, that in whatever form and on whatever occasion sedition can rise, an effort to hinder or embarrass or defeat the legitimate action of this Government, whether by preventing the collection of revenue, or disturbing the public peace, or separating the States, or betraying the country to a foreign enemy, the power of removal from office by the Executive, as it has heretofore existed and been practiced, will be found indispensable.

Under these circumstances, as a depository of the executive authority of the nation, I do not feel at liberty to unite with Congress in reversing it by giving my approval of the bill.

At the early day when this question was settled, and indeed at the several periods when it has subsequently been agitated, the success of the Constitution of the United States as a new and peculiar system of free representative government was held doubtful in other countries, and was even a subject of patriotic apprehension among the American people themselves. A trial of nearly eighty years, through the vicissitudes of foreign conflicts and of civil war, is confidently regarded as having extinguished all such doubts and apprehensions for the future. During that eighty years the people of the United States have enjoyed a measure of security, peace, prosperity, and happiness never surpassed by any nation. It cannot be doubted that the triumphant success of the Constitution is due to the wonderful wisdom with which the functions of government were distributed between the three principal departments—the legislative, the executive, and the judicial—and to the fidelity with which each has confined itself or been confined by the general voice of the nation within its peculiar and proper sphere.

While a just, proper, and watchful jealousy of executive power constantly prevails, as it ought ever to prevail, yet it is equally true that an efficient Executive, capable, in the language of the oath prescribed to the President, of executing the laws within the sphere of executive action, of preserving, protecting, and defending the Constitution of the United States, is an indispensable security for tranquillity at home, and peace, honor, and safety abroad. Governments have been erected in many countries upon our model. If one or many of them have thus far failed in fully securing to their people the benefits which we have derived from our system, it may be confidently asserted that their misfortune has resulted from their unfortunate failure to maintain the integrity of each of the three great departments while preserving harmony among them all.

Having at an early period accepted the Constitution in regard to the executive office in the sense in which it was interpreted with the concurrence of its founders, I have found no sufficient grounds in the arguments now opposed to that construction or in any assumed necessity of the times for changing those opinions. For these reasons I return the bill to the Senate, in which House it originated, for the further consideration of Congress, which the Constitution prescribes. Insomuch as the several parts of the bill which I have not considered are matters chiefly of detail, and are based altogether upon the theory of the Constitution from which I am obliged to dissent, I have not thought it necessary to examine them with a view to make them an occasion of distinct and special objections. Experience, I think, has shown that it is the easiest, as it is also the most attractive, of studies to frame constitutions for the self-government of free States and nations.

But I think experience has equally shown that it is the most difficult of all political labors to preserve and maintain such free constitu-

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tions of self-government when once happily established. I know no other way in which they can be preserved and maintained except by a constant adherence to them through the various vicissitudes of national existence, with such adaptations as may become necessary, always to be effected, however, through the agencies and in the forms prescribed in the original constitutions themselves. Whenever administration fails or seems to fail in securing any of the great ends for which republican government is established, the proper course seems to be to renew the original spirit and forms of the Constitution itself.

ANDREW JOHNSON.

WASHINGTON, *March* 2, 1867.

The PRESIDENT *pro tempore*. This bill returned by the President is, by the provision of the Constitution, now reconsidered, and the question before the Senate is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

The question being taken by yeas and nays, resulted—yeas 35, nays 11; as follows:

YEAS—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Edmunds, Fessenden, Fogg, Foster, Fowler, Frelinghuysen, Grimes, Harris, Henderson, Howard, Kirkwood, Lane, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—35.

NAYS—Messrs. Buckalew, Cowan, Davis, Dixon, Doolittle, Hendricks, Johnson, Nesmith, Norton, Patterson, and Saulsbury—11.

ABSENT—Messrs. Brown, Creswell, Guthrie, Howe, McDougall, and Riddle—6.

The PRESIDENT *pro tempore*. Two thirds of the Senators present having voted for the passage of the bill, the bill is passed notwithstanding the objections of the President.

On motion by Mr. EDMUNDS, it was

Ordered, That the message of the President of the United States returning the bill (S. No. 453) regulating the tenure of certain civil offices to the Senate with his objections be printed.

RECESS.

Mr. EDMUNDS. I move that at five o'clock to-day the Senate take a recess till half past seven p. m.

The motion was agreed to.

JOHN SEDGEWICK.

Mr. VAN WINKLE. I move that the Senate proceed to the consideration of House joint resolution No. 300, which I reported this morning from the Committee on Finance.

The motion was agreed to; and the joint resolution (H. R. No. 300) authorizing the Secretary of the Treasury to audit and settle the accounts of John Sedgewick, collector of internal revenue for the third collection district of California, was considered as in Committee of the Whole. It is an authority to the Secretary of the Treasury to audit and settle the accounts of John Sedgewick, collector of internal revenue for the third collection district of California, for the fiscal year ending June 30, 1864, as to him may appear just and equitable.

Mr. JOHNSON. What is the difficulty in the settlement of these accounts?

Mr. VAN WINKLE. I have before me a letter from Mr. Rollins, the Commissioner of Internal Revenue, who says legislation on this subject is necessary, and he explains the grounds of action and the nature of the case. The expenses there have exceeded the amount fixed by law, and it is necessary to legislate to enable the expenses to be paid above that sum.

Mr. CONNESS. I hope the Senator will send that short letter up to the desk, that the Secretary may read it, and then Senators will understand the case.

Mr. VAN WINKLE. If it is desired by any Senator the letter can be read; but I understand there is no objection to the resolution.

Mr. CONNESS. If there is no objection, very well.

Mr. GRIMES. I have no objection to the resolution. I only have this to say, that it is a phraseology which has never been recognized until recently to allow a Secretary to settle any claim upon such terms of justice and equity as he may deem proper. It may be all right in this individual instance; and as it came from the Committee on Finance, I suppose we may accept it as authoritative, and as to be the settled practice in the future.

Mr. TRUMBULL. I agree entirely with the Senator from Iowa that this is a new species of legislation. We have always put some limit on the discretion of the heads of Departments by declaring that the allowance should not exceed a certain sum, or that it should not exceed the amount allowed by law, or something of that kind. This case may be a very meritorious one, and the party may be entitled to relief; but I think I have never known a bill to pass that left it entirely to the discretion of any of the Departments to do what they pleased without any limit.

Mr. CONNESS. It has been done again and again.

Mr. TRUMBULL. It ought not to be done.

Mr. VAN WINKLE. The Senator from Illinois is not exactly aware of how this matter stands. I stated that I had before me a letter from the Commissioner of Internal Revenue suggesting that legislation on this subject was necessary, and mentioning the facts of the case. I offered to send the letter to the table to be read if any Senator desired to hear it; but it was not desired, and I therefore did not consume time by asking for its reading. I can still send the letter to the table if any Senator desires it; but there is no doubt that the case is one where relief is proper.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MURDER OF UNION SOLDIERS.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the resolution of the 23d of February, to print five thousand extra copies of the report of the select Committee of the House of Representatives to Investigate the Murder of certain Union Soldiers in the South, reported it without amendment; and the resolution was agreed to.

PATENT OFFICE REPORT.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the letter of the Commissioner of Patents, communicating his annual report for the year 1866, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate four thousand copies of the annual report of the Commissioner of the Patent Office for the year 1866.

STATE CONSTITUTIONS.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the resolution of the 13th of December last, for the publication of a volume containing colonial charters and the several State constitutions of each of the United States, reported it with amendments.

The Senate proceeded to consider the resolution, and the amendments reported by the committee were agreed to, so as to make the resolution read:

Resolved, That the Committee on Printing cause to be prepared for publication a volume containing the colonial charters and the various State constitutions of each State of the United States, together with all amendments thereto at any time in force, arranging the same in chronological order for each State, with suitable indexes; and that it be printed for the use of the Senate.

Mr. GRIMES. I should like to inquire of the chairman what is the necessity of printing this book?

Mr. ANTHONY. The resolution was introduced by the Senator from Wisconsin; and on consulting a number of Senators I found that there was a strong desire to have it. The cost will be about six hundred dollars. If there is any particular objection to it I shall not press it.

Mr. GRIMES. Are we to publish colonial history?

Mr. ANTHONY. No; it is a compilation of the constitutions of all the States, with the changes made. It was thought very desirable to have it for some purposes with regard to reconstruction.

Mr. GRIMES. We shall run immediately into competition with some of the book publishers; for I have a copy of a book containing the constitutions of all the States that is not furnished to me by the Government, and anybody can get it by paying $1 50 for the volume.

The resolution, as amended, was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. MCPHERSON, its Clerk:

Mr. President, the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. No. 1143) entitled "An act to provide for the more efficient government of the rebel States," with his objections thereto, the House proceeded in conformity with the Constitution to reconsider the said bill, and has—

Resolved, That it do pass, two thirds of the House of Representatives agreeing to pass the same, the objections of the President to the contrary notwithstanding.

The House of Representatives has passed a joint resolution (H. R. No. 302) for the relief of soldiers who are entitled to artificial limbs, in which it requests the concurrence of the Senate. It has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 276) to establish a Department of Education; and it was signed by the President *pro tempore*.

EXECUTIVE SESSION.

On motion of Mr. FESSENDEN, the Senate proceeded to the consideration of executive business. At five o'clock the doors were reopened, and the Senate took a recess till half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 302) for the relief of soldiers who are entitled to artificial limbs was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

W. W. POTTER.

Mr. HARRIS. I move to take up for consideration House bill No. 1095.

The motion was agreed to; and the bill (H. R. No. 1095) to authorize the Secretary of the Treasury to pay a certain draft to W. W. Potter, late acting military agent of the State of New York, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to cause to be paid to W. W. Potter, late acting military agent of the State of New York, the sum of $200 in lieu of draft No. 7828 on war warrant No. 9861, dated September 29, 1866, payable to the order of Andrew Smith, for the sum of $200, he having paid to Smith the said sum of $200 therefor.

The Committee on Claims proposed to amend the bill by adding to it the following proviso:

Provided, That before payment of said warrant the said W. W. Potter shall execute a bond of indemnity to the United States with sufficient sureties against the claim of the payee in said warrant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill be read a third time. The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of the veto messages of the reconstruction bill, or the bill

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entitled "An act to provide for the more efficient government of the rebel States."

Mr. CONNESS. It will be seen that the Senate is not yet full, and I hope we shall wait a little while before we take that up, and give an hour to the chairman of the Committee on Claims. It is the best opportunity we shall have for that business, and by that time the Senate will be full, and we can go on with the bill referred to by the Senator from Oregon; and I hope that will be done.

Mr. WILLIAMS. It will take half an hour or perhaps an hour to read the veto message. I suppose the Clerk can proceed with the reading of the message, and by the time it is completed the members, I have no doubt, will be in their seats; and after that measure is disposed of I do not see any reason why the bills of the Senator from Wisconsin should not be taken up.

Mr. HOWE. The reason why my bills cannot be taken up and considered is because somebody else has got some other bill to move. The Senator from New York—I am obliged to him for his assistance—has already, without any objection on the part of any one, had one bill on my Calendar passed. If some other Senator who is particularly interested would move to take up the bills that he is interested in I could get them through and without any trouble myself.

Mr. DAVIS. I will——

Mr. HOWE. In one moment I will give way to the Senator from Kentucky. I move once more that the message lie upon the table, and that the Senate proceed to the consideration of House bill No. 483.

The PRESIDENT *pro tempore*. The message is not yet taken from the table. The motion is to take that up, with the bill which it accompanies. It is not yet taken up.

Mr. HOWE. Then I move that the Senate proceed to the consideration of House bill No. 483.

The PRESIDENT *pro tempore*. Another motion is now pending.

Mr. HOWE. What is the motion?

The PRESIDENT *pro tempore*. The motion is that the Senate now proceed to the consideration of the message of the President of the United States returning, with his objections, the bill to provide for the more efficient government of the rebel States.

Mr. HOWE. Then, addressing myself to the Senate upon that motion, I have to say most respectfully that I hope the Senate will not now agree to take up that message.

Mr. WILLEY. West Virginia, I believe, has no bill on the Calendar of claims whatever; but Senators who represent constituents that have are constantly soliciting me to bring up their bills, those of them that I have had the honor to report. Now, if gentlemen will let us have an hour for that business we shall do it. If not, I shall consider myself absolved from all obligations to attend to it.

Mr. TRUMBULL. I am anxious for an opportunity to vote to give the Senator from Wisconsin an hour for his bills. I think it will be a saving of time to give it to him, and I move that he have an hour to proceed with the business of the Committee on Claims.

The PRESIDENT *pro tempore*. Another motion is pending, that the Senate proceed to the consideration of the message of the President returning, with his objections, the bill to provide for the more efficient government of the rebel States.

Mr. TRUMBULL. I move to lay it aside for one hour.

The PRESIDENT *pro tempore*. It is not yet taken up. The motion is that the Senate proceed to the consideration of the message accompanying that bill.

Mr. TRUMBULL. I hope we shall not take it up for an hour yet.

The motion was not agreed to.

NORMAN J. HALL.

Mr. HOWE. I move that the Senate now take up for consideration House bill No. 483.

The motion was agreed to; and the bill (H. R. No. 483) for the relief of Norman J. Hall was considered as in Committee of the Whole. In the settlement of the accounts with the Treasury of Lieutenant Norman J. Hall, first United States artillery, acting assistant commissary of subsistence and assistant quartermaster at Fort Sumter, South Carolina, the bill provides that there shall be allowed to him the sum of $965 72, on account of the loss of money and of vouchers for money paid, the said amount being public funds and vouchers in his hands, and destroyed by the blowing up of a magazine at Fort Sumter, South Carolina, during the bombardment of that fort by the rebels in the month of April, 1861, the loss being without neglect or fault on his part.

The bill was reported to the Senate.

Mr. HOWE. The committee in this case make an adverse report. The reason why the committee reported against this bill is because an act was passed at the last session authorizing all disbursing officers to go to the Court of Claims and have the amount of their losses proved there and certified to the Treasury Department. I move the indefinite postponement of this bill.

The motion was agreed to.

JAMES M. BISHOP.

On motion of Mr. HOWE, the bill (H. R. No. 916) for the relief of James M. Bishop, who claims $236, was considered as in Committee of the Whole. It is a direction to the proper accounting officers of the Treasury Department to ascertain and allow to James M. Bishop, of Quincy, Illinois, for services in March and April, 1863, to finish the work left undone on the assessment lists in the fourth district of Illinois, by Mr. Sutkin, an assistant assessor, at his decease, such a sum, not exceeding $236, as shall be equal to that now fixed by law to be paid assistant assessors for such service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHERMAN. I move to amend the title by striking out the words "who claims $236." It is entirely unusual to put such a statement in the title of a bill.

The motion was agreed to.

ELIZABETH F. CHIPMAN.

On motion of Mr. HOWE, the bill (H. R. No. 1168) for the relief of Mrs. Elizabeth F. Chipman, widow of Major Charles Chipman, deceased, was considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to pay to Mrs. Elizabeth F. Chipman, widow of Major Charles Chipman, deceased, late of the twenty-ninth regiment Massachusetts volunteers, $125, in payment for a horse lost by her husband in the military service on the 18th of August, 1863.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES J. HUDNALL.

On motion of Mr. HOWE, the joint resolution (H. R. No. 282) for the relief of James J. Hudnall was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury, in the settlement of the accounts of James J. Hudnall, collector of the sixth congressional district of the State of Kentucky, to credit him with the sum of $1,900, in full for money lost by him in the town of Petersburg, Boone county, in the State of Kentucky, on the night of the 16th of August, 1866.

Mr. FESSENDEN. Is there a report in that case?

Mr. HOWE. There is a report of the House committee.

Mr. FESSENDEN. What are the circumstances?

Mr. HOWE. The safe was broken open in the storehouse where the funds were deposited.

Mr. FESSENDEN. Is the case well proved?

Mr. HOWE. Yes, sir.

Mr. FESSENDEN. I will take the chairman's word for it.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

ALMANSON EATON.

On motion of Mr. HOWE, the joint resolution (H. R. No. 254) for the relief of Almanson Eaton, receiver of public money for the land office at Stevens's Point, Wisconsin, was considered as in Committee of the Whole. It provides that the Secretary of the Interior and the Secretary of the Treasury and the proper accounting officers in their Departments, in settling the accounts of Almanson Eaton, receiver of public moneys for the district of lands subject to sale at Stevens's Point, Wisconsin, shall, upon satisfactory evidence being made and filed, allow and credit to him the sum of $2,092 72, public money, lost and destroyed by fire in the burning of the offices, books, papers, and the public money of the register and receiver at Stevens's Point, Wisconsin, on the night of the 29th of December, 1865.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRY RUDD.

On motion of Mr. HOWE, the bill (H. R. No. 825) for the relief of Henry Rudd, of Henry county, Iowa, was considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to pay to Henry Rudd, of Henry county, Iowa, the sum of $9,150, in full for all losses and compensation to Rudd for horses purchased and delivered under a contract with the Government.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CITY OF WASHINGTON.

On motion of Mr. HOWE, the bill (H. R. No. 710) to pay and discharge certain debts and expenditures to the corporation of the city of Washington was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury to pay to the proper authorities of the city of Washington the sum of $31,971 84, in full for all claims which the city of Washington now has against the United States on account of moneys expended in improving the streets, avenues, alleys, public grounds, in the city of Washington, or for repairing any of the bridges crossing the Potomac river, prior to May 5, 1864; but before paying this sum, the mayor of the city of Washington is to present to the Commissioner of Public Buildings an account embracing each item of charge which the city has made against the United States for expenditures herein referred to, which account the Commissioner is to certify to be correct and just. No money is to be paid until after a full examination of all the items by the proper accounting officers of the Treasury, and proof under oath that the work was done at fair and reasonable prices; and the city of Washington is to file with the Treasurer of the United States a receipt to the effect that the city has received the amount to be paid by virtue of the act in full of all claims against the Government for the grading, paving, and constructing sewers in the streets of the city to the date of May 23, 1865.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HUGH LEDDY.

On motion of Mr. HOWE, the bill (H. R. No. 346) for the relief of Hugh Leddy was considered as in Committee of the Whole. It provides for the payment to Hugh Leddy of $682 40, in full for liquors wrongfully seized by order of a provost marshal on the 2d of December, 1862, and appropriated to the use of the Government through the medical department.

The bill was reported to the Senate, ordered

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to a third reading, read the third time, and passed.

GIBBONS AND KELLEY.

On motion of Mr. HOWE, the joint resolution (H. R. No. 36) referring the papers of F. A. Gibbons and F. X. Kelley to the Court of Claims was considered as in Committee of the Whole. The Committee on Claims proposed to amend the resolution by striking out in line four the word "for" and inserting "and the court shall be authorized, if of opinion that the ends of justice will be subserved thereby, to grant," and after "petition," in line seven, to insert "without prejudice to the claim by reason of the former decision of said court;" so as to make the resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the papers in the case of Francis A. Gibbons and F. X. Kelley be referred back to the Court of Claims, and the court shall be authorized, if of opinion that the ends of justice will be subserved thereby, to grant a rehearing of the case on an amended petition, without prejudice to the claim by reason of the former decision of said court.

The joint resolution was read the third time, and passed.

ERNEST F. KLEINSCHMIDT.

On motion of Mr. HOWE, the bill (H. R. No. 966) for the relief of Ernest F. Kleinschmidt, of Cincinnati, Ohio, was considered as in Committee of the Whole. Its purpose is to direct the Secretary of the Treasury to pay to Ernest F. Kleinschmidt, of Cincinnati, Ohio, the sum of $1,250, to reimburse him for the same sum paid by him to the collector of internal revenue for the second district in Ohio for four city lots in Cincinnati, which lots were sold by the collector to the said Ernest F. Kleinschmidt for the payment of internal revenue tax, and which tax was subsequently declared by the superior court of Cincinnati to have been illegally assessed, and the sale of the lots to Kleinschmidt held to have been null and void.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

INTERNAL REVENUE.

Mr. FESSENDEN, from the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 1161, to amend existing laws relating to internal revenue, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1161) to amend existing laws relating to internal revenue, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their disagreement to the amendments of the Senate numbered two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-six, forty-seven, forty-nine, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-six, and agree to the same.

That the Senate recede from their amendments numbered fifteen, sixteen, thirty-two, forty-eight, and eighty-four.

That the House recede from their disagreement to the first amendment of the Senate and agree to the same with an amendment, as follows: in line three, after the word "two," insert the words "and one half."

That the House recede from their disagreement to the twenty-first amendment of the Senate and agree to the same with an amendment, as follows: add the words "on leather of all descriptions, and goat, deer, calf, kid, sheep, horse, hog, and dog skins, tanned, or partially tanned, curried, finished, or in the rough, two and a half per cent. *ad valorem*."

That the House recede from their disagreement to the thirtieth amendment of the Senate and agree to the same with an amendment, as follows: add the following: "*Provided*, That fractional parts of barrels containing more than one quarter and no more than one half shall be accounted one half, and pay tax as such until June 1, 1867."

That the House recede from their disagreement to the forty-third amendment of the Senate and agree to the same with an amendment, as follows: insert in lieu of the words stricken out the word "scythes."

That the House recede from its disagreement to the forty-fourth and forty-fifth amendments of the Senate and agree to the same with an amendment, as follows: strike out the paragraph as amended, and the Senate agree to the same.

That the House recede from their disagreement to the fiftieth amendment of the Senate and agree to the same with the following amendments: in line three of said Senate amendment strike out the words "fifty cents" and insert in lieu thereof the words "one dollar," and in line eleven of said amendment strike out the word "or" and insert in lieu thereof the word "and."

That the House recede from their disagreement to the eighty-second amendment of the Senate and agree to the same with an amendment, as follows: in line two of said amendment, after the word "sell," insert the words "give away or otherwise dispose of."

That the House recede from their disagreement to the eighty-third amendment of the Senate and agree to the same with an amendment, as follows: after the word "foreign" insert the words "or domestic."

That the House recede from their disagreement to the eighty-fifth amendment of the Senate and agree to the same with an amendment, as follows: in line two of said amendment, after the word "act" insert the words "and all acts and parts of acts imposing any tax upon advertisements or the gross receipts of toll roads."

W. P. FESSENDEN,
E. D. MORGAN,
THOMAS A. HENDRICKS,
Managers on the part of the Senate.
JUSTIN S. MORRILL,
J. K. MOORHEAD,
JOHN HOGAN,
Managers on the part of the House.

Mr. FESSENDEN. The Senate will observe that the House of Representatives have receded from their disagreement to almost all the amendments proposed by the Senate, in fact to all the amendments except those numbered fifteen, sixteen, thirty-two, forty-eight, and eighty-four, from which the Senate recede. These are not very important, and I can state them readily.

The fifteenth amendment was to strike out the words "not including sirup or molasses." The sixteenth was to strike out "two" and insert "one and a half." We reduced the tax from two per cent. to one and a half per cent. We recede from that, leaving the tax on sugar two per cent. The thirty-second amendment we proposed was in regard to boot and shoe strings and gloves of leather, or skins, which we put on the free list. We now recede from that because we have struck out leather from the free list, and we have now transferred leather to the two and half per cent. schedule instead of the five per cent. It is a compromise. We put leather two and a half per cent. less, and strike out these other articles from the free list. The forty-eighth amendment was to strike out wire-cloth, which was put in because of another clause from which the House has receded, rendering it unnecessary to put that on the free list. The eighty-fourth amendment is a section that was put in here in regard to the storing and bonding of coal oil. It was thought to be unnecessary.

The only remaining amendments are those which have been amended by the committee of conference. The first of these is the first amendment of the Senate, which was with regard to the tax on cotton. We came very near disagreeing upon that, but finally compromised between two and three, making the tax two and a half cents a pound. The twenty-first amendment is in regard to leather, the conclusion on which I have just stated. The thirtieth amendment is a provision which was made on the motion of the Senator from California [Mr. CONNESS] with regard to fractional parts of barrels. The amendment of the committee of conference simply postpones the operation of that until the 1st of June. Then the House recede from their disagreement to the forty-third amendment of the Senate, with an amendment, inserting the word "scythes" in lieu of the words stricken out. Then the House recede from their disagreement to the forty-fourth and forty-fifth amendments of the Senate, and agree to them with an amendment, striking out the whole paragraph as amended. That was with regard to the products of handlooms. The House recede from their disagreement to the fiftieth amendment of the Senate, and agree to the same with an amendment, striking out in line three of the Senate amendment the words "fifty cents" and inserting in lieu thereof "one dollar." That is a compromise also. In regard to the eighty-second amendment, the House recede from their disagreement with an amendment, inserting after the word "sell" the words "give away or otherwise dispose of," to render it more certain in regard to certain cigar-boxes. The House recede from their disagreement to the eighty-third amendment of the Senate, with an amendment, inserting the words "or domestic" after "foreign." This is in reference to tonnage, the duty on foreign and domestic commerce. Then the House recede from their disagreement to the eighty-fifth amendment, which is an amendment to the repealing clause, so as to free advertisements and toll-roads.

The report was concurred in.

JOHN R. BECKLEY.

On motion of Mr. DAVIS, the joint resolution (H. R. No. 174) authorizing the Secretary of the Treasury to audit and pay the claim of John R. Beckley was considered as in Committee of the Whole. Divers horses, the property of John R. Beckley, mail contractor on mail routes No. 9634 and No. 9619, in the State of Kentucky, were during the late war captured by the rebel forces and guerrillas, and lost to the contractor while endeavoring to carry out his contract with the United States; the resolution proposes to direct the Secretary of the Treasury to have the claim of John R. Beckley audited, and to pay him the amount which shall be found due for the loss of property in carrying the mail, not exceeding the sum of $5,950; but it must appear that the property was lost without any fault or negligence on the part of Beckley.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILLS INDEFINITELY POSTPONED.

On motion of Mr. HOWE, the bill (H. R. No. 531) for the relief of the legal representatives of Major John A. Whitall, late paymaster in the United States Army, deceased, on account of lost or stolen vouchers, and the bill (H. R. No. 824) for the relief of Edward Blanchard, were indefinitely postponed.

PAPERS WITHDRAWN.

On motion of Mr. HOWE, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the petition of Joshua Hill, and that the petitioner have leave to withdraw his petition and papers.

On motion of Mr. HOWE, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the petition of Minerva Lewis, and that the petitioner have leave to withdraw her petition and papers.

FORT RILEY RESERVATION.

Mr. POMEROY. I move that the Senate proceed to the consideration of House resolution No. 267, for the reduction of the military reservation of Fort Riley, and to grant land for bridge purposes to the State of Kansas.

Mr. SHERMAN. That will give rise to debate, and I think we had better proceed with the veto message.

Mr. POMEROY. I think it will give rise to no debate. It has been read and considered, and the Senator from California [Mr. CONNESS] will withdraw his amendment.

Mr. WILLIAMS. The cases which have been pressing upon the Senate have been passed upon, and I now move to postpone all prior orders, and take up the message of the President vetoing the reconstruction bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas, to proceed to the consideration of the joint resolution named by him.

Mr. WILLIAMS. I hope it will not be taken up at this time; it will lead to discussion.

Mr. POMEROY. It was considered by the Senate the other day, and laid aside at the close

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of the morning hour. I simply want a vote on it.

The motion was not agreed to.

EXTENSION OF PATENTS.

Mr. WILLIAMS. I yield to the Senator from West Virginia, to allow him to call up another private bill.

Mr. WILLEY. I move to take up House bill No. 1059, which has been reported from the Committee on Patents.

The motion was agreed to; and the bill (H. R. No. 1059) for the relief of Sylvanus Sawyer and William E. Ward was considered as in Committee of the Whole. It proposes to authorize the Commissioner of Patents, upon due application made to him, to extend the patents of Sylvanus Sawyer, for an improvement in machinery for cutting ratan, dated June 24, 1851, and which expired on the 24th of June, 1865, and the patent of William E. Ward, for an improved machine for making rivets and screw blanks, dated December 28, 1852, and which expired on the 28th of December, 1866, upon the same evidence and principles as if applications had been made to him by these patentees respectively in due time prior to the expiration of the patents. In case the Commissioner on due inquiry shall extend such patents, or either of them, all persons who shall have made use of the inventions or machines, or either of them, between the periods of the expiration of the patents and their extension by the Commissioner, shall be relieved from all liability for that use.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GOVERNMENT OF SOUTHERN STATES—VETO.

Mr. WILLIAMS. I now move that the Senate proceed to the consideration of the message of the President of the United States, returning to the House of Representatives, with his objections, the bill (H. R. No. 1184) to provide for the more efficient government of the rebel States.

The motion was agreed to.

The PRESIDENT *pro tempore*. The message of the President of the United States will be read.

The Secretary read the message, as follows:

To the House of Representatives:

I have examined the bill "to provide for the more efficient government of the rebel States" with the care and anxiety which its transcendant importance is calculated to awaken. I am unable to give it my assent for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

The bill places all the people of the ten States therein named under the absolute domination of military rulers; and the preamble undertakes to give the reason upon which the measure is based, and the ground upon which it is justified. It declares that there exist in those States no legal governments and no adequate protection for life or property, and asserts the necessity of enforcing peace and good order within their limits. Is this true as matter of fact?

It is not denied that the States in question have each of them an actual government, with all the powers, executive, judicial, and legislative, which properly belong to a free State. They are organized like the other States of the Union, and like them they make, administer, and execute the laws which concern their domestic affairs. An existing *de facto* government, exercising such functions as these, is itself the law of the State upon all matters within its jurisdiction. To pronounce the supreme law-making power of an established State illegal is to say that law itself is unlawful.

The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries, are in substance and principle the same as those which prevail in the northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world. There, as well as elsewhere, offenders sometimes escape for want of vigorous prosecution, and occasionally, perhaps, by the inefficiency of courts or the prejudice of jurors. It is undoubtedly true that these evils have been much increased and aggravated, North and South, by the demoralizing influences of civil war and by the rancorous passions which the contest has engendered. But that these people are maintaining local governments for themselves which habitually defeat the object of all government, and render their own lives and property insecure, is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge. All the information I have on the subject convinces me that the masses of the southern people and those who control their public acts, while they entertain diverse opinions on questions of Federal policy, are completely united in the effort to reorganize their society on the basis of peace, and to restore their mutual prosperity as rapidly and as completely as their circumstances will permit.

The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate in any State where certain events shall have happened. These events are, first, the selection of delegates to a State convention by an election at which negroes shall be allowed to vote; second, the formation of a State constitution by the convention so chosen; third, the insertion into the State constitution of a provision which will secure the right of voting at all elections to negroes and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the constitution for ratification to negroes and white men not disfranchised, and its actual ratification by their vote; fifth, the submission of the State constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of the Legislature elected under the new constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purpose of order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment.

I submit to Congress whether this measure is not, in its whole character, scope, and object, without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure.

The ten States named in the bill are divided into five districts. For each district an officer of the Army, not below the rank of brigadier general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are "to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace or criminals." The power thus given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law. The law of the States is now the only rule applicable to the subjects placed under his control, and that is completely displaced by the clause which declares all interference of State authority to be null and void. He alone is permitted to determine what are rights of person or property, and he may protect them in such way as in his discretion may seem proper. It places at his free disposal all the lands and goods in his district, and he may distribute them without let or hinderance to whom he pleases. Being bound by no State law, and there being no other law to regulate the subject, he may make a criminal code of his own; and he can make it as bloody as any recorded in history, or he can reserve the privilege of acting upon the impulse of his private passions in each case that arises. He is bound by no rules of evidence; there is indeed no provision by which he is authorized or required to take any evidence at all. Everything is a crime which he chooses to call so, and all persons are condemned whom he pronounces to be guilty. He is not bound to keep any record or make any report of his proceedings. He may arrest his victims wherever he finds them, without warrant, accusation, or proof of probable cause. If he gives them a trial before he inflicts the punishment he gives it of his grace and mercy, not because he is commanded so to do.

To a casual reader of the bill it might seem that some kind of trial was secured by it to persons accused of crime; but such is not the case. The officer "may allow local civil tribunals to try offenders," but of course this does not require that he shall do so. If any State or Federal court presumes to exercise its legal jurisdiction by the trial of a malefactor without his special permission, he can break it up, and punish the judges and jurors as being themselves malefactors. He can save his friends from justice, and despoil his enemies contrary to justice.

It is also provided that "he shall have power to organize military commissions or tribunals;" but this power he is not commanded to exercise. It is merely permissive, and is to be used only "when in his judgment it may be necessary for the trial of offenders." Even if the sentence of a commission were made a prerequisite to the punishment of a party, it would be scarcely the slightest check upon the officer, who has authority to organize it as he pleases, prescribe its mode of proceeding, appoint its members from among his own subordinates, and revise all its decisions. Instead of mitigating the harshness of his single rule, such a tribunal would be used much more probably to divide the responsibility of making it more cruel and unjust.

Several provisions, dictated by the humanity of Congress, have been inserted in the bill, apparently to restrain the power of the commanding officer; but it seems to me that they are of no avail for that purpose. The fourth section provides: first, that trials shall not be unnecessarily delayed; but I think I have shown that the power is given to punish without trial, and if so, this provision is practically inoperative. Second, cruel or unusual punishment is not to be inflicted; but who is to decide what is cruel and what is unusual? The words have acquired a legal meaning by long use in the courts. Can it be expected that military officers will understand or follow a rule expressed in language so purely technical, and not pertaining in the least degree to their profession? If not, then each officer may define cruelty according to his own temper, and if it is not usual, he will make it usual. Corporal punishment, imprisonment, the gag, the ball and chain, and the almost insupporta-

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ble forms of torture invented for military punishment lie within the range of choice. Third, the sentence of a commission is not to be executed without being approved by the commander, if it affects life or liberty, and a sentence of death must be approved by the President. This applies to cases in which there has been a trial and sentence. I take it to be clear, under this bill, that the military commander may condemn to death without even the form of a trial by a military commission, so that the life of the condemned may depend upon the will of two men instead of one.

It is plain that the authority here given to the military officer amounts to absolute despotism. But, to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint; for it declares that he shall "punish or cause to be punished." Such a power has not been wielded by any monarch in England for more than five hundred years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the ten States—all persons, of every color, sex, and condition, and every stranger within their limits—to the most abject and degrading slavery. No master ever had a control so absolute over his slave as this bill gives to the military officers over both white and colored persons.

It may be answered to this that the officers of the Army are too magnanimous, just, and humane to oppress and trample upon a subjugated people. I do not doubt that Army officers are as well entitled to this kind of confidence as any other class of men. But the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely trusted in human hands. It is almost sure to be more or less abused under any circumstances, and it has always resulted in gross tyranny where the rulers who exercise it are strangers to their subjects, and come among them as the representatives of a distant Power, and more especially when the Power that sends them is unfriendly. Governments closely resembling that here proposed have been fairly tried in Hungary and Poland, and the suffering endured by those people roused the sympathies of the entire world. It was tried in Ireland, and, though tempered at first by principles of English law, it gave birth to cruelties so atrocious that they are never recounted without just indignation. The French Convention armed its deputies with this power, and sent them to the southern departments of the republic. The massacres, murders, and other atrocities which they committed show what the passions of the ablest men in the most civilized society will tempt them to do when wholly unrestrained by law.

The men of our race in every age have struggled to tie up the hands of their Governments and keep them within the law; because their own experience of all mankind taught them that rulers could not be relied on to concede those rights which they were not legally bound to respect. The head of a great empire has sometimes governed it with a mild and paternal sway; but the kindness of an irresponsible deputy never yields what the law does not extort from him. Between such a master and the people subjected to his domination there can be nothing but enmity; he punishes them if they resist his authority; and if they submit to it he hates them for their servility.

I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, certainly not, if we derive our authority from the Constitution, and if we are bound by the limitations which it imposes. This proposition is perfectly clear: that no branch of the Federal Government, executive, legislative, or judicial, can have any just powers except those which it derives through and exercises under the organic law of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids.

Some persons assume that the success of our arms in crushing the opposition that was made in some of the States to the execution of the Federal laws reduced those States and all their people, the innocent as well as the guilty, to the condition of vassalage, and gave us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects he may deal with them according to his pleasure, because he had that power before; but when a limited monarch puts down an insurrection he must still govern according to law. If an insurrection should take place in one of our States against the authority of the State government and end in the overthrow of those who planned it, would that take away the rights of all the people of the counties where it was favored by a part or a majority of the population? Could they for such a reason be wholly outlawed and deprived of their representation in the Legislature? I have always contended that the Government of the United States was sovereign within its constitutional sphere; that it executed its laws like the States themselves by applying its coercive power directly to individuals; and that it could put down insurrection with the same effect as a State and no other. The opposite doctrine is the worst heresy of those who advocated secession, and cannot be agreed to without admitting that heresy to be right.

Invasion, insurrection, rebellion, and domestic violence were anticipated when the Government was framed, and the means of repelling and suppressing them were wisely provided for in the Constitution; but it was not thought necessary to declare that the States in which they might occur should be expelled from the Union. Rebellions, which were invariably suppressed, occurred prior to that out of which these questions grow; but the States continued to exist and the Union remained unbroken. In Massachusetts, in Pennsylvania, in Rhode Island, and in New York, at different periods in our history, violent and armed opposition to the United States was carried on; but the relations of those States to the Federal Government were not supposed to be interrupted or changed thereby after the rebellious portions of their population were defeated and put down. It is true that in these earlier cases there was no formal expression of a determination to withdraw from the Union; but it is also true that in the southern States the ordinances of secession were treated by all the friends of the Union as mere nullities, and are now acknowledged to be so by the States themselves. If we admit that they had any force or validity, or that they did in fact take the States in which they were passed out of the Union, we sweep from under our feet all the grounds upon which we stand in justifying the use of Federal force to maintain the integrity of the Government.

This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts life, liberty, and property are secured by State laws and Federal laws, and the national Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill proceeds? The title of the bill announces that it is intended "for the more efficient government" of these ten States. It is recited by way of preamble that no legal State governments "nor adequate protection for life or property" exist in those States, and that peace and good order should be thus enforced. The first thing which arrests attention upon these recitals, which prepare the way for martial law, is this: that the only foundation upon which martial law can exist under our form of government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection—none of these appear, and none of these in fact exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause here to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Court of the United States, in *ex parte* Milligan.

I will first quote from the opinion of the majority of the court:

"Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration."

We see that martial law comes in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes martial law operate as though we were in actual war, and become the cause instead of the consequence of the abrogation of civil authority. One more quotation:

"It follows, from what has been said on this subject, that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the Army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course."

I now quote from the opinion of the minority of the court, delivered by Chief Justice Chase:

"We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists the laws of peace must prevail."

This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress in time of peace to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power. Again, and if possible more emphatically, the Chief Justice, with remarkable clearness and condensation, sums up the whole matter as follows:

"There are under the Constitution three kinds of military jurisdiction—one to be exercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of the States maintaining adhesion to the national Government, when the public danger requires its exercise. The first of these may be called jurisdiction under military law, and is found in acts of Congress prescribing Rules and Articles of War, or otherwise providing for the government of the national forces; the second may be distinguished as military government, superseding as far as may be deemed expedient the local law, and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called into action by Congress, or temporarily when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President in times of insurrection or invasion or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights."

It will be observed that of the three kinds of military jurisdiction which can be exercised or created under our Constitution there is but one that can prevail in time of peace, and that is the code of laws enacted by Congress for the government of the national forces. That body of military law has no application to the citizen, nor even to the citizen soldier enrolled in the militia in time of peace. But this bill is not a

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part of that sort of military law, for that applies only to the soldier and not to the citizen, while, contrariwise, the military law provided by this bill applies only to the citizen and not to the soldier.

I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one, that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument. I will not enlarge on the inestimable value of the right thus secured to every freeman or speak of the danger to public liberty in all parts of the country which must ensue from a denial of it anywhere or upon any pretense. A very recent decision of the Supreme Court has traced the history, vindicated the dignity, and made known the value of this great privilege so clearly that nothing more is needed. To what extent a violation of it might be excused in time of war or public danger may admit of discussion, but we are providing now for a time of profound peace, where there is not an armed soldier within our borders except those who are in the service of the Government. It is in such a condition of things that an act of Congress is proposed which if carried out would deny a trial by the lawful courts and juries to nine million American citizens and to their posterity for an indefinite period. It seems to be scarcely possible that any one should seriously believe this consistent with a Constitution which declares in simple, plain, and unambiguous language that all persons shall have that right, and that no person shall ever in any case be deprived of it. The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant at the pleasure of a military commander. The Constitution declares that "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury." This bill holds every person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that "no person shall be deprived of life, liberty, or property without due process of law." This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that "the privilege of the writ of *habeas corpus* shall not be suspended unless when in case of rebellion or invasion the public safety may require it;" whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is, a trial "without unnecessary delay." He has no hope of release from custody, except the hope, such as it is, of release by acquittal before a military commission.

The United States are bound to guaranty to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away ever vestige of republican government in ten States, and puts the life, property, liberty, and honor of all the people in each of them under the domination of a single person clothed with unlimited authority?

The Parliament of England, exercising the omnipotent power which it claimed, was accustomed to pass bills of attainder; that is to say, it would convict men of treason and other crimes by legislative enactment. The person accused had a hearing, sometimes a patient and fair one; but generally party prejudice prevailed instead of justice. It often became necessary for Parliament to acknowledge its error and reverse its own action. The fathers of our country determined that no such thing should occur here. They withheld the power from Congress and thus forbade its exercise by that body; and they provided in the Constitution that no State should pass any bill of attainder. It is therefore impossible for any person in this country to be constitutionally convicted or punished for any crime by a legislative proceeding of any sort. Nevertheless, here is a bill of attainder against nine million people at once. It is based upon an accusation so vague as to be scarcely intelligible, and found to be true upon no credible evidence. Not one of the nine millions was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands, and degrades them all—even those who are admitted to be guiltless—from the rank of freemen to the condition of slaves.

The purpose and object of the bill, the general intent which pervades it from beginning to end, is to change the entire structure and character of the State governments, and to compel them by force to the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a constitution with prescribed articles in it, and afterward elect a Legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the southern part of our territory, I would simply ask the attention of Congress to that manifest, well-known, and universally acknowledged rule of constitutional law which declares that the Federal Government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of the white people and into the hands of the negroes is an arbitrary violation of this principle.

This bill imposes martial law at once, and its operations will begin so soon as the general and his troops can be put in place. The dread alternative between its harsh rule and compliance with the terms of this measure is not suspended, nor are the people afforded any time for free deliberation. The bill says to them, take martial law first, then deliberate. And when they have done all that this measure requires them to do, other conditions and contingencies, over which they have no control, yet remain to be fulfilled before they can be relieved from martial law. Another Congress must first approve the constitutions made in conformity with the will of this Congress, and must declare these States entitled to representation in both Houses. The whole question thus remains open and unsettled, and must again occupy the attention of Congress, and in the mean time the agitation which now prevails will continue to disturb all portions of the people.

The bill also denies the legality of the governments of ten of the States which participated in the ratification of the amendment to the Federal Constitution abolishing slavery forever within the jurisdiction of the United States, and practically excludes them from the Union. If this assumption of the bill be correct their concurrence cannot be considered as having been legally given, and the important fact is made to appear that the consent of three fourths of the States—the requisite number—has not been constitutionally obtained to the ratification of that amendment, thus leaving the question of slavery where it stood before the amendment was officially declared to have become a part of the Constitution.

That the measure proposed by this bill does violate the Constitution in the particulars mentioned, and in many other ways which I forbear to enumerate, is too clear to admit of the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed for reasons which I will proceed to give as briefly as possible.

In the first place, it is the only system of free government which we can hope to have as a nation. When it ceases to be the rule of our conduct we may perhaps take our choice between complete anarchy, a consolidated despotism, and a total dissolution of the Union; but national liberty, regulated by law, will have passed beyond our reach.

It is the best frame of government the world ever saw. No other is or can be so well adapted to the genius, habits, or wants of the American people. Combining the strength of a great empire with unspeakable blessings of local self-government, having a central power to defend the general interests, and recognizing the authority of the States as the guardians of industrial rights, it is "the sheet-anchor of our safety abroad and our peace at home." It was ordained "to form a more perfect Union, establish justice, insure domestic tranquillity, promote the general welfare, provide for the common defense, and secure the blessings of liberty to ourselves and to our posterity." These great ends have been attained heretofore, and will be again, by faithful obedience to it; but they are certain to be lost if we treat with disregard its sacred obligations.

It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority that we carried on a bloody war of four years' duration. Shall we now acknowledge that we sacrificed a million lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

Those who advocated the right of secession alleged in their own justification that we had no regard for law, and that their rights of property, life, and liberty would not be safe under the Constitution as administered by us. If we now verify their assertion, we prove that they were in truth and in fact fighting for their liberty, and instead of branding their leaders with the dishonoring name of traitors against a righteous and legal Government, we elevate them in history to the rank of self-sacrificing patriots, consecrate them to the admiration of the world, and place them by the side of Washington, Hampden, and Sidney. No, let us leave them to the infamy they deserve, punish them as they should be punished, according to law, and take upon ourselves no share of the odium which they should bear alone.

It is a part of our public history which can never be forgotten that both Houses of Congress, in July, 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion the contest should cease, with the constitutional rights of the States and of individuals unimpaired. This resolution was adopted and sent forth to the world unanimously by the Senate, and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South, as well as in the North, as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse, and to which I cannot voluntarily become a party.

The evils which spring from the unsettled state of our Government will be acknowledged by all. Commercial intercourse is impeded, capital is in constant peril, public securities fluctuate in value, peace itself is not secure, and the sense of moral and political duty is impaired. To avert these calamities from our country it is imperatively required that we should immediately decide upon some course of administration which can be steadfastly

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adhered to. I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coördinate branches of the Government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guarantees of that instrument are those which declare that "each State shall have at least one Representative," and that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." Each House is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two thirds, expel a member." Thus, as heretofore urged—

"In the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and laws are enforced by a vigilant and faithful Congress." * * * * "When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member, that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union."

And is it not far better that the work of restoration should be accomplished by simple compliance with the plain requirements of the Constitution than by a recourse to measures which in effect destroy the States, and threaten the subversion of the General Government? All that is necessary to settle this simple but important question, without further agitation or delay, is a willingness on the part of all to sustain the Constitution and carry its provisions into practical operation. If to-morrow either branch of Congress would declare that, upon the presentation of their credentials, members constitutionally elected and loyal to the General Government would be admitted to seats in Congress, while all others would be excluded, and their places remain vacant until the selection by the people of loyal and qualified persons; and if, at the same time, assurance were given that this policy would be continued until all the States were represented in Congress, it would send a thrill of joy throughout the entire land, as indicating the inauguration of a system which must speedily bring tranquillity to the public mind.

While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children. At present ten States are denied representation, and when the Fortieth Congress assembles on the 4th day of the present month, sixteen States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

ANDREW JOHNSON.

WASHINGTON, *March* 2, 1867.

The PRESIDENT *pro tempore*. This bill is now to be reconsidered by the Senate according to the provisions of the Constitution; and the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. JOHNSON. Mr. President, while doing, as I sincerely do, full justice to the motives of the President in refusing to sign the bill now before us, I cannot but regret that he felt himself compelled by a sense of duty to come to that conclusion, and I also regret the tone which his message in several portions of it assumes. It contains, as I think, some legal propositions which are unsound, and many errors of reasoning which upon examination will be found apparent. And above all do I lament the course he has thought it his duty to pursue, because I see, as I believe, that it may result in continued turmoil and peril, not only to the South, but to the entire country. I rise, therefore, for the purpose of stating very briefly, in addition to the reasons which I assigned when the bill was formerly before us, why I cast the vote which I then gave, and why I shall give the same vote now. [Applause in the galleries.]

The PRESIDENT *pro tempore*. Order will be observed in the galleries, or they will be cleared.

Mr. JOHNSON. I hope it will not for a moment be supposed by those whom I am addressing that I am now governed, or was governed before, by any desire or expectation of popular applause. My motives, if I know myself, were and are pure and patriotic. I see before me a distressed, a desolated country, and in the measure before you I think I see the means through which it may be rescued and restored ere long to prosperity and a healthful condition, and the free institutions of our country preserved.

Mr. President, I have reached that period of life when I can have no other ambition than that of serving my country. During the whole period of our troubles I have hoped and believed that the war would terminate successfully, and that that accomplished, our forms of Government as devised by our fathers would be even the more firmly established, securing to the States all the powers they possessed without dispute before the war, and which they thought, as I think, cannot be exercised at all by the General Government, and securing to that Government the powers granted it, which the States are equally incompetent to discharge. But we are now, though the war has successfully terminated, in a condition which fills every reflecting man with anxiety. Without examining the motives of our brethren in the South in attempting to dissever our Union and to establish a confederacy of their own, it is sufficient to say that in my opinion if they had succeeded the cause of constitutional liberty would for years, if not forever, have terminated.

The effort, thank God, has failed. The power of the Government under the providence of God has proved able to arrest and defeat it, and the South now, as I believe, is willing in good faith and anxious to abide by the result. The question to be decided is and has been from the period of the war's termination, how is the Government to be restored to its original integrity, and the States, as vital to that integrity, to be restored to their former constitutional condition? The opinion entertained by me during the war, and since—often expressed in the Senate and upon other suitable occasions—is that the moment the insurrection was suppressed the States where it prevailed remained in the Union with all the rights and obligations before belonging to them, and that the General Government had no power to limit these in any way whatever; that the authority to change their government belongs exclusively to their own people, subject only to the restrictions expressed or implied of the Constitution of the General Government; that this freedom from control is applicable to every department of that Government. In my view, therefore, they were and are as entirely without the jurisdiction of the Executive as of Congress. The authority delegated to Congress to preserve our institutions, State and Federal, by suppressing insurrections aimed at their existence cannot be even tortured with any show of plausibility into an authority to destroy them.

I consequently think that no terms can be exacted, either by the President or by Congress, as conditions to be performed before they are entitled to representation in the Senate and House of Representatives. And in nothing that I have ever said or written upon the subject have I attempted to justify upon constitutional grounds the authority of the Executive to enforce conditions upon the States as preliminary to their right of representation. The ground upon which I have maintained and do maintain the constitutionality of the present State governments of the South is that the people of such States have, since they were exacted, complied with them and framed their constitutions accordingly. The late and the now President took a different view. They both seem to have supposed that these States were not within the Union so as to be entitled to representation in Congress until they should comply with such conditions as they might stipulate, and that they had the authority, without the sanction of Congress, to require such conditions.

In my judgment, in this they were right in part, but not in the whole. They were right in holding that the States are entitled to representation; but not because they had the authority to impose the conditions which they exacted, but because the people had adopted them. It is unnecessary, on this occasion, to state what those conditions were. In my opinion they were as unconstitutional as are to be found in the present bill. Congress, however, from the first has been of opinion, as their conduct shows, that notwithstanding the people of these States fulfilled these presidential conditions, they were not restored to the right of representation until Congress should so declare, and this, as manifested in the recent congressional elections, is to be esteemed the present judgment of the country. This being so, how are the States to be restored? It can only be done in fact upon their submitting to the conditions which Congress may require. Failing to do so, they must remain in the condition in which they are, liable to taxation without representation, and to be governed, not only without, but against their will.

I impute no improper motives either to Congress or to the Executive, the past or the present. I accord purity of purpose and patriotic designs to both; but with all becoming respect I differ in opinion from both. I seek, however, as vital to the prosperity of the country, if not to the continuing existence of our institutions, the complete restoration of the Union; and I now see no way of accomplishing it but by the adoption of the measure on your table.

Mr. President, we are now, in my opinion, by the course which Congress deems it its duty to pursue, (though very much to my regret) in a state of *quasi* war. Our condition is virtually revolutionary. Ten States are held and treated as conquered provinces, and they are so held and treated as in the judgment of the dominant party being enemies of the Union and of the Government. This condition of things is full of peril to all we should hold dear. It must be arrested, or our Government will sooner or later be destroyed. So thinking, were I to hesitate a moment longer to give my sanction to a measure which promises, as I believe the one upon your table does, to terminate it, I should be false to the true interest, honor, and very safety of the nation. We are told in the message before you (and quotations from a recent decision of the Supreme Court are given in support of the opinion) that such military force as this bill provides cannot be constitutionally resorted to, the war having terminated. As a question of law I concur in that opinion. But if that question should be presented to that court hereafter, when will it

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consider the war terminated? It may hold that to be a political question, to be decided exclusively by the political department of the Government, by Congress, to whom is alone intrusted the power to declare war and to suppress insurrections. I am therefore not prepared to say that that high tribunal would rule this bill to be unconstitutional, although they may think as men that the war is at an end in fact, and on that account regret this legislation. But neither upon that ground nor upon any other is it more obnoxious to constitutional objection than are the civil rights and Freedmen's Bureau bills. These, both of them, subject the southern States to military power as effectually in all respects as the one before us. And the President (as I think he was in duty bound to do) from the first has enforced them. Indeed, the bill in question does not differ at all from those referred to, except in a particular which renders it in my opinion much less objectionable. They established over the South military rule alone, providing no means for its cessation, while this does provide means calculated and intended to reinstate the South as States entitled to the same rights as the other States. When that is done there is of course an end to military rule by Congress.

And, Mr. President, the light in which I view this bill, and which led me to sanction it, I am glad, though not surprised, to find is the light in which it is viewed by most of the reflecting and intelligent men of the South. I collect this from a portion of their public press, but more especially from communications made to me in regard to it by very many of the leading men of that section since I gave it my support. They tell me it is their purpose to organize under the bill. They are taking lessons from experience. The constitutional amendment heretofore proposed to them, if they had adopted it, would I firmly believe before this have given them representation in Congress. Of that I had no doubt, but they rejected it, and now to adopt it would not have that result. The bill which passed the Senate, if it had not been altered in the other branch, would have accomplished the same end upon terms less exacting than those which were incorporated into it by the House of Representatives. To these alterations the Senate, though evidently with reluctance, gave their assent rather than abandon the measure altogether. I concurred in that assent, and why? Because I then believed, indeed thought I knew, and as I now know, that the bill failing, one of a much more harsh and unjust character would be adopted, one founded upon the hypothesis that the people of the South were to be esteemed legally as conquered enemies, and their land and other property on that account as liable to confiscation and forfeiture.

Acting upon this theory, I believed, unless the South was restored to the Union, laws of confiscation would be passed, and in such a form that I did not know, nor do I now know with anything like an assured conviction, what would be the judgment of the Supreme Court upon their constitutionality when the question should be brought before it. I did, however, know that it could not be so brought without considerable delay, and that in the mean time with such a cloud over their titles the owners would not be able to obtain credit which they now so much need to develop their industry, by mortgaging their lands or otherwise. And in this state of things, although the laws might hereafter be declared invalid, the result would in many cases, if not in all cases, be total ruin; and if eventually the constitutionality of the laws should be adjudged, the entire southern region would be surrendered to a colored population, the whites, our fellow-citizens, and who are now anxious to be with us again, be driven from their homes, made exiles in their native land. Under this impression no mere pride of opinion could I suffer to restrain me a moment in supporting a measure which I believed might avert so dreadful a calamity. Something to prevent it must be done. Party with me can have no influence when the safety of the country requires in my judgment that it be disregarded. If I know myself, and in this respect I think I do, I should hang my head in very shame if for the sake of mere party success I refused to give a vote in support of any measure which I believed involved the safety of the country.

Mr. President, I seek the restoration of the Union as it was prior to the insurrection. This I believe can be attained if the southern States will organize under this bill, and if it is faithfully carried out by the President, and that I have no doubt he will do, if it becomes a law. When this is effected, and they are again with us, I believe that all the restrictions now proposed and which are so obnoxious in my judgment, and so unnecessary and so unjust to the best men of the South, will in a very short period be removed. And then, as of old, during the struggles of the Revolution, the wars of 1812 and 1846, we shall be found united as a band of brothers, in council, on the ocean, and on the field, seeking with equal zeal, valor, and patriotism to maintain the Government bequeathed to us by our fathers, to promote the national prosperity, and to uphold the rights and vindicate the national honor; starting upon a career even more prosperous than we have enjoyed in the past, and challenging more than ever the wonder and admiration of the world. Contenting myself, therefore, with what I have now said, reserving for a future occasion a more extended examination of the subject, I shall do as I did before, cast my vote in favor of the bill, the objections of the President to the contrary notwithstanding.

Mr. SAULSBURY. Mr. President, it is not my intention to enter in any discussion of the principles involved in the bill which the President of the United States in his wisdom has vetoed, nor to consider the reasoning that he has offered to Congress in support of that veto. I approve the exercise by him of his power of vetoing the most iniquitous bill that ever was presented to the Federal Congress. But, sir, the occasion is too solemn, it may be too momentous in its consequences, for me to allow myself any extended remarks. When constitutional liberty, when free government is to be hopelessly struck down in the Senate Chamber of the nation, let the votaries of the one and the admirers of the other maintain a sorrowful silence. I cannot, however, refrain from the expression of the hope that there is no man, and that there may be no man within the limits of these ten States, who will participate in his own disgrace, degradation, and ruin: let them maintain their honor. If all be lost, honor may yet remain. Let them be peaceable and quiet, and rest assured that although judgment and reason may have fled the land for a moment, it will return again. If it does not, if there be wrath in the vials of the Almighty, if there be arrows of vengeance in His quiver, such iniquity and injustice cannot finally prove successful.

Mr. HENDRICKS. Mr. President, I do not intend to discuss the veto or the bill, but to say that my judgment against the measure has been fortified and strengthened by that able document. I do not quite agree, however, with my friend from Delaware, who has just taken his seat, that at once and without consideration the people of the South, to maintain their honor, must turn their backs upon the proposition now made to them. I thought last year there were one or two of the provisions of the constitutional amendment which made it almost impossible for the people of the South to agree to it. I did not see how one portion of the men who engaged in the rebellion, that they themselves might be relieved from its responsibilities, could accept a proposition which left under disabilities others who went with them, and who were no more guilty than themselves. To have accepted of the constitutional amendment would have been their own voluntary act; but now, sir, in my judgment, the case upon the passage of this bill will be much changed. An army is to be sent into all the States lately in rebellion, and yet unrepresented, and in the presence of this army, and under the government of arms, the people of the South have a proposition made to them; and if they accept it, although it may be hard and unjust toward many, yet it is accepted under such circumstances as do not involve the personal dishonor of the men who agree to it; for that which is agreed to under duress cannot be regarded as bringing dishonor.

The passage of this bill will present to the people of the South a subject for the gravest consideration. The Constitution, so far as it extends over those States, for the time being is set aside; the guarantees of that instrument no longer afford them protection; and in the stead of that form of civil government which the Constitution was intended to secure to them is established over them a military government in every respect most despotic, and it is now for them to decide not whether voluntarily they would have accepted terms which they regarded as dishonoring to them, but whether a system of government unknown to this country, most terrible in its power and most dangerous to personal security, shall become permanent over them, or whether they shall accept what perhaps is inevitable; I speak of negro suffrage. I have no advice to give to them. It is not my right to do so. But upon the passage of this bill I would not say to them without reflection, in a spirit of passion, they shall turn their backs upon it.

I hope, Mr. President, that the people of the South will regard their present condition and the condition in which they will find themselves upon the passage of this bill uninfluenced on their part by passion, and will bring to the consideration of the subject the coolest judgment and the highest patriotism.

I do not agree with the Senator from Maryland in much that he said. I cannot encourage myself with the hope that from a measure like this we may expect the restoration of our institutions as our fathers founded them. I cannot indulge in the hope that "from the ashes" of our institutions their genius will again rise and

"Soar, phœnix-like, to Jove."

I do not hope it, for I cannot believe that from the womb of despotism and military government there can spring liberty and life and personal security.

There was devolved upon the majority when this Congress met a grave responsibility; it was to present some practicable, wise system for the restoration of our public affairs. I am sorry that a better measure than this has not been devised, one that we could all rejoice upon its adoption.

I do not intend to answer the argument of the Senator from Maryland. Much of his opinion in regard to the measure was shown by his first vote in opposition to it; he felt himself, however, required upon a consideration of the condition of the country to support the amendment that came from the House. I could not see how the President of the United States could approve this bill. It seemed to me to be framed with a view to make it impossible for him to approve it. It had a preamble which the President has often over and over again in his communications to Congress said he did not believe; and its last section, which the Senator from Maryland voted for when it came from the House, expressed the doctrine that the State governments of the South were provisional, temporary, and in every respect under the control and supervision of the Congress and Government of the United States—a doctrine which the President in almost every communication upon the subject which he has made to Congress has repudiated and rejected; and it was hardly by any one to be expected that he could sign the bill after that section became a part of it. I have believed that the President upon these questions was in the right, that when peace was restored again to the land the Congress of the United States ought to stand upon the pledge that it made to the country, to the Army, and to the world in 1861, that when the suprem-

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acy within its constitutional power of the Government of the United States was restored over the rebellious States, when the Constitution and the Union were maintained, then the States should be regarded as restored with all their rights, dignity, and equality unimpaired. The President standing upon that declaration of Congress, which has never been repealed, and yet stands as the doctrine of the Government, necessarily occupies in regard to this question a position which made it impossible, as I think, for him to sign the bill. His reasons now go to the country. Whether they be read now or not, the time will come when they will be read and considered; and that message which has been read to us to-night will stand, in my judgment, as one of the ablest expositions of the doctrines of our Government.

Mr. DIXON. Mr. President, it is not my purpose at this time to go into this discussion at any length. I desire merely to state in the briefest possible terms some of the reasons that compel me to vote against the bill under consideration.

I believe it to be clearly and palpably in conflict with the plainest provisions of the Constitution of the United States. If I were to vote for it I should be guilty of a deliberate and conscious violation of my official oath. The country is now in a state of profound peace. The rebellion has ceased to exist; its termination has been announced by the proclamation of the President of the United States, and this proclamation has been recognized by solemn act of Congress. By the second section of an act passed at the present session it is expressly provided that a certain act therein named—

"Shall continue in full force and effect for three years from and after the close of the rebellion, as announced by the President of the United States, by proclamation bearing date the 20th day of August, 1866."

I have before me the bill containing this provision, which is now the law of the land, as passed by both Houses of Congress and signed by the President. Let me read the provision in full:

"That section one of the act entitled 'An act to increase the pay of soldiers,' &c., approved June 20, 1864, be, and the same is hereby, continued in full force and effect for three years from and after the close of the rebellion, as announced by the President of the United States by proclamation bearing date the 20th day of August, 1866."

After this solemn recognition by Congress of the fact that the rebellion has ceased, and that peace prevails throughout the entire country, what power has Congress to establish a military government and suspend the writ of *habeas corpus* in the face of the express provision of the Constitution that—

"The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it."

I regret to differ from the majority of this body. I regret to differ from the honorable Senator from Maryland; and he will pardon me for saying that some portion of my views on this subject have been derived from what he himself has said in debate in this body upon the very bill now before the Senate. Believing this bill in its letter and in its spirit to be a plain and palpable violation of the Constitution, I cannot and shall not vote for its passage.

Mr. BUCKALEW. Mr. President, I listened on the evening of the 15th of February to a very interesting and very able speech against this bill delivered by the Senator from Maryland. He spoke with great effect upon that occasion, and his argument was well calculated to carry conviction to the members of the Senate and to the citizens of the country. It is only necessary to say, in brief, that the Senator's effort upon that occasion was equal to his best efforts upon other occasions and at former times. I have great confidence in his intellectual powers; in fact that confidence goes to the extent of inducing the belief that he could have made, if he had then chosen, a speech equally effective and powerful as an intellectual performance upon the opposite side of the question to that which he advocated. But what was remarkable, at least to me as a member of the audience upon that occasion, was not the logical or elocutionary power of that member, because those are often manifested by him, but it was the immense power of the truth of which he was then the agent and spokesman. That truth yet remains in my memory, and yet influences my judgment. I have not changed the opinions which I then held and which I attempted to maintain when I followed him in that great debate, and when, in the opinion of those of us who spoke against the bill, our arguments even shook the faith and caused a wavering of purpose among men pledged and committed to the fortune of that bill; and that to such an extent that the measure was taken from this Chamber the next morning and committed to the consultations of a secret body of whose proceedings there is no record in the Congressional Globe, nor in any other authentic publication accessible to the public. To-night, sir, the Senator from Maryland stands forward to announce to us that he not only votes for this bill, but that he votes for it in the face of the country against what I may describe justly as that most powerful and exhaustive paper which has come to us from the Chief Magistrate of the United States.

Well, sir, his opinion is entitled to respect, and the course which he adopts upon a public question, and especially upon such a public question as this, is one which may well cause those who are juniors in the public service to pause and reconsider the positions which they maintained, if those positions are opposed to that which he assumes.

But, sir, let me call the attention of the Senate to one fact with regard to his exposition of his sentiments on this occasion. Has he argued this bill? Has he come in his remarks within the four corners of this enactment? Has he discussed its provisions to demonstrate that they are either constitutional or wise? No, sir. He has told us that under the circumstances which exist outside this Chamber with reference to the condition of affairs in the country, and with reference to considerations which concern the future policy and conduct of men in the southern States, he is induced to give his voice in favor of this measure. Sir, he makes a speech here upon a question which is not before us; he makes a speech here upon the question of the acceptance of the law, if this bill be enacted into a law, by the people of the South. He thinks it is expedient that they should accept it, and his speech may be taken as the expression of his opinion to go for what it is worth, to have whatsoever of weight it may merit with those to whom it is really addressed.

I say that the speech of the Senator from Maryland did not constitute an argument in favor of the bill; that it was rather an argument in favor of its acceptance. Therefore, in my opinion, the Senator from Maryland has mistaken his forum of debate; his speech belongs to a popular assemblage in the States of the South after this bill shall have passed, and it is not applicable or pertinent to the debate which is taking place here upon its enactment. He thinks it expedient that this measure should be accepted for fear perhaps that a measure more stringent and objectionable than this may follow it in the future. I say then, sir, that for aught that appears in his speech, this bill is open to all the objections which were leveled against it in the former debate, and that he has advanced nothing which should influence the judgment of any member of the Senate to induce a vote in its favor.

One thing I will notice in his remarks, and one thing only. He suggests that the existing constitutions under which governments are organized in the States of the South derive their entire validity from the assent of the people of those several States who have established them, and that the recommendations of the President of the United States, when proceedings were instituted for their establishment, possessed no legal force and no legal validity whatever. Of course I agree in that opinion entirely. Those constitutions are valid, and the governments set up under them or created by them are valid likewise, because the people of those States have created and have established them. I agree entirely with the opinion of the Senator from Maryland; but the inherent and ineradicable vice of this bill is, that instead of recognizing the validity of those governments thus established by the people of those States, it declares in the preamble that they have no legal existence, no legal validity whatever, and it proceeds to establish military governments throughout their jurisdiction, and provides for their complete repudiation and for the establishment of other governments in their stead. How any one can hold to the opinion that those governments have legal validity, have a constitutional existence, that they were properly established by the people of the States concerned, and yet find it in his will to vote for this bill I cannot conceive.

I rose, sir, mainly for the purpose of pointing out the fact that the only argument in favor of the passage of this bill which had been presented to us upon this occasion is addressed to another audience than this, and relates to considerations which will arise after this bill becomes a law, and will be proper for consideration elsewhere than in this Chamber.

I will add but one observation. The President of the United States has not exercised the privilege which he enjoys under the Constitution to withhold this bill from the action of Congress. It was sent to him within ten days of the adjournment, and, if he had chosen to do so, he could, by simple inaction, have prevented the action of Congress upon it again at this session; he could have defeated its enactment into a law by that two-thirds vote which is expected for it by its friends in this Chamber as well as that similar vote which it has already received in the House. In this action of his on this question I entirely concur; in other words, I heartily approve it. Although it was within his power to have defeated the action of Congress on this subject, although it was in his power to have prevented this bill from becoming a law at the present session, even though there be a competent number of votes for it in Congress, he has, by extraordinary exertion, by zeal and diligence in its examination, and in putting his views upon it in form, transmitted it back to the representatives of the people and of the States for their judgment. In this he has acted in a manly and proper manner, as became the executive Chief Magistrate of this nation; and I believe that in all his official intercourse with Congress, from the time when he assumed the duties of his high office, he has behaved and conducted himself with eminent propriety, with that courtesy to us which was our due, with that high sense of honor and of public duty in his relation to this department of the Government which became alike his character and his station. Whatever of criticism, strong and, in the judgment of some, just criticism, may have been directed against him since he assumed the duties of his high office, has been for matters and things outside of the performance of official duty, has been in other than his official relations with the people of the United States. He has sent this measure, I say, to us in advance of the limit in the Constitution within which it is to be returned for congressional consideration.

Now, sir, acting in this spirit there has been and there will be no disposition to delay action here by unnecessary debate. Those of us who were opposed to this measure were heard upon it fully upon a former occasion. We submitted our views. Our opinions are before the country, and they will remain upon record, not for the judgment alone of the men of this age, but for the judgment of the men of future times. Upon those arguments and upon this veto message which has now been sent to us, and which, like them, will be placed upon the permanent, enduring records of the country, we are content to stand, and by them we are content to be judged. We have resisted military

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and despotic government in the American States with whatever of power, whether of argument or of vote, we possessed. We have resisted the illegitimate and unauthorized extension of Federal power in those States of the South which are unrepresented in the two Houses of Congress. We have resisted the degradation and pollution of suffrage by unlicensed and illegitimate power exerted here in the city of Washington. Against all these and other features of the bill which is before us for reconsideration we have struggled; we have done our best. But, sir, we interpose now no unnecessary or factious delay. We are content to be judged by what we have said and by what we have done. More than this: we are content to be judged by the results of this legislation as those results will be developed in the future; and we cannot, we will not doubt what will ultimately be the judgment of history and of mankind upon that minority which has resisted in a manly and proper manner the enactment of an unjust, pernicious, and despotic law.

Mr. JOHNSON. I have but a word or two to say in reply to the honorable member from Pennsylvania. He seems to suppose that the vote which I am about to give, and the one which I have already given on the measure before us, are not in accordance with the opinions I have heretofore expressed. He finds it, he tells us, impossible to reconcile them. He says he listened to some remarks of mine when the measure was formerly before us, and that they served to strengthen his own opinion upon the questions which it involves. He apparently considers that consistency should compel me to vote now as I voted then. Mr. President, consistency in a public man can never properly be esteemed a virtue when he becomes satisfied that it will operate to the prejudice of his country. The pride of opinion, which more or less belongs to us all, becomes, in my judgment, in a public man a crime when it is indulged at the sacrifice or hazard of the public safety. It is true, sir, that I thought when the constitutional amendment was before us that it was obnoxious to serious constitutional objections. I predicted then that the South would not ratify it; and at that time I thought that she should not ratify it. The prediction was verified. She refused to ratify it, and what has been the result? A measure still more harsh has been adopted by Congress, and it is not in the power of the minority of this body, or of the other House, or of the people for a period of two years successfully to resist it. Whether justly or not, whether originating in patriotic motives or not, he must be blind to the signs of the times who does not now see that there is a fixed determination in the dominant party of the country that the southern States shall not be represented in Congress except upon such conditions as Congress may impose. To resist this determination it is evident that the President is powerless, and that the South will be unrepresented until Congress shall admit them.

And the question for my decision now is, what shall I do for the South in her present exigency and for the country? I should have rejoiced and should still rejoice if the recent elections should have so terminated as to have caused Congress to abandon its purpose and to have recognized what I believed to be the constitutional rights of the South. But they did not so result. On the contrary, they seem to sanction the policy of Congress. In this predicament what is a patriotic Senator to do? Is he to abandon all hope and make no effort to preserve sooner or later the rights of the South, or is he not bound to make such an effort? In my view he clearly is, and it is because I so think that I now support the measure upon your table. I flatter myself that the South do not doubt my friendship, and that they will be satisfied that in giving my support to this measure I have had their interest in view. Mr. President, what will be their condition if they reject it. Harsher measures may be resorted to. Confiscation of their lands and their distribution among the blacks and those called loyal whites, and this I fear may be done in a form which will render all attempt at legal redress fruitless.

The Supreme Court have in terms declared that the insurrection was a war carrying with it incidents and consequences of an international war. One of these incidents is the right of the conqueror to confiscate enemies' property. This right was exercised during our revolutionary struggle, and if the insurrection was a war (I do not think it was as far as this right is concerned) the United States may exercise that right. Should Congress, therefore, declare that the insurrection now exists. that the war is not ended, and that the citizens of the South are still public enemies, and that on that account they confiscate their property, what may not the judiciary hold? I do not undertake to give the answer with anything like certainty; but they might say that whether the war existed or not was a political question to be decided exclusively by the war-making power of our Government, Congress. In that contingency how hopeless would be the condition of the South. Her personal property is already swept away, every house is filled with mourning, all business enterprise destroyed, and that which alone remained would share the same fate. And I am asked or expected, though entertaining as I do this apprehension, to abide by the views which I had heretofore entertained, and for the sake of consistency see the South involved in total destruction without extending a hand to prevent it.

This, Mr. President, I cannot do; my judgment rejects it; my heart revolts at it. The honorable member from Pennsylvania tells us that these considerations are not suited to the deliberations of this body, that I have mistaken the forum of debate, and that they are only proper to be addressed to a popular assembly. In this I do not concur. When the conduct of Congress and the measures it may adopt are not influenced by popular opinion the body would soon lose public confidence. He also tells us that the opposite course which he is pursuing he is willing to submit to the judgment of the men of this age and of future ages. So am I, Mr. President, and this I do with all becoming confidence. With that honorable Senator I am content that my conduct on this occasion, and the motives which animate me shall be recorded in the permanent and enduring archives of the country, and I have no fear that with reflecting and patriotic men, North or South, my judgment or patriotism will suffer.

Mr. BUCKALEW. Mr. President, I have to express my doubts of a supposed decision of the Supreme court of the United States, out of which the power in Congress to pass a law confiscating the property of all the citizens of the South is deduced. The Senator's reading of the decisions of the Supreme Court is somewhat more extensive and accurate than mine; but I must express my incredulity in reference to the fact suggested in his statement. If that court has made any decision whatever on the question of the power of Congress now, in a time of peace, to pass a law for the confiscation of private property as a punishment of past offenses in the southern country, and if that opinion is to be hereafter introduced into the debates of the country, I should think it advisable to have it presented in specific form that we may judge of its character and extent. I must at present express my doubts of the construction which the Senator has given to anything that has fallen from that court in any opinion which it has pronounced.

I wish, however, to make but one remark in addition to what I have said before; and that is that I disavow entirely giving any advice to the people of the South, or to any other section of the country about what they shall do in relation to a measure which we pass. That is their affair and not mine. Our business is to debate, to consider, and to determine questions that are before us, and upon the arguments which legitimately pertain to them, leaving to the people of the South, the North, the West, and other sections of the country full and complete control over their future conduct with reference to our legislation. We have nothing to do with that. Our duty is to act upon what is before us.

Mr. DAVIS. I had not the happiness to hear the honorable Senator from Maryland in his first speech after the reading of the veto message, nor had I an opportunity of hearing that message read, being absent on a committee of conference at the time. I am not now going to make anything like a speech; but I will state two or three propositions. If the bill under consideration had proposed a formal abrogation of the Constitution of the United States as to the ten southern States, I ask the honorable Senator from Maryland if he would have voted for such a bill?

Mr. JOHNSON. What is the question?

Mr. DAVIS. If the bill under consideration had in its terms proposed an abrogation of the Constitution of the United States as to the ten southern States, would my honorable friend have voted for such a measure?

Mr. JOHNSON. No.

Mr. DAVIS. The honorable Senator says not, as I knew he would say. When my honorable friend gave in his adhesion to this measure as it passed the Senate, after it had been sent back to the House, and the House had made an amendment, which the Senate accepted, he then explicitly declared that he dissented from the proposition that by secession or the war the southern States had ceased to be States in the Union. The honorable Senator stated that proposition most distinctly.

Mr. STEWART. He stated it to-night.

Mr. DAVIS. The honorable Senator from Nevada says he stated it to-night. Well, sir, it is utterly incompatible with the conclusions to which the honorable Senator has come; and I will make one or two remarks upon that. Entertaining the belief that by the Constitution the ten southern States are still States in the Union and of the Union, I ask the honorable Senator from Maryland from whence Congress derives its power to declare that they are not States of the Union? If they are States in the Union they have State governments, created by the legitimate power, and the only legitimate power, that in our system can create a government, State or Federal. Those governments were created by the people of the States. I admit that they were dictated to in relation to some important principles established in their constitutions by the powers from this capital, and that that dictation was in violation of the Constitution and of their rights; but they submitted to that dictation; they called their conventions and formed their constitutions in harmony with the terms that were imposed upon them from the executive department, and those constitutions were submitted to the people, and by the people adopted as their systems of government. It was the acceptance of those governments by the people of those States that gave them all of their validity. If these forms of State constitutions had been submitted to them as counsel by the honorable Senator from Maryland, and they had called conventions, and submitted the proposed governments which he had counseled them to accept to the people, and the people had accepted them, they would have had as much validity as though they had been adopted by the people in any form whatever.

Here, then, are the people of these ten States that have State governments made by themselves; and I here assume the position, and I dare and defy the honorable Senator from Maryland or anybody else to controvert the position, that there is no power on earth that can legitimately form a State government in the United States except the people of the State itself. Congress may form a territorial government for the people of a Territory, but when the question comes up of the admission of a State into the Union, and an enabling act of Congress is passed to allow the people of any Territory to form a State government with a

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view to the admission of that Territory as a State into the Union, there is no power in this country that can form such a State government but the power of the people of that State.

The honorable Senator admits that the present governments in the southern States have been formed by the people of those States respectively. They have been formed by the legitimate power, and the only legitimate power that can form State governments. Then they are in the Union as States, with republican forms of government fashioned by themselves, adopted by the people of the States. They are just as legitimately within the Union as the State of Massachusetts or of Maryland or of Kentucky, and with as legitimate State governments. To these conclusions the premises and concessions of the honorable Senator lead us inevitably, and he cannot escape these conclusions, and no intellect can avert them.

Then, sir, if they are States of the Union, with legitimate State governments, I ask where is the ground for the truth of this most unfounded preamble that legitimate governments do not exist in those States? That is one concession that the vote of the honorable Senator makes against all of his principles, and, as he said the other day, against all the arguments upon this point which he has made during the whole war. If they are legitimate States with legitimate State governments in the Union, what power has Congress, and whence does Congress derive that power, to abrogate these States? None. Has Congress power to abrogate the State of Massachusetts; has Congress power to abrogate the State of Maryland, or the State of Kentucky, and to declare that there are no legitimate governments in those States? And yet Congress has as ample power to make that declaration in relation to the three States which I have named as in relation to these ten States.

Then, Mr. President, the honorable Senator admits that if the bill by its provisions and by its language professed to abolish the Constitution of the United States as to these States expressly he would vote against it. Instead of using that explicit language it reaches the same conclusion by saying that there are no legitimate governments in those States, and therefore it proceeds to establish provisional governments for them. When my honorable friend concedes that they are States, that they have governments organized, at least acquiesced in by the people of those States, and are in the Union just as any other State, and denies that a law can or ought to be passed by Congress abolishing the Constitution of the United States as to them, can he give his vote for the present measure? Does not this measure abolish the Constitution as to those States? Does it not abolish those States? Does it not declare that their legitimate governments, formed by the appropriate and only power that can form States, do not exist?

Now, Mr. President, there is another glaring inconsistency of principle in which the honorable Senator is involved. Who has the power to establish the right of suffrage in a State? What power can regulate that interesting subject? Here are the ten States, according to his principle and his position in every debate, and he conceded when he gave his consent to this measure that they were States in the Union. Being States in the Union, what power can form governments for them but the people themselves? If their governments are to be overthrown, subverted, changed, reformed, what power is there to do that except the power of the people themselves? And yet the bill under consideration proceeds to overthrow the State governments, to declare that there are no legitimate State governments in existence in those ten States, and then to proclaim universal manhood suffrage; in other words, to concede negro suffrage. If these are States in the Union, has Congress any more more right to establish negro suffrage for them than it has for your State or any other State in the Union? Certainly not. That is a power reserved to the States over which the Constitution vests in Congress no authority whatever. When my honorable friend concedes that they are States in the Union he puts them in this position: that they are just as invulnerable and as impervious to the power of Congress in relation to their State governments, in relation to the basis of representation, and in relation to the right of regulating who shall and who shall not vote in those States as they are to that of England.

Mr. President, we are all here legislating under the Constitution and in virtue of the powers vested in Congress by that Constitution. Each member of Congress is sworn to support that Constitution. He cannot vote for a law which, according to his reason and judgment, violates the Constitution conscientiously. When the honorable Senator concedes that he would not vote for a general bill declaring the Constitution void and inoperative as to these ten States he concedes everything for which we have contended in this argument. Why, sir, is there any right dearer to the American people than the right of self-government? Who formed the Constitution of the United States? It was the people of the United States acting by States. What power is there in this country to abolish that Government, to change it, or to modify it? None whatever but that same power proceeding according to the forms prescribed by the Constitution itself. What power is there in any State to form a State government? None but that of the people of the State themselves. Suppose we were proposing to admit Territories into the Union as States, and Congress, instead of referring the question of what form of government the people would choose to adopt to themselves, were to attempt to exercise the power and to devise the forms of government for those States, and to prescribe to those States the condition of exercising all the forms of government prescribed by Congress for them, would it not strike everybody as an enormous usurpation, as a flagitious violation of the Constitution and of the great principles of self-government? All these principles have been violated, and are violated, by the measure under consideration.

But, Mr. President, as the honorable Senator from Pennsylvania said, when this measure was pending before Congress we were allowed ample time for its debate, for the discussion of every principle involved in it. A good many of us availed ourselves of that opportunity. We entered into the debate. That debate is before the country and before the world, and we are willing to stand by it and to abide the conclusions of that debate according to the judgment of the present and the future. Sir, when impartial and intelligent history writes the page that records the legislative action of the present Congress that tribunal will decide that the minority was in the right, the majority in the wrong; that the President was in the right, Congress in the wrong; that Congress, without having any legitimate power, proceeded to dismantle States, to form provisional governments for them, to abrogate their legitimate State governments, to assault unconstitutionally a coördinate branch of the Government, the Presidency; and that they have subverted the Presidency by a revolution, bloodless, but none the less a revolution than though it had been attended by all the convulsion and blood and thunders of war. That is the revolutionary achievement which the Congress has made by its legislation.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

The question being taken by yeas and nays, resulted—yeas 38, nays 10; as follows:

YEAS—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Creswell, Edmunds, Fessenden, Fogg, Foster, Fowler, Frelinghuysen, Grimes, Harris, Henderson, Howard, Howe, Johnson, Kirkwood, Lane, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—38.

NAYS—Messrs. Buckalew, Cowan, Davis, Dixon, Doolittle, Hendricks, Nesmith, Norton, Patterson, and Saulsbury—10.

ABSENT—Messrs. Brown, Guthrie, McDougall, and Riddle—4.

The PRESIDENT *pro tempore*. This bill having passed both Houses of Congress, was sent to the President for his signature, and by him returned to the House of Representatives, in which House it originated, with his objections. It having been certified to us that the bill passed that body by two thirds of the House of Representatives agreeing to pass the same, and two thirds of the Senate having now voted to pass the same bill, the bill has become a law without the signature of the President. [Manifestations of applause in the galleries.]

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will take into custody all persons in the gallery who make disturbance.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred the joint resolution (H. R. No. 302) for the relief of soldiers who are entitled to artificial limbs, asked to be discharged from its further consideration; which was agreed to.

Mr. FESSENDEN, from the Committee on Finance, asked to be discharged from the further consideration of the various bills, joint resolutions, memorials, and petitions heretofore referred to that committee and not reported on; which was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868; and agreed to other amendments of the Senate to the said bill with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and has appointed Mr. THADDEUS STEVENS of Pennsylvania, Mr. HENRY VAN AERNAM of New York, and Mr. WILLIAM E. NIBLACK of Indiana, managers at the same on its part.

The message also announced that the House of Representatives had agreed to the amendment of the Senate to the amendments of the House to the bill (S. No. 582) for the relief of the inhabitants of cities and towns upon the public lands.

The message further announced that the House of Representatives, having proceeded in conformity with the constitution to reconsider the bill entitled "An act regulating the tenure of certain civil offices," returned to the Senate by the President of the United States with his objections and sent to the Senate by the House of Representatives, with the message of the President returning the bill, had—

Resolved, That the bill do pass, two thirds of the House of Representatives agreeing to pass the same, the objection of the President to the contrary notwithstanding.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were signed by the President *pro tempore*:

A bill (H. R. No. 793) to provide increased revenue from imported wool, and for other purposes;

A bill (H. R. No. 859) to declare valid and conclusive certain proclamations of the President and acts done in pursuance thereof or of his orders in the suppression of the late rebellion against the United States; and

A joint resolution (H. R. No. 300) authorizing the Secretary of the Treasury to audit and settle the accounts of John Sedgewick, collector of internal revenue for the third collection district of California.

CIVIL APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30,

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1868, disagreed to by the House, and the amendments of the House of Representatives to other amendments of the Senate to the said bill; and on motion of Mr. SHERMAN,

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and disagree to the amendments of the House to other amendments of the Senate thereto, and that it agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. HARRIS, and Mr. NESMITH.

PUNISHMENT OF CERTAIN CRIMES.

Mr. JOHNSON. I move that the Senate proceed to the consideration of executive business.

Mr. HENDRICKS. I wish to make a report from a committee of conference, if the Senator will yield for that purpose.

Mr. JOHNSON. I yield for that purpose.

Mr. HENDRICKS. I submit the following report from a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 604) entitled "An act to define and punish certain crimes therein named," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the two Houses of Congress agree to the Senate amendment made to said bill, with the following amendment, to wit: strike out the words "lawfully in the custody thereof" where they occur in the Senate amendment.

T. A. HENDRICKS,
IRA HARRIS,
J. A. J. CRESWELL,
Managers on the part of the Senate.
WILLIAM LAWRENCE,
F. E. TROWBRIDGE,
A. J. ROGERS,
Managers on the part of the House.

The report was concurred in.

EXECUTIVE BUSINESS.

Mr. CRESWELL. I move that the Senate proceed to the consideration of House bill No. 899.

Mr. JOHNSON. I did not withdraw my motion for anything but the report of the conference committee. I move that the Senate proceed to the consideration of executive business.

Mr. SUMNER. I hope the Senator will allow us some fifteen or twenty minutes to proceed with the consideration of some bills, which we can dispose of in that time.

Mr. JOHNSON. I cannot waive the motion.

The motion of Mr. JOHNSON was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will clear the galleries and close the doors.

LAND DISTRICTS IN THE TERRITORIES.

Mr. STEWART. While that order is being executed, I ask the unanimous consent of the Senate to submit a report from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana. I ask that it be read.

The Secretary read it, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the Senate amendment to the said bill, with the following amendments: insert at the end of the word "for," in line four of the said amendment, the words "each of the Territories of Utah and;" insert at the end of the word "Montana," in line two, second section of said amendment, the word "Utah;" and at the end of the word "district," in line five of the same section, the words "and Utah districts;" and the title of the said bill shall be amended as follows: "An act to create the offices of surveyor general in the Territories of Utah and Montana, and establish a land office in the Territories of Utah, Montana, and Arizona."

WILLIAM M. STEWART,
DAVID T. PATTERSON,
Managers on the part of the Senate.
GEORGE W. JULIAN,
SIDNEY T. HOLMES,
STEPHEN TABER,
Managers on the part of the House.

Mr. POMEROY. If we are going into executive session, I move that that report be laid on the table.

Mr. STEWART. I should like to have action on it soon.

Mr. POMEROY. I want to look into it. We have never yet agreed to have a surveyor general or land office in Utah.

The motion of Mr. POMEROY was agreed to.

TENURE OF OFFICE BILL.

Mr. WILLIAMS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to present to the Secretary of State the bill entitled "An act regulating the tenure of certain civil offices," together with the certificates of the Secretary of the Senate and Clerk of the House of Representatives, showing that the said act was passed by a vote of two thirds of both Houses of Congress, after the same had been returned to the Senate by the President with his objections, and after the reconsideration of said act by both Houses of Congress, in accordance with the Constitution.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened at twelve o'clock midnight.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1220) to provide ways and means for the payment of compound-interest notes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. TRUMBULL, from the third committee of conference on the disagreeing votes of the two Houses on the bill of the House (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1868, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, having met, after full and free conference have been unable to agree.

LYMAN TRUMBULL,
GEORGE F. EDMUNDS,
GARRETT DAVIS,
Managers on the part of the Senate.
ROSCOE CONKLING,
ROBERT C. SCHENCK,
Managers on the part of the House.

Mr. TRUMBULL. I move that the Senate recede from all its amendments to the bill disagreed to by the House of Representatives, except the forty-fourth amendment, and adhere to that.

Mr. FESSENDEN. I trust that that course will be pursued. The amendments we shall lose will be the one in regard to the judges, which I think ought to be done, and some others of minor importance.

Mr. STEWART. I understand they have agreed to our proposition as to the salaries of the judges.

Mr. FESSENDEN. No, they have not agreed to it. I am decidedly in favor of the motion made by the Senator from Illinois. I think the action of the House on this subject is, beyond all precedent, unreasonable. When we had the first committee of conference they agreed to everything except three amendments. There was no difficulty at all. When the others were explained the committee were perfectly willing to agree to them. The amendments on which the committee disagreed were the amendment giving $50,000 to the Secretary of the Treasury for extra clerk hire, the amendment increasing the salaries of three or four of our own officers, and their amendment with regard to their clerks. We proposed to them to withdraw the amendment increasing the salary of our own officers if they would withdraw theirs in regard to their clerks. They would not do that; and they held the other up with regard to the $50,000 extra to trade on, as they said. They were willing to agree to it if we would only agree to their clerks. Upon those three we separated, and came in here with our report.

Then a new committee was formed. That committee met them, and they agreed to almost everything again. They agreed a second time to the salary of the judges with slight amendments, and everything substantially, but came back upon their clerks. They made a report to this effect: that the matters agreed upon were so and so, and three left out that they did not agree upon. The House would not accept that report, but disagreed again to the whole. Now, the third committee have gone out, and they still stick at that very thing, and with a view to force us to adopt their illegal action for the third time with regard to their clerks.

Under these circumstances the Senate have either got to be bullied out of it, because it is on this bill, and yield that point, or lose the bill. There is only one way to assert our own dignity about it and our own right to judge, and that is to let the amendments that the House have not agreed to, which are of no pressing importance, and can be provided for at another time, go, and put the question to them straight, "Are you willing to sacrifice this bill on that amendment of yours to make good your illegal action for the third time in the face of our protest?" That is the question. I want them to decide the question and take the responsibility.

Mr. CONNESS. I am not at all satisfied with the proposition as made, and shall not be prepared to be satisfied with it. I do not see the necessity of the form of the proposition which is made by the Senator. He does not propose to pass the bill and come to an agreement, but by the sacrifice of certain amendments, one of which I feel a deep interest in——

Mr. SHERMAN. I will ask the Senator if he would yield the right to the House of Representatives to appropriate money from the national Treasury in violation of law, as they themselves confess, in order to save this bill? That is the only question.

Mr. CONNESS. The question of the Senator is not pertinent nor relevant at all. I was going to show that the sacrifice of the amendments adverted to by the Senator, and which he says are of no particular consequence, but some of which I regard as of vital consequence, is to no purpose at all as proposed, because it is proposed to still maintain the difference with the House, and to put the onus upon the House of losing the bill, which they are evidently prepared to do.

Mr. FESSENDEN. I do not know about that.

Mr. CONNESS. The Senator replies that he does not know about that; but he wants that issue to be made; he is willing to sacrifice a proposition that I feel as valuable as that I retain my fingers upon my hands. The Senator may smile if he chooses; but I have just that earnestness in what I call a great measure that I am not willing to have it treated in that manner. I do not wish the issue to be made up in that way. I do not think that it is just to make it up in that way.

Mr. FESSENDEN. I do.

Mr. CONNESS. The Senator says he does. I respectfully differ with the Senator. I do not think he is treating his co-Senators right when he thinks so. I think the Senator should give himself with all his length and his breadth to maintaining the sense of the Senate on the whole bill. I do not see what the Senator proposes to gain but the mere satisfaction of putting the onus upon the House upon a single naked amendment, and then being able to say to them, "Now yield this or lose the bill." Sir, I am not prepared to be ground up into powder between the upper and nether millstone in this way. It does happen that I have very little to say about what is done in conference committees, although I have some

interest here; but I appeal to Senators not to do this thing.

Mr. SHERMAN. It seems to me that there is no other way of getting at this trouble. We have tried as far as we could in the conferences to save the amendment which the Senator refers to; but I do not see myself the immense and vital and enormous importance of having a geological survey made now or a month or two hence. But still the Senate conferees adhere to that amendment, and the House yielded. So with all the others, the salary of the judges, a much more important question. But the question is this: the House will not pass this bill unless we agree to enable them to pay for the third time what they undertook to appropriate in violation of law.

Mr. CONNESS. Then, if the Senator will permit me, why not adhere to all the amendments and make the contest with them on that?

Mr. SHERMAN. Simply because there is no use in that. They agree with us as to all the others. I know the second committee of conference came to an agreement on all the others.

Mr. TRUMBULL. If the Senator from Ohio will give way, I will relieve the Senator from California.

Mr. CONNESS. I should like to be relieved.

Mr. TRUMBULL. The House of Representatives concurred in the forty-ninth amendment, which is "that the Secretary of War is hereby authorized to direct a geological survey, &c., of the Territories." That was agreed to by the House, and is a part of the bill; so that will relieve the Senator now from his point.

Mr. CONNESS. Well, sir, the Senator from California stated that he had nothing to do with the conference upon this bill, and he took the Senators at their word; and if the Senators misled him it is not his fault.

Mr. SHERMAN. The only way to present the question to the House is whether they are determined to defeat this bill or have this amendment. I am willing to defeat the bill fifty thousand times over rather than surrender that point. I remember this whole controversy. They forced this twenty per cent. twice, once two years ago, then again at the last session, when, at the close of the session, in order to get rid of the provision, we proposed to raise the pay of all employés twenty per cent. But that is not all. At the present session on the second conference we proposed to allow them to frame a bill fixing the pay of their own employés at Mr. McPherson's figures, and they expressed themselves satisfied with that in the first instance, and by an amendment as a substitute for this section agreed to fix the pay of the employés of the two Houses. They went to work to make up a bill to satisfy themselves, but could not agree upon any proposition whatever, and demanded this particular thing. They said they could not yield it. My friend from Pennsylvania, [Mr. Buckalew,] with great patience and labor and care, tried to arrange with them a schedule of salaries, but could not get them to make any proposition.

Mr. CONNESS. If the Senator will permit me, I will say to him that I concur in his opinions on this subject fully; but I do not propose to sacrifice the other amendments.

Mr. SHERMAN. The Senator's amendment is agreed to.

Mr. CONNESS. I am prepared to stand by the Senator on this question.

Mr. STEWART. I understand that the salary of the judges has been agreed to each time, only that it has been held back for the purpose of trading on.

Mr. TRUMBULL. No; they did not agree to the salaries of the judges as we had it.

Mr. STEWART. I regard that provision as of as much importance as anything in this bill. I believe we ought to do justice to these judges. I do not believe the judiciary should be placed in such a position as to be compelled to borrow money to live on. I believe it should be independent. I believe the just administration of the laws requires that they should be absolutely independent.

Mr. SHERMAN. That we agreed upon.

Mr. STEWART. I thought you were to waive that.

Mr. SHERMAN. Now we have to waive the whole bill probably.

Mr. STEWART. I move that we insist upon that also.

Mr. FESSENDEN. That does not accomplish our purpose.

Mr. TRUMBULL. If the Senator from Nevada will listen to me a moment I think I can satisfy him how this matter stands. We have had three committees on this subject. All have been unable to agree with the House committees. I do not know whether it is proper to detail the conversations that occurred in the committee; but I am sure that this last committee made every effort it could to come to an agreement with the House, even to concede, as we thought, much to the House; and I will state that we gave up some amendments which the former committee of conference on the part of the House had agreed to; but we found we could not get any proposition. We proposed to the conferees of the House that they should pay their employés what they had by resolution illegally declared they would pay if they would deduct from it the twenty per cent. which we had by law paid them. They would not agree to that. The only proposition was, "You must pay what by a resolution irregularly passed has been promised, and nothing else." They disagreed then to the other amendments, and if we are to lose the bill any way——

Mr. BUCKALEW. I should like to make one remark right there. I have not seen one gentleman from the House nor one officer of the House that does not say in private conversation that that amendment is all wrong.

Mr. STEWART. I do not believe we are to lose the bill.

Mr. TRUMBULL. We have had three committees.

Mr. STEWART. But they have not had it before the House. I do not believe they will dare to defeat the bill on this matter.

Mr. TRUMBULL. The only way to determine that question is not by having half a dozen amendments, to which they disagree. Now, they have not agreed to the amendment about the judges. I am for the increased salaries of the judges, and while it is with great regret that I should give it, and I hope to pass it at the coming session of Congress, I do think the better course now to pursue is to give up all these amendments—and they are not of very much importance, except the one about the judges—and adhere then to our vote disagreeing with the House on this one proposition and send the bill back to them. Then, if they insist upon that compensation, which, as the Senator from Pennsylvania says, not a single member of the House, in private conversation, does not admit is improper, and lose the bill, we cannot help it.

Mr. STEWART. If the bill is carried with the amendment to which I allude, then justice will be done to these judges. If the bill is to be lost let it be lost with that provision in. Let us hold a bold front upon that, for I do not believe we have passed a more reasonable or a more just proposition this session than that. There is no proposition more just in the bill. Let that remain. Backing down from that is an admission that we were mistaken about it. I do hope that we shall insist upon that amendment. It will make no particular difference about the issue. Everybody knows why they defeat the bill, if it is defeated. It is no more likely to be defeated with this in than with it out. If we adhere to it and send it back I believe we shall get it. If we do not, let them take the whole responsibility.

Mr. FESSENDEN. We must take their proposition about the clerks, or they will not agree.

Mr. STEWART. The House has not insisted upon this.

Mr. FESSENDEN. Yes, they have told us three times that we have got to take this thing without crossing a t or dotting an i, or they will not agree.

Mr. STEWART. Put this in and let it go with the rest.

Mr. FESSENDEN. It is no use. The Senate understand that. The others are not agreed upon simply for the reason that they may say there are disagreements on other questions, as I understand it, because they have been agreed to once or twice substantially.

Mr. SHERMAN. They have all been substantially agreed to; but now it stands in that position that we have got to present the single issue alone. Otherwise, it may be said that the disagreement was about the salaries of the judges; that the House could not agree to raise their salaries. That is our difficulty. I want to put it exactly where the House must put itself on record on this subject. I am willing to lose the bill on it if they are.

Mr. EDMUNDS. I wish to add in connection with what my friend from Maine has said—and I believe in discussing these reports of conferences it is proper that the Senate may act intelligently that we should state what took place in conference—when we endeavored to ascertain that this clerkship question was to be the turning point, and whether we could reconcile our differences on the other amendments, and were advancing propositions to reach that point so as to understand each other, we at once found that the Representatives of the House were determined it should not be left upon the clerks alone. They were not willing that that should be done. They were determined that there should appear to be a disagreement on other points, so that they would have some means to get out of taking the serious responsibility which they would have to take if it were confined to this clerkship question alone. Therefore it is perfectly manifest to me, although I think just as other Senators do that all our propositions are right, that in order to place the responsibility where it belongs and bring it to an issue we must leave that single proposition to them alone, to take it or to leave it with them, and nothing else.

The PRESIDENT *pro tempore*. It is moved and seconded that the Senate recede from all its amendments not agreed to by the House, saving the amendment named by the Senator from Illinois, striking out the section with regard to compensation to the employés of the House, and that the Senate adhere to that amendment.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. WILSON, from the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 1126, making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, having met, after full and free conference have agreed to recommend to their respective Houses, as follows:

That the House recede from their disagreement to the first amendment of the Senate, and agree to the same with the following amendment: strike out the words "and fifty," in line four, and add at the end of said amendment the following:

Resolved, That the ownership of said bridge shall be and remain in the United States, and the Rock Island and Pacific Railroad Company shall have the right of way over said bridge for all purposes of transit across the island and river upon the condition that the said company shall, before any money is expended by the Government, agree to pay and shall secure to the United States—first, half the cost of said bridge, and second, half the expense of keeping said bridge in repair; and upon guarantying said conditions to the satisfaction of the Secretary of War, by contract or otherwise, the said company shall have free use of said bridge for purposes of transit, but without any claim to the ownership thereof.

That the Senate agree to the amendment of the House to the sixth amendment of the Senate with an amendment as follows: strike out the words "the operations of;" and that the House agree to the same.

That the House recede from their disagreement to the seventh amendment of the Senate, and agree to the same.

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That the Senate agree to the amendment of the House to the eighth amendment of the Senate.

That the House recede from their disagreement to the tenth amendment of the Senate, and agree to the same.

And that the Senate recede from their third amendment to the bill.

HENRY WILSON,
H. S. LANE,
S. J. KIRKWOOD,
Managers on the part of the Senate.
THADDEUS STEVENS,
SAMUEL SHELLABARGER,
N. P. BANKS,
Managers on the part of the House.

The report was concurred in.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The doors will now be considered closed.

The Senate resumed the consideration of executive business; and after some time spent therein, the doors were reopened to receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 604 to define and punish certain crimes therein named.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 1161, to amend existing laws relating to internal revenue.

The message also announced that the House further insisted on its disagreement to the forty-fourth amendment of the Senate to the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, adhered to by the Senate, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANCIS C. LE BLOND of Ohio, Mr. THEODORE M. POMEROY of New York, and Mr. WILLIAM B. ALLISON of Iowa, managers at the same on its part.

The message further announced that the House had passed a bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, in which it requested the concurrence of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FESSENDEN. It appears from the message just received from the House that they ask for a further conference on the forty-fourth amendment of the Senate to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, to which we adhered. I move that the Senate reconsider its vote adhering to that amendment, and further insist upon the amendment, and agree to the conference asked by the House. I will inquire of the Chair if there is any mode by which we can get before that conference, as it stands, the amendments from which we receded, though I do not know that it would be of any use. Suppose we reconsider the vote? They have asked a conference only on the forty-fourth amendment. How can we get the other amendments before the committee of conference?

The PRESIDENT *pro tempore*. The Senate can reconsider both votes as well as one.

Mr. FESSENDEN. But if we reconsider both votes, the House having asked a conference now on the forty-fourth amendment alone, can we amend the terms on which we go into a conference again?

The PRESIDENT *pro tempore*. The Senate can reconsider its vote; but without the consent of the House the Chair thinks what has already been agreed to by the two Houses by their votes cannot be reopened.

Mr. FESSENDEN. That I understand; but there are certain amendments which have not been agreed upon between the two Houses from which the Senate receded. The Senate receded and abandoned them all, and put the question precisely upon this one.

Mr. TRUMBULL. They agreed to the action of the House by receding.

Mr. POLAND. We can reconsider that. They have not had any action since.

Mr. FESSENDEN. We have notified the House that we receded. Is there any way to get that back?

The PRESIDENT *pro tempore*. The Chair thinks not. The question is on the motion to reconsider the vote by which the Senate adhered to its forty-fourth amendment.

The motion was agreed to.

The PRESIDENT *pro tempore*. It is now moved that the Senate further insist on its forty-fourth amendment, and agree to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

Mr. FESSENDEN. I move that the committee of conference on the part of the Senate be appointed by the Chair.

The motion was agreed to.

The PRESIDENT *pro tempore* appointed Mr. EDMUNDS, Mr. CONNESS, and Mr. BUCKALEW.

EXECUTIVE SESSION.

The Senate resumed the consideration of executive business; and after some time spent therein, the doors were reopened.

OLIVER LUMPHREY.

Mr. WILSON. I move to take up House bill No. 1137, for the relief of Oliver Lumphrey. It will take but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It requires the Paymaster General of the United States Army to cause to be paid, out of any money appropriated or which may hereafter be appropriated for the payment of the Army of the United States, to Oliver Lumphrey, late first lieutenant first New York cavalry, a sum equal to the pay of a first lieutenant of cavalry in active service, from the 30th of March, 1865, to the 13th of June, 1865, deducting therefrom any amount that he may have received as pay of a non-commissioned officer or private for the same period of time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill of the House No. 1176, making appropriations for the naval service for the year ending 30th June, 1868, and had agreed to the sixth amendment of the Senate with an amendment, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN A. KASSON of Iowa, Mr. N. P. BANKS of Massachusetts, and Mr. F. A. PIKE of Maine, managers at the same on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution of the House No. 226, extending the provisions of section two of an act entitled "An act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. C. SCHENCK of Ohio, Mr. RALPH HILL of Indiana, and Mr. A. J. KUYKENDALL of Illinois, managers at the same on its part.

The message further announced that the House had passed a joint resolution (H. R. No. 303) to enable the Secretary of War to carry out an agreement in relation to water-power for the arsenal at Rock Island, and a joint resolution (H. R. No. 304) in relation to the erection of a jail in the District of Columbia, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 532) for the relief of the inhabitants of cities and towns upon the public lands;

A bill (H. R. No. 346) for the relief of Hugh Leddy;

A bill (H. R. No. 710) to pay and discharge certain debts and expenditures to the corporation of the city of Washington;

A bill (H. R. No. 825) for the relief of Henry Rudd, of Henry county, Iowa;

A bill (H. R. No. 966) for the relief of Ernest Kleinschmidt, of Cincinnati, Ohio;

A bill (H. R. No. 1039) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1868;

A bill (H. R. No. 1059) for the relief of Sylvanus Sawyer and William E. Ward;

A bill (H. R. No. 1126) making appropriations for the support of the Army for the year ending 30th June, 1868, and for other purposes;

A bill (H. R. No. 1168) for the relief of Elizabeth F. Chipman, widow of Major Charles Chipman, deceased;

A bill (H. R. No. 1220) to provide ways and means for the payment of compound-interest notes;

A joint resolution (H. R. No. 174) authorizing the Secretary of the Treasury to audit and pay the claim of John R. Beckley;

A joint resolution (H. R. No. 254) for the relief of Almanson Eaton, receiver of public moneys for the land office at Stephens's Point, Wisconsin; and

A joint resolution (H. R. No. 282) for the relief of James J. Hudnall.

HOUSE BILLS REFERRED.

The joint resolution (H. R. No. 303) to enable the Secretary of War to carry out an agreement in relation to water-power for the arsenal at Rock Island was read twice by its title.

Mr. TRUMBULL. I ask that the resolution be put on its passage.

Mr. FESSENDEN. I object. I wish to proceed with the deficiency bill.

Mr. TRUMBULL. I think this will take no time.

Mr. FESSENDEN. It must take time; it will require an explanation.

Mr. TRUMBULL. The explanation will only take a moment.

Mr. FESSENDEN. I object to anything until we get through with the deficiency bill.

The PRESIDING OFFICER, (Mr. DOOLITTLE in the chair.) The joint resolution will be referred to the Committee on Military Affairs and the Militia.

The joint resolution (H. R. No. 304) in relation to the erection of a jail in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

DEFICIENCY BILL.

The bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, was read twice by its title.

Mr. FESSENDEN. I move to proceed to the consideration of that bill. There is no time to examine it. We must pass it by guess, if at all.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. FESSENDEN. I wish to state that the Committee on Finance have had no opportunity to examine the bill, and I move that each item be acted upon as it is read. Some things we

can explain; in others the explanation is rather feeble, and the Senate will do what they feel disposed to do about them. At this hour we cannot get any information about anything in the bill. Many things were put in by a vote of the House. Some things in it we do not understand.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. FESSENDEN. I move that the different items be read slowly and be considered as adopted, unless some one requires an explanation or an objection is made.

The PRESIDENT *pro tempore*. That course will be taken, in the absence of objection.

The Secretary proceeded to read the bill, as follows:

Be it enacted, &c., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated for the objects hereinafter expressed, for the fiscal year ending June 30, 1867, namely:

Department of the Interior, Pension Bureau:

To meet deficiencies of the present fiscal year on account of pensions for Army widows and others under various acts, $10,000,000.

For contingent expenses, $10,000.

For Navy widows and orphans, $70,000: *Provided*, that said sum be transferred from the Navy pension fund.

The Secretary read the next items, as follows:

Engineer's Office:

To meet deficiencies of the present fiscal year on account of engineer officer having the supervision of the Union Pacific Railroad and branches, land-grant railroads, and wagon roads, namely:

For compensation of clerks, $3,800.

For contingencies, $500.

The Secretary read the next items, as follows:

For Capitol Extension:

For eight additional monolithic columns, $11,200.

For ventilating, $9,000.

The Secretary read the next item, as follows:

Census Office:

For the purpose of paying the amount due to certain United States marshals and their assistants for services rendered in taking the eighth census, in the year 1860, in the following States, namely: in the State of California, $9,460 48; in the State of Maine, $33 06; in the State of Ohio, $49 69; in the State of Oregon, $3,160 20; in the State of Kansas, $68 40; in the State of Kentucky, $9,311 50; in the State of Maryland, $4,781 40; in the State of Missouri, $8,343; in the State of Tennessee, $20,842 18; in the Territory of New Mexico, $784 69; in the Territory of Washington, $99 09; being in the aggregate $56,933 69; *Provided*, That no part of the sum hereby appropriated shall be paid to or on account of any claimant who participated in the late rebellion or gave to it aid and comfort.

Mr. POMEROY. There never has been any deficiency in Arizona; but the Government has never paid for taking the census in Arizona at all. The precise amount I do not know.

Mr. HENDRICKS. There were a couple of bills received a short time since from the House of Representatives, one of them the naval appropriation bill, which I desire to have taken up now in order that conference committees may be appointed.

The PRESIDENT *pro tempore*. The bill before the Senate will be laid aside informally for that purpose.

NAVAL APPROPRIATION BILL.

On motion by Mr. HENDRICKS, the Senate proceeded to consider its amendments to the bill (H. R. No. 1176) making appropriation for the naval service for the year ending June 30, 1868, disagreed to by the House of Representatives and the amendment of the House to the sixth amendment of the Senate.

Mr. HENDRICKS. Without reading the action of the House, I move that the request for a committee of conference be agreed to.

The PRESIDENT *pro tempore*. It is moved that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

Mr. FESSENDEN. I should like to know what the amendments are that are disagreed to.

Mr. SHERMAN. Perhaps they had better be read; we may agree to them.

Mr. FESSENDEN. We made but five or six amendments, I think.

The Secretary proceeded to read the action of the House of Representatives, as follows:

Resolved, That the House concur in the second and fifth amendments of the Senate to the bill (H. R. No. 1176) making appropriations for the naval service for the year ending June 30, 1868, and non-concur in the amendments numbered one, three, four, and seven.

Mr. FESSENDEN. I should like to have those amendments stated.

The SECRETARY. The first amendment is after line eleven to insert:

For the purchase of wharf adjoining the navy-yard, $135,000: *Provided*, That this sum shall cover the whole cost of the property, and it can be acquired on terms satisfactory to the Secretary of the Navy.

Mr. SHERMAN. Had we not better recede and pass the bill?

Mr. SUMNER. Is that the only point of difference?

Mr. FESSENDEN. Let us hear what the others are.

The SECRETARY. The third amendment is to strike out from line four, to the end of line eighteen on page 4, as follows:

Provided, That the offices of civil engineer, master machinist, master carpenter——

Mr. HENDRICKS. We know what that is.

Mr. SUMNER. Do they insert anything?

The SECRETARY. The Senate struck out that clause and the House refused to concur. The fourth amendment of the Senate was to strike out the following clause:

For pay of some suitable person appointed by the Secretary of the Navy to examine the archives of the Department and other sources of information and collect and collate facts which may illustrate the history of the United States Navy, $1,500.

The seventh amendment to which the House non-concur was to insert as an additional section:

And be it further enacted, That no workingman in a navy-yard shall be required nor requested to contribute or pay any money for political purposes; nor shall any workingman be removed or discharged for political opinions; and any officer or employé of the Government who shall offend against this section shall be dismissed the service of the United States.

Mr. HENDRICKS. What do they do about that?

Mr. SUMNER. They non-concur.

The SECRETARY. And the House add to the sixth amendment of the Senate the following proviso:

Provided, That the title acquired shall be approved by the Attorney General, and the exchange shall be effected without expenditure from the Treasury of the United States.

The PRESIDENT *pro tempore*. It is moved that the Senate insist on its amendments disagreed to by the House, disagree to the amendment of the House to the sixth amendment of the Senate, and agree to the conference asked by the House.

Mr. SUMNER. We had better recede from them all.

The PRESIDENT *pro tempore*. A motion to recede takes precedence of a motion to insist and agree to a conference. It is moved that the Senate recede from its amendments.

Mr. FESSENDEN. I hope we shall not do that. That would leave in the clause about "master carpenters," &c.

The motion was not agreed to.

Mr. FESSENDEN. I move that the Senate insist on its amendments, and agree to the conference asked by the House of Representatives.

The PRESIDENT *pro tempore*. That motion is already made. The other superseded it.

The motion was agreed to.

Mr. FESSENDEN. I move that the committee of conference on the part of the Senate be appointed by the Chair.

The motion was agreed to.

The PRESIDENT *pro tempore* appointed Mr. HENDRICKS, Mr. SPRAGUE, and Mr. WILLEY conferees on the part of the Senate.

SUPPLIES FOR WALLACE'S COMMAND.

On motion by Mr. HENDRICKS, the Senate proceeded to consider its amendments to the joint resolution (H. R. No. 226) extending the provisions of section two of an act entitled "An act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864.

Mr. HENDRICKS. That is a little bill in regard to the supplies of the men engaged in the Morgan raid through Indiana which was discussed the other day. I move that the Senate insist upon its amendments, and agree to the conference asked by the House. A member of the House feels a great anxiety about it, and he has asked me to do it; and he says that he thinks the matter can be readily adjusted if a committee should be appointed. I should like to have my colleague on that committee of conference, as he is very familiar with the subject. He is not here now.

Mr. TRUMBULL. I do think we ought not to go to a committee of conference on a little bill of that kind. The amendment of the Senate was that these persons who took the property must be acting quartermasters, and the House disagree to that, and insist that the persons who took the property——

Mr. HENDRICKS. A few minutes ago a colleague of mine from the House came to see me about it, and he said that if the request for a committee of conference were agreed to he had no doubt it could be made satisfactory to both sides. I do not know much about this bill.

Mr. TRUMBULL. Everything it seems must go to the committee of conference.

Mr. HENDRICKS. It is important to pass the bill.

Mr. TRUMBULL. I would either recede or let the House do so. I would not send it to a committee of conference.

Mr. HENDRICKS. I am willing, if the Senate is, to recede.

Mr. HOWE. We ought not to recede.

Mr. FESSENDEN. I do not think we ought to have such a principle in any bill.

Mr. HENDRICKS. I do not suppose any damage will be done if we recede. The member of the House whose district is most interested says the use of these very technical words will defeat the purpose of the bill. I move that the Senate recede, and let the bill be the House bill.

Mr. HOWE. I think that is a very dangerous kind of legislation, to make the Government liable for what everybody may have taken for the use of troops employed on that raid, whether he was an officer or not; not even limiting it to those who were acting as quartermasters.

Mr. HENDRICKS. We had better not have a controversy about it. The member of the House is willing to have a committee of conference. I am not choice about it. But it is so well understood among us in Indiana that I apprehend there would be no trouble under the bill as the House passed it. We want to pay simply for the horses that were taken into the service and used by the Government and retained by the Government at the close of the raid.

Mr. HOWE. It is not for the payment of horses.

Mr. HENDRICKS. It is principally, my colleague says.

The motion to recede was not agreed to—ayes ten, noes not counted.

Mr. POMEROY. I move that the Senate insist on its amendments and agree to the conference asked by the House, and that the conference committee on the part of the Senate be appointed by the Chair.

The motion was agreed to.

The PRESIDENT *pro tempore* appointed Mr. POMEROY, Mr. TRUMBULL, and Mr. HARRIS.

DEFICIENCY BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 80, 1867, and for other purposes.

The Secretary read the next item of the bill, as follows:

For this amount, or so much thereof as may be necessary, to pay the indebtedness incurred for the

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Indian service in the State of Oregon and Territory of Washington, in the years 1860, 1861, and 1862, $40,000: *Provided*, That such payments shall be made only to the original owner of the claims, and upon satisfactory proof furnished the accounting officer.

Mr. SHERMAN. I think that clause ought to be stricken out, unless some Senator can give us an explanation of it.

Mr. NESMITH. I hope it will not be stricken out. That was the subject of very full investigation by the Senate last year. The Senate placed it on the Indian appropriation bill, and in the committee of conference an objection was raised to it, and it was said it ought to go on the deficiency bill. Then we got it on the deficiency bill. The facts were all presented to the Senate. It went on the deficiency bill.

Mr. SHERMAN. Has it been considered by a committee of the Senate?

Mr. NESMITH. Yes, sir, last year; and then, contrary to the pledges that were made at that time, it was stricken out of the deficiency bill. Now it is put on by the House.

Mr. WILLIAMS. It passed the Senate twice at the last session.

Mr. SHERMAN. I have no objection to it if it has been considered by the Senate.

Mr. WILLIAMS. If I were disposed to take up the time of the Senate I could prove to the satisfaction of every one that it ought to pass. It is as honest a claim as ever was presented.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Secretary read the next item, as follows:

To enable the Secretary of the Treasury to pay Isaac Strohm for additional services as a clerk in the Treasury Department from January 1, 1854, to March 1, 1855, at the same rate paid for similar additional services prior to that date, $466 67.

Mr. SHERMAN. That is a private claim, and although it is a small amount I think we had better strike it out, and I make that motion.

The amendment was agreed to.

Mr. DOOLITTLE. I suggest to the honorable Senator from Ohio that it is hardly a private claim. The Treasury asks it to enable the Treasury to cover a deficiency for the employment, and it is only $400.

Mr. SHERMAN. Does the Senator know that the Treasury asks it?

Mr. DOOLITTLE. That is what it says.

Mr. SHERMAN. That is the ordinary form of appropriation.

Mr. DOOLITTLE. It is to enable the Treasury Department to cover a deficiency in the Treasury.

Mr. SHERMAN. It is an old claim from 1854, and was struck off then.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Secretary read the next item, as follows:

Library of Congress:

To enable the Librarian of Congress to employ two additional assistants, commencing April 1, 1867, $2,400; and there is hereby added to the contingent fund of said Library the sum of $1,000, to be expended for temporary help.

Mr. FESSENDEN. That is recommended by the Committee on the Library.

The next item was read, as follows:

For six iron stairways, repairs, and repainting in the Library of Congress, and for a new skylight in the central Library, $5,260.

The following items, to which no amendment was proposed, were read:

Public Buildings and Grounds:

To pay for completing the repairs and furnishing the Executive Mansion, $35,000: *Provided*, That no further payments shall be made on any accounts for repairs and furnishing the Executive Mansion until such accounts shall have been submitted to a joint committee of Congress, and approved by such committee.

To replace the bruised and worn copper water-pipes or roof gutters of the Capitol building with iron pipes, $3,000.

To supply a deficiency in fuel for the President's House and for the Capitol, $2,000.

To pay for a poudrette pit at the President's stable, $516 19.

To pay for repairing streets passing along Government reservations where they were washed away by the great freshet in October last, $1,500.

To pay for sewer in the rear of H street, between Sixteenth and Seventeenth streets west, to abate a public nuisance, $2,500.

To thoroughly repair the roof of the Executive Mansion, $2,500.

To pay deficiency and keep in repair the bridge at or near Little Falls, Potomac river, $3,350.

The next item was read, as follows:

For defraying the expenses of the House of Correction for Boys in the District of Columbia, for the current year, $25,000.

Mr. FESSENDEN. I do not know anything about that, and I will inquire of the chairman of the Committee on the District of Columbia if he has any information on the subject?

Mr. MORRILL. Let it be read again.

Mr. FESSENDEN. I believe it is one of those establishments gotten up last year. I wish the chairman of the District Committee would attend to it.

The Secretary again read the item.

Mr. MORRILL. I do not know anything about it.

Mr. FESSENDEN. I move to strike out the clause.

Mr. SUMNER. What does the chairman of the Committee on the District of Columbia say?

Mr. MORRILL. There was no such thing before us.

The amendment was agreed to.

The Secretary read the next items, as follows:

For deepening and improving Westport harbor, Connecticut, $2,500.

For dredging and maintaining the channel in the river Thames, near Norwich, in the State of Connecticut, to complete the work, $36,000.

Mr. FESSENDEN. In regard to these two items, both in the State of Connecticut, one of them appropriating $2,500 for the channel at Westport harbor, Connecticut, I think is right, from a letter that has been written to me on the subject. With regard to the other, $36,000 for the river Thames, near Norwich, Connecticut, I do not know anything about it. I have no information on the subject, and I understand it was put in on motion in the House. I do not deem it safe to let that go in without a consultation with the House on the subject. I therefore move that the second clause be stricken out. I do not object to the appropriation for Westport. That was put in the other bill, and struck out because we had no papers before us on the subject.

Mr. EDMUNDS. I desire at this point, if my friend from Maine will allow me, to submit a report from a committee of conference.

The PRESIDENT *pro tempore*. The Chair will receive the report.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. EDMUNDS, from the fourth committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the forty-fourth amendment of the Senate to the bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, having met, after full and free conference have been unable to agree.

G. F. EDMUNDS,
JOHN CONNESS,
CHARLES R. BUCKALEW,
Managers on the part of the Senate.

F. C. LE BLOND,
T. M. POMEROY,
W. B. ALLISON,
Managers on the part of the House.

Mr. EDMUNDS. The report of the committee of conference being received—I suppose no vote need be taken on that, for there is nothing to agree to—I move that the Senate again adhere to its forty-fourth amendment to the bill. I will state that we have had a free conference; the House committee had nothing to propose, except that we should take that section of the bill, simple and pure; we urged upon them the injustice and impropriety of the section itself; that that debt, if it was a debt, or the honor and faith of the House, if it had been pledged by resolutions in violation of law, had been provided for by the vote of the 28th of July, 1866, in the bill giving them the money, the twenty per cent., to pay it with; that it had been submitted to the Comptroller of the Treasury, and he decided that it was for that purpose, applicable by law to it, that it discharged all their obligations. In addition to that we urged upon them the fact that we had receded on our side from every affirmative proposition we had made in order to compose the difference. In addition to that we urged upon them the fact that there were to be provided for in this bill hundreds of creditors of the Government, to whom the public faith was pledged, as both Houses agreed, and that they ought not to force us to do what we believed to be wrong at the expense of joining them in a breach of public faith. While the House committee appeared to accede personally to the justice of all these views but the first one, and pretty much to that, they said they felt obliged, according to the temper of the House, to insist that we should take it as it stood. We thus disagreed. I hope the Senate will adhere this time, and stay adhered.

The PRESIDING OFFICER, (Mr. DOOLITTLE in the chair.) The Senator from Vermont, upon the report of the committee of conference on the disagreeing votes of the two Houses, moves that the Senate do adhere to its vote on the forty-fourth amendment of the Senate.

The motion was agreed to.

DEFICIENCY BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, the pending question being on the following item:

For dredging and maintaining the channel of the river Thames near Norwich, in the State of Connecticut, to complete the work, $36,000.

Mr. FESSENDEN. I move to strike that out. I have no sort of information on the subject. It is not in any estimates that I have seen nor anything else.

Mr. FOSTER. I hope it will not be stricken out. If I had the talent and capacity of my friend from Michigan, [Mr. CHANDLER,] who explains the St. Clair flats to us so clearly and fully, I think I could astonish the Senate by showing what an amount of commerce there is up that short river Thames, and how great the necessity is for this appropriation. The Governors of the States of New Hampshire and Massachusetts early in the session sent petitions here requesting Congress to make appropriations to aid the navigation of this river. Although a short river and unimportant in some respects, it is the channel of a vast deal of commerce. There is a vast deal of property passing up and down the river between the New England States and New York; and it is absolutely necessary in order that that commerce may receive reasonable facilities to have the channel of the river, which is occasionally obstructed by mud, &c., that accumulates flats, dredged as is provided for in the bill. It is of great importance to that section of the country. It is not a local interest really, but an interest affecting the States of Massachusetts, Vermont, and New Hampshire almost as much as the State of Connecticut. It would be a very great injury to those States if the navigation of this river is not so improved as to give commerce up and down it reasonable facilities. I hope it will not be stricken out. The sum is not large, and it is to complete the work.

Mr. SHERMAN. I desire to submit a report from a committee of conference.

The PRESIDING OFFICER. The Chair will receive the report.

CIVIL APPROPRIATION BILL.

Mr. SHERMAN, from the committee of conference, on the disagreeing votes of the two Houses on the bill of the House No. 1173, making appropriations for sundry civil expenses of

the Government for the year ending June 30, 1868, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their disagreement to amendments of the Senate numbered twelve, sixteen, seventeen, twenty-two, thirty-two, thirty-nine, forty-five, forty-six, forty-seven, forty-eight, forty-nine, and fifty-two, and agree to the same.

That the Senate recede from their amendments numbered six, eighteen, nineteen, forty-one, and fifty-three.

That the Senate recede from their thirty-fifth amendment, and agree to said clause with an amendment, as follows: strike out "twenty-five hundred" and insert in lieu thereof "one thousand," and the House agree to the same.

That the Senate recede from their forty-second amendment, and agree to said clause, with an amendment as follows: on page 18, line twelve of the bill, after the word "mutes" insert the words "not exceeding ten in number," and the House agree to the same.

That the House recede from their disagreement to the forty-third amendment of the Senate, and agree to the same with an amendment, as follows: strike out all of said amendment and insert in lieu thereof the following: "*And be it further enacted*, That the office of Commissioner of Public Buildings is hereby abolished, and the chief Engineer of the Army shall perform all the duties now required by law of said Commissioner, and shall also have the superintendence of the Washington aqueduct and all the public works and improvements of the Government of the United States in the District of Columbia, unless otherwise provided by law. And the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives shall hereafter appoint the members of the Capitol police; and the Senate agree to the same.

That the Senate agree to the amendment of the House to the twentieth amendment of the Senate.

That the Senate agree to the amendment of the House to the fifty-sixth amendment of the Senate, with an amendment as follows: strike out all of said House amendment, and insert in lieu thereof the following: "*Provided*, That all printing of any kind whatever by the Executive Departments shall be executed by the Government Printer where practicable, and if not, at such office as may be designated by the Clerk of the House of Representatives, at rates not exceeding the current rates for such printing, and the House agree to the same."

JOHN SHERMAN,
IRA HARRIS,
J. W. NESMITH,
Managers on the part of the Senate.
THADDEUS STEVENS,
H. VAN AERNAM,
Managers on the part of the House.

Mr. SUMNER. Does the Senate recede from its amendment to pay the rebel assessors?

Mr. SHERMAN. Yes; I will gratify my friend by saying that we recede from that.

Mr. SUMNER. I am very glad of that. Then the six hours' debate here was not in vain.

Mr. SHERMAN. The result would have been the same if the Senator had not debated the subject at all, probably. He might have saved us all that. If there is any amendment that any Senator takes an interest in I will answer any question; if not, I suppose the vote may as well be taken on the report.

Mr. BUCKALEW. I wish to make one inquiry with regard to the conclusion of the report. What public printing is to be given by the Clerk of the House? I will ask for the reading of that portion of the report again.

Mr. SHERMAN. I can explain it probably in a shorter time. The House inserted an amendment providing that any printing that could not be done by the Public Printer might be given out to other printing offices by the Clerk of the House. The amendment as agreed upon by the conference committee provides that all printing ordered by the Executive Departments shall be done at the Government Printing Office; but if, for any cause, the Public Printer cannot execute it, then the Clerk of the House may select the place where it is to be executed.

Mr. BUCKALEW. Do I understand that all the printing of the Government in all its departments, except that which may be executed at the office of the Public Printer, may be distributed and dispersed over the country by the Clerk of the House of Representatives?

Mr. SHERMAN. Oh, no; this does not apply to printing blanks, &c. It only applies to the printing here. It is all done now by the Public Printer; but in some cases it is said by the conferees on the part of the House that the Executive Departments send a great deal of printing that might have been done at the public office to jobbing offices in this city, merely for the purpose of giving patronage to newspapers. That was urged by the House conferees. We have cut that off so far as we could by requiring all printing of that character to be done by the Public Printer; and when it cannot be done by the Public Printer, then we leave the Clerk of the House to designate who should do it.

Mr. BUCKALEW. It seems to me to be a very singular provision indeed to give the Clerk of the House of Representatives, who is not here in the interval between the sessions, control over the printing of the public Executive Departments of the Government.

Mr. SHERMAN. We presumed there would be nothing of that kind done; that it would all be done at the Government Printing Office.

Mr. SPRAGUE. I think that part of the report which places the public buildings and the Capitol under the charge of the engineer department is wrong. There is no correct principle on which it can be sustained.

Mr. SHERMAN. My friend is mistaken in that regard. The law now is very specific, and places the public buildings and grounds here under the direction of the President of the Senate and Speaker of the House. That is the present law. This simply provides that the appropriations made for the public works here shall be expended under the direction of the chief Engineer. He will have no voice or power of management in regard to the public buildings or grounds.

Mr. HENDRICKS. Who will have?

Mr. SHERMAN. The Speaker of the House and the President of the Senate have it, under the law, and we do not change the law, except that the police who are now appointed by the Commissioner of Public Buildings are hereafter to be appointed by the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives.

Mr. MORRILL. I should like to hear that provision read in regard to the Engineer.

The Secretary read as follows:

And be it further enacted, That the office of Commissioner of Public Buildings is hereby abolished, and the chief Engineer of the Army shall perform all the duties now required by law of said Commissioner, and shall also have the superintendence of the Washington aqueduct and of the public works and improvements of the Government of the United States in the District of Columbia, unless otherwise provided by law. And the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives shall hereafter appoint the members of the Capitol police.

Mr. MORRILL. The proposition is open to the criticism of the Senator from Rhode Island, of course.

Mr. SHERMAN. No.

Mr. MORRILL. The chief Engineer is to be substituted for the Commissioner of Public Buildings.

Mr. SHERMAN. The language is precisely the same as in the original Senate amendment, except that in place of a civil engineer, to be appointed by the advice and consent of the Senate at a salary of $4,000 a year, we insert the chief engineer of the Army. The language is precisely the language passed by the Senate. The only difference is that we give the authority and the disbursements of these funds to the chief engineer. The House conferees, I thought with a good deal of force, said there was no propriety now in abolishing one office at $2,500 salary and making another at $4,000 for the purpose of giving patronage to the administration. Now, the control is given to the chief engineer.

Mr. MORRILL. That is not the difficulty that occurs to me. The Commissioner of Public Buildings has the entire custody of the public grounds and public buildings in this District by law. Now, what the Senate proposed in its original amendment was to substitute for the Commissioner of Public Buildings a professional engineer, who should have the charge of all the public buildings and grounds and improvements and of the aqueduct. By this amendment we give it to the chief engineer of the Army, and the chief engineer of the Army is to have the care of the public buildings, including this building and all the other buildings, because the Speaker of the House and President of the Senate have only the appointment of the police. This report gives that appointment to the Sergeants-at-Arms of the two Houses. That is all they have. They have the appointment of the police; but the custody of this building and all the public buildings and the superintendence and care of the public gardens are by this proposition devolved upon the chief engineer of the Army.

Mr. SHERMAN. My friend is mistaken. The law is express that the custody of this building shall be entirely under the direction and control of the President of the Senate and the Speaker of the House, and in them alone. They exercise that power.

Mr. MORRILL. They exercise the power of supervision; but it is all under the direction and control, under the care, in other words, of the Commissioner of Public Buildings.

Mr. SHERMAN. Not at all; they can exclude the Commissioner of Public Buildings from the Capitol entirely. His only connection with it is that he spends the money in pursuance of our appropriations. That is the law.

Mr. MORRILL. Very well. All the appropriations that are made for the care and custody of the public buildings and grounds are and have been under the direction of the Commissioner of Public Buildings, and that is all to be transferred now to the chief engineer of the Army.

Mr. SHERMAN. Yes, sir; and that is right.

Mr. MORRILL. I protest that we ought not to put ourselves in that position. I do not believe the chief engineer of the Army can attend to it personally, or that he ought to be expected to attend to it. It is not a thing that can be devolved upon him.

Mr. BUCKALEW. Does this make the engineer a disbursing officer?

Mr. MORRILL. Yes, sir.

Mr. BUCKALEW. With no security to the Government?

Mr. SHERMAN. We put the whole thing under the charge of the engineer department.

Mr. MORRILL. That is all wrong.

Mr. SHERMAN. Let me answer the Senator's criticism. The amendment prepared by the honorable Senator gave all this power to a civil engineer, to be appointed by and with the advice and consent of the Senate, at a salary of $4,000, without bonds, without any stipulations as to bonds. This proposition transfers that power proposed to be given to a civil engineer to an officer of the Army of high grade. In the one case, if we had taken the Senate amendment as it was sent to the House, as a matter of course we should have had no security; we should have had a new civil officer at a salary of $4,000, without any security whatever. The House objected to that, and said we ought to insert an officer of the Army, or some officer whose commission at least would be the very highest security; and I think that is the best way myself.

Mr. CRAGIN. I wish to ask the Senator from Ohio a question. The Commissioner of Public Buildings has the appointment of quite a large number of men, those who superintend the draw-bridge, lamplighters, the watchmen on the Capitol extension and some of the public squares. As I understand it, this amendment abolishes the office of Commissioner of Public Buildings, but does not give the appointment of those offices to anybody else.

Mr. SHERMAN. It gives the appointment to the engineer.

Mr. HENDERSON. I am not so sure about that. I should like to hear the amendment read again.

The PRESIDING OFFICER. The Secretary will again read the amendment in relation to the chief engineer.

The Secretary read the amendment.

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Mr. EDMUNDS. I am very much pleased indeed, for one, that the conference committee have made this change. I made the proposition in the first place, in lieu of the original provision that the Senate should elect this officer, which I thought was clearly unconstitutional, on the spur of the moment, that the Quartermaster General should have charge of this business. On the suggestion of several Senators I was about to modify it, and had so made a memorandum, giving it to the chief engineer of the Army of the United States, an officer whom it appeared to me on reflection it was more suitable to intrust with this charge. Afterward, on the suggestion of some Senators, my friend from Illinois in particular, who thought it should be a civil engineer, I submitted the proposition, which was finally adopted, that it should be left to the charge of a civil engineer to be appointed, &c. My own judgment is that if we are to abolish the office of Commissioner of Public Buildings—and we all agree to that—no more appropriate functionary could possibly be selected than the chief engineer. We all know that the actual duties are performed, not by the chief officer, whether you call him a Commissioner of Public Buildings or the Quartermaster General or a civil engineer or what; the actual duties are performed by subordinates; but the general superintendent to control the men, who compels responsibility, is the person whom we appoint. Now, the chief engineer of the Army, a man of science, a man of education, a man of honor and integrity, a man of impartiality, is, I think, above all others the appropriate person to whom this trust should be confided, because it involves more than almost any other matter that we have to do with here, questions of practical science and engineering, of architecture, of science, of taste. I am very glad indeed that the conference committee have made this change, and I hope the Senate will agree to it without a division.

Mr. SPRAGUE. I predict that at the next session, before it is very far advanced, the Senate and the other House will change this provision.

Mr. HENDRICKS. If the office of chief engineer of the Army is a mere sinecure, it is well enough to give him something to do; but if he is the engineer of the Army of the United States I apprehend he has enough to do without seeing to putting down the carpet in the President's House and without looking after the President's stables. I have not a great deal of interest in this matter. I think this proposition ought not to be agreed to, for the reason that the care of the public buildings here does not belong to the Army; it is not a part of the duties of the Army; it has no business with the Army; and I think it is degrading the office of the principal engineer of the Army to compel him to take charge of any such concern as this.

Then the other provision, giving the Clerk of the House of Representatives the power to appoint newspapers to do printing, merely to give money to some proprietor when extra printing shall be done, is a thing which will certainly be abused as time rolls round. It is just the natural kind of abuse, just one of those rotten places where we find just that kind of thing. Senators say it is all right; it is intended to stop an abuse.

Mr. SHERMAN. It is hardly worth while to prolong the debate; but let me tell the Senator that it is said that the Executive Departments, instead of complying with the law and sending all printing to the Government Printing Office, have employed in this city and elsewhere quite a number of persons who have just been given jobs at jobbing prices for merely publishing political pamphlets. I do not vouch for that statement; but that is the allegation. This proposition will cut up that abuse. The Clerk of the House will not designate any newspapers, because the effect will be that all this printing of the character described will be sent to the Public Printer as the law specifically requires. But if any is to be given out, I would rather allow the Clerk of the House to do it than anybody else. I hope there will be none given.

Mr. HENDRICKS. No doubt Mr. McPHERSON would make a very able selection of papers. That is all there is to that. During the war it was impossible for all the printing to be done at the Government Office. Therefore there had to be employments outside. The War Department required such an immense amount of blanks that they could not be printed at the Public Printing Office. The amount of printing required was enormous. I was aware of the fact that some printing had to be done outside of the Government Printing Office. Now, my opinion is there is no occasion for this proposition. I should think so, without knowing very much about it. How it is I do not know. I think we had better not concur in this report, and let these things be fixed up right by another committee.

The report was concurred in.

DEFICIENCY BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1866, the question pending being on the motion to strike out the following clause:

For dredging and maintaining the channel of the river Thames, near Norwich, in the State of Connecticut, to complete the work, $36,000.

Mr. FOSTER. I really hope this appropriation will not be stricken out. This is all there is for the State of Connecticut, except an item of $2,500. It is a small sum; it is really needed. It is beneficial to the States north of us, Massachusetts, Vermont, and New Hampshire, as much as to Connecticut. A vast amount of the manufactured goods and merchandise passing over the railroads that center at Norwich goes thence by water to New York, passing on this river, and goods from New York for those States pass up this river. It is a matter of great importance to the commerce of that section that the navigation of this river be improved. I really hope the clause will be retained in the bill.

Mr. FESSENDEN. There is no time to debate this matter; but I wish simply to say that there is no proof before the committee, and I can find none anywhere, that this appropriation is recommended by anybody except the member of the House from Connecticut, Mr. BRANDEGEE, who moved it, who said he had a statement from some engineer. I consider such legislation entirely unsafe, and I therefore move to strike out the clause. There will probably be a committee of conference on this bill, and then if the House can explain this item satisfactorily I shall be very glad to allow the appropriation to stand. I do not regard improvements of this kind as being for the benefit of any particular State, but as being for the public advantage. I only want to be sure that they come before us properly.

Mr. FOSTER. This sum is less than the estimate made by the engineer who has surveyed the work. It was recommended years ago; but during the war money was not appropriated for the purpose, and so it lay by for years without any appropriation. No appropriation except a very few thousands, less than $10,000, till this year has been made for more than ten years past.

The motion to strike out was rejected—ayes eleven, noes not counted.

The Secretary read the next clause of the bill, as follows:

For services rendered by the late F. M. Roteh, in furnishing an original article "on cattle" for the Agricultural Report of 1861, $212 50, to be paid to the widow.

Mr. FESSENDEN. I move to strike that out. We do not know anything about it.

The motion was agreed to.

The Secretary read the next clause, as follows:

To enable the Commissioner of Public Buildings to pay to M. Reynolds, John F. McNally, Patrick Gilfoy, Peter Kyle, and John McCarthy $100 each for extra labor upon the President's garden and grounds prior to the 4th of March, 1865, $500.

Mr. FESSENDEN. I move to strike out that item. We do not know anything about it.

The motion was agreed to.

The next two items were read, as follows:

For the purpose of enabling the Director of the Mint to purchase publications relating to metals and the manipulations thereof for the library of the Mint, $1,000.

For defraying the expenses incurred by the Department of State by sending telegraphic dispatches over the Atlantic cable, $30,000 for the current year.

The next item was read, as follows:

To enable the joint Committee on the Library to pay the balance due P. R. Fendall for labor employed in editing the writings of James Madison, $2,100.

Mr. FESSENDEN. I move to strike that out.

The motion was agreed to.

The following items, to which no amendment was moved, were next read:

For preservation and care of the unfinished custom-house building at Charleston, South Carlina, and fitting up the interior to provide suitable offices for the use of the United States, including court-rooms, $25,000.

To enable the Light-House Board to erect in the lower bay of New York one or more permanent beacons, $45,000.

To enable the Secretary of the Treasury to purchase the stereotype plates and copyright of the American Coast Pilot, $20,000.

The next item was read, as follows:

To enable the Secretary of the Interior to carry into effect the provision of the seventh section of the act of Congress entitled "An act granting the right of way to ditch and canal owners over public lands, and for other purposes," approved July 26, 1866, $36,000.

Mr. FESSENDEN. I should like to have an explanation of that from somebody.

Mr. STEWART. I can give an explanation. It is recommended by the Interior Department. In the bill for the disposal of the mining lands there is a section providing that new land offices may be created where the exigencies of the case may require by the President. He has created none; but there are two or three that it is very necessary to create, and several will be created when that bill comes into operation if there be an appropriation for the purpose. We do not know exactly how many will be wanted yet; but when that bill gets fairly into operation we shall have to have more land offices to do the work. This is to meet that contingency.

Mr. FESSENDEN. I think under the circumstances we had better defer it to the next session, for I really do not know anything about it.

Mr. CONNESS. Some of these districts will have to be established now. Instructions have been sent out from the General Land Office to put the act in operation, and no more of this money will be used than is absolutely necessary.

Mr. FESSENDEN. We have no estimate.

Mr. CONNESS. I beg the Senator's pardon; the full estimates on the subject were sent in from the Interior Department. They may have been left with the other House; but I have seen them all complete, recommended by the Commissioner of the General Land Office and indorsed by the Secretary of the Interior.

Mr. FESSENDEN. I do not know how there can be a full estimate of things not yet decided upon. The objection I have is that it seems to be in advance of anything to be done. If we were not to have a session again until next December there might be a reason for this haste; but we shall have a session immediately on the close of this, and the matter can be attended to then with some understanding on the subject.

Mr. CONNESS. Does the honorable Senator mean to say that there will be a session for legislative business?

Mr. FESSENDEN. I have no doubt there will be some legislative business done.

Mr. CONNESS. This is an appropriation bill, and this item belongs here. It has been properly estimated for by the regular Depart-

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ment. It seems to challenge our friend's jealousy because it connects itself with the mineral lands.

Mr. FESSENDEN. I do not like that sort of observation that because I do my duty and stand up here to make inquiries and to call attention to a subject I am to be accused of jealousy because this relates to the mineral lands. The Senator ought to know better. That sort of thing is very much out of place, I think, in the Senate.

Mr. CONNESS. It is not half so much out of place as this ebullition; and I intend that the honorable Senator, for whom I feel all the respect I can feel for anybody, shall stand such remarks as I legitimately make on subjects affecting the people whom I represent here. Mr. President, this appropriation has been regularly estimated for. It need not excite the Senator's jealousy, nor any other Senator's jealousy. I think I did not use the word "jealousy" before; but the Senator need not get angry, because I said nothing that should anger him or any other man. Now, sir, I do not intend to take lectures of this kind.

Mr. FESSENDEN. If the gentleman does not intend to take lectures of this kind he should be decent in his language. Here, in conducting a bill through the Senate, I make an objection to an appropriation proposed, and the Senator said that it ought not to excite my jealousy because it referred to the mineral lands. That is what he said. Is not that an intimation that it is a personal jealousy I feel on account of the locality? If it is not I do not understand language. Now, then, I think that it was not treating me decently, I having to look out for this bill, to accuse me of personal motives on account of localities, because I called for information and objected to an item. If the Senator regards this as a lecture, he can take it. I cannot bear everything more than any other man.

Mr. CONNESS. The Senator has not been called upon in this case to bear with anything from me. The Senator draws upon his imagination to make a case. I have no feeling in the matter. I had none in the words I uttered. I have no feelings toward the Senator now but the most exceedingly kind ones, and he cannot induce me to have any other. I merely meant to be understood that because this is for a service far distant with which the Senator cannot be so well acquainted he need not therefore oppose it. Is there any harm in that?

Mr. STEWART. I simply want to call the attention of the Senator from Maine to the fact that applications have been made for about twelve additional land offices, and the President declines to authorize them unless there is an appropriation in advance; so that there is a standstill. The instructions have gone out, and they are very anxious to proceed under the law. The estimates were made then in consequence of his refusal on our application for two or three land offices for California and Nevada and one of the Territories. Nothing can be done until this appropriation is made in advance. There will be several land offices needed, but there will be nothing done until an appropriation is made; and unless it is made, we shall not have the benefit of the law.

Mr. FESSENDEN. I have called the attention of the Senate to it. The Senate will decide as it pleases.

Mr. HENDRICKS. I ask for the reading of the item proposed to be stricken out.

The Secretary read the clause, as follows:

To enable the Secretary of the Interior to carry into effect the provision of the seventh section of the act of Congress entitled "An act granting the right of way to ditch and canal owners over public lands, and for other purposes," approved July 26, 1866, $36,000.

Mr. CONNESS. I will repeat simply that this item finds its way into this bill on estimates regularly made by the Land Office and the Secretary of the Interior and placed before the House of Representatives.

Mr. HENDRICKS. Is the Secretary of the Interior to dig ditches?

Mr. CONNESS. No, sir; that is a quotation from the title of the act; but the act provides for the sale of the mineral lands. The Senator understands that.

Mr. EDMUNDS. What is this money to be spent for?

Mr. CONNESS. Such of it as is necessary for the establishment of land offices to make it convenient to enter mining lands for sale. You want money from them, I suppose.

Mr. EDMUNDS. I have nothing further to say, sir, except that I must vote against it.

Mr. CONNESS. I call the yeas and nays.

The yeas and nays were ordered.

Mr. CONNESS. If the communications from the Department accompanied the bill, as they should have done, I am sure the Senate would not strike out this entire amount and leave us without land offices.

Mr. FESSENDEN. The matter can be settled in a conference committee.

Mr. CONNESS. There is nothing in the world upon which the honorable Senator has moved to strike out this item but that he thinks it is too large. He does not know any of the facts of the case.

Mr. HENDERSON. I will inquire of the Senator if he knows of any points at present where these offices ought to be located?

Mr. CONNESS. Certainly. In the State of California, one half of which perhaps is occupied for mining purposes, no part of the land has ever yet been entered in any land office. The State has fine land districts. One is situated at the city of San Francisco; one at Stockton, two hundred miles distant; one at Tulare, two hundred miles distant; another at Humboldt, on the coast near Oregon, and one at Marysville—most conveniently located for the agricultural lands, but for the entry of mining lands not located at all; so that there will have to be a readjustment and an addition made to these districts. It is provided for by law; and no dollar of this money will be used but what shall become absolutely necessary; and no demand will be made for the establishment of a district but what the land department shall deem right and necessary.

The question being taken by yeas and nays, resulted—yeas 14, nays 20; as follows:

YEAS—Messrs. Buckalew, Edmunds, Fessenden, Fogg, Foster, McDougall, Morgan, Ross, Saulsbury, Sherman, Sprague, Trumbull, Van Winkle, and Wilson—14.

NAYS—Messrs. Cattell, Conness, Cragin, Davis, Doolittle, Fowler, Harris, Henderson, Hendricks, Howe, Morrill, Norton, Nye, Pomeroy, Ramsey, Stewart, Sumner, Wade, Willey, and Williams—20.

ABSENT—Messrs. Anthony, Brown, Chandler, Cowan, Creswell, Dixon, Frelinghuysen, Grimes, Guthrie, Howard, Johnson, Kirkwood, Lane, Nesmith, Patterson, Poland, Riddle, and Yates—18.

So the motion to strike out was rejected.

The Secretary read the second section of the bill, as follows:

SEC. 2. *And be it further enacted*, That the unexpended balance of the appropriations heretofore made for defraying the expenses of the Legislative Assembly of the Territory of Nebraska, is hereby diverted and set aside for the purpose of procuring a geological survey of Nebraska, said survey to be prosecuted under the direction of the Commissioner of the General Land Office.

Mr. FESSENDEN. I move to strike out that section.

The motion was agreed to.

The Secretary read the third section of the bill, as follows:

SEC. 3. *And be it further enacted*, That for removing the wreck of a vessel and the sand bar occasioned thereby, in the main ship channel of Sandy Hook, in accordance with the report of General Humphreys, chief of the United States Engineers, and to be expended under the direction of the War Department, $6,000, or so much of said sum as may be necessary.

Mr. FESSENDEN. I should like to ask the Senator from New York if he knows anything about that?

Mr. MORGAN. Yes, sir. I understand there is a vessel sunk there; and an appropriation is necessary.

Mr. FESSENDEN. I think it had better be stricken out unless we know something more about it. I move to strike out the section.

The motion was agreed to.

The Secretary read the fourth section of the bill, as follows:

SEC. 4. *And be it further enacted*, That to enable the Secretary of War to carry out the award of the Department in favor of the heirs and legal representatives of George Fisher, deceased, for military spoliations by the United States troops during the war with the Creek Indians, the appropriation contained in the first section of the original act for the relief of the claimants, approved April 12, 1848, shall not be allowed to lapse in consequence of the delay in the adjustment, but the same is hereby reappropriated and made available; and that the rescinding resolution, approved March 2, 1861, suspending the case be, and the same is hereby, repealed: *Provided*, That the Secretary of War shall examine the said award and see that no taint of fraud or mistake in calculation attaches thereto.

Mr. FESSENDEN. I move to strike out that section. We cannot ascertain anything about it.

The motion was agreed to.

The Secretary read the fifth section of the bill, in these words:

SEC. 5. *And be it further enacted*, That upon all merchandise gaugeable by law hereafter exported upon which drawback or return is allowed, and upon all goods gaugeable by law withdrawn from bonded warehouses for export, there shall be levied and collected by the collectors of the several ports ten cents per cask.

The amendment was agreed to.

The sixth section was next read, as follows:

SEC. 6. *And be it further enacted*, That the gaugers at the port of New York shall receive, from and after the 1st day of April, 1867, an annual salary of $2,000: *Provided*, That the amount of compensation of said officers as hereby established shall not exceed in any fiscal year the amount of fees earned by them.

Mr. FESSENDEN. I desire to inquire of the Senator from New York if he thinks that is right? I do not know anything about it.

Mr. MORGAN. It is recommended by the Secretary of the Treasury.

Mr. FESSENDEN. Then I make no objection.

The Secretary read the seventh section of the bill, as follows:

SEC. 7. *And be it further enacted*, That the second section of an act making appropriations for sundry civil expenses of the Government, approved April 7, 1866, is hereby so amended as to authorize and require the Secretary of the Treasury to pay the contractors, Butler & Carpenter, the sum of $20,000 in full of all their claims for indemnity therein referred to.

Mr. FESSENDEN. I move to strike that out.

The motion was agreed to.

The Secretary read the eighth section of the bill, as follows:

SEC. 8. *And be it further enacted*, That the surplus sum of $2,000, now standing on the books of the Treasury to the credit of a fund to enable the Joint Committee on the Library to carry out a contract with William H. Powell, authorized by a joint resolution approved March 2, 1865, for a picture illustrative of some naval victory, (said sum being in excess of the amount required to carry out said contract,) is hereby transferred to the fund for the purchase of books for the Library of Congress.

Mr. SUMNER. That is a good appropriation.

The Secretary read the ninth section, as follows:

SEC. 9. *And be it further enacted*, That when the entire compensation of any marshal of a district court of the United States, as reported to the Secretary of the Interior, in accordance with the third section of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1863, shall be less than the sum of $2,000 per annum, including all fees and emoluments received for services rendered by deputy, the difference, to be ascertained and allowed by the proper accounting officer of the Treasury, shall be paid to him therefrom; that the criers and bailiffs of the courts of the United States, appointed in pursuance of the act above referred to, shall, in lieu of all other compensation, be allowed the sum of three dollars per day, to be paid by the marshal and included in his accounts, the compensation to be given only for actual attendance; and when both the circuit and district courts of the United States are in session at one time, to be paid only for attendance upon one court: *Provided*, That in lieu of all other compensation allowed to the criers and bailiffs of the circuit and district courts of the United States held in the cities of Boston, New York, Philadelphia, Baltimore, Chicago, New Orleans, and San Francisco, they shall each be allowed and paid for their services the sum of $840 per annum, to be paid by and included in the accounts of the marshal of such district out of any money of the United States in his hands; the compensation provided by this act to commence with the

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present fiscal year; and the temporary clerks in the Quartermaster General's office shall receive the same pay as clerks of class one.

Mr. FESSENDEN. I know nothing about that.

Mr. TRUMBULL. Marshals get a salary of $250, and this provides that if their fees and emoluments are not enough to make it $2,000 we shall make up the difference.

Mr. FESSENDEN. I move to strike it out. I should like to know how it got into this bill.

Mr. POLAND. I wish to object to striking out this section. In relation to the temporary clerks in the quartermaster's department, I think the provision made for them is very just. There are but very few of them now left in the department, and they are paid by the month. This section provides for bringing them up to $1,200 a year, the lowest class of clerks in the Departments.

Mr. FESSENDEN. We can settle that part of it in a committee of conference.

Mr. POLAND. I do not see any necessity for striking it out.

Mr. FESSENDEN. If the Senator will take the pains to put that part of the section in proper shape and in the right place in the bill I shall be obliged to him; but it has no right there where it is.

The PRESIDING OFFICER. The section will be passed over for the present.

The Secretary read the tenth section, as follows:

SEC. 10. *And be it further enacted*, That the deputy surveyor at the port of San Francisco be paid the same compensation annually that is now paid to the deputy collector at said port.

Mr. FESSENDEN. I do not know what that is.

Mr. CONNESS. I will state that the salary of the deputy surveyor of that port until last year was $3,000; but last year it was cut down in the general reduction to $2,500, with a reservation that has not been exercised by the Department, and this is put in to make it what it was before. The intention was not under the law of last year to cut down that salary.

Mr. FESSENDEN. Does the deputy surveyor receive $2,500 now?

Mr. CONNESS. Yes, sir.

Mr. FESSENDEN. Is not that enough?

Mr. CONNESS. No, sir. He is paid in greenbacks, and the salary does not amount to a great deal there, and cannot support him. The House has seen fit to put it back where it was before the law of last year. The Senator from New York knows what was done then.

Mr. MORGAN. The salaries of deputy surveyors were advanced $500 at New York and several other ports. San Francisco was included in the $2,500 class. It was supposed to be an advance on all of them; but it was a reduction in that one case.

Mr. FESSENDEN. What does the deputy surveyor at New York city get?

Mr. MORGAN. Two thousand five hundred dollars.

Mr. CONNESS. The chairman of the Committee on Finance, having been Secretary of the Treasury, must be aware that the customs officers in San Francisco generally receive twenty-five per cent. more than is paid to the same grade of officers on this side. This officer's allowance was brought down in this manner without any intention to do it.

Mr. FESSENDEN. I ask whether it would not be wise to hold him there in order to induce the people of that region to change their views and have some national banks?

Mr. CONNESS. I regret very much that they have not national banks; but as soon as you give us capital enough they will be established there.

Mr. FESSENDEN. Does the Senator from New York think this section is right?

Mr. MORGAN. Yes, sir.

Mr. FESSENDEN. Then I make no objection to it.

The PRESIDING OFFICER. The reading of the bill has been concluded.

Mr. FESSENDEN. I have several amendments to offer, which were agreed to in the legislative appropriation bill, but finally left out by the final action of the Senate. I move on page 6, after line nine, to insert:

For temporary clerks in the Treasury Department, $50,000: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to classify the clerks authorized according to the character of their services.

The amendment was agreed to.

Mr. FESSENDEN. I offer the following amendment as an additional section:

SEC. —. *And be it further enacted*, That the notice required by the fourth section of the act entitled "An act to pay in part for publishing the debates in Congress, and for other purposes," approved July 4, 1864, is hereby given that Congress will, in two years from the close of the present Congress, abrogate the provisions of the first and second sections of said act.

The amendment was agreed to.

Mr. FESSENDEN. I move to insert as an additional section:

And be it further enacted, That the Secretary of the Interior is hereby authorized to appoint in the office of the Commissioner of Pensions, in addition to the clerks now authorized in said office, twenty-eight clerks of class one; twenty-four of class two; eighteen of class three; and ten of class four; said clerkships to expire at the end of two years; and a sum sufficient to pay the salaries of said clerks from the date of their appointment to the 30th of June, 1867, and for the fiscal year ending the 30th of June, 1868, be and the same is hereby appropriated.

The amendment was agreed to.

Mr. FESSENDEN. I offer one more amendment:

And be it further enacted, That if the Supreme Court shall in any one year direct its reporter to publish a second volume for such year of its decisions, and if such second volume shall be published accordingly, an additional sum of $1,500 shall be paid said reporter therefor on the delivery by said reporter to the Secretary of the Interior, for distribution according to existing laws, of three hundred copies of such second volume of said reports; and the amount necessary to pay the same is hereby appropriated.

Mr. WILLIAMS. I move to amend the bill by inserting after line eight on page 1:

To pay deficiencies in the contingent expenses of the Senate, as follows:
For additional messengers, $7,000.
For additional labor in the folding-room, and material, $10,000.
For stationery, $10,000.
For miscellaneous items, $30,000.

Mr. FESSENDEN. I should like to understand what that means.

Mr. WILLIAMS. I know nothing about it. I have received a letter from the Secretary of the Senate within a day or two stating that these appropriations are necessary; and the Sergeant-at-Arms informs me that he knows the appropriations for extra messengers and for the folding-room are necessary.

Mr. FESSENDEN. What are the other items for?

Mr. WILLIAMS. Thirty thousand dollars for miscellaneous expenses and $10,000 for stationery.

Mr. FESSENDEN. Have you any details or estimates?

Mr. WILLIAMS. None. I do not pretend to know anything about it. I had no time to examine it. I must insist, however, on the appropriation for the extra messengers and for the folding-room. The $30,000 for miscellaneous items may be struck out if the Senator pleases; but I should like to have the other items put in.

Mr. FESSENDEN. There is no sort of examination. It comes in at the last moment, and we know nothing about it.

Mr. WILLIAMS. I know nothing about it. I have not seen anybody in regard to it. As I said, there has simply been a letter sent to me on the subject.

Mr. FESSENDEN. The Senator had better strike out the last item, at any rate.

Mr. SHERMAN. I think we had better strike out the whole.

Mr. WILLIAMS. I think we had better appropriate for the stationery and the folding-room. At the suggestion of the Senator I will modify the amendment by striking out the last item of $30,000 for miscellaneous expenses until we can get more information. It is a very loose way of doing business to send a letter in at this stage of the session.

The PRESIDING OFFICER. The amendment will be modified according to the suggestion of the Senator from Oregon.

The amendment was agreed to.

Mr. STEWART. I offer the following amendment as an additional section:

And be it further enacted, That the salary of the district judge of the district of California shall be $5,000; the salaries of the district judges of the districts of Massachusetts, southern and eastern districts of New York, eastern district of Pennsylvania, Maryland, northern district of Illinois, Louisiana, Oregon, and Nevada, shall be $4,500 each; and the salary of the district judge of every other district shall be $4,000 each, and such salary shall be in full compensation for all official services performed by such judges, and no other allowance or payment shall be made to them for traveling expenses or otherwise, and the amount necessary to pay the increased compensation herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. FESSENDEN. I hope that instead of offering that proposition the Committee on the Judiciary will offer the one that was agreed to in the committee of conference. The House made very serious objections to passing the section at all, but finally agreed to pass it in a modified shape. I think it better to put it on this bill in that form. To adopt the proposition as now offered will only result in a long discussion at this late hour, and perhaps protract the bill so that we can do nothing. I hope the section will be offered as it was finally agreed to in the committee of conference.

Mr. STEWART. That only gave the judge in Nevada $3,500, where the expenses of living are very great. I think that amendment only made two classes. I do not think it fair to give the judge in that district only that amount.

Mr. POLAND. In one of the committees of conference that was had on the legislative, executive, and judicial appropriation bill, to which this amendment was moved, some objection was made by the House committee to the sums named. They agreed that the salaries of the judges ought to be raised, but thought we had them higher than they ought to be, and objected to the classification somewhat. As the Senate put the amendment on that bill the California district stood as now at $5,000; the districts of Massachusetts, southern and eastern New York, eastern Pennsylvania, northern Illinois, and Louisiana were made $4,500, and all others $4,000. I have here a statement of what the committee of conference agreed upon, or rather what the House committee would have agreed to, provided we could have settled the point of difficulty about the House clerks, and in that classification the district judge of California is put at $5,000; Massachusetts, each of the three New York districts, New Jersey, the eastern district of Pennsylvania, Maryland, the northern district of Illinois, the southern district of Ohio, and Louisiana, at $4,000; and all the others at $3,500.

Mr. FESSENDEN. Four thousand five hundred dollars should be fixed for Louisiana, because the present law gives the judge that compensation.

Mr. POLAND. I do not remember how that is.

The PRESIDING OFFICER. Does the Senator from Vermont propose an amendment to the amendment?

Mr. POLAND. So far as I am concerned I should have preferred the amendment as the Senate agreed to it originally on the other bill; but it seems to be thought by the Senator from Maine that it will be more likely to be acceptable to the other House if we take the modification that was agreed upon by the conference committee. I therefore propose to amend the amendment in the way I have suggested.

Mr. FESSENDEN. Is it proposed to make all the three New York districts $4,000?

Mr. POLAND. Yes; they are all $3,750 now, and this only raises them $250.

Mr. STEWART. The other evening, after a long discussion, we fixed the salary of the judges in Montana at $4,000. It is as expensive living in Nevada as in Montana.

Mr. FESSENDEN. But for the Territories the appointments are only temporary. These are life offices.

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Mr. STEWART. A thousand dollars in Vermont is worth more to a judge than $3,000 in Nevada. Prices are fully three times as high, and there is certainly as much business for a district judge in Nevada as in Vermont. There are questions connected with the internal revenue constantly arising there. But, sir, I will not insist upon my amendment; and as the proposition of the Senator from Vermont seems to be satisfactory to the Senate I withdraw it.

Mr. POLAND. Then I move to amend the bill by adding the following as a new section:

And be it further enacted, That the salary of the district judge of the district of California shall be $5,000. The salary of the district judges of the district of Massachusetts, northern, southern, and eastern districts of New York, eastern district of Pennsylvania, Maryland, northern district of Illinois, the district of Louisiana, southern district of Ohio, and the district of New Jersey, shall be $4,000 each; and the salaries of the district judges of every other district shall be $3,500 each; and said salaries shall be in full compensation for all official services performed by such judges, and no other allowance or payment shall be made to them for travel, expenses, or otherwise; and the amount necessary to pay the increased compensation herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. STEWART. I move to amend that by putting Nevada in the $4,000 dollar list.

Mr. FESSENDEN. I hope it will not be done.

Mr. WILLIAMS. I move to amend the amendment by including Oregon in the same list.

Mr. FESSENDEN. I should like to hear from the other Senator from Nevada [Mr. NYE] whether he thinks $3,500 is too little for the district judge there. There are two Senators from that State, and I should like to know whether they agree on this question.

Mr. STEWART. I will modify my amendment so as to insert both Nevada and Oregon in the $4,000 class.

Mr. FESSENDEN. They have lived with their present salaries, and I have heard no complaint.

Mr. POLAND. I would say a word in reference to this Nevada judgeship. It is only very recently created, and the salary was fixed only a year or two ago, when everything was at the very highest rate, when the price of living was more than it is now, and although it may be very expensive living there just at this time, things will soon be a little easier there. That State is getting more in communication with the rest of the world. The proposition to place Oregon and Nevada higher than $3,500 was strongly objected to on the part of the other House. And that was one great point of objection to our original amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada to the amendment of the Senator from Vermont.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. HARRIS. I offer an amendment to come in after line twelve of page 5:

For continuing the construction of the distributing reservoir of the Washington aqueduct to its contemplated bottom, and protecting its banks with slope walls laid in hydraulic cement, $150,000.

This proposition has been recommended by the Secretary of the Interior and was adopted by the Senate on a previous bill, but was stricken out in committee of conference, and I offer it now on this bill.

The amendment was agreed to.

Mr. TRUMBULL. I offer the following amendment to come in on page 4:

For supplying deficiency in the appropriation for the work on the Capitol extension, $50,000.

I will state that I hold in my hand a letter from the architect of the Capitol extension——

Mr. FESSENDEN. Are there not two items in the bill now?

Mr. TRUMBULL. I have hunted for them in the bill and so has the Clerk, but we have not been able to find them.

Mr. FESSENDEN. There is an appropriation for monolithic columns in the first part of the bill in these words:

Capitol extension:
For eight additional monolithic columns, $11,200.
For ventilating, $9,000.

Mr. TRUMBULL. It is right, then, that amount should be taken out of this $50,000. The two items make $20,200. That will leave this appropriation at $29,800.

Mr. HENDERSON. What is it for?

Mr. TRUMBULL. I will state in a moment. It seems this was proposed in the House of Representatives, but not being understood, as the architect thinks, was not agreed to there. Mr. Clark says in his letter to the Secretary of the Interior:

"I regret to state that the moneys on hand for the prosecution of this work will not be sufficient for the present fiscal year.

"This deficiency is owing partly to the fact that when the estimate was made on which the appropriation was based I had just become connected with the work, and that I was not aware of the amount of expenditure required for work being done abroad. Consequently I limited the estimate to the work of finishing the marble and the other work connected therewith.

"Two items of expenditure were also incurred which were not included in the estimate, namely, the procuring of eight additional monolithic columns in place of those in two blocks on hand and paid for, and the work done for ventilation at the two Halls, both items being ordered by the Secretary of the Interior, at the request of the Committee on Public Buildings and Grounds of one or other of the Houses. These items, it seems, are already provided for in the bill.

"The cost of this additional work and the items overlooked is as follows:

Paid for models for bronze doors	$8,940 00
Paid for materials, casting, and fitting bronze doors	20,860 00
Paid for eight additional monolithic columns	11,200 00
Paid for ventilating, estimated at	9,000 00
Total	$50,000 00

"I therefore respectfully request that an appropriation of $50,000 may be asked for to make up this deficiency."

And he makes some further explanation. It seems this work was ordered, and Mr. Clark, the architect, knew nothing about it. It is for a model of the bronze doors, the exterior doors of the Senate and House wings, which were ordered some years ago, and have been paid for out of the money which Mr. Clark had asked for the extension of the building, he knowing nothing of it at the time. The letters perhaps may have explained it, but he has called my attention to the subject that the amendment may be moved here. I presume there will be no objection to it when properly understood.

The amendment, as modified, was agreed to.

Mr. POLAND. I propose an additional amendment in relation to the temporary clerks in the Quartermaster General's office. The Senator from Maine desired to have a separate section covering them, the section in which they were included covering several other matters having been stricken out. I therefore propose this amendment as a new section:

And be it further enacted, That the temporary clerks in the Quartermaster General's office shall for the present fiscal year receive the same compensation as is paid to first class clerks, and a sum sufficient to pay the same is hereby appropriated.

The amendment was agreed to.

Mr. MORRILL. I offer the following amendment:

And be it further enacted, That for the purpose of executing the fourth article of the treaty of Washington, concluded on the 9th day of August, 1842, the Secretary of the Treasury is hereby authorized and directed to pay to the State of Maine for ninety-one thousand one hundred and twenty-five acres, assigned by said State to settlers under said article, a sum equal to $1 25 per acre; and to the Commonwealth of Massachusetts for twenty-six thousand one hundred and fifty acres, assigned by said Commonwealth to settlers under said article, a sum equal to $1 25 per acre: *Provided*, Before said sums are paid the States of Maine and Massachusetts shall agree with the United States that the settlers upon their public lands in the late disputed territory in Maine, entitled to be quieted in their possessions, as ascertained by commissions heretofore instituted by said States, shall have been or shall be quieted by a release of the title of the said States.

Mr. SHERMAN. I raise the point of order that this is a private claim, relative to grants of land under the treaty of 1842.

Mr. MORRILL. The answer to that is that it is in execution of a treaty stipulation.

Mr. SHERMAN. That is not sufficient. It is not in pursuance of a treaty stipulation.

Mr. FESSENDEN. With regard to that I will say that the Senate by a vote on two occasions has decided that it did not come within the prohibition of the rule, being to carry out a treaty stipulation.

Mr. SHERMAN. There is another point. The bill of which this amendment is a copy was passed on your motion, sir, [Mr. DOOLITTLE in the chair,] sent to the other House, and that House has failed to consider it or has refused to pass it. Now, is it proper for us at this hour of the session to put on a bill of this kind a disputed claim, growing out of an old matter, which has been controverted ever since I have been in Congress, and I do not know how many years before? We ought not to do it at this stage of the session. We have had enough loose legislation, but I think this would be a little worse than any we have had.

Mr. MORRILL. My friend from Ohio is making a speech very much at random, he will allow me to say. This never has been a disputed claim; it never has been a controverted claim in any other sense than such statements are made here now. I undertake to say that this claim has been recognized and adjudicated by the Senate, and it stands here *res adjudicata*.

The case may be very briefly stated. By the fourth article of the treaty of Washington, the United States undertook to quiet the settlers in what was a disputed territory in Maine. That was an obligation on the part of the Government of the United States. There are twelve hundred settlers on that territory whose possessions are not quieted, and the Government of the United States has failed to quiet them. This measure has been examined several times by committees of this body, and each time reported favorably. At the last session of Congress it was reported to the Senate from the Committee on Foreign Relations, having been twice before reported from the Committee on Claims, and passed the Senate.

Mr. SHERMAN. I ask the Senator if he is authorized by any committee to offer this amendment?

Mr. MORRILL. I am by the Committee on Foreign Relations.

Mr. SHERMAN. As an amendment to this bill?

Mr. MORRILL. Yes, sir; it is in execution of a treaty. The bill which passed the Senate last year went to the other House, and has been there reported favorably by their committee, and the only reason it has not been passed is that it has not been reached. I affirm that it has never been a controverted question, and it never can be. It is in execution of a treaty, and is properly here. It belongs on this bill. The Government of the United States has never ignored it; but it has the judgment of three of the first committees of the Senate, and it had the judgment of the Senate at the last session, and this session it has the judgment of a committee of the House. It is not an old claim; it is not a stale claim; but it is an obligation on the part of the Government growing out of a plain treaty stipulation.

Mr. SHERMAN. Now, I would ask the Senate if they are willing to force the other House to consider this question which they have never passed upon, favorably at least, at this stage of the session? I still insist upon my point of order that this is a private claim.

The PRESIDING OFFICER. The Chair is of opinion that it has been once or twice ruled to be in order to move this very amendment on an appropriation bill. That is the recollection of the present occupant of the chair.

Mr. DAVIS. These claimants have been knocking at the door of the national Treasury very often, and I think the claim had better

be allowed now, so that it may never be heard of more. [Laughter.]

Mr. SHERMAN. That reasoning would apply to a great many other cases.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in. It was ordered that the amendments be engrossed and the bill read a third time. The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had agreed to recede from its disagreement to the forty-fourth amendment of the Senate to the bill of the House No. 896, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1868, and that it had passed a joint resolution (H. R. No. 305) to amend section five of an act entitled "An act to increase the duties on imports, and for other purposes," approved June 30, 1864, in which it requested the concurrence of the Senate.

NOTT AND COMPANY.

Mr. SUMNER. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 1231) for the relief of Nott & Co., to report it back without amendment, and as it has already passed the House and is a very little bill, which will only take a minute, I ask for immediate action upon it.

The bill was read. It proposes to direct the envoy extraordinary and minister plenipotentiary of the United States to China, or the chief diplomatic agent of the United States in China, to examine the claim of Nott & Co., American merchants trading and doing business in China, against the Chinese Government for losses of coin sustained in 1857 by the capture and robbery of the vessel called the Neva; and if in his opinion the claim ought to be paid he is to pay it, with the rate of interest allowed on other claims, from the time of such loss, out of any funds received from the Chinese Government, under the treaty of 1858, for the payment of losses sustained by American citizens.

Mr. SHERMAN. I want to know what the amount of that claim is?

Mr. SUMNER. It is for $15,000 that was stolen by a pirate in 1857.

Mr. SHERMAN. Has it been examined?

Mr. SUMNER. It comes from the House of Representatives, and has been examined by the Committee on Foreign Relations. There is a fund of about three hundred thousand dollars paid by the Chinese Government for claims, and which is now in the Treasury.

Mr. SHERMAN. I object to the third reading of the bill.

Mr. SUMNER. This money does not come out of the Treasury; it is paid out of that fund.

The PRESIDING OFFICER. The bill will be laid over for the present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution of the Senate:

A bill (S. No. 438) for the relief of the heirs of John E. Bouligny;

A bill (S. No. 499) for the relief of Frank Pugsley, late a private soldier in company I, of the third regiment of New Hampshire volunteers; and

A joint resolution (S. R. No. 167) for the relief of certain enlisted men of the seventh regiment of West Virginia volunteers.

The message also announced that the House had passed the joint resolution (S. R. No. 173) to facilitate the settlement of the account of disbursing officers, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had passed a bill (H. R. No. 1234) to incorporate the joint stock company of the Young Men's Christian Association of Washington, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution of the House:

A bill (H. R. No. 916) for the relief of James M. Bishop, who claims $236;

A bill (H. R. No. 1095) to authorize the Secretary of the Treasury to pay a certain draft to W. W. Potter, late acting military agent of the State of New York; and

A joint resolution (H. R. No. 36) referring the papers in the case of F. A. Gibbons and F. X. Kelly to the Court of Claims.

The message further announced that the House had agreed to the report of the committee of conference on the following bills of the House:

A bill (H. R. No. 234) to incorporate the National Capital Insurance Company; and

A bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill of the House No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the year ending June 30, 1868, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. H. D. WASHBURN of Indiana, Mr. WILLIAM HIGBY of California, and Mr. T. G. BERGEN of New York, managers at the same on its part.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1234) to incorporate the joint stock company of the Young Men's Christian Association of Washington, was read twice by its title, and referred to the Committee on the District of Columbia.

The joint resolution (H. R. No. 305) to amend section five of an act entitled "An act to increase the duties on imports, and for other purposes," approved June 30, 1864, was read twice by its title, and referred to the Committee on Finance.

FORTIFICATION BILL.

On motion by Mr. FESSENDEN, the Senate proceeded to consider its amendments to the bill of the House No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the year ending June 30, 1868, and for other purposes, disagreed to by the House of Representatives.

On motion by Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MORGAN, Mr. MORRILL, and Mr. HENDERSON.

DISBURSING OFFICERS.

On motion by Mr. WILSON, the Senate proceeded to consider the amendment of the House of Representatives to the joint resolution of the Senate No. 173, to facilitate the settlement of the accounts of disbursing officers; and it was referred to the Committee on Military Affairs and the Militia.

LAND OFFICES IN THE TERRITORIES.

Mr. STEWART. I move to take up the report of the committee of conference on the bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, and Montana. It was under consideration some time ago and was laid aside.

The motion was agreed to.

Mr. STEWART. This was a bill that came from the House, and was amended in the Senate so as to give a land district to Arizona and attach that Territory to California for surveying purposes. It also gives a land district to Montana, and a surveyor general's district. The amendment agreed on by the conference committee extends to Utah a land district and a surveyor general. The question is, Will you give Utah a land district and a surveyor general? That is the issue.

Mr. EDMUNDS. I hope Senators will pay attention, because this, in my judgment, and in the judgment of the chairman of the Committee on Territories, one of the Senators from Ohio, who is not now present, is of a good deal of consequence. The proposition is by this agreement of the conference committee, or a majority of them—I was in the minority—to open the land districts in Utah further than they are now, so as to allow—for that will be the result—the Mormon people and the Mormon leaders to take up all the lands and exclude everybody else, for we all know that nobody else can stay there now. I think it right that we should leave it just as it is, and hold on to our lands until we can make some arrangement to protect the people who go there. I hope, therefore, that we shall disagree to this report of the conference committee, and in that opinion I am fortified by the excellent judgment of the Senator from Ohio, the chairman of the Committee on Territories, who understands the question.

Mr. HENDRICKS. I regard this bill of very great importance to the new Territories, and I would regard it as a public misfortune if it failed to pass. It cannot probably pass in any other shape at this session than the shape in which it is now presented, and I hope the report of the committee of conference will be agreed to.

Mr. FESSENDEN. There is such a difference of opinion about it that I think we had better not do it.

Mr. POMEROY. The Committee on Public Lands were decidedly against this proposition. We never would agree to it.

Mr. CRAGIN. I wish to say a word as to what I have learned in regard to this matter on the Committee on Territories in relation to the public lands in the Territory of Utah. The Government bounds are entirely destroyed, and it is utterly impossible, I am informed by men from that Territory, to tell anything about it. The Mormons have destroyed the bounds set up by the Government surveyors. They have undertaken to grant the lands by their territorial Legislature to private individuals in all directions.

Mr. HENDRICKS. There was a surveyor general sent out from this city to Utah who surveyed whole regions of country without a chain or compass ever passing over them, making mathematical subdivisions of the country and reporting them to the General Land Office, and the absence of landmarks is charged upon the Mormons, when it is known at the Land Office to be the fault of the surveyor general.

The report was rejected—ayes nine, noes not counted.

SHOE LASTINGS.

Mr. FESSENDEN. There is a little joint resolution on the table from the House of Representatives that we may as well take up and pass now. I am satisfied it is right. It was referred to the Committee on Finance. I now report it back and ask to have it put on its passage.

Mr. TRUMBULL. Is that a tariff bill?

Mr. FESSENDEN. Changing it in one particular.

Mr. TRUMBULL. Is it increasing the tariff?

Mr. FESSENDEN. No. Let it be read and Senators will see exactly what it is. It is merely as to the description of one article.

The joint resolution (H. R. No. 305) to amend section five of an act entitled "An act to increase the duty on imports, and for other purposes," approved June 30, 1864, was considered as in Committee of the Whole. It proposes to repeal the paragraph of section

five of the act of June 30, 1864, which is in these words: "on lastings, mohair, cloth, silk twist, wool, or other manufactured cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, boots, bootees, gaiters, and buttons exclusively, not combined with India-rubber, ten per cent. *ad valorem.*"

The resolution also provides that machinery for the manufacture of beet sugar, and imported for that purpose solely, shall be exempt from duty.

The joint resolution was reported to the Senate without amendment.

Mr. HENDRICKS. I should be glad if the chairman of the Committee on Finance would state in a word or two what this is.

Mr. FESSENDEN. I cannot tell without looking at the act, but my impression is that it puts these articles into a different schedule at a higher rate of duty.

Mr. WILSON. I will simply say that some years ago, nearly twenty years ago, lastings, mohair, and other articles out of which shoes were made was charged twenty per cent. duty, and ten per cent. if cut in patterns. The twenty per cent. duty has been carried up to fifty per cent. duty, but the ten per cent. duty remains as it did then, and has not been changed. The result is that the wealthy manufacturers are sending to Canada and to England for these articles cut out, and they bring them into the country at ten per cent., cheating the revenue out of forty per cent., and nobody gets the advantage of it but these men.

Mr. HENDRICKS. Is that all there is in the proposition?

Mr. WILSON. It is all there is in the first section.

Mr. FESSENDEN. The other section is simply allowing machinery for the manufacture of beet-root sugar to come in free of duty.

The joint resolution was ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. HENDRICKS, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1176) making appropriations for the naval service for the year ending June 30, 1868, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1176) making appropriations for the naval service for the year ending June 30, 1868, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their first and fourth amendments.

That the Senate agree to the amendment of the House to the sixth amendment of the Senate.

That the Senate recede from the third amendment, and that the two Houses agree to said proviso, with the following amendment: strike out all after the word "provided" in the fifth line to the end of the paragraph at line eighteen, and insert in lieu thereof as follows: "That the civil engineer and naval store-keeper, when required at any of the navy-yards, shall be appointed by the President, by and with the advice and consent of the Senate, and the persons employed at the several navy-yards as master machinists, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sailmakers, master plumbers, master painters, and master caulkers, shall be men skilled in their several duties, and appointed from civil life."

That the House recede from their disagreement to the seventh amendment of the Senate, and agree to the same with an amendment, as follows: strike out all of said amendment after the enacting clause and insert in lieu thereof the following: "That no officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinions, and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed the service of the United States."

T. A. HENDRICKS,
W. T. WILLEY,
WILLIAM SPRAGUE,
Managers on the part of the Senate.

JOHN A. KASSON,
N. P. BANKS,
F. A. PIKE,
Managers on the part of the House.

Mr. HENDRICKS. I will explain that the Senate recedes from its appropriation for the purchase of property at and in addition to the Charlestown navy-yard. This report amends the proviso——

Several SENATORS. Never mind; it is all right.

Mr. HENDRICKS. Very well; if the report is satisfactory to the Senate I shall say no more.

The report was concurred in.

RECESS.

Mr. FESSENDEN, (at eight and a half o'clock p. m.) If there is no other business on the table requiring the attention of the Senate, I move that the Senate take a recess till seven o'clock this evening.

Several SENATORS. Say eight.

Mr. TRUMBULL. I move to amend the motion by substituting eight o'clock for seven.

Mr. FESSENDEN. If we meet at eight we may be kept here an hour later than if we meet at seven.

Mr. HENDRICKS. We are ahead of the House of Representatives.

The amendment was rejected.

Mr. FESSENDEN. To accommodate gentlemen, I will say half past seven o'clock.

The motion was agreed to; and the Senate took a recess till seven and a half o'clock p. m.

SUNDAY EVENING SESSION.

The Senate reassembled at seven and a half o'clock p. m., (Sunday, March 3.)

CREDENTIALS.

Mr. MORGAN presented the credentials of the Hon. ROSCOE CONKLING, elected a Senator of the United States by the Legislature of the State of New York for the term of six years, commencing on the 4th day of March, 1867; which were read, and ordered to be filed.

Mr. LANE presented the credentials of the Hon. GARRETT DAVIS, elected a Senator of the United States by the Legislature of the State of Kentucky for the term of six years, commencing on the 4th day of March, 1867; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution of the Senate:

A bill (S. No. 543) to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States;

A bill (S. No. 563) supplementary to the several acts of Congress abolishing imprisonment for debt;

A bill (S. No. 595) to regulate the disposition of an irregular fund in the custody of the Freedmen's Bureau; and

A joint resolution (S. R. No. 175) for the relief of Dyer B. Pettijohn.

The message further announced that the House had passed bill of the Senate No. 576, relating to appeals and writs of error to the Supreme Court, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 865) granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, in which it requested the concurrence of the Senate.

CONDITION OF INDIAN TRIBES.

Mr. DOOLITTLE, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 204) to provide for an annual inspection into Indian affairs, and for other purposes, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 204) entitled "An act to provide for an annual inspection into Indian affairs, and for other purposes," having met, after full and free conference could not agree, and ask to be discharged from its further consideration.

JAMES R. DOOLITTLE,
SAMUEL C. POMEROY,
ALEXANDER G. CATTELL,
Managers on the part of the Senate.

JOHN A. KASSON,
ROBERT C. SCHENCK,
WILLIAM WINDOM,
Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. No. 865) granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, was read twice by its title, and referred to the Committee on Public Lands.

APPEALS TO THE SUPREME COURT.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 576) relating to appeals and writs of error to the Supreme Court, which was to add the following as a new section:

And be it further enacted, That where an appeal has been or may be taken from any final judgment, decree, or order of the district court of the United States for any district to a circuit court, the cause appealed, by consent of parties, may be heard and disposed of by the circuit court held by the district judge at any time after the appeal, in the case of the absence at such term of the Chief Justice of the United States or the associate justice allotted to the circuit in which such district is.

Mr. JOHNSON. I move the reference of that amendment to the Committee on the Judiciary.

The motion was agreed to.

DEFICIENCY BILL.

Mr. FESSENDEN. I have discovered that two very slight amendments are necessary in the amendments that we made to the deficiency bill; and for the purpose of making them I move a reconsideration of the vote by which the bill was passed.

The PRESIDENT *pro tempore*. It is moved to reconsider the vote on the passage of the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes.

The motion was agreed to.

Mr. FESSENDEN. I now move to reconsider the vote by which the amendments were ordered to be engrossed and the bill to be read a third time.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now before the Senate, and open to amendment.

Mr. FESSENDEN. I ask the Clerk to read the amendment appropriating $50,000 for temporary clerks in the Treasury Department.

The Secretary read as follows:

For temporary clerks in the Treasury Department, $50,000: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to classify the clerks authorized according to the character of their services.

Mr. FESSENDEN. I wish to amend that clause by inserting after the words "Treasury Department" the words "for the fiscal year ending June 30, 1868." It is for the next fiscal year; but as it stands there it is for the present.

Mr. SUMNER. I think we had that amendment on another bill.

Mr. FESSENDEN. Yes; it was one of those we were obliged to abandon in order to pass that bill.

Mr. SUMNER. I only deem it my duty to say I regret every time that any discretion is left to the Secretary of the Treasury, because I think him unworthy of it.

Mr. GRIMES. I wish to inquire if this is an additional appropriation to what has already been made?

Mr. FESSENDEN. No; we were obliged to abandon the other in the contest with the House.

Mr. GRIMES. This puts the same appropriation that we abandoned on the other bill on this bill?

Mr. FESSENDEN. Precisely.

The amendment was agreed to.

Mr. FESSENDEN. Now, in the clause with regard to the salaries of the judges, I move to insert after the word "judges" where it last occurs the words "and shall take effect at the commencement of the next fiscal year."

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

REVENUE-CUTTER SERVICE.

Mr. CRESWELL. I move that the Senate proceed to the consideration of House bill No. 899, in relation to the revenue-cutter service.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The Committee on Commerce report a substitute for the original bill; and the substitute only will be read unless some Senator asks for the reading of the original bill.

The Secretary read the amendment, as follows:

Strike out all after the enacting clause and insert: That for the expenses of the revenue-cutter service for each half year from and after the last day of December, 1866, until the 1st day of June, 1868, there shall be paid out of the appropriation for expenses of collecting the revenue from customs, $670,000.

SEC. 2. *And be it further enacted*, That the following sums be, and they are hereby, appropriated from any money in the Treasury not otherwise appropriated, namely:

To enable the Secretary of the Treasury to purchase for the said revenue-cutter service the steam-tug D. A. Mills and the steam-tug Mosswood, $28,000.

For the construction and equipment of eight schooners for the said service, designed to take the place of the steam cutters heretofore authorized to be sold under the act approved April 20, 1866, $211,000; and so much of the said act of April 20, 1866, as authorized the proceeds of the sales of the said steam cutters to be expended in the purchase or construction of other vessels is hereby repealed: *Provided*, That as soon as the said schooners shall be ready for service it shall be the duty of the Secretary of the Treasury, and he is hereby directed, to sell at public auction to the highest bidder, for cash, after due notice in the public newspapers, a like number of such of said steam cutters as he shall find to be ill-adapted to the purposes of the revenue service, so that the number of vessels employed in that service shall not at any time exceed the number at present so employed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I am extremely reluctant for one to enter upon this hasty legislation, as it may be justly called, at this last moment of the session. This subject was considered in the Committee on Commerce on a recent occasion when I had the pleasure to be present, and, according to the best of my recollection, it was the unanimous opinion of that committee that we had better suspend action until the next session. I learn from my distinguished friend from Maryland, in whose judgment I always have great confidence it is true, that afterward that decision was in some way reversed when I did not happen to be present, and it was thought fit to report this bill in this modified and amended way. Now, this revenue service can be sufficiently performed for the present with the means that the Government now has at its disposal. It is true it would be a little more complete, a little more effective, a little more ornamental, for I think I may use that expression, if these old vessels were disposed of and new ones were built; but it involves the expenditure of a very considerable sum of money from the Treasury; and I think when we have drawn and redrawn upon the Treasury as we have at this session, sometimes for good and sometimes for evil, that we had better pause at last and characterize the last hours of the session by an economy that we have failed to observe in the first. I hope for one that this matter will be laid over until we shall have more time for deliberation on a subsequent occasion.

DUTIES ON WOOL AND WOOLENS.

Mr. SHERMAN. If my friend will allow me, in the act we passed the day before yesterday, relating to the duties on wool and woolens, the time for its taking effect was on the passage of the act. We could not amend it very well without sending it back to the House. The intention was to offer a joint resolution to extend the time for ten days, so that notice might be given of the terms and provisions of the act at the various ports. I ask leave to introduce a bill to carry out that intention.

Mr. CRESWELL. I hope, as my friend is about to pass a bill on that subject, that he will include the substance of the proposition offered by the gentleman from New Jersey [Mr. CATTELL] from the Finance Committee, making an increase of duty of twenty per cent. applicable to all other articles.

Mr. SHERMAN. That is impossible. This is simply in aid of the act to extend the time for the going into effect of that act for ten days.

Mr. CRESWELL. I think the twenty per cent. addition would be much more in aid of it.

Mr. SHERMAN. There can be no objection to this.

Mr. CRESWELL. I only make the suggestion.

The PRESIDENT *pro tempore*. Is there any objection to the present introduction of the bill?

Mr. EDMUNDS and Mr. GRIMES. Let it be read for information.

Mr. SHERMAN. It is in the form of a bill. It can only be passed by general consent.

The Secretary read as follows:

A bill to extend the time for the taking effect of the act relating to wool and woolens.

Be it enacted, &c., That the act of the present session relating to the duties on wool and woolens shall not take effect until ten days after the passage of said act, anything in said act to the contrary notwithstanding.

The PRESIDENT *pro tempore*. The Senator from Ohio asks leave to introduce this bill. It requires unanimous consent to introduce it at this time. Is there any objection?

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Objection being made, it cannot be received.

REVENUE-CUTTER SERVICE.

The Senate resumed the consideration of the bill (H. R. No. 899) in relation to the revenue-cutter service.

Mr. CRESWELL. I was somewhat surprised to hear from my friend from Vermont the allegation that the legislation proposed by this bill is hasty legislation. If my friend will look over the papers applicable to the matter he will find that as early as December 10 of this session a strong paper was presented by the Treasury Department to the Committee on Commerce of the House asking that immediate action be taken on the subject of this bill. They urged in strong terms the necessity for having first a special appropriation for the revenue-cutter service, alleging that under the extension of the tariff and the greater disposition indicated by reason of the high rates to defraud the revenue, the absolute necessity of having a largely increased revenue-cutter service, and by consequence largely increased expenses; and that inasmuch as the expenses of the revenue-cutter service have of late grown to the hitherto unparalleled amount of nearly a million and a third dollars it is better that the Congress of the United States should hereafter make a special appropriation for that purpose, in order that they might have under their direction and disposal the details essential to that service. In accordance with these recommendations from the Treasury Department the House committee prepared a bill, which passed the other body, in which they make a special appropriation for that service for the next eighteen months. But when the matter came before the committee, of which my honorable friend from Vermont and myself are members, we concluded that inasmuch as by an act of last year a special appropriation of $4,200,000 was made generally for the purposes of collecting the revenue, it was better not to make an appropriation for the purposes of the revenue-cutter service, because the effect of it would be to increase thereby the appropriations generally for the collection of the revenue to the amount nearly of a million and a half dollars. The bill, therefore, before the committee of the Senate was amended so as to charge the amount necessary for the revenue-cutter service upon the general appropriation necessary for the collection of the revenue, the effect of which is that not one dollar additional is appropriated for this purpose.

In connection with this subject there are two other matters about which the Department feel great anxiety. The first is the necessity of having an appropriation for the purchase of two steam-tugs that are essentially necessary to the prosecution of the labors of the Department in the ports of Boston, Massachusetts, and Eastport, Maine. Furthermore, last year an act was passed by Congress authorizing the Treasury Department to dispose of some eight or ten, or as many as it might be deemed proper to dispose of, of the more expensive class of revenue cutters. The number of vessels attached to that service of the character of steamers at the present time is twenty-seven, and they vary in size from five hundred and fifty tons down to one hundred and twenty tons, and the number of men necessary to work them varies from fifty down to twenty. These vessels are found to be entirely too expensive. They are really vessels-of-war, and although they may have been necessary during the prosecution of the war, with their heavy armaments, to compete with vessels coming in from foreign countries which were also provided with armaments, they are found now to be comparatively useless for this service. They draw too much water, and are entirely too expensive. Therefore, instead of the bill I propose being, as the gentleman from Vermont charges, an additional tax upon the Treasury, it is expressly for the relief of the Treasury; and instead of making additional appropriations the idea is that the Treasury may be relieved by the sale of its more expensive steamers and the purchase of much less expensive sailing vessels, which are deemed better adapted to the service and all that the service requires. The mistake that was made in the details of the matter last year in the bill that passed Congress on the request of the Department was that it provided, first, for the sale of these vessels, and then further provided that out of the proceeds of the steamers the Department should be authorized to purchase the sailing vessels. The Treasury Department, it seems, with all its astuteness, was a little at fault in suggesting the terms of that bill, and they have since made the discovery that the boy did about his cake, that he could not eat it and have it at the same time. They have found that they cannot sell these steamers and appropriate the money to the construction of sailing vessels and still have the steamers. What they desire now is to use the steam vessels until the sailing vessels are ready for service. They therefore suggest to Congress the necessity of making a direct appropriation to pay for the eight sailing vessels that are required; and then suggest, and this bill provides, that the provision of the act of last session authorizing the proceeds of the steam vessels to be assigned to that purpose shall be repealed, so as to require that the proceeds of the steam vessels shall be covered directly into the Treasury.

Mr. HENDRICKS. If the Senator will allow me, I wish to inquire who owns the two steam-tugs which it is proposed to buy in the first clause of the second section?

Mr. GRIMES. Are those the only two tugs that can be bought and the cheapest?

Mr. CRESWELL. That is more than I can inform the gentleman.

Mr. HENDRICKS. If the Government ought to buy a couple of these vessels, what is the reason that Congress undertakes to say what two shall be bought?

Mr. CRESWELL. My recollection is that these tugs are already purchased and are now in use, and have been for some time past. They were purchased under such circumstances that the Department——

Mr. HENDRICKS. Then they were purchased without authority?

Mr. CRESWELL. I do not know that there was any special authority for purchasing them

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other than the general authority given by the appropriation of $4,200,000 for the collection of the revenue. The Senator from Indiana will bear in mind that heretofore there has been no special direction given with regard even to the revenue-cutter service; but the expenditure of the whole $4,200,000 has been entirely under the discretion of the Treasury Department. Does the chairman of the Naval Committee remember what those large steam cutters in the revenue-cutter service cost?

Mr. GRIMES. No, sir.

Mr. CRESWELL. They cost vastly more than sailing vessels would cost.

Mr. GRIMES. I know that.

Mr. FESSENDEN. The first ones cost from one hundred and fifteen thousand to one hundred and twenty-five thousand dollars. The last ones cost more. Those built on the lakes cost somewhere up to one hundred and forty thousand dollars.

Mr. CRESWELL. Then that shows the importance of this bill, because the object of it is to dispose of those more expensive vessels and purchase sailing vessels, that will cost about one fifth of that money, and put the residue into the Treasury.

Mr. SHERMAN. Is it proposed to sell the revenue cutters on the lakes?

Mr. CRESWELL. Only those of the twenty-seven now in the employ of the Department that the Secretary of the Treasury may deem less adapted to the purposes of the service.

Mr. FESSENDEN. And it is proposed to build sailing vessels.

Mr. CRESWELL. Yes; eight.

Mr. FESSENDEN. By recommendation of the Secretary?

Mr. CRESWELL. They were ordered last year, and the proceeds of the steam vessels are to be appropriated for that purpose.

Mr. FESSENDEN. What will the sailing vessels be good for after they are built?

Mr. CRESWELL. The Department think that in many respects they will be better than the steam vessels in certain quarters.

Mr. FESSENDEN. I do not think so.

Mr. CRESWELL. That is the opinion of an ex-Secretary. The opinion of the Secretary of the Treasury is different, and he makes the suggestion. I will state for the information of the Senator from Maine that the authority to build the eight sailing vessels is not given by this act. It was given at the last session. We only direct that $200,000 or thereabouts be appropriated out of the Treasury directly for this purpose, in order that the steam vessels may be retained in the service and employed in that service until the sailing vessels shall be ready for service. So far from this being a bill to appropriate money out of the Treasury or to tax the Treasury, it is in reality a bill for the relief of the Treasury and to insure to Congress that the revenue-cutter service shall hereafter be conducted much more economically than it has been for the last three or four years.

Mr. EDMUNDS. I wish to call the attention of the Senate again to the fact, which in my mind is of considerable consequence: that on a deliberate consideration of this bill when we had plenty of time the other day, in the Committee of Commerce, I believe we were unanimously of the opinion that it ought not to pass.

Mr. CRESWELL. I will state that that was the opinion of the committee as to the bill that came from the House; but upon a further consideration of the subject, and upon more information from the Department, we concluded that the measure could be matured, and that it was better it should be passed in the shape of a substitute at this session; and therefore we recommended the passage of the substitute.

Mr. EDMUNDS. It was not my good fortune to be present at the very recent meeting of the committee at which this conclusion was reached. What further information we had from the Treasury, through what agencies it came, I do not know; but we do know from the history of this subject that the officers of the Treasury Department who are charged with this branch of the public service do not appear to know themselves from one year to another what it is that they do want. I am not saying this of the Secretary of the Treasury. Of course his attention cannot be diverted from the general affairs of the Treasury and finance that he is obliged to devote himself to, to consider these matters of detail. I am not, therefore, speaking of it as any ground of complaint against him. But I have observed that his subordinates in the Treasury, who are charged with this branch of the service, do not seem, if we take their own acts as the guide of what their knowledge and opinions are, to know from one year's end to another what it is desirable that they should do. One year we must have steam vessels, and I think that is right myself; the next year we must dispose of the steam vessels and have sailing vessels; and the year after it will be discovered that sailing vessels are for this purpose of enforcing the revenue laws totally useless, as they have been demonstrated to be, and then we must sell out those and go and buy steam vessels. Now what use on the lakes, or what use on the sea-coast in these modern times, is a sailing vessel, a schooner, for the purpose of enforcing the police in the collection of the revenue? Totally and absolutely useless. It would be the by-word and the reproach of every smuggler that sails on the coast or across the lakes.

Therefore, Mr. President, I think that we ought not, at these last moments of the session, to plunge into any new experiments of this kind, although some subordinate of the Secretary of the Treasury comes down and button-holes the committee and induces them to make some modification of the bill and to go for it, because I feel as sure as I can feel of anything that a year will not pass over our heads, if we pass this bill, before we shall be called upon to reverse our action and to go back to the present plan. We are to have a fresh meeting of Congress immediately. There cannot be anything exceedingly urgent in this measure. Let us therefore have time to investigate the true principles upon which these details should proceed, and then we can do whatever the public service requires. I do hope Senators will not consent to push this bill through at this last moment.

Mr. FESSENDEN. It is very true, as the honorable Senator from Vermont suggests, that the Secretaries of the Treasury cannot themselves know very much about these matters. They do, however, have the general supervision of them, and nothing is done without their concurrence. With regard to the comparative value of the opinion of an ex-Secretary and the actual Secretary of the Treasury I do not suppose there is a very great difference arising out of that fact, particularly as living on the sea-board and being somewhat intimate with the revenue-cutter service, I may be supposed to know as much about it and have as many ideas in regard to it as a gentleman who came from the interior, and lived there nearly all his life, and probably has not, since he left the State of Maine originally, until recently, seen a revenue cutter at all. But I do not suppose that either of us knows very much about it. I can only say that for the last six years until very recently the idea has prevailed, and it has been acceded to as a truth, that for the revenue service these sailing vessels at the present time are utterly useless; and I am perfectly astonished to find that any bill has passed through Congress or been recommended by the Treasury Department for the building of sailing vessels for the revenue service.

Mr. SPRAGUE. It passed at the last session of Congress.

Mr. FESSENDEN. So I understand. I do not know when. It certainly never was passed by any recommendation that I heard here, and I do not know how it happened.

We built, under the first Secretary of the Treasury, in Mr. Lincoln's administration, large steamers, propellers for service on the sea-coast. They were very beautiful vessels, and they have been found very effective in every particular except one; and that was that they had no speed comparatively, I mean not sufficient speed. They were very much better than sailing vessels, however, and could be managed with very much greater ease.

Mr. CRESWELL. They add to the expenditure of money.

Mr. FESSENDEN. That was an expenditure of money; but it was a mistake thus far, I think; although they were very beautiful vessels, and some of them have a very reasonable speed, they are not what it was supposed they would be when they were built. They are too large in point of fact, and I think they might be altered so as to be made very efficient. Afterward, in pursuance of a law passed by Congress at the time we were anticipating difficulties and were having difficulties on the lakes, steamers were built for the revenue service. They were pretty well calculated for the service to a certain extent. Those were side-wheel steamers. The Treasury Department changed its plans about them. They saw that we wanted speed more particularly than anything else there, and we wanted vessels so built that they would run into comparatively shallow waters. I believe everybody concedes that those vessels were a very great success. They have a very high degree of speed, and they are very effective. I never heard anything said to the contrary with regard to them.

Now, sir, what has changed the views of the Department, or those who advise the Department, on the subject, I cannot imagine. If they have advised the building of sail vessels they have totally abandoned the system that they had before, and which was approved by everybody. Indeed, common sense would show that where you want vessels for police purposes they should have as high a degree of speed as possible to overtake any sail vessel and go around it in any way; and if you want them to go to sea to protect and save commerce on the coast in bad weather, which they are used for to a considerable extent along the Atlantic coast, you want steam vessels, powerful vessels. I hope, therefore, that no bill will be passed which contemplates any change of the system until we get more information on the subject, and somebody is prepared to give us some good reasons for it. It strikes me with entire astonishment; it may be owing to my ignorance of the subject; but until I am better informed than I am I must oppose the passage of this bill or any bill which is calculated for that purpose or to produce that effect.

Mr. MORRILL. This subject was before the Committee on Commerce at the last session. The result of their examination was the passage of an act authorizing the Secretary of the Treasury to sell a certain class of steamers in the revenue service, represented to be unsuitable to that service on account of their size, and to purchase in lieu of those steamers certain sailing vessels, which were said to be better adapted to the service, particularly upon the Atlantic coast. The statement was that this class of vessels was altogether too large for the service.

Mr. FESSENDEN. That is undoubtedly true. They should have smaller ones, but not sailing vessels.

Mr. MORRILL. The representation from the Department was that a certain portion of the service would be better performed by sailing vessels than by steam vessels; in other words, it was said that the experience of the Department was that the two ought to be combined; that you want sailing vessels and steam vessels. The legislation of the last session was based upon the idea that the revenue-cutter service demanded a combination both of sail and steam vessels, and that the Department had a certain class of steam vessels that were unsuited for the service, and they asked authority to sell those and invest the proceeds in the construction of sail vessels.

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Mr. FESSENDEN. If my colleague will allow me, I will state to him that a very capable and able member of the revenue service—and they have confounded his ideas—remarked that those vessels were not exactly what they should be; they were too large; that what was wanted was a vessel built so that it could either sail or go by steam. That is what he said they wanted, because, he said, if it was exclusively a steam vessel it would cost too much for fuel, and for a large portion of the service you could use the sails to perform it, and the steam power was only needed on occasions; that the vessels to be built should unite both steam power and sailing power. Instead of that I see we have authorized the building of sailing vessels exclusively. That was the idea probably they meant to carry out, and that idea was a good one. It was with reference to economy. You save a great deal by the combination, for a very large portion of the time you do not want steam power.

Mr. MORRILL. I am very free to say that I have no decided opinions on the subject, and I am not at all sure that my colleague is not entirely right. Still, what we now propose is exactly in harmony with the legislation of last year. That legislation did contemplate the sale of certain steam vessels, the proceeds of which were to be used in the construction of sailing vessels. We undertake now by appropriate legislation to carry out that idea. They come to us this year and say, "We want further legislation; we want an appropriation of $350,000 to enable us to build the sailing vessels contemplated by the legislation of last year, on the ground that it is not convenient to the service to sell the steam vessels until we have supplied their places by the sailing vessels." That is the basis of this legislation.

Mr. GRIMES. Will the Senator allow me to make inquiry? What is the necessity of this legislation, if, as the Senator from Maryland says, the Secretary has an appropriation of some million or two dollars for the purpose of enforcing the revenue laws of the country, and under which he has purchased the two steam-tugs to which reference has here been made?

Mr. MORRILL. In reply to the Senator from Iowa, my understanding is that the two steam-tugs were purchased on credit and not paid for out of any fund, and this is really an appropriation to meet that payment.

Mr. FESSENDEN. The combination that they wanted is precisely what I stated, the combination of sailing and steam power in the same vessels.

Mr. MORRILL. I am not certain that that is not so. All I am undertaking to explain is what I think my honorable friend from Maryland did explain, perhaps more lucidly than I am doing, that what we are attempting now is simply to give effect, so far as this idea is concerned, to the legislation of last year, and that upon the ground that it was settled that we would combine the two things, to wit, sail and steam vessels, in this service.

Mr. FESSENDEN. What is wanted is to combine them in the same vessel.

Mr. MORRILL. It may be that they ought to be combined in the same vessel. The other feature in this bill which commended it to the committee—this would seem to be incidental, because it was in harmony with the legislation of last year—was this: instead of appropriating a general appropriation for this service, we make a specific appropriation for the revenue service; not for the collection of the revenue, but a specific sum for the revenue-cutter service. Those are the two features of this bill. I do not feel like arguing the question at all, because it may be that the legislation of last year, as is suggested by my colleague, was not wise; that really what the Department intended and what it needs is a combination of sail and steam in one vessel; but certain I am that that is not the recommendation of the Department.

Mr. FESSENDEN. They did not understand the recommendation made to them on that subject.

Mr. CRESWELL. Senators seem to misapprehend entirely the object of this legislation, and they have gone into a general debate as to the relative merits of steam cutters and sailing vessels in the revenue service. Now, sir, all this is entirely irrelevant. So far as a debate of that kind could affect the question it was discussed at the last session of Congress, and by the second section of the act approved April 20, 1866, it was enacted:

"That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell at public auction to the highest and best bidder, for cash, after due notice in the public newspapers, such revenue cutters as he shall find to be ill-adapted to the purposes of the revenue service, and to expend the proceeds of said sales in the purchase or construction of other vessels better suited to the wants of said service."

Mr. FESSENDEN. That does not say "sailing vessels."

Mr. CRESWELL. Under that authority, which is as general and comprehensive as words in the English language could make it, the Secretary of the Treasury has, in the exercise of that discretion, entered into contracts for the purchase of eight sailing vessels and these two steam-tugs. Now, all that we ask by this bill is that there shall be a direct appropriation of money from the Treasury to pay for them, to respond to the obligations of the Government as to these sailing vessels, and that the proceeds of the steam vessels to be sold hereafter shall go directly into the Treasury.

Mr. FESSENDEN. He has been imposed upon in some way or entered into contracts very unwisely; that is manifest.

Mr. CRESWELL. Here is a letter from the Secretary of the Treasury himself.

Mr. EDMUNDS. Let me ask a question, by the leave of my friend.

Mr. CRESWELL. Certainly.

Mr. EDMUNDS. I should like my friend from Maryland to tell us, in connection with this section of the act of last year which he has read, where the Secretary of the Treasury obtained his authority to make any purchase, or enter into any contract for the purchase of the vessels that are now alluded to, except to pay for them out of the proceeds of the sales of those vessels which should be found unadapted to the service of the revenue?

Mr. CRESWELL. I admit that the Secretary of the Treasury had no authority, except by the common practice of the Department heretofore, if that justified it, in making any other arrangement than that the parties contracting for the construction of these sailing vessels should be paid out of the proceeds of the sales of steam vessels; but the Department now represent to Congress that to do that thing, to make immediate sale of the steam vessels, would be detrimental to the service, and they therefore ask Congress to make a specific appropriation of money rather than to require them to do that thing. The Secretary of the Treasury certifies, in a communication which I have in my hand, that contracts have been concluded for the construction of a number of sailing vessels and for the purchase of two small steamers on the terms designated in the inclosed schedule, and appropriations are asked to enable the Department to carry out the arrangement; so that if no additional legislation is now made by Congress the contracts made by the Secretary of the Treasury must be carried into execution. Even if it be true that the legislation of last year was a mistake, and that it would be detrimental to the service to dispose of the steam vessels and to employ sailing vessels in lieu of them, the Department now would be subjected to the double disadvantage of depriving the service of the benefit of the steam vessels altogether, and they would be required, in accordance with the contract which Congress authorized last year, to sell the steam vessels at once, even before the sailing vessels were ready to go into service. That is the whole question. The bill which we present from the Committee on Commerce as a substitute for the bill of the House further provides, by way perhaps of exercising caution, that as soon as the sailing vessels are ready to be mustered into the service the more expensive class of steam vessels shall be taken out of commission and sold.

The distinguished Senator from Maine [Mr. FESSENDEN] admitted that certain of these steam vessels were altogether inappropriate to the service. I am told that one of these steam vessels of five hundred and fifty tons would burn at the rate of four or five thousand tons of coal a year. She is large enough for a man-of-war, utterly inappropriate to this service. It is vessels of this class that we propose to sell, and after selling them we would still have seventeen steam cutters in the service, and about that number of sailing vessels. The Department think they can find use for both these, and that combined in this number the service would be much more efficient than it is now. That is their deliberate judgment. If gentlemen here, upon their conjectures, dreaming upon this subject, admitting that they have no information, are to vote down the deliberate request of the Department, so be it; but let it be understood hereafter that the same rule shall be applied to the other Departments, and that we shall require the chairmen of the several committees, who rely exclusively for their information upon the Departments alone, to certify to us of personal knowledge in the matters before we shall be willing to act upon their suggestions.

The first three of the steam cutters in the revenue service are of the following tonnage: the Cuyahoga five hundred and fifty tons, the Lincoln five hundred and thirty, and the Uinta four hundred and fifty. The second class are nearly all three hundred and fifty, and some three hundred and eighty tons. The third class are much smaller, from two hundred and twenty down to one hundred and eighty tons.

Mr. GRIMES. Has he got authority to sell those now?

Mr. CRESWELL. He has authority under this act to sell any of them.

Mr. GRIMES. Under the law as it now stands?

Mr. CRESWELL. He has authority to sell any of them that he deems ill-adapted to the service. The language of the law is: "such of the revenue-cutters as he shall find to be ill-adapted to the purposes of the revenue service."

Mr. EDMUNDS. Then why not exercise the authority under that law?

Mr. CRESWELL. The reason he assigns is that he desires to retain these steam vessels in service until sailing vessels are ready to be commissioned. I believe we have stated the whole case, and I have no desire at this late period of the session to detain the Senate by any protracted discussion.

Mr. EDMUNDS. *Prima facie* what my friend from Maryland says as to the reliance that we ought to place upon the report of a Department has considerable force. A Department of the Government, if it fulfills the functions that appropriately belong to it, will be careful to investigate a subject before it recommends action, so as to have its recommendation stand criticism and investigation and be entitled to weight. A very good commentary upon the faith that the committee and my friend from Maryland have in these recommendations is found on the face of the very bill before us. The Department, it appears, recommended one course of practice to be pursued, and the House of Representatives passed a bill accordingly. It is submitted to the scrutiny of the Committee on Commerce of this body, and they upset the bill altogether. They are unwilling to stand upon the recommendation of the Department, and mark out, by an amendment which is almost an entirely different bill, a course to be pursued which differs most essentially from that which was recommended by the Department having this in charge and upon which the House of Representatives acted.

Now, then, how much faith are we to repose in a recommendation of this description, and

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how much weight is to be given to the argument of my friend from Maryland on this subject, when he himself is unwilling to pursue the recommendation of the very Department that he is now the champion of? That is the question. I take it, it is our duty as legislators to take the recommendations of the Department, to examine them, to subject them to scrutiny, to obtain information from other sources, and then to act, because we, as the responsible agents of the people in dispensing their money and in transacting their business, cannot shirk the responsibility to them by saying that any man said this or that unless reasons are given for it that shall be satisfactory.

Now, what is the case? The Secretary of the Treasury a year ago was authorized to dispose of certain steam vessels which should upon investigation turn out to be ill-adapted to the uses of the revenue; and the difficulty was that they were large revenue steamers, sea-going steamers, capable of crossing the Atlantic or going anywhere upon the ocean, made at a time when we were in a state of war, when they were wanted for purposes not strictly connected with the revenue, but for general purposes, both of naval and commercial affairs; and now that we have come to a state of peace or *quasi* peace, they do not answer all the purposes that they were originally designed to answer, and they are more expensive and costly than is necessary for the mere purpose of revenue police. Now, what is to be done? We gave him authority last year to sell these large vessels if he thought it fit; to take the money he had sold them for, and expend that money in the purchase of vessels which should be better suited to that use. It was not considered then by anybody, I think I am safe in saying, that the system of having a steam revenue marine should be changed to that of having a mere sailing revenue marine. If the Secretary of the Treasury, acting under the supposed authority of that act, has undertaken to pledge the credit of the Government in the purchase of property with means not derived from the proceeds of the sales of those vessels, then he has violated the law; and I am sorry indeed to hear on almost every occasion that the acts of that Department are brought under discussion here, from some source or other, that some branch or other of that Department has set the law aside, and has chosen to exercise its own will, instead of exercising ours as the law-making power. I doubt exceedingly whether the Secretary of the Treasury has committed himself to any such course, and therefore I do not intend either to condemn it or to criticise it in advance. All that I mean to say is, that if he has, having one authority, undertaken, as the holder of the public treasure, to pursue another and to pledge the public money for purposes not authorized by law, then he deserves condemnation. I do not believe he has. Now, then, at this last day of the session it does seem to me that, although there may be some features in the bill which have merit, it is much better for us to reserve the consideration of it until we can be sure that all we do will stay done for the good of the service.

The PRESIDENT *pro tempore*. The Chair will receive a message from the House of Representatives.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 438) for the relief of the heirs of John E. Bouligny;

A bill (S. No. 499) for the relief of Frank Pugsley, late a private soldier in company I, of the third regiment New Hampshire volunteers;

A bill (H. R. No. 234) to incorporate the National Capital Insurance Company;

A bill (S. No. 604) to define and punish certain crimes therein named;

A bill (H. R. No. 916) for the relief of James M. Bishop;

A bill (H. R. No. 1095) to authorize the Secretary of the Treasury to pay a certain draft to W. W. Potter, late acting military agent of the State of New York;

A bill (H. R. No. 1137) for the relief of Oliver Lumphrey;

A bill (H. R. No. 1176) making appropriations for the naval service for the year ending 30th June, 1868;

A bill (H. R. No. 1182) to establish certain post roads;

A joint resolution (S. R. No. 167) for the relief of certain enlisted men of the seventh regiment of West Virginia volunteers;

A joint resolution (H. R. No. 36) referring the papers in the case of F. A. Gibbons and F. X. Kelley to the Court of Claims; and

A joint resolution (H. R. No. 305) to amend section five of an act entitled "An act to increase the duties on imports, and for other purposes," approved June 30, 1864.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report from the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate of the 5th of February last, information of the amount of money received from sales of cotton or other property turned over to the Treasury Department under the several laws of Congress, and what disposition has been made of the same; which was ordered to lie on the table, and be printed.

FORTIFICATION BILL.

Mr. MORGAN, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the fiscal year ending June 30, 1868, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications, and other works of defense for the fiscal year ending June 30, 1868, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their disagreement to the first amendment of the Senate, and agree to the same.

That the Senate recede from so much of their second amendment as proposes to strike out the second section of the bill, and agree to the same; and the House agree to the section proposed to be inserted by the Senate to said second amendment.

E. D. MORGAN,
LOT M. MORRILL,
JOHN B. HENDERSON,
Managers on the part of the Senate.
HENRY D. WASHBURN,
WILLIAM HIGBY,
TEUNIS G. BERGEN,
Managers on the part of the House.

The report was concurred in.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. MOORE, his Secretary, announced that the President had this day approved and signed the following bills and joint resolutions:

A bill (S. No. 128) authorizing limited partnerships in the District of Columbia;

A bill (S. No. 220) for the relief of certain contractors for the construction of vessels-of-war and steam machinery;

A bill (S. No. 264) to grant certain privileges to the Alexandria, Washington, and Georgetown Railroad Company in the District of Columbia;

A bill (S. No. 460) in relation to persons imprisoned under sentence for offenses against the laws of the United States;

A bill (S. No. 470) to authorize the change of a name;

A bill (S. No. 477) to amend an act entitled "An act to continue, alter, and amend the charter of the city of Washington," approved May 17, 1848;

A bill (S. No. 493) supplemental to an act to establish the Treasury Department, approved the 2d of September, 1789;

A bill (S. No. 490) to amend an act entitled "An act to provide a temporary government for the Territory of Idaho," approved March 3, 1863;

A bill (S. No. 529) to incorporate the Howard University in the District of Columbia;

A bill (S. No. 501) amendatory of an act to provide a temporary government for the Territory of Montana, approved May 26, 1864;

A bill (S. No. 534) to provide for the allotment of the members of the Supreme Court among the circuits, and for the appointment of a marshal for the Supreme Court;

A bill (S. No. 547) to amend an act entitled "An act for the reversion to the United States of the land granted by Congress to aid in the construction of a railroad from Amboy by Hillsdale and Lansing to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road," approved July 3, 1866;

A bill (S. No. 550) to amend an act entitled "An act authorizing the construction of a jail in and for the District of Columbia," approved June 25, 1866;

A bill (S. No. 570) extending the time for the completion of certain street railways;

A bill (S. No. 592) to protect the rights of married women, and for other purposes, in the District of Columbia;

A bill (S. No. 589) to amend an act entitled "An act to incorporate the National Theological Institute and to define and extend the powers of the same;"

A bill (S. No. 592) to provide for a temporary increase of the pay of officers of the Army of the United States, and for other purposes; and

A joint resolution (S. R. No. 160) for the relief of Dempsey Reece, of Indiana.

WATER-POWER AT ROCK ISLAND.

Mr. WILSON. The Committee on Military Affairs and the Militia, to whom was referred the joint resolution (H. R. No. 303) to enable the Secretary of War to carry out an agreement in relation to water-power for the arsenal at Rock Island, have directed me to report it without amendment; and as it is very short and will occupy no time I ask to have it put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to carry into effect the recommendations of the commissioners appointed under the acts of April 19, 1864, and June 27, 1866, relative to the Moline Water Company and the water-power at Rock Island, Illinois, as contained in the report of the commissioners, and to make application for that purpose of the money heretofore appropriated for securing water-power at the head of Rock Island.

Mr. GRIMES. I understand from the Senator from Massachusetts that this resolution simply authorizes the application of an appropriation already made to carry into execution an award made in pursuance of law.

Mr. WILSON. Yes, sir; that is all there is in it.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. STEWART. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 239) to prescribe a rule concerning members of the bar, and for other purposes, have partially considered the same, and directed me to prepare an amendment. I have prepared the amendment, but have not had the opportunity to present it. I now report the bill, and ask that it be placed upon the Calendar.

Mr. GRIMES, from the Committee on Naval Affairs, to whom the following bills, joint resolution, petitions, and memorials were referred, asked to be discharged from their further consideration, and that they be laid upon the table; which was agreed to:

A bill (S. No. 183) to fix eight hours' labor

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as a day's work in all cases where laborers, mechanics, and artisans may be employed by or under the authority of the Government of the United States;

A bill (H. R. No. 1187) to compensate the officers and crew of the United States steamer Kearsarge for the destruction of the rebel pirate vessel Alabama;

A resolution of the Senate of January 11, 1867, directing the Committee on Naval Affairs to inquire into the expediency of temporarily closing the navy-yard at Norfolk, Virginia;

A resolution of the Senate of February 5, 1867, directing the Committee on Naval Affairs to inquire if any ship has been sent to sea lately from Charlestown navy-yard with unsound timbers in her hull;

A petition of surgeons' stewards, paymasters' stewards, and yeomen, who have served in the United States Navy during the rebellion, praying for compensation commensurate with the service rendered;

A resolution of the Legislature of Illinois in favor of an appropriation for the completion of the navy-yard at Mound City, in that State;

A memorial of Commander B. M. Dove, remonstrating against the action of the advisory board, who, he alleges, have passed him by, while promoting others who have not seen so much service, and praying to be restored to his proper rank in the Navy;

A memorial of citizens of Virginia employed in the Norfolk navy-yard remonstrating against the closing of said yard;

Two memorials of colored citizens of Virginia employed in the navy-yard at Norfolk, Virginia, remonstrating against the closing of said navy-yard;

A memorial of citizens of Virginia, remonstrating against closing the navy-yard at Norfolk, Virginia;

A memorial of workingmen employed in the navy-yard at Portsmouth, Virginia, against the closing of the navy-yard at Norfolk, Virginia; and

A joint resolution (S. R. No. 15) relating to James J. Wheeler and the appointment of cadets in the Naval and Military Academies, and accompanying papers.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 865) granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, reported it without amendment.

Mr. ANTHONY, from the Committee on Printing, to whom were referred the following bill, joint resolution, and memorials, asked to be discharged from their further consideration; which was agreed to:

A bill (S. No. 409) to provide for the publication of papers relating to foreign affairs;

A joint resolution (S. R. No. 47) to provide for the publication of the medical and surgical history of the war of the rebellion;

A memorial of the Geographical and Statistical Society, praying for an appropriation for the publication of the medical and surgical history of the rebellion;

A memorial of the American Medical Association, praying for an appropriation for the publication of the medical and surgical history of the late war as prepared in the office of the Surgeon General of the United States; and

The memorial of Joseph C. G. Kennedy, late superintendent of the Census Bureau, remonstrating against the erasure of his name and the suppression of the preface prepared by him for the volume of the Eighth Census on Manufactures.

Mr. POLAND. The Committee on the Judiciary, to whom was referred the amendment of the House of Representatives to the bill (S. No. 576) relating to appeals and writs of error to the Supreme Court, have directed me to report it back with a recommendation that the Senate agree to the amendment, and I ask that it be considered now.

The PRESIDENT *pro tempore*. It requires unanimous consent, there being another subject properly before the Senate.

Mr. CRESWELL. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill before the Senate will be proceeded with.

REVENUE-CUTTER SERVICE.

The Senate resumed the consideration of the bill (H. R. No. 899) in relation to the revenue-cutter service.

Mr. GRIMES. There is another section of that bill which I have not heard the Senator from Maryland explain, the first section in the bill, which appropriates the sum of $670,000 for every half year from the last day of December, 1866, until the 1st of June, 1868, which amounts to some two and a quarter million dollars. I suppose the Senator can explain that.

EXECUTIVE SESSION.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened.

ACCOUNTS OF DISBURSING OFFICERS.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia, to whom was referred the amendment of the House of Representatives to the joint resolution (S. R. No. 173) to facilitate the settlement of the accounts of disbursing officers, to report it back with a recommendation that the Senate agree to the amendment, and I ask to have it acted on now.

There being no objection, the Senate proceeded to consider the amendment of the House, which was to add as an additional section the following:

And be it further enacted, That the provisions of the fourth section of an act to regulate the fees, costs, and other judicial expenses of the Government in the States, Territories, and District of Columbia, and for other purposes, approved August 16, 1856, be, and the same are hereby, extended to costs arising under and since the date of the approval of an act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes, approved February 26, 1853.

The amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had disagreed to the amendments of the Senate to the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, asked for a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THADDEUS STEVENS of Pennsylvania, Mr. JOHN A. KASSON of Iowa, and Mr. JOHN F. FARNSWORTH of Illinois, managers at the same on its part.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 598) to establish a uniform system of bankruptcy throughout the United States; and it was thereupon signed by the President *pro tempore* of the Senate.

DEFICIENCY BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, disagreed to by the House of Representatives.

On motion by Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. FESSENDEN, Mr. GRIMES, and Mr. STEWART.

ACCOUNTS OF DISBURSING OFFICERS.

Mr. SHERMAN. I move to reconsider the vote by which the Senate adopted a short time ago, on the motion of the Senator from Massachusetts, [Mr. WILSON,] the amendment of the House of Representatives to the joint resolution (S. R. No. 173) to facilitate the settlement of the accounts of disbursing officers. It is a proposition to allow an appeal from the accounting officers to the Secretary of the Interior with a view to get additional allowances. I do not think we ought to legislate in that direction.

Mr. TRUMBULL. Let me make a statement. I have referred to the law and I think there is no trouble about it. It is an act to amend the act regulating the fees, costs, and other judicial expenses of the Government of the United States, approved August 16, 1856. The first section is:

That hereafter, before the accounts of the United States marshals, district attorneys, and clerks are presented to the accounting officers of the Treasury Department for settlement, they shall be examined and certified to by the district judge of the United States.

It goes on and provides for their examination. The fourth section provides that in all the cases before mentioned an appeal shall lie from the decision of the accounting officers to the Secretary of the Interior. An appeal lies, that is the law now, in every case since 1856. Now, the effect of the proposition that is on the table is that the provisions of this act, applying to district attorneys, marshals, and clerks, are extended to the act of February 26, 1853. The fee bills were altered in 1856, it seems, somewhat for these officers. I see no objection to it. If appeals are allowed from the settlement of the accounts to the Secretary of the Interior, as it seems they are under the general law, I do not know why they should not be allowed in all cases.

Mr. SHERMAN. A few years ago there was a great deal of controversy about the disposition of the judiciary fund, which was a large fund, about a million dollars, and is more than that now. The allowances that are made to the district attorneys and marshals are first approved by the judge and sent to the accounting officers. This authorizes an appeal from the accounting officers to the Secretary of the Interior, so that it virtually allows the Secretary of the Interior to make these allowances. It seems to me to be bad policy. The accounting officers of the Treasury are the persons who have to guard the Treasury, and the only protection the Treasury has in the disbursement of this enormous fund is the rules established by the accounting officers; but under this provision every case can be appealed to the Secretary of the Interior, so that he may increase the allowances made by the judge and by the accounting officers. I do not think we ought to legislate in that direction.

Mr. CONNESS. I ask the Senator why he does not reconsider the amendment and then discuss it.

Mr. SHERMAN. The vote has been reconsidered.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The question is on the reconsideration.

Mr. SHERMAN. I think we had better disagree to the amendment and send the bill back to the House and let them recede from the amendment.

Mr. WILSON. I am perfectly willing to do that. I do not know anything about that last provision.

Mr. SHERMAN. We can probably pass the bill quicker in that way.

Mr. TRUMBULL. I do not know myself why it should be reconsidered. The proposition is plain enough. The Senator from Ohio has not looked into it, and has never considered it in committee. I have looked at the statutes to which it refers. It is a simple proposition. Anybody can understand it in one minute.

Mr. SHERMAN. It is done for the purpose of opening up some old charges.

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Mr. TRUMBULL. I do not know what it is for, but it is very certain that if one district attorney has a right to have his accounts settled in this way every other district attorney should have the same right. The general law is that all the district attorneys and all the clerks of courts and all the marshals of the United States have a particular way of settling their accounts with the exception of one or two. All ought to be embraced in the law, and not make exceptional cases. Here is the general law—there cannot be any mistake about it—passed in 1856. It applies to the settlement of all accounts of marshals, district attorneys, and clerks of the United States, in the fourth section. I will read the whole of it. It is only two and a half lines:

"That in all cases before mentioned an appeal shall lie from the decision of the accounting officers to the Secretary of the Interior."

That is a general law passed ten years ago. Now, then, what is the object of this House amendment? The object is that the provision of that section which applies to all these cases, passed ten years ago, shall apply to marshals, district attorneys, and clerks under the law that was passed in 1853 as well as under the law passed in 1856. The law of 1853 is the general fee bill fixing the fees under which they settle accounts.

The general fee bill was passed in 1853 prescribing all the fees. Then comes the law of 1856. I will read the first section:

"That hereafter, before the accounts of United States marshals, district attorneys, and clerks are presented, the accounting officers of the Treasury"—

Before they are presented certain things must be done. Then the fourth section provides that an appeal shall lie to the Secretary of the Interior. Ought they not all to go there? If the law of 1856 is correct there cannot be any objection to this.

Mr. SHERMAN. Perhaps the law of 1856 is wrong.

Mr. TRUMBULL. If you propose to repeal it that is another thing.

Mr. JOHNSON. This proposition seems to me to be correct. The explanation made by the chairman of the Judiciary committee, from the examination I have given those laws, appears to me to justify the passage of the amendment, indeed to require it, that justice may be done to all.

Mr. HENDERSON. I have no doubt that this is right enough. Certainly the Senator from Illinois cannot be mistaken about it; but, at the same time, I must confess I do not understand it yet with all the explanation. The probability is that it will open up some old accounts, to be adjusted by the Secretary of the Interior without having them subjected to the inspection of the accounting officers, or rather it will give him the final determination of them after the examination by the accounting officers.

Mr. JOHNSON. That is done under the act of 1856.

Mr. HENDERSON. The difficulty is that it may open up some old accounts, and I do not know to what extent it may affect the Treasury, and therefore I think under the circumstances we had better not act before the next session, when we shall have time to examine this legislation and act advisedly. I think that would be better.

Mr. CONNESS. If the Senate will reconsider its action, the bill can go to a committee of conference, and there gentlemen can be entirely satisfied, and then report as they see fit. I hope the question will be taken.

Mr. SHERMAN. I think it better to reconsider it. Let it stand on its own footing. The military portion of the bill ought to pass, and it can be passed in a moment.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was agreed to.

Mr. SHERMAN. Now, in order to pass the bill of the Senator from Massachusetts, I move that the Senate disagree to the amendment made by the House of Representatives.

The motion was agreed to.

APPEALS TO THE SUPREME COURT.

Mr. HARRIS. I ask the Senate to consider the amendment of the House to the bill in relation to appeals and writs of error, which was reported by the Senator from Vermont [Mr. POLAND] a short time ago. It will take but a moment.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 576) relating to appeals and writs of error to the Supreme Court, which was to add as an additional section the following:

And be it further enacted, That where an appeal has been or may be taken from any final judgment, decree, or order of the district court of the United States for any district to the circuit court, the cause appealed, by consent of parties, may be heard and disposed of by the circuit court held by the district judge at any time after the appeal, in the case of the absence at such term of the Chief Justice of the United States, or the associate justice allotted to the circuit in which such district is.

Mr. JOHNSON. I know nothing of that except hearing it read. I do not understand it. Does it provide that the district judge shall sit?

Mr. HARRIS. By consent of the parties. I will state how I understand the section to be. An appeal is brought from the district to the circuit court. There is no circuit judge present. The parties may agree that the appeal be heard before the district judge holding the circuit court, with a view to get the case into the Supreme Court of the United States.

Mr. JOHNSON. Depending upon the agreement of the parties?

Mr. HARRIS. By consent of the parties only.

Mr. JOHNSON. I have no objection to that.

The amendment was concurred in.

REPORTS OF COMMITTEES.

Mr. WILLEY, from the Committee on Patents and the Patent Office, to whom were referred various resolutions, memorials, and petitions not heretofore reported upon, asked to be discharged from their further consideration, and that they be severally laid on the table; which was agreed to.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom were referred the following bills, petitions, and memorials, asked to be discharged from their further consideration, and that they lie on the table; which was agreed to:

A bill (S. No. 148) to prevent the perversion of the mails to fraudulent and illegal purposes;

A bill (S. No. 551) for the construction of a Government telegraph from Washington to New York city;

A bill (S. No. 579) to amend the post office laws;

A resolution of the Senate of December 21, 1865, instructing the committee to inquire into the expediency of abolishing the franking privilege now allowed to members of Congress except upon written communications;

The petition of the National Bank-Note Company of New York, asking that the Postmaster General may be authorized to settle their accounts with the Post Office Department upon an equitable and just basis;

A memorial of paper and envelope manufacturers and dealers and stationers, remonstrating against the passage of the bill (S. No. 70) to amend the postal laws;

A memorial of paper and envelope manufacturers remonstrating against the bill (S. No. 70) to amend the postal laws; and

A memorial of the North American Lloyd Steamship Company, praying that a subsidy of $30,000 per annum for this and the next four years be granted for carrying the mail from New York to Southampton and Bremen and back twice per month each way, and that additional compensation be allowed them when the service shall be increased weekly.

He also, from the Committee on Naval Affairs, to whom was referred the petition of Norman Wiard, asked to be discharged from its further consideration; which was agreed to.

STOCKTON AND COPPEROPOLIS RAILROAD.

Mr. CONNESS. I move that the Senate proceed to the consideration of House bill No. 865.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 865) granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California.

Mr. SPRAGUE. It seems to me to be rather late in the session to take up a bill granting lands for a railroad. I am very much opposed to legislative business at this time of the session. I therefore move that the Senate proceed to the consideration of executive business.

Mr. HENDRICKS. I ask the Senator to allow me one moment. This is a bill that passed the Senate at the last session of Congress after its consideration by the Committee on Public Lands; and as it was read at the last session there is really no necessity for its being read again. As soon as the Senate know the description of the road and the termini they know all the provisions of the bill, for it contains the usual provisions; and I move that the Senate proceed, without the reading of the bill in full.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island. Does the Senator withdraw his motion?

Mr. SPRAGUE. No, sir.

Mr. CONNESS. I hope that will not be done. I appeal to the Senator to withdraw the motion. All the other bills that we have passed of this class in the Senate have been defeated in the House.

Mr. HENDRICKS. I wish to say to the Senate, if the Senator from California will allow me, that California seems to have very great trouble in her land bills in the House, because of a strife on the part of the chairman of the Committee on Public Lands, Mr. JULIAN, with some California men.

The PRESIDING OFFICER. The Chair must remind the Senator that it is not in order to refer to the action of members of the House of Representatives.

Mr. HENDRICKS. I state this now as a reason why we should consider this one bill. This is about the only bill that has been allowed to pass there for California. It is a matter of fact known to us all. I am authorized in referring to that because of the character of a speech that was made by the chairman of the Committee on Public Lands of the House at the last session.

The PRESIDING OFFICER. Does the Senator from Rhode Island withdraw his motion?

Mr. SPRAGUE. No, sir.

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDING OFFICER. The bill before the Senate will be read.

Mr. HENDRICKS. I move that the reading of the bill at length, after the reading of the description of the road, be dispensed with.

Mr. SHERMAN. No bill has ever passed the Senate, to my knowledge, that has not been read.

Mr. HENDRICKS. This bill has once passed the Senate.

Mr. SHERMAN. Has it been read in the Senate?

Mr. HENDRICKS. A similar bill was read at great length at the last session. It has never been read at this session.

Mr. CONNESS. It is word for word the bill that we passed at the last session.

Mr. BUCKALEW. Let us have it read.

Mr. HENDRICKS. Very well; I withdraw the motion.

The Secretary read the bill. It proposes to grant the right of way through the public lands to the Stockton and Copperopolis Railroad Company, a corporation organized under the

laws of the State of California, its successors and assigns, for the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, by the most feasible route, to be selected by the company; and the right is given to the company to take from the public lands adjacent to the line of the road material for its construction. The right of way is granted to the extent of one hundred feet in width on each side of the road where it may pass through the public domain, and also all necessary ground for station buildings, workshops, side-tracks, &c.; but all the rights conferred upon the company by this bill are made upon the express condition that the company shall first be designated by the Legislature of the State of California as the company to be vested with the rights, privileges, franchises, and grants created or conferred by this act.

The bill further grants to the State of California, for the purpose of aiding in the construction of the railroad, every alternate section of land designated by odd numbers to the extent of five alternate sections of land on each side of the railroad line as the company may adopt.

The railroad, or any part of it, is to be a post route and military railroad, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, and all troops and munitions of war of the United States are to be transported over the railroad free of all expense or charge to the Government whenever it shall be required by the Government of the United States.

Mr. SPRAGUE. I should like to ask the Senator from California if it is customary for the Government of the United States to cede its coal and lumber lands for railroad purposes, as provided in this bill?

Mr. CONNESS. This is drawn upon the terms of all the bills we have passed in that respect exactly.

Mr. SPRAGUE. It is customary, then, to cede coal and lumber lands for railroad purposes?

Mr. CONNESS. Yes, sir.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. HENDERSON. I shall make no objection to the passage of this bill; but so far as I could understand its reading—the bill has not been printed——

Mr. CONNESS. Yes; it is printed and on our tables.

Mr. HENDERSON. It was printed at the last session. It has not been printed at this session.

Mr. CONNESS. It is in print here.

Mr. HENDERSON. Since it came from the House?

Mr. CONNESS. Just as it came from the House.

Mr. HENDERSON. I have not examined it, and I suppose no other Senator has done so. I make no opposition to it. The Senator need not be at all uneasy. This is a road thirty-five miles in length, and they are required only to build ten miles a year. It will take about four years for the construction of a thirty-five mile road, keeping the lands withdrawn from market during that length of time. There is only the obligation to complete it by the year 1872. That is certainly four and a half years from the present time, nearly five years; and there is another provision in it that if the road is not completed the lands do not revert back to the Government.

Mr. CONNESS. They do.

Mr. HENDERSON. That is not my understanding. It says the United States shall take such course of action as will insure the completion of the road.

Mr. CONNESS. Not at all; the Senator is entirely in error in that.

Mr. HENDERSON. As I understand, the lands are given directly to the company, and not to the State of California, and they are to be certified at the end of every ten miles, so that the company has a perfect right to go on and convey lands and make a good title to them. Therefore, if the road is not fully completed, of course the ten-mile tracts will have been sold, and the only security that the Government can take, that I can see under any circumstances, would be to forfeit the grant as to the remaining quantity of land on the length of the road not constructed.

Mr. HENDRICKS. I call the attention of the Senator from Missouri to the fact that at the last session he was the champion of a bill for a road running from Kansas City down South with the same provisions, and running within fifteen miles of another land-grant railroad.

Mr. HENDERSON. I am satisfied no such provision existed in that bill. Do I understand the Senator to say that the lands were granted directly to the company?

Mr. HENDRICKS. They were granted to the State for the benefit of a particular company.

Mr. CONNESS. That is the case here with this change of terms: that the grant is not made unless the Legislature of the State of California shall designate this company.

Mr. HENDRICKS. I will state to the Senator from Missouri, that as a lawyer he will see the difference. In this case the grant is to a company, but upon condition that the Legislature of the State shall first designate that company as the one to enjoy the grant.

Mr. HENDERSON. An awkward affair.

Mr. HENDRICKS. Rather an awkward mode, but the result we know. In the case the Senator advocated the grant was to a State for the benefit of a named company.

Mr. HENDERSON. And if the road was not completed, then the land grant was forfeited.

Mr. HENDRICKS. And the beneficiary right of the company became fixed at once in that case.

Mr. CONNESS. Will the Senator listen to the reading of a section of this bill?

Mr. HENDERSON. Certainly.

Mr. CONNESS. The sixth section is in these words:

SEC. 6. *And be it further enacted*, That each and every grant, right, and privilege are so made and given to and accepted by said Stockton and Copperopolis Railroad Company upon and subject to the following conditions, namely: that the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than ten miles per year after the second year, and shall construct, furnish, equip, and complete the whole road by the 4th day of July, 1872; and upon a failure of said company to comply with either of said conditions, the lands then unpatented to said company shall revert to the United States.

Mr. HENDERSON. That is just what I said: "the lands then unpatented;" and after the second year only are they required to complete ten miles of road per annum.

Mr. CONNESS. Those are the terms of all the bills passed. The Committee on Public Lands of this body have examined this bill carefully, and the honorable chairman declared to me that it was the most carefully drawn bill he had ever read.

Mr. HENDERSON. As I said before, I do not rise for the purpose of objecting to the passage of this bill, because the lands granted will not be a very large quantity; but I do rise for the purpose of objecting to any more legislation to-night; and I give notice now, I care not from what quarter a bill comes up, I shall object to it after the passage of this bill; because there are but a few of us here on Sunday night, and there are various nominations that we ought to attend to in executive session.

The PRESIDING OFFICER. The question is on the passage of this bill.

The bill was passed.

EXECUTIVE SESSION.

Mr. HENDERSON. I now move an executive session.

Mr. WILSON. Will the Senator withdraw the motion for a moment?

Mr. HENDERSON. To pass a bill?

Mr. HENDRICKS. I object to any debate.

Mr. WILSON. Will the Senator withdraw the motion for a moment?

Mr. HENDERSON. For what purpose?

Mr. WILSON. I want to make a statement about a little bill of one section which has no money in it or anything of that kind.

Mr. HENDERSON. I stated a while ago that I would not consent to any more legislation to-night, and I shall have to insist on my motion.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 1184, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the year ending June 30, 1868.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 226) extending the provisions of section two of an act entitled "An act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864.

The message also announced that the House had passed the following bill and joint resolution of the Senate:

A bill (S. No. 620) for the relief of Joshua H. Butterworth; and

A joint resolution (S. R. No. 66) for the relief of Joseph R. Morris.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore* of the Senate.

A bill (S. No. 543) to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States;

A bill (S. No. 563) supplementary to the several acts of Congress abolishing imprisonments for debt;

A bill (S. No. 595) regulating the disposition of an irregular fund in the custody of the Freedmen's Bureau;

A bill (H. R. No. 896) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1868; and

A joint resolution (S. R. No. 175) for the relief of Dyer B. Pettijohn.

CYRUS W. FIELD.

Mr. MORGAN. I move that the Senate proceed to the consideration of Senate joint resolution No. 148, presenting the thanks of Congress to Cyrus W. Field.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to present the thanks of Congress to Cyrus W. Field, of New York, for his foresight, courage, and determination in establishing telegraphic communication by means of the Atlantic cable, traversing mid-ocean and connecting the Old World with the New, and requests the President of the United States to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions, to be presented to Mr. Field. When the medal shall have been struck, the President is to cause a copy of this joint resolution to be engrossed on parchment, and transmit the same, together

with the medal, to Mr. Field, to be presented to him in the name of the people of the United States of America.

Mr. MORGAN. When this joint resolution was favorably reported from the Committee on Foreign Relations I did not anticipate that there would be any serious objection to it, and I still trust there will be no objection to its passage in this or in the other branch of Congress.

The telegraphic cable lies concealed from public view somewhere upon the bed of the Atlantic ocean; yet the fact of its existence, of its perfect and complete success, and that it is now in constant daily and hourly use by the people of this country and by the people of all other countries is known throughout the civilized world.

Every member of this body, as he reads his morning newspaper, finds chronicled there the most important events that have occurred on the previous day all over the continent of Europe. The Government of the United States have used it and used it with effect, not frequently, because the appropriations annually made by Congress for this purpose are not large enough to admit of the frequent use of the Atlantic telegraph. Nevertheless, it has been used advantageously by the Government. John H. Surratt was arrested upon information conveyed through the Atlantic cable. By means of it also negotiations were suspended which were being conducted by a representative of this Government with a representative of a foreign Power, that, if consummated, would scarcely have met the approval of either the Government or people of the United States. So, too, when the Government of France changed its purpose in relation to the period for withdrawing the French troops from Mexico the telegraphic cable was used to make known to the French Emperor the dissatisfaction it would occasion to the Government and people of this country if the proposed change should be made.

All these matters are well known to the Senate and to the country. I hope it is equally well known to the Senate and to the country as it is to me that Cyrus W. Field, a citizen of New York, has been the prime mover in this enterprise from first to last.

I do not say that Mr. Field alone is entitled to all the credit; but I wish to be understood as expressing an opinion, which is largely shared by the whole country, that but for Mr. Field and Mr. C. M. Lampson, a merchant of London, and who is also a native of the United States, the enterprise would have failed. Mr. Lampson was exceedingly liberal in contributing to the cable company from his own private fortune a very large amount of funds. But he rendered still greater service in influencing others to subscribe to the object, which he was enabled to do on account of his high social and commercial standing. The Government of Great Britain has made Mr. Lampson a baronet, which is regarded as a mark of great distinction by the people of all monarchical Governments; and it is now left to the Government and people of the United States to take whatever measures they deem fit in recognition of the much greater part which was borne by one of their own citizens.

I will not trespass upon the Senate longer than to read a brief extract from the remarks made by the president of the Chamber of Commerce on the occasion of a recent banquet given to Mr. Field. On that occasion Mr. Low said:

"It was the office of Mr. Cyrus W. Field to organize and combine all the forces that were requisite to conduct this enterprise from its inception to the final and glorious issue. To it he devoted twelve years of his life, all his energy, and all his fortune. Forty times he crossed the Atlantic ocean for its sake; and as captain, now Sir James Anderson, in a recent letter, says: 'He worked hard and sacrificed the repose of his home and the repose of every one else who could bear influence on his darling scheme.' I venture to say there is not an emotion known to the human soul, whether of joy or sorrow, of pleasure or pain, of disappointment following high-wrought expectation, of anxiety bordering on despair, of hope mounting to the religion of sublimest faith, that during these twelve last years has not entered into the experience of our long-tried and well-proved champion."

By the passage of the joint resolution Congress will record its appreciation of the exertions and sacrifices made by Mr. Field in conducting to a successful result the greatest enterprise of the age, and which a distinguished member of the British Parliament has declared to be second only in importance to the discovery of the art of printing. By it also we mark the era of this great event, and establish in the most enduring form the paternity of the measure as belonging to a citizen of the United States, and we give encouragement and assurance to all of our enterprising countrymen, virtually saying to them that if they are faithful and endure to the end in laboring for the highest achievements of science and art, when successful, their toils, sufferings, and sacrifices shall not pass unnoticed and unrewarded.

Mr. SUMNER. I rejoice in every enterprise by which human industry is quickened and distant places are brought near together. In ancient days the builders of roads were treated with exalted honor. I offer them my homage now. The enterprise which is to complete the railroad connection between the Pacific and the Atlantic belongs to this class. But I believe that it is not so peculiar and exceptional as that which has connected the two continents by a telegraphic wire. It is not so historic. It is not in itself so great an epoch.

It is difficult to exaggerate the difficulty or the value of this new achievement which it is now proposed to honor.

The enterprise was original in its beginning and in every stage of its completion. It began by a telegraph line connecting St. John's, the most easterly port of America, with the main continent. This was planned by a few gentlemen at the house of Cyrus W. Field, among whom were Peter Cooper, Moses Taylor, Marshall O. Roberts, and David Dudley Field. New York and St. John's are twelve hundred miles apart. When they were brought into telegraphic association the first link was made in the chain destined to bind the two continents together. Out of this American beginning sprang those efforts which ended in the oceanic cable.

In other respects our country led the way. The first soundings across the Atlantic were made by American officers in American ships. The United States ship Dolphin first discovered the telegraphic plateau as early as 1853, and the United States ship Arctic sounded across from Newfoundland to Ireland in 1856, a year before her Majesty's ship Cyclops sailed the same course.

It was not until 1856 that this American enterprise showed itself in England, where it was carried by Mr. Field. Through his energies the Atlantic Telegraphic Company was organized in London, with a board of directors composed of English bankers and merchants, among whom was an American citizen, George Peabody. By conjoint exertions of the two countries the cable was stretched from continent to continent in 1858. Messages of good will traversed it. The United States and England seemed to be near together, while President and Queen interchanged salutations. Then suddenly the electric current ceased and the cable became a lifeless line. The enterprise itself hardly lived. But it was again quickened into being, and finally carried to a successful close. British capital contributed largely to this result, and the society had for its president an eminent Englishman, the Right Honorable James Stuart Wortley; but our countryman, Mr. Field, was the mainspring. His confidence never ceased; his energies never flagged. Twelve years of life and more than forty voyages across the Atlantic were woven into this work. It is not too much to say that he was the Alpha and the Omega of a triumph which has few parallels in history.

Englishmen who took an active part in this enterprise have received recognition and honor from the sovereign. Some have been knighted; others have been advanced in service. Meanwhile Cyrus W. Field, who did so much, has remained unnoticed by our Government. He has been honored by the popular voice; but it remains for Congress to embody this voice in a national testimonial. If it be said that there is no precedent for such a vote as that proposed, then do I reply that his case is without precedent, and it belongs to you to make a precedent by this expression of national gratitude. Thanks are given for victories in war. Give them now for a victory of peace.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. H. RILEY.

Mr. WILLIAMS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the joint resolution (H. R. No. 270) for the relief of J. H. Riley, to report it without amendment and recommend its passage; and as it is a small matter, to pay for services as a clerk of a committee in the other House, I ask that it be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that the sum of $200 be allowed and paid to J. H. Riley for services rendered by him as clerk to the House Committee on the Pacific Railroad during the first and second sessions of the present Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. SUMNER, from the Committee on Foreign Relations, to whom were referred the following resolutions of the Legislatures of the States of Indiana and Nevada and messages of the President of the United States, asked to be discharged from their further consideration and that they lie on the table; which was agreed to:

Resolutions of the Legislature of Indiana on the subject of foreign interference in Mexico, and the rule of neutral and belligerent rights;

Resolutions of the Legislature of Nevada in favor of the so-called Monroe doctrine and adverse to the establishment of any empire or other Government by the aid of foreign intervention on any portion of the American continent, and especially opposing the establishment of the empire of Maximilian in Mexico by French influence as an unfriendly act toward the United States;

Resolutions of the Legislature of Nevada in favor of the Monroe doctrine and against the establishment of any empire on the American continent by the aid of foreign intervention;

A message from the President of the United States informing the Senate that it is inconsistent with the public interest to communicate information in regard to the condition of affairs on the southern frontier, and especially in regard to any violation of neutrality by the Army on the Rio Grande; and

A message from the President, communicating information on the subject of a decree of the so-called Emperor of Mexico of the 3d of October, 1865.

SUPPLIES FOR WALLACE'S COMMAND.

Mr. POMEROY, from the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 226) extending the provisions of section two of an act entitled "An act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the joint resolution of the House No. 226, extending the provisions of section two of the act entitled "An act to extend the jurisdiction of the Court of Claims, and to pro-

vide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864, having met, after full and free conference have agreed to recommend to their respective Houses as follows, namely:

That the House agree to the first amendment of the Senate, with an amendment, which is to strike out the words of the said amendment and insert in lieu thereof these words: "and whose authority shall be proven to the satisfaction of the accounting officer;" and that the Senate agree to the same.

That the Senate recede from its second amendment.

S. C. POMEROY,
IRA HARRIS,
LYMAN TRUMBULL,
Managers on the part of the Senate.
ROBERT C. SCHENCK,
RALPH HILL,
A. J. KUYKENDALL,
Managers on the part of the House.

Mr. JOHNSON. What is the second amendment?

Mr. POMEROY. It is a mere verbal amendment, substituting "persons" for "officers."

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House insisted upon its amendment to the joint resolution (S. R. No. 173) to facilitate the settlement of the accounts of disbursing officers, disagreed to by the Senate, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN L. DAWSON of Pennsylvania, Mr. J. F. WILSON of Iowa, and Mr. WILLIAM B. ALLISON of Iowa, managers at the same on its part.

The message further announced that the House had passed the joint resolution (S. R. No. 176) relative to the post office and sub-Treasury of the city of Boston.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 1161) to amend existing laws relating to internal revenue;

A bill (H. R. No. 1184) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1868; and

A joint resolution (H. R. No. 303) to enable the Secretary of War to carry out an agreement in relation to water-power for the arsenal at Rock Island.

COMPENSATION OF TENNESSEE SENATORS.

Mr. HARRIS. I move that the Senate proceed to the consideration of the resolution in relation to the compensation of the Senators from Tennessee.

The motion was agreed to; and the Senate resumed the consideration of the following resolution:

Resolved, That the Secretary of the Senate be directed to pay to the Senators from the State of Tennessee the compensation allowed by law, to be computed from the commencement of the Thirty-Ninth Congress.

Mr. WILLIAMS. What committee has considered that?

Mr. HARRIS. I will state that this resolution is in conformity with a resolution that has been adopted by the House of Representatives in relation to the Representatives from that State. These Senators have been in attendance during the whole of this Congress. The State of Tennessee elected Senators, and it seems to me that these gentlemen are entitled to compensation as much as the members of the House of Representatives. The House have paid their members long since according to the principle of this resolution.

Mr. SUMNER. I move to amend the resolution by striking out the words "the commencement of the Thirty-Ninth Congress" and inserting "the date of the resolution of Congress recognizing Tennessee as entitled to representation."

If the resolution shall be adopted in its present form it will be a precedent for all the other States. I presume there can be no question about that; and I wish Senators to consider whether they are ready now to embark in that direction and with such a precedent. I think it is not advisable. If my amendment is adopted the allowance will be precisely according to the fact.

Mr. CONNESS. It is impossible that this resolution can be taken as a precedent if adopted in the form in which it is reported, because I think in the resolution of Congress admitting Tennessee to representation it was specially declared that Tennessee was an exceptional case, and the reasons were stated in the preamble. No argument can be deduced from it. I have not the preamble near me now; but I think it will be found that that sets the matter entirely right.

Mr. LANE. I shall vote to pay this compensation from the time of the election of these Senators. The fact that we admitted them to seats at all is a recognition direct that we regarded their election as legal. If legal, the legality commenced at the time of the election, and their claim for compensation must necessarily commence at the same time.

Mr. POMEROY. There was a little experience on this subject that was somewhat interesting to me, not personally, but to my State. The State of Kansas was here asking admission into the Union under the constitution with which she was admitted for a whole session. On the 26th of February, about six days before the adjournment, Kansas was admitted into the Union. A member of the House, Mr. Conway, had been here the whole session prosecuting our claim for admission. After the State was admitted he applied for compensation for that session, not for the whole Congress, but for the session that he was actually in attendance; and the House refused it to Mr. Conway. The Senators were not elected until after admission of the State. Mr. Conway then presented his case to the Committee of Claims of the House, and the Committee of Claims reported against it; and although he was duly elected, and prosecuted the claim for the admission of Kansas during the whole session, he was only able to draw his per diem pay for the time that he was actually a member, which, during that Congress, amounted to about a week. That having been the action of the House, I do not know whether there are any different rules in the Senate; but it occurs to me that the amendment of the Senator from Massachusetts is in harmony with the precedents that have been set.

Mr. HOWE. I desire to remind the Senator from Kansas, of the difference, which, in my judgment, is very manifest, between the precedent which he states and the case before the Senate. When the Representative was elected from Kansas there was no law on the statute-book which authorized Kansas to send a Representative to Congress, and before the Representative from Kansas could claim any right to a seat or any pay as the Representative of a State there must be some law entitling Kansas to the prerogatives of a State?

Mr. POMEROY. How was it with Tennessee?

Mr. HOWE. I will remind my friend of what I understand to have been the case with regard to Tennessee.

Mr. EDMUNDS. If my friend from Wisconsin will allow me, I will read for the information of my friend from Kansas the joint resolution which restored Tennessee to her lost relations with the Union:

"Whereas in the year 1861 the government of the State of Tennessee was seized upon and taken possession of by persons in hostility to the United States, and the inhabitants of said State, in pursuance of an act of Congress, were declared to be in a state of insurrection against the United States; and whereas said State government can only be restored to its former political relations in the Union by the consent of the law-making power of the United States; and whereas the people of said State did, on the 22d day of February, 1865"—

Which it will be noticed was prior to the commencement of the Thirty-Ninth Congress—

"by a large popular vote adopt and ratify a constitution of government whereby slavery was abolished, and all ordinances and laws of secession and debts contracted under the same were declared void; and whereas a State government has been organized under said constitution which has ratified the amendment to the Constitution of the United States abolishing slavery, also the amendment proposed by the Thirty-Ninth Congress, and has done other acts proclaiming and denoting loyalty: Therefore,

Be it resolved, &c., That the State of Tennessee is hereby restored to its former proper, practical relations to the Union, and is again entitled to be represented by Senators and Representatives in Congress."

I think that ought to settle the case.

Mr. HOWE. I have no doubt that settles the case in the judgment of a great many Senators. It does not exactly settle the case in my own judgment, because in my own judgment it is settled by other considerations.

The Senator from Kansas asked me how it was with Tennessee. I was about to state to him that when these Senators were elected from Tennessee there was on the statute-book of the United States a law authorizing the State of Tennessee to send representatives, or admitting Tennessee into the Union and entitling her, as a State of the Union, to a representation in the two Houses of Congress. The right which was conferred upon Tennessee by that statute never had been taken from Tennessee by statute. When these Senators were elected certain facts had transpired, certain events had happened, which, in my judgment, authorized the Congress of the United States to withdraw that right from Tennessee; but nothing had transpired which, in my judgment, authorized any other tribunal in the world to withdraw the right from Tennessee. The Executive, I think, could not do it; Tennessee could not abjure it in point of law; but upon the happening of certain facts I thought Congress could withdraw the right, and repeatedly during the time from 1861 to 1865 I urged, and I think the honorable Senator from New York, [Mr. HARRIS,] as well as many other Senators, urged, that Congress should take action in that direction. I know I urged it, that that right should be withdrawn. It was not; and, as I said before, no other tribunal could withdraw it. So when these Senators were elected Tennessee had no notice that she was to be deprived, or that that right was to be denied her; and in pursuance of the old statute she chose these Senators. They came here; they waited for the adjudication of the Senate upon her right to representation, and the Senate waited for an adjudication of Congress, as the Senate was bound to wait; for I think the Senate should not alone deny that right to Tennessee. The Senate should follow the direction of Congress and not dictate to Congress. The Senate waited for the decision of Congress upon that point, and finally the decision of Congress was made in the resolution which has just been read in the hearing of the Senate by the Senator from Vermont.

In this view of the case our action in reference to the Senators from Tennessee, it seems to me, can form no precedent whatever to guide us in reference to Senators who may hereafter come from others of those communities, because since then we have taken action, not the Senate alone, not the House alone, but the law-making power of the United States, has taken action in reference to all those communities, and has declared that they are not entitled to this right of representation nor to any of the other prerogatives which belong to an American State.

Mr. WILLIAMS. I do not exactly know to what conclusion the Senator arrives upon his argument; but I infer that he is of the opinion that these Senators are entitled to pay from the beginning of the Thirty-Ninth Congress.

Mr. HOWE. Yes, sir, if they were elected.

Mr. WILLIAMS. There are two considerations that occur to my mind bearing upon that question: one is, as to whether or not these men performed the services for which you propose to pay them—they did not perform those services, and therefore they are not entitled to pay upon that ground; the other, as to whether or not Tennessee was entitled to rep-

resentation in Congress before they took their seats—if Tennessee was not entitled to representation in Congress prior to that time I do not know how it can be argued that these Senators are entitled to pay prior to that time. Is it true that the Senators from Nebraska, for instance, who are to be admitted to day, if you please, are entitled to pay for the whole of the Thirty-Ninth Congress? If they are, then of course it will follow that the Senators from Tennessee are entitled to pay for the entire Congress. But what is the reason that the Senators from Nebraska are not entitled to pay for the whole Congress? Is it not because Nebraska was not entitled to representation upon this floor until she was duly admitted according to law, and therefore the Senators are not entitled to pay? If that be true of Nebraska, it is equally true of Tennessee, for Tennessee was not entitled to representation in the Senate until by a law of Congress that right was determined, and then and there the right commenced of these persons to take their pay as well in the case of Tennessee as in the case of Nebraska, and not otherwise, as it seems to me. I think that the suggestion made by the Senator from Massachusetts has force, that this will be a precedent. To say that there are some recitals in the preamble to the resolution admitting Tennessee amounts to nothing so far as the legal question is concerned, because the rights of these men and the rights of other men do not depend upon what the preamble may say as to the admission of a certain State. It is upon these grounds that it seems to me this pay ought not to extend beyond the time that Tennessee was recognized as entitled to representation.

Mr. HOWE. Addressing myself right to the two questions which the Senator from Oregon has started, I have to say this: that I do not think the right of these gentlemen to pay depends upon the question whether they have in fact rendered the service of Senators. If they were elected, if the State had the right to elect Senators, and did elect, and they were here ready to perform the duty of Senators, and we would not permit them to perform that duty, then I think they were entitled to pay, irrespective of the question whether they had in fact rendered the service or not.

The second question started by the Senator is whether Tennessee had the right to elect Senators.

Mr. WILLIAMS. The right of representation.

Mr. HOWE. The right of representation. Unquestionably that is a legitimate inquiry, and is a condition-precedent to their being paid. How shall we determine the question of their right? I take it, it is to be determined in reference to Tennessee as it is to be determined in every other community within the jurisdiction of the United States—determined not by the Constitution, for the Constitution does not say who are or who are not entitled to representation; it says States generally; we are to look at the statutes of the United States, and not of any State nor of any local community, to determine who is entitled to choose representatives. Looking at the statutes as they stood when these Senators were elected, there was one which authorized Tennessee to choose Senators and to choose Representatives. I said in the case of Arkansas, and repeat now in the case of Tennessee, that that statute never had been repealed; that statute never could be repealed either by the President or by the Senate or by the House, nor by any tribunal save the Congress of the United States or the law-making power of the United States, and that tribunal had not repealed it. Facts, I repeat, had transpired which authorized, in my judgment, its repeal, which made it the duty of Congress to repeal it; but they did not do it; and while that statute stood these Senators were elected. They came here. The judgment of Congress upon those facts had not been pronounced, and the Senate withheld its adjudication upon their right to seats until Congress could adjudicate the right of Tennessee to send Senators here. Finally that adjudication came, and when it came it was not a judgment denying the right of Tennessee to representation, but a judgment conceding the right of representation, and then they were admitted to their seats, and then they began to discharge the duty of Senators. They had been prepared to discharge that duty from the beginning. We have now, as I repeat once more, determined the right as to all the rest of those communities by a legislative act, and this question cannot arise hereafter in any other case.

Mr. POMEROY. In a brief word I wish to reply to the Senator from Wisconsin. He said the case I cited was not parallel. I think there is not such a wide distinction between the two cases as he claims. We were entitled to representation under a law of Congress not less distinctive than was the State of Tennessee; because after having been rejected once in our application here without an enabling act we did come by an enabling act and by an act of Congress.

Mr. HOWE. Let me say to my friend right there that I simply misunderstood the facts. Of course as he states the facts now, I consider the case of Kansas as parallel to the case before the Senate.

Mr. POMEROY. Then I do not choose to pursue the argument.

Mr. EDMUNDS. Nobody is disposed at this time of night to listen to anything, unless it may be Scripture probably; but I wish to suggest to Senators on both sides of the question that this is not a strict question of law. We are not sitting here as a court or jury to determine according to the law of the land how much these persons are entitled to out of the Treasury; but we are sitting here in our legislative capacity to determine how much money it is fit and right, according to the usages and practices of the Government, to pay them. That is the question. We can make them a gift, if we please, or do any other thing in that respect which shall seem to us to be just.

Now, then, the State of Tennessee on the 22d of February, 1865, adopted a constitution which was thoroughly republican, or as thoroughly republican as that of most of the northern States, to state it a little more accurately; because I believe it did not grant universal suffrage as it ought to have done. Tennessee, we all know now, was then, and has ever since been, so far as its government is concerned, thoroughly loyal to the Constitution, thoroughly loyal to the country, thoroughly opposed to violence and disturbance of every description, as much so as the State of Vermont or the State of Massachusetts or the State of Wisconsin. I do not say that she did not have within her borders men who had been hostile to the Government and who were so still; but the government, the Legislature, the Governor, their members of Congress and their Senators were men who, as a whole—because we will not individualize exceptions—were just as true to the Government as any of us were; and I am free to say that the people of the State of Vermont, who are generally not over anxious about admitting these recusant States into representation, were anxious and impatient and dissatisfied during all the time that elapsed after Tennessee took her stand upon the side this joint resolution recites that she did, and truly, that her representatives were not admitted. They could not see the reason why they should not have been admitted. In my own opinion, it was wise that they should not be; but I am only now speaking of the sentiment of the country and the sentiment of the North. These Senators were elected. In the fulfillment of their functions, in doing their duty to their State, they came here and sought admittance. Finally we accorded it to them. Now, without going into a question of mere law to ascertain whether in point of strict law they are technically entitled to this compensation back to this time or not, I say that it seems to me it is fit and right that they should be paid; and it does not appear to me, upon the recitals of this joint resolution, upon the difference that exists between the case of Tennessee and that of these other southern States, in respect to whom we do not desire to make a precedent, there is any danger at all in doing them this justice.

The PRESIDING OFFICER, (Mr. DOOLITTLE in the chair.) The question is on the amendment proposed to the resolution by the Senator from Massachusetts.

The amendment was rejected.

The resolution was adopted.

DEFICIENCY BILL.

Mr. FESSENDEN, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House of Representatives recede from their disagreement to the amendments of the Senate, numbered one, three, four, five, six, seven, nine, eleven, twelve, thirteen, fifteen, sixteen, nineteen, twenty-two, twenty-three, and twenty-four, and agree to the same.

That the Senate recede from their amendments numbered two, eight, ten, fourteen, seventeen, and eighteen.

That the House of Representatives recede from their disagreement to the twentieth amendment of the Senate, and agree to the same with an amendment, as follows: in line three of said amendment strike out the words "for the present fiscal year;" and after the word "clerks" in line four insert the following words: "to take effect from and after the 1st day of January, 1867."

That the House recede from their disagreement to the twenty-first amendment of the Senate, and agree to the same, with amendments as follows: in line eight of said amendment, after the word "eastern," insert "and western;" and in same line strike out the word "district" where it first occurs and insert "districts."

W. P. FESSENDEN,
J. W. GRIMES,
W. M. STEWART,
Managers on the part of the Senate.
THADDEUS STEVENS,
JOHN A. KASSON,
Managers on the part of the House.

Mr. FESSENDEN. I will answer any question any gentleman desires to ask me in regard to this report.

Mr. EDMUNDS. I wish to inquire of the Senator from Maine how this leaves the salaries of the United States judges?

Mr. FESSENDEN. Precisely as the clause was inserted by the Senate, except that the words "and western" are put in after the word "eastern," so as to include the eastern and western districts of Pennsylvania in the same class.

The report was concurred in.

ACCOUNTS OF DISBURSING OFFICERS.

The Senate proceeded to consider the amendment of the House of Representatives to the joint resolution (S. R. No. 173) to facilitate the settlement of the accounts of disbursing officers, disagreed to by the Senate, and insisted upon by the House; and

On motion by Mr. WILSON, it was

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the said resolution, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WILSON, Mr. GRIMES, and Mr. WILLIAMS.

DESTITUTION AT THE SOUTH.

Mr. STEWART. I offer the following resolution, and ask for its present consideration:

Whereas it is reported from various sources deemed authentic that extreme want and danger of starvation exist extensively in several of the southern States, owing to the failure of the crops and to other causes:

Resolved, That Major General O. O. Howard be requested to report with the least practical delay what information he has from official sources with regard to the said extreme want, and what may be his estimate of the amount of funds necessary to purchase food to meet it if it should be found to exist.

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I simply wish to remark that I am informed by General Howard that there are a large number of the people of the South suffering that he is unable to relieve. I desire to obtain accurate and reliable information.

Mr. EDMUNDS. I move to amend the resolution by inserting after General Howard's name the words "Commissioner of the Freedmen's Bureau," so that it shall be addressed to him in his official character, and not as a mere private person.

Mr. STEWART. I accept the amendment.

The resolution, as modified, was adopted.

EXECUTIVE SESSION.

On motion of Mr. HENDERSON, at twelve o'clock midnight, the Senate proceeded to the consideration of executive business, and after some time spent therein, the doors were reopened.

DUTIES ON WOOL AND WOOLENS.

Mr. SHERMAN. I now ask leave to introduce the bill which I attempted to introduce early in the evening. I have modified it so as to make the extension of the time of the taking effect of the tariff act but five days. I believe the Senator from Vermont [Mr. EDMUNDS] is willing to agree to that. I hope it will be acted on at once.

There being no objection, leave was granted to introduce a bill (S. No. 635) to extend the time for the taking effect of the act relating to wool and woolens; which was read twice, and considered as in Committee of the Whole.

Mr. CONNESS. I move to amend the bill so as to make the time ten days.

Mr. FESSENDEN and others. The Senator from Vermont will object to that, and that will carry it over and we shall lose it.

Mr. CONNESS. Will Senators allow the Senator from Vermont to do his own objecting?

Mr. FESSENDEN. I will state to the Senator that the Senator from Vermont did object decidedly and thoroughly to any bill of the sort, and I at least persuaded him to agree to five days, which was all he would agree to, and he withdrew his objection. If the Senator can persuade him to the contrary it will be all very well.

Mr. CONNESS. I rather think the Senator from Vermont, when having that under consideration, forgot the slight circumstance that there are two sides to this continent. I know that it is a circumstance that is liable to be forgotten. I try to keep it in Senator's memories. I hope I may succeed. If the Senator will say that he objects, of course I have nothing further to say; but it seems very strange that my honorable friend from Maine will do his objecting for him.

The PRESIDING OFFICER, (Mr. DOOLITTLE.) The question is on the amendment.

Mr. EDMUNDS. Let the amendment be reported.

The PRESIDING OFFICER. The amendment is to strike out "five" and insert "ten" before the word "days."

Mr. ANTHONY. Of course it is useless to attempt to offer any amendment in the present stage of this bill, but I wish to state that when I voted for the act referred to I supposed it went into effect at the same time as the tariff bill which was lost between the two Houses. I supposed it went into effect on the 1st of April, and that the goods that are on their way would pay the duties which the Government agreed to let the goods in for when parties bought them.

Mr. HENDRICKS. That shows you ought not to have passed the bill.

Mr. ANTHONY. The bill was passed without consideration.

The PRESIDING OFFICER. The question is on the amendment.

Mr. CONNESS. Unless it is the pleasure of the Senate and the Senator from Vermont to allow this to be done, I do not desire to harass the Senate, and I shall withdraw it.

Mr. MORGAN. If it is withdrawn I have nothing to say.

Mr. CONNESS. I say unless Senators assent to it.

Mr. MORGAN. It is the pleasure of the Senate, but not of the Senator from Vermont. This bill is all we can get.

Mr. CONNESS. Will the Senator from Vermont speak on the subject?

Mr. EDMUNDS. Yes, sir, I will speak. I am satisfied that I have made a mistake, a decided mistake; because if I allow this bill to pass and it goes to the House, I do not know what wisdom may penetrate that body; probably correct wisdom; and it may be sent back here with an amendment to make it ten days or thirty, and then it will be beyond my control entirely. I have made a mistake in yielding at all; and when the question shall be on reading the bill the third time I shall be ready to state whether I object or not. I shall be willing, however, because I want to keep faith with my friends—for of course it will be no use to pass this bill unless the House will pass it—if the House pass a bill so that there shall be an opportunity to know precisely what are our rights for five days, I will assent to its passage at once; but I perceive now what I did not think of when I consented before; I know no Senator here will take advantage of it; but if the House send back the bill with an amendment to make it ten days, what then?

Mr. SHERMAN. It can only pass there by unanimous consent. If any member of the House chooses, he can by his arbitrary will stop the passage of this bill. If the Senator from Vermont says one of his colleagues is decidedly opposed to it he can defeat the passage of the bill. I will state this, and it is for the Senator from Vermont to consider. I urged the Senate not to pass any amendment to the wool bill, knowing that the bill took effect from the date of the passage of the act; but at the same time I stated that I would be perfectly willing to vote for a joint resolution fixing a future time for it to take effect. If any other Senator had moved to amend this bill, postponing the date of its taking effect, it would have passed the Senate by a two-thirds or three-fourths vote; because it is utterly impossible for them in New York to know the rates of duty fixed by this bill, and they must have time. I therefore think the five days too short; but as the Senator thought he could not consent to more than five days, we had better take it at five days.

Mr. MORGAN. By all means take it at five days.

Mr. HENDRICKS. Cannot we dispense with the rule so as to pass such measures as we want to do?

Mr. EDMUNDS. I am bound in justice to say to the Senator from Ohio that I do not assent to his proposition that it would pass by two thirds or three fourths at ten days or thirty days, because when we passed the main tariff bill with our amendments the 1st of April was stricken out on motion of the Senator from Missouri, [Mr. HENDERSON,] and the act was required to take effect on its passage. The subject was discussed, it may be privately in conversation among Senators, and I was convinced it ought to take effect on its passage. I had the honor of an interview with an apparently very candid and fair constituent of my friend from Ohio, the president of the State Agricultural Association and Wool-Growers' Association, who, with other gentlemen, when the other bill was under consideration, urged me as one of the Senators of this body to be sure to have it take effect on its passage, on account of the fact that by the telegraph and other means of communication wool and woolens would be brought here and the market glutted; so that to pass a tariff bill of this description would be perfectly nugatory so far as the operations of this year were concerned. It met the approval of my judgment, and I concurred heartily with my friend from Missouri, and it was adopted in this body without a division. Therefore I think the Senator has no right to say that but for my arbitrary action, as he chooses to style it, it would pass by a two-thirds or a three-fourths majority.

Now, as to its being arbitrary, because we gain wisdom by experience, it is not many days since the Senator from Ohio made precisely this objection—objecting to the third reading of a bill which it did not appear to his judgment right to be passed.

Mr. SHERMAN. I do not complain of the Senator objecting. I say he has a right to do it; and I would do it without a moment's hesitation if I thought a measure was wrong. I am not calling him to account for that.

Mr. EDMUNDS. Then I have nothing more to say.

Mr. CONNESS. In that respect the two Senators are about alike. That is my opinion. I withdraw my amendment.

The bill was reported to the Senate without amendment.

The PRESIDING OFFICER. The question is, Shall the bill be engrossed and read a third time?

Mr. EDMUNDS. Before I consent to that, as I can still object to its third reading, I wish to have it understood, by general consent that the faith of the Senate or the gentlemen of the Senate is pledged to that fact, that if it should happen that this bill comes back to us making it ten, twenty, or any greater number of days the Senate shall feel itself bound to stick to five days.

Mr. CONNESS. I think that is an unwarrantable proposition.

Mr. EDMUNDS. Very good; I object to the third reading of the bill.

Mr. CONNESS. I shall certainly never make any such objection as the Senator suggests; but I think the Senator ought to draw on the good faith of his associates sufficiently without exacting a pledge.

Mr. EDMUNDS. Very well; I object to the third reading of the bill.

The PRESIDENT *pro tempore*. Objection being made, the Chair rules that the bill cannot be read a third time on the day it is presented.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana.

The message further announced that the House had passed the following bills and joint resolution of the Senate:

A bill (S. No. 578) to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes;"

A bill (S. No. 614) to authorize the Secretary of the Navy to transfer the United States iron-clad Onondaga to George Quintard, of New York;

A bill (S. No. 625) to amend an act entitled "An act concerning the fire department of Washington city," approved February 18, 1867; and

A joint resolution (S. R. No. 181) concerning the right of way for the survey and construction of an inter-oceanic ship-canal through the Isthmus of Darien.

The message also announced that the House had passed the bill of the Senate No. 603 to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending 30th June, 1867.

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MAIL SERVICE TO HAWAIIAN ISLANDS.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate No. 603, to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands.

Mr. STEWART. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

BREVETS IN THE ARMY.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 634) relating to brevets in the Army of the United States; which was read twice by its title.

Mr. WILSON. If there be no objection, I should like to have the bill put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President, with the advice and consent of the Senate, to confer brevet rank on officers in the Army of the United States on account of gallant, meritorious, or faithful conduct in the volunteer service prior to their appointment in the Army of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the bill (S. No. 577) to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. POMEROY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened.

FINES, PENALTIES, AND FORFEITURES.

Mr. CRESWELL. The bill to regulate the disposition of fines, penalties, and forfeitures was passed in full Senate on a careful consideration, and it has been returned by the House of Representatives with certain amendments, which are merely verbal. I ask that those amendments be now concurred in.

Mr. SHERMAN. I move that the Senate take a recess until nine o'clock in the morning, leaving that matter as the unfinished business.

Mr. CRESWELL. We may as well take up the bill and dispose of the amendments; it will take but a few minutes.

Mr. SHERMAN. I submit a motion that the Senate take a recess until nine o'clock.

Mr. CRESWELL. I hope the Senator from Ohio will not insist upon his motion until this bill shall be taken up. The amendments of the House are merely verbal.

Mr. SHERMAN. I withdraw the motion.

Mr. CRESWELL. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 577) to regulate the disposition of fines, penalties, and forfeitures incurred under laws relating to the customs, and for other purposes.

The first amendment was in line seven of page 1, after the word "merchandise" to insert "of greater value than $500."

The next amendment was on page 3, section two, line thirteen, to strike out the words "distinctly and specifically" and to insert "the same."

The next amendment was on page 4, section four, to strike out from the words "the ninety-first" to the words "ninety-nine" in line four, inclusive.

The amendments were concurred in.

Mr. SHERMAN. I renew my motion.

The motion was agreed to; and at one o'clock and thirty-five minutes a. m. the Senate took a recess till nine o'clock a. m.

MONDAY MORNING SESSION.

The Senate reassembled at nine o'clock a. m., (Monday, March 4.)

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Private Land Claims, to whom was referred the petition of Ceran St. Vrain, for himself and the heirs of Ignatio Vigil, praying for the confirmation of a private land claim in New Mexico, asked to be discharged from its further consideration; which was agreed to.

Mr. MORGAN, from the Committee on Finance, to whom was referred resolutions of the Chamber of Commerce of the State of New York, requesting the commissioners of the land office of that State and the commissioners of the sinking fund of New York city to execute to the United States the proper conveyances for a portion of land within the limits of what is known as the battery extension, and asking an appropriation to complete the improvements and buildings upon the land so conveyed, asked to be discharged from their further consideration, inasmuch as when the deed is executed and the title approved by the Attorney General steps will be at once taken to commence the work under an appropriation already made.

The report was agreed to.

Mr. WILSON, from the Committee on Military Affairs and the Militia, asked to be discharged from the further consideration of the following bills; which was agreed to, and they were ordered to lie on the table:

A bill (S. No. 111) to provide for the national defense by establishing a uniform militia and organizing an active volunteer militia force throughout the United States;

A bill (S. No. 540) to amend an act entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished by the Army of the United States," approved July 4, 1864; and

A bill (S. No. 32) to authorize the construction of a bridge across the Missouri river at Fort Leavenworth, Kansas.

Mr. MORRILL, from the Committee on the District of Columbia, to whom was referred the following bills and joint resolution, reported them severally without amendment:

A bill (S. No. 633) in relation to certain public buildings in the District of Columbia;

A bill (H. R. No. 1001) for the relief of William B. Todd;

A bill (H. R. No. 1234) to incorporate the joint stock company of the Young Men's Christian Association of Washington; and

A joint resolution (H. R. No. 297) instructing the Secretary of the Interior to order a survey for a bridge or bridges across the Potomac.

DISTRICT JAIL.

Mr. MORRILL. I am further instructed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. R. No. 304) in relation to the erection of a jail in the District of Columbia, to report it back without amendment, and recommend its passage. I ask for its present consideration, and I will state to the Senate what the exigency seems to be. Last session the erection of a jail was authorized and its location left to the discretion of the Secretary of the Interior. The House Committee on the District of Columbia have an apprehension, from facts reported to them, that this jail is being located at a very inconvenient and unsuitable place, inconvenient in that its distance is a mile or a mile and a half from the court-house, unsuitable in that it is a very low, wet piece of ground. This resolution contemplates a reëxamination of that subject by engineers at the head of whom is to be Quartermaster General Meigs, and the postponement of the subject until a report from that commission at the next session. I hope the Senate will consent to the passage of the resolution.

By unanimous consent the joint resolution (H. R. No. 304) in relation to the erection of a jail in the District of Columbia was considered as in Committee of the Whole. It provides that no money shall be paid from the Treasury toward the erection of a new jail for the District of Columbia under the act of July 28, 1866, unless the letting of the contract shall be delayed until perfect plans shall have been completed and approved by a board of three disinterested and competent engineers and architects, of whom Quartermaster General Meigs and A. B. Mullet, architect of the Treasury Department, shall be two; nor unless the letting of the contract shall have been open to fair and equal competition on reasonable notice printed in two leading newspapers in the city of Washington after such approval of the new and perfected plans, and the Secretary of the Interior is authorized and directed to select a new site.

Mr. GRIMES. I desire to inquire of the chairman of the Committee on the District of Columbia where it has been proposed to erect this jail, and where it would be erected if some legislation was not had?

Mr. MORRILL. Just at the junction of K street west and the boundary of the city.

Mr. GRIMES. This subject was under consideration some years ago when I had the honor to be a member of the Committee on the District of Columbia. I think the present chairman of the committee was also a member at that time. The Senate agreed to appropriate $100,000 for the purpose of aiding in the erection of a jail, but that appropriation failed in the House of Representatives. While the subject was under consideration then the committee gave considerable attention to it and examined the proposed sites for the jail. I believe they were unanimous in the opinion that the present location of the jail was very inappropriate; and that it was very desirable that when a new jail should be constructed it should not be upon Judiciary square nor the jail square, and they were also unanimous in the opinion that the present structure was wholly unadapted to the purpose for which it is used and is a disgrace to the country, and that a new jail ought to be built. They were equally unanimous, I think, that it ought to be built upon a public square belonging to the United States, a piece of reserved ground to the east of the Capitol, and in the neighborhood, I think, of the Congressional burying ground; and if it is proposed to locate it at the place stated by the chairman of the Committee on the District of Columbia, I trust this joint resolution will not pass until there can be a further examination as to sites. The place where it is proposed to put it, according to his statement, is certainly not the best adapted to the purpose, especially in view of the fact that the Government now owns a place that is well adapted to the purpose.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. GRIMES. I move that the Senate take a recess for half an hour.

The motion was agreed to; and at the expiration of half an hour the President *pro tempore* resumed the chair.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

Mr. MORRILL. I move to take up House bill No. 1234, and I will say that it is a very small affair any way. The corporators of the proposed company are gentlemen of the very highest respectability, and they seem very so-

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licitous that the bill should pass in order to enable them to purchase a certain hall contemplated by the bill. I hope there will be no objection to its consideration at the present moment.

The motion was agreed to; and the bill (H. R. No. 1234) to incorporate the joint stock company of the Young Men's Christian Association of Washington was considered as in Committee of the Whole.

The corporators are S. P. Chase, O. O. Howard, John R. Elvans, S. L. Brown, H. D. Cooke, James Harlan, George P. Fisher, O. H. Browning, James A. Ekin, A. R. Shepherd, B. H. Steinmetz, William Ballantyne, A. C. Richards, F. A. Lutz. L. Clephane, and Samuel Norment, their associates and successors. The purpose of the company is to erect a suitable building for the meetings of the association, a hall, reading-rooms, and library. The capital stock is to be $200,000, in shares of twenty-five dollars each.

Mr. CRESWELL. I should like to inquire of the Senator from Maine if that bill does not exempt all the property belonging to this association from taxation of every kind?

Mr. MORRILL. Yes, to the amount of the capital stock, $200,000—all property used for this specific purpose.

Mr. CRESWELL. To the amount of $200,000?

Mr. MORRILL. Yes, sir.

Mr. CRESWELL. I very much question the propriety of entering upon that sort of thing in this District at this time. It seems to me all property should be held liable to its proper share of taxation.

Mr. MORRILL. The honorable Senator will find that heretofore, by act of Congress, all property dedicated to charitable uses is exempt.

Mr. CRESWELL. The difficulty is that the thing is liable to abuse. I have known several States in which after having begun that policy they were obliged to abandon it by reason of the almost certain abuse to which it is apt to run.

Mr. MORRILL. The correction of that in this case is that the matter is in the power of Congress. The right to alter, amend, or repeal this act at any time is reserved.

Mr. JOHNSON. I ask for the reading of the part of the bill referred to by my colleague.

The Secretary read the seventh section, as follows:

SEC. 7. *And be it further enacted*, That the building and grounds, the rents and revenues of the same, and the stock issued to erect said building, shall be forever exempt from taxation.

Mr. GRIMES. That seems to imply that this corporation can put up buildings for rent, and I understand from the Senator from Massachusetts [Mr. WILSON] that they do intend to put up buildings so as to rent stores. If they are going to do that why should not such property be taxed as well as if it was owned by individuals?

Mr. HENDERSON. I have glanced over this bill. If I remember it aright it is intended to have an institution where the young men of this city can have a library. It is an institution I think quite desirable in the city. I do not see why it should be taxed any more than a church or a school-house. It is true there is a provision in the bill enabling the association to rent part of the building. I apprehend that the building they intend to put up will perhaps have a hall and a lecture-room, a library and reading-rooms above, and that the lower rooms will be rented. That, I presume, is the whole intention. The building is limited in value to $200,000, cannot exceed that, and the bill will to that extent exempt property in the District of Columbia from taxation, but really I can see nothing objectionable in the measure. It is a thing that is quite desirable if the purposes of the bill are carried out strictly, and I cannot see any authority to transgress the principles of the bill. As the Senator from Maine says, the power is reserved to Congress to repeal, alter, or modify the act at any time. If at any time it should appear that instead of being an institution for the cultivation of the minds of young men can be, instead of spending their evenings in playing billiards, &c., if such should turn out to be the case, then of course the provision may be altered and the property subjected to taxation. The lower story of the proposed building will probably be rented, but that will only be a means of collecting together money to add to the library instead of getting it up by subscription. Really I can see no objection.

Mr. WILLIAMS. I ask the Senator if he understands that there is any obligation in this bill to apply these rents to the purpose in view?

Mr. HENDERSON. They cannot go outside of it.

The bill was reported to the Senate, ordered to a third reading, read the time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bills of the Senate:

A bill (S. No. 557) for the relief of James Fulton, paymaster United States Navy;

A bill (S. No. 588) for the relief of William H. Webb; and

A bill (S. No. 609) allowing the duties on foreign merchandise imported into the port of Albany to be secured and paid at that place.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 746) to create the office of surveyor general in the Territory of Montana, and establish a land office in the Territories of Montana and Arizona;

A bill (H. R. No. 1173) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes;

A bill (H. R. No. 1227) making appropriations and to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1867, and for other purposes;

A joint resolution (H. R. No. 226) extending the provisions of section two of an act entitled "An act to extend the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864; and

A joint resolution (H. R. No. 270) for the relief of J. H. Riley.

PAPERS WITHDRAWN.

On motion by Mr. JOHNSON, it was

Ordered, That the levee commissioners of the State of Louisiana have leave to withdraw their petition and papers from the files of the Senate.

Mr. WILSON presented a memorial of Major General Sheridan, Major General Ord, and other officers of the United States Army, praying that officers withdrawn from the active service and placed upon the retired list may be allowed to retain their service or longevity rations; which was ordered to lie on the table, the subject having been acted on.

DISBURSING OFFICERS.

Mr. WILSON, from the committee on conference on the disagreeing votes of the two Houses on the joint resolution (S. R. No. 173) to facilitate the settlement of the accounts of disbursing officers, submitted the following report:

The committee of conference upon the disagreeing votes of the two Houses on Senate joint resolution No. 173, to facilitate the settlement of accounts of disbursing officers, after full and free conference have agreed to recommend, and do recommend, that the House of Representatives recede from their amendment to said resolution.

HENRY WILSON,
GEORGE H. WILLIAMS,
JAMES W. GRIMES,
Managers on the part of the Senate.
JOHN L. DAWSON,
JAMES F. WILSON,
Managers on the part of the House.

The report was concurred in.

THOMAS D. BURRALL.

Mr. MORGAN. I move to take up the bill (H. R. No. 591) for the relief of Thomas D. Burrall, which has been reported favorably from the Committee on Patents—a very just measure.

The motion was agreed to; and the bill (H. R. No. 591) for the relief of Thomas D. Burrall was considered as in Committee of the Whole.

The letters-patent granted to Thomas D. Burrall, on the 6th day of December, 1845, for improvements in corn-shellers, and which was extended by the Commissioner of Patents, and afterward surrendered and reissued, which reissue bears date the 10th day of October, 1865, and will expire the 6th day of December, 1866, will be by the bill extended for the term of seven years, commencing on the 6th day of December, 1866, and ending on the 6th day of December, 1873, for the benefit of Burrall, his heirs and legal representatives, upon the conditions set forth. The Commissioner of Patents, upon the presentation of the patent and the payment of the fees and charges provided by law, is to extend the patent by making a certificate thereon, or upon a certified copy thereof, of such extension in the name of Burrall, if in his judgment, upon full hearing, the same should be granted. The patent so extended is to have the same effect as if originally granted for the term extending to the end of the term to which it is extended by the act; but the extended patent is to be open to legal inquiry and decision in the same manner as if issued under the general law relating to patents, and all persons enjoying the lawful use of the improvements secured by the patent, and the purchaser of any machine so in use, may continue to use the same as if the act had not passed.

Mr. GRIMES. I call for the reading of the report in that case.

The PRESIDENT *pro tempore*. The Chair is advised that there is no report from the Senate Committee on Patents and the Patent Office, but there is a report from the House Committee.

Mr. GRIMES. Let us hear that.

The Secretary read the report made by the House Committee on Patents. The committee believe that Burrall was the original and first inventor of the improvement in corn-shellers, which was described in his original specification. He endeavored to bring it into general use; but owing to the fact that he was extensively engaged in improving and manufacturing other agricultural implements he did not for several years press his improvement in corn-shellers as he otherwise would have done. By reason of losses sustained by him in endeavoring to improve implements of agriculture, and particularly in his endeavors to improve the mower and reaper, he was subjected to heavy losses, which compelled him to suspend his business. When he again attempted to introduce his improved sheller into general use he found that it had been extensively imitated; and when preparing to enforce his patent he was advised that it was invalid by reason of defective claim, which rendered it necessary that he should surrender it and have it reissued with amended claims, which was done, and a reissue granted, bearing date October 10, 1865, leaving the patent less than eighteen months to run. The committee, being satisfied that the invention is useful and will be of much advantage to the public, and that the inventor has received no remuneration, recommend the passage of the bill.

Mr. GRIMES. I should like to make some inquiry in regard to this bill. I understand

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the Senator from Vermont [Mr. POLAND] was a member of the Patent Committee when this bill was considered, and has examined it, and perhaps he can enlighten the Senate. It provides that a patent shall be renewed to Thomas D. Burrall for an improvement in corn-shellers. It would seem from the bill that a reissue has already been made, and that he has had the benefit of this patent for twenty-one years, the original patent having been issued in 1845, and it expired in 1866 on the 6th day of December. It was intended that this bill should take effect before the expiration of the patent, and I suppose it will now be necessary to amend it so as to protect parties who have been going on and making corn-shellers since the expiration of the patent.

Mr. POLAND. The bill contains that provision now.

Mr. GRIMES. I am not so sure of that. It seems to me to be rather inartificially drawn. It declares absolutely by law that the patent shall be extended for seven years, and then authorizes the Commissioner of Patents to extend it if in his judgment it is a proper case.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FORT RILEY RESERVATION.

Mr. POMEROY. I move that the Senate proceed to the consideration of House joint resolution No. 267, which was under consideration some days ago, but the morning hour expired before we reached a vote upon it.

The motion was agreed to; and the consideration of the joint resolution (H. R. No. 267) for the reduction of the military reservation of Fort Riley, and to grant land for bridge purposes to the State of Kansas, was resumed as in Committee of the Whole.

Mr. GRIMES. I would inquire of the Senator from Kansas whether or not the opinion of the Secretary of War has been obtained in regard to this matter?

Mr. POMEROY. Yes, sir. In the first place the Committee on Military Affairs of the other House referred the question to the Secretary of War, and he consulted the commanding officers, got their report and the report of General Grant. Then he sent all the papers, with a map, to the committee of the House. The resolution was passed by the House, and then the Committee on Military Affairs of the Senate went through the same process, and sent it to the Department for the second time. The Government built a bridge there some years ago at great expense, but it was taken off by a flood. It is on a reserve where the State has not a right, and the citizens have not the right to build a bridge. If you give us the right to build a bridge and allow us to tax the Government toll for its use of it we shall not ask any land. The Government for the last ten or twelve years has been paying on an average $6,000 a year to a private company, whose only rights consisted in a permit from the commander of the fort to put up a temporary bridge.

Mr. GRIMES. Amend it so as to charge toll.

Mr. POMEROY. This spring the freshet has taken off all the bridges, so that there is nothing left there now. The Government has either got to pay the expense it has been to the last few years in tolls or it has got to put up a bridge which cannot cost less than $60,000, or it has got to let the State do it. The Committee on Military Affairs, after full investigation—the Senator from Michigan [Mr. HOWARD] had it in charge—reported this joint resolution.

Mr. CONNESS. I believe the question pending is on an amendment offered by me.

The PRESIDENT *pro tempore*. It is.

Mr. CONNESS. I withdraw the amendment, for it is clear that the bill cannot pass if amended; and upon the statement made by the honorable Senator from Kansas, that the people there are more interested in having it a free bridge than even we can be, and that the Legislature of Kansas will make that provision without any doubt, I beg leave to withdraw the amendment.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bills and joint resolutions of the Senate:

A bill (S. No. 468) for the relief of Samuel M. Beatty, of Ohio;

A bill (S. No. 606) to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866;

A bill (S. No. 611) to extend to and for the benefit of Eliza Wells letters-patent heretofore issued to Henry A. Wells, deceased;

A joint resolution (S. R. No. 178) in relation to national banking associations; and

A joint resolution (S. R. No. 179) to provide for the exchange of certain public documents.

The message also announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (S. R. No. 173) to facilitate the settlement of the accounts of disbursing officers.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were signed by the President *pro tempore*:

An act (S. No. 578) to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri," and for other purposes;

An act (S. No. 614) authorizing the Secretary of the Navy to transfer the United States iron-clad Onondaga to George Quintard, of New York;

An act (S. No. 577) to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes;

An act (S. No. 603) to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands;

An act (S. No. 620) for the relief of Joshua H. Butterworth;

An act (S. No. 625) to amend an act entitled "An act concerning the fire department of Washington city," approved February 18, 1867;

An act (S. No. 576) relating to appeals and writs of error to the Supreme Court;

A joint resolution (S. R. No. 66) for the relief of Joseph R. Morris;

A joint resolution (S. R. No. 176) relative to the post office and sub-Treasury of the city of Boston;

A joint resolution (S. R. No. 181) concerning the right of way for the survey and construction of an inter-oceanic ship-canal through the Isthmus of Darien;

A joint resolution (H. R. No. 304) in relation to the erection of a jail in the District of Columbia; and

An act (H. R. No. 865) granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California.

POTOMAC BRIDGES.

Mr. HENDERSON. I move that the Senate proceed to the consideration of House joint resolution No. 297. It is for the purpose of getting a survey of the best locality for a bridge across the Potomac. The Long bridge has been washed away, as Senators are aware, and this is a matter that should be attended to immediately.

The motion was agreed to; and the joint resolution (H. R. No. 297) instructing the Secretary of the Interior to order a survey for a bridge or bridges across the Potomac was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

ASSOCIATED PRESS REPORTS.

Mr. HOWE. Mr. President, I desire to make a correction in fact of a statement which I see in the reports of the Associated Press of the proceedings last evening, and I desire to get the correction into those reports if I can. I have not the pleasure of a personal acquaintance with the gentleman who furnishes those reports. I have thought on several occasions that I was a little unfortunate in the character of those reports.

I noticed yesterday morning that it was stated in substance that, not upon the motion, but upon the argument of my friend from California, [Mr. CONNESS,] the Senate was induced to proceed to the consideration of business from the Committee on Claims. That was very true in itself, because I think it was upon the argument of my friend from California that the Senate concluded to enter upon that business. Nevertheless, as a fact, the Senate did enter upon the consideration of that business, did proceed in it for something like an hour, and the fact was stated to the country through those reports without my name getting into the reports at all.

But that is not the point. I will enter into good bonds never to make any complaint of these reports, nor of any reports, so long as they offend only by not telling what I do do. I am entirely content with that; but I do dislike to have them ascribe to me some things which I do not do. Last night a resolution was introduced here providing for the payment of the Senators from Tennessee. The Senator from Massachusetts [Mr. SUMNER] moved an amendment to that resolution limiting their right to pay to the time when the joint resolution passed Congress authorizing the admission of Senators and Representatives from that State. That amendment was offered by the Senator from Massachusetts, as I have said; but I see in the reports that it is attributed to myself. It did seem to me that this was an unnecessary mistake to make, because it was not only at war with my whole theory touching the relations existing between the Government of the United States and those several communities, but it was a proposition which I spoke against twice while it was pending here last evening; and on this one point I am a little anxious that the country should not understand that that amendment came from me. So far as believed it would place me in a very extraordinary light in the judgment of a great many men who have known intimately and familiarly what my opinions upon these questions were.

Mr. BUCKALEW. I wish to make a single remark on the matter brought before the Senate by the Senator from Wisconsin, as I see I shall not now interrupt business by doing so.

The reports of the Associated Press have pretty uniformly ignored my existence, or rather my presence, as a member of the Senate. The thing has been so marked on several occasions that I could not escape noticing it; but I have not complained, nor do I intend to complain. Very much like the Senator who has spoken, from Wisconsin, the only thing I complain of is that upon two or three occasions, when the public have ascertained from those reports that such an humble person as myself was in existence, I have had words thrust into my mouth which I never uttered and which were exactly contrary to what I did say. For instance, upon one occasion I insisted that suffrage in this country was upon the proper basis at this time, and that I was agreed to maintain the present arrangement until the several States should change it. I was reported as insisting that suffrage was too extensive in this country, and that it ought to be taken away from a portion of those who now possess it. Upon another

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occasion recently I argued in the case of a bill which was pending that it put our citizens in the northern States upon the same footing with rebels, and therefore it was objectionable because there was a wide difference between the two sections of the country. I was reported as having said that the bill was a cruel and oppressive thing because it subjected rebels to indignities or restrictions which did prevail upon men of the North.

I think, sir, one thing is very manifest: the reports obtained by the Associated Press, a great and important association as a public institution, must be made more accurate or we must abolish them as very inconvenient and productive of general injustice. Somebody more competent must make reports of what we do and say here, or we must refuse the privilege of having our proceedings reported.

Mr. SHERMAN. A word on this matter. Senators seem to forget that the reports of the Associated Press are not paid for by Congress. Congress has nothing to do with them. That association employs its own agents to make them, and it has them telegraphed at its own expense. We have nothing to do with them, and I think all reference to those reports by us is entirely of our own motion. These reports are not made by anybody responsible to Congress or by anybody that Congress has anything to do with. We may complain if injustice is done, but unless we provide some mode of furnishing accurate reports we cannot complain of those that are made; and if we do provide them they need not publish them, and need not telegraph them. What they do is a private transaction of their own. I am inclined to think, therefore, that all complaints by us assume the appearance of complaints of the right of the people to be here and report and print what they choose about us.

Mr. HOWE. I did not rise for the purpose of making any complaint or of suggesting any remedy. I rose for the purpose of correcting a mistake, and relying upon the justice of the reporters of the Associated Press to correct it. I should have gone to the gentlemen themselves and asked the correction if I had had the advantage of an acquaintance with them, which I have not. I was quite aware of what the Senator from Ohio says, that we do not pay for these reports. Nevertheless, if we do not pay for them, we have a right to ask—it is a right which belongs not to our official position here, but to a common humanity—not a right to demand that they shall say or tell of anything we do as individuals, but we have a right to ask that they shall not ascribe to us what we do not do. Of course their own discretion must govern them in selecting such transactions which take place here as they will communicate to the country. I take it no Senator has a right to complain that the things he does are not detailed in these reports, but I think every one of us has a right to complain when they ascribe to us the doing of that which we do not do. But for the happening of this latter case I should not have thought of troubling the Senate with any remarks.

RETIREMENT OF PRESIDENT FOSTER.

The PRESIDENT *pro tempore*, at half past ten o'clock a. m., rose and addressed the Senate as follows:

SENATORS: The hour for the final adjournment of the Thirty-Ninth Congress is near at hand, and as my official connection with this body will then terminate, I shall now vacate the chair, to the end that you may elect a President of the Senate.

Twelve years have elapsed since I was first honored with a seat in this Chamber. During this period great events—events of the most intense and painful interest to our country—events as imposing in their character, as instructive in their teachings, as momentous in their consequences, as any recorded in human history—have passed before us in rapid succession. Surely we have great reason for gratitude and thanksgiving to Almighty God that hitherto His hand has upheld us.

For the past two years, by your favor, I have occupied the chair of the Senate. My grateful acknowledgments are due to you for the uniform courtesy and forbearance which you have manifested toward me. In the performance of such duties as have been devolved upon me, occasional errors and mistakes, in the imperfection of our nature, are probably inevitable. No doubt I have committed my full share. My honest purpose has been to act fairly and impartially toward all. I have wronged no one intentionally, and if at any time it has seemed otherwise I sincerely regret it.

In casting my eyes over the body I recognize but four members who were here when I first entered the Senate. Since that time eighteen of our number have been removed by death. These changes are admonitory, and must impress the mind with a sense of the fleeting and transitory character of this stage of our being.

Though the greatest statesmen, the wisest Senators speedily pass away, as all men must, institutions founded on principles of right and truth and justice may remain until time shall be no longer. May our Government rest on these sure foundations. May this Senate ever maintain its early renown for courtesy, decorum, dignity, and all the proprieties and amenities which adorn the senatorial character. May you be enabled to do much to establish, and may you soon see established, harmonious and amicable relations between all portions of our country. May all causes of alienation and estrangement be speedily and effectually removed, and a spirit of concord and fraternal love be everywhere diffused and ever abide in the hearts of all our people.

May God preserve our Republic, and make it a perpetual glory among the nations.

Senators, with feelings of the utmost respect and kindness toward you personally, I bid you farewell.

Mr. FOSTER having concluded, retired from the chair.

ELECTION OF A PRESIDENT PRO TEMPORE.

Mr. ANTHONY. Mr. Secretary, I move that the Senate proceed to the election of a President *pro tempore*.

The SECRETARY (JOHN W. FORNEY) put the question, and the motion was agreed to.

Mr. ANTHONY. Mr. Secretary, I nominate for President *pro tempore* Hon. BENJAMIN F. WADE, one of the Senators from the State of Ohio. If there be no counter-nomination, I will put it in the form of a resolution, so as to dispense with balloting. I offer the following resolution:

Resolved, That Hon. BENJAMIN F. WADE, of the State of Ohio, be, and he is hereby, chosen President of the Senate *pro tempore*.

The resolution was agreed to; and Mr. WADE was conducted to the chair by Mr. ANTHONY and Mr. FOSTER.

Mr. WADE, on taking the chair, said: Before entering upon the duties of the great office with which you have invested me, I desire to express to you my profound and grateful acknowledgments for this token of your confidence and respect. You all know that I am no parliamentarian, and I shall be obliged to draw largely on your forbearance and indulgence. I therefore accept the position with great diffidence. I can only promise that I will endeavor to make myself familiar with those rules and principles which this body has provided for its government at the earliest period, and I will administer them with promptness and impartiality.

On motion by Mr. ANTHONY, it was

Ordered, That the Secretary wait upon the President of the United States and inform him that the Senate had chosen Hon. BENJAMIN F. WADE, one of the Senators from the State of Ohio, President of the Senate *pro tempore*.

On motion by Mr. ANTHONY, it was

Ordered, That the Secretary inform the House of Representatives that the Senate had chosen Hon. BENJAMIN F. WADE, one of the Senators from the State of Ohio, President of the Senate *pro tempore*.

THANKS TO PRESIDENT FOSTER.

Mr. ANTHONY. Mr. President, I know that I speak the sentiment of every Senator upon this floor, to whichever party he may belong, when I bear testimony to the high ability, the uniform courtesy, and the unvarying impartiality with which the duties of Presiding Officer have been discharged during the Congress that is about to close. The chair, sir, to which you have been just called by the unanimous voice of your peers in this Chamber has been filled, by election of the Senate, by some of the most eminent men who have embellished the annals of American statesmanship. John Langdon, Richard Henry Lee, Theodore Sedgwick, James Barbour, Nathaniel Macon, William H. Crawford, William R. King, Samuel L. Southard, Willie P. Mangum, Hugh L. White, Solomon Foot, and others not less eminent, have been President *pro tempore* of the Senate. It is safe to say that by none of them have the duties of the Chair been performed more to the credit of the officer or more to the satisfaction of the Senate than by the retiring President. Fortunate will it be for those who shall succeed him if, when they come to lay down the high dignity which he has just resigned, they shall take with them so large a share of the respect, the confidence, and the affection of their associates in this Chamber. Fortunate will it be for the Senate if the same intimate knowledge of parliamentary law and the same prompt application of its principles shall guide their discussions, and the same impartial dignity preside over their deliberations.

Mr. President, I offer the following resolution:

Resolved, That the thanks of the Senate are due, and they are hereby tendered, to Hon. LA FAYETTE S. FOSTER, President of the Senate *pro tempore*, for the able, dignified, and impartial manner in which he has discharged the responsible duties of the Chair.

The resolution was unanimously adopted, and it was further

Ordered, That the Secretary communicate a copy of the foregoing resolution to Hon. LA FAYETTE S. FOSTER.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bill and joint resolutions of the Senate:

A bill (S. No. 634) in relation to brevets in the Army of the United States;

A joint resolution (S. R. No. 148) presenting the thanks of Congress to Cyrus W. Field;

A joint resolution (S. R. No. 183) thanking the Chambers of Senators and Deputies of Brazil for their resolutions of sorrow and sympathy on the death of President Lincoln; and

A joint resolution (S. R. No. 184) authorizing Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomoh and gunboat Augusta to accept presents tendered them by the Emperor of Russia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

An act (S. No. 609) allowing the duties on foreign merchandise imported into the port of Albany to be secured and paid at that place;

An act (S. No. 557) for the relief of James Fulton, paymaster in the United States Navy;

An act (S. No. 588) for the relief of William H. Webb; and

An act (H. R. No. 1234) to incorporate the joint stock company of the Young Men's Christian Association of Washington.

PRESIDENTIAL APPROVAL OF BILLS.

A message from the President of the United States, by Mr. MOORE, his Secretary, announced that the President had this day approved and signed the following bills and joint resolutions:

A bill (S. No. 488) for the relief of the heirs of John E. Bouligny;

A bill (S. No. 499) for the relief of Frank Pugsley, late a private soldier in company I of

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the third regiment of New Hampshire volunteers;

A bill (S. No. 532) for the relief of the inhabitants of cities and towns upon the public lands;

A bill (S. No. 548) to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States;

A bill (S. No. 563) supplementary to the several acts of Congress abolishing imprisonment for debt;

A bill (S. No. 576) relating to appeals and writs of error to the Supreme Court;

A bill (S. No. 577) to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes;

A bill (S. No. 578) to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes;"

A bill (S. No. 595) to regulate the disposition of an irregular fund in the custody of the Freedmen's Bureau;

A bill (S. No. 603) to authorize the establishment of ocean mail steamship service between the United States and the Hawaiian Islands;

A bill (S. No. 614) authorizing the Secretary of the Navy to transfer the United States ironclad Onondaga to George Quintard, of New York;

A bill (S. No. 620) for the relief of Joshua H. Butterworth;

A bill (S. No. 625) to amend an act entitled "An act concerning the fire department of Washington city," approved February 18, 1867;

A joint resolution (S. R. No. 66) for the relief of Joseph R. Morris;

A joint resolution (S. R. No. 167) for the relief of certain enlisted men of the seventh regiment of West Virginia volunteers;

A joint resolution (S. R. No. 175) for the relief of Dyer B. Pettijohn;

A joint resolution (S. R. No. 176) relative to the post office and sub-Treasury of the city of Boston; and

A joint resolution (S. R. No. 181) concerning the right of way for the survey and construction of an inter-oceanic ship-canal through the Isthmus of Darien.

NAVAL LAWS.

Mr. GRIMES, from the Committee on Naval Affairs, to whom were referred the amendments of the House of Representatives to the bill of the Senate No. 509, to amend certain acts in relation to the Navy, reported them with the recommendation that the Senate agree to the same; and the amendments were concurred in.

RESCUE OF THE CREW OF THE E. H. FITLER.

On motion of Mr. CHANDLER, the joint resolution (H. R. No. 283) authorizing the Secretary of State to present to Captain James G. Smith, of the British brig Victoria, a gold chronometer in token of appreciation of his services in rescuing from death the master, officers, crew, and passengers on board of the American brig E. H. Fitler, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

COMPENSATION FOR ENLISTED SLAVES.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of House joint resolution No. 235.

Mr. HARRIS. I hope that will not be done. I made a motion before your predecessor retired from the chair to proceed to the consideration of executive business, which I withdrew under the circumstances. I hope it will not now be crowded out by any legislative business. I therefore renew the motion to go into executive session.

Mr. TRUMBULL. The resolution to which I have called attention is one from the House of Representatives, which I think ought to pass promptly. It is a resolution to which I have called attention in the Senate more than once, suspending the action of certain commissioners who are assessing damages to persons claiming to be the loyal owners of slaves who entered the Union Army. The law providing for the payment to the masters for their slaves who entered our service has been suspended; no money can be paid; but we have at this time several boards of commissioners who are taking testimony, as I understand, in several of the States. Of course it is to no purpose; there can be no object in it, and I understand that very great abuses are being practiced in some of the States. I have in my possession a letter, which I could read to the Senate if it were not taking up too much of its time, from the State of Kentucky, indorsed by one of the members of the House of Representatives, which states that in his county, a majority of which was secession, not one single loyal man has made proof to claim pay for his slaves that entered the service, but that several disloyal owners have, and that great abuses are being practiced by the commissioners. I think the resolution ought to pass. It needs only the concurrence of this body; the House have already passed it. I have tried repeatedly to get attention to it during the session, and once moved it as an amendment to an appropriation bill, but I was persuaded to withdraw it at the instance of the chairman of the committee who had that bill in charge. I trust the Senate will take up this joint resolution and pass it.

Mr. HARRIS. The Senator from Illinois must know very well that if he could succeed in getting the Senate to take up that proposition it would occupy the entire session, and he would probably get no action of the Senate upon it before we adjourn, but it would crowd out all other business. He will have an opportunity to introduce that subject and to discuss it at the session of the Senate beginning to-morrow. I hope the Senate will adopt the motion I have made, to proceed to the consideration of executive business.

Mr. TRUMBULL. I will read to the Senate the letter which I have received and to which I have already alluded:

"I live in a county whose population is about three fifths rebels; the greater portion of them were once slave-owners and I do not know of a single instance where the slave of a rebel was recruited for the United States service but what the former owner is now making application for pay under the $300 act. If the Government allows this it is an outrage, in my opinion. Furthermore, I by inheritance was interested in twenty-five slaves, some of whom went into the United States Army; but I am willing and believe that this compensation act should be repealed."

This letter is indorsed by a member of the House of Representatives, who authorizes me to read it, and says:

"I indorse every word he says as true."

Mr. HARRIS. I insist on my motion.

Mr. DAVIS. Will the honorable Senator from Illinois give the name of the writer of the letter?

Mr. TRUMBULL. Yes, sir, I will give the name of the writer of the letter—Samuel Martin—and it is indorsed by Mr. McKEE of the House of Representatives. Now, the Senator from Kentucky has got it.

Mr. DAVIS. Neither the writer of the letter nor the indorser is entitled to any trust whatever.

Mr. TRUMBULL. I call the Senator to order. He has no right to use such language in reference to a member of the House of Representatives.

The PRESIDENT *pro tempore*. The Senator will come to order. The question is on the motion of the Senator from New York to proceed to the consideration of executive business.

The motion was agreed to; and after an hour spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 584) for the relief of Elias Beale, late captain of company H, eighth regiment of Tennessee volunteer infantry; and had also passed the joint resolution (S. R. No. 164) supplementary to other joint resolutions to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867, with amendments, in which it requested the concurrence of the Senate.

COMMITTEE ON ORDNANCE.

The message also announced that the House of Representatives had passed the following resolution, in which it requested the concurrence of the Senate.

Resolved, (the Senate concurring,) That the following be added to the joint rules of the two Houses, namely:

RULE —. There shall be appointed a joint committee on ordnance, to consist of three members of the Senate and three members of the House, to whom shall be referred all matters in relation to ordnance stores which shall come in question and be referred to them by either House; and also to report from time to time such measures in reference to those subjects as to the said committee may seem advisable.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. No. 463) for the relief of Rev. Samuel M. Beatty, of Ohio;

A bill (S. No. 606) to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866;

A bill (S. No. 611) to extend to and for the benefit of Eliza Wells letters-patent heretofore issued to Henry A. Wells, deceased;

A bill (H. R. No. 591) for the relief of Thomas D. Burrall;

A joint resolution (S. R. No. 173) to facilitate the settlement of accounts of disbursing officers;

A joint resolution (S. R. No. 178) in relation to national banking associations;

A joint resolution (S. R. No. 179) to provide for the exchange of certain public documents;

A joint resolution (H. R. No. 267) for the reduction of the military reservation of Fort Riley, and to grant land for bridge purposes to the State of Kansas;

A joint resolution (H. R. No. 283) authorizing the Secretary of State to present to Captain James G. Smith, of the British brig Victoria, a gold chronometer, in token of appreciation of his services in rescuing from death the master, officers, crew, and passengers on board of the American brig E. H. Fitler;

A joint resolution (H. R. No. 297) instructing the Secretary of the Interior to order a survey for a bridge or bridges across the Potomac;

A bill (S. No. 509) to amend certain acts in relation to the Navy;

A bill (S. No. 584) for the relief of Elias Beale, late captain of company H, eighth regiment Tennessee volunteer infantry;

A bill (S. No. 634) relating to brevets in the Army of the United States;

A joint resolution (S. R. No. 148) presenting the thanks of Congress to Cyrus W. Field; and

A joint resolution (S. R. No. 184) authorizing Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomah and gunboat Augusta to accept presents tendered them by the Emperor of Russia.

PARIS EXHIBITION.

On motion of Mr. SUMNER, the Senate proceeded to consider and concurred in the amendments of the House of Representatives to the joint resolution (S. R. No. 164) supplementary to other joint resolutions to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867.

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PREPARATION FOR ADJOURNMENT.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States, and inform him that unless he may have some further communication to make, the two Houses of Congress, having finished the business before them, are ready to adjourn.

The PRESIDENT *pro tempore* was, by unanimous consent, authorized to appoint the committee, and Mr. ANTHONY and Mr. HENDRICKS were appointed.

PRESIDENTIAL APPROVAL OF BILLS.

A message from the President of the United States, by Mr. JOHNSON, his Secretary, announced that the President of the United States had approved and signed this day the following acts and joint resolutions:

A bill (S. No. 463) for the relief of Rev. Samuel M. Beatty, of Ohio;

A bill (S. No. 611) to extend to and for the benefit of Eliza Wells letters-patent heretofore issued to Henry A. Wells, deceased;

A bill (S. No. 606) to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866;

A bill (S. No. 557) for the relief of James Fulton, paymaster United States Navy;

A bill (S. No. 509) to amend certain acts in relation to the Navy;

A bill (S. No. 584) for the relief of Captain Elias Beale, company H, eighth regiment Tennessee volunteer infantry;

A bill (S. No. 588) for the relief of William H. Webb;

A bill (S. No. 609) allowing the duties on foreign merchandise imported into the port of Albany to be secured and paid at that place;

A bill (S. No. 634) relating to brevets in the United States Army;

A joint resolution (S. R. No. 148) presenting the thanks of Congress to Cyrus W. Field;

A joint resolution (S. R. No. 173) to facilitate the settlements of accounts of disbursing officers;

A joint resolution (S. R. No. 178) in relation to national banking associations;

A joint resolution (S. R. No. 179) for the exchange of certain public documents;

A joint resolution (S. R. No. 183) thanking the Chambers of Senators and Deputies of Brazil for their resolutions of sorrow and sympathy on the death of President Lincoln; and

A joint resolution (S. R. No. 184) authorizing Gustavus V. Fox, Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomah and gunboat Augusta, to accept presents tendered them by the Emperor of Russia.

CLOSE OF THE SESSION.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had agreed to the resolution of the Senate for the appointment of a committee to wait upon the President of the United States, and inform him that unless he may have some further communication to make the two Houses of Congress, having finished the business before them, are ready to adjourn; and that it had appointed Mr. H. L. DAWES of Massachusetts and Mr. F. C. LE BLOND of Ohio the committee on its part.

Mr. ANTHONY, from the joint committee appointed to wait upon the President of the United States and inform him that, unless he had some further communication to make, the two Houses of Congress, having finished the business before them, are ready to adjourn, reported that they had performed the duty assigned them, and that the President had replied "that he had no further communication to make to Congress, and that he wished the Senators and Representatives a safe return to their families and homes."

The hour of twelve, noon, having arrived—

The PRESIDENT *pro tempore* declared that the allotted term of the Thirty-Ninth Congress having expired, the Senate was adjourned *sine die*.

39TH CONG. 2D SESS.—No. 127.

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APPENDIX

TO

THE CONGRESSIONAL GLOBE:

CONTAINING

SPEECHES, IMPORTANT STATE PAPERS, AND THE LAWS

OF THE

SECOND SESSION THIRTY-NINTH CONGRESS.

BY F. & J. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1867.

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APPENDIX

TO

THE CONGRESSIONAL GLOBE,

SECOND SESSION THIRTY-NINTH CONGRESS.

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APPENDIX

TO THE CONGRESSIONAL GLOBE.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES.

Fellow-Citizens of the Senate and House of Representatives:

After a brief interval the Congress of the United States resumes its annual legislative labors. An all-wise and merciful Providence has abated the pestilence which visited our shores, leaving its calamitous traces upon some portions of our country. Peace, order, tranquillity, and civil authority have been formally declared to exist throughout the whole of the United States. In all of the States civil authority has superseded the coercion of arms, and the people, by their voluntary action, are maintaining their governments in full activity and complete operation. The enforcement of the laws is no longer "obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings;" and the animosities engendered by the war are rapidly yielding to the beneficent influences of our free institutions, and to the kindly effects of unrestricted social and commercial intercourse. An entire restoration of fraternal feeling must be the earnest wish of every patriotic heart; and we will have accomplished our grandest national achievement when, forgetting the sad events of the past, and remembering only their instructive lessons, we resume our onward career as a free, prosperous, and united people.

In my message of the 4th of December, 1865, Congress was informed of the measures which had been instituted by the Executive with a view to the gradual restoration of the States in which the insurrection occurred to their relations with the General Government. Provisional Governors had been appointed, conventions called, Governors elected, Legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. Courts had been opened for the enforcement of laws long in abeyance. The blockade had been removed, custom-houses reëstablished, and the internal revenue laws put in force, in order that the people might contribute to the national income. Postal operations had been renewed, and efforts were being made to restore them to their former condition of efficiency. The States themselves had been asked to take part in the high function of amending the Constitution, and of thus sanctioning the extinction of African slavery as one of the legitimate results of our internecine struggle.

Having progressed thus far, the executive department found that it had accomplished nearly all that was within the scope of its constitutional authority. One thing, however, yet remained to be done before the work of restoration could be completed, and that was the admission to Congress of loyal Senators and Representatives from the States whose people had rebelled against the lawful authority of the General Government. This question devolved upon the respective Houses, which, by the Constitution, are made the judges of the elections, returns, and qualifications of their own members; and its consideration at once engaged the attention of Congress.

In the mean time, the executive department—no other plan having been proposed by Congress—continued its efforts to perfect, as far as was practicable, the restoration of the proper relations between the citizens of the respective States, the States, and the Federal Government, extending, from time to time, as the public interests seemed to require, the judicial, revenue, and postal systems of the country. With the advice and consent of the Senate, the necessary officers were appointed, and appropriations made by Congress for the payment of their salaries. The proposition to amend the Federal Constitution, so as to prevent the existence of slavery within the United States or any place subject to their jurisdiction, was ratified by the requisite number of States; and on the 18th day of December, 1865, it was officially declared to have become valid as a part of the Constitution of the United States. All of the States in which the insurrection had existed promptly amended their constitutions so as to make them conform to the great change thus effected in the organic law of the land; declared null and void all ordinances and laws of secession; repudiated all pretended debts and obligations created for the revolutionary purposes of the insurrection; and proceeded, in good faith, to the enactment of measures for the protection and amelioration of the condition of the colored race. Congress, however, yet hesitated to admit any of these States to representation; and it was not until toward the close of the eighth month of the session that an exception was made in favor of Tennessee, by the admission of her Senators and Representatives.

I deem it a subject of profound regret that Congress has thus far failed to admit to seats loyal Senators and Representatives from the other States, whose inhabitants, with those of Tennessee, had engaged in the rebellion. Ten States—more than one fourth of the whole number—remain without representation; the seats of fifty members in the House of Representatives and of twenty members in the Senate are yet vacant, not by their own consent, not by a failure of election, but by the refusal of Congress to accept their credentials. Their admission, it is believed, would have accomplished much toward the renewal and strengthening of our relations as one people, and removed serious cause for discontent on the part of the inhabitants of those States. It would have accorded with the great principle enunciated in the Declaration of American Independence, that no people ought to bear the burden of taxation, and yet be denied the right of representation. It would have been in consonance with the express provisions of the Constitution, that "each State shall have at least one Representative," and "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." These provisions were intended to secure to every State, and to the people of every State, the right of representation in each House of Congress; and so important was it deemed by the framers of the Constitution that the equality of the States in the Senate should be preserved, that not even by an amendment of the Constitution can any State, without its consent, be denied a voice in that branch of the national Legislature.

It is true it has been assumed that the existence of the States was terminated by the rebellious acts of their inhabitants, and that, the insurrection having been suppressed, they were thenceforward to be considered merely as conquered territories. The legislative, executive, and judicial departments of the Government have, however, with great distinctness and uniform consistency, refused to sanction an assumption so incompatible with the nature of our republican system, and with the professed objects of the war. Throughout the recent legislation of Congress the undeniable fact makes itself apparent, that the ten political communities are nothing less than States of this Union. At the very commencement of the rebellion, each House declared, with a unanimity as remarkable as it was significant, that the war was not "waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects" were "accomplished the war ought to cease." In some instances Senators were permitted to continue their legislative functions, while in other instances Representatives were elected and admitted to seats after their States had formally declared their right to withdraw from the Union and were endeavoring to maintain that right by force of arms. All of the States whose people were in insurrection, as States, were included in the apportionment of the direct tax of $20,000,000 annually laid upon the United States by the act approved 5th August, 1861. Congress, by the act of March 4, 1862, and by the apportionment of representation thereunder, also recognized their presence as States in the Union; and

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they have, for judicial purposes, been divided into districts, as States alone can be divided. The same recognition appears in the recent legislation in reference to Tennessee, which evidently rests upon the fact that the functions of the State were not destroyed by the rebellion, but merely suspended; and that principle is of course applicable to those States which, like Tennessee, attempted to renounce their places in the Union.

The action of the executive department of the Government upon this subject has been equally definite and uniform, and the purpose of the war was specifically stated in the proclamation issued by my predecessor on the 22d day of September, 1862. It was then solemnly proclaimed and declared that "hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States and each of the States and the people thereof, in which States that relation is or may be suspended or disturbed."

The recognition of the States by the judicial department of the Government has also been clear and conclusive in all proceedings affecting them as States, had in the Supreme, circuit, and district courts.

In the admission of Senators and Representatives from any and all of the States, there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation; for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress. Each House is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two thirds, expel a member." When a Senator or Representative presents his certificate of election he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member, that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union. Upon this question, so vitally affecting the restoration of the Union and the permanency of our present form of Government, my convictions, heretofore expressed, have undergone no change; but, on the contrary, their correctness has been confirmed by reflection and time. If the admission of loyal members to seats in the respective Houses of Congress was wise and expedient a year ago, it is no less wise and expedient now. If this anomalous condition is right now—if, in the exact condition of these States at the present time, it is lawful to exclude them from representation, I do not see that the question will be changed by the efflux of time. Ten years hence, if these States remain as they are, the right of representation will be no stronger; the right of exclusion will be no weaker.

The Constitution of the United States makes it the duty of the President to recommend to the consideration of Congress "such measures as he shall judge necessary or expedient." I know of no measure more imperatively demanded by every consideration of national interest, sound policy, and equal justice, than the admission of loyal members from the now unrepresented States. This would consummate the work of restoration, and exert a most salutary influence in the reëstablishment of peace, harmony, and fraternal feeling. It would tend greatly to renew the confidence of the American people in the vigor and stability of their institutions. It would bind us more closely together as a nation, and enable us to show to the world the inherent and recuperative power of a Government founded upon the will of the people, and established upon the principles of liberty, justice, and intelligence. Our increased strength and enhanced prosperity would irrefragably demonstrate the fallacy of the arguments against free institutions drawn from our recent national disorders by the enemies of republican government. The admission of loyal members from the States now excluded from Congress, by allaying doubt and apprehension, would turn capital, now awaiting an opportunity for investment, into the channels of trade and industry. It would alleviate the present troubled condition of those States, and, by inducing emigration, aid in the settlement of fertile regions now uncultivated, and lead to an increased production of those staples which have added so greatly to the wealth of the nation and the commerce of the world. New fields of enterprise would be opened to our progressive people, and soon the devastations of war would be repaired, and all traces of our domestic differences effaced from the minds of our countrymen.

In our efforts to preserve "the unity of government which constitutes us one people," by restoring the States to the condition which they held prior to the rebellion, we should be cautious, lest, having rescued our nation from perils of threatened disintegration, we resort to consolidation, and in the end absolute despotism, as a remedy for the recurrence of similar troubles. The war having terminated, and with it all occasion for the exercise of powers of doubtful constitutionality, we should hasten to bring legislation within the boundaries prescribed by the Constitution, and to return to the ancient landmarks established by our fathers for the guidance of succeeding generations. "The Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all." "If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for" "it is the customary weapon by which free Governments are destroyed." Washington spoke these words to his countrymen, when, followed by their love and gratitude, he voluntarily retired from the cares of public life. "To keep in all things within the pale of our constitutional powers, and cherish the Federal Union as the only rock of safety," were prescribed by Jefferson as rules of action to endear to his "countrymen the true principles of their Constitution, and promote a union of sentiment and action equally auspicious to their happiness and safety." Jackson held that the action of the General Government should always be strictly confined to the sphere of its appropriate duties, and justly and forcibly urged that our Government is not to be maintained nor our Union preserved "by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong, we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves; in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper constitutional orbit." These are the teachings of men whose deeds and services have made them illustrious, and who, long since withdrawn from the scenes of life, have left to their country the rich legacy of their example, their wisdom, and their patriotism. Drawing fresh inspiration from their lessons, let us emulate them in love of country and respect for the Constitution and the laws.

The report of the Secretary of the Treasury affords much information respecting the revenue and commerce of the country. His views upon the currency, and with reference to a proper adjustment of our revenue system, internal as well as impost, are commended to the careful consideration of Congress. In my last annual message I expressed my general views upon these subjects. I need now only call attention to the necessity of carrying into every department of the Government a system of rigid accountability, thorough retrenchment, and wise economy. With no exceptional nor unusual expenditures, the oppressive burdens of taxation can be lessened by such a modification of our revenue laws as will be consistent with the public faith and the legitimate and necessary wants of the Government.

The report presents a much more satisfactory condition of our finances than, one year ago, the most sanguine could have anticipated. During the fiscal year ending the 30th of June, 1865, the last year of the war, the public debt was increased $941,902,537, and on the 31st of October, 1865, it amounted to $2,740,854,750. On the 31st day of October, 1866, it had been reduced to $2,551,310,006, the diminution, during a period of fourteen months, commencing September 1, 1865, and ending October 31, 1866, having been $206,379,565. In the last annual report on the state of the finances it was estimated that during the three quarters of the fiscal year ending the 30th of June last, the debt would be increased $112,194,947. During that period, however, it was reduced $31,196,387, the receipts of the year having been $89,905,905 more, and the expenditures $200,529,235 less, than the estimates. Nothing could more clearly indicate than these statements the extent and availability of the national resources, and the rapidity and safety with which, under our form of government, great military and naval establishments can be disbanded, and expenses reduced from a war to a peace footing.

During the fiscal year ending the 30th of June, 1866, the receipts were $558,032,620, and the expenditures $520,750,940, leaving an available surplus of $37,281,680. It is estimated that the receipts for the fiscal year ending the 30th June, 1867, will be $475,061,386, and that the expenditures will reach the sum of $316,428,078, leaving in the Treasury a surplus of $158,633,308. For the fiscal year ending June 30, 1868, it is estimated that the receipts will amount to $436,000,000, and that the expenditures will be $350,247,641—showing an excess of $85,752,359 in favor of the Government. These estimated receipts may be diminished by a reduction of excise and import duties; but after all necessary reductions shall have been made the revenue of the present and of following years will doubtless be sufficient to cover all legitimate charges upon the Treasury and leave a large annual surplus to be applied to the payment of the principal of the debt. There seems now to be no good reason why taxes may not be reduced, as the country advances in population and wealth, and yet the debt be extinguished within the next quarter of a century.

The report of the Secretary of War furnishes valuable and important information in reference to the operations of his Department during the past year. Few volunteers now remain in the service, and they are being discharged as rapidly as they can be replaced by regular troops. The Army has been promptly paid, carefully provided with medical treatment, well sheltered and subsisted, and is to be furnished with breech-loading small-arms. The military strength of the nation has been unimpaired by the discharge of volunteers, the disposition of unserviceable or perishable stores, and the retrenchment of expenditure. Sufficient war material to meet any emergency has been retained, and, from the disbanded volunteers standing ready to respond to the national call, large armies can be rapidly organized, equipped, and concentrated. For-

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tifications on the coast and frontier have received or are being prepared for more powerful armaments; lake surveys and harbor and river improvements are in course of energetic prosecution. Preparations have been made for the payment of the additional bounties authorized during the recent session of Congress, under such regulations as will protect the Government from fraud, and secure to the honorably discharged soldier the well-earned reward of his faithfulness and gallantry. More than six thousand maimed soldiers have received artificial limbs or other surgical apparatus; and forty-one national cemeteries, containing the remains of one hundred and four thousand five hundred and twenty-six Union soldiers, have already been established. The total estimate of military appropriations is $25,205,669.

It is stated in the report of the Secretary of the Navy that the naval force at this time consists of two hundred and seventy-eight vessels, armed with two thousand three hundred and fifty-one guns. Of these, one hundred and fifteen vessels, carrying one thousand and twenty-nine guns, are in commission, distributed chiefly among seven squadrons. The number of men in the service is thirteen thousand six hundred. Great activity and vigilance have been displayed by all the squadrons, and their movements have been judiciously and efficiently arranged in such manner as would best promote American commerce and protect the rights and interests of our countrymen abroad. The vessels unemployed are undergoing repairs, or are laid up until their services may be required. Most of the iron-clad fleet is at League Island, in the vicinity of Philadelphia, a place which, until decisive action should be taken by Congress, was selected by the Secretary of the Navy as the most eligible location for that class of vessels. It is important that a suitable public station should be provided for the iron-clad fleet. It is intended that these vessels shall be in proper condition for any emergency, and it is desirable that the bill accepting League Island for naval purposes, which passed the House of Representatives at its last session, should receive final action at an early period, in order that there may be a suitable public station for this class of vessels, as well as a navy-yard of area sufficient for the wants of the service, on the Delaware river. The naval pension fund amounts to $11,750,000, having been increased $2,750,000 during the year. The expenditures of the Department for the fiscal year ending 30th June last were $43,324,526, and the estimates for the coming year amount to $23,568,436. Attention is invited to the condition of our seamen, and the importance of legislative measures for their relief and improvement. The suggestions in behalf of this deserving class of our fellow-citizens are earnestly recommended to the favorable attention of Congress.

The report of the Postmaster General presents a most satisfactory condition of the postal service, and submits recommendations which deserve the consideration of Congress. The revenues of the Department for the year ending June 30, 1866, were $14,386,986, and the expenditures $15,352,079, showing an excess of the latter of $965,093. In anticipation of his deficiency, however, a special appropriation was made by Congress in the act approved July 28, 1866. Including the standing appropriation of $700,000 for free mail matter, as a legitimate portion of the revenues yet remaining unexpended, the actual deficiency for the past year is only $265,093—a sum within $51,141 of the amount estimated in the annual report of 1864. The decrease of revenue compared with the previous year was one and one fifth per cent., and the increase of expenditures, owing principally to the enlargement of the mail service in the South, was twelve per cent. On the 30th of June last there were in operation six thousand nine hundred and thirty mail routes, with an aggregate length of one hundred and eighty thousand nine hundred and twenty-one miles, an aggregate annual transportation of seventy-one million eight hundred and thirty-seven thousand nine hundred and fourteen miles, and an aggregate annual cost, including all expenditures, of $8,410,184. The length of railroad routes is thirty-two thousand and ninety-two miles, and the annual transportation thirty million six hundred and nine thousand four hundred and sixty-seven miles. The length of steamboat routes is fourteen thousand three hundred and forty-six miles, and the annual transportation three million four hundred and eleven thousand nine hundred and sixty-two miles. The mail service is rapidly increasing throughout the whole country, and its steady extension in the southern States indicates their constantly improving condition. The growing importance of the foreign service also merits attention. The Post Office Department of Great Britain and our own have agreed upon a preliminary basis for a new postal convention, which it is believed will prove eminently beneficial to the commercial interests of the United States, inasmuch as it contemplates a reduction of the international letter postage to one half the existing rates; a reduction of postage with all other countries to and from which correspondence is transmitted in the British mail, or in closed mails through the United Kingdom; the establishment of uniform and reasonable charges for the sea and territorial transit of correspondence in closed mails; and an allowance to each Post Office Department of the right to use all mail communications established under the authority of the other for the dispatch of correspondence, either in open or closed mails, on the same terms as those applicable to the inhabitants of the country providing the means of transmission.

The report of the Secretary of the Interior exhibits the condition of those branches of the public service which are committed to his supervision. During the last fiscal year 4,629,312 acres of public land were disposed of, 1,892,516 acres of which were entered under the homestead act. The policy originally adopted relative to the public lands has undergone essential modifications. Immediate revenue, and not their rapid settlement, was the cardinal feature of our land system. Long experience and earnest discussion have resulted in the conviction that the early development of our agricultural resources, and the diffusion of an energetic population over our vast territory, are objects of far greater importance to the national growth and prosperity than the proceeds of the sale of the land to the highest bidder in open market. The preëmption laws confer upon the pioneer who complies with the terms they impose the privilege of purchasing a limited portion of "unoffered lands" at the minimum price. The homestead enactments relieve the settler from the payment of purchase money, and secure him a permanent home, upon the condition of residence for a term of years. This liberal policy invites emigration from the Old and from the more crowded portions of the New World. Its propitious results are undoubted, and will be more signally manifested when time shall have given to it a wider development.

Congress has made liberal grants of public land to corporations in aid of the construction of railroads and other internal improvements. Should this policy hereafter prevail, more stringent provisions will be required to secure a faithful application of the fund. The title to the lands should not pass, by patent or otherwise, but remain in the Government and subject to its control until some portion of the road has been actually built. Portions of them might then, from time to time, be conveyed to the corporation, but never in a greater ratio to the whole quantity embraced by the grant than the completed parts bear to the entire length of the projected improvement. This restriction would not operate to the prejudice of any undertaking conceived in good faith and executed with reasonable energy, as it is the settled practice to withdraw from market the lands falling within the operation of such grants, and thus to exclude the inception of a subsequent adverse right. A breach of the conditions which Congress may deem proper to impose should work a forfeiture of claim to the lands so withdrawn but unconveyed, and of title to the lands conveyed which remain unsold.

Operations on the several lines of the Pacific railroad have been prosecuted with unexampled vigor and success. Should no unforeseen causes of delay occur, it is confidently anticipated that this great thoroughfare will be completed before the expiration of the period designated by Congress.

During the last fiscal year the amount paid to pensioners, including the expenses of disbursement, was $13,459,996; and fifty thousand one hundred and seventy-seven names were added to the pension-rolls. The entire number of pensioners, June 30, 1866, was one hundred and twenty-six thousand seven hundred and twenty-two. This fact furnishes melancholy and striking proof of the sacrifices made to vindicate the constitutional authority of the Federal Government and to maintain inviolate the integrity of the Union. They impose upon us corresponding obligations. It is estimated that $33,000,000 will be required to meet the exigencies of this branch of the service during the next fiscal year.

Treaties have been concluded with the Indians who, enticed into armed opposition to our Government at the outbreak of the rebellion, have unconditionally submitted to our authority, and manifested an earnest desire for a renewal of friendly relations.

During the year ending September 30, 1866, eight thousand seven hundred and sixteen patents for useful inventions and designs were issued, and at that date the balance in the Treasury to the credit of the patent fund was $228,297.

As a subject upon which depends an immense amount of the production and commerce of the country, I recommend to Congress such legislation as may be necessary for the preservation of the levees of the Mississippi river. It is a matter of national importance that early steps should be taken, not only to add to the efficiency of these barriers against destructive inundations, but for the removal of all obstructions to the free and safe navigation of that great channel of trade and commerce.

The District of Columbia, under existing laws, is not entitled to that representation in the national councils which, from our earliest history, has been uniformly accorded to each Territory established from time to time within our limits. It maintains peculiar relations to Congress, to whom the Constitution has granted the power of exercising exclusive legislation over the seat of Government. Our fellow-citizens residing in the District, whose interests are thus confided to the special guardianship of Congress, exceed in number the population of several of our Territories, and no just reason is perceived why a Delegate of their choice should not be admitted to a seat in the House of Representatives. No mode seems so appropriate and effectual of enabling them to make known their peculiar condition and wants, and of securing the local legislation adapted to them. I therefore recommend the passage of a law authorizing the electors of the District of Columbia to choose a Delegate, to be allowed the same rights and privileges as a Delegate representing a Territory. The increasing enterprise and rapid progress of improvement in the District are highly gratifying, and I trust that the efforts of the municipal authorities to promote the prosperity of the national metropolis will receive the efficient and generous coöperation of Congress.

The report of the Commissioner of Agriculture reviews the operations of his Department during the past year, and asks the aid of Con-

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gress in its efforts to encourage those States which, scourged by war, are now earnestly engaged in the reorganization of domestic industry.

It is a subject of congratulation that no foreign combinations against our domestic peace and safety, or our legitimate influence among the nations, have been formed or attempted. While sentiments of reconciliation, loyalty, and patriotism have increased at home, a more just consideration of our national character and rights has been manifested by foreign nations.

The entire success of the Atlantic telegraph between the coast of Ireland and the Province of Newfoundland, is an achievement which has been justly celebrated in both hemispheres as the opening of an era in the progress of civilization. There is reason to expect that equal success will attend, and even greater results follow, the enterprise for connecting the two continents through the Pacific ocean, by the projected line of telegraph between Kamschatka and the Russian possessions in America.

The resolution of Congress protesting against pardons by foreign Governments of persons convicted of infamous offenses, on condition of emigration to our country, has been communicated to the States with which we maintain intercourse, and the practice, so justly the subject of complaint on our part, has not been renewed.

The congratulations of Congress to the Emperor of Russia, upon his escape from attempted assassination, have been presented to that humane and enlightened ruler, and received by him with expressions of grateful appreciation.

The Executive, warned of an attempt by Spanish-American adventurers to induce the emigration of freedmen of the United States to a foreign country, protested against the project as one which, if consummated, would reduce them to a bondage even more oppressive than that from which they have just been relieved. Assurance has been received from the Government of the State in which the plan was matured, that the proceeding will meet neither its encouragement nor approval. It is a question worthy of your consideration whether our laws upon this subject are adequate to the prevention or punishment of the crime thus meditated.

In the month of April last, as Congress is aware, a friendly arrangement was made between the Emperor of France and the President of the United States for the withdrawal from Mexico of the French expeditionary military forces. This withdrawal was to be effected in three detachments, the first of which, it was understood, would leave Mexico in November, now past, the second in March next, and the third and last in November, 1867. Immediately upon the completion of the evacuation, the French Government was to assume the same attitude of non-intervention, in regard to Mexico, as is held by the Government of the United States. Repeated assurances have been given by the Emperor, since that agreement, that he would complete the promised evacuation within the period mentioned, or sooner.

It was reasonably expected that the proceedings thus contemplated would produce a crisis of great political interest in the republic of Mexico. The newly-appointed minister of the United States, Mr. Campbell, was therefore sent forward, on the 9th day of November last, to assume his proper functions as minister plenipotentiary of the United States to that republic. It was also thought expedient that he should be attended in the vicinity of Mexico by the Lieutenant General of the Army of the United States, with the view of obtaining such information as might be important to determine the course to be pursued by the United States in reëstablishing and maintaining necessary and proper intercourse with the republic of Mexico. Deeply interested in the cause of liberty and humanity, it seemed an obvious duty on our part to exercise whatever influence we possessed for the restoration and permanent establishment in that country of a domestic and republican form of government.

Such was the condition of affairs in regard to Mexico, when, on the 22d of November last, official information was received from Paris that the Emperor of France had some time before decided not to withdraw a detachment of his forces in the month of November past, according to engagement, but that this decision was made with the purpose of withdrawing the whole of those forces in the ensuing spring. Of this determination, however, the United States had not received any notice or intimation; and, so soon as the information was received by the Government, care was taken to make known its dissent to the Emperor of France.

I cannot forego the hope that France will reconsider the subject, and adopt some resolution in regard to the evacuation of Mexico which will conform as nearly as practicable with the existing engagement, and thus meet the just expectations of the United States. The papers relating to the subject will be laid before you. It is believed that, with the evacuation of Mexico by the expeditionary forces, no subject for serious differences between France and the United States would remain. The expressions of the Emperor and people of France warrant a hope that the traditionary friendship between the two countries might in that case be renewed and permanently restored.

A claim of a citizen of the United States for indemnity for spoliations committed on the high seas by the French authorities, in the exercise of a belligerent power against Mexico, has been met by the Government of France with a proposition to defer settlement until a mutual convention for the adjustment of all claims of citizens and subjects of both countries, arising out of the recent wars on this continent, shall be agreed upon by the two countries. The suggestion is not deemed unreasonable, but it belongs to Congress to direct the manner in which claims for indemnity by foreigners, as well as by citizens of the United States, arising out of the late civil war, shall be adjudicated and determined. I have no doubt that the subject of all such claims will engage your attention at a convenient and proper time.

It is a matter of regret that no considerable advance has been made toward an adjustment of the differences between the United States and Great Britain, arising out of the depredations upon our national commerce and other trespasses committed during our civil war by British subjects, in violation of international law and treaty obligations. The delay, however, may be believed to have resulted in no small degrée from the domestic situation of Great Britain. An entire change of ministry occurred in that country during the last session of Parliament. The attention of the new ministry was called to the subject at an early day, and there is some reason to expect that it will now be considered in a becoming and friendly spirit. The importance of an early disposition of the question cannot be exaggerated. Whatever might be the wishes of the two Governments, it is manifest that good-will and friendship between the two countries cannot be established until a reciprocity, in the practice of good faith and neutrality, shall be restored between the respective nations.

On the 6th of June last, in violation of our neutrality laws, a military expedition and enterprise against the British North American colonies was projected and attempted to be carried on within the territory and jurisdiction of the United States. In obedience to the obligation imposed upon the Executive by the Constitution, to see that the laws are faithfully executed, all citizens were warned, by proclamation, against taking part in or aiding such unlawful proceedings, and the proper civil, military, and naval officers were directed to take all necessary measures for the enforcement of the laws. The expedition failed, but it has not been without its painful consequences. Some of our citizens who, it was alleged, were engaged in the expedition, were captured, and have been brought to trial, as for a capital offense, in the Province of Canada. Judgment and sentence of death have been pronounced against some, while others have been acquitted. Fully believing in the maxim of government, that severity of civil punishment for misguided persons who have engaged in revolutionary attempts which have disastrously failed, is unsound and unwise, such representations have been made to the British Government, in behalf of the convicted persons, as, being sustained by an enlightened and humane judgment, will, it is hoped, induce in their cases an exercise of clemency, and a judicious amnesty to all who were engaged in the movement. Counsel has been employed by the Government to defend citizens of the United States on trial for capital offenses in Canada; and a discontinuance of the prosecutions which were instituted in the courts of the United States against those who took part in the expedition has been directed.

I have regarded the expedition as not only political in its nature, but as also in a great measure foreign from the United States in its causes, character, and objects. The attempt was understood to be made in sympathy with an insurgent party in Ireland, and, by striking at a British province on this continent, was designed to aid in obtaining redress for political grievances which, it was assumed, the people of Ireland had suffered at the hands of the British Government during a period of several centuries. The persons engaged in it were chiefly natives of that country, some of whom had, while others had not, become citizens of the United States under our general laws of naturalization. Complaints of misgovernment in Ireland continually engage the attention of the British nation, and so great an agitation is now prevailing in Ireland that the British Government have deemed it necessary to suspend the writ of *habeas corpus* in that country. These circumstances must necessarily modify the opinion which we might otherwise have entertained in regard to an expedition expressly prohibited by our neutrality laws. So long as those laws remain upon our statute-books, they should be faithfully executed, and if they operate harshly, unjustly, or oppressively, Congress alone can apply the remedy, by their modification or repeal.

Political and commercial interests of the United States are not unlikely to be affected in some degree by events which are transpiring in the eastern regions of Europe, and the time seems to have come when our Government ought to have a proper diplomatic representation in Greece.

This Government has claimed for all persons not convicted, or accused, or suspected of crime, an absolute political right of self-expatriation, and a choice of new national allegiance. Most of the European States have dissented from this principle, and have claimed a right to hold such of their subjects as have immigrated to and been naturalized in the United States, and afterward returned on transient visits to their native countries, to the performance of military service in like manner as resident subjects. Complaints arising from the claim in this respect made by foreign States, have heretofore been matters of controversy between the United States and some of the European Powers, and the irritation consequent upon the failure to settle this question increased during the war in which Prussia, Italy, and Austria were recently engaged. While Great Britain has never acknowledged the right of expatriation, she has not practically insisted upon it. France has been equally forbearing; and Prussia has proposed a com-

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promise, which, although evincing increased liberality, has not been accepted by the United States. Peace is now prevailing everywhere in Europe, and the present seems to be a favorable time for an assertion by Congress of the principle, so long maintained by the executive department, that naturalization by one State fully exempts the native-born subject of any other State from the performance of military service under any foreign Government, so long as he does not voluntarily renounce its rights and benefits.

In the performance of a duty imposed upon me by the Constitution, I have thus submitted to the representatives of the States and of the people such information of our domestic and foreign affairs as the public interests seem to require. Our Government is now undergoing its most trying ordeal, and my earnest prayer is, that the peril may be successfully and finally passed, without impairing its original strength and symmetry. The interests of the nation are best to be promoted by the revival of fraternal relations, the complete obliteration of our past differences, and the reinauguration of all the pursuits of peace. Directing our efforts to the early accomplishment of these great ends, let us endeavor to preserve harmony between the coördinate departments of our Government, that each in its proper sphere may cordially coöperate with the other in securing the maintenance of the Constitution, the preservation of the Union, and the perpetuity of our free institutions.

ANDREW JOHNSON.

WASHINGTON, *December* 3, 1866.

Report of the Secretary of the Treasury.

TREASURY DEPARTMENT,
WASHINGTON, *December* 3, 1866.

In conformity with the requirements of law, the Secretary has the honor to make the following report:

In his report under date of the 4th of December, 1865, the Secretary estimated, according to the data furnished him by this Department and by the other Departments, that the expenditures of the Government for the three quarters of the fiscal year ending June 30, 1866, would exceed the receipts $112,194,947 20. The result was widely different. The receipts exceeded the estimates $89,905.905 44; the expenditures fell short of the estimates $200,529,235 30. The following statement exhibits the items of increase of receipts and decrease of expenditures in comparison with the estimates:

Statement of the estimated and actual receipts and expenditures of the United States from October 1, 1865, to June 30, 1866.

	Estimated.	Actual.	Excess of receipts.
RECEIPTS.			
Cash balance October 1, 1865	$372,653,515 44	$372,653,515 44	
Customs	$100,000,000 00	$132,037,068 55	$32,037,068 55
Lands	500,000 00	532,140 40	32,140 40
Internal revenue	175,000,000 00	212,607,927 77	37,607,927 77
Miscellaneous	30,000,000 00	48,285,125 90	18,285,125 90
Direct tax	-	1,943,642 82	1,943,642 82
	305,500,000 00	395,405,905 44	$89,905,905 44
	67,153,515 44	67,153,515 44	
	$372,653,515 44	$462,559,420 88	

	Estimated.	Actual.	Excess of estimates.
EXPENDITURES.			
Civil service	$32,934,052 38	$30,435,500 55	$2,508,551 83
Pensions and Indians	12,256,790 94	11,031,285 79	1,195,505 15
War Department	307,758,750 57	119,080,464 50	188,708,286 07
Navy Department	35,000,000 00	25,802,716 31	8,197,283 69
Interest on public debt	96,313,983 75	96,894,260 19	-
	$484,553,462 64	$284,324,227 34	$200,529,235 30
Deduct deficiency in estimate for interest on public debt	-		80,391 44
			$200,609,626 74

RECAPITULATION.

Actual receipts, including cash balance		$462,564,420 88
Estimated receipts, including cash balance		372,658,515 44
Excess of receipts over estimates		$89,905,905 44
Actual expenditures	$284,324,227 34	
Estimated expenditures,	484,853,462 64	
Actual expenditures less than estimated		200,529,235 30
		$290,435,140 74

The following is a statement of receipts and expenditures for the fiscal year ending June 30, 1866:

Balance in Treasury, agreeable to warrants, July 1, 1865		$858,309 15
To which add balance of sundry trust funds not included in the above balance		2,217,732 94
Making balance, July 1, 1865, including trust fund		3,076,042 09
Receipts from loans		712,851,553 05
Receipts from customs	$179,046,651 58	
Receipts from lands	665,931 03	
Receipts from direct tax	1,974,754 12	
Receipts from internal revenue	309,226,813 42	
Receipts from miscellaneous sources	67,119,369 91	
		558,032,620 06
		1,273,960,215 20

EXPENDITURES.

Redemption of public debt	$620,321,725 61	
For the civil service	$41,056,961 54	
For pensions and Indians	18,852,416 91	
For War Department	284,449,701 82	
For Navy Department	43,324,118 52	
For interest on the public debt	133,067,741 69	
	520,750,940 48	
		1,141,072,666 09
Leaving a balance in the Treasury on the 1st day of July, 1866		$132,887,549 11

The following is a statement of the receipts and expenditures for the quarter ending September 30, 1866:

Balance in Treasury, agreeable to warrants, July 1, 1866		$132,887,549 11
Receipts from loans		174,011,622 24
Receipts from customs	$50,813,774 24	
Receipts from lands	228,399 72	
Receipts from direct tax	340,454 39	
Receipts from internal revenue	99,166,993 98	
Receipts from miscellaneous sources	7,981,764 24	
		158,561,386 57
Amount carried over		$465,460,557 92

Amount brought over		$465,460,557 92
EXPENDITURES.		
For the redemption of the public debt	$243,782,883 44	
For the civil service	11,896,736 44	
For pensions and Indians	11,787,975 66	
For the War Department	13,833,214 03	
For the Navy Department	7,878,609 17	
For interest on the public debt	33,865,299 99	
		323,041,763 73
Leaving a balance in the Treasury on the 1st day of October, 1866, of		$142,418,789 19

The following statement exhibits the items of increase and decrease of the public debt for the fiscal year ending June 30, 1866:

Amount of public debt, June 30, 1865		$2,682,593,026 53
Amount of cash in Treasury		858,309 15
Amount of public debt, June 30, 1865, less cash in Treasury		2,681,734,717 38
Amount of public debt, June 30, 1866	$2,783,425,879 21	
Amount of cash in Treasury	132,887,549 11	
Amount of public debt, June 30, 1866, less cash in Treasury		2,650,538,330 10
Net decrease		$31,196,387 28

This decrease was caused as follows, by payments and increase of cash in Treasury:

Bonds, 6 per cent., acts July 21, 1841, and April 15, 1842		$116,139 77
Treasury notes, 6 per cent., acts December 23, 1857, and March 2, 1861		2,200 00
Bonds, 5 per cent., act September 9, 1850, (Texas indemnity)		283,000 00
Treasury notes, 7.30, act July 17, 1861		380,750 00
Certificates of indebtedness, 6 per cent., act March 1, 1862		89,381,000 00
Treasury notes, 5 per cent., one and two year, act March 3, 1863		58,884,480 00
Compound-interest notes, 6 per cent., act June 30, 1864		34,743,940 00
Bonds, 5 per cent., act March 3, 1864		1,551,600 00
United States notes, acts July 17, 1861, and February 12, 1862		200,441 00
United States notes, acts February 25, July 11, 1862, and March 3, 1863		32,038,760 00
Postal currency, act July 17, 1862		2,881,767 88
Cash in Treasury, increased		132,023,230 96
Gross decrease		352,525,058 61
From which deduct for increase, by—		
Bonds, 6 per cent., acts July 1, 1862, and July 2, 1864, issued to Central Pacific Railroad Company, &c., interest payable in lawful money	$4,784,000 00	
Treasury notes, 7.30, acts June 30, 1864, and March 3, 1865, interest payable in lawful money	134,641,150 00	
Temporary loan, 4, 5, and 6 per cent., acts July 11, 1862, and June 30, 1864	30,459,133 23	
Gold certificates, act March 3, 1863	10,712,180 00	
Fractional currency, act March 3, 1863	4,949,750 09	
Bonds, 6 per cent., act July 17, 1861, $146,050		
Bonds, 6 per cent., act March 3, 1864	3,832,500	
Bonds, 6 per cent., act June 30, 1864	8,211,000	
Bonds, 6 per cent., act March 3, 1865	103,542,500	
	115,782,050 00	
		301,329,271 33
Net decrease		$31,196,387 28

The following statement exhibits the items of increase and decrease of the public debt for the four months from June 30, 1866, to October 31, 1866:

Amount of public debt, June 30, 1866		$2,783,425,879 21
Amount of cash in Treasury		132,887,549 11
Amount of public debt, June 30, 1866, less cash in Treasury		2,650,538,330 10
Amount of public debt, October 31, 1866	$2,681,656,966 34	
Amount carried over		2,650,538,330 10

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Amount brought over	$2,681,636,966 34	$2,650,538,330 10
Add amount of old funded and unfunded debt, included in debt of June 30, 1866, not in statement	114,115 48	
	2,681,751,081 82	
Amount of cash in Treasury	130,326,960 62	
Amount of public debt, October 31, 1866, less cash in Treasury		2,551,424,121 20
Net decrease		$99,114,208 90

Which decrease was caused as follows, by payments:

Bonds, 6 per cent., act July 21, 1841, and April 15, 1842		$14,500 00
Bonds, 6 per cent., act January 28, 1847		1,672,450 00
Bonds, 6 per cent., act March 31, 1848		617,400 00
Bonds, 5 per cent., act September 9, 1850, (Texas indemnity)		175,000 00
Bonds, 5 per cent., act March 3, 1864, (ten-forties)		149,750 00
		2,629,100 00
Treasury notes, 6 per cent., acts December 23, 1857, and March 2, 1861		6,150 00
Temporary loan, 4, 5, and 6 per cent., acts February 25, March 17, July 11, 1862, and June 30, 1864		75,172,997 76
Certificates of indebtedness, 6 per cent., acts March 1, 1862, and March 3, 1863		26,209,000 00
Treasury notes, 5 per cent., one and two year, act March 3, 1863		500,000 00
Treasury notes, 7.30, act July 17, 1861		11,200 00
Compound-interest notes, 6 per cent., act June 30, 1864		10,500,000 00
Treasury notes, 7.30, acts June 30, 1864, and March 3, 1865		82,237,250 00
United States notes, acts July 17, 1861, and February 12, 1862		3,804 00
United States notes, acts February 25, 1862, July 11, 1862, and March 3, 1863		10,691,779 00
Postal currency, act July 17, 1862		691,031 75
Gross decrease		208,652,312 51

From which deduct for increase of debt and decrease of cash in Treasury:

Bonds, 6 per cent., act July 17, 1861	$7,050 00	
Bonds, 6 per cent., act March 3, 1865	101,738,500 00	
Bonds, 6 per cent., acts July 1, 1862, and July 2, 1864, issued to Central Pacific Railroad Company, &c., interest payable in lawful money	3,840,000 00	
Gold certificates, act March 3, 1863	183,800 00	
Fractional currency, acts March 3, 1863, and June 30, 1864	1,208,165 12	
Cash in Treasury, decreased	2,560,588 49	
		109,538,103 61
Net decrease		$99,114,208 90

The following statement exhibits the items of increase and decrease of the public debt from the highest point, August 31, 1865, to October 31, 1866:

Amount of public debt August 31, 1865, as per statement		$2,845,907,626 56
Amount of old funded and unfunded debt		114,115 48
		2,846,021,742 04
Amount of cash in Treasury		88,218,055 13
Amount of public debt August 31, 1865, less cash in Treasury		2,757,803,686 91
Amount of public debt October 31, 1866, as per statement	$2,681,636,966 34	
Amount of old funded and unfunded debt	114,115 48	
	2,681,751,081 82	
Amount of cash in Treasury	130,326,960 62	
Amount of public debt, October 31, 1866, less cash in Treasury		2,551,424,121 20
Net decrease		$206,379,565 71

Which decrease was caused as follows by payments and increase of cash in Treasury:

Bonds, 6 per cent., act January 28, 1847	$1,672,450 00
Bonds, 6 per cent., acts July 21, 1841, and April 15, 1842	144,039 77
Amount carried over	$1,816,489 77

Amount brought over	$1,816,489 77
Bonds, 6 per cent., act March 31, 1848	617,400 00
Bonds, 5 per cent., act March 3, 1864	1,700,750 00
Bonds, 5 per cent., act September 9, 1850, (Texas indemnity)	455,000 00
Treasury notes, 6 per cent., acts December 23, 1857, and March 2, 1861	8,200 00
Temporary loan, 4, 5, and 6 per cent., acts February 25, 1862, and June 30, 1864	62,146,714 27
Certificates of indebtedness, 6 per cent., acts March 1, 1862, and March 3, 1863	84,911,000 00
Treasury notes, 5 per cent., one and two years, act March 3, 1863	31,000,000 00
Treasury notes, 7.30, act July 17, 1861	295,100 00
Compound-interest notes, 6 per cent., act June 30, 1864	68,512,020 00
Treasury notes, 7.30, act June 30, 1864, and March 3, 1865	105,985,700 00
United States notes, acts July 17, 1861, and February 12, 1862	134,610 00
United States notes, acts February 25, 1862, July 11, 1862, and March 3, 1863	42,830,174 00
Postal currency, act July 17, 1862	3,029,739 63
Suspended requisitions	2,111,000 00
	405,553,897 67
Increase of cash in Treasury	42,108,905 49
Gross decrease	447,662,803 16

From which deduct for increase:

Bonds, 6 per cent., acts July 17 and August 5, 1862	$114,750 00	
Bonds, 6 per cent., act March 3, 1864	3,882,500 00	
Bonds, 6 per cent., act June 30, 1864	8,211,000 00	
Bonds, 6 per cent., act March 3, 1865	205,281,000 00	
Bonds, 6 per cent., acts July 1, 1862, and July 2, 1864, issued to the Central Pacific Railroad Company, &c., interest payable in lawful money	8,624,000 00	
Fractional currency, acts March 3, 1863, and June 30, 1864	4,273,007 45	
Gold certificates, act March 3, 1863	10,896,980 00	
		241,283,237 45
Net decrease		$206,379,565 71

These statements are in the highest degree encouraging. They are conclusive evidence of the greatness of our resources, and they clearly indicate the patience of the people under self-imposed burdens, and their unwillingness that this debt should be a perpetual incumbrance upon the country.

It is not expected, nor is it perhaps desirable, that the same rate of reduction should be continued. A considerable diminution of taxes was effected by the amendments of the internal revenue law at the last session of Congress. A further diminution of internal taxes, and a modification of the tariff, which will doubtless lead to a reduction of customs duties on many articles, will be required in order that production may be increased and new life infused into certain branches of industry that are now languishing under the burdens which have been imposed upon them. But, after the proper and necessary reductions shall have been made, the revenues will doutless be sufficient, if the Government shall be economically administered, to pay the current expenses, the interest on the public debt, and reduce the principal at the rate of from four to five millions per month. In order that this may be done, however, there must be no additional donations to railroads, no payments but in the fulfillment of contracts, and no unnecessary expenditure of money for any purpose whatever. With proper economy in all the departments of the Government the debt can be paid by the generation that created it, if wise and equal revenue laws shall be enacted and continued by Congress, and these laws are faithfully enforced by the officers charged with their execution. That it is the will of the people that it should be paid, and not perpetuated, is clearly indicated by the favor with which its rapid reduction during the past year has been regarded. The idea that a national debt can be anything else than a burden—in which there are some compensations, but still a burden, a mortgage upon the property and industry of the people—is fortunately not an American idea. In countries in which the public expenditures are so heavy or the resources are so small that no reduction of their public debts is practicable, and where national securities become monopolized capital in the hands of moneyed aristocracies, who not only absorb the means, but give direction to the sentiment of the people, public debts may be regarded as public blessings; but no such fallacy will ever be countenanced by the free and intelligent people of the United States.

Nothing in our history has created so much surprise, both at home and abroad, as the reduction of our national debt. The wonder excited by the rapidity with which it was created is greatly exceeded by the admiration of the resolution of the tax-payers themselves that it shall be speedily extinguished. The conviction is becoming fastened upon the popular mind that it is important—for economy in the national expenses, for the maintenance of a true democracy in the administration of the Government, for the cause of good morals and of public virtue—that the policy of a steady annual reduction of the debt should be definitely and inexorably established. Nothing short of this, and that economy in the national expenditures which will render it practicable, will reconcile the people to the burdens of taxation. A national debt must ever be a severe strain upon republican institutions, and ours should not be subject to it one day longer than is necessary. To the perpetuation of the existing debt of the United States there are also, it may be proper to remark, serious objections growing out of the circumstances under which it was created. Although incurred in a great struggle for the preservation of the Government, and therefore especially sacred in its character, its burdens are to be shared by those to whom it is a reminder of humiliation and defeat. It is exceedingly desirable that this, with other causes of heart-burnings and alienation, should be removed as rapidly as possible, and that all should disappear with the present generation, so that there may be nothing in the future to prevent that unity and good feeling between the sections which are necessary for true national prosperity.

The Secretary regrets, notwithstanding the large reduction of the national debt, and the satisfactory condition, in other respects, of the national Treasury, that little progress has been made since his last report toward specie payments. The views presented by him in that report, although indorsed in the House of Representatives by a nearly unanimous vote, were not sustained by corresponding legislation. Instead of being authorized to reduce the paper circulation of the country, according to his recommendations, the amount of United States notes which he was permitted to retire was limited to $10,000,000 for the six months ending October 12, and to $4,000,000 per month thereafter. In the mean time the reduction of these notes and of the notes of the State banks has been nearly balanced by the increase of the circulation of the national banks; and specie commands about the same premium it did when the last Treasury report was prepared. Having been thus prevented from taking the first important step toward a return to specie payments, the Secretary has mainly directed his attention to measures looking to an increase of efficiency in the collection of the revenues, to the conversion of interest-bearing notes into five-twenty bonds, and to a reduction of the public debt. What has been accomplished in these respects, and is not already understood by the country, is explained elsewhere in this report. The Secretary has also deemed it to be his duty to use such means within his control as were, in his judgment, best calculated to keep the business of the country as steady as possible, while conducted on the uncertain basis of an irredeemable currency. To accomplish this, he has thought it necessary to hold a handsome reserve of coin in the Treasury. For doing so,

he has been criticised by many very intelligent persons, some of whom have condemned the policy as involving a heavy loss to the country in the way of interest; others have objected to it as a failure on his part to avail himself of means within his control for reducing the price of coin, and thus approximating specie payments; on the contrary, not a few have pronounced all sales of gold by the Government unwise, on the theory that if the coin received from customs, and not required for the payment of interest, should be permitted to accumulate until it should reach about the same proportion to the outstanding United States notes that, in former days, the coin in the vaults of well-managed banking institutions sustained to their immediate liabilities, specie payments might be resumed without a reduction of the currency and without regard to the condition of trade between the United States and other nations.

Under these circumstances, feeling sensible of the great responsibility of his position, the Secretary has deemed it safer and better for the country to act according to the dictates of his own judgment, carefully regarding the condition of the markets and of the Treasury, rather than to take his direction from those who, however intelligent and able, were under no official obligations to the Government, and might be less accurately advised in regard to the actual state of its financial affairs. He has regarded a steady market as of more importance to the people than the saving of a few millions of dollars in the way of interest; and observation and experience have assured him that, in order to secure this steadiness in any considerable degree, while business is conducted on a paper basis, there must be power in the Treasury to prevent successful combinations to bring about fluctuations for purely speculative purposes. He has also been clear in his convictions that specie payments are not to be restored by an accumulation of coin in the Treasury, to be paid out at a future day in the redemption of Government obligations; but rather by quickened industry, increased production, and lower prices, which can alone make the United States what they ought to be—a creditor and not a debtor nation. These views explain the course that has been pursued with the gold which, during his administration of the Department, has come into the Treasury. He has permitted it to accumulate when the use or the sale of it was not necessary for paying Government obligations, or to prevent commercial panics, or successful combinations against the national credit; and he has sold whenever sales were necessary to supply the Treasury with currency, to ward off financial crises, or to save the paper circulation of the country, as far as practicable, from unnecessary and damaging depreciation. For making sales he alone is responsible. If, in conducting them, any favoritism has been shown, or if the interests of any particular class have been especially regarded, it has been without his knowledge, and in violation of his instructions. He has not the slightest reason to suppose, however, that they have not been conducted honestly, fairly, and judiciously.

It may be hardly necessary for the Secretary to remark that his opinions have undergone no change in regard to the importance of a restoration of the specie standard, or the means necessary to effect it. He trusts, however, that he has not been understood as entertaining the opinion that a reduction of the currency would of itself necessarily bring about specie payments, although the chief and essential means to effect the desired result. He regards a redundant legal-tender currency as the prime cause of our financial difficulties, and a curtailment thereof indispensable to an increase of labor and a reduction of prices, to an augmentation of exports and a diminution of imports, which alone will place the trade between the United States and other nations on an equal and satisfactory footing.

In order that his views on this point may not be misapprehended, the Secretary trusts that he will be pardoned for referring (even at a risk of a repetition of what he has heretofore presented in other communications to Congress and in other ways to the country) to certain laws, well understood, but too often disregarded, which regulate international trade and control the movements of coin. We have traveled so far from the specie standard, and are so blinded in regard to our actual financial condition and our relations with other countries, by an inflated and irredeemable currency, and by the exportation of our securities, that frequent recurrence to inexorable commercial and financial laws is necessary.

Ever since trade commenced between the people of different nations, gold and silver have been the only reliable and recognized measure of value and medium of exchanges. While in their internal trade other representatives of value have, to a greater or less extent, been used by all nations, money made of these metals has been pronounced by the judgment of the world the only currency possessing the attributes necessary for a uniform and universal circulating medium. From this judgment there is no appeal. Not only is it the true and universally acknowledged measure of value and medium of exchanges, but by its regulating flow it indicates the condition and the results of trade between different nations. Water does not more naturally seek a level than does specie flow from one nation to another for the payment of balances created by an unequal exchange of commodities. Trade between nations is generally and chiefly conducted by an exchange of their productions; but as these exchanges are never exactly equal, there are constantly occurring balances to be paid in something else; and, in their payment, nothing but the precious metals is a legal tender. It is this necessity for paying balances in coin which regulates the trade of nations. It is this great commercial and financial law which makes the nation that sells more than it buys the creditor nation, and the nation that buys more than it sells the debtor nation, and recognizes no medium but coin in the payment of balances, that determines the question of the ability of the United States to resume and maintain specie payments. If the balance is in our favor, or, if not in our favor, if the balance against us is so small that it can be paid without an exhausting drain upon our precious metals, specie payments can at once be resumed. Such, unfortunately, is not the fact. Notwithstanding our heavy exports during the past year, (that of cotton having been 650,672,820 pounds, or nearly 1,600,000 bales, a quantity greater than our entire crop of the present year,) the United States are largely a debtor to Europe.

A few facts will put us right on this point. Between the year 1848, when gold was first discovered in California, and the 1st of July, 1866, the product of the gold and silver mines of the United States was about $1,100,000,000, nearly all of which has gone into the world's general stock; and it is not probable that the amount of gold and silver now in the United States is very much larger than it was eighteen years ago.

During the fiscal year ending June 30, 1866, the United States imported:

Foreign merchandise free of duty	$58,801,759	
Foreign merchandise paying duty	368,508,051	
		427,309,810
Of foreign merchandise there was reëxported:		
Free of duty	$1,907,157	
Dutiable	9,434,263	
Total (mixed gold and currency value)	11,341,420	
Which, reduced to currency value, was equal to		10,263,233
Total net imports foreign merchandise, valued in gold		$417,046,577
Amount brought over		$417,046,577
Imports, specie	$10,329,156	
Of which there was reëxported	3,400,697	
Net imports, specie		6,928,459
Total net imports, foreign merchandise, and specie		423,975,036

During the fiscal year ending June 30, 1866, the United States exported:

Domestic merchandise, currency value, $408,040,903, reduced to gold value,	$333,322,085	
Specie exported	82,643,374	
Total domestic exports, valued in gold		415,965,459
Apparent balance of trade, valued in gold		$8,009,577

But these figures, taken from the reports of the custom-houses, do not present the whole truth. For many years there has been a systematic undervaluation of foreign merchandise imported into the United States, and large amounts have been smuggled into the country along our extended sea-coasts and frontiers. To make up for undervaluations and smuggling, and for cost of transportation paid to foreign ship-owners, twenty per cent. at least should be added to the imports, which would make the balance for the past year against the United States nearly $100,000,000. It is evident that the balances have been largely against the United States for some years past, whatever may have been the custom-house returns. On no other ground can the fact be accounted for, that a very large amount of American bonds is now held in Europe, which are estimated as follows, to wit:

United States bonds	$350,000,000
State and municipal bonds	150,000,000
Railroad and other stock and bonds	100,000,000
	$600,000,000

It is evident, from these figures, that the balances are against us, and, chiefly by the exportation of our Government bonds, are being temporarily and improvidently arranged: temporarily, because a large portion of these bonds have been bought on speculation, and will be likely to be returned whenever financial troubles in the countries in which they are held shall make it necessary for the holders to realize upon them, or whenever satisfactory profits can be made by returning them, which will be when they nearly approach their par value in coin; improvidently, because they are being purchased at very low prices, and because their exportation stimulates imports, and thus cripples home industry. Nothing is more certain than the fact that there can be no permanent resumption of specie payments in the United States until the balances between them and other nations shall be made easy by an exportation of commodities, including the products of the mines, equal at least to our importations, and until provision shall be made for returning bonds, or for preventing their return at unpropitious times. This state of things, it is conceived, cannot be effected without a change in our financial policy.

There being but one universally recognized measure of value, and that being a value in itself, costing what it represents in the labor which is required to obtain it, the nation that adopts, either from choice or temporary necessity, an inferior standard, violates the financial law of the world and inevitably suffers for its violation. An irredeemable, and consequently depreciated currency, drives out of circulation the currency superior to itself; and if made by law a legal tender, while its real value is not thereby enhanced, it becomes a false and demoralizing standard, under the influences of which prices advance in a ratio disproportioned even to its actual depreciation. Very different from this is that gradual, healthy, and general advance of prices which is the effect of the increase of the precious metals. The coin which is obtained in the gold and silver-producing districts, although it first affects prices within such districts, following the

course of trade, and in obedience to its laws, soon finds its way to other countries and becomes a part of the common stock of the nations, which, increasing in amount by the regular product of the mines, and in activity by the growing demands of commerce, advances the price of labor and commodities throughout the commercial world. Thus the products of the American, Australian, and Russian mines tend first to advance prices in their respective localities, but the operation of trade soon distributes these products, and enterprise everywhere feels and responds to the increase of the universal measure of value. All this is healthful, because slow, permanent, and universal. The coin produced in any country will be retained there no longer than its productions and sales keep the balance of trade in its favor. As soon as it becomes cheaper—if this word can be properly used in regard to the standard of value—in the country in which it is produced than in other accessible countries, or rather when it will purchase more in other countries—adding interest, the cost of transportation, duties, and other necessary expenses—than in that in which it is produced, or when it is required to pay balances to other countries, it flows to them by a law as regular and as certain as gravitation. Hence, although the precious metals are produced in considerable quantities in but a few countries, they affect the prices in all. Not so with a paper currency, which is local in its use and in its influence. Its advantages, when convertible, are admitted; for, if convertible, although it swells the volume of currency, it rather increases enterprise than prices. Its convertibility prevents expansion, while its larger volume gives impetus to trade and creates greater demand for labor. But when a paper currency is an inconvertible currency, and especially when, being so, it is made by the sovereign power a legal tender, it becomes prolific of mischief. Then specie becomes demonetized, and trade is uncertain in its results, because the basis is fluctuating; then prices advance as the volume of currency increases, and require as they advance further additions to the circulating medium; then speculation becomes rife, and "the few are enriched at the expense of the many;" then industry declines and extravagance is wanton; then, with a diminution of products, and consequently of exports, there is an increase of imports, and higher tariffs are required on account of the general expansion to which they, in their turn, give new stimulus and support, while the protection intended to be given by them to home industry is in a great measure rendered inoperative by the expansion. This, notwithstanding our large revenues and the prosperity of many branches of industry, is substantially the condition of the United States, and the important question arises, what are the remedies?

With entire deference to Congress, the Secretary suggests that they are to be found—

First. In compelling the national banks to redeem their notes at the Atlantic cities, or, what would be better, at a single city.

Second. In a curtailment of the currency to the amount required by legitimate and healthful trade.

Third. In a careful revision of the tariff, for the purpose of harmonizing it with our internal taxes—removing the oppressive burdens now imposed upon certain branches of industry, and relieving altogether, or greatly relieving, raw materials from taxes, in order that the product of labor may be enhanced and production and exportation increased.

Fourth. In the issue of bonds, payable in not over twenty years and bearing interest at the rate of not over five per cent., payable in England or Germany, to an amount sufficient to absorb the six per cent. bonds now held in Europe, and to meet the demand there for actual and permanent investment; and—

Fifth. In the rehabilitation of the southern States.

First. The utility of compelling national banks to redeem their notes at commercial centers, as well as at their own counters, is apparent. The object of Congress, in the establishment of the national banking system, was to furnish the people with a solvent currency of uniform value throughout the United States. The solvency of the notes of the national banks is secured by a deposit of bonds with the Treasurer at Washington; but, as the banks are scattered throughout the country, and many of them are in places difficult of access, a redemption of their notes at their respective counters is not all that is required to make them throughout the United States a par circulation. It is true that the notes of all national banks are receivable for all public dues, except duties upon imports, and must be paid by the Treasurer in case the banks which issued are unable to redeem them, but it will not be claimed that the notes of banks, although perfectly solvent, but situated in interior towns, are practically as valuable as the notes of banks in the sea-board cities.

It may be urged that, to compel remote banks thus to redeem, would be a hardship; but as very few well-managed banking institutions in the United States fail to keep accounts and balances in some of the Atlantic cities, this hardship would be found, upon trial, to be imaginary, rather than real. But if it should be a hardship, it would be a necessary one, and the interests of the banks must bend to the interests of the people. Besides, without such redemption, there will be practically none at all, at least until specie payments are resumed; and when there are no redemptions there is always a constant tendency to inflation and illegitimate banking. The frequent and regular return of their notes is needed to keep the business of the banks in a healthy condition, and thus invariably proves no less advantageous to the stockholders than to the public. Unless the banks shall be compelled to redeem in United States notes, many of them will neither lend their influence in favor of a return to specie payments, nor be prepared for them when without their agency specie payments shall be brought about. If the determination of the question was left to the Secretary, all the banks would be required to redeem in New York, the acknowledged commercial metropolis of the Union. The designation of that city as the redeeming point for all national banks would not only give absolute uniformity to their circulation, but would so facilitate the assorting and returning of notes that practical and general redemption would be enforced. It is certain that this will not be done under the existing provisions of the law; it is not certain that it will be unless all banks shall be compelled to redeem at a single point. This might be objected to by the banks in other Atlantic cities on the ground that it would aggrandize New York at their expense. But New York is already the financial and commercial emporium of the Union. Most of the interior banks keep their chief balances in that city, because they are more available and valuable there than elsewhere, and in compelling all the banks to redeem at the metropolis of trade, Congress would be only yielding to an unwritten but controlling law to which statutes should conform. The course of trade compels, and will compel, those national banks whose business is based upon the products of the country—and these must always constitute a majority—to keep their chief balances in New York, whether they redeem there or not. If exchanges between that city and other cities should be in favor of the latter, the redemption by their banks would be made at their own counters, and no sacrifice but that of local pride would be involved in their being required by law to redeem at the common center. When New York shall be a debtor city to Boston and Philadelphia, the notes of the Boston and Philadelphia banks will go home, and not to New York, for payment. What is required is an active, regular, and actual redemption of the notes of all the national banks. To effect this, local pride should be sacrificed and minor interests should be disregarded. What is said upon this subject by the acting Comptroller of the Currency is fully indorsed.

The second remedy suggested is a curtailment of the currency.

The views of the Secretary upon the question of a reduction of the currency have been so frequently expressed that it is only necessary now to consider whether the curtailment should be of the United States notes or of the notes of the national banks. On this subject his opinions have undergone no change since he communicated them in his reports as Comptroller of the Currency. Banks of issue, organized under State laws, have been in existence ever since the formation of the Government. By the decisions of the highest tribunals of the country their constitutionality has been affirmed, and they have become so interwoven with the business of the country, and such large investments have been made in them, that their destruction would involve consequences of a very serious character. Whether or not the country would have been more prosperous without them—whether the stimulus they have given to enterprise and the facilities they have extended to trade have or have not been counterbalanced by the artificial prices which they have created, and the actual losses which the people have sustained by the crises they have occasioned, and by their suspensions and failures—it is too late to consider. When the national currency act was passed by Congress, State banks were in full operation, and not less than $400,000,000 were invested in them as capital. In some States, by judicious legislation and careful management, they had afforded a local circulation satisfactory and safe. In other States, where no reliable security, or insufficient security, had been required for the protection of the public, and their management had been confided to incompetent or dishonest hands, there had been numerous failures, and heavy losses had been sustained by the holders of their notes.

Soon after the commencement of the rebellion, it became apparent that a heavy national debt was to be created, the interest and principal of which could only be paid by a general system of internal taxes, involving a necessity for a circulating medium equal in value throughout the country, and safe for the Government to receive in payment of dues. This subject, of course, demanded and received the earnest and careful consideration of the distinguished gentleman at that time the financial minister of the Government, who caused to be prepared and submitted to Congress a bill "to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," which, after having been carefully considered and thoroughly discussed, became a law on the 25th of February, 1863. Prior to the passage of this act, issues by the Government had been authorized, and a large amount of Government notes had been put into circulation. But there is nothing in the acts authorizing their issue, or in the communications of the Secretary, or in the discussions in Congress, to justify the opinion that they were intended to be a permanent circulation. On the contrary, the provisions in the law for their conversion into bonds, and the arguments of the advocates of their issue, afford ample evidence that they were regarded as merely temporary, and justifiable only by an emergency which it was supposed nothing else could so adequately meet. Had it been proposed that these notes should be a permanent circulation and take the place of bank notes, there is good reason to suppose that the proposition would have had few, if any, advocates. Nor was the national banking system prepared by its author, nor adopted by Congress, to destroy the State banks, nor to divert capital from banking, but rather to compel all banking in-

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stitutions issuing notes as money to secure them, beyond any conceivable contingency, by deposits with the Treasurer of the United States; thus, without the agency of a national bank, providing a national currency which would save the Government and people from losses, of which there was constant danger, from a local and unsecured circulation. The national banking system was intended, while not invading the rights of the States, nor damaging private interests, to furnish the people with a permanent paper circulation. The United States notes were intended to meet a temporary emergency, and to be retired when the emergency had passed.

The present Secretary was not the advocate of the national banking system, and claims only the credit of having used his best efforts, as Comptroller, to put it into successful operation. But he has no hesitation in pronouncing it a vast improvement upon the systems which it superseded, and one admirably adapted to our peculiar form of Government. There are substantial objections to all banks of issue, and if none existed in the United States it might be very questionable if any should be introduced; but having taken the place of the State banks, and furnishing as they do a circulation as free from objection as any that is likely to be provided, the Secretary is of the opinion that the national banks should be sustained, and that the paper circulation of the country should be reduced, not by compelling them to retire their notes, but by the withdrawal of the United States notes.

The Secretary is not unmindful of the saving of interest which results to the Government by the use of its own currency, nor of the favor with which this currency is regarded by the people; but all considerations of this nature are more than counterbalanced by the discredit which attaches to the Government by failing to pay its notes according to their tenor, by the bad influence of this voluntary discredit upon the public morals, and the wide departure which a continued issue of legal-tender notes involves from past usages, if not from the teachings of the Constitution itself. The Government cannot exercise powers not conferred by its organic law or necessary for its own preservation, nor dishonor its own engagements when able to meet them, without either shocking or demoralizing the sentiment of the people; and the fact that the indefinite continuance of the circulation of an inconvertible but still legal-tender currency is generally advocated, indicates how far we have wandered from old landmarks both in finance and ethics. The views of the Secretary on this point were so fully expressed in his former report that it is not necessary to restate them. It is sufficient to say that his opinions are unchanged, and that reflection and observation during the past year have assured him of their correctness. Anxious as he is to lighten the public burdens and reduce the public debt, he does not hesitate to advise that these notes be withdrawn from circulation, and that the furnishing of what paper currency may be required be left to corporations, under existing laws and such amendment of these laws as experience may dictate for the better protection and advancement of the public interest. How rapidly they may be retired must depend upon the effect which contraction may have upon business and industry, and can be better determined as the work progresses. The reduction could probably be increased from four millions per month, as contemplated by the act of April 12, 1866, to six millions per month for the present fiscal year, and to ten millions per month thereafter, without preventing a steady conversion of the interest-bearing bonds, or injuriously affecting legitimate business. No determinate scale of reduction would, however, in the present condition of our affairs, be advisable. The policy of contracting the circulation of Government notes should be definitely and unchangeably established, and the process should go on just as rapidly as possible without producing a financial crisis or seriously embarrassing those branches of industry and trade upon which our revenues are dependent. There is a great adaptability in the business of the United States, and it will easily accommodate itself to any policy which the Government may adopt. That the policy indicated is the true and safe one the Secretary is thoroughly convinced. If it shall not be speedily adopted and rigidly but judiciously enforced, severe financial troubles are in store for us.

The Secretary cordially approves what is said by the acting Comptroller of the Currency, in his report, in regard to the importance of furnishing the people of the South with the bank-note circulation which their business may require, and agrees with him in the opinion which he expresses of the beneficial results, political, financial, and social, to be effected by the organization of national banks in the southern States, but he cannot recommend an increase of the bank-note circulation of the country beyond $300,000,000, and hopes that the necessities of those States may be supplied rather by a reduction of the amount awarded to other States than by an increase of the volume of currency.

The third remedy suggested is a revision of the tariff for the purpose of harmonizing it with internal taxes, a reduction of taxes upon raw material, &c.

The sixty-sixth section of the act entitled "An act to reduce internal taxation, &c.," approved July 13, 1866, provides: "That the Secretary of the Treasury is hereby authorized to appoint an officer in his Department, who shall be styled 'special commissioner of the revenue,' whose office shall terminate in four years from the 30th day of June, 1866. It shall be the duty of the special commissioner of the revenue to inquire into all the sources of national revenue, and the best method of collecting the revenue; the relation of foreign trade to domestic industry; the mutual adjustment of the systems of taxation by customs and excise, with the view of insuring the requisite revenue with the least disturbance or inconvenience to the progress of industry and the development of the resources of the country; and to inquire, from time to time, under the direction of the Secretary of the Treasury, into the manner in which officers charged with the administration and collection of the revenues perform their duties. And the said special commissioner of the revenue shall, from time to time, report through the Secretary of the Treasury to Congress, either in the form of a bill or otherwise, such modifications of the rates of taxation, or of the methods of collecting the revenues, and such other facts pertaining to the trade, industry, commerce, or taxation of the country, as he may find, by actual observation of the operation of the law, to be conducive to the public interest."

On the 16th day of July last, Mr. David A. Wells was appointed special commissioner of the revenue, under the authority above recited, and he was instructed to proceed at once to perform the contemplated work, giving his chief attention to the tariff, with the view of ascertaining what modifications are required to adjust it to the system of internal taxes, stimulate industry, and make labor more productive.

The ability displayed by Mr. Wells in the performance of his duties as one of the commissioners for the revision of the internal revenue laws, and the heartiness with which he is prosecuting his investigations, give the best assurance that he will perform the work in a manner creditable to himself, and satisfactory to Congress and the people. The Secretary addressed to him on the 14th day of September, 1866, a letter, from which the following is extracted: "In view of the fact that the revision of the tariff is certain to engage the attention of Congress at its next session, I consider it especially desirable that the Treasury Department should be prepared to furnish as much information pertinent to the subject as can be obtained and collected within the limited time available for the necessary investigations. You are, therefore, hereby requested to give the subject of the revision of the tariff especial attention, and to report a bill which, if approved by Congress, will be a substitute for all acts imposing customs duties, and which will render the administration of this branch of the revenue system more simple, economical, and effective.

"In the discharge of this duty, you will consider the necessity of providing for a large, certain, and permanent revenue, recollecting the fact that the existing tariff has proved most effective in this direction. You will, therefore, endeavor, first, to secure for the Government a revenue commensurate with its necessities; and secondly, to propose such modifications of the tariff laws now in force as will better adjust and equalize the duties upon foreign imports with the internal taxes upon home productions. If this last result can be obtained without detriment to the revenue, by reducing taxation upon raw materials and the machinery of home productions, rather than by increasing the rates of imports, it would, in my opinion, by decreasing the cost of production and increasing the purchasing power of wages, greatly promote the interests of the whole country."

There is no subject which has in times past provoked so much discussion, and in regard to which opinions have differed so widely, as the tariff. It has been a standing matter of sectional and political strife for nearly half a century, and the sentiment of the people in regard to it is still quite as much divided as when the discussion of it commenced. Always a complex and difficult question, it is particularly so at the present time. Prior to the rebellion it had no relation to internal taxes, for this form of Federal taxation was then unknown to our people. It had little connection with the currency, for, until the year 1862, although the banks had repeatedly suspended specie payments, specie was the only legally recognized standard of value in the United States. Now, the question of the tariff is to be considered in connection with a permanent system of internal taxes and a depreciated, but, it is hoped, a temporary, legal-tender currency. It is obvious that a scale of duties upon imports which might have been sufficient, judicious, and beneficial when there were no internal Federal taxes, and business was conducted upon a specie basis, may be insufficient, injudicious, and injurious now. A large revenue is at present indispensable for the payment of the ordinary expenses of the Government, the interest upon the public debt, and for a gradual and regular reduction of the principal. Free trade, although in accord with the principles of the Government and the instincts of the people, cannot be adopted as a policy as long as the public debt exists in anything like its present magnitude. The long-hoped for period when there shall be no legal obstructions to a free exchange of commodities between the United States and other countries is still far in the future. Duties upon imports are not only necessary for revenue, but also for the protection of those home interests upon which heavy internal taxes are to be assessed: The question now before the country is, therefore, one of adaptation rather than principle. How shall the necessary revenue be raised under a system of internal and external taxes without sustaining monopolies, without repressing industry, without discouraging enterprise, without oppressing labor? In other words, how shall the revenue be raised in a manner the least oppressive to the people, without checking the prosperity and growth of the country? The Secretary is not disposed to discuss the question in this report. This will, it is expected, be done elaborately and thoroughly in the report of the commissioner. He desires, however, to call attention to a few important facts in regard to some branches of business in the United States, the consideration of which may tend to give a

proper direction to the public mind upon a question so absorbing and important.

No single interest in the United States, fostered although it may be by legislation, can long prosper at the expense of other great interests. Nor can any important interests be crushed by unwise or unequal laws, without other interests being thereby prejudiced. For illustration: the people of the United States are naturally a commercial and maritime people—fond of adventure, bold, enterprising, persistent. Now, the disagreeable fact must be admitted, that, with unequaled facilities for obtaining the materials, and with acknowledged skill in ship-building; with thousands of miles of sea-coast, indented with the finest harbors in the world; with surplus products that require in their exportation a large and increasing tonnage, we can neither profitably build ships nor successfully compete with English ships in the transportation of our own productions. Twenty years ago it was anticipated that ere this the United States would be the first maritime Power in the world. Contrary to our anticipations, our foreign commerce has declined nearly fifty per cent. within the last six years. The tonnage of American vessels engaged in the foreign carrying trade which entered United States ports was—

In 1860	5,921,285 tons.
In 1865	2,943,661 "
In 1866	3,372,060 "

The tonnage of such vessels which were cleared from the United States was—

In 1860	6,165,924 tons.
In 1865	3,025,154 "
In 1866	3,383,176 "

The tonnage of foreign vessels which entered our ports was—

In 1860	2,353,911 tons.
In 1865	3,216,967 "
In 1866	4,416,424 "

The tonnage of foreign vessels which were cleared was—

In 1860	2,624,005 tons.
In 1865	3,535,123 "
In 1866	4,438,384 "

It is true that a large proportion of this diminution of shipping and ship-building was the effect of the war. The great destruction of merchant vessels by rebel cruisers, not only induced sales to neutrals, but discouraged building. After the war, however, the scarcity of American vessels ought to have produced, and, but for a redundant currency and high taxes would have produced, activity in our ship-yards and a rapid increase of tonnage; but this has not been the case. The prices of labor and materials are so high that ship-building cannot be made profitable in the United States, and many of our ship-yards are being practically transferred to the British Provinces. It is only a few years since American ships were sought after on account of their superiority and cheapness; and large numbers of vessels were built in Maine and other States on foreign account, or sold to foreigners, while, at the same time, our own mercantile marine was being rapidly increased. Now many of our ship-yards are abandoned, and in others very little activity prevails. It is true there has recently been some increase in our foreign tonnage, but a good part of this increase is apparent only, and is the result of the new rule of admeasurement. It is an important truth that vessels can be built very much cheaper in the British Provinces than in Maine. Nay, further, that timber can be taken from Virginia to the Provinces, and from these Provinces to England, and there made into ships which can be sold at a profit; while the same kind of vessels can only be built in New England at a loss by the most skillful and economical builders. But the evil does not stop here; if the only loss was that which the country sustains by the discontinuance of ship-building, there would be less cause of complaint. It is a well-established general fact that the people who build ships navigate them, and that a nation which ceases to build ships ceases, of consequence, to be a commercial and maritime nation. Unless, therefore, the causes which prevent the building of ships in the United States shall cease, the foreign carrying trade, even of our own productions, must be yielded to other nations. To this humiliation and loss the people of the United States ought not to be subjected. If other branches of industry are to prosper, if agriculture is to be profitable, and manufactures are to be extended, the commerce of the country must be restored, sustained, and increased. The United States will not be a first-class Power among the nations, nor will her other industrial interests continue long to prosper as they ought, if her commerce shall be permitted to languish.

The same causes—a redundant currency and high taxes—that prevent ship-building, tend to prevent the building of houses and even of manufactories. So high are prices of every description that men hesitate to build dwellings as fast as they are required, and thus rents are so advanced as to be oppressive to lessees, and the healthy growth of towns and cities is retarded. So it is in regard to manufactories. Mills which were built before the war can be run profitably, but so expensive are labor and materials that new mills cannot be erected and put into operation with any prospect of fair returns upon the investment, unless upon the expectation that taxes will remain as they are, and prices be sustained, if they are not advanced. The same causes are injuriously affecting agriculture and other interests which it is not necessary to particularize. It is everywhere observed that existing high prices are not only oppressing the masses of the people, but are seriously checking the development, growth, and prosperity of the country. It is not denied that the losses which the country has sustained of able-bodied men by the war is one cause of existing high prices; but mainly they are the result of a redundant currency and high taxes.

To raise the large revenue which is now required, by systems of internal and external duties, which, working in harmony, shall neither repress industry nor check enterprise, and which shall be so devised as to make taxation bear most heavily upon those who are most benefited by taxes and by the debt which renders taxation necessary, requires great practical knowledge and wise statesmanship. This subject, always an interesting one to the heavily indebted nations of Europe, has become, as one of the results of the war, deeply interesting to the people of the United States. The Secretary does not, as before stated, intend to discuss it, but he ventures to suggest that the following general principles, some of which have been acted upon by Congress, and the correctness of all of which have been proved by other nations, may be safely adopted as a guide to the legislation that is now required:

1. That the fewest number of articles, consistent with the amount of revenue to be raised, should be subjected to internal taxes, in order that the system may be simple in its execution, and as little offensive and annoying as possible to the tax-payers.

2. That the duties upon imported commodities should correspond and harmonize with the taxes upon home productions; and that these duties should not be so high as to be prohibitory, nor to build up home monopolies, nor to prevent that free exchange of commodities which is the life of commerce. Nor, on the other hand, should they be so low as to seriously impair the revenues, nor to subject the home manufacturers, burdened with heavy internal taxes, to a competition with cheaper labor and larger capital which they may be unable to sustain.

3. That the raw materials used in building and manufacturing, and which are to be largely enhanced in value by the labor which is to be expended upon them, should be exempted from taxation, or that the taxes upon them should be low in comparison with the taxes upon other articles. This is the policy of other enlightened nations, and it is believed that the diminution of direct revenue which it would involve, if adopted by the United States, would be more than made up by the augmented value which it would give to labor, and by the increase of productions and of exports which would be sure to result from it. It should be constantly borne in mind that taxes upon raw materials directly increase the cost of production, and thus tend either to reduce the product of labor or to prevent exportations to foreign markets.

4. That the burdens of taxes should fall chiefly upon those whose interests are protected by taxation, and upon those to whom the public debt is a source of wealth and profit, and lightly upon the laboring classes, to whom taxation and the debt are without so many compensatory advantages.

The next of the proposed remedies is an issue of bonds, bearing interest at the rate of not exceeding five per cent. and payable in Europe, to an amount sufficient to absorb the six per cent. bonds in foreign hands, and supply the European demand for United States securities for permanent investment. No one regrets more than the Secretary the fact that so large an amount of our bonds is held abroad, or the unfortunate condition of our trade that has transferred them thither. The opinion that the country has been benefited by the exportation of its securities is founded upon the supposition that we have received real capital in exchange for them. This supposition is, to a large extent, unfounded. Our bonds have gone abroad to pay for goods, which, without them, might not have been purchased. Not only have we exported the surplus products of our mines and our fields, with no small amount of our manufactures, but a large amount of securities also, to pay for the articles which we have purchased from other countries. That these purchases have been stimulated and increased by the facility of paying for them in bonds can hardly be doubted. Our importations of goods have been increased by nearly the amount of the bonds which have been exported. Not one dollar in five of the amount of the five-twenties now held in England and upon the Continent has been returned to the United States in the form of real capital. But if this were not a true statement of the case, the fact exists, as has been already stated, that some three hundred and fifty millions of Government bonds—not to mention State and railroad bonds and other securities—are in the hands of the citizens of other countries, which may be returned at any time for sale in the United States, and which, being so held, may seriously embarrass our efforts to return to specie payments.

After giving the subject careful consideration, the Secretary has concluded that it is advisable that he should be authorized to issue bonds not having more than twenty years to run, and bearing a low rate of interest, payable in England or Germany, to be used in taking up the six per cents now held abroad, and in meeting any foreign demand for investment that may exist. The question now to be considered is not, how shall our bonds be prevented from going abroad, for a large amount has already gone, and others will follow as long as our credit is good and we continue to buy more than we can pay for in any other way, but how shall they be prevented from being thrown upon the home market to thwart our efforts in restoring the specie standard. The Secretary sees no practicable method of doing this at an early day, but by substituting for them bonds which, being payable principal and interest in Europe, will be less likely to be returned when their return is the least desired. The holders of our securities in Europe are now subject to great inconvenience and not a little expense in collecting their coupons; and it is supposed that five per cent., or perhaps four and a half per cent. bonds, payable

in London or Frankfort, could be substituted for our six per cents without any other expense to the United States than the trifling commissions to the agents through whom the exchanges might be made. The saving of interest to be thus effected would be no inconsiderable item; and the advantages of having our bonds in Europe placed in the hands of actual investors is too important to be disregarded.

Fifth. The fifth and last remedy suggested is, the rehabilitation of the States recently in insurrection.

In alluding to this subject, the Secretary feels that he steps upon dangerous ground, and that he may be charged with introducing a political topic in a financial report; but, in his opinion, there is no question now before the country more important in its bearings upon our finances than the political and consequently industrial *status* of the southern States. Embracing, as they do, one third part of the richest lands of the country, and producing articles of great value for home use and for exportation to other countries, their position with regard to the General Government cannot remain unsettled, and their industrial pursuits cannot continue to be seriously disturbed, without causing such a diminution of the production of their great staples as must necessarily affect our revenues, and render still more unsatisfactory than they now are, our trade relations with Europe. As long as the present anomalous condition of these States continues—as long as they have no participation in the Government, to the support of which they are compelled to contribute—it is idle to expect that their industry will be restored or their productions increased. On the contrary, there is reason to apprehend that until harmonious relations again exist between the Federal Government and these States, the condition of their industrial interests will become day by day more uncertain and unsatisfactory. There will be no real prosperity in these States, and consequently no real prosperity in one third part of the United States, until all possess again equal privileges under the Constitution. Can the nation be regarded as in a healthy condition when the industry of so large a portion of it is deranged? And can the labor question at the South be settled as long as the political *status* of the South is unsettled? Can the national credit be elevated and the public debt be rapidly reduced unless the southern States shall largely contribute to the public revenues; and can such contributions be relied upon as long as they remain in their present disfranchised condition? Will the tax-payers of the North continue to be patient unless their burdens of taxation can be lessened by being equally shared by the people of the South? Regarded thus as a purely financial question, the relation of these States to the Federal Union is an exceedingly interesting and important one, and as such it demands the calm and careful consideration of Congress.

The Secretary has thus presented, in such manner as his pressing official duties would permit, his views of the financial condition of the country, the causes of trouble, present and prospective, and the remedies for the same. If these remedial measures shall be approved by Congress, and enforced by appropriate legislation, he is confident that specie payments may be resumed by the time our interest-bearing notes are retired, which must be done in less than two years, and probably will be in a much shorter period.

These measures look to an increase of labor, and consequently of production; to a fulfillment of obligations by the Government and the banks; to a reduction of the public debt at the same time that taxes are being equalized and lessened; to lower prices, and apparently harder, but really more prosperous times; to a restoration of specie payments without the financial troubles which usually precede a resumption after a long period of suspension and inflation. The Secretary does not mean to assert that the adoption of all these measures (although he regards each as important) is absolutely necessary to a return to specie payments, nor that other remedies may not be adopted by Congress to rescue the country from impending financial troubles. He presents, as he considers it to be his duty to do, his own views, and asks that they may receive careful consideration, and be adopted if they commend themselves to the wisdom of Congress, and rejected if measures better calculated to secure the desired end can be devised. The most sanguine and hopeful must perceive that the business of the country cannot for a much longer time be run upon the present high level with safety. The speculative interest, large and powerful in itself, is receiving daily new accessions of strength by the increase of individual credits; and when speculators and debtors control the financial policy of the country a financial collapse is inevitable. These untoward and dangerous influences can now be resisted, and the true interests of the people require that they should be resisted promptly and decisively.

Unsatisfactory as is, in many respects, our condition, there is cause for congratulation that we have thus far escaped those severe financial troubles which usually befall nations at the close of expensive and protracted wars. With our vast resources and the buoyant and persistent energy of a free people, it will be our own fault if we do not escape them altogether.

The Secretary has pointed out the financial dangers around and before us, in order that they may be considered and avoided before they culminate in general disaster. Strong as is his conviction that we have been for some time, and still are, moving in the wrong direction, and that much of our prosperity is unreal and unreliable, his confidence in the ability of the country to right itself speedily is unshaken. We have but touched the surface of our resources—the great mines of our national wealth are yet to be developed. The experiences of the past four years have only assured us of our strength. It is only necessary that our true situation be understood in order that the proper remedies may be applied. There is no insurmountable obstacle in the way of restoration to perfect financial health, without the painful trials to which it has been apprehended we must first be subjected. To be a coworker with Congress and the people in effecting this most desirable result has been, and will continue to be, the highest aim of the Secretary.

After a careful survey of the whole field, the Secretary is of the opinion that specie payments may be resumed, and ought to be resumed, as early as the 1st day of July, 1868, while he indulges the hope that such will be the character of future legislation, and such the condition of our productive industry, that this most desirable event may be brought about at a still earlier day.

The following is a statement of the public debt, June 30, 1866, exclusive of cash in Treasury:

Bonds, 10-40's, 5 per cent., due in 1904		$171,219,100 00
Bonds, Pacific railroad, 6 per cent., due in 1895 and 1896		6,042,000 00
Bonds, 5-20's, 6 per cent., due in 1882, 1884, and 1885		722,205,500 00
Bonds, 6 per cent., due in 1881		265,317,700 00
Bonds, 6 per cent., due in 1880		18,415,000 00
Bonds, 5 per cent., due in 1874		20,000,000 00
Bonds, 5 per cent., due in 1871		7,022,000 00
		1,210,221,300 00
Bonds, 6 per cent., due in 1868	$8,908,341 80	
Bonds, 6 per cent., due in 1867	9,415,250 00	
Compound-interest notes due in 1867 and 1868	159,012,140 00	
7.30 Treasury notes, due in 1867 and 1868	806,251,550 00	
		983,587,281 80
Bonds, Texas indemnity, past due, not presented	$559,000 00	
Bonds, Treasury notes, &c., past due, not presented	3,815,675 80	
		4,374,675 80
Amount carried over		$2,198,183,257 60

Amount brought over		$2,198,183,257 60
Temporary loan, ten days' notice	$120,176,196 65	
Certificates of indebtedness, past due, not presented	26,391,000 00	
		146,567,196 65
United States notes	$400,891,368 00	
Fractional currency	27,070,876 96	
Gold certificates of deposit	10,713,180 00	
		438,675,424 96
Total		$2,783,425,879 21

Cash in Treasury, $132,887,549 11.

Statement of the public debt, October 31, 1866, exclusive of cash in Treasury.

Bonds, 10-40's, 5 per cent., due in 1904		$171,069,350 00
Bonds, Pacific railroad, 6 per cent., due in 1895 and 1896		9,882,000 00
Bonds, 5-20's, 6 per cent., due in 1882, 1884, and 1885		823,944,000 00
Bonds, 6 per cent., due in 1881		265,324,750 00
Bonds, 6 per cent., due in 1880		18,415,000 00
Bonds, 5 per cent., due in 1874		20,000,000 00
Bonds, 5 per cent., due in 1871		7,022,000 00
Navy pension fund, 6 per cent		11,750,000 00
		1,327,407,100 00
Bonds, 6 per cent., due in 1868	$8,290,941 80	
Bonds, 6 per cent., due in 1867	7,742,800 00	
Compound-interest notes, due in 1867 and 1868	148,512,140 00	
7.30 Treasury notes, due in 1867 and 1868	724,014,300 00	
		888,560,181 00
Bonds, Texas indemnity, past due, not presented	$384,000 00	
Bonds, Treasury notes, temporary loan, certificates of indebtedness, &c., past due, not presented	36,604,909 21	
		36,988,909 21
United States notes	$390,195,765 00	
Fractional currency	27,588,010 33	
Gold certificates of deposit	10,896,980 00	
		428,680,775 33
Total		$2,681,636,966 34

Cash in Treasury, $130,326,960 62.

The Secretary estimates that the receipts for the three quarters ending June 30, 1867, will be as follows:

Receipts from customs	$110,000,000 00
Receipts from lands	500,000 00
Receipts from internal revenue	186,000,000 00
Receipts from miscellaneous sources	20,000,000 00
	316,500,000 00

The expenditures, according to his estimates, will be—

For the civil service	$37,405,947 39	
For pensions and Indians	12,262,217 21	
For the War Department, including $15,000,000 for bounties	58,804,657 05	
For the Navy Department	23,144,810 31	
For interest on the public debt	105,551,512 00	
		237,169,143 96
Leaving a surplus of estimated receipts over estimated expenditures of		$79,330,856 04

The receipts of the next fiscal year ending June 30, 1868, are estimated as follows:

From customs	$145,000,000 00
From internal revenue	265,000,000 00
From lands	1,000,000 00
From miscellaneous sources	25,000,000 00
	436,000,000 00

The expenditures are estimated as follows:

For the civil service	$50,067,342 08	
For pensions and Indians	25,388,489 09	
For the War Department, including $4,000,000 for bounties	110,861,961 89	
For the Navy Department	30,251,605 26	
For interest on the public debt	133,678,24300	
		350,247,641 32
Leaving a surplus of estimated receipts over estimated expenditures of		$85,752,358 68

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In regard to the commercial intercourse between the United States and British America, the Secretary adheres to the general opinion expressed in his report of 1865, that until our revenue system is fully revised and adjusted to the financial situation of the country, this subject should not be placed beyond the control of Congress, but should be left to concurrent legislation and such regulations as the Treasury Department may be authorized by law to prescribe. Another reason for arrangements thus flexible is presented by the uncertainty of the political situation of British America. The scheme of confederation, which proposes to transfer questions of revenue and external trade to a single central authority, has not been adopted, and the opposition to the measure may prevail with the new ministry of England, either to modify materially the terms of the Quebec convention, or to subject the whole measure to the hazards of a popular vote in the Provinces.

However the political problem may be solved, it is not unlikely that when the United States shall have simplified existing methods, and reduced existing rates of taxation, so as to receive the largest amount of revenue with the least burden to industry, British America will be prepared to undertake a system of public improvements along the channel of the St. Lawrence and through northwest British America to the Pacific coast, which, by the financial necessities attending its adoption and the administration of a federal government, will suggest a Zollverein, or a complete assimilation of excise and custom duties on each side of the northern frontier. At present, inaction upon this subject would appear to be the true policy of the United States.

Under the authority conferred by Congress at its last session, the marine hospitals at Burlington, Vermont, at Charleston, South Carolina, and at Cincinnati, Ohio, have been sold, and proceedings have been taken to dispose of others not required for service, when it shall be found possible to obtain fair prices for them.

A sale has also been effected of the old marine hospital at Chelsea, Massachusetts, on satisfactory terms. The new hospital building at Chelsea, and that at Cleveland, Ohio, have received such additions and repairs as were necessary to put them in serviceable condition, and all marine patients within practicable reach of them have been gathered there for treatment.

A similar plan of concentrating the patients at prominent points has been as far as practicable pursued throughout the country, by which, together with a rigid adherence to the fundamental principles on which relief should be afforded, the expenses of the establishment in the northern States have been materially reduced, although the enlarged demand for hospital privileges at the South, consequent upon the reopening of that section to commerce, in connection with the very exorbitant prices prevailing there, will cause the total expenditures to be somewhat increased. It is hoped, however, that this increase will be attended by a corresponding addition to the collection of taxes from the seamen.

The revenue-cutters on the Atlantic and Pacific coasts, and on the lakes, have been diligently and usefully employed in preventive service during the last year.

It was found inexpedient to sell, as authorized by Congress at its last session, the vessels heretofore reported as unsuitable for the cutter service, (with the exception of the Cuyahoga, the largest of the class, which has been offered for sale, but has not yet been disposed of,) until their places should be supplied by others. Consequently they have been kept on active duty, and will not be withdrawn until the small sailing vessels, eight in number, which have been recently contracted for, shall be completed, as they are expected to be, in the course of two or three months. So soon as these can be assigned to duty the others will be withdrawn and sold.

On the 2d day of August last, in accordance with the provision contained in the civil appropriation act, approved on the 28th of July, 1866, Mr. J. Ross Browne was appointed a special commissioner to collect reliable statistical information concerning the gold and silver mines of the States and Territories west of the Rocky mountains; and on the 12th day of September last Mr. James W. Taylor was appointed a commissioner to perform the same work in the States and Territories east of the mountains. Their preliminary reports have not yet been received, but it is expected that they will be in season to be laid before Congress early in the session. The well-known energy of these gentlemen, and their familiarity with the subject of mines and mining, leads the Secretary to expect that their investigations will be thorough, and their full reports interesting and valuable. A copy of the instructions (which contain an outline of the duties devolved upon them) accompanies this report.

On the 3d day of June last, Mr. John Jay Knox, a clerk in this Department, a gentleman of excellent judgment and business habits, was sent to California to examine into the condition of the mint and of the office of the Assistant Treasurer in San Francisco, and to look after some other matters in that quarter, of interest to this Department. His report contains so many valuable suggestions that it has been thought advisable to append it to the report of the Director of the Mint. Particular attention is requested to that part of it which refers to assay offices, and their inutility in remote districts. If, as he concludes, the business of assaying can, not only without detriment, but with positive advantage to the mining interest, be left entirely to private enterprise, where there are no established mints, the Government should be disconnected from it in such districts without delay.

The Statistical Bureau, authorized by the act entitled "An act to protect the revenue, and for other purposes," approved July 28, 1866, was organized on the 5th day of September last by the appointment of Mr. Alexander Delmar as Director. Mr. Delmar deservedly enjoys a high reputation as a statistician, and it is expected that, under his direction, this bureau will be of great benefit to this Department and to the country.

After putting in proper condition the numerous books relating to commerce and navigation, which have been transferred to this bureau, the Director will prepare reliable statistics of the resources of the country and the extent to which they are being developed. Monthly reports of imports and exports, taxes, imposts, wages, products, and markets will also be regularly prepared, and every means employed to ascertain the progress of population and industry. The Secretary is happy to be able to state, although little more than two months have elapsed since the bureau was organized, that good progress has been made in the work devolved upon it.

Accompanying this report will be found a highly interesting report from the Light-House Board, which presents in a condensed form a history of their operations from 1852, the date of the organization of the board, to the present time. In no branch of the service have more skill and ability been displayed than in this, and in none have the outlays been productive of more satisfactory results.

The work under the Coast Survey has been prosecuted during the past year with accustomed energy, and its operations have been recommenced on the coast where they have been for some years past interrupted. The importance of these surveys was fully established during the recent civil war, and they cannot fail to be of constantly increasing value to commerce. The work is steadily advancing toward completion, and the Secretary recommends for it the proper and necessary appropriations.

For the detailed operations of the Mint and branches, I respectfully refer to the report of the Director of the Mint.

The total value of the bullion deposited at the Mint and branches during the fiscal year was $38,947,156 88, of which $37,223,640 17 was in gold and $1,723,516 71 in silver. Deducting the redeposits, the amount of actual deposits is $31,911,719 24.

The coinage for the year was, in gold coin, $28,313,944 90; gold bars, $9,115,485 46; silver coin, $680,264 50; silver bars, $916,382 08; cents coined, one, two, three, and five-cent pieces, $646,570. Total coinage, $29,640,779 40. Total bars stamped $10,031,867 50.

The gold deposits, of domestic production, were, at Philadelphia, $2,815,616 34; San Francisco, $17,436,499 18; New York, $8,557,664; Denver, $160,982 94. The silver deposits were, at Philadelphia, $56,118 81; San Francisco, $623,682 21; New York, $213,481.

The gold and silver deposits of foreign production were $2,047,674 76.

The amount of gold coined at Philadelphia was $10,096,645; at San Francisco, $18,217,300; of silver, at Philadelphia, $399,314 50; at San Francisco, $280,950; of bronze and nickel and coppers, at Philadelphia, $680,264 50.

The law enacted at the last session of Congress, providing for the reorganization of the system of appraisements at the port of New York, has been carried into effect. So little time has elapsed since the new board was organized that the necessary reforms have not yet been consummated; but they have been undertaken with so much energy and judgment by the appraiser, Mr. Thomas McElrath, that the best results are confidently anticipated from the reorganization.

Recent calamities at sea, especially the disaster to the steamship Evening Star, on the 3d of October last, whereby two hundred and fifty lives were lost, indicate a necessity for the enactment of judicious laws for the government of our mercantile marine, with especial reference to the more complete security of passengers. It is believed that in this particular we are far behind some other nations; and while this is the case we shall not attain that maritime strength and prosperity to which we should aspire.

An inquiry into the cause of the disaster to the Evening Star, made by Captain W. M. Mew, under instructions from this Department, elicited several facts, to which earnest attention is invited, showing as they do the radical defects in existing laws, and indicating the legislation required to prevent loss of life, and to enhance the value and security of property in ships. A copy of Captain Mew's report is herewith transmitted.

The attention of Congress is respectfully called to the accompanying interesting reports of the heads of the respective bureaus, all of which contain valuable information and suggestions, and indicate the satisfactory manner in which the general business of the Department is being conducted under existing laws and regulations. The efficiency of all the bureaus would, however, have been greatly increased and the expenses thereof would doubtless have been reduced by the passage of the bill for their reorganization, which was under consideration at the last session. The machinery of the Department, sufficient for the prompt and proper performance of the public business before the war, is insufficient now. The bureaus need reorganization, and justice and economy demand higher compensation to officers and clerks.

The Secretary is under obligations to the officers and clerks of the Department for the very satisfactory manner in which, with few

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exceptions, they have, during the past year, performed their important and responsible duties.

HUGH McCULLOCH,
Secretary.

Hon. Schuyler Colfax,
Speaker of the House of Representatives.

No. 1.

Statement of the receipts and expenditures of the United States during the fiscal year ending June 30, 1866, agreeably to warrants issued.

The receipts into the Treasury were as follows:

From customs, namely:		
During the quarter ending September 30, 1865	$47,009,583 03	
During the quarter ending December 31, 1865	39,216,338 39	
During the quarter ending March 31, 1866	46,645,597 83	
During the quarter ending June 30, 1866	46,175,132 33	
		179,046,651 58
From sales of public lands, namely:		
During the quarter ending September 30, 1865	$132,890 63	
During the quarter ending December 31, 1865	175,245 56	
During the quarter ending March 31, 1866	180,175 21	
During the quarter ending June 30, 1866	176,719 63	
		665,031 04
From direct tax, namely:		
During the quarter ending September 30, 1865	$31,111 30	
During the quarter ending December 31, 1865	368,843 31	
During the quarter ending March 31, 1866	1,066,163 44	
During the quarter ending June 30, 1866	488,636 07	
		1,974,754 12
From internal revenue, namely:		
During the quarter ending September 30, 1865	$96,618,885 65	
During the quarter ending December 31, 1865	82,597,156 93	
During the quarter ending March 31, 1866	66,153,031 92	
During the quarter ending June 30, 1866	63,857,738 92	
		309,226,813 42
From miscellaneous and incidental sources, namely:		
During the quarter ending September 30, 1865	$18,834,244 01	
During the quarter ending December 31, 1865	17,937,818 77	
During the quarter ending March 31, 1866	11,713,226 63	
During the quarter ending June 30, 1866	18,634,080 50	
		67,119,369 91
Total receipts, exclusive of loans		558,932,620 06
From loans, namely:		
From 6 per cent. 20-year bonds, per act July 17, 1861	$72,900 00	
From United States notes, per act February 25, 1862	2,322,615 00	
From temporary loans, per acts of February 25, 1862, and March 17, 1862	236,090,344 04	
From certificates of indebtedness, per acts of March 1 and 17, 1862	54,240,983 12	
From postage and other stamps, per act July 17, 1862	12,600 00	
From fractional currency per act March 3, 1863	17,851,720 75	
From 6 per cent. 1881 bonds, per act March 3, 1863	142,000 00	
From certificates of gold deposits, per act March 3, 1863	98,403,660 00	
From 5-20-year bonds, per act March 3, 1864	3,882,500 00	
From 10-40-year bonds, per act March 3, 1864	161,355 00	
From 6 per cent. compound-interest notes, per acts March 3, 1863, and June 30, 1864	39,400,000 00	
From 5-20-year 6 per cent. bonds, per act June 30, 1864	9,241,000 00	
From 7 3-10 three-year Treasury notes, per acts June 30, 1864, and March 3, 1865	158,447,228 14	
From 5-20-year bonds, per act March 3, 1865	92,492,647 00	
		712,851,558 05
Total receipts		$1,270,884,178 11

Amount brought over		$1,270,884,173 11
Balance in the Treasury July 1, 1865	$858,309 15	
To which add amount of sundry trust funds heretofore deducted	2,217,732 94	
		3,076,042 09
Total means		$1,273,960,215 20

The expenditures for the year were as follows:

CIVIL.

For Congress, including books	$4,034,533 78	
For executive	5,921,050 77	
For judiciary	1,627,349 78	
For government in the Territories	290,766 27	
For Assistant Treasurers and their clerks	127,047 31	
For officers of the Mint and branches and assay office at New York	116,332 47	
For supervising and local inspectors, &c.	101,459 08	
For surveyors general and their clerks	69,289 09	
Total civil list		12,287,828 55

FOREIGN INTERCOURSE.

For salaries of ministers, &c	$320,226 72	
For salaries of secretaries and assistant secretaries of legation	30,974 67	
For salaries of consuls general, &c., including loss in exchange	361,976 87	
For salaries of secretaries of legation to China, Japan, and Turkey, as interpreters	450 00	
For salaries of interpreters to the consulates in China and Japan	4,923 12	
For interpreters, guards, and expenses on the consulates in Turkish dominions	2,417 55	
For contingent expenses of all missions abroad	62,755 94	
For contingent expenses of foreign intercourse	108,239 60	
For office rent for consuls not allowed to trade	27,430 00	
For purchase of blank books, stationery, &c., for consuls	60,840 80	
For salaries of marshals of consular courts in Japan, China, &c	2,079 86	
For relief and protection of American seamen	120,161 23	
For bringing home from foreign countries persons charged with crime	27,289 70	
For expenses of acknowledging the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck	7,196 60	
For prosecution of work and pay of commissioner, per first article of reciprocity treaty with Great Britain	1,176 84	
For rent of prisons for American convicts in Japan, China, Siam, and Turkey	7,753 34	
For expenses of carrying into effect the act of Congress relating to *habeas corpus*	21,350 00	
For an act to encourage immigration	14,000 00	
For settlement of claims of Hudson's Bay and Puget Sound Agricultural Companies	2,873 70	
For expenses of convention with Ecuador for adjustment of claims	3,834 62	
For payment of first annual installment toward capitalization of the Scheldt dues	11,162 67	
For consular receipts, per act of April 14, 1792	816 04	
For expenses of execution of neutrality act	10,000 00	
For compensation of commissioner to run and mark the boundary between the United States and British possessions bounding on Washington Territory	13,250 00	
For awards under convention between the United States and New Granada	89,872 71	
Amount carried over	$1,230,155 90	$12,287,828 55

Amount brought over	$1,230,155 90	$12,287,828 55
For compensation of commissioner and expenses of commission to adjust claims of citizens of the United States against New Granada and Costa Rica	5,406 15	
For compensation of commissioner and expenses of commission to adjust claims of citizens of the United States against the United States of Colombia	12,953 42	
Total foreign intercourse		1,338,388 18

MISCELLANEOUS.

For Mint establishment	$664,504 75	
For contingent expenses under act for safe-keeping the public revenue	159,805 25	
For compensation to persons designated to receive and keep the public money	3,335 55	
For compensation to special agents to examine books, &c., in depositories	6,359 20	
For building vaults in sixty-six depositories, as security to the public funds	33,618 13	
For survey of the Atlantic and Gulf coasts of the United States	192,500 00	
For survey of the western coasts of the United States	95,500 00	
For survey of the Florida reefs and keys	18,500 00	
For publishing observations of the surveys of the coasts of the United States	4,000 00	
For repairs of steamers used in the coast survey	30,000 00	
For pay and rations of engineers for seven steamers in the coast survey	4,900 00	
For telegraphic communication between the Atlantic and Pacific States	40,000 00	
For payment for horses and other property lost or destroyed in the military service of the United States	979,559 69	
For expenses of the Smithsonian Institute	30,910 14	
For continuation of the Treasury building	279,179 86	
For purchase of sites and for building court-houses and post offices	87,755 76	
For salaries of commissioners in insurrectionary districts of the United States	72,752 51	
For contingent expenses of commissioners of direct taxes in insurrectionary districts of the United States	250 50	
For Department of Agriculture	128,061 23	
For expenses incident to carrying into effect national loans	2,909,030 00	
For detection and bringing to trial counterfeiters of coin, &c., of the United States	75,600 00	
For plates, paper, special dies, and the printing of circulating notes, &c	886,857 69	
For deficiencies in the proceeds of the money-order system	7,047 97	
For expenses of searching for missing soldiers of the United States Army	15,000 00	
For refunding principal and interest of purchase-money for lands redeemed	5,064 48	
For allowance or drawback on articles on which internal tax has been paid	799,860 45	
For expenses incident to the assessment and collection of internal revenue	5,800,752 52	
For refunding duties erroneously or illegally collected	520,856 65	
Amount carried over	$13,851,679 33	$13,626,216 73

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Amount brought over.	$13,851,579 33	$13,626,216 73
For expenses of collecting the revenue from customs	5,356,457 67	
For debentures on drawbacks, bounties, or allowances	681,893 17	
For refunding duties under the act extending the warehouse system	2,515 34	
For repayment to importers of excess of deposits on unascertained duties	2,920,171 67	
For debentures and other charges	27,784 69	
For salaries of special examiners of drugs	5,329 69	
For additional compensation to collectors and naval officers	12,839 38	
For light-house establishment	1,378,858 42	
For marine hospital establishment	835,959 39	
For building custom-houses and marine hospitals, including repairs	134,656 46	
For unclaimed merchandise	9,947 03	
For proceeds of sales of goods, wares, &c.	1,865 08	
For purchase of steam or sailing revenue-cutters	743,182 61	
For purchase of products of States in insurrection	3,180 40	
For furniture and repairs of certain buildings under the supervision of the Treasury Department	21,954 62	
For rent of offices for surveyors general	11,635 15	
For repayment for lands erroneously sold	13,768 38	
For indemnity for swamp land sold to individuals	51,560 49	
For surveys of public lands	145,241 93	
For services of special counsel, &c., for defending the title to public property in California	3,600 00	
For the suppression of the slave trade	24,235 29	
For expenses of taking the eighth census	8,210 51	
For salaries and other necessary expenses of Metropolitan police	110,000 00	
For lighting the President's House, Capitol, &c., with gas	98,000 00	
For fuel for the President's House	12,000 00	
For painting the President's House	8,000 00	
For repairing the conservatory of the President's House	10,000 00	
For refurnishing the President's House	76,000 00	
For funeral expenses of the late President Lincoln	30,000 00	
For alterations and repairs of buildings in Washington, D.C., improvement of grounds, &c.	609,882 41	
For compensation of public gardener, gate-keepers, watchmen, &c.	30,610 72	
For Columbia Institute for Deaf, Dumb, and Blind, in District of Columbia	59,033 37	
For completing the Washington aqueduct	7,800 10	
For Potomac and Eastern Branch bridges, compensation of draw-keepers, &c.	5,767 08	
For support of transient paupers in District of Columbia	12,000 00	
For packing and distributing congressional Journals and documents	9,704 00	
For Patent fund	299,000 00	
For Patent Office building	115,424 01	
For proceeds of Sioux reservations in Minnesota and Dakota	7,970 61	
For support of insane paupers of District of Columbia and Army and Navy of United States	100,000 00	
Amount carried over..	$27,380,517 34	$13,626,216 73

Amount brought over.	$27,380,517 34	$13,626,216 73
For preservation of collections of the exploring expedition	6,000 00	
For drawings to illustrate the report of the Commissioner of Patents	6,000 00	
For deposits by individuals for expenses of surveying the public lands	8,128 19	
For support, &c., of convicts transferred from District of Columbia to other prisons	6,262 82	
For coal for Library of Congress	1,500 00	
For five per cent. to Minnesota	4,595 19	
For five per cent. to Michigan	17,619 04	
For five per cent. to Oregon	1,545 92	
For five per cent. to Wisconsin	5,670 28	
For two and three per cent. to Missouri	5,223 67	
For relief of sundry individuals	104,897 49	
For sundry miscellaneous items	1,799 35	
	27,516,359 95	
Deduct repayments on account of appropriations under which there were no expenditures	85,615 14	
Total miscellaneous		27,430,744 81
UNDER THE DIRECTION OF THE INTERIOR DEPARTMENT.		
For the Indian department	$3,242,688 04	
For pensions, military	12,905,847 93	
For pensions, naval	2,699,504 42	
For relief of sundry individuals	4,376 52	
Total for Interior Department		18,852,416 91
UNDER THE DIRECTION OF THE WAR DEPARTMENT.		
For the pay department	$205,934,240 70	
For the commissary department	7,430,606 67	
For the quartermaster's department	49,856,986 39	
For the ordnance department	9,932,802 63	
For the engineer's department	2,651,903 87	
For the Provost Marshal General	3,779,114 77	
For the Adjutant General	243,539 74	
For the Secretary's office, (Army expenditures)	3,594,375 28	
For relief of sundry individuals	30,009 80	
	286,453,179 35	
Deduct excess of repayment in department of Surgeon General	2,003,477 53	
Total for War Department		284,449,701 82
UNDER THE DIRECTION OF THE NAVY DEPARTMENT.		
For the Secretary's Bureau	$10,831,260 08	
For the Marine corps	1,492,617 83	
For the Bureau of Yards and Docks	4,777,868 83	
For Bureau of Equipment and Recruiting	5,103,661 99	
For the Bureau of Navigation	351,061 92	
For the Bureau of Ordnance	3,494,216 32	
For the Bureau of Construction and Repair	8,675,216 81	
For the Bureau of Steam Engineering	6,154,888 23	
For the Bureau of Provisions and Clothing	2,244,775 99	
For the Bureau of Medicine and Surgery	95,708 73	
For relief of sundry individuals	102,841 79	
Total for Navy Deparment		42,324,118 52
To which add, for interest on the public debt, including Treasury notes		133,037,741 69
Total expenditures, exclusive of principal of the public debt		520,750,940 48
PRINCIPAL OF THE PUBLIC DEBT.		
For redemption of stock loan of 1842	$114,139 77	
For redemption of bounty land stock, per act February 11, 1847	100 00	
Amount carried over..	$114,239 77	$520,750,940 48

Amount brought over.	$114,239 77	$520,750,940 48
For redemption of Texan indemnity stock, per act September 9, 1850	252,000 00	
For reimbursement of Treasury notes issued prior to December 23, 1857	200 00	
For payment of Treasury notes, per act of December 23, 1857	200 09	
For payment of Treasury notes issued per act of March 2, 1861	2,000 00	
For redemption of Treasury notes per act of July 17, 1861	258,810 75	
For redemption of 7.30 three-year coupon bonds, per act of July 17, 1861	779,150 00	
For reimbursement of temporary loan, per acts of February 25, and March 17, 1862	205,245,395 16	
For redemption of Treasury notes, per act of February 25, 1862	32,695,827 14	
For redemption of certificates of indebtedness, per acts of March 1 and 17, 1862	143,498,000 00	
For redemption of postage and other stamps, per act of July 17, 1862	3,097,203 99	
For redemption of fractional currency, per act of March 3, 1863	13,037,540 14	
For redemption of two-year 5 per cent. interest-bearing Treasury notes, per act March 3, 1863	34,500,000 00	
For redemption of one-year 5 per cent. interest-bearing Treasury notes, per act March 3, 1863	7,000,000 00	
For redemption of three-year 6 per cent. compound-interest notes, per acts March 3, 1863, and June 30, 1864	73,928,159 00	
For redemption of gold certificates, per act March 3, 1863	87,711,520 00	
For redemption of 7.30 three-year Treasury notes, per acts of June 30, 1864, and March 3, 1865	16,597,003 23	
For premium on purchase of 7.30 three-year Treasury notes, per and of June 30, 1864, March 3, 1865	52,476 52	
For redemption of 10-40 bonds, per act March 3, 1864	1,551,000 00	
Total principal of the public debt		620,321,725 61
		1,141,072,666 09
Balance in the Treasury, 1st July, 1866		132,887,549 11
		$1,273,960,215 20

TREASURY DEPARTMENT,
Register's Office, November 20, 1866.
S. B. COLBY, *Register.*

No. 2.

Statement of the receipts and expenditures of the United States for the quarter ending September 30, 1866.

RECEIPTS.

Customs		$50,843,774 24
Sales of public lands		228,399 72
Direct tax		340,454 39
Internal revenue		99,166,993 98
Miscellaneous		7,981,764 24
Total receipts, exclusive of loans		158,561,386 57
6 per cent. 20-year bonds, act July 17, 1861	$6,050 00	
United States notes, act February 25, 1862	22,000,000 00	
Temporary loan, act February 25, 1862	7,235,659 64	
Postage and other stamps, act July 17, 1862	8,779 00	
Certificates of coin deposits, act March 3, 1863	27,109,378 00	
Fractional currency, act March 3, 1863	4,378,205 60	
6 per cent. 20-year bonds, act March 3, 1863	3,100 00	
6 per cent. compound-interest notes, act June 30, 1864	29,731,300 00	
5-20 6 per cent. bonds, act March 3, 1865	83,489,150 00	
Total receipts from loans		174,011,622 24
		$332,573,008 81

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EXPENDITURES.		
Civil, foreign intercourse, and miscellaneous		$11,893,736 44
Interior, (pensions and Indian)		11,787,975 66
War		13,833,214 03
Navy		7,878,609 17
Interest on the public debt		33,865,399 99
Total expenditures, exclusive of principal of public debt		79,258,935 29
PRINCIPAL OF PUBLIC DEBT.		
Payment of Treasury notes, act March 2, 1862	$350 00	
Redemption of Treasury notes, act July 17, 1871	21,788 00	
Redemption of 7.30 three-year coupon bonds, act July 17, 1861	20,950 00	
Redemption of United States notes, act February 25, 1862	17,436,787 85	
Reimbursement of temporary loan, acts of February 25 and March 17, 1862	64,487,182 00	
Redemption of certificates of indebtedness, acts of March 1 and 17, 1862	27,340,000 00	
Redemption of postage and other stamps, act July 17, 1862	398,510 76	
Redemption of fractional currency, act March 3, 1863	3,291,960 76	
Redemption of two-year 5 per cent. interest-bearing Treasury notes, act March 3, 1863	500,000 00	
Redemption of gold certificates, act March 3, 1863	26,817,620 00	
Redemption of three-year 7.30 Treasury notes, acts June 30, 1864, and March 3, 1865	69,846,300 00	
Premium on 6 per cent. compound-interest notes, acts March 3, 1863, and June 30, 1864	16,827 76	
Premium on purchase of 7.30 Treasury notes, acts June 30, 1864, and March 3, 1865	157,475 31	
Redemption of three-year 6 per cent. compound-interest notes, act March 3, 1863, and June 30, 1864	33,447,081 00	
		243,782,833 44
		$323,041,768 73

TREASURY DEPARTMENT,
Register's Office, November 21, 1866.
S. B. COLBY, *Register.*

Report of the Secretary of War.

WAR DEPARTMENT,
WASHINGTON CITY, *November* 14, 1866.

MR. PRESIDENT: Disbandment of the volunteer forces in service at the time the rebel armies surrendered; collecting the arms, ordnance, and military stores scattered over the vast theater of war; the sale and disposition of unserviceable material; storing in arsenals, magazines, and depots that which might be used; settling and adjusting war claims; recruiting and organizing the regular Army under the recent act; the establishment of posts and garrisons on the frontier and in the Indian country; testing the various improvements of breech-loading small-arms, and supplying them to the Army; practical experiments to determine the destructive power of projectiles and the comparative resisting qualities of materials; completing sea-board defenses and providing them with armaments; planning and carrying on harbor and river improvements; these, with the administration of the laws relating to refugees, freedmen, and abandoned lands, have constituted the chief operations of the War Department during the past year.

The entire number of volunteer troops to be mustered out was, on May 1, 1865, 1,034,064, and my last annual report recounted the operation of disbanding this force until November 15, 1865, when 800,963 troops had been transported, mustered out, and paid. The work was actively continued after that date, and on January 20, 1866, 918,722 volunteers had been mustered out; February 15, 952,452; March 10, 967,887; May 1, 986,782; June 30, 1,010,670; November 1, 1,023,021 — leaving in service 11,043 volunteers, white and colored. The aggregate reduction of the colored troops during the year has been 75,024, and at this date one regiment of artillery and thirteen of infantry, numbering about 10,000 officers and enlisted men, remain in the service. Commenced in May, 1865, the work of discharging and returning to their homes 1,034,064 volunteers would have been completed within three months but for the necessity of retaining in service part of that force. Past experience shows that, should any national emergency require a larger force than is provided by the peace establishment, armies could be swiftly organized to at least the full strength of a million men.

The reduction of the Army has been attended by a corresponding reduction of material and retrenchment of expenditures. The advanced depots of the quartermaster's department, which had been established as bases of operations, have been broken up; the greater part of the material sold at advantageous rates or concentrated in five principal depots and arsenals; and all unnecessary employés discharged. From May 1, 1865, to August 2, 1866, over 207,000 horses and mules were sold for $15,289,075 54. About 4,400 barracks, hospitals, and other buildings have been sold during the year for $447,873 14. The sale of irregular and damaged clothing in store produced during the fiscal year the sum of $902,770 45. The fleet of 590 ocean transports in service on July 1, 1865, at a daily expense of $82,400, was reduced before June 30, 1866, to 53 vessels, costing $3,000 per diem, and most of these have since been discharged, ocean transportation being now almost entirely conducted by established commercial lines of steamers. Of 262 vessels which had been employed in inland transportation, at an expense of $3,193,533 28, none were remaining in service on June 30, 1866; sales of river transports, steamers, and barges during the year are reported as amounting to $1,152,895 92. The rates of wagon transportation in the Indian country have also been reduced by favorable contracts. The military railroads, which were operated during the war at a total expenditure of $45,422,719 15, and which are officially reported to have reached an extent of 2,630½ miles, and to have possessed 433 engines and 6,605 cars, have all been transferred to companies or boards of public works, upon condition of the adoption of loyal organizations of directors. Cash sales of railroad equipment to the amount of $3,466,739 33 are reported, and credit sales of $7,444,073 22; upon the latter there have been paid, principal and interest, $1,200,085 18; leaving due to the United States, on June 30, 1866, principal and interest, $6,570,074 05. The military telegraph, which attained an extent of 15,389 miles of lines constructed during the period of hostilities, with a total expenditure of $3,219,400 during the war, and $567,637 during the last fiscal year, has been discontinued, the material sold and disposed of, and the employés discharged, only a few confidential operators being still retained for cipher correspondence with commanders of important districts.

Such subsistence stores as could not be retained for supplying the reduced Army have for the most part been sold at satisfactory prices.

The sale of unserviceable and surplus stores pertaining to the Signal corps has been effected; most of the officers have been mustered out, and the employés discharged.

All the temporary ordnance depots established during the war, with the exception of that at Hilton Head, where the work is in progress but not completed, have been discontinued, and the supplies have been sent to arsenals for storage, or, when not worth the cost of transportation, have been sold. The expenditures at arsenals have been greatly diminished, and their operations limited.

General hospitals, hospital transports, and railroad trains, ambulance corps, and a number of medical purveying depots have been dispensed with, and all perishable articles of medicines and hospital supplies, in excess of the requirements of a peace establishment, have been disposed of by public sale at advantageous rates, and the reserved supplies concentrated at five depots. The proceeds of old or surplus medical and hospital property amount to $4,044,261 59.

But the sale and disposition of these large amounts of unserviceable and perishable stores still leave on hand an adequate supply of war material to meet any emergency that can possibly arise. The stock of clothing, equipage, quartermaster, subsistence, hospital, and ordnance stores, arms, ammunition, and field artillery is sufficient for the immediate equipment of large armies. The disbanded troops stand ready to respond to the national call, and, with our vast means of transportation and rapid organization developed during the war, they can be organized, armed, equipped, and concentrated at whatever points military emergency may require. While, therefore, the war expenses have been reduced to the footing of a moderate and economical peace establishment, the national military strength remains unimpaired and in condition to be promptly put forth.

While the reduction of the volunteer force and the advantageous disposition or concentration of war material were thus successfully accomplished without diminishing the military power of the country, recruiting and reorganizing the regular Army favorably progressed. In consequence of the difficulty in procuring enlistments for the regular while so many men were required for the volunteer service, one hundred and fifty-three companies of the regular Army, as then authorized, were unorganized on May 31, 1865, but in the middle of the following July these companies had been completed. Under the act of July 28, 1866, the regular Army now comprises ten regiments, or one hundred and twenty companies, of cavalry, five regiments, or sixty companies, of artillery, and forty-five regiments, or four hundred and fifty companies, of infantry; of which two cavalry and four infantry regiments are composed of colored men, and four infantry regiments of men who were wounded in the line of their duty. One regiment of white cavalry had been fully recruited on September 15; the other regiment, assigned to the Pacific coast, is very nearly completed. Forty-eight of the fifty-four companies required to convert into regiments the single battalions of the nine three-battalion regiments of the former organization have been completed and sent to their regiments. The four Veteran Reserve regiments have been assigned to districts where the men may be usefully employed in guarding storehouses and cemeteries, and on similar duties. The colored regiments will be recruited, as far as possible, from the colored volunteers still in service. The law authorizes an assignment of one hundred privates to a company as the maximum, fifty being the minimum, and the maximum strength of the Army is thus placed at 75,382, rank and file. The present strength of companies is fixed at sixty-four privates for cavalry, artillery, and infantry, and one hundred and twenty-two privates for light batteries of artillery, making an aggregate strength of 54,302. As soon as the ranks shall be well filled, it is designed to increase the efficiency of the military force by raising the standard of qualifications.

The troops in service were regularly paid, and the demands of those discharged and mustered out promptly met. During the fiscal year ending June 30, 1866, $10,431,004 42 were disbursed to the Army and Military Academy, $248,943,313 36 to volunteers; and in the disbursement of millions of dollars in small sums, and amid great difficulties and

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hazards, the total cost to the Government in expenses of every character is but a fractional portion of one per cent.

Every effort has been made to promote the comfort and health of the Army, and to give the best medical treatment to the wounded and sick. Well-grounded apprehensions of the appearance of Asiatic cholera as an epidemic, early in the present year, required prompt action for the protection of our troops. A rigid military quarantine was established on the southern Atlantic coast, and sanitary precautions enforced. The adoption of these measures availed to control or eradicate the disease, at the recruiting depots and forts where it appeared, before it assumed its usual alarming epidemic form; and official recognition has been given to the meritorious services of medical officers whose fidelity, energy, and skillful administration succeeded in averting or diminishing the horrors of wide-spread pestilence. In other respects the general health of the troops has been good. Among white troops the proportion of deaths, from all causes, to cases treated, has been one to every fifty-two. Among colored troops the proportion of cases taken sick has been greater than with the white troops, and the mortality rate one death to every twenty-nine cases treated. There were remaining in general hospitals, June 30, 1865, and admitted during the year, 64,438 patients, of whom, on June 30, 1866, only 97 remained under treatment. The comfort and proper medical treatment of the sick and wounded are secured in well-arranged post hospitals, of which there are at present 187, with a total capacity of 10,881 beds.

Measures have been adopted for the purpose of providing suitable shelter for the troops now stationed on the plains, and for those which may be ordered thither, and to prevent suffering during the winter. The Army has been well supplied with forage, about one half the quantity having been supplied from the stock remaining on hand at the cessation of hostilities; the consumption for the year has been 3,300,000 bushels of oats, 5,061,000 bushels of corn, 136,000 tons of hay, 2,700 tons of straw.

Subsistence stores of good quality have been supplied to the Army, and though the larger part has been obtained at the principal market centers of the northern States, yet the general return of the citizens, North and South, to the productiveness of peace, and the consequent reopening of the customary channels and sources of trade, have enabled a partial resumption of the course of procuring supplies at the points where they are to be consumed. Eighty-nine contracts for fresh beef have been made in the southern States, at a general average price of 11.06 cents per pound, and in the interior of those States other articles to a small extent have been purchased. The market at New Orleans is now so well furnished, and has so far resumed a healthful mercantile condition, as to render it possible to procure there, at satisfactory prices, most of the subsistence stores required in the department of the Gulf. On the Pacific coast, for several years after California was admitted to the Union, all the supplies for troops there stationed were required to be shipped from New York, but an ample and reliable market, comprising the products of California and Oregon, and the foreign countries bordering upon the same ocean, is now found in San Francisco, and most of the subsistence stores for troops in the division of the Pacific have been there obtained. In general the subsistence supplies purchased during the year have been procured upon contracts, concluded in pursuance of advertisements for sealed proposals, written proposals, and acceptances.

The importance of speedily providing the Army with breech-loading small-arms of the best pattern has been recognized and acted upon. By an order of January 3, 1866, a board of competent officers was convened for the purpose of examining, testing, and reporting on the various models of original breech-loaders, and the various plans for the conversion into breech-loaders of the arms heretofore borne by our troops. This board met on March 10, and continued in session until June 4, when its report was submitted, and directions have been given the ordnance department for the speedy manufacture of breech-loading arms. In view of the great number of small-arms on hand, it has been deemed advisable to convert Springfield rifle-muskets, at a comparatively small cost, into efficient breech-loaders, rather than to incur the cost of the entire manufacture of new arms of that description, at a time, too, when the invention may not have been perfected. This alteration of the Springfield musket has been effected so successfully as to render it an arm believed to be better in all respects than the Prussian needle-gun, while its metallic ammunition is regarded as superior to that of the latter. The Department has already on hand breech-loaders of approved patterns adequate for the supply of the cavalry, and mounted and light infantry.

Besides the measures that have been mentioned to provide for the comfort and promote the efficiency of the Army, stated monthly inspections have been made in every military command during the year, with a view to bring to notice and promptly remedy any irregularities and defects; and numerous special inspections have also been made throughout the whole country for the purpose of correcting abuses, suggesting improvements, and effecting retrenchment in the service. The inspection service has not been changed by the return to peace; the system developed during the war, meeting the requirements as nearly as practicable, is still continued.

The present organization of military departments and divisions is as follows:

The department of the East, Major General George G. Meade to command, to embrace the New England States, New York, New Jersey, Pennsylvania, and Fort Delaware. Headquarters at Philadelphia.

The department of the Lakes, Brigadier and Brevet Major General Joseph Hooker to command, to embrace the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. Headquarters at Detroit.

The department of Washington, Brigadier and Brevet Major General E. R. S. Canby to command, to embrace the District of Columbia, Alexandria and Fairfax counties, Virginia, and the States of Maryland and Delaware, except Fort Delaware. Headquarters at Washington.

The department of the Potomac, Brigadier and Brevet Major General John M. Schofield to command, to embrace the States of Virginia, except Alexandria and Fairfax counties, and West Virginia. Headquarters at Richmond.

The department of the South, Major General Daniel E. Sickles to command, to embrace the States of North and South Carolina. Headquarters at Charleston.

The department of the Tennessee, Major General George H. Thomas to command, to embrace the States of Kentucky, Tennessee, Georgia, Alabama, and Mississippi. Headquarters at Louisville.

The department of the Gulf, Major General Philip H. Sheridan to command, to embrace the States of Florida, Louisiana, and Texas. Headquarters at New Orleans.

The department of the Arkansas, Brigadier and Brevet Major General E. O. C. Ord to command, to embrace the State of Arkansas and Indian Territory west. Headquarters at Little Rock.

The department of the Missouri, Major General Winfield S. Hancock to command, to embrace the States of Missouri and Kansas, and the Territories of Colorado and New Mexico. Headquarters at Fort Leavenworth.

The department of the Platte, Brigadier and Brevet Major General Philip St. George Cooke to command, to embrace the State of Iowa, the Territories of Nebraska and Utah, so much of Dakota as lies west of the one hundred and fourth meridian, and so much of Montana as lies contiguous to the new road from Fort Laramie to Virginia City, Montana. Headquarters at Omaha.

The department of Dakota, Brigadier and Brevet Major General A. H. Terry to command, to embrace the State of Minnesota and all the Territories of Dakota and Montana not embraced in the department of the Platte. Headquarters at Fort Snelling.

The department of California, Brigadier and Brevet Major General Irvin McDowell to command, to embrace the States of California and Nevada, and the Territory of Arizona. Headquarters at San Francisco.

The department of the Columbia, Major General Frederick Steele to command, to embrace the State of Oregon and the Territories of Washington and Idaho. Headquarters at Portland.

The principal movements of troops have been in Texas, on the Mexican frontier, and in the Territories, the details of which are given in the accompanying report of General Grant, commanding the armies of the United States, and the reports of division and department commanders, to which reference is made. General Grant reports that a military force has been kept in all the lately rebellious States for the purposes of insuring the execution of law and protecting life and property against the acts of those who, as yet, will acknowledge no law but force—a class smaller, in his opinion, than could have been expected after such a conflict as that through which we have passed, but sufficiently formidable to justify the course which has been pursued. Military movements have also been directed with a view to the protection of emigrants on their way to the mountain Territories against the hostility and opposition of the Indians.

Besides the operations thus recapitulated, of reduction, concentration, retrenchment, and reorganization of the military establishment, and payment, complete equipment, and disposition of the Army, other matters of national importance and interest have received the careful attention of the War Department.

The permanent defenses of the country have been strengthened. Their efficiency has already been much increased by substituting cannon of larger caliber and improved model for lighter guns, and wrought-iron for wooden gun-carriages. This work is still in progress, and will be continued. Diligent and careful efforts, based upon the designs and recommendations of competent boards of engineers, have been made to adapt old works, as well as those in process of construction, to more powerful armaments. Construction has been suspended upon some works, in order to await the completion of important experiments having in view the extensive use of iron shields or armor for the protection of guns and gunners; the results already attained give the promise of a practical and highly beneficial application of the knowledge obtained by these trials.

Surveys of the lakes have been continued, and progress has already been made in improving the harbors and rivers of the country. The work will be energetically prosecuted under the liberal appropriations made at the last session of Congress.

Active and careful measures have been instituted for successfully and speedily carrying into effect the generous provisions of Congress for the benefit of surviving soldiers of the war for the Union. The subject of the payment of extra bounties to discharged soldiers, and extra pay to discharged officers, has received assiduous attention. The recent law devolving upon the War Department, instead of the accounting officers of the Treasury, the duties of examin-

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tion and settlement of claims of this nature, imposed a vast accumulation of labor, and required the consideration of numerous acts of Congress, and the regulations and practice of several bureaus; upon the proper performance of these extraordinary labors depends the disbursement of nearly eighty million dollars among more than a million claimants. Soon after the adjournment of Congress a competent board of officers was organized to prepare rules and regulations for the payment of the authorized bounties. Diligent application was given to the work, and the regulations, having been found to be in strict accordance with law, were promptly approved, published, and directed to be carried into effect. To the same board the subject of bounties for colored soldiers was also referred, with a view to provide any additional checks that might guard the bounty from fraudulent assignees and secure it to colored soldiers, and protect the Treasury against fraud; and when the report was received, payment of the bounties was ordered. As to the other class of bounties, the Paymaster General regards it impracticable to make payment until all applications shall have been received, and claims classified and registered by States and organizations; but by this preliminary process the ultimate payment of all will, it is believed, be greatly expedited. Attempted otherwise, probably the work would never be fully accomplished. Of the valuable public records by which the validity of the bounty claims is to be tested, there is in the archives of the Government but one copy, already much worn, for each period. An examination for each individual case would soon reduce them to illegible shreds.

The duty of the Government to the soldiers who have been maimed or have fallen in its defense has not been neglected. Much care has been taken, by precautions and practical tests, to secure for the former the most durable, useful, and comfortable artificial limbs. From July 16, 1862, the date of the act of Congress authorizing artificial limbs to be furnished, to July 1, 1866, there have been supplied to disabled soldiers 3,981 legs, 2,240 arms, 9 feet, 55 hands, 125 surgical apparatus, and it is supposed that not more than 1,000 limbs remain still to be supplied, at an estimated cost of $70,000. In order to include unfortunate cases in which, from the nature of the injury or operation, no limb or other surgical appliance can be advantageously adopted, the Surgeon General has recommended that, if the appropriation for this purpose shall be continued, the money value of an artificial limb, in lieu of an order for the apparatus, be given to the maimed soldier. Forty-one national military cemeteries have been established, and into these had already been gathered, on June 30, the remains of 104,526 Union soldiers. The sites for ten additional cemeteries have been selected, and the work upon them, for some time delayed by the climate and a threatened epidemic, is now in course of vigorous prosecution. Although it may not be desirable to remove the remains of those now reposing in other suitable burial grounds, it is estimated that our national cemeteries will be required to receive and protect the remains of 249,397 patriotic soldiers whose lives were sacrificed in defense of our national existence. The average cost of the removals and reinterments already accomplished is reported at $9 75, amounting in the aggregate to $1,144,791; and it is believed that an additional expenditure of $1,609, 294 will be necessary. It is proposed, instead of the wooden head-boards heretofore used, to erect at the graves small monuments of cast iron, suitably protected by zinc coating against rust. Six lists of the dead, containing 32,666 names, have been published by the Quartermaster General, and others will be issued as rapidly as they can be prepared.

Documents submitted by the chiefs of bureaus, and accompanying this report, contain detailed information relative to the operations of the War Department and the requirements of its respective branches.

The total estimate of military appropriations for the fiscal year ending June 30, 1868, is $25,205,669 60.

The Adjutant General's office has immediate supervision of recruiting for the regular Army, and disbanding the volunteer force, and charge also of the records and unfinished business of the Provost Marshal General's Bureau, which, in accordance with act of July 28, 1866, was discontinued on August 28. Arrangements have been made for the prompt settlement of the undetermined questions formerly pertaining to that bureau, and for the removal to Washington of the records of its offices in the various States. The estimated appropriation required for the purposes of the Adjutant General's office is $300,000.

The officers of the Inspector General's department are now those of the regular establishment, and they are all engaged in their legitimate duties of stated and special inspections. No appropriation is required for this service.

In the Bureau of Military Justice during the past year 8,148 records of courts-martial and military commissions have been received, reviewed, and filed; 4,008 special reports made as to the regularity of judicial proceedings, the pardon of military offenders, the remission or commutation of sentences, and upon the miscellaneous subjects and questions referred for the opinion of the bureau; including also letters of instruction upon military law and practice to judge advocates and reviewing officers. The number of records of military courts received at this bureau reached a minimum soon after the adoption of the recent Army act, and since that time has increased with the military force. The other business of the office, as an advisory branch of the War Department, will also, it is believed, continue to be augmented until the peace establishment shall be completely organized and the new Army fully recruited; and the fact that, in a large number of important cases, commanders of departments and armies are not authorized to execute sentences in time of peace, and that such cases can no longer be summarily disposed of without a reference to the Executive, will also require from the bureau a very considerable number of reports which heretofore have not been called for. Its aggregate business will, it is thought, not be reduced in proportion to the reduction of the military force.

In the quartermaster's department the returns and accounts of officers responsible for clothing and equipage during the year have been examined and transmitted to the Treasury for final settlement. The erection of the fireproof warehouse at Philadelphia, for which Congress made an appropriation on July 28, will be commenced so soon as the proposals now invited by public advertisement shall have been received and compared; and authority is desired for the purchase of a site and erection of a similar structure at Jeffersonville, Indiana. During the fiscal year ocean transportation has been furnished for 131,581 men; inland transportation for 1,016,300 persons, 138,389 animals, 10,370 wheeled vehicles, and 420,000 tons of stores of all kinds; and the greater part of the bills for transportation during the war have been settled and paid. Claims, principally under the act of July 4, 1864, have been filed during the year to the amount of over $11,000,000, upon which about $1,000,000 have been paid. No further appropriations are required for the regular service of the quartermaster's department, as it is believed that the balances now available, and the sums received and to be received, will suffice for the next fiscal year. For contingencies the sum of $100,000 is requested.

The subsistence department is engaged, under the joint resolution of July 25, 1866, in paying, upon certificates given by the Commissary General of Prisoners, commutation of rations to those United States soldiers who were held as prisoners of war. Tobacco is now furnished to the enlisted men of the Army, under proper regulations. The settlement of accounts of officers who have performed duty with the subsistence department has rapidly progressed. Claims under the act of July 4, 1864, which have been filed in the subsistence office, amount in the aggregate to $1,758,031 04, on which $85,343 10 have been allowed. Claims amounting to $1,021,123 70 await final examination and decision. The total amount of money drawn from the Treasury and disbursed by the subsistence department during the past fiscal year was $7,518,872 54, including payment of claims under the act of July 4, 1864. The amount disbursed during the fiscal years of the war was:

From July 1, 1861, to June 30, 1862.....	$48,799,521 14
From July 1, 1862, to June 30, 1863.....	69 537,582 78
From July 1, 1863, to June 30, 1864.....	98,666,918 50
From July 1, 1864, to June 30, 1865.....	144,782,969 41
From July 1, 1865, to June 30, 1866.....	7,518,872 54
Total amount.....	$369,305,864 37

No appropriation is required for the next fiscal year.

Arrangements will soon be consummated by the medical department for the permanent security of its valuable mortuary records, including 16,000 folio volumes of hospital registers, 47,000 burial records, 16,000 hospital muster and pay rolls, alphabetical registers of the dead, containing 250,000 names of white and 20,000 of colored soldiers, and the pathological collection constituting the Army medical museum. During the year official evidence, obtainable from no other source, of cause of death, or of discharge for disability, has been furnished in 49,212 cases, and 210,027 discharges upon certificates of disability have been examined and classified. The total number of surgical cases classified and recorded is, of wounds 133,952, and of operations 28,438. The preparation for publication of the Medical and Surgical History of the War has been prosecuted with energy, much of the manuscript and several of the illustrations for the first volume being completed. The Army medical museum continues to increase in value and usefulness, and the greater security and additional accommodations of the building to which it will be shortly removed, admit of the addition of a great number of interesting and instructive specimens not hitherto available for want of space. A small appropriation will be required to continue the work of classification and preservation of this national collection. The number of casualties from the commencement of the war to the present time, in the regular and volunteer medical staff, is ascertained to be 336, including 29 killed in battle, 12 killed by accident, 10 died of wounds, 4 died in rebel prison, 7 died of yellow fever, 3 died of cholera, 270 died of other diseases. During the war 35 medical officers were wounded in battle. The distribution of troops in small bodies over so large an extent of country necessitates the employment of acting assistant surgeons temporarily, but the number of these has been reduced from 1,997 on July 1, 1865, to 264 on July 1, 1866, and will be still further diminished when existing vacancies in the grade of assistant surgeons, created by the act of Congress of July 28, 1866, are filled; a corresponding decrease in the number of hospital stewards, for general service, has also been effected; and in every branch of the department reduction and retrenchment have been rigidly enforced. An aggregate expenditure of $267,391 92 was incurred by the medical department in furnishing officers and supplies to the Bureau of Refugees, Freedmen, and Abandoned Lands, which had under its control, during the fiscal year ending July 1, 1866, no appropriation applicable to the purpose; and though, under a

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decision of the Treasury Department, reimbursement was not made from subsequent appropriations for the Freedmen's Bureau, no embarrassment arose and no legislation is required. The funds at the disposal of the medical and hospital department, during the year ending June 30, 1866, were as follows:

Balance of appropriations remaining in the Treasury, July 1, 1865	$1,161,181 24
Amount of Treasury draft No. 1,544, on war warrant 3,205, issued May 3, 1865, in favor of Assistant Surgeon J. B. Brinton, lost in the mail, and subsequently refunded	10,000 00
Proceeds of sales of old or surplus medical and hospital property	4,044,261 59
Amount refunded on account of supplies furnished for the use of prisoners of war	22,163 34
Amount refunded by the subsistence department, being apportionment of amount paid for board and care of sick soldiers in private hospitals	121,600 51
Amount received for board of officers in hospitals	14,298 96
Amount recovered on account of stores and furniture lost or damaged in transportation	4,597 42
Refunded from appropriation for care of destitute discharged soldiers, being for board of discharged soldiers while having artificial limbs fitted	6,955 24
Received from all other sources	1,005 94
Total	$5,386,064 24

Of this amount there was disbursed during the same period—

For medical and hospital supplies, (a great part of this sum expended in payment of debt of previous year)	$975,773 83
For pay of private physicians	926,584 05
For pay of nurses and other hospital employés	309,916 06
For purchase of artificial limbs for disabled soldiers	198,999 00
For board of sick soldiers in private hospitals	58,781 75
For expenses of hospitals for officers	25,158 51
For expenses of purveying depots, laboratories, repairs, &c	812,243 18
For miscellaneous expenses of the medical department	32,345 39
Total disbursements during the fiscal year	2,837,801 77
Balance in Treasury, June 30, 1866	2,546,457 14
Refunded of amount advanced by disbursing officers during the previous year	1,805 33
Total	$5,386,064 24

The estimated appropriation required for the medical department for the next fiscal year is $90,000.

The pay department remains without material change. In consequence of additional labors imposed upon this branch of the War Department by recent congressional enactment, and in order to promptly pay the large issue of Treasury certificates, it was necessary to retain temporarily a number of additional paymasters. The financial summary exhibits—

A balance on hand at the beginning of the fiscal year	$120,106,999 32
Received from Treasury and other sources during the year	163,426,228 97
Total	$283,533,228 29

Accounted for as follows:

Disbursements to Army and Military Academy	$10,431,004 42
Disbursements to volunteers	248,943,313 36
Unissued requisitions in Treasury	10,750,000 00
In hands of paymasters June 30	13,408,910 51
	$283,533,228 29

The total disbursements of each class during the fiscal year is as follows:

To troops on muster out	$205,272,324 00
To troops in service	30,250,010 00
To referred claims	7,662,736 00
To payment of Treasury certificates	16,189,247 00
	$259,374,317 00

The estimated appropriations of the pay department amount to $17,728,560 60 for pay of the Army for the next fiscal year.

The corps of engineers at the close of the fiscal year consisted of ninety-five officers, the battalion of engineer troops, and the Military Academy. Thirteen officers were on detached duty, serving in command of military departments, on special service connected with the levees of the Mississippi river, on the Light-House Board, with the Department of the Interior upon duties relating to the Pacific railroad, on military surveys and staffs of the General-in-Chief and commanding general of the military division of the Gulf; the remainder were diligently engaged in the duties of their profession, officers of desirable experience and practice having direct supervision of the more important works. The engineer troops were distributed between the Military Academy and the two depots of engineer supplies located at Willett's Point, New York, and at Jefferson Barracks, Missouri. The condition of the battalion with regard to discipline and instruction is reported as satisfactory. At the two engineer depots much valuable war material has been collected from points where it had remained after the close of active operations in the field, and it is proposed to keep on hand a complete outfit, on a moderate scale, of such engineer, bridge, and siege equipage as would be most likely to come into requisition to supply unforeseen demands in the field. The chief of Engineers suggests a modification of the act of June 23, 1866, in respect to the manner of procuring labor and material for improvements of harbors and rivers. The estimated appropriation required by the Engineer Bureau for the next fiscal year is $5,140,000.

The ordnance department now limits the operations at arsenals to the construction of wrought-iron sea-coast carriages and such ordnance supplies as are needed for immediate use; preservation of the ordnance stores left on hand at the close of the war; breaking up unserviceable ammunition; and completing unfinished buildings. Fire-proof workshops have been completed at Watervliet, Frankford, and Alleghany arsenals; three magazines, with a capacity for storing 15,000 barrels of gunpowder, have been built at St. Louis arsenal, and one of the same capacity at each of the arsenals at Washington city and Benicia. A board of officers is engaged in examining suitable sites for depositories of gunpowder, provided for by an appropriation of the last session of Congress; and the erection of such magazines as will furnish secure and suitable storage for all our powder, ammunition, and niter will be commenced early next spring. The arsenals at the South which were seized by the rebels, having been retaken, are reoccupied, excepting the North Carolina arsenal, which was destroyed; the Harper's Ferry armory, the workshops of which were burned, and which has been used as an ordnance depot; the arsenal in Florida, which has been transferred temporarily to the Freedmen's Bureau; and the arsenal in Arkansas, which is occupied by troops of the line. The chief of Ordnance is of opinion that it is not advisable to rebuild the North Carolina arsenal or to reëstablish the armory at Harper's Ferry, and the sale of both is recommended. All the small-arms and some of the other supplies which were collected at Baton Rouge, San Antonio, Augusta, Charleston, and Mount Vernon arsenals have been removed, and the only supplies which have been sent to them were such as were required for immediate issue to troops.

The commission appointed under the act of April 19, 1864, to examine and report the value of property on Rock Island taken by the United States by authority of that act, has entered upon its duties. As soon as good titles to the property shall have been acquired, the construction of the armory and arsenal, as required by law, will be hastened as fast as the appropriations will admit. It is important that this establishment should be built up as rapidly as possible, and a considerable sum has been estimated for that purpose during the next fiscal year. It is believed that all of it is necessary and can be judiciously and advantageously expended. The operations at the national armory at Springfield, Massachusetts, during the past year have been confined to cleaning and repairing arms used during the war, and to making the requisite preparations for converting the Springfield muskets into breech-loaders. The power and endurance of the 8-inch and 12-inch cast-iron rifle cannon have been subjected to practical tests, and the experiments will be continued. The ordnance returns for three consecutive years, including a period of active service and ordinary repairs, show an average duration of five years for cavalry carbines, of four years for cavalry pistols, sabers, and accouterments, of seven years for infantry muskets, and of six years for infantry accouterments. From January 1, 1861, to June 30, 1866, the ordnance department provided 7,892 cannon; 11,787 artillery carriages; 4,022,130 small-arms; 2,362,546 complete sets of accouterments for infantry and cavalry; 539,544 complete sets of cavalry horse equipments; 28,164 sets of horse artillery harness; 1,022,176,474 cartridges for small-arms; 1,220,555,435 percussion caps; 2,862,177 rounds of fixed artillery ammunition; 14,507,682 cannon primers and fuses; 12,875,294 pounds of artillery projectiles; 26,440,054 pounds of gunpowder; 6,895,152 pounds of niter, and 90,416,295 pounds of lead. In addition to these, there were immense quantities of parts provided for repairing and making good articles damaged, lost, or destroyed in the service. The fiscal resources of the Ordnance Bureau for the year amounted to $35,301,062 56, and the expenditures to $16,551,677 58, leaving a balance of $18,749,385 18, of which $18,043,804 28 were undrawn balances in the Treasury, and $705,580 90 were to the credit of disbursing officers in the Government depositories on June 30, 1866. The estimated appropriation required by the Ordnance office, including only such objects as require early attention, is $1,593,242.

In the office of the Commissary General of Prisoners a reduced force has been engaged in receiving and completing the records relating to prisoners of war, in furnishing information required by the various bureaus, and in the investigation of claims for commutation of rations to United States soldiers while held as prisoners of war.

The clerical force at the office of the Signal corps is employed in arranging and putting in durable form messages and reports which passed through or emanated from the corps during the war. The expenditures for the signal service during the year ending September 30, 1866, were $3,900 15; the total amount appropriated and still available for signal service September 30, 1866, was $252,565 97. No appropriation was requested of last Congress, and none will be required for the next fiscal year.

At the last examination the corps of Cadets at the Military Academy numbered two hundred and twenty-eight members, and forty cadets of the graduating class completed the course of studies and were commissioned lieutenants in the Army. Under the provisions of the acts of Congress approved, respectively, July 13 and 28, 1866, the Military Academy was separated from the corps of Engineers, which, together with certain professors and cadets, had heretofore constituted the institution, and the officers of which had exercised exclusive supervision and control over it. Brevet Major General Edmund Schriver, Inspector General, has been assigned as inspector, and Colonel T. G. Pitcher, of the forty-fourth infantry, appointed Superintendent. The report of the Board of Visitors for 1867 bears ample testimony to the usefulness and excellent condition of the Academy, and recommends the increase of the number of cadets to four hundred. With the present number of cadets but one graduate can be supplied to each regiment every second year, after the ordinary demands of the staff corps are met. During the past session of Congress important measures were

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adopted respecting the Academy, raising the standard of qualifications for admission, and requiring that appointments be hereafter made one year in advance of the date of admission. The inspector, from personal observation, reports the authorities of the institution as most assiduous in their efforts to advance the interests of the Academy and its cadets. Its administration is characterized by economy, and habits of frugality are inculcated. Excellent discipline is maintained and judiciously enforced. The estimated appropriation for the Military Academy is $243,867.

In the Bureau of Refugees, Freedmen, and Abandoned Lands the Commissioner reports that there is no material change of organization, but business is facilitated and vexed questions settled by the law of 1866. The jurisdiction of assistant commissioners coincides generally with department and district commands, but is distinct in Maryland and the District of Columbia. Under the new law Maryland and Kentucky are embraced, and these States seem to require aid from the bureau in promoting the interests of justice and education. In the northern cities employment offices, of little expense to the Government, and not a source of revenue, have been established with a view to obtain work and homes for dependent freed people and to relieve crowded localities. The importance of self-support has been urged by proper means upon the laboring classes. Wages have been determined, not by orders of bureau officers, but by circumstances ordinarily affecting the price of labor in different localities. The education of freedmen and refugees has been carried on vigorously, under the immediate patronage of benevolent societies. A superintendent of education, devoting his whole time to his work, is stationed at the bureau headquarters in each State, and all bureau officers coöperate with him. It is estimated that one hundred and fifty thousand freedmen and their children are now attending school in the southern States. Schools for refugee white children are also established. Their formation is everywhere encouraged by the bureau.

There has been but little uniformity of action in different States in respect to the administration of justice. Assistant commissioners have been instructed to transfer military jurisdiction as rapidly as possible to State judicial tribunals. This has been done completely in some States, while in Virginia, Louisiana, and Texas, bureau courts are still in existence. A claim division instituted in March last, and aided by officers and agents throughout the States, has sought to prevent frauds upon colored soldiers in their efforts to collect unpaid claims. One hundred and ninety-five claims were paid through the office of the Commissioner; 723 rejected at his office; 1,532 are in process of adjustment. The aggregate amount collected and paid is $10,539 09. Detailed reports are given of the operations of the bureau in each State and the District of Columbia. Transportation is reported as furnished to 6,352 destitute freed people and 387 refugees. Thirteen million four hundred and twelve thousand two hundred and seventy-three rations were issued between June 1, 1865, and September 1, 1866. The average number per month to refugees and freedmen was 894,569; the average number per day 29,819. The issue to whites increased until June 30, 1866, when issues to freedmen and refugees were about equal. From June 30, 1866, to September 1, the number supported of both classes has diminished. Rigid scrutiny has been exercised to prevent issues to any but the absolutely destitute, and parts of the ration not actually needed were cut off. Officers were directed to hold each plantation, county, parish, and town responsible for the care of its own poor, but to very little purpose, for with few exceptions the State authorities have failed to contribute to the relief of the class of persons supported by the Government. Owing to the failure of crops the requirements of Circular 10, of August 22, could not be rigidly enforced. Upon the application of State officials, special issues are being made to certain States for the support of their pauper population. Rations are sold to teachers and agents of benevolent societies under the same rules that apply to such purchases made by commissioned officers. Bureau hospitals receive the usual freedmen's ration. The amount of land now in possession of the bureau is 272,231 acres, to be increased by 228 tracts in Tennessee, of which the number of acres has not been reported. The aggregate number of parcels of town property, not included in the above, which have been in possession of the bureau is 3,724, of which 2,605 have been restored, leaving a balance of 1,119 parcels of town property.

The balance on hand of the freedmen fund is		$282,383 52
The balance of district destitute fund		18,338 67
The balance of appropriation		6,856,259 30
		$7,156,981 49
The estimated amount due subsistence department is	$297,000 00	
The transportation reported unpaid	26,015 94	
The transportation estimated due	20,000 00	
Estimated amount due medical department	100,000 00	
Estimated amount due quartermaster department	200,000 00	
		643,015 94
Total balance for all purposes of expenditure		$6,513,965 55

The Commissioner estimates the additional funds necessary for the next fiscal year as follows:

Salaries of assistant commissioners, sub-assistants, and agents	$147,500 00
Salaries of clerks	82,800 00
Stationery and printing	63,000 00
Quarters and fuel	200,000 00
Subsistence stores	1,500,000 00
Medical department	500,000 00
Transportation	800,000 00
School superintendents	25,000 00
Buildings for schools and asylums, (including construction, rental, and repairs)	500,000 00
Telegraphing and postage	18,000 00
Total	$3,836,300 00

In compliance with recent enactments of Congress, commissioners to assess the value of slaves enlisted into the United States Army during the war have been appointed for Missouri, Maryland, Kentucky, and Tennessee, but their reports have not yet been received.

In conclusion, it gives me pleasure to again express my obligations to the chiefs of bureaus and their subordinates, who, in reducing the War Department to a peace establishment, have evinced the same diligence, ability, and fidelity to the interests of the Government that distinguished them during the labors, anxiety, and vicissitudes of the war, and contributed so much to its successful termination.

EDWIN M. STANTON,
Secretary of War.

Report of General U. S. Grant, Commanding Army.

HEADQUARTERS ARMIES OF THE UNITED STATES,
WASHINGTON, *November* 21, 1866.

SIR: Since my report for 1865, the volunteer force then in service has been almost entirely replaced by the regular Army, mostly organized under the act of Congress, approved 28th July, 1866. The report of the Adjutant General of the Army gives exact statistics on this subject.

Passing from civil war of the magnitude of that in which the United States has been engaged to government through the courts, it has been deemed necessary to keep a military force in all the lately rebellious States to insure the execution of law, and to protect life and property against the acts of those who, as yet, will acknowledge no law but force. This class has proven to be much smaller than could have been expected after such a conflict. It has, however, been sufficiently formidable to justify the course which has been pursued. On the whole, the condition of the States that were in rebellion against the Government may be regarded as good enough to warrant the hope that but a short time will intervene before the bulk of the troops now occupying them can be sent to our growing Territories, where they are so much needed.

I respectfully refer you to the reports of Generals Sherman, Halleck, Meade, Sheridan, Thomas, Sickles, McDowell, Pope, and Steele, herewith, for full information of the condition of the States and Territories under their command. The last of these reports is but this moment received. The time has passed when they should be in the hands of the Printer to prepare them for presentation to Congress on its assembling. To make a full report I would have to get my facts from these reports. Time not permitting, I beg to refer to them in lieu of their condensation by me.

With the expiration of the rebellion, Indian hostilities have diminished. With a frontier constantly extending and encroaching upon the hunting-grounds of the Indian, hostilities, opposition at least, frequently occur. To meet this, and to protect the emigrant on his way to the mountain Territories, troops have been distributed to give the best protection with the means at hand. Few places are occupied by more than two, and many by but a single company. These troops are generally badly sheltered, and are supplied at great cost. During the past summer inspections were made by Generals Sherman, Pope, Ingalls, Sackett, and Babcock, to determine the proper places to occupy to give the best protection to travel and settlements, and to determine the most economical method of furnishing supplies. The labor of putting up temporary quarters is performed by the troops intending to occupy them. In the course of the next season more permanent buildings will have to be erected, however, which will entail an expense for material at least. I would respectfully suggest, therefore, that an appropriation for this special purpose be asked.

The permanent peace establishment being much larger than has been heretofore provided for, an appropriation for building barracks, storehouses, &c., to meet present wants, seems to be required. The reports of the heads of the staff departments of the Army, particularly that of the Quartermaster General, may cover this point.

I would respectfully suggest for the consideration of Congress the propriety of transferring the Indian Bureau from the Interior to the War Department, and the abolition of Indian agencies, with the exception of a limited number of inspectors. The reason for this change seems to me both obvious and satisfactory. It would result in greater economy of expenditure, and, as I think, diminution of conflict between the Indian and white races.

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

Hon. E. M. STANTON, *Secretary of War.*

Schedule of Reports of Military Operations Accompanying the Report of General Grant, for 1866.

Report of Lieutenant General W. T. Sherman, commanding military division of the Missouri, dated November 5, 1866, of the operations of the troops under his command during the past year, and forwarding report of Major General John Pope.

Report of Major General H. W. Halleck, commanding military division of the Pacific, transmitting the reports of Major General I.

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McDowell, commanding department of California, dated October 18, 1866, and Major General F. Steele, commanding department of the Columbia, dated October, 1866, of the military operations in their respective departments during the past year.

Report of Major General George G. Meade, commanding department of the East, dated October 12, 1866, of military operations in his command during the present year.

Report of Major General P. H. Sheridan, commanding department of the Gulf, dated November 14, 1866, of operations since May 29, 1865.

Reports of Brevet Major General T. J. Wood, commanding district of Mississippi, and Brevet Major General Jefferson C. Davis, commanding district of Kentucky, of the military operations in their respective commands, forwarded by Major General George H. Thomas, commanding department of the Tennessee.

Report of Major General D. E. Sickles, commading department of the South, of date October 30, 1866, of military operations and general condition of affairs during the present year.

Report of Lieutenant General W. T. Sherman.

HEADQUARTERS
MILITARY DIVISION OF THE MISSOURI,
ST. LOUIS, MISSOURI,
November 5, 1866.

GENERAL: On my return from a two months' tour on the plains, I had the honor to receive the letter from your headquarters of October 3, 1866, calling for a report of the operations of the troops of my command during the past year. Having in the mean time been called to Washington, and now again being under orders that will compel my departure to-morrow, I am forced to slight the task.

Upon the close of the great war of the rebellion, June 27, 1865, the whole territory of the United States was divided into five great military divisions, of which that styled the military division of the Mississippi fell to my share. It was composed of the department of the Ohio, Major General Ord commanding; the department of the Missouri, Major General Pope commanding, and the department of Arkansas, Major General J. J. Reynolds commanding. The first business that demanded our attention was the disbandment of the vast armies that had been formed in the war, and the reduction of the depots of accumulated stores. This progressed with great rapidity under the orders of the War Department; but, still, on the 31st of October, 1865, there remained in service 1,487 commissioned officers, and 25,487 enlisted men. They were composed of a small proportion of the old Army, and of volunteers who had been enlisted for the war and who claimed their discharge; but they were stationed in remote districts where they could not be replaced during the winter season, and we had no regular troops available for the purpose. Still the reduction of all irregular troops was pushed as fast as the season would permit, even at the risk of public property; so that by the 31st of October, 1866, the aggregate troops in the military division was reported 578 commissioned officers and 13,953 enlisted men.

By general orders of the War Department of August 6, 1866, an entire change in the territorial commands was made. This military division became that of the Missouri. The department of the Ohio was taken out entirely, and the territory lying west of the Mississippi and east of the Rocky mountains was divided into four departments, namely: department of Dakota, Major General Terry commanding; department of the Platte, Major General Cooke commanding; department of the Missouri, Major General Hancock commanding, and department of the Arkansas, Major General Ord commanding. This remains the case at this time, and as all irregular troops have been discharged, I have distributed the regular troops as follows:

Department of Dakota: the tenth, thirteenth, twenty-second, and thirty-first regiments of infantry, and two hundred Indian scouts.

Department of the Platte: battery C, third artillery, second regiment cavalry, the eighteenth, twenty-seventh, and thirty-sixth regiments of infantry, and two hundred Indian scouts.

Department of the Missouri; battery B, fourth artillery, third and seventh regiments of cavalry, eight companies tenth cavalry, (colored,) the third, fifth, thirty-seventh, thirty-eighth (colored) regiments of infantry, and one hundred and fifty Indian scouts.

Department of the Arkansas: battery B, fifth artillery, four companies tenth cavalry, (colored,) nineteenth and twenty-eighth regiments of infantry, and fifty Indian scouts.

This distribution of troops was made rather with a view to the future than to the immediate condition of affairs, and when these regiments are fully organized, armed, and instructed, I think they will secure the general peace and security of the country, and of the national interests intrusted to my keeping. The act of Congress providing the new military peace establishment passed at so late a date that we could hardly expect the new troops to be ready this year; but as much progress has been made in the enlistment and organization of the new regiments as could have been expected.

In order to an understanding of the great military problem to be solved, I must state in general terms that this military division embraces the vast region from the Mississippi river to the Rocky mountains, of an average breadth (east and west) of one thousand three hundred and fifty miles, and length (north and south) of over one thousand miles, namely, from the south border of New Mexico to the British line. On the east are the fertile and rapidly improving States of Minnesota, Iowa, Missouri, and Arkansas. Immediately on the west are the Territories and States of Dakota, Nebraska, Kansas, and the Indian Territory. The land on this eastern border is fertile and well adapted to settlement; but their western parts are a vast prairie, with good grasses, but generally devoid of trees or minerals, are subject to droughts, and are not inviting to settlers. Next in order are the mountainous Territories of Montana, Utah, Colorado, and New Mexico, composed of high plateaus and mountains, containing minerals of every kind, with forests of timber and numerous valleys susceptible of high cultivation, either by means of the ordinary rains, or the more certain system of irrigation that has been begun within a comparatively recent period, and has been pushed with an energy and success that promises the best results. These new and mountain Territories present a most interesting feature in our future development as a nation, and are, in my judgment, worthy the liberal and fostering care of the General Government. Between these mountain Territories and those of the river border lie the great plains of America, which have been well mapped and described by the hundreds of explorers that have traversed them from the time of the expeditions of Pike, and Lewis and Clark, as early as 1803, until the present moment. These plains can never be cultivated like Illinois, never be filled with inhabitants capable of self-government and self-defense as against Indians and marauders, but at best can become a vast pasture-field, open and free to all for the rearing of herds of horses, mules, cattle, and sheep. The mountain Territories seem to be more rapidly improving and assuming a condition of self-protection and defense, because the people can acquire fixed habitations, and their property is generally grouped in valleys of some extent, or in localities of mines capable of sustaining a people strong enough to guard themselves against the predatory bands of nomadic Indians. Still they occupy at this time an isolated position, presenting a thinly-settled frontier in every direction, with a restless people branching out in search of a better place, or of better mines. To defend them perfectly is an utter impossibility, and all we can do is to aid the people in self-defense, until in time they can take care of themselves, and to make the roads by which they travel or bring their stores from the older parts of our country as safe as the case admits of.

This brings me to the consideration of the question of the Indians, who, in nomadic and predatory bands, infest the whole country described, sometimes in one place and then in another. These Indians are universally, by the people of our frontier and of our isolated Territories, regarded as hostile, and we, the military, charged with a general protection of the infant settlements and long routes of travel, have to dispose our troops and act as though they were hostile; while by the laws of Congress, and the acts of our executive authorities, these Indians are construed as under the guardianship and protection of the General Government, through civilian agents. This whole subject has heretofore been so ably reported on by General Pope and others, well qualified to judge, that I will not here renew the discussion, but merely state as the result of my own judgment that the entire management of the Indians should be controlled by the military authorities, and that the commanding officers of the troops should have, not only the surveillance of these Indians, but should supervise and control the disbursement of moneys and distribution of presents to the tribes under past and future treaties. Indians do not read, and only know of our power and strength by what they see, and they always look to the man who commands soldiers as the representative of our Government. The complaints of short payment by the agents are universal, and the Indians themselves would be more likely to receive the ample annuities appropriated by Congress if the agents were required to make the semi-annual payments subject to the inspection and control of the military commanders, who, as a rule, are not so liable to be corrupted by the chances of gain and peculation as temporary appointees.

The Indians who have heretofore been located on reservations, such as the Wyandotts, Shawnees, Pottawatomies, Pawnees, Cherokees, Choctaws, Creeks, &c., have given little or no trouble the last year, and do not come within our supervision more than our own people. But the wandering Sioux, who rove from Minnesota to Montana, and down as far as the Arkansas, have done acts of predatory hostility almost impossible to foresee or to prevent. In like manner the Arapahoes and Cheyennes, Kiowas, Comanches and Apaches, Navajoes and Utes, though supposed to be restricted to reservations, will not settle down, but they roam according to their habits, over the vast plains, and they too have done acts of hostility, though the old men and chiefs of the tribes deny the acts altogether, or charge them on their young men, who, when absent on the hunt, are beyond their control.

I propose the coming year, (with your consent, and with that of the Secretary of the Interior, in whose control these Indians are supposed to be,) to restrict the Sioux north of the Platte, west of the Missouri river, and east of the new road to Montana which starts from Laramie for Virginia City by way of Forts Reno, Philip Kearney, C. F. Smith, &c. All Sioux found outside of these limits without a written pass from some military commander, defining clearly their object, should be dealt with summarily. In like manner I would restrict the Arapahoes, Cheyennes, Comanches, Kiowas, Apaches, and Navajoes south of the Arkansas and east of Fort Union. This would leave for our people exclusively the use of the wide belt,

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east and west, between the Platte and the Arkansas, in which lie the two great railroads, and over which passes the bulk of travel to the mountain Territories. As long as these Indians can hunt the buffalo and antelope within the described limits we will have the depredations of last summer, and, worse yet, the exaggerations of danger raised by our own people, often for a very base purpose. It is our duty, and it shall be my study, to make the progress of construction of the great Pacific railways that lay in this belt of country as safe as possible, as also to protect the stage and telegraph lines against any hostile bands, but they are so long that to guard them perfectly is an impossibility, unless we can restrict the Indians as herein stated. I beg you will submit this proposition to the honorable Secretary of the Interior, that we may know that we do not violate some one of the solemn treaties made with these Indians, who are very captious, and claim to the very letter the execution on our part of those treaties, the obligation of which they seem to comprehend perfectly.

In the department of Dakota I propose that General Terry shall make the Missouri river as safe to boats as possible, and that he shall open and protect the new route from Minnesota to Montana, and afford the stages and wagons that travel that long and exposed route all the assistance in his power.

In the department of the Platte I propose that General Cooke shall continue to cover the building and engineering operations of the Pacific railway that is under construction up the Platte, and has accomplished two hundred and seventy-five miles of road, substantially, this year; that he shall next year complete the wagon road from Fort Laramie to Virginia City, which the Indians give notice they will resist. They represent it as passing through the only remaining hunting-grounds they have; but this road is necessary to Montana, and must be finished and made safe. It is on this road that we have encountered most trouble this year, and the Indians have killed Lieutenant Daniels, eighteenth infantry, twenty-four soldiers, and about twenty citizens connected with trains. All these deaths must be avenged next year. By reason of the discharge of all volunteers, and the late period at which we were provided a regular Army, we were too weak to attempt it this year, and must do so the next.

In the department of the Missouri General Hancock is charged with the protection of the Smoky Hill and Arkansas routes, and of the exposed settlements of Colorado and New Mexico. This is a most difficult problem. He will, of course, continue to give every assistance to the construction of the Union Pacific railway, now done to Fort Riley, and under contract for two hundred and fifty miles beyond; and he will do all that is possible to encourage and protect the settlements on the tributaries of the Upper Arkansas and along the eastern base of the Rocky mountains. These are most important in a military sense, and they hold out the promise of a country that can now partially, and will soon be able to feed the men and horses needed in that hitherto desolate region at reasonable prices. Denver is already an important city, and the valleys of the Cache-la-Poudre, Thompson's creek, Boulder, Fontaine-qui-bouille, Huerfano and Purgatoire already present beautiful farms, and will, with some assistance and protection, soon be able to defend themselves as against any band of Indians likely to threaten them. But from all I can learn, New Mexico does not hold out the same hopes. It has been settled longer than Ohio, and yet remains poor and exposed, with but a thin line of fields along the banks of the Rio Grande, liable at all times to be swept by the inroads of the nomad Indians that surround it. The whole Territory seems a pastoral land, but not fit for cultivation. The mines undeveloped are supposed to be very valuable, but as yet remain mostly in a state of nature. We have held this Territory since 1846, twenty years, at a cost to the national Treasury of full $100,000,000, and I doubt if it will ever reimburse to the country a tithe of that sum. The entire population may be assumed at a hundred thousand, and the minimum force required there will not fall much short of two thousand five hundred men, which should be mostly of cavalry. Much of the very food consumed by men and horses has to be hauled over a thousand miles, at a cost of fifteen cents a pound, and the cost of every man will average $1,000 a year. General Carleton, who commands there, is thoroughly conversant with all its history and interests, and seems alive to his obligations to the General Government. With the consent of the War Department he has collected as prisoners of war the hostile Navajoes and Apaches to the number of 8,793 men, women, and children, on a reservation forty miles square, at the Bosque Redondo, (Fort Sumner;) and General Haines, my chief commissary, reports the cost of feeding them alone at from $60,000 to $70,000 a month. This is done on the supposition that it costs less to feed than fight them.

In this connection I send herewith a most full and complete report by General Carleton, of date October 17, 1866, called for by me during my recent tour. I invite your special attention to the papers indorsed by him, giving the abstract of the Indian scouts for the years 1863 and 1864; and I infer these fights have been much less frequent since he has collected the hostile Indians on the reserve. You will observe, also, that his calculation is that the Indians will soon be self-supporting. I hope so, for surely we cannot afford to feed them at the present rate without asking a special appropriation of Congress. I also here subjoin the most valuable and comprehensive report of General Pope on the same matters, of date August 13, 1866, and think that his views are entitled to very great weight and consideration. I think these Navajoes and Apaches, the Cheyennes and Arapahoes, with the Kiowas, could probably be got to reservations near the Cherokees and Choctaws; but between them and the Utes and the Sioux there is a traditional hereditary war that cannot be reconciled in one generation. They will not live together; and, indeed, while by feeding the Indians we may keep some quiet, others will be as hard to keep to their reservations as the wild buffaloes. After the next year's experience I hope to be able to advise some more specific measures than are embraced herein.

In the department of Arkansas General J. J. Reynolds has managed matters so quietly and so skillfully that we have not had a particle of trouble. In matters connected with the freed negroes he was admirably seconded by the commissioner, General Sprague, a most accomplished soldier and gentleman. I feel assured that General Ord, who has recently succeeded General Reynolds, will continue in that department to maintain absolute peace, and that plenty and prosperity will soon repay the labors of the industrious inhabitants. The Indians to the west of Arkansas are reported as more nearly approaching civilization than any Indians ever did on this continent. It is worthy an effort on our part to endeavor to spread their influence, and to attract to the same quarter all of the Plain Indians that can be induced to remove there, and by contact and example to learn to cultivate land and raise cattle and horses, by which many of the Choctaws and Chickasaws, Cherokees and Creeks have become quite wealthy and respectable.

Inasmuch as I am compelled to leave on distant duty, from which I may not return in time for the usual reports to Congress, I will call on the department commanders for subordinate reports, to be transmitted on receipt, and to be supplementary to this; and to them I must refer for more precise details of actual events during the past year.

I am, with great respect, your obedient servant,

W. T. SHERMAN,
Lieutenant General Commanding.

General JOHN A. RAWLINS, *Chief of Staff to General Grant, Commanding Armies of the United States, Washington, D. C.*

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FORT UNION, NEW MEXICO, *August* 11, 1866.

DEAR GENERAL: I have just returned to this place from an inspection of this Territory, as far as I had the time to make it, and as far as I think it was necessary, and I shall leave here for Fort Leavenworth on the 15th instant. In order that you may understand fully the condition of affairs as it appears to me, and the measures I have adopted to obviate or at least prepare for anticipated troubles, I will begin with my departure from Denver.

As I wrote you from that place on the 2d of July, the condition and feeling of the Ute Indians are unsatisfactory, not to say alarming. In addition to other causes of trouble, the southern bands of these Indians are suffering for food; many of them, indeed, are in a starving condition. Venison has become very scarce, and in the several attempts they have made to supply their actual necessities by hunting buffalo on the plains, they have been beaten in fight by their hereditary enemies, the Comanches, Kiowas, Cheyennes, and Arapahoes, and driven back to the mountains. The Indian department has refused to supply them even with the scantiest food, and, as you know, it is neither the business of the military, nor, in fact, as matters stand, is it in their power to supply these deficiencies. In this state of things, the Utes are compelled either to starve to death or supply their pressing wants by depredating upon the herds and flocks of the nearest settlements.. These depredations, although trifling in the quantity of stock taken, occasion, of course, great dissatisfaction and uneasiness among the settlers, and have led to various violent acts which will very soon culminate in open and extensive hostilities, unless something is done to remedy this deplorable condition of things.

The Indians are anxious to be at peace, as they have always been, but they must kill a few cattle and sheep now or then, or starve. For such acts I cannot consider them at war, nor authorize hostilities against them; neither can I prevent this small robbery they are committing, as I have no proper jurisdiction over treaty Indians at peace. I can neither pay the owners of stock thus appropriated, nor withhold compensation from the Indian annuities. The only measures I have the power to adopt consist in making such disposition of the force at my command as will cover as effectually as such a small force can the settlements most exposed to these Indians, and prevent the probability of anything like general hostilities, or a general devastation of the exposed Ute frontier.

If you will examine the maps, you will find south of the dividing ridge, between the Platte and the Arkansas, a number of considerable streams tributary to the latter river. Of these, the most important are the "Fontaine qui bouillir," the Upper Arkansas, the St. Charles, the Huerfano, and the Purgatory. Between Bent's old fort and the mountains the valleys of these streams are pretty thickly populated, for this region, and extensively cultivated. The northern extremity of these settlements is Colorado City, (a very small village,) at the head of the "Fontaine," and the most southern the little Mexican village of Trinidad, on the Purgatory, at the base of the Raton peak. The distance between these extreme points is about one hundred and thirty miles. In order to cover these settlements, as far as possible, with the small force disposable, I have ordered

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the establishment of a post of two cavalry companies and one infantry company on or near the Upper Huerfano, where it issues from the mountains. This post will be near to the several passes through which the Utes descend to the plains, and about midway between Colorado City and Trinidad. I think it will be sufficient to control the outlets from the mountains, and cover as far as it is practicable to do so this extensive range of unprotected settlements. In addition to this post, I shall instruct the commanding officer at Fort Lyon to patrol the valley of the Purgatory and Upper Arkansas, as high up as Pueblo, by a company of cavalry, at least once every month. These arrangements will probably prevent any extensive outbreak and general massacre, but are of course powerless to remedy the causes which are surely bringing about open hostilities with the Utes. I have extended the limits of the district of New Mexico to embrace that portion of Colorado south of Colorado City for convenience, and because the troops used on the Ute frontier come from this district, and are in more easy communication with Fort Union than with Laramie.

In like manner the settlements in southern Colorado, along the Rio Grande, west of the "Sange de Christo" mountains, (the San Luis valley,) and the settlements west of the Rio Grande between that river and the San Juan, are open to the depredations of the Utes, who have already done the same acts so loudly complained of east of the mountains.

Fort Garland, on the Rio Grande, at the head of the San Luis valley, is well placed to cover all the settlements along the Rio Grande toward the south. It is about eighty miles west of the new post to be established on the Upper Huerfano, and will contain a garrison of four companies. One hundred miles southeast of Garland, and near to or on the San Juan river, I have also directed a post to be established of four companies to protect the settlements in its rear and on the San Juan.

These three posts constitute a chain of posts along the southern and eastern frontier of the Ute country, and they will, I think, render a general Indian outbreak difficult.

Between the Utes in the north and the Apaches along the extreme southern frontier of New Mexico, there was but one tribe of Indians west of the Rio Grande, (the Navajoes.) These Indians, after an active campaign against them, were collected together by General Carleton and placed upon a reservation on the extreme eastern frontier of the Territory, where, controlled by the presence of a considerable military force, and subsisted by the Government, they are still held as prisoners of war.

Large fields have been opened, and the Indians are learning to work in them and at other occupations, so that it is hoped that in a year or two, if permitted to remain, they may be able to contribute largely to their own support. The retention of this reservation where it is, and under present conditions, I do not consider judicious even if it were practicable.

It is unnecessary to say that the past history of our relations with the Indians has made it clear that in the settlement of new Territories, the time must arrive when the Indians are so pressed upon by the whites at so many points, and under such circumstances, that the security neither of whites nor Indians is longer compatible with the wild life and wandering habits of the Indians. This unavoidable condition of things renders it necessary to restrict the Indian to certain limits, and to buy for the occupation of the white settlers the districts of country thus vacated by him. This necessity has given rise to the "reservation system," to which in the future, as in the past, all the Indians on the continent must be gradually subjected. The necessity and good policy of the reservation system are, I believe, generally, if not indeed unanimously admitted; but the location of these reservations and the conditions under which the Indians are to be placed upon them have given rise to differences of opinion which have greatly obstructed any satisfactory conclusion. In the earlier history of the country, the policy of locating these reservations in the country inhabited by the tribe of Indians concerned was adopted for the Indians of the northwestern States, including Ohio.

Without going into particulars of history too well known, it may be stated as the result of this policy of locating reservations, that after a long period of bloodshed and horror, during which the Indians were gradually driven from one reservation to another, the great tribes of Indians formerly occupying the region north of the Ohio and east of the Mississippi have been nearly exterminated, and the scattered and feeble remnants are now found distributed along the extreme western frontier of Kansas and Nebraska.

Of all the powerful and populous tribes which once inhabited the Northwest, but a few hundreds of hopeless and helpless stragglers remain. Of the history of the white settlers, the pioneers of emigration in the great States of the Northwest, it is unnecessary to speak. Such a record of nameless horrors, of gross inhumanity to whites and Indians, and of lavish and wasteful expenditure of public money, cannot at this day be read without astonishment and indignation. Such a process of extermination of both Indians and white men has never before been permitted to go on under the eyes of a Christian people, and it will long remain a reproach to this Government. Feeble, worn out, and dispirited as we find them to-day, these wretched remnants of the powerful tribes once famous in our history cannot yet be left in peace. Some of them have already been removed to the Indian country west of Arkansas, and the remainder will soon follow, and it is hoped that they may there be permitted to die in peace, and their names and tribe be forgotten. Very different was the history of the southern tribes and of the pioneers of Tennessee, Georgia, and other southern States. Warned, apparently, by the deplorable results of the policy pursued north of the Ohio river, the Government, in dealing with the southern tribes, so far modified the system of reservation as greatly to obviate most of the evil results which had marked its operation south of the Ohio.

An extensive district of country west of the Mississippi was selected as specially Indian territory, and the southern tribes—after some fruitless efforts to control them in their own country—were at once removed to it without undergoing the intermediate stages which had marked in blood the course of the northern tribes. Compare the condition of the two branches of the same race, now first brought together in this common territory. The southern tribes are still numerous and powerful, and, as far as Indians can be, they are prosperous and progressive.

It is needless to repeat what I have said of the condition of the wretched fragments of the great northern tribes. Contrast, too, the history of the white settlers of the States north and south of the Ohio. In these differences will be found the different results of a policy of Indian reservations located in a country claimed by the Indians, from which they must again and again be removed before the advance of white emigration, and a policy which at once separates the races and removes the Indian to a region selected for his sole occupation, and so remote from his original country that return is hopeless.

The foregoing remarks are simply introductory to a brief statement of the policy which I have so often urged upon the Government for the past three years, in letters to the Secretary of War, General Grant, and yourself.

As I have before said, the time inevitably comes in the history of the settlement of new Territories when it is necessary for the security of both whites and Indians that the Indians should be placed upon a reservation. That time has arrived in the case of several tribes of Indians within the limits of this department. It is understood to be the purpose of the Indian department to collect these tribes, and place them upon reservations in their own country. This process is merely a continuation of the policy which was pursued toward the Indians north of the Ohio, to which I have briefly referred, and must of necessity be attended with like results. It has been tried in Texas in quite recent times; it is being tried in New Mexico to-day under the most favorable conditions. In both cases it has worked precisely as our history might and should have taught us. Perhaps it will be well to detail briefly the course and results of this system.

An Indian tribe is collected together and placed upon a limited reservation in some part of the same territory; once there the Indian is partly subsisted by the Government, and partly subsists himself by hunting.

The Indian is thus left in his own country, every foot of which is familiar to him; he retains his arms and horses; he must of necessity be permitted to indulge to some extent in his wild life and wandering habits; he has nearly unrestricted access to the settlements upon which his depredations have been committed, and is nearly or quite free to maintain his intercourse with the wild tribes and to be subjected to all the influences of savage life. It is in human nature, too, that the Indian agent or the military commander placed in charge of a reservation of this kind should feel a pride in his administration, and in the good conduct of the Indians, and that he should be very unwilling to admit that depredations or outrages were committed by them. These reservations, therefore, soon become places of refuge for the Indian after he has murdered or robbed the white settlers. The advance of the white emigration presses more and more closely around the Indian reservations, and narrows the range of hunting-grounds of the Indian more and more, until each day makes it more difficult for him to supply himself with those articles of food which the Government does not give him. The herds and flocks of the settlers, and their property of every kind which the Indian covets, are daily brought more nearly within his reach, and temptingly displayed under his very eyes. The land upon which his reservation is located daily becomes more valuable by the growth of settlements around it, and is therefore daily more coveted by the whites, who, in the exposed settlements and loose state of society on the frontier, are prompt to redress any petty theft or wrong-doing by a bullet. The relentless hate occasioned by the remembrance of violence and outrage committed by these very Indians, makes it impossible for the whites to understand that "the Indian has any rights he is bound to respect." But one result can follow from such relations between whites and Indians: day by day the difficulties and broils increase; all crime committed in the whole country around is charged by the whites upon the Indians on these reservations, until, after outrages and murders on both sides, and great suffering both to whites and Indians, it is finally found absolutely necessary to remove the Indian to another reservation more remote, where, in time, the same causes produce the same results, until the Indian tribe is totally exterminated after something like the extermination of the early settlers. It would be difficult to devise a system which could work more wrong and inhumanity to both races. Our past history is conclusive on this subject. The necessity of placing Indians upon reservations as soon as their relations to white emigration endanger peace, is freely admitted. The question is, "Where shall such reservations be located, and under what conditions shall the Indians be placed upon them?" A correct answer to this question will go far to solve the Indian problem. There are several

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elements which enter into the solution of this question.

1. The Indian must be so placed that he can never again be brought into contact with white emigration, nor obstruct the settlement and development of the new Territories.

2. He ought to be placed where he can be subjected, under the most favorable conditions, to the influences of Christianity and civilization, and be taught to labor and to support himself.

3. As he must, for a time at least, be supported by the Government, he ought to be placed where provisions and other necessaries of life are cheapest.

4. He should be placed where the smallest possible military force would be needed to control him until he had learned to control himself.

5. He ought to be placed where sympathy and kindness are felt for his race, instead of relentless hostility; where society is established, and the laws thoroughly executed; where the great preponderance of the white population around him, and his security under the law, as well as his immediate and certain punishment for wrong-doing, would deprive him of the power, and, in time, of the inclination to indulge his savage propensities; where all intercourse with the wild Indians, and all power to indulge his wandering habits, would be taken from him; where, in fact, he would be surrounded only with the best influences, and could at least be made a harmless member of the community, if he could not be made a good citizen and good Christian.

It is manifest that not one of these conditions could be secured under a system which should keep the Indian in remote districts of country, in front of the white emigration and in contact with the very advance of the white settlers on one side, and with the wild tribes of Indians on the other.

The plan which I propose differs from that which seems to have been determined on by the Indian department, in this, that I propose to remove the Indians of New Mexico, Colorado, &c., to the East, instead of the West; toward that portion of country where food and other necessaries of life are cheapest, instead of where these things are most expensive; where the fewest troops, maintained at the least expense, would be needed; where the Indian could no longer be an obstacle to the settlement and development of the great mining regions, nor himself be subjected to that process of certain extermination which his obstruction to the advance of white emigration now renders inevitable, and where he could be placed under all the conditions most favorable to his welfare and security and to the safety of the frontier settlers.

To this plan it is objected that it is too grand in its proportions, and would be attended with too great expense ever to be executed. Let us examine this question.

It is needless to say that it is not proposed to accomplish all this in a year, or in ten, or even twenty years. There are, and will continue to be, wild tribes of Indians, whose existence in a wild state does not endanger the settlement of the country; with these tribes, for the present, it is not proposed to interfere. The tribes to whom it is proposed to apply this system of removal from time to time are precisely the tribes which the Indian department propose to begin to place upon reservations—those tribes which are now so closely in contact with the whites as to endanger both races.

It is also needless to say that the main difficulty consists in collecting these Indians together and putting them *en route* to a reservation. Up to this point the plan of the Indian department and that suggested by me are identical, as is also the expense; a comparison, therefore, only begins at this point. When once the Indians are collected and ready to move, is it more economical to establish them where food is most costly, and where every necessary of life is an expensive article of luxury? Where twice as many troops would be needed, maintained at four times the expense? Where the Indians would continue to depredate upon the people, and be subjected to the same process of extermination as before? Where they would obstruct the settlement of the country and jeopard the peace of the future? Is it really believed that the additional expense of transportation over a few hundred miles would not be many times overcome within a year or two by cheapness of food and decrease of military force? Is it really believed that a temporary arrangement, with all its evils, and, to say the least of it, partial security, can be better than a final and complete disposition of the Indians? Or is there some other reason for establishing and keeping up these unsatisfactory reservations at remote points and at enormous expense, not dictated by humanity, economy, or wisdom, and in opposition to the whole experience of the past?

I presume that I should not differ much, if at all, with the Indian department as to the time when the relations of an Indian tribe to the white emigrants rendered it necessary to place the Indians upon a reservation. I only propose, when that time arrives, we shall make a final and complete disposition of that tribe at least, and not resort to a temporary arrangement, which is attended with little but evil.

It may safely be left to such persons as the Government may select to determine the place where a reservation for any given tribe of Indians shall be established. Such places can be readily found along the Mississippi or Missouri. Only let the Government adopt some policy which secures an end to Indian troubles and massacres, however far in the future, and the details will readily be adjusted. Only let us have a final result, and not a temporary arrangement, which leaves the last state of the Indian and white man worse than the first.

In accordance with these views I consider it both wisdom and economy to remove the Navajo reservation to some point in the Indian Territory west of Arkansas. There is no doubt that the present disposition of these Indians is the best that could have been made at the time, and that their subjugation and establishment under the eye of a military force, where the Indian is taught to labor, and, as far as possible, is restricted to certain limits, reflect great credit upon the energy, good sense, and good management of General Carleton, who commands in this Territory; but, at the best, such an arrangement is temporary, and the time has now arrived (as indeed it existed as soon as these Indians were collected together) to remove them altogether beyond the limits of the Territory. General Carleton, at the time he established the Navajoes at this reservation, had not the power to carry them further away from their original country. He removed them as far as possible—to the extreme eastern boundary of the military department he then commanded—and could do no more.

The difficulties and quarrels, and the dissatisfaction on both sides, occasioned by a location of Indian reservations in the country of the Indians, and which I have sketched in some detail heretofore, are in full blast in New Mexico concerning this Navajo reservation, and nothing is heard except complaints of robbery and murder by Navajoes, which the Indians counterbalance by very similar charges against the Mexicans. The expense of feeding these Indians where they are is at least four times what it would be in the Indian Territory west of Arkansas, while twice as many troops are needed to guard them here as would be needed there.

In my judgment these Indians ought to be removed at the earliest moment. The cost of moving them would only be the expense of a train to haul the necessary subsistence for them to their place of destination—an expense which would be repaid many times to the Government by the decreased cost of feeding the Indians.

The various bands of Apache Indians, too, should be collected from time to time and removed to the same region.

The bands of Utes in Colorado and the northern part of New Mexico, as well as the Indians of the plains to the eastward, are in such relations with the whites that they too must be collected on reservations, or the communications between the mining regions and the agricultural districts along the Missouri which supply them with food will be strictly cut off, or so much interrupted as to occasion suffering, if not actual destitution. It is needless to say that there is no idea of doing all this at once. Time and patience are needed to complete these operations, but when once completed the matter is settled forever. Reservations for these Indians of Colorado can be readily secured along the Missouri river. Meantime we are obliged to take things as we find them, and to make such use of the military force as will obviate, as far as possible, the evil results of a system of Indian policy which to-day stands condemned by the whole history of the past. Indian wars, and massacres of both whites and Indians, must continue as long as the causes which occasion them remain in force, and as these causes of trouble are every day increasing with the increase of population, we must anticipate in the future an increase in the frequency and violence of Indian outbreaks.

I have established only one new post on the Apache frontier, and that is located near the head of the Mimbres river, about one hundred and fifty miles west of the Rio Grande. This post, with Fort Cummings at Cook Spring, Fort Selden on the Rio Grande, Fort Stanton on the Bonito river, between the Rio Grande and the Pecos, forms a line of posts covering the southern frontier of New Mexico from the Apache Indian.

Some of the posts hitherto established between the northern and southern line of posts I have kept up to protect the settlements against small raiding parties which might slip through the outer lines. Fort Union, Fort Bascom on the Canadian river, one hundred and fifty miles southeast of Union, cover the eastern frontier of New Mexico against the Comanches and other Indians of the plains, and will be garrisoned by six companies of cavalry, disposable for rapid movements on the plains to protect the routes to the Missouri river. With these dispositions of the troops assigned to New Mexico I think all the protection will be afforded which can be under the present system of Indian management.

The same force now engaged in affording this partial protection is entirely sufficient to effect the removal of the Indians from this Territory, as I have suggested, a removal alike demanded by humanity and common sense. A list of the posts, their exact location, and the garrison of each I will send to your office in St. Louis, as I presume you will not want it in your journey. I also send to your headquarters much detailed information concerning the supply of the posts in this Territory, and the unnecessary additional expense occasioned by the bad practice which has grown up during the war of making all contracts at a great distance from the country to be supplied, under the direction of officers totally unacquainted with the resources, people, manner of doing business, prices, or anything else in the districts in question, and utterly without experience or knowledge of service on the frontier. I will make a special report to you on the subject when you return, and meantime I beg that you will inquire into the workings of this system of concentrating the management of contracts and supplies at Washington or other places remote from the districts to be supplied, and of giving direct orders from the staff bureaus in Washington to subordinate

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officers concerning the details of service in this department, without regard to the orders on the same subject given by the department commander, and, indeed, without any notification to him. In your present journey you will have the opportunity to see how injuriously to the public interests and to proper discipline or performance of duty such a system works, and how impossible it is for the department commander to be responsible for the expenditures or in fact the administration in any respect of his department. This special report will be ready for you when you return, and can be corroborated by your own observations.

In conclusion, I submit a few general observations concerning Colorado and New Mexico, with which for the present I will end a letter already much longer than I intended to make it, or perhaps than was necessary.

Colorado and the routes east from the mining regions need more troops. There ought to be a post on the Middle Park, west of Central City, to cover the mining population from the Ute Indians. I should suppose that for the present one company of infantry and two of cavalry would be sufficient. It is also desirable to establish a post on the Smoky Hill route, between Pond Creek and Denver, near Beaver Station. I will endeavor to detach sufficient force for this purpose from Lyon and Pond Creek, although I fear there are not enough men at those posts for the purpose. I have ordered one company of the eighteenth United States infantry to take post near Denver for escort to trains and other purposes. The land for this force has been given by the citizens free of expense, and the necessary lumber for quarters can be furnished by the quartermaster at Denver from buildings now unoccupied and owned by the Government.

The necessity of keeping an office of the quartermaster and subsistance department at Denver, as suggested to you in my letter of July 2, you will see for yourself during your visit.

For the garrison of Fort Garland, by far the most important post on the Ute frontier, I have authorized the retention until their term of service expires of four companies of New Mexican volunteers, to be consolidated from other companies of the regiment under the command of Kit Carson, who is now the colonel, but who will be reduced to lieutenant colonel. I need not say that Carson is the best man in this country to control these Indians and to prevent war if it can be done. He is personally known to and liked by every Indian of the bands likely to make trouble, and the men he will retain are perfectly familiar with the Indians and the country. I think this battalion should be permanently retained for service on the Ute frontier. I shall consider the Government peculiarly fortunate if war with the Utes can be avoided under the provoking condition of things which I have referred to in the first part of this letter. The damage this tribe could do to the widely-scattered and exposed settlements in southern Colorado and New Mexico, on both sides of the mountains, is incalculable, and we have no sufficient force to prevent such depredations. Peace with these Indians is of all things desirable, and no man is so certain to insure it as Kit Carson.

I must again state to you that I do not consider the treaties lately made with the Sioux, Cheyennes, Arapahoes, Kiowas, and Comanches worth the paper they are written on, for reasons which I have given you so often that you must be sick of hearing them.

I have myself no doubt that hostilities will again break out on the Platte, the Smoky Hill, and the Arkansas rivers before the beginning of winter, and I have accordingly made all the arrangements possible with the small force at my command in this view; what can be done will certainly be done to protect the overland routes, but I fear without much success in case of a general outbreak. I will carefully instruct the posts along the Arkansas on my return, and will place them in the best possible condition for the active service into which they may any day be called.

Very respectfully, yours,
JOHN POPE, *Major General.*
Major General W. T. SHERMAN,
Denver, Colorado.

Report of Major General H. W. Halleck.

HEADQUARTERS
MILITARY DIVISION OF THE PACIFIC,
SAN FRANCISCO, CALIFORNIA,
October 18, 1866.

GENERAL: In accordance with the instructions of General Grant, I send herewith the reports of Major Generals Steele and McDowell of the military operations in their respective departments during the past year.

It will be seen from the report of General Steele that the Indian hostilities have been mostly confined to that portion of Oregon and Idaho surrounding the valley of Malheur lake and on the upper waters of the Owyhee river, as designated on the map forwarded with my report of August. Most of the Indian depredations in northwestern California and northern Nevada have been committed by the same hostile tribes, namely, the Bannacks, Pi-Utes, and Snakes. The hostility of these Indians is no new thing; they have been at war with the whites, murdering and robbing whenever they could get an opportunity for the last twenty years. They have no fixed habitations, but are continually changing their location in various parts of that extensive country, most of which is mountainous and almost inaccessible for want of roads, and portions of it entirely barren. The traveled roads most molested are those from Star City, Nevada, and Susanville, California, to Ruby City, Idaho, and from the Dalles, Oregon, to Boisé City, Idaho. General Steele has two companies of infantry and one of cavalry on the Cañon City road, and I hope to be able to send him two or three other companies of cavalry in the course of a week or two. On the mail route from Chico to Idaho there are four one-company posts, namely, Camp McKee, on Mud lake, Camp McGarry, at Summit lake, Camp C. F. Smith, and Camp Lyon. On the mail route from Star City to Idaho we have a post at the Three Forks of the Owyhee, one at Camp McDermitt, and a new one is now being established in Paradise Valley. Although these will serve to keep the Indians in check they cannot entirely prevent their depredations, for small parties occasionally conceal themselves on the roads, or visit isolated ranchos for the purpose of murder and plunder. Hostilities will not entirely cease till these Indians are killed or captured. It will be seen from the reports that much has been done during the past year to break up these savages, and I think that still more will be accomplished during the coming winter.

In northwestern California the Indians have been generally quiet, and the posts at Camps Wright, Gaston, and Lincoln are kept up on account of the Indian reservations in the vicinity of each. Since my report of August 4 the post on Humboldt bay has been broken up. Camps Bidwell and Warner and Fort Klamath are in the hostile Indian country, and convenient for sending out scouting parties.

Camp Independence, on Owens river, in southeastern California, was a two-company post, but General McDowell has recently sent detachments from that place to form temporary camps in Nevada, near the White mountain range, to protect the mining settlements there. No serious difficulties have yet occurred in that part of the country.

In regard to military operations in the Territory of Arizona, the accompanying report of Major General McDowell is so full as to require but few remarks by me. I respectfully call your attention to what is said in regard to the want of company and regimental officers, and also to the remarks on the value of the native troops there. It is greatly to be regretted that they could not be retained in service. The experiment of cultivating a Government farm near Fort McDowell has been a complete success, and will serve to encourage agricultural settlements in that part of the country.

The Apache is a bitter enemy to all white settlers, having been at war with them for the last half century. There is no hope of peace in that country till he is destroyed or thoroughly conquered. His style of warfare is simply that of murder and robbery. As these Indians are scattered in small bands over an immense extent of country, very sparsely populated, and with few good roads, they must be hunted and exterminated. They will not fight except at a great advantage, and with the certainty of plunder. The murder and robbery of travelers and isolated settlements, and the stealing of herds, constitute their principal occupation, and furnish them with the means of their precarious subsistence.

Very respectfully, your obedient servant,
H. W. HALLECK,
Major General Commanding.
Brevet Major General E. D. TOWNSEND, *Assistant Adjutant General, Washington, D. C.*

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA,
October 18, 1866.

SIR: I have to report as follows in compliance with instructions from division headquarters of October 4, 1866:

DISTRICT OF HUMBOLDT.

This district comprises the northern coast counties of California. It is inaccessible to wagons, and is reached from the other settled portions of California either by trail over the mountains, or by sea.

During the rebellion, and prior to my coming out, an extensive Indian war broke out in this district, and a large force of volunteers—some of them raised especially for the service—were occupied in waging it. Last year a large body of Indian prisoners who had been made in the course of the hostilities, and had been kept on the sand-spit opposite Fort Humboldt, were sent to the "Round Valley reservation."

The volunteers were all mustered out, and their places supplied by the regular forces.

Everything is at this time, and has been for some time past, quiet in the district, and no immediate trouble is anticipated unless the whites should, as they have been too apt to do, provoke it. When the company of artillery now at Fort Humboldt leaves that station, and it becomes reduced to a mere depot, there will be but two posts maintained in the district—one of one company of the ninth infantry at Camp Lincoln, not far from Crescent City, near the "Smith River Indian reservation," and one of two companies of the ninth infantry at Fort Gaston, on the Trinity, and the "Hoopa Valley Indian reservation."

DISTRICT OF CALIFORNIA.

This district was broken up last March. It occupied that part of California north of Tejon Pass, and not included in the district of Humboldt. It was organized during the rebellion, and with reference to the disloyal inhabitants. On the return of peace the posts and stations were reduced as rapidly as possible, and there remain in it now, outside the small peace garrisons, in the permanent works in the harbor of San Francisco, but three posts; one of one company of the ninth infantry at the "Round Valley Indian reservation," Mendocino county; one of two companies, one of the ninth infantry, and one of the first cavalry, at Camp Bidwell, in Surprise valley, to protect the frontier settlements from the hostile Indians of northern Nevada and southern Oregon, and guard one of the routes from the Sacramento river, in California, to Idaho. This post also

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furnishes a small guard for the settlements near Fort Crook. The third post is at Camp Independence, Owens river valley, beyond the Sierra Nevada, and consists of a company of the ninth infantry, and one of the first cavalry.

During the first years of the war the Indians were very hostile in this section of the country, but were finally overpowered, and a large number of them were carried off to the "Tule River Farm Indian reservation," near Visalia. The Indians from Owens river valley were not contented at the reservation. The hot climate and low land being so different from their own, and the larger part of them having fled from it back to their old haunts, an attempt was made last year to again get them back, but without success; they fled to the mountains.

The establishment of Camp Independence has given protection to settlers established in the valley, and I do not doubt they will soon raise all the supplies required for the troops. It already supplies all the grain, hay, and beef.

I have given orders for establishing an outpost from Camp Independence, at or beyond Silver Peak, in Nevada, to protect the settlements in the southern part of that State.

The difficulty here, as it is everywhere else in this country, is with the whites more than the Indians. Could the former be placed under some restraint, and not suffered to shoot and maltreat the natives with utter impunity, we would have no trouble whatever. In the northern part of the valley the Indians work in the mines and on the farms, and they would do so in the southern portion, below the camp, but a few of the settlers who believe in shooting every Indian on sight prevent it, and force them to remain in the mountains, whence they from time to time come forth to steal that they may not starve.

There are tribes of Indians living to the east and southeast of Owens river that have as yet had but little to do with the whites, and it is mostly by these that the principal depredations have been committed. The force now at Camp Independence will be sufficient, it is believed, to protect all the settlements in that quarter.

The posts in the harbor of San Francisco have been reduced to small skeleton garrisons of the second artillery in the principal forts; one company at Fort Point, two companies at Alcatras, and one company at Point San José, with the two battery companies of the regiment at the Presidio.

The stations at Monterey, Benicia barracks, Camps Union, near Sacramento, and Babbitt, near Visalia, Camp Reynolds, on Angel Island, and Fort Crook, (except a squad of men attached there from Camp Bidwell,) have all been abandoned.

There is, I think, no danger to any of the settlements in the late district of California; the only apprehensions are from the settlers in the vicinity of Fort Reading.

DISTRICT OF SOUTHERN CALIFORNIA.

This district was also discontinued last March. The post at San Diego has been broken up, and that at Drum barracks and Wilmington depot, on the execution of orders recently issued, will be reduced to a regimental quartermaster and a squad of fifteen men.

One company is all that now remains in this late district. This company is stationed in two detachments, one at Drum barracks, one at Camp Cady; existing orders will further subdivide it into three detachments, two as above, and a third at Rock Springs.

The detachments at Rock Springs and Camp Cady are for the purpose of protecting that part of the road from Los Angeles to Prescott, Arizona, which lies between the Cajon Pass and Fort Mojave. This is the only United States mail road from California to Arizona, and has been much infested by roving parties of Indians, who have given much uneasiness and inflicted considerable injury on the settlers and travelers.

The young officer stationed at Camp Cady attempted to chastise a party which passed near his station in open day, and was badly defeated, with several of his men killed and wounded. He has asked for a court of inquiry, which will be granted as soon as officers can be had from which to constitute it.

The establishment of a second station on the road, as above mentioned, will give it all the protection the present force will admit of.

The other parts of this section of the country are quiet.

DISTRICT OF NEVADA.

The volunteers were all relieved early from this district, and it now has two small posts of a company each at Churchill barracks and Camp Ruby, for the protection of that part of the great "overland mail route" from the Pacific to the Atlantic which lies within my department, and two stations for the protection of the roads to Idaho and southern Oregon, one of a company of cavalry at Camp McDermitt, for the road from Virginia City through Star City and Queen's river valley, and one at Camp McGarry, of a company of the ninth infantry, and one of the first cavalry for the protection of the Idaho mail road from Chico through Susanville, Pueblo, &c., to the Owyhee.

There have been within the last two years several Indian combats in the northern part of Nevada, in the vicinity of the routes which the posts of Camps McGarry and McDermitt are intended to protect, and many Indians have been killed and captured and driven away from the settlements. The orders from division headquarters are now being carried into effect for the establishment of a camp of a company of cavalry at Paradise Valley.

Though there were during the summer great complaints of want of protection near Paradise Valley, and of depredations committed there, there have been no serious disturbances to record, and it is believed the company now under orders will give all the additional force necessary in this part of Nevada.

Since the discontinuance of the district of California, the post of Camp Bidwell has been transferred to the district of Nevada, and, as the operations of the troops in Nevada have freed the central part of the State from hostile Indians, and driven the larger part to the north, the headquarters of the district have been changed from Churchill barracks to Camp McGarry, as a more central point with respect to future movements against those who continue to give us trouble.

DISTRICT OF ARIZONA.

The regular troops in this district consist of the first and third battalions of the fourteenth infantry, four companies of the first United States cavalry, and one company of the second United States artillery. Until very recently there were also several companies and fragments of companies of Arizona volunteers. The latter have been ordered to be mustered out on the expiration of their year's term of service, and most, if not all, have by this time been discharged. They were the most effective troops for the service in that country that we have had, and have done more than all the others together. In fact, it is not too much to say that they only within the last year have inflicted any considerable injury on the hostile Apaches. The regular troops, used to a different kind of warfare, unused to the kind of life necessary to obtain any results against the Indians in Arizona, seem to acquire very slowly the experience necessary to enable them to be effective for offensive operations.

For a more complete description of Arizona Territory, and account of the disposition of the Indian tribes, &c., than can be given in this paper, I beg to refer to my special report, dated March 23, 1866, made on my return from a tour of inspection throughout the district. Since the date of that report the post of San Diego has been abandoned, and the company stationed there transferred to Fort Yuma. This, with a company of the fourteenth infantry, now constitute the garrison of the latter place, which, together with the company at Fort Mojave, are expected to keep the peace along the line of the Colorado river, and furnish guards for the supplies and cattle that go therefrom into the interior.

There has been a good deal of uneasiness within the year at several points along the river, particularly at La Pas, the mouth of Bill Williams's fork, Hardyville, and El Dorado cañon, and it has been impossible to furnish the protection asked for, except to a limited extent. The hostility existing between the River Indians and certain bands of the Pi-Utes and Chemehuevis has caused alarm to the white inhabitants who have been, and are, friendly to the Mojaves. The killing of the head chief, Waba Yuma, of Hualapais, by some whites on the road from Hardyville and Prescott, has also unsettled the good relations heretofore existing with those Indians.

The hostilities on the road from Camp Cady to Fort Mojave with the Pi-Utes seem to have extended their effects to the Indians of that or kindred tribes further to the north, and there have been offensive movements against the important mining settlements at El Dorado cañon. This has given alarm to those engaged in the enterprise of opening a line of trade by way of the Colorado river to Utah, and they fear their boat with its supplies may be in danger. At their repeated and earnest request I have ordered a guard of ten men to be detached from Fort Mojave, to be stationed for sixty days in El Dorado cañon. This, I since learn, will take every man, not on special duty, away from the post, the others being absent, escorting cattle to Fort Whipple.

The Indians, who have heretofore been quiet on the road from La Pas to Prescott, and have confined themselves to limits prescribed by the military commander and Indian superintendent, were found in large numbers beyond their limits in Skull valley. It is claimed they were there with hostile intent, and that they attacked a private train under escort of some Arizona volunteers. The result was an engagement, in which a large number of Indians were killed and wounded; it remains to be seen whether enough to subdue the tribe, or only to reflame it.

The Arizona volunteers, heretofore stationed in Skull valley, having been mustered out of service, their place has been supplied by the company of the fourteenth infantry from Date Creek, and the stations at the latter place and at Wickenburg have been abandoned.

The post of Camp Lincoln, on the Upper Verde, has proved so favorable for operations against the Apaches that it will be maintained by a company of the fourteenth infantry, though the force, both in quality (for this kind of service) and quantity, will not replace the volunteers whose places they take.

The post at Fort Whipple, near Prescott, will be kept up for the present.

The post of Fort McDowell, on the Lower Verde, now occupied by three companies of the fourteenth infantry and one company of the first cavalry, has, together with the post of Camp Lincoln, inflicted so severe a chastisement in repeated combats with the Apaches that they have compelled them to beg for peace. This, heretofore, has been offered them on condition they would go to the place reserved for Indian prisoners at Fort Goodwin. But they represent that they are at enmity with the Fort Goodwin bands, and cannot live with them.

I am not sure they are sincere in their desire for peace; but as they may be, and as I have now lost the force most competent to further chastise them, I have given instructions to grant them peace on the terms proposed to them by the late excellent commander of Fort McDowell, which will provide for their coming in as prisoners, in the vicinity of that station, and there plant and keep the peace with the whites and their allies, the Gila Indians, the Pimas, and Maricopas.

The post of Fort Grant, (two companies of the fourteenth infantry,) at the mouth of the

San Pedro, has been recently destroyed by the floods of the river, and the station has been removed to the site of old Fort Breckinridge. I hope soon to change it to the heart of the Apache country, where the climate may prove more healthy, and there is an abundance of wood and grass, as well as pure mountain water.

The post of Fort Goodwin, occupied by three companies of the fourteenth infantry, is the place I have assigned for such of the Apaches as have surrendered themselves, and claim to wish to live in peace with the whites. At times several hundred have been on the reservation, but the difficulty of at all times having supplies for them has made it necessary to relax the rule for their constant presence, that they might lay in a store of mescal, &c., for food. This may have been taken advantage of in some instances to escape and commit depredations on the settlements. I do not expect in one season to reform a people whose whole life has been one of plunder, but I have no doubt that a combined system of kindness, when they do well, and chastisement when they do ill, will have the same effect on Apaches as it has on other men, as well as animals.

Owing to sickness in the valley, the small post on the San Pedro, above Fort Grant, has been abandoned.

The camp on the Upper San Pedro, near Barbecoma, is still maintained as a protection for the settlements, as are also the stations at Fort Bowie and Tucson. The companies stationed at Fort Mason, (so called,) on the upper Santa Cruz, near Calabasas, have been temporarily removed (by the district commander, on account of sickness) to the vicinity of old Fort Buchanan, whether to any good purpose remains to be seen.

The cost of transportation is so great into Arizona that I have felt it good economy to do everything possible to raise, and stimulate others to raise, supplies in the country.

I am glad to say that the experiment of a Government farm on a large scale in the valley of the Verde, at Fort McDowell, has proved a success, and an abundant crop of corn and sorghum is about to be harvested, to be followed by a second crop of small grain.

Like results are expected from the farm ordered to be opened at Fort Goodwin, so I hope that next year will show a reduction in the cost of maintaining the troops, to be followed by reductions in every succeeding year, for there is an abundance of good arable land in the country to support a large population.

A great drawback to the service in the department is the lack of officers, both staff and regimental.

There should be at least four officers of the quartermaster's department in Arizona alone. There are but two there now, and they belong to the volunteer service and will undoubtedly soon be mustered out.

The lack of company officers is such that at times companies are without a commissioned officer. At one time a post of two companies in Arizona had only one officer, a subaltern, to command the post, the two companies, and do the duty of quartermaster and commissary.

Under authority given me from division headquarters to raise a hundred "Indian scouts," I have directed the district commander in Arizona to enlist seventy Pimos and Maricopas and twenty tame Apaches.

I send herewith reports of the combats with the Indians in the department since the beginning of last year, and a tabular statement of the changes in the stations of troops since July, 1865.

I have the honor to be, very respectfully, your obedient servant,

IRVIN McDOWELL,
Brev. Maj. Gen., Com'g Dep't.

Brev. Lieut. Col. R. N. SCOTT, *Ass't Adjutant General, Headquarters Military Division of the Pacific, San Francisco, California.*

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
FORT VANCOUVER, W. T., *October*, 1866.

COLONEL: Pursuant to instructions by telegram from the major general commanding the division, I have the honor to report the military operations in this department during the past year, so far as information can be obtained from the records at department headquarters. It is believed that officers have not, in all instances, forwarded reports of their scouts among the Indians. I assumed command of the department on the 24th of February, 1866. The command was composed of one battalion fourteenth United States infantry, seven hundred and ninety-three men, seven companies of volunteer infantry, five hundred and fifty-three men, and four companies of volunteer cavalry, three hundred and nineteen men, besides three companies of artillery, two occupying permanent works at the mouth of the Columbia river, and the other at San Juan Island. The inclosed list will show the strength of the command, and of that at each station. The troops stationed in the Indian country were divided up into small detachments, which were so far separated from each other that they were scarcely able to defend themselves against the attacks of hostile bands. When these detachments were divided up, and scouting parties sent out, there was more or less danger that the Indians would capture the camps before their return. In some instances scouting parties were attacked, had to fight their way back to camp, and very narrowly escaped with their lives. Some of the volunteers had been ordered to Fort Vancouver for muster-out, but owing to the snow and the state of the roads were unable to get in until after the weather became settled in the spring. I ordered the small camps to be broken up, and the detachments to be concentrated at the most important points as soon as the state of the roads would permit. It was necessary to abandon some stations on account of there being orders to muster out the volunteers, and there being no other troops to replace them, Camps Wright, Polk, Curry, Logan, Lander, Reed, Alvord, and Fort Lapwai were abandoned. The troops at Wright, Curry, and Logan were moved to Camp Watson, and part of those at Alvord to Camp C. F. Smith, on White Horse creek. Those at the other camps named were mustered out of service as soon as they reached their rendezvous. The volunteers at Camp Watson were afterward relieved by a company of the first United States cavalry. Those at Camp C. F. Smith and Camp Lyon were relieved by a company of the fourteenth infantry and one of the first United States cavalry, and all mustered out of service, except one company of the first Oregon cavalry, sixty men. There is also one company of the first Oregon infantry still in the service at Fort Klamath, Oregon.

Nothing is known at these headquarters of any operations in the field in this department during the past year previous to December, 1865. On the 25th of that month the Indians made a raid on Camp Alvord and ran off forty mules; Captain F. B. Sprague, first Oregon infantry, pursued them and recovered all the mules. The Indians killed one of his horses and wounded two others; one Indian was wounded. Captain Sprague states in his report that the Indians had driven off all the good horses in the raid of November 5. February 7, Captain L. L. Williams, first Oregon infantry, reports that he went out on a scout from Camp Wright, and had one man killed by Indians on the south side of Harney lake, February 4, 1866. On the 21st of February, Captain F. B. White, first Oregon cavalry, reports that on the 14th of that month he heard at Camp Lyon that the Indians had attacked Hall's ranch on Jordan creek; that he immediately sent Lieutenant Silas Pepoon, first Oregon cavalry, in pursuit of them; Pepoon found Hall badly wounded and the ranch nearly destroyed by fire. He followed the Indians, killed one, and recovered thirty-six head of cattle and horses; one man of the command was wounded. Brevet Major F. W. Perry, fourteenth infantry, reports that he left Camp Curry on the 13th of February with forty-four men and scouted south around Harney lake, and returned to camp on the 23d, having marched one hundred and fifty-two miles in eleven days without seeing any Indians. Captain J. H. Walker, fourteenth infantry, was ordered from Camp Lyon to scout the country between the Malheur and Owyhee rivers. On the 23d of February he encountered a party of Indians, killed eighteen and wounded two of them, captured nineteen horses, a few rifles, fifteen pounds of powder, twenty pounds of balls, and three hundred pounds of dried beef. He lost one man killed and one wounded. On the 24th of March Captain J. H. Walker started from Camp Lyon with twenty-nine men and scouted to the Owyhee river; crossed the river and scouted through to the Malheur river. He returned to camp on the 10th of April without having seen any Indians. On the 2d of March Major L. H. Marshall, fourteenth infantry, was sent from Fort Vancouver to take command of the district of Boisé. He left Fort Boisé, March 28, on a scout, went one hundred and ten miles, and returned on the 17th of April without having had an encounter with Indians. On the 30th of April Captain James Henton, with one company, second battalion, fourteenth infantry, arrived at Fort Vancouver from Cape Disappointment, Washington Territory, and on the 4th day of May proceeded to Fort Boisé with his command. On the 16th of April Brevet Colonel J. B. Sinclair, fourteenth infantry, with a detachment of recruits of same regiment, left Vancouver, proceeded to Dalles, Oregon, and thence to Camp Curry. Assuming command of the garrison at Curry he abandoned the post and marched his command to Fort Boisé, Idaho Territory. Colonel Sinclair scouted the country thoroughly between Camp Curry and Boisé. On the 18th of April Brevet Lieutenant Colonel J. J. Coppinger, with one company of the second battalion fourteenth infantry, marched from the Dalles by Meacham's route to Fort Boisé, scouting the country. Brevet Major F. W. Perry, fourteenth infantry, left Camp Curry, April 16, on a ten days' scout on the Cañon City road, with no result. On the 29th of April Captain P. Collins, fourteenth infantry, had scouted the country thoroughly between Camp Lyon and Snake river, without having seen any signs of Indians. From the 18th to the 29th he was scouting on Squaw creek. On the 18th of April Lieutenant Amandus C. Kistler, fourteenth infantry, was sent from Fort Steilacoom to Neeah bay with thirty men and two howitzers to quell Indian disturbances. On the 21st of April he reports that he had captured eighteen Indian prisoners and sent them to Fort Steilacoom, six of whom were charged with murder. He made the Indians surrender by throwing shells into the woods beyond them. On the 20th of April Captain F. B. Sprague, first Oregon infantry, was ordered to abandon Camp Alvord and proceed to Camp Lyon. On the 30th of April Captain P. Collins, fourteenth infantry, with twenty-five men, went on a scout to the Burnt river district; no result.

Major General Halleck ordered four companies of the first United States cavalry from California to this department April 4, 1866. Two companies, H and I, came to Fort Vancouver April 15, and were mounted there. H company was ordered to Camp Watson May 7, and I company May 30, 1866. May 21, Captain David Perry's company, first United States cavalry, came into southern Oregon by the Chico route, and Captain James C. Hunt's by the Humboldt route; the former took station at Camp C. F. Smith, and the latter at Camp Lyon, Idaho Territory. Captain P. Collins, fourteenth infantry, scouted on Malheur river from the 3d

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to the 23d of May; saw no Indians. On the 4th of May Captain F. B. White, first Oregon cavalry, went in pursuit of Indians committing depredations on Jordan and Reynolds's creeks. He recovered twenty head of stock taken from the citizens. On the 11th of May Major Marshall left Fort Boisé with eighty-four men on a scout up the Owyhee river. On the 16th of May Captain L. L. Williams, first Oregon infantry volunteers, left Camp Curry and scouted over an unexplored region, but saw no Indians. On the 4th of June Major Marshall returned from his scout on the Owyhee; he found five hundred Indians at the Three Forks of the Owyhee strongly posted on the opposite side of the south fork, between the south fork and middle fork. The river was impassable. He moved down eight miles and crossed in a boat which he improvised. As his advance moved up the bluff they were fired upon by Indians concealed behind the rocks. He fought the Indians altogether four hours; killed seven and wounded twelve; lost one non-commissioned officer, killed. The Indians were so strongly posted that he could not advance upon them, and was obliged to recross the river. In this operation his boat was swamped; he lost a howitzer, (which was afterward recovered,) abandoned some provisions, and threw some boxes of musket ammunition into the river. Captain James Henton's company, B, second battalion fourteenth United States infantry, was sent from Fort Boisé, June 16, to establish a camp in the Flint district to protect the citizens against Indians. Captain J. H. Walker's company, C, second battalion fourteenth infantry, left Fort Boisé on the 21st of June for Camp C. F. Smith, to relieve the cavalry company which was ordered to the Owyhee country. Captain P. Collins's company, D, second battalion fourteenth infantry, was ordered the same day to proceed to Warner's lake and establish a camp there. On the 23d of June Brevet Colonel J. B. Sinclair, fourteenth infantry, with a detachment of cavalry and infantry, was ordered to destroy an Indian camp on Antelope creek. He did not catch the Indians. Soon after this the Indians corraled some citizens in the Owyhee mining district, and Brevet Lieutenant Colonel John J. Coppinger, fourteenth infantry, moved with his company, A, second battalion fourteenth infantry, from Fort Boisé by forced marches to their assistance. Great consternation prevailed in Silver and Ruby Cities. The women and children were locked up in the crushing-mills. The Indians got wind of the troops and left before their arrival.

July 15, Brevet Colonel J. B. Sinclair, fourteenth infantry, left Fort Boisé with his company for the purpose of establishing a camp at the mouth of the Bruneau river. On the 16th of July Brevet Lieutenant Colonel J. J. Coppinger, with his company, A, Captain James Henton, with his company, B, second battalion fourteenth infantry, and Captain David Perry's company, F, of the first United States cavalry, moved from the Flint district to the Three Forks of the Owyhee. On the same day Major Marshall left there with two companies of the first United States cavalry, and Captain F. B. White's company, B, first Oregon cavalry, for the Bruneau river. Major W. V. Rinehart, first Oregon infantry, went out from Fort Klamath in pursuit of hostile Indians, and returned on the 20th of July with eight of the Snakes as prisoners. Lieutenant R. F. Bernard, first United States cavalry, with thirty-four men, left Camp Watson, Oregon, on the 4th of July, in pursuit of Indians that had been committing depredations on the Cañon City road. On the 18th of July he detached Sergeant Thomas W. Connor, with eighteen men, to look for a party of Indians. The sergeant discovered them in camp on Rattlesnake creek, and immediately charged them, killing thirteen and wounding many more. He captured four horses and two mules. Corporal Lord was killed. On the next day Lieutenant Bernard attacked this band again and dispersed them, capturing two women, two children, three horses, and a very large quantity of camp equipage; also, twenty head of beef cattle, which had just been killed and jerked. The Indians numbered about three hundred. Lieutenant Bernard returned to Camp Watson July 30, having marched six hundred and thirty miles without having lost a horse.

Major L. H. Marshall, fourteenth infantry, started from the mouth of the Bruneau with the three companies of cavalry, August 4, on a scout to Goose Creek mountains. Major Marshall has been in the field ever since, and has rendered no official report of his scout yet, but he informed me verbally that, while scouting on the south fork of the Owyhee, his command killed thirty-five Indians. He ascertained, through an old Indian who was captured, that the Reese River Indians brought ammunition and traded with the Snakes for the stolen stock. From Three Forks of the Owyhee Major Marshall crossed over the hills to Camp C. F. Smith. From there he went to Stein's mountains; was at Camp Warner on the 20th of September, and was going from there to Harney lake. On the 8th of August Brevet Lieutenant Colonel R. F. O'Beirne, fourteenth infantry, left Vancouver with his company, proceeded to Dalles, and was ordered to march by the Cañon City road to Boisé, scouting the country along the route. Brevet Lieutenant Colonel E. M. Baker, first United States cavalry, left Camp Watson with thirty-four men, on the 22d of August, in pursuit of Indians that had run off a band of Government mules—number not reported. He found thirteen mules wounded with arrows, and saw where seventeen others had been killed. He captured one squaw and two children, and returned on the 4th of September. On the 3d of September Captain James Henton, fourteenth infantry, marched from Three Forks of the Owyhee to the Bruneau river, scouting the country along the route. On the 5th of September Captain James Henton's company, B, second battalion fourteenth infantry, was ordered from the mouth of the Bruneau to Warner's lake. September 6, Captain David Perry's company, F, first United States cavalry, was ordered to take forty days' rations and scout through the Malheur country to the Cañon City road. September 8, Brevet Lieutenant Colonel J. J. Coppinger, fourteenth infantry, was ordered to establish a winter camp fifteen miles east of the Three Forks of the Owyhee, and to build a blockhouse at the Three Forks. On the 10th of September Captain James C. Hunt, first United States cavalry, was ordered with his company to scout the country between Stein's mountain and Harney lake. On September 21, Brevet Major E. Myers, first United States cavalry, was ordered from Major Marshall's scouting party to report to the commanding officer at Camp Warner. September 23, Brevet Lieutenant Colonel R. F. O'Beirne, fourteenth infantry, was ordered from Fort Boisé to scout the Burnt River district, where the Indians had been stealing stock lately.

It will be observed that in these changes of station the troops moved through country frequented by Indians. The company of infantry at Fort Steilacoom has been ordered to be relieved by a detachment of artillery from San Juan Island, and to proceed on Cañon City road.

During the time I have been in command of this department I have made four tours of inspection.

I left Vancouver May 9, 1866, accompanied by two members of my staff, and proceeded by the way of the Columbia and Cowlitz rivers, to Monticello, Washington Territory, and thence across the mountains to Olympia and Steilacoom. After inspecting Fort Steilacoom, proceeded to Port Townshend, Bellingham bay, and San Juan Island, examined the condition of these posts, and returned to Vancouver on the 19th of May, by the same route, having been absent eleven days, and traveled a distance of six hundred and sixty miles—one hundred and twenty miles on horseback.

On the 4th day of June, accompanied by my aid-de-camp, I proceeded by Columbia river to the Dalles, Oregon, and on the 5th, taking an escort of ten men, marched to Camp Watson, a distance of one hundred and twenty-five miles, reaching there June 10. On the 12th, taking Brevet Major Myers, with company I, first United States cavalry, as escort, I crossed the Blue mountains, and marched to Camp Curry, a distance of eighty-four miles, reaching there on the 16th. On the 18th we crossed the Malheur Lake valley to Silvie's river. We were unable to cross the river at this point, and were compelled to follow its course through almost impassable cañons toward its source. On the 20th the river was bridged, and the command crossed. On the 23d we camped on the east side of Malheur Lake valley. During the night the Indians drove off fifty-two pack-mules belonging to the escort. The Indians were pursued, and all of the animals except three that had been killed were recovered. On the 25th we crossed the south fork of the Malheur, and struck the Owyhee river opposite Camp Lyon. On the 30th the river was impassable at that point, and we were compelled to move up to the Chico road, striking it July 1. We crossed the Owyhee the same day and proceeded to Camp Lyon, reaching there July 2. Distance from Camp Curry to Camp Lyon, three hundred and ten miles. Leaving Camp Lyon on the 3d, we arrived at Fort Boisé, Idaho Territory, on the night of July 4, and found Major General Halleck and staff there.

The whole distance from the Dalles to the Snake river, a distance of six hundred and thirty-six miles, was made on horseback in twenty-seven days. We were frequently compelled, on account of the high waters, to head impassable cañons, and considerable time was lost in attempts to cross the rivers at different points.

On the 5th of July we left Fort Boisé, and returned to Vancouver direct on the 11th. The whole time occupied by the trip was thirty-eight days. Total distance traveled, one thousand two hundred and forty-nine miles.

The route is shown on map No. 1, being marked thus: - - - - -. On the 12th of July I accompanied Major General Halleck to Fort Stevens, and the country on Puget sound. The object of the trip was the examination of points for permanent fortifications. I returned to Vancouver on the 22d of July.

On the 13th of August, accompanied by my aid-de-camp, I left Vancouver and proceeded, by way of Columbia river and Wallula, to Fort Boisé, reaching there August 23, 1866. I left Fort Boisé August 27, 1866, crossed Snake river 28th, moved up the river to mouth of Bruneau, and examined the country in the vicinity. Left Bruneau August 30, crossed an unknown country, struck Sinker creek, and followed it up to the mining districts of Idaho. Passed through Silver and Ruby Cities September 2. Reached Three Forks of the Owyhee September 4, and took an escort of twenty men, under Brevet Major David Perry, first United States cavalry. Followed Major Marshall's trail to Camp C. F. Smith, reaching there September 6. Left there September 8, reached Camp Lyon September 10, and Fort Boisé September 12. Left Fort Boisé September 13, returned to Vancouver by the same route, arriving September 19. The whole distance traveled was one thousand four hundred and sixteen miles. Time occupied, thirty-eight days. The route of this trip is shown on map No. 1, being marked thus: - - - - -.

On the 20th of August company F of the second United States artillery, under command of

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First Lieutenant and Brevet Lieutenant Colonel A. O. Vincent, arrived at Fort Vancouver (where it is now stationed) from department of California.

Since my return, on September 19, Captain J. H. Walker, fourteenth infantry, commanding at Camp C. F. Smith, Oregon, informs me that on September 12, he, with fourteen men of his command, made a scout to the headwaters of Trent creek; they discovered and broke up a camp, destroying large supplies of berries, seeds, provisions, &c. The Indians, twenty-five or thirty in number, became informed of their movements and escaped, leaving their fires still burning. The captain desisted from following them as night was coming on and he was a long distance from any aid or assistance. Fifty mounted men (infantry) are now out on a scout from Fort Klamath, Oregon, after a band of hostile Indians. Some Indian scouts have been employed at Camp Watson, and in the district of Boisé. Lieutenant William Borrowe, second artillery, detailed on recruiting service, has been ordered to the Warm Springs and Umatilla reservations, to enroll the complement of the one hundred scouts apportioned to this department. Recruiting for the eighth regiment of cavalry is progressing very slowly in this department. Recruits will probably be made more rapidly as winter approaches. I think the recruiting service here has been injured by the action of the Legislature of Oregon to raise volunteers for service in that State. I was consulted by Governor Woods in relation to calling out the volunteers. I expressed my disapproval of such proceeding without the sanction of the War Department, and gave it as my opinion that the General Government would not defray the expenses of volunteers called out without proper authority. The exigencies of the case do not seem to demand such action on the part of the State authorities. The class of men who would enlist prefer entering the volunteer service, and they will not enlist in the regular service so long as there is a prospect of volunteers being called into service. As soon as the organizations now in this department are filled up, and those which are expected arrive, it is believed that there will be troops enough to bring the hostile Indians to terms in a reasonable length of time. It is intended to continue operations against these Indians during the winter, and for that purpose winter camps have been established in their haunts. The troops in pursuing the Indians have, perhaps, driven them into the settlements sometimes, but this cannot be avoided. The inclosed list and map will show the locations of the different stations, and the number of troops at each, according to the present arrangement. As soon as the reports from the different scouting parties that have been out for some time are received, the result will be reported.

I have the honor to be, very respectfully, your obedient servant,

F. STEELE,
Major General Commanding.

Brevet Lieutenant Colonel R. N. SCOTT, *Assistant Adjutant General, Headquarters Military Division of the Pacific, San Francisco, California.*

Report of Major General George G. Meade.

HEADQUARTERS DEPARTMENT OF THE EAST,
PHILADELPHIA, PENNSYLVANIA,
October 12, 1866.

GENERAL: I have the honor to submit for the information of the general commanding in chief the following succinct report of military operations in my command during the present year:

At the commencement of the year my command was the military division of the Atlantic, composed of the department of the East, the Middle department, and the departments of Virginia, North Carolina, and South Carolina.

The only movements of any consequence were those made on the northern frontier with a view to enforce the neutrality laws. Early in April a dispatch was received from the honorable Secretary of War, transmitting one from the collector at Eastport, Maine, reporting the concentration at that place of large numbers of strangers, believed to belong to the Fenian organization, and assembled with a view to organizing an expedition against the Province of New Brunswick. At this time there was only one company of artillery at Eastport. I immediately ordered three additional companies from the nearest posts, and repaired myself to Eastport. On my arrival I found the collector, under the instructions of the Treasury Department, had seized a vessel loaded with arms and ammunition.

Being satisfied of the illegal character of the expedition, I confirmed the seizure of the arms, placed them in charge of the commanding officer at Eastport, and gave notice publicly that no violation of the neutrality laws would be permitted. These measures had the effect of causing the expedition to be abandoned, and the men composing it to return to their homes.

The arms seized were offered to the individual claiming them on condition of his giving security that they would not be employed in any illegal enterprise. This offer has not as yet been accepted, and the arms are still under military custody at Eastport. On the dispersion of the expedition the troops ordered to Eastport were returned to their former stations.

During the month of May several reports were received indicating the deposits of arms and collections of men at various points on the frontier of New York and Vermont. These reports, as received, were transmitted to Major General Hooker, commanding department of the East, with instructions to investigate them, to seize all the arms and munitions of war, where there was evidence of their being destined for illegal use, and to take all necessary measures to preserve the neutrality as far as the means within his control admitted.

On the 1st of June, while at West Point, I received official information of the crossing at Buffalo, New York, of an armed body of Fenians; at the same time information was received of the concentration of large forces in the vicinity of Ogdensburg, New York, and St. Albans, Vermont. I at once directed Major General Hooker to send all the available force in his department to the frontier, and proceeded myself to Buffalo. On my arrival at Buffalo, on the 3d instant, I found that the armed men who had crossed were captured by the United States steamer Michigan on their attempting to return the night previous, and being satisfied the movement at Buffalo was a feint, I left that place on the evening of the 3d, and reached Ogdensburg the next day, the 4th of June.

On my arrival at Ogdensburg I learned of the concentration of large forces at Malone, New York, and at St. Albans, Vermont. Finding the small force at my command inadequate to prevent a crossing, I directed my subordinate commanders to station their commands to the rear, on the main lines of travel, and issued the most stringent orders for the seizure of all arms and munitions of war, and directed the stopping and turning back of all suspected parties. These duties were successfully executed, large quantities of arms and munitions being seized at various points. No opposition was offered, except in one instance, when an armed party of Fenians seized, at Watertown, New York, a locomotive, and proceeded to Cape Vincent, and there recaptured two car loads of arms which had been sent there for security after seizure by the deputy marshal at Watertown. On learning these facts, I dispatched Major J. Stewart, commanding three companies of artillery, in a special train to intercept the Fenians on their return; but the latter, learning of Major Stewart's movement, abandoned the train with the arms, and escaped by scattering over the adjacent country.

On the necessary authority being received from the War Department, and the appearance of the President's proclamation on the 6th of June, I ordered the arrest of the principal leaders at St. Albans and Malone, and issued a proclamation commanding the dispersion of the assemblages at these places, and offering transportation to their homes to such of the men as would abandon the expedition. These measures had the effect to suppress the expedition, no effort being made to cross except that of a small inefficiently armed body under a General Spear, who crossed the boundary line near Franklin, Vermont, and remained for a day on the other side in the vicinity of the line, recrossing on the advance of the British troops. The expedition being abandoned, the men returned to their homes, mostly furnished transportation by the Government. This was deemed the most expedient course, for though the conduct of the men composing the expedition had, up to the time of its abandonment, been most exemplary, it was feared so large a body, estimated as high as ten thousand, if left on the frontier without means of return, would become riotous and disorderly, requiring, to preserve the peace, the calling out the militia, which I was anxious to avoid on the ground of economy, as well as other reasons. After the men composing the expedition had all been sent home, the troops were returned to their former station. Brevet Major General Barry, who had been specially assigned to duty by the General commanding-in-chief, was, by orders from these headquarters, left in general charge of the troops remaining on the northern frontier. The report of General Barry, commanding at Buffalo, as well as that of Major Gibson, third artillery, commanding at St. Albans, are herewith appended.

On the 6th of August General Orders No. 59, Adjutant General's Office, Washington, District of Columbia, abolished the military division of the Alantic, and I was assigned to the command of the department of the East. Since the date of that order there has not been any movement of troops. The troops, consisting of the first and third regiments of artillery, and six companies of the fourth infantry, are stationed from Erie, Pennsylvania, to Plattsburg, New York, on the northern frontier, and from Eastport, Maine, to Fort Delaware, Delaware, on the Atlantic coast.

A recent personal inspection of the department showed the troops to be in commendable order and condition. The distribution of regiments into one and two-company posts is not, however, conducive to efficiency and discipline; and it is to be hoped the recent increase of the Army authorized by law will permit of the concentration at least of regiments, so necessary to preserve the *esprit* and proper military tone of both officers and men.

Very respectfully, your obedient servant,

GEORGE G. MEADE,
Major General United States Army.

Brevet Major General E. D. TOWNSEND, *Assistant Adjutant General United States Army.*

Report of Major General P. H. Sheridan.

HEADQUARTERS DEPARTMENT OF THE GULF,
NEW ORLEANS, LOUISIANA,
November 14, 1866.

GENERAL: I have the honor to transmit herewith the report called for by the General-in-Chief, in his letter to me of October 4, 1866.

I am, very respectfully, your obedient servant,

P. H. SHERIDAN,
Major General United States Army.

Brevet Major General J. A. RAWLINS,
Chief of Staff, Washington, D. C.

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HEADQUARTERS DEPARTMENT OF THE GULF,
NEW ORLEANS, LOUISIANA,
November 14, 1866.

GENERAL: In compliance with letter of instructions, dated October 4, 1866, I have the honor to make the following report of operations within the limits of my command since May 29, 1865:

On the 17th of May, 1865, I was relieved from command of the Middle military division, and assigned to the command of all the territory west of the Mississippi and south of the Arkansas rivers, with directions to report to Lieutenant General Grant for instructions.

This territory embraced at that time within its limits the only organized rebel army left in the confederacy, which was under the command of the rebel General E. Kirby Smith, with headquarters at Shreveport, or vicinity, in the State of Louisiana.

My instructions from the Lieutenant General were to operate against this command, to break it up or destroy it. For this purpose I was authorized to draw from Major General J. J. Reynolds, commanding department of Arkansas, twelve thousand men, and from Major General E. R. S. Canby, commanding the military division of West Mississippi, twenty-five thousand men, together with the Fourth and Twenty-Fifth Army corps, and a column of from eight to nine thousand cavalry, to be collected from Louisiana, West Tennessee, Mississippi, and Alabama. The aggregate strength of this force was about eighty thousand men.

On the 29th of May I assumed control of this new command, designating it the "military division of the Southwest," with headquarters at New Orleans, Louisiana, and at about the same time received intelligence of the surrender of E. Kirby Smith, through commissioners sent from him to Major General Canby. This surrender was made, but bore upon its face double-dealing on the part of the rebel commander or his agents, as the Texas troops had declined to surrender, and had disbanded to their homes, destroying magazines and carrying with them arms and ammunition from the different arsenals. General Smith proceeded to Galveston, and from thence escaped to Mexico, in violation of the agreement he had bound himself to observe. This conduct on his part may have arisen from the fact that it could not be concealed that his real object in offering to surrender was to get security for the Arkansas, Louisiana, and Missouri troops to return to their homes, knowing full well that the Texas troops did not intend to surrender, and that most of them had already gone to their homes; that while they were destroying their arsenals and carrying home with them their arms, it was their constant boast that they were not conquered, and that they would renew the fight at some future day.

Previous to the surrender and in anticipation of the successful escape of Jefferson Davis, and his probable arrival in the trans-Mississippi department, it had been contemplated to organize a column of fifteen thousand confederates at Marshall, Texas, for the invasion of Mexico. This scheme failed, perhaps from the capture of Mr. Davis. But while the main scheme of sending the fifteen thousand men to Mexico failed, numerous bands, squads, and parties, numbering, perhaps, three or four thousand men, crossed the Rio Grande into Mexico.

In view of this and the troubles of our sister republic, and taking into consideration the fact that all our military projects during the war against Texas had been failures, and that on this account the Union people there had come to look upon the Government as weak, it was determined to throw a large force into that State and along the Rio Grande border. The accomplishment of this purpose was accompanied with great labor from various causes, but it was successfully achieved.

Among the first difficulties were the inadequacy of the depot at this place for the requirements of the service to be accomplished; the absence of all mercantile marine, and the worthless character of most of the transportation held by the quartermaster's department here for the purpose of crossing the Gulf or entering the ports of Texas; the destruction of all the wharves at the ports in Texas, with the exception of Galveston, by the confederates, and the long line of communications to the points occupied in the interior, over which supplies had to be sent; and last, but not least, the great reluctance of the troops, officers and men, to continue for a longer period in the service, they claiming that they had fulfilled their contract with the Government, and that it was but just they should be mustered out.

The movement of the Thirteenth corps had been ordered before I reached New Orleans. One division of it, under Major General F. J. Herron, proceeded to occupy the line of the Red river in Louisiana, and Marshall and Jefferson, in northeastern Texas. One division, under Major General F. Steele, was under orders for the Rio Grande line. The third division, under Major General J. A. Mower, was ordered to Galveston, from thence to occupy the line of railroad from Galveston to Brenham, while Major General Gordon Granger, who was in command of the corps, was assigned to general command in Texas.

While these movements of the Thirteenth corps were in progress, I was rapidly collecting at Alexandria, Louisiana, a column of cavalry about four thousand five hundred strong, to be commanded by Major General G. A. Custer, and another column at Shreveport, Louisiana, about five thousand strong, to be commanded by Major General Wesley Merritt. These cavalry columns were collected from different points in the States before mentioned, and were transferred up Red river by steamboats under great difficulties from the low stage of the water, were organized into divisions, equipped, supplied, and prepared to march for their respective points of destination; Merritt's division to march via Marshall to San Antonio, and Custer's division via Hempstead to Austin, Texas, the columns marching nearly parallel to each other and something like a hundred miles apart.

These columns took with them a small pontoon train to cross streams on the line of march, and for the additional object of being able to cross the Rio Grande, should the Government elect to send troops in that direction.

While the movements of the Thirteenth corps and cavalry were going on, the Twenty-Fifth corps was embarked at City Point, Virginia, for the coast of Texas, to occupy the points of Indianola, Corpus Christi, Brazos Santiago, and the line of the Rio Grande—most of the corps, however, being sent to the Rio Grande line. Great trouble was experienced in the landing of the troops of this corps in consequence of the bad harbors in Texas, the great draught of the vessels employed as transports, and the absence of suitable lighters to convey the troops across the bars.

While the foregoing operations were in progress, the Fourth Army corps, numbering about ten thousand men, with all its field transportation, arrived in New Orleans, having been ordered to report to me for service in Texas, and was transported as rapidly as possible to Indianola, from thence to Victoria, and ordered to occupy the line from that point to San Antonio.

The troops on the line from Galveston to Austin were supplied with comparative ease, as the bar at Galveston offered no very difficult obstacles. The wharves, although in bad condition, still sufficed; the railroad from Hempstead to Brenham was in condition to transfer our necessary supplies, and from Brenham to Austin there was a passable wagon road.

The landing of the troops at Indianola was difficult on account of the dangerous bar, which had to be lightered over from the transports, and in consequence of the destruction of the wharves the lightering had to be, in most cases, to the shore in small boats. Then when the troops were landed, there was no water for a distance of eighteen miles, and they had to be hurried over this distance as soon as landed, and from thence to Victoria, where timber and water could be obtained in abundance. Victoria is distant from Indianola about thirty-five or forty miles. After these difficulties had been overcome it was found that the country between Indianola and Victoria was not passable for wagons in the winter, and the railroad from Lavaca to Victoria had to be repaired at much labor and some expense, else the troops would have had to come back to their supplies at Lavaca and Indianola, where there was no water. I therefore ordered the railroad repaired, and after it was in running order sold it to the company, covering the cost of repairs. The wharf at Indianola had also to be built entire, and when completed sold, to cover the expenses incurred.

But on account of these obstacles, and especially the difficulty of crossing the outer bar, which is about twenty miles from the landing, some of the transports had to return to New Orleans or the mouth of the Mississippi river for water for the troops and coal for the transports.

At Brazos Santiago the wharf had been destroyed, and many of the same difficulties occurred here, and some of the transports had also to return to New Orleans and the mouth of the Mississippi river for supplies of coal and water. The troops on this line were extended up the Rio Grande as far as Laredo, and on this line much the largest number of troops were placed. A wharf had to be built at Brazos, and at first the troops up the Rio Grande were supplied by small steamers which we had sent to that river; but the difficulties of entrance at the mouth of the Rio Grande made this line of supply very dangerous and precarious for the supply of the troops, as sometimes a transport could not cross the bar at the mouth of the river for nine or ten days. I therefore ordered the building of a railroad from Brazos to White Ranche, on the Rio Grande river, a distance of eleven miles, and this gave security to the supply of the troops. This railroad was afterward sold at about forty thousand dollars over the actual expense of construction. All these difficulties in the movement of troops were overcome, and in a short period of time.

The effect of this large movement of troops on the destiny of imperialism in Mexico has not been fully appreciated by our people. It is, however, well known that while we were struggling for republican existence against organized rebellion, and when nearly all the heads of the Governments of Europe (except Russia) wished, and did believe, that republicanism was not a success, the Emperor of the French undertook the bold expedition to subvert the republic of Mexico. There was no territorial question to be settled, and history will not excuse the attempted annihilation of a nation on the plea of non-payment of a million or two of debts due. There was no good excuse for this attempted violation of rights, and the history of imperialism in Mexico is only the history of the buccaneer Morgan on a more extended scale, who at one time captured and held Panama, on the Isthmus, until he could hold it no longer. So that when this movement of our troops to Texas and the Rio Grande took place we found the line of that river and all northern Mexico in the hands of imperialism; a Government which collected no taxes, had no system of government, and supported its partisans, soldiers and civilians, by levying contributions on the poor inhabitants; but the appearance of our troops and the knowledge that friends were on the border went like electricity to the homes and hearts of the Mexican people. The rebels who had escaped from our country received no sympathy, and in less than a year this hardy people, without money, without arms and munitions of war, and without supplies, have recaptured Matamoras, Camargo, Presidio de Rio

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Grande, Lampissas, Monterey, Saltillo, Monclova, Durango, Chihuahua, and in fact hold nearly all of the country, putting the invaders on the defensive and confining them to the valley of Mexico, with a fair prospect of their speedy extermination.

I have felt much interest in this event, because I have always believed that the occupation of Mexico was a part of the rebellion; and believing that the contest in our own country was for the vindication of republicanism, I did not think that vindication would be complete until Maximilian was compelled to leave.

The course taken by nearly every newspaper in the lately rebellious States was sympathy for Maximilian, and the sentiment of a large portion of the population was likewise; and so determined was this on the part of thousands of adventurers that the Cordova emigration scheme was gotten up, and had, I think, for its object the formation of a Maximilian-American party composed of confederates entertaining antipathy toward our Government. Many of these, having no means, would have drifted into the army of Maximilian. I had to take strong grounds against this emigration, and finally broke it up by refusing to permit emigrants to embark from the sea-ports within the limits of my command.

The effect of the presence of our troops in Texas and on the Rio Grande, as alluded to heretofore, on the destiny of imperialism was great. It had not a friend among the officers or men from the highest to the lowest grade, and the effect was depressing in the extreme—so much so that I am inclined to believe that had a demand been made for the withdrawal of the Imperial troops, on the ground that the invasion of Mexico was a part of the rebellion, it would have been granted, and the miseries of that country for the last year avoided.

While the Imperial troops held the line of the Rio Grande, the strictest neutrality was preserved. Since they were driven away the same honorable neutrality has been preserved toward the Liberal Government.

The number of troops sent to Texas was about fifty-two thousand. Shortly after they had arrived, and become somewhat settled, orders came for the muster-out of about forty-seven thousand of this force, and the muster-out was carried on gradually, and in accordance with our ability to bring them back, so that the movement may be considered as equal to a continuous movement of over ninety thousand men over the most difficult line of operations which we have in the country. I make these remarks, because I was under the impression at one time that the Quartermaster General did not fully understand the magnitude of the movement, or the natural obstacles in the way of its accomplishment, and we had to struggle for six months without funds, on the plea that the Brazos railroad was constructed without authority, and the public service made to suffer a punishment by this denial of funds. I believe the Quartermaster General was influenced in this act by the representations of incompetent inspectors sent out to make reports.

The condition of civil affairs in Texas was anomalous, singular, and unsatisfactory. I found the provisional governor, backed by a small portion of the population, had for his standard of loyalty "abhorrence for the rebellion and glory in its defeat;" while his successor, as actual Governor, had for his standard of loyalty "pride in rebellion—that it was a righteous but lost cause, being overpowered by the Federal forces." Both of these representatives of the civil law, entertaining opposite standards for the loyalty of their subjects, I was required to support, and did it to the best of my ability; but it has been embarrassing in the extreme. Governor Hamilton, the provisional governor, was clamorous for more troops, and in several communications to me asserted that the civil law could not be carried out; that freedmen would be killed and Union men driven from the State without military support, which I gave whenever it was possible. Governor Throckmorton, the present Governor, wants all the troops moved from the settled portions of the State, asserting that the civil law was all right; that justice would be done to freedmen, Union men, and our soldiers in the courts. But justice is not done. To give you an instance of this, two soldiers were shot at Brenham, Texas, about two months ago; they were unarmed, and offered no provocation. The grand jury could find no bill against their would-be assassins, but found a bill against Brevet Major Smith, seventeenth infantry, for burglary, because he broke into the house of some citizen in his attempt to arrest these men.

My own opinion is that the trial of a white man for the murder of a freedman in Texas would be a farce, and in making this statement I make it because truth compels me, and for no other reason.

During the last six months Indian depredations have taken place on the remote frontier. Their extent is not defined as yet, but they are not very alarming, and I think that the Governor has to some extent been influenced by exaggerated reports, gotten up, in some instances, by frontier people to get a market for their produce, and in other instances by Army contractors to make money.

I have ordered two regiments of cavalry to the frontier and placed a regiment of infantry at Austin, to be moved if necessary.

It is strange that over a white man killed by Indians on an extensive frontier the greatest excitement will take place, but over the killing of many freedmen in the settlements nothing is done. I cannot help but see this, and I cannot help but tell it to my superiors, no matter how unpleasant it may be to the authorities of Texas.

I will establish the frontier posts in Texas in the early spring. It was not done heretofore on account of having no available regular troops, and to have attempted it with volunteer troops, desirous of returning to their homes, would have involved an expense which I did not like to put upon the Government.

In Louisiana there was about as much, if not more, anomaly in civil affairs than in Texas.

Our depot was in New Orleans, which, from its geographical position, became the main depot of the Gulf States, and in fact the whole Southwest. This place had necessarily been the headquarters of superior commanders, and as many of them appeared to have more ability in civil than in military affairs, they left the results of that ability to be settled by myself and the subordinate officers of my command—questions and claims, semi-military and semi-civil, of every possible phase, and so numerous and complicated that, after a fair examination, I think it will require one officer and ten clerks for over twelve months to brief and systematize what is yet left.

The settlement of such of those claims as have already come up has been a dead weight upon the legitimate military duties of my command. Then there was the accumulation, at this place, of material of war of every possible character, from ocean steamships down to pick-axes and spades, the disposition of which gave great labor; but by keeping steadily to work, and by the good judgment of subordinate commanders and staff officers of the different bureaus, this depot is now reduced to the present wants of the service.

At the time of my arrival at New Orleans, as before alluded to, the civil affairs were much mixed up. Governor J. Madison Wells was legitimately holding the position of Governor; but a new election was to occur in the summer or fall, and although from the antecedents of the Governor, who supported the Federal authority, I had reason to expect good judgment, still, either on account of the approaching election—in which he was a candidate for reëlection—or because he thought it best, he was filling a number of vacancies in offices throughout the State by returned confederates. I did not know this, as it was none of my business, until I learned it by the constant appeals made to me by men who were turned out to give place to new-comers whom they did not think deserving, and I only speak of it now because it led afterward to bitterness and shedding of blood, in which the military were to some extent involved.

The Governor was reëlected and the Legislature met; but it was found that the Governor had one will, and the Legislature had another. Each hated the other, and trouble was sure to come. Not only was the Legislature in antagonism with the Governor, but all, or nearly all, the subordinate civil authorities of the State were against him. Many of these he had himself appointed, if they still held over after the election. Then the Governor commenced making appeals to the military authorities to support him, and when it was proper and legitimate to serve the ends of justice, such support was given; but when it was to satisfy partisan or political purposes it was refused, and the military assumed the position that politics was outside of the profession, and that it could not be called on, legitimately, to serve the interests of either side. This bitter political feeling finally culminated in the massacre of the 30th of July, 1866. I have thought that had I been in the city this slaughter might have been avoided; but I did not expect it to occur, and I was led to this belief by a conversation which I had about the 1st of June last with Judge Durell, who was the president of the Louisiana convention of 1864, and who told me that he would decline to call it together. He asked if it could have military support. I said it could not; that I would not allow the military to be used for party purposes; but that if the parties in the State came into collision, it would be my duty to maintain the peace of the country, as I had believed for some time past that the safety of life and property did not rest with the civil authorities when there was any great disturbing cause.

In Florida there were no political issues involving the military authorities, although much annoyance occasionally came from arrests of officers and soldiers for acts alleged to have been committed during the rebellion. The people of Florida appeared to realize the fact that it would not make much difference to them what party was in power, and that their best interest was to take off their coats and go to work to repair the disaster of the rebellion.

On the 27th of June, 1865, the temporary military division of the Southwest was abolished by the creation of the military division of the Gulf, which included the departments of Texas, Louisiana, Mississippi, and Florida. These departments were respectively commanded by Majors General Wright, Canby, Slocum, and Foster.

On October 7, 1865, the department of Mississippi was transferred to the military division of the Tennessee.

On May 22, 1866, Major General Canby, having been ordered to Washington, was succeeded by Brevet Major General A. Baird in the command of the department of Louisiana.

I am, general, very respectfully, your obedient servant, P. H. SHERIDAN,
Major General United States Army.
Brevet Major General JOHN A. RAWLINS,
Chief of Staff, Washington, D. C.

Report of Major General George H. Thomas.

HEADQUARTERS
DEPARTMENT OF THE TENNESSEE,
OFFICE OF ASSISTANT ADJUTANT GENERAL,
LOUISVILLE, KY., *November* 13, 1866.

COLONEL: I have the honor to transmit herewith a report of operations and the condition

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of affairs generally within my command during the present year, in accordance with instructions from your office of date October 3, 1866.

I am, very respectfully, your obedient servant, GEORGE H. THOMAS,
Major General United States Army.

Brevet Colonel GEORGE K. LEET, *Assistant Adjutant General, Headquarters Armies of the United States.*

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HEADQUARTERS DISTRICT OF MISSISSIPPI,
VICKSBURG, MISSISSIPPI,
October 29, 1866.

GENERAL: In compliance with instructions from headquarters department of the Tennessee, dated October 21, instant, I have the honor to submit the following report of the operations, since I have been in command, in the late department of Mississippi, and in the present district of Mississippi, and of the condition of affairs generally in my command:

MILITARY HISTORY.

Pursuant to orders of his Excellency the President, I assumed command of the department of Mississippi on the 14th of November, ultimo.

Previously I had been on duty for two months in the department of Arkansas.

On assuming command I found the department divided into three districts, denominated, respectively, the northern district, the southern district, and the western district. Brevet Major General M. F. Force, with headquarters at Jackson, was in command of the northern district; Brevet Major General J. W. Davidson, with headquarters at Natchez, was in command of the southern district. After relieving Major General P. J. Osterhaus, who had been my predecessor in the command of the department, I assigned him to the command of the western district, with headquarters at Vicksburg.

I found on duty in the department the following troops:

The twenty-sixth Indiana veteran volunteers; the fifth and sixth regiments colored artillery, (heavy,) acting as infantry; the forty-ninth, fiftieth, and fifty-second, fifty-third, fifty-eighth, sixty-fourth, sixty-sixth, seventieth, and one hundred and eighth regiments of colored infantry, and batteries C and D, second United States colored artillery, (light.)

The thirty-third Illinois veteran volunteers was in the department, but under orders to be mustered out, and the thirteenth Indiana cavalry had been mustered out, but the whole of the regiment had not left the department. The thirty-third Illinois and the remnant of the thirteenth Indiana were sent to their respective State rendezvous with as much dispatch as possible.

At the date of my assumption of the command the troops in the department occupied the following posts: Vicksburg, Jackson, Grenada, Okolona, Columbus, Meridian, Yazoo City, Natchez, Brookhaven, Winchester, and Magnolia.

The diffusion of troops at many posts under inexperienced and negligent commanders, more especially if the posts occupied are surrounded by a considerable population of citizens, is one of the greatest enemies to efficiency and discipline. Looseness of discipline leads to many and useless conflicts with citizens, and many complaints from the latter of outrages and lawlessness on the part of the troops are the necessary consequence.

The commanding general of the military division of the Tennessee reached this place the day after I had arrived and assumed the command.

After a full consultation with the commanding general (and in pursuance of his directions to concentrate the troops at the smallest number of posts compatible with the efficient performance of the duties devolved upon them, so soon as I had acquainted myself with the condition of affairs in the department) I submitted a recommendation to him to reduce the number of posts to six, which he approved. The posts suggested were Vicksburg, Natchez, Jackson, Meridian, Columbus, and Grenada. These points are centrally situated with reference both to the territory and population of the State, on highways of communication either by river or railway, whence troops could be rapidly dispatched to any point at which their presence might be required. The concentration was promptly made so soon as the approval of the commanding general to the proposed arrangement had been received.

By the reduction in the number of posts the cost of supplying the troops was diminished, and the discipline, efficiency, and instruction largely promoted. To bring the troops to the highest possible state of efficiency, to enforce rigid discipline, and to prevent outrages on and unnecessary conflicts with citizens, I published orders requiring the troops to remain in their camps or cantonments when not absent therefrom on duty, and tactical instruction to be given to them twice a day, of not less than one hour at each lesson, on five days of the week. The remaining two days, Saturday and Sunday, were devoted to police and relaxation. The observance of the Sabbath was specially commended in orders. The healthful effect of these measures soon demonstrated itself in an improvement in the discipline and instruction of the troops, and in the reduction of the number of complaints by citizens of outrages by soldiers. To still further guard against the latter evil, I published an order directing that whenever it might be necessary for the military authority to intervene for the enforcement of justice or the preservation of law and order among the citizens, the commanding officer on whom the duty might devolve should give written instructions to the officer detailed to command the troops designated for any such special service, explaining fully the work to be performed, and how far military force should be used therefor; that the officer charged with the duty should make a full written report, on the completion of the work assigned him, of his operations to his immediate commander, and that a copy of the instructions and report should be transmitted through the intermediate commanders to department headquarters, for the information of the department commanders.

Shortly after my arrival in the department I found that a fruitful source of corruption among the officers and of complaint from citizens was the improper and illegal dabbling of officers in the collection and disposition of cotton alleged to have belonged to the so-called confederate States.

To correct this evil I published an order defining the relations of officers of the military service to the cotton question, and their duties therein. I explained that the duty of collecting and forwarding any cotton that had belonged to the late rebel authorities, or of any other cotton the title of which, from any cause, had become vested in the United States, had been by an act of the supreme Legislature, confined to the Treasury Department and its duly appointed agents; and that the duty of the military officials was simply, on the requisition of a duly accredited agent of the Treasury, to aid in collecting and guarding the cotton claimed as the property of the paramount Government as the conqueror of rebels.

This order removed from the region of military action a potential temptation to malfeasance by officers; and in a comparatively brief period no further complaints were heard of the improper interference of military officials in the collection, movement, and disposition of cotton.

The effect of the several important orders and movements above described was to bring the troops in the department well in hand, and the department itself, generally, under thorough control.

Conformably to an order from the War Department the two companies of light artillery, colored, were mustered out of service on the 26th of December, 1865, and, shortly after, the twenty-sixth Indiana was mustered out.

In the month of January, 1866, the commanding general of the military division asked my opinion as to whether the number of troops in the department could be reduced, consistent with a due regard to the enforcement of the laws, the preservation of order, and the protection of life and property.

I replied, recommending the muster-out of the colored regiments, and suggested that the forty-ninth, fiftieth, fifty-third, sixty-fourth, sixty-sixth, seventieth, and one hundred and eighth be selected for that purpose. Authority was immediately received to muster out the regiments designated; but before they could be collected at the points at which the muster-out was to take place an order was received from the War Department suspending the order for muster-out, and directing that they be retained in the service to work on the levees of the Mississippi. Under this arrangement the regiments remained in service until some time in the month of February, but were never called for by the officer in charge of the work of repairing the levees. The order for muster out was renewed near the close of February; the work was immediately commenced, and terminated about the middle of March.

On the 15th of January, Major General P. J. Osterhaus and Brevet Major Generals J. W. Davidson and M. F. Force were mustered out of the volunteer service.

Near the close of January the second battalion of the fifteenth regular infantry arrived at this place, and reported for duty in the department. It was added to the garrison of this post.

On the 1st of February I published an order abolishing the district organization, directing the post commanders to report direct to the department commander, and ordering the records of the districts to be forwarded to these headquarters. This arrangement was at once effected, and was found to work better than through the intermediate machinery of the district organization.

In the month of April an order was received directing the muster-out of the remaining colored regiments in the department. The work was immediately commenced, and by the 20th of May all the colored troops in the department had been mustered out.

This left me for duty but one small battalion of regular infantry. One company was sent to Meridian, one to Jackson, and one to Natchez, to replace the colored troops at those posts; the remaining five companies were retained at this post as a central force immediately under the control of the department commander, to be used wherever and whenever there might be a necessity therefor.

After the removal of all the public property from Meridian, the company was withdrawn from that place to Jackson, and the company at the latter sent to Grenada. The number of lawless men in the vicinity of Grenada rendered necessary the presence of a small military force there to protect the citizens from outrage. I desired also to have a company there for the purpose of trying to arrest the assassin of Lieutenant J. B. Blanding, Veteran Reserve corps, who had been foully murdered while on duty in the Bureau of Refugees, Freedmen, and Abandoned Lands at Grenada.

To aid in the effort to arrest the murderer of Lieutenant Blanding I applied to General Stoneman, then in command of the department of Tennessee, for a company of cavalry temporarily.

The company was sent from Memphis to Grenada, and though the greatest energy was displayed by both the cavalry and infantry

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companies, their exertions were unavailing. And notwithstanding all the efforts I have made, not alone through the military force, but through detectives, and with the hearty co-operation of the Governor of the State, it has been impossible to arrest the murderer. Who he is is very well known, but it is not known whether he is skulking in the trackless swamps of this State or has fled to some other. The facility with which information could be communicated to him by his confederates in crime has so far rendered abortive all the efforts for his arrest. It is yet trusted that in time the author of so atrocious a deed will receive the punishment due to his crimes.

In the month of August ultimo the department of Mississippi was abolished, and the same geographical limits erected into a command, styled the district of Mississippi. The troops in the district are now posted as follows: five companies at Vicksburg, one company at Natchez, one company at Jackson, and one company at Grenada.

The greatest possible economy has been practiced in supplying and sheltering the troops. The old quarters built by the soldiers during the war have been availed for sheltering the troops, a small amount of material only having been purchased for the necessary repairs.

Since the 2d of April last a small ground-rent has been paid for the ground necessarily occupied in Vicksburg for military purposes, but no similar disbursement is made at any other place in the State. The number of buildings necessarily used as offices in this place has been reduced to the lowest possible limit consistent with the efficient transaction of the public business, and the rent paid therefor is very moderate.

In the month of April the fortifications at Vicksburg and Natchez were, in pursuance of orders from the General commanding the Army, dismantled, and their armaments shipped to Baton Rouge arsenal.

The duties of the troops since I have been in command in this State have been chiefly conservative. As the rigid administration of equal and impartial justice to all classes of citizens through the civil tribunals must in the end be the safeguard of the rights of person and property in every country not permanently under the control of martial law, I advised all classes of the community to resort to the civil courts for a redress of their grievances and to obtain their rights.

Nevertheless, all the civil functionaries of the State, whether executive or judicial, were informed, respectfully but firmly, that the State laws making discrimination between citizens on account of race or color, or that were in opposition to the laws of the United States, could not be enforced; and that all prosecutions or suits growing out of events connected with the late war were strictly prohibited. And I am happy to record that this policy has been successful. The higher executive and judicial officers of the State have, as a rule, in their actions at least, admitted the justness and propriety of this decision, As a consequence no serious conflict has occurred between the civil and military authorities. Most of the cases of suits or prosecutions prohibited by military orders or the laws of the United States, and of cases arising under the laws of the State making discriminations on account of race or color, have been adjusted either by equitable decisions in the State courts, or by transfer, under the act of Congress approved May 11, 1866, to the courts of the United States. And I think it is not going too far to say that substantial justice is now administered throughout the State by the local judicial tribunals to all classes of persons, irrespective of race or color or antecedent political opinions. It is unfortunately too true that many outrages and crimes have been committed by the vicious and criminal on the weak, and that these crimes have in many cases gone unpunished. But when it is remembered what a terrible social, political, and military convulsion the nation passed through in the war of the rebellion; when it is borne in mind that a vast population of slaves was suddenly emancipated by the violence of war, and that the late slaves now occupy as freed people the very same soil, in the closest juxtaposition to the formerly dominant class, on which the two races lived in the relation of master and slave, it should not perhaps be matter of surprise that so many outrages and crimes occur and go unpunished, but rather matter of marvel that so few occur.

Great social and political changes are not made in a day. Time, the potential Lethe of deep-rooted, long-standing prejudices, and diffused education, the mighty elevator of the human race, must accomplish the great reforms necessary to the permanent prosperity of the white and colored inhabitants of the southern States.

In December last, his Excellency the Governor of the State applied to me to consent to a general disarming of the negroes through the militia, in conformity with the State statute prohibiting that class of persons from bearing arms without a special license to do so. The reason assigned for the proposition to disarm the negroes was the apprehension of a negro insurrection. Believing there was no foundation in fact for the apprehension of an *emeute* of the negroes, and entertaining the sincere conviction that the State law prohibiting them from bearing arms was unjust and unconstitutional, I declined to give my assent to the proposed measure. I informed the Governor, however, that I would submit his request, through the proper official channels, to his Excellency the President, for his orders in the premises. The President's decision sustained the position I had taken. His orders were communicated to the Governor of the State; and the latter, at my request, issued an order to the militia of the State not to attempt to enforce the State statute prohibiting the negroes from bearing arms.

In this connection I will record that the Governor of the State has, throughout the whole of my administration of military authority in this State, heartily coöperated with me in all my efforts for the complete restoration of law, order, and prosperity among the people, and for the enforcement of strict and impartial justice to all classes.

THE FREED PEOPLE.

When I assumed command in this State I found the labor question, the most important element of prosperity in an agricultural country, entirely unsettled. The freed people, the former laborers, and the only reliance for the immediate supply of the great *desideratum*, labor, were restless, unquiet, and indisposed to make arrangements for continuous labor; and the white population, especially that portion desirous of engaging in cultivating the soil, depressed, despondent, and hopeless of securing sufficient labor to whiten the alluvial fields of the Mississippi valley once more with the great staple, cotton.

After taking sufficient time to inform myself of the position of affairs and to survey the whole field, I suggested to Brevet Brigadier General Samuel Thomas, the then assistant commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands for this State, to issue a circular address to the freed people, advising, not requiring, them to enter into contracts to labor for the ensuing year.

This suggestion, according with General Thomas's convictions of the necessities of the situation, was conformed to, and on the 31st of December last the proposed address was issued and widely circulated. The freed people were advised to this course, not because of the existence of a State statute requiring them to make contracts to labor for a year without they had a license to do job-work, under the penalty of being treated as vagrants without such contract or license, (for it was announced that the enforcement of this statute would not be allowed,) but because by entering into the contracts they would secure employment, a support, and homes for a year. Moreover, by entering into written contracts, made in duplicate and duly authenticated before a civil magistrate, the freed people would have in their possession the evidence for the enforcement of their rights and just claims in the local courts against delinquent employers. It was believed this means of securing justice to the freed people would be particularly efficacious in the rural districts, remote, by reason of geographical distance and diffusion, from the sphere of the immediate surveillance of the military officials. Still further, the freed people, under the information and influence of designing and incendiary persons, had been drugged into the belief that the paramount Government would, on the approaching Christmas or New Year's day, divide among them the lands and other property of the country. It was hence necessary to impress them with the sublime truths that freedom is not licentiousness; that it does not mean the right to do nothing and be supported by charity, whether national or individual; and that it is the duty of every human creature, possessed of the capacity, to work for his or her own support.

The beneficial effect of the address was soon apparent. Complaints from persons wishing to employ negroes to labor for the year, that they would not enter into labor contracts, were soon heard no more.

And I will here express my deliberate judgment that the contract system is the best, both for the employer and the employed. This conviction is derived from the close observation and minute experience of the operations since I have been in command in this State. It is true I have received some complaints from employers that their hired freed people have not worked well; on the other hand, I have received complaints from the freed people that they were defrauded of their wages; but the opinion is hazarded that these complaints, whether coming from employers or employed, constitute exceptional cases, and that the grand bulk of employers and employed have, to the profit of both parties and the advantage of the whole country, honestly and faithfully acknowledged the sacredness of the obligations of their contracts, and fairly carried out the stipulations of the same. It is therefore suggested that the negroes be advised to continue the contract system till they are able to purchase or lease land.

In the latter part of April General Samuel Thomas was relieved from duty as the assistant commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands in this State, and I was ordered to perform the duties of that office. The opinion is ventured that the consolidation of the duties of the military commander and the assistant commissioner in the hands of the same person for one State or geographical military command is a wise arrangement, and will be found to be promotive of the public interest.

Several of the statute laws of this State in reference to the negroes are very objectionable. I will specially designate a few that seem to be most open to objection.

The statute makes the negro a competent witness in all cases in which one or both of the parties litigant are negroes; it therefore fully protects the rights of the negroes. But if both the parties litigant in any case are white persons, the negro is not a competent witness. Since the negro is a competent witness, either for the prosecution or defense, in cases in which a white person is either plaintiff or defendant and the other party a negro, no reason can be perceived why the colored person should not be a competent witness when both parties are white persons. It is true this statute does not injure the rights of person or property of the negroes, but it does work great

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injury and inconvenience to the white inhabitants. As the law now stands, the negro can use the testimony of the members of the colored race, as also the evidence of white people, in all cases in which his rights are in litigation; but in matters of litigation between two white persons neither of the parties can use negro testimony, though it may be the only evidence available in the case. A white person can use the testimony of the negro only in case a negro is a party to the suit.

The statute prohibiting the colored people from bearing arms, without a special license, is unjust, oppressive, and unconstitutional. One of the courts of the State has decided the law to be unconstitutional, while another has maintained its constitutionality.

The law prohibiting the negroes from purchasing or leasing real estate except in corporate towns or cities is impolitic and unconstitutional. The effect of it is to drive the negroes in large numbers, into the towns, where they suffer from idleness, vice, and disease; whereas if they were allowed to acquire homes in the country they would become useful, contented, and happy laborers. The constitution of this State, as amended in 1865, invests the negro with the right to acquire and hold property without any qualification or limitation as to the kind or character of the property. It is hence impossible to perceive what authority the Legislature of the State possesses to limit this constitutional boon. Moreover, this statute conflicts directly with the undoubted constitutional right of every citizen, whether white or black, to alienate every species of property he owns, whether real or personal, in any way, or to any other person, without distinction of color, that may be agreeable to the interest or disposition of the proprietor.

The statute requiring all negroes to make a contract on or before the 10th day of January of each year, or to obtain a license to do job-work, is unjust, oppressive, and unconstitutional.

The Constitution of the United States, as well as the constitution of this State, prohibits forever slavery or involuntary servitude.

If the negroes are required by a statutory enactment to obtain a license to do job-work, make a contract to labor for the year, or be exposed to arrest, fine, and imprisonment, it would seem the constitutional gift is not much more than a name.

It is trusted that subsequent legislation will remove these objectionable acts from the statute-book, or that they will become obsolete.

A slow but gradual amelioration of feeling and abatement of prejudice toward the negroes are observable among the white population of the State.

THE CROPS.

The soil products in this State for the current year are almost a total failure. The spring, even to the commencement of the summer, was wet, cold, and unpropitious. The summer was excessively dry and fiercely hot. The excessive heat withered, hopelessly, the corn crop, and injured the cotton. The worm, the most fatal of all the enemies of the cotton plant, made its appearance in the latter part of the summer and early autumn, and mercilessly ravaged the cotton fields.

The most reliable information in my possession goes to show that the corn grown in the State will not feed the people until the 1st day of January, and that the cotton made will not repay the cost of production. The people have no the breadstuff to support them until another crop can be made, nor the money to buy it with. But bread they must have. Whence is it to come? Abundance has crowned the agricultural labor of the great Northwest during the present year. Thence, it would seem, the supply must be drawn, either by private charity or Government bounty, or both, to relieve the coming want of this people.

NATIONAL CEMETERIES.

Negotiations have been concluded for the site of a national cemetery near Vicksburg, and the preliminary steps have been taken to secure a site for a similar purpose near Natchez. Already the work of removing the bodies of the soldiers who fell in the defense of the country to the former site has been commenced, and will be pushed as rapidly as the means at disposal will permit; but the small sum allowed for the removal of the bodies and for the preparation of the cemetery makes the work necessarily slow.

It is respectfully suggested that, as many of the graves of the soldiers who were buried near the margin of the Mississippi river are being obliterated and destroyed by the fluviatic changes, abundant means should be at once allowed for the work of preparing the cemeteries and removing the bodies to their final resting-place.

The State, and especially this city, was visited by a severe epidemic of cholera in August and September.

I have briefly sketched the leading events of my administration of this command, and attempted to present a faithful picture of its general condition.

The stated reports of my staff officers to the chiefs of staff bureaus at military division and department headquarters, hitherto regularly made, have furnished information of the minute administration of affairs.

I have the honor to be, General, very respectfully, your obedient servant,

THOMAS J. WOOD,
Brevet Major General U. S. A., Commanding.

Brevet Brigadier General W. D. WHIPPLE,
Assistant Adjutant General and Chief of Staff, Department of the Tennessee.

HEADQUARTERS
MILITARY DISTRICT OF KENTUCKY,
LOUISVILLE, KENTUCKY, 1866.

SIR: In compliance with instructions from headquarters department of the Tennessee, I have the honor to transmit the following report of the operations of the military forces under my command in this State since assuming command of the department of Kentucky, April 24, 1866, in obedience to Special Orders of the War Department No. 172, dated April 16, 1866:

The military force in the department on the date of my assuming command consisted of eight companies of the second United States infantry, the twelfth United States colored heavy artillery, and the one hundred and nineteenth United States colored infantry; the two latter regiments under orders for muster out of service. The disbandment of these regiments was accomplished by the 1st of May, leaving but eight companies of the second United States infantry within the limits of the State subject to my command. These troops were stationed as follows: one company at Camp Nelson—a few days afterward, on the breaking up of this post, it was ordered to Lexington, where it has remained since two companies at Jeffersonville, Indiana, guarding public property and buildings at that place; the remaining five companies in the city of Louisville, performing guard duty at the different headquarters, guarding public buildings and property.

About the middle of July a detachment of recruits sufficient to reorganize the two companies necessary to fill up the regiment to ten companies were received, and the companies reorganized at this place.

About the middle of June the department of Kentucky was abolished, and the State of Kentucky reduced to a district command. The necessary reduction of my staff, clerks, orderlies, &c., was promptly made; a proportionate reduction of quarters was also immediately made. In obedience to orders from the War Department, dated in the early part of June, I assumed the additional duties of assistant commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, relieving Brevet Brigadier General John Ely, Veteran Reserve corps, who had for some months past been in charge of the bureau of affairs in this State.

Since the union of the bureau duties with the military under the district commanders, the management and operations of both are so nearly connected that I have thought it best, in order to give the commanding general a more comprehensive report of the affairs, to append to this in full my report of the operations of the bureau recently made and forwarded to the Commissioner at Washington; it is attached and respectfully submitted.

During the succeeding few months a more tranquil state of affairs existed in Kentucky than the State had probably enjoyed for some years past, but as the political contest progressed considerable bitterness of feeling sprang up between the contending parties. The election, however, generally passed off quietly. The party known as the rebel sympathizers carried the State in August last by a large majority, electing men, in most cases, to office whose sympathies were known to have been in favor of the rebellion throughout the war, and in many instances returned rebel soldiers were elected.

Bands of "guerrillas" and "negro regulators" soon increased in numbers and audacity, and many lawless acts have been perpetrated by them upon the defenseless and unoffending citizens, both white and black. The increase of robbery and lawlessness, and the ineffectual measures taken by the civil authorities to suppress these bands, rendered it my duty to offer to the citizens more protection from the military than I had before found necessary.

In Gallatin and surrounding counties these bands became so formidable and bold in committing their robberies that I was compelled to send, about the 1st September last, a company of troops to Warsaw, also Bowling Green and Paducah, for the protection of the people. These troops still occupy their camps at these places, and judging from the present state of affairs it will be necessary to continue their presence there.

From these posts small detachments of men are sent out as necessity requires to protect the agents of the bureau, and make arrests of desperadoes. I have allowed no arrests of citizens to be made except where it was manifest that the civil authorities failed or refused to take action, and then only on affidavits previously taken showing conclusively the identity and guilt of the parties. All parties arrested up to this date except five have been turned over to the civil courts for trial after a few days' imprisonment; these five prisoners have been in confinement only a few days, are now awaiting the demand of the United States marshal to be so turned over. These parties have generally been turned over to the United States district court of this State, the only court in the State within my knowledge that will admit the testimony of colored witnesses against accused white parties. For further particulars on this subject I would respectfully refer to the accompanying report of the bureau affairs. [See General Howard's report.]

The general health of the troops has been good; the discipline and efficiency all that could be expected or desired under the circumstances.

The most important post within the district is the city of Louisville; this has been well and efficiently commanded by Brevet Brigadier General Sidney Burbank.

My staff has been so much changed by muster out of service and other causes that it is difficult to give a detailed account of the duties performed by them.

It affords me pleasure to report that these duties have been well and promptly performed.

Very respectfully, your obedient servant,

JEFF. C. DAVIS,
Brevet Major General Commanding.

General W. D. WHIPPLE,
Assistant Adjutant General.

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Report of Major General D. E. Sickles.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
CHARLESTON, S. C., *October* 30, 1866:

I have the honor to report the operations and general condition of affairs in this department during the present year, in compliance with the order of the General-in-Chief.

The troops in the department of South Carolina, on the 1st of January, 1866, comprised three hundred and fifty-two officers and seven thousand and fifty-six enlisted men. By the muster out of volunteer organizations this force was reduced on the 1st of June last, when the department of South Carolina was discontinued, to two hundred officers and two thousand nine hundred and seventy-three enlisted men.

I assumed command of the department of the Carolinas, including the States of North and South Carolina, June 2, 1866, in compliance with General Order No. 32, War Department, dated May 19, 1866. The troops in the department of the Carolinas comprised one hundred and sixty-nine officers and three thousand two hundred and seventy-seven enlisted men. On the 17th day of August, 1866, I assumed command of the department of the South, embracing the same territory and troops included in the department of the Carolinas. The one hundred and twenty-eighth United States colored troops was mustered out October 10, 1866. The troops now comprise the sixth and eighth regiments of United States infantry; companies A, H, I, and L, fifth United States cavalry; light company E, third regiment United States artillery, and thirty-seventh regiment United States colored troops. Total number of commissioned officers, one hundred and thirty-five; enlisted men, two thousand six hundred and twelve.

The sixth United States infantry and four companies of the eighth, with companies H and L, fifth United States cavalry, and three companies thirty-seventh United States colored troops, garrison twelve posts in South Carolina; and six companies of the eighth United States infantry, companies A and I, fifth United States cavalry, light company E, third United States artillery, companies A, B, D, F, G, I, and K, thirty-seventh regiment United States colored troops, garrison the several posts in North Carolina.

Depots for recruits for the fortieth United States infantry have been established at Smithsville, North Carolina, and Charleston, South Carolina. Enlistments are going on satisfactorily.

Pursuant to General Order No. 32, War Department, Adjutant General's Office, 1866, the States of North and South Carolina, respectively, constitute military commands, Brevet Major General J. C. Robinson, United States Army, commanding in North Carolina, and Brevet Major General R. K. Scott commanding in South Carolina, each performing the duties of assistant commissioner of the Bureau of Refugees, Freedmen, &c., within his command.

The discipline and efficiency of the troops is generally fair, most of the enlisted men of the regular force being recruits. Desertions have been quite numerous for several months, but are now less frequent. (Report of Major James P. Roy, sixth United States infantry, acting assistant inspector general, Appendix 1.)

The troops are well equipped and clothed, and comfortably quartered. But few complaints have been reported of the issues made by the quartermaster's and subsistence departments, and these have been promptly corrected. (Reports of the chief quartermaster, Brevet Major General R. O. Tyler, and of the chief commissary of subsistence, Brevet Brigadier General W. W. Burns, Appendix 2 and 3.)

The health of the troops has been excellent; the sick in hospital averaging only four per cent. of the mean strength of the command, and the ratio of deaths per thousand men being only 8.68. No case of yellow fever or cholera has occurred, nor have these epidemics appeared in the department; a remarkable result, attributable mainly, in my judgment, to the effective quarantine maintained, in compliance with General Order No. 15, headquarters armies of the United States. (See report of medical director, Appendix 4.)

Large reductions have been made in the expenditures of the quartermaster's department. The estimates reported for January, 1866, were $258,794 17, and for August, 1866, $54,076 06.

In January, 1866, in the department of South Carolina, eleven steamers, five tugs, and one sailing vessel were more or less employed. On September 1 the water transportation had been reduced to one steamer and three sailing vessels; two of the sailing vessels were chartered for quarantine purposes, and have been since discharged.

The depots at Hilton Head, belonging to the quartermaster, subsistence, and medical departments, have been broken up, and the civilian employés, more than a thousand in number, discharged. Orders recently received for the disposition of the large accumulation of ordnance and ordnance stores at that post are being executed with diligence by the ordnance officer and chief quartermaster.

The depots at Raleigh and Columbia have likewise been discontinued. Charleston and Newbern are now the only sources of supply.

The cemeterial operations, necessarily suspended during the warm season, will be resumed next month, and prosecuted with energy to completion during the winter, so that all the offices of honorable interment, as contemplated by the Government, will have been rendered to those of our heroic dead who fell during the war in North and South Carolina.

For more particular information as to these and other operations of the quartermaster's department I respectfully refer to the report of Brevet Major General Tyler, inclosed herewith, to whose zeal and ability I am much indebted.

The issues of rations to refugees and freedmen subsequent to January 1, 1866, were gradually diminished under the operation of orders from department headquarters forbidding issues to persons able to earn a living. The demand for labor during the year has been sufficient to employ every one willing to work. Agents of the Freedmen's Bureau, in some localities, issued rations improvidently. Over issues made by those agents I have no direct control.

In compliance with the recent instructions of the Secretary of War, Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, August 22, 1866, all issues to freedmen and refugees ceased on the 1st of October, except to the sick in hospitals and orphans in asylums heretofore established. For the ten days ending October 10, two thousand and thirty-four rations were issued to those two classes in North Carolina, and in South Carolina one thousand and ninety rations. The Legislature of South Carolina, during its recent extraordinary session, made a liberal appropriation for the supply of corn to the destitute.

The most satisfactory progress seems to have been made during the past year in all that concerns the welfare of these States. A year ago civil authority did not exist. The duties of the Executive were in the hands of provisional functionaries appointed, by the President. These have been replaced by Governors elected by the people. The courts were all closed, and the administration of justice depended altogether on military tribunals. Now, the courts are all open, and the jurisdiction of military tribunals, except on the sea islands, is confined to persons in the military service, in cases arising under the Articles of War. The administration of municipalities, towns, and counties devolved upon military officers. The police of Charleston, Columbia, Raleigh, and Wilmington was exclusively military. The taxes imposed, the streets that were lighted, the licenses granted, and all the regulations of commerce and trade were subject to military authority. Now, the local magistrates and officials chosen by the people, or appointed according to law, are discharging their ordinary duties. The police is almost exclusively municipal. All taxes, assessments, and charges of every kind are levied by civil authorities, and all the restrictions upon commerce, trade, and intercourse, other than those imposed by the laws, have ceased.

In the condition of the colored population the same gratifying progress has been observed. The act of emancipation has been ratified constitutionally by the spontaneous assent of these States. The Legislature of South Carolina has recognized the civil rights of freedmen as defined by the civil rights bill. In North and South Carolina the courts are open to freedmen for the protection of person and property. In South Carolina they are competent to testify in all cases, without disqualification on account of color, interest, or relation to the subject-matter. Their dwellings, schools, churches, and societies are generally unmolested and secure. They are free to cultivate the soil for themselves, or to engage in any lawful calling, or to hire for wages, as they may choose. And it is only just to declare, as the result of my observation, that the conduct of the colored population has deserved all praise, and justifies the belief that as freemen they will become reliable, worthy, and useful citizens. Conspicuous among the better tendencies of the race is their respect for religion. Devoted to their churches and preachers, they habitually attend divine service and engage with singular earnestness in all religious observances. The belief is almost universal among the freed people that their deliverance from servitude was the act of God.

The situation at the commencement of the agricultural year, which begins in the South about the 1st of January, was full of difficulties. Many of the planters had not obtained possession of their lands. Those who were in possession had little or no money. Plantation buildings, fences, implements of husbandry, and stock could only be partially restored. The negroes generally had been led to hope that the Government would give them the lands and premises where they had been domiciled as slaves: hence they were unwilling to make engagements to work for others. With the restoration of civil authority, they apprehended injustice and oppression at the hands of their former masters. They were anxious to acquire lands for themselves. They desired especially to live somewhere under the exclusive jurisdiction of the Federal authority. Thousands found their way to the sea islands and the abandoned coast plantations, under the impression that General Sherman's field order gave these lands altogether and exclusively to the freed people. They were not disposed to work for the owners to whom lands had been restored, for they had been encouraged to believe that they could rightfully stay and cultivate the abandoned lands of which they had taken possession.

In South Carolina the legislation of 1865 failed to quiet the uneasiness and distrust of the freed people as to the security of their civil rights. The discussions in Congress and in the public journals, and the language of many public agents, kept alive the hope of receiving grants of lands from the Government.

All these circumstances contributed to make the colored people restless, migratory, and indolent, producing general discontent and frequent collisions between the two races. Grave disorders becoming more and more frequent, I published a comprehensive order defining the principal relations between the whites and the freed people, and establishing regulations concerning the occupation of lands, labor, pauperism, vagrancy, disorderly conduct, and crimes.

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(General Order No. 1, January 1, 1866, department of South Carolina, Appendix 5.) These regulations at least furnished positive and uniform rules for the government of all concerned, and contributed to establish order where all had been uncertainty and confusion.

The results were immediate and salutary. The planters evinced a disposition to employ as many hands as their means allowed. The freedmen generally went to work. Their desire to wander from place to place and to crowd together in towns and cities diminished. The facilities for traveling which had been improvidently furnished by the agents of the Freedmen's Bureau, were curtailed by orders to the quartermaster's department to confine transportation strictly to the provisions of General Order 138, War Department, Adjutant General's Office, 1865. The misgivings of many planters as to the disposition of free negroes to work for wages gradually gave way. It soon became evident that with proper energy, capital, patience, and tact on the part of the landholders, if they failed to make good crops, the failure would neither result from the lack of available hands nor from the omission of the military authorities to exert a proper influence upon the laboring population. (General Order No. 75, department of South Carolina, Appendix 6.)

And now, at the close of the year, I do not hesitate to affirm that where the season has been favorable, wages liberal, facilities for culture ample, the superintendence diligent and judicious, and the laborers well treated, the average production has been equal to ordinary years before emancipation. "Whenever the planters wish the thing to succeed, it is successful." This remark, quoted from the report of the Marquis of Sligo, colonial Governor of Jamaica in 1835, is as truly applicable to these States as it could have been to the British West Indies after emancipation.

On the 1st of January last the control of civil affairs in the city of Charleston was turned over to the mayor and municipal authorities, with certain temporary reservations; these related mainly to the trial and punishment of negroes and the prohibition of the *quasi* military organization and equipment of the police as it existed before emancipation.

Desiring to relieve the people from all unnecessary restraints incident to martial law, I directed, on the 4th of March last, that the administration of civil affairs in all the parishes and towns be remitted to the civil authorities, when duly appointed and qualified according to law, and prohibiting thereafter any military tax, assessment, or charge of any kind, except fines and penalties imposed by provost courts or military commissions for offenses whereof the party had been duly convicted. Civil officers have been required in all cases to obey the proclamation of the President, the laws of Congress, and all orders relating to the government of this department emanating from competent authority. No disqualification for office has been imposed except the refusal or neglect to take and subscribe the amnesty oath last prescribed, unless the party belonged to one of the classes excepted from amnesty, and in such cases full pardon from the President is required. Provost courts have been necessarily continued in operation, with jurisdiction in cases concerning persons of color, until such persons became legally competent to sue and testify in the State courts, with the same rights and remedies accorded to other persons. (General Order No. 7, department of South Carolina, March 4, 1886, Appendix 7.)

Contemporaneously with these measures, the muster-out of the volunteer force, and the general improvement in the condition of affairs rendered it expedient and practicable to discontinue the military district and sub-district organization, and to establish posts embracing, territorially, several counties. These have been garrisoned by one or two companies, from which mounted detachments and patrols could be furnished when required, post commanders reporting directly to department headquarters. This organization was continued until the assignment of Generals Robinson and Scott to the military commands of North and South Carolina. I desired also that the post commanders should be *ex officio* agents of the Freedmen's Bureau, reporting in that capacity to the assistant commissioner; and so far as this suggestion has been adopted, the gain to the public service and to the interests of all concerned has been manifest. In my judgment all the legitimate duties of the Freedmen's Bureau can be more efficiently and promptly performed by post commanders, who will have not only the necessary authority, but also the means and facilities at their disposal to enforce their orders. The administrative and economical advantages are obvious enough.

The superior courts, the local magistracy, and the town and municipal authorities have generally shown a proper disposition to do justice between man and man and to afford protection to all good citizens. Unfortunately, however, there are exceptions to be made to this statement. In some parts of Barnwell, Edgefield, Newberry, Chester, Laurens, and Richland districts, (counties,) in South Carolina, a freedman has little security for life, limb, or property, apart from the presence and protection of a garrison of United States troops. There are other districts in the western part of South Carolina where the same insecurity exists. The truth is, that in certain localities of these States, personal encounters, assaults, and difficulties between citizens, often resulting in serious wounds and death, have for years occurred without the serious notice or action of the civil authorities; and in those neighborhoods where it has heretofore seemed to the population officious to arrest and punish citizens for assault upon each other, they can hardly be expected to yield with any grace to arrests for assaults and outrages upon negroes. It is precisely in these localities that the most impatience is displayed at the presence of a garrison, because people who have long violated civil law with impunity dislike martial law or any other law that is enforced.

In consequence of the vigilance of the garrisons and the punishment which has followed the perpetration of outrages upon refugees and freedmen, when the guilty parties became known to the military authorities, these crimes are now generally committed by bands of outlaws and marauders, composed of the most reckless and abandoned characters, organized mainly for plunder and pillage. There is reason to believe that organizations of these banditti, more or less numerous, and connected with each other, exist in the localities I have mentioned, and have their accomplices with corresponding organizations in the border counties of Georgia, Tennessee, and North Carolina. They defy the civil authorities; they overawe the well-disposed population. They often elude the garrisons, because it is impossible to obtain from the people in the neighborhood of their depredations or of their resorts any reliable information about them. Even the colored people generally prefer to evade inquiries, rather than expose themselves to certain vengeance as the penalty of disclosures that would cause the arrest and punishment of one or more of these confederated bands. His Excellency the Governor of South Carolina, who has endeavored, by means of rewards privately offered, to effect the arrest of some of these offenders, has succeeded in capturing one or two of them, and they are now in the hands of the civil authorities, awaiting trial.

In July last a party of guerrillas, disguised as blacks, rode into the county town of Newberry, dismounted, tied their horses, and proceeded to the house of one Amos Wesley, a colored barber who resided near the courthouse; they killed him in the presence of his wife and family, mounted their horses, and rode off. No arrests were made at the time, and the ringleaders are still at large, although several of them are known to the civil authorities. Wesley had wronged no one, and seems to have been an inoffensive person, although, perhaps, somewhat indiscreet in speech. He had, however, been warned to leave Newberry, and it appears he intended to move somewhere as soon as he could find a suitable place for his calling. The officer sent to investigate the affair arrested two persons as accomplices in the crime, but the evidence was not deemed sufficient to justify their detention. (Report of Major Everton, aid-de-camp, Appendix 8.) All the papers in the case have been furnished to his Excellency the Governor of South Carolina, in compliance with his request, for his information and action.

Two or three weeks ago a party of men, similarly disguised as blacks, went to the residence of Mr. Biglow, a teacher of a school for colored children in the town of Aiken, in Barnwell district; displaying weapons and threatening his life, they compelled him to leave the place, never to return, under pain of death. Mr. Biglow was requested to return by the post commander, and was assured of protection, but declined to do so, fearing he could not, without more hazard than he was willing to incur, resume his avocation in Aiken. This place has long been a favorite summer resort for invalids and for people of wealth and refinement in the South. It is the headquarters of a military post, garrisoned by company H, fifth United States cavalry. Brevet Major Walker, United States Army, the post commander, has exerted himself with zeal and diligence to obtain sufficient testimony to justify the arrest of the perpetrators of this outrage, and although, as he reports to me, they are well known to the neighborhood and suspected by himself, it has been as yet impossible to obtain reliable testimony on the subject. The civil authorities have taken no action the case, so far as I am informed. (See report of Brevet Brigadier General B. P. Runckle, agent of Freedmen's Bureau, and report of Brevet Major L. Walker, United States Army, commanding post, Appendix 9.)

It sometimes happens, indeed, that arrests are made of the worst class of offenders, and occasionally they are tried and punished. Instances of much gravity are too frequent, however, of the most reprehensible neglect to arrest and prosecute notorious malefactors and outlaws. Inquests in case of homicide, especially if the victim be a negro, seldom result in a verdict which points out the guilty. When arrests are made by military authority and the parties turned over to the civil tribunals, the accused are generally admitted to easy bail. The sittings of the superior courts only occur twice a year, so that justice is slow at best. It became necessary, therefore, to authorize commanding officers to treat these outlaws as guerrillas, and punish them summarily. On the 12th of October the commanding officer of the post of Chester, in compliance with General Order No. 15, current series; department of the South, turned over the jail to the sheriff, and also the custody of the prisoners, several of whom had been confined on charges of the most serious character. The sheriff was admonished by Brevet Major Carter, United States Army, commanding, of the desperate character of some of the inmates, and of the necessity for vigilance, but, on the second night after the sheriff had taken possession, all the prisoners escaped. It being apparent that no reliance could be placed on the sheriff, I have communicated the occurrence to his Excellency the Governor of South Carolina, and directed the post commander to resume possession of the jail, capture the escaped prisoners if possible, and hold them in military confinement until the proper judicial tribunal shall be ready to try them.

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The orders of the General-in-Chief, General Order 44, headquarters of the Army, Adjutant General's Office, July 6, 1866, directing the arrest of offenders and their detention in military custody, in cases where the civil authorities fail, neglect, or are unable to arrest and bring offenders to trial, have been strictly and vigilantly enforced. These orders have had the effect of stimulating the action of the civil authorities, especially in certain localities notorious for the insecurity of person and property.

Since the organization of the courts of the United States in North and South Carolina, respectively, all cases of admiralty jurisdiction, and all other proceedings, civil or criminal, of which those courts have cognizance, have been remitted to them. No complaint or suggestion has reached me from any quarter of any failure of justice in those tribunals. North Carolina having, in all trials, civil or criminal, except the crime of rape when charged against a negro, extended the laws of the Commonwealth impartially to all persons, without distinction on account of color or race, jurisdiction of all cases, whether civil or criminal, with the exception just now mentioned, has been remitted to the ordinary civil tribunals of the State. The distinguished officer commanding in North Carolina reports that he finds, "in most parts of the State, a willingness on the part of civil officers to aid the military commanders in bringing criminals of all colors to justice, and generally giving all classes their just rights." General Robinson, however, remarks that "petitions from loyal men throughout the State, setting forth grievances and stating they are being prosecuted for acts done in their military capacity and while protecting loyal persons," have been received by him; and he reports that, "in all cases clearly ascertained, the executive officers of judicial circuits have been notified to discontinue such prosecutions."

Approving of the action of the district commander, I have directed in such cases, in compliance with General Order No. 3, War Department, Adjutant General's Office, January 12, 1866, that all parties within the provisions of that order be protected from any penalties or damages that may have been or may be adjudged against them in the courts of North Carolina.

In South Carolina I directed, in June last, that all white civilians in military custody charged with felonies or misdemeanors be turned over to the civil magistrates and tribunals of the State for trial, according to the nature and character of the offense charged, and of the jurisdiction of the court having legal cognizance thereof. Serious doubts having been entertained whether in prosecutions of white persons for offenses against freedmen the latter would be deemed competent witnesses in the State courts, I requested his Excellency the Governor to submit the question to the chief justice of the court of appeals, who replied, the Governor concurring, that the courts of general sessions always had cognizance of offenses committed by white persons against the person or property of freed persons of color; and that under the provisions of the law of 1865, persons of color became competent to testify before grand juries, magistrates, and courts, in criminal cases, touching the person or property of persons of color. The laws of South Carolina had not, then, placed the freed people upon an equal footing in the courts as parties; and, therefore, cases in which they were concerned remained, temporarily, within the exclusive jurisdiction of military tribunals. (Special Order No. 19, department of Carolinas, Columbia, June 26, 1866, Appendix, 10; also letter of instructions to Brevet Major General R. K. Scott, commanding in South Carolina, dated Charleston, August 31, 1866, Appendix 11.)

In September his Excellency the Governor of South Carolina convened the Legislature in extraordinary session, when laws were passed substantially recognizing the civil rights of the freed people as those rights are defined in the civil rights bill passed by Congress. This concession gave all people of color the same remedies for wrongs and the same protection enjoyed by the most favored citizen. Their competency to sue and to testify in all cases, to make contracts, and to hold, convey, or bequeath property, whether real or personal, has been expressly recognized in South Carolina. (Correspondence between his Excellency the Governor of South Carolina and the major general commanding, Appendix 12; also copy act Legislature of South Carolina, Appendix 13.)

These laws having been officially communicated to me, I have directed that all cases, civil or criminal, in which the parties are civilians, be turned over to the State tribunals, that the jails and prisons be restored to the sheriffs, and that military provost courts be discontinued, except on the sea islands, where provisional tribunals cannot for the present be superseded, inasmuch as civil authority has not yet been organized and established. A large portion of the territory of these islands remains under the control of the Bureau of Abandoned Lands, Freedmen, &c., and of the United States tax commissioners, pursuant to the legislation of Congress at the last session. (General Order No. 15, Headquarters department of the South, October 15, 1866, Appendix 14.)

The courts throughout the department have been interdicted from entertaining prosecutions or suits against persons for acts done by competent military authority; or against any one who adhered to the Union during the rebellion for acts done in opposition to rebel forces and agents; or for the possession and use of abandoned lands or other property held by authority of the President or any civil or military department of the Government.

In remitting to civil authority the comprehensive jurisdiction for some time exercised under martial law, the occasion was deemed a proper one to enjoin upon the freed people their duty to yield unhesitating obedience to the civil laws and magistracy, and also to commend to the authorities and inhabitants in general the considerate, forbearing, and patient execution of the laws in all matters concerning the numerous population so recently vested with civil rights and the obligations of citizens. Considerations affecting public tranquillity and order suggested the expediency of prohibiting whipping as a punishment for men and women, and likewise the sale of persons convicted of vagrancy and other offenses for periods of involuntary service. (Correspondence between his Excellency the Governor of South Carolina and the major general commanding, Appendix 15.)

Under the operation of the legislation and the general orders to which allusion has just been made, the superior courts have held their autumnal term. The adherents to the cause of the Union, the partisans of the rebellion, northern men domiciled here since the war, the slaveholders of former times, and the freedmen of this epoch, have all found themselves within the cognizance of the courts. White men have been convicted of crimes upon negro testimony; negroes, tried upon charges preferred by white persons, have been acquitted upon negro testimony. In one instance the acquittal turned upon the evidence of the accused, a freedman, in his own behalf, the testimony of accused persons, when offered by themselves, having been made competent by recent legislation in South Carolina.

It would be premature, as yet, to assume that the new order of things in these States is no longer an experiment. Nevertheless, among the numerous matters of complaint disposed of during the year, the cases are exceptional and inconsiderable in number that seem to furnish just occasion for censorious comment or criticism upon the manner in which the civil authorities, and especially the superior tribunals, have fulfilled their novel relations to the freedmen as citizens.

It has been already intimated that justice is administered by the superior courts in these States with a conscientious respect for law and a degree of independence of popular sentiment not generally found among the inferior magistrates or ministerial officers. The magistrates are often dilatory in issuing warrants for the apprehension of offenders, if public opinion incline toward the accused. Nor are the sheriffs and constables likely in such cases to be diligent in making arrests. Inquests by coroners, when freedmen have been killed, have seldom pointed to the guilty party. In an instance reported by the post commander at Hilton Head, that occurred in Beaufort district, the perpetrators of the homicide were on the coroner's jury and joined in the verdict that the victims came to their death by means to the jury unknown. Such also was the verdict in Wesley's case, at Newberry, although the murderers were recognized on the spot and were well known to the neighborhood.

These irregularities do not occur where persons of consideration are sufficiently interested in the proceedings to insist upon the proper action. The Governors, unfortunately, have no control over any of these officers. They are amenable for official misconduct, it is true, to indictment and trial by a court; but in the absence of executive control it may be assumed that for practical purposes there is no responsibility. District and post commanders are instructed to report the refusal or neglect of any magistrate, court, or officer to perform any official act required by law, whereby due and rightful protection to person and property shall have been denied.

In conclusion, the following general observations are suggested by a review of the operations and the condition of affairs during the year in this department:

The military occupation of the territory by detachments garrisoning posts embracing one or more counties has restored order, afforded security for person and property, and encouraged the resumption of agricultural, industrial, and commercial employments. For the necessary garrisons and the detachments required to make the post organization efficient throughout the department, three battalions of infantry and three squadrons of cavalry, with four companies of artillery for the forts and permanent works, will be sufficient.

Notwithstanding the gravity of some exceptional occurrences incident to the close of a long war, tranquillity and order have been restored under martial law, contemporaneously with successive concessions of jurisdiction to civil authority, and the gradual reduction of the Army to a peace establishment.

In certain localities disturbed by bands of outlaws, many of them fugitives from justice in these and other States and paroled rebel soldiers, who continue to commit the worst crimes and disturb the peace of neighborhoods, the exercise of the power of arrest and punishment under martial law is the only reliable security for life and property. The civil authorities fail to suppress these organizations and punish the outrages committed. Magistrates, constables, jurors, and witnesses, residing far from a garrison, are intimidated by threats of retaliation from enforcing the ordinary legal remedies against these bandits and guerrillas.

The material prosperity of these States, injured almost irreparably by the war, seems likely to be restored through emancipation. Although some time must elapse before their productions will be equal in quantity to the product before the war, the increased value of the staples raised will soon make up the equiv-

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alent. Capital, enterprise, and population are coming from the North. With these will be provided increased facilities for culture, manufactures, and trade. Remarkable success has rewarded many diligent and judicious planters, who have paid liberal wages in cash and treated their laborers kindly. Evidence accumulates to prove the general disposition of the negroes to work voluntarily and faithfully for wages, or for themselves as tenants and as small proprietors. Education, the enjoyment of their earnings, the security of family ties, the possession of civil rights, and the practice of divine worship are exerting their salutary influence upon the conduct, intelligence, and thrift of the freed people. The two races, alienated by war and suddenly separated by emancipation, are becoming gradually reconciled.

There are good reasons for the belief that the fortunate exemption of this department from the riots and turbulent collisions which have occurred elsewhere is attributable in the main to the prohibition of all armed organizations, whether of police, patrols, "regulators," or militia. The organization of an efficient police and constabulary in the several towns and counties has been uniformly encouraged, and the troops have always supported the civil authority in the execution of the laws and in the preservation of order whenever the employment of armed forces has been necessary and proper. The lawful enrollment of the militia has not been prevented; but while the United States forces occupy the territory no occasion is likely to arise for the services of any other armed force. To illustrate the inconvenience that would be incident to the operations of outside military organizations not under my command, I invite attention to the following extract from the militia law of South Carolina, passed December 22, 1865, and which does not differ essentially, I understand, from the legislation of adjacent States:

"SEC. 123. That every commissioned officer in the militia shall have power, when occasion shall require, to assemble, arm, and raise any number of men belonging to their respective corps: and, if need be, to give notice and call to their aid the officers and men of any adjacent corps to disperse, suppress, kill, and destroy, take or subdue any pirate, sea-rover, or other enemy, who shall in a hostile manner hurt, or attempt to hurt, any of the inhabitants of this State, or their persons or possessions, or any company of freedmen or others who shall be lurking in any suspected place where they may do mischief."

The employment of any armed force in the manner authorized by this statute would be sure to provoke serious collisions between the two races, and more especially until the distrust and alienation out of which such enactments have their origin shall have yielded to the better sentiments of coöperation and concord. (Copy report to Adjutant General of the Army, 29th September, 1866, Appendix 16.)

The armed bands called "regulators" have no formal sanction from any authority, and are only countenanced by ill-disposed persons. These bands have committed repeated acts of hostility against the United States forces, and many depredations and outrages upon the persons and property of peaceable citizens. The instructions and orders given in such cases have been to capture and punish such offenders summarily as guerrillas, pursuant to General Order No. 90, War Department, May 11, 1865.

In certain counties, such as Newberry, Edgefield, and Laurens, so much countenance was given to outrages upon refugees and freed people, directly and indirectly, by the indifference of the civil authorities, and by the population, who made themselves more or less accomplices in the crimes, that other and more comprehensive measures became necessary. I invited some well-disposed citizens of consideration and influence to proceed to those localities, and endeavor to arouse the people to a proper sense of their responsibility for these disorders. Brevet Colonel Alexander Moore, aid-de-camp, with an escort of cavalry, proceeded, by my order, to the localities where the offenses had been committed, and arrested a number of the parties, some of them prominent citizens, who had harbored and given aid and comfort to the worst offenders.

These remedies not proving to be effectual, I caused it to be made known to the inhabitants of Edgefield, Newberry, and Laurens that measures had been initiated to remove the persecuted refugees and freed people inhabiting these counties to places of refuge and security, and to subsist them until they could provide for themselves; and that unless all just occasion for complaint against the population of those counties ceased forthwith, these measures would be taken at the expense of the communities responsible for grievances that seemed to defy all other modes of redress. Instructions of this purport having been sent to Brevet Major General Ames, commanding the western district, and the tenor of them having been communicated to his Excellency the Governor, the improved condition of affairs subsequently observed in these counties made it practicable to postpone the execution of these measures indefinitely. (Copy instructions to Brevet Major General Ames; copy communication to his Excellency the Governor of South Carolina; copy reports of Captain Coan, aid-de-camp, and of Colonel Deveraux, assistant commissioner of Bureau Refugees, Freedmen, and Abandoned Lands, and other documents; Appendix 17.)

It has likewise been found necessary to prohibit associations or assemblages composed of persons who served in the rebel armies, and having for their object the perpetuation of any military or other organization engaged in the rebellion. This prohibition has not been enforced against any society which has, in good faith, confined its action to the charitable relief of disabled and indigent survivors, and the ordinary observances for the burial of the dead. (General Orders No. 7, department of the South, Appendix 18.)

Recently a meeting of one of these associations was made the occasion for an address delivered by General Wade Hampton, in which he is reported to have commented upon the Government and the armies of the United States, and especially upon the operations of Generals Sherman and Sheridan, in a manner well calculated to incite discontent and hostility against the authorities of the United States. I have directed an inquiry into the matter, in order that the association of rebel soldiers may be suppressed, and General Hampton admonished to observe the terms of his parole, if, upon investigation, it shall appear to have been disregarded in this instance.

I desire to express my hearty appreciation of the efficient aid I have received from the distinguished officers commanding in North and South Carolina, and from the post commanders, in the discharge of the novel and difficult duties incident to the exercise of military authority during the gradual transition from martial to civil law. The officers of my staff, in their several departments, have evinced the most praiseworthy zeal and diligence.

Very respectfully,

D. E. SICKLES,
Major General Commanding.

ASSISTANT ADJUTANT GENERAL, *Headquarters Armies of the United States, Washington, D. C.*

Report of the Secretary of the Navy.

NAVY DEPARTMENT, *December* 3, 1866.

SIR: I have the honor to present the annual report of the condition and operations of this Department and of the Navy during the year. The reduction of the naval force at home and the establishment and reënforcement of the squadrons abroad, with the repairing and placing in efficient condition the vessels and machinery which had become worn and defective by long and constant hard usage, have continued to be objects of paramount importance in the administration of naval affairs since my last annual report.

When the war terminated, which had developed the energies and the resources of the country, and so stimulated the activity and inventive powers of our countrymen as to have given extraordinary efficiency to the Navy, this Department became relieved of some of the labor and much of the responsibility which for four years had commanded its unremitting attention. But to reduce the immense armament, which the exigencies of the period and the power of the Government had called into existence, to discontinue the blockading squadrons, to dispose of the large number of captured and purchased vessels which had been used for war purposes, to discharge and retire the volunteers from service, to suspend the work which had been commenced for increasing the Navy, to contract within proper limits our naval force, which, during the war, had assumed a magnitude that gave us foremost rank among naval Powers, while yet placing our Navy upon a substantial but economical peace establishment, involved no inconsiderable amount of labor and responsibility, as well as of judgment and discrimination.

While these reductions from the war standard have continued to occupy the attention and the efforts of this Department during the year, it has also been vigilant to organize and reëstablish efficient squadrons abroad, and, for the protection of American interests and the assertion of American rights, to have one or more of our vessels visit every important point where our commerce has penetrated.

Not until after the fall of Fort Fisher did the Department spare any labor or effort to strengthen and increase our naval power; but down to that period it was pressing forward with the same energy and determination in the construction of additional vessels and machinery, and in procuring additional ordnance supplies and munitions, as during any period of the war.

The possession of the Mississippi river and its tributaries had justified the diminution of the naval force which was made on our internal waters at an earlier period, although an efficient and well-organized squadron continued to patrol those rivers until the rebellion was wholly suppressed.

At the close of the war the Government had at its command an immense navy, composed partly of vessels built for fighting purposes, and partly of vessels which had been captured, or were purchased from the commercial marine and armed for the service.

Contracts for new vessels which had been commenced, and for engines which are in the course of construction, must necessarily go forward to completion; but as far as has been practicable, all such work in the navy-yards and elsewhere is suspended. At the earliest moment consistent with the public interest, most of the captured and purchased vessels were sold, and returned to the merchant service, from which they had been originally procured. They thus, after having been used to suppress the rebellion, are contributing in a measure toward reëstablishing commercial and social relations among the States which had been arrayed in conflict. Some naval-built steamers, hastily constructed for war purposes, which there was no object in further retaining, have also, from time to time, as opportunity presented, been put in the market and sold to advantage. In this manner, and by these means, our large Navy has been reduced and brought within the limits of a proper peace establishment.

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The naval stations which were established at various points on the southern coast, to promote the efficiency of the blockade, have been discontinued, and the supplies which were on hand when the blockade was raised and the squadrons were withdrawn, have been sold or transferred elsewhere, as the public interest required. The reduction of these stations has been effected as economically and with as little waste as was possible.

Prudence required that a naval force should continue for a period to line our coast, in order to prevent any renewal of hostilities, or any further infraction of the laws. Happily no contingency has arisen calling for naval interposition, and it is a subject of congratulation that since the surrender of the armies and the termination of the blockade, tranquillity has pervaded the States which were in rebellion. The people lately in insurrection have peacefully submitted to the result of the war, accepted its legal consequences, acquiesced in the decision against secession, and acknowledged their allegiance to the Constitution and Government of the Union. Some discontent has been exhibited in consequence of the attempts to impose upon this portion of our countrymen, since their submission, terms which are regarded as in the nature of *ex post facto* laws, and to enforce on the States, as a condition-precedent to their resumption of their rights under the Constitution, the adoption of an amendment to that instrument in the preparation and presentment of which they had no voice or representation, and which, if incorporated into the organic law, is conceded as changing in essential respects the character of the Government. That they and others should object to and oppose such a measure is not surprising. So far as they are concerned it conflicts with the acknowledged truth that Government derives its just powers from the consent of the governed, and it conflicts equally with the method prescribed by the Constitution for the initiation and submission to the States of all amendments to the fundamental law. Yet never, perhaps, in the annals of the world have the inhabitants of such an extent of country, previously accustomed to self-government, so soon and so generally submitted to the results brought upon them by defeat.

Intemperate language has been uttered by violent and inconsiderate partisans, but peaceable acquiescence has generally prevailed for the last eighteen months through the South. A domestic disturbance of a local character, having its origin in a controversy concerning the State government, broke into a lamentable riot at New Orleans, which was speedily suppressed without assistance from the naval vessels which were in front of the city, and ready to render aid if required. There was not then, nor has there been in any quarter, resistance to the Federal authority; nor have there been any of the anticipated outbreaks such as in other countries have followed the disbanding of great armies, and which it was apprehended might require not only military but naval force to overcome. The rebellion being suppressed and the cause or pretext which led to it extinguished, there has been no obstacle to the reëstablishment of the Union and the restoration of fraternal relations, save the passions and resentments incident to a civil war. Gradually our home squadrons have been diminished and finally wholly withdrawn, excepting a force which has been and is maintained in the Gulf with reference as much to foreign as domestic affairs.

GENERAL EXHIBIT OF THE NAVY.

The total number of vessels in the Navy at this time is two hundred and seventy-eight, armed with two thousand three hundred and fifty-one guns. Of these, there are in commission and on active duty one hundred and fifteen vessels, carrying one thousand and twenty-nine guns. The following general exhibit gives in detail a statement of the character and condition of the naval force:

	Number.	*Guns.*
Vessels in squadron service	69	694
Vessels on special service	9	83
Vessels on service at home stations, including receiving ships, Naval Academy, navy-yard duty, &c.	37	252
Total number of vessels in commission	115	1,029
Iron-clad vessels laid up	54	147
Iron-clad vessels not completed	7	40
Steam vessels not completed	19	386
Sailing vessels not completed (old line-of-battle ships)	2	-
Wooden vessels laid up, repairing, fitting for sea, and for sale	81	749
Total number of vessels and guns	278	2,351

The total number of seamen in the naval and coast survey service is about 13,600 men.

THE SQUADRONS.

In the spring of 1865 measures were taken, while reducing our naval force and disbanding our blockading fleets, to reëstablish our foreign squadrons, which had been recalled in the spring of 1861. For four years our commercial interests had necessarily been left almost without other protection than such as could be rendered by a few isolated cruisers, which represented us at remote points. But the display of the flag of the Union in foreign ports and on distant seas, even at long intervals, by a roving man-of-war, was an admonition of the naval power of the Republic, which, though employed for the time in aiding to suppress domestic difficulties, it was well understood would be prompt and efficient in vindicating the rights and interests of our countrymen.

Before the close of the year in which the rebellion was suppressed, our foreign squadrons were reëstablished, and the admirals in command on their respective stations. These squadrons have been from time to time augmented, and, with a degree of activity and energy never before exhibited, have, by one or more of their vessels, during the year visited nearly every principal port of the world. The views of the Department enjoining activity, and the exhibition of the flag of our Navy wherever our commerce penetrated, have been faithfully observed, and the reappearance of our men-of-war has been welcomed, not only by our countrymen, but by the people of every nation which they have visited.

EUROPEAN SQUADRON.

The restrictions imposed upon American armed ships during the rebellion, by the great maritime Powers of southern Europe, virtually excluded our naval vessels from the ports of those countries. When Rear Admiral Goldsborough received his orders, these restrictions had not been removed, and, avoiding for the time the ports and countries from which our men-of-war had been excluded, he established his headquarters at Lisbon.

This squadron, which is still commanded by Rear Admiral Goldsborough, is composed of the following vessels:

Colorado, flag-ship	48 guns.
Ticonderoga	11 "
Augusta	10 "
Swatara	10 "
Shamrock	10 "
Canandaigua	9 "
Frolic	5 "
Miantonomoh	4 "
Guard	3 "
Ino	3 "

The limits of this squadron embrace the Mediterranean, the western coast of Europe, and Africa as far south as St. Paul de Loando. Great activity has been exhibited by most of the vessels, some of which have visited the principal ports of the Baltic and the Mediterranean, as well as those on the Atlantic. Except when important public interests or some unavoidable circumstance has rendered their presence in port indispensable, the ships have been almost constantly cruising. In pursuance of the system of active operations adopted by the Department when reëstablishing the foreign squadrons, lengthy anchorages and cruising collectively have been avoided.

These naval representatives of our country were warmly welcomed by the different nationalities, and more extended commercial and friendly intercourse was invited. The appearance of our naval vessels gave confidence wherever they went, and encouragement to the immense emigration which, like an irresistible current, flows with increasing volume westward, especially from northern Europe.

On the decks of one or more of the vessels of this squadron the sovereigns, or some representative of the reigning families, and the people, of most of the maritime Powers of Europe have, during the year, received and interchanged courtesies with our officers. All expressed their gratification with the reappearance of our flag in their waters, and extended their congratulations on the return of peace and the restoration of the Union.

When the usual tranquillity of any of those countries has been disturbed by wars and revolutions, the appearance of our flag has imparted security to our citizens there located. In the early part of the year the disturbed condition of Spain, and during the summer the war between Austria and Prussia and Italy, excited lively interest. An ample force during those periods was maintained on the Spanish coast, and the German ports were visited. When agitations and revolutions ceased in one quarter, and peace was restored in the other, the active movements of the squadron were resumed.

The Ticonderoga passed the Dardanelles and went up to the capital of Turkey on the 7th of September. The anchoring of a man-of-war of her dimensions in the Bosphorus, before the palace of the Sultan, had not been permitted to the naval vessels of any other Power since the treaty of 1856. The officers were received by the Sultan and people in the most cordial manner, and the vessel was visited by the grand vizier, his minister of foreign affairs, and others of his cabinet, and by the members of the diplomatic corps at Constantinople. On her arrival at Tripoli on the 18th of October she was received with marked courtesy by his Highness Prince Pasha and the officials in the place. Our consul there reports that the visit had a most happy effect, none of our men-of-war having visited the place for several years.

The shores of Greece, the Syrian coast, the Barbary States, and the settlements on the northwest coast of Africa accessible to our ships-of-war, have received due attention, and friendly relations have been cultivated in all those quarters.

The large emigration to our shores from Germany and northern Europe rendered it important that special attention should be directed to that quarter. Early in the spring the Department had made preparations to send out the turreted iron-clad Miantonomoh, accompanied by the steamer Augusta, to join the European squadron. Before these vessels were ready to sail, Congress passed the resolution approved May 16, 1866, greeting the Emperor, and congratulating the people of Russia on the escape of his Imperial Majesty from assassination. A request that the President should forward a copy of this resolution to the Emperor, followed by the authorized appointment of an additional Assistant Secretary of the Navy for six months, led to the designation of Assistant Secretary G. V. Fox to bear to his Imperial Majesty the resolution of Congress. He was authorized to take passage in the Miantonomoh, which vessel, with her companion the Augusta, was directed, before reporting to Rear Admiral Goldsborough, to proceed to Cronstadt to carry out the purpose of Congress. In compliance with these orders those vessels have visited the Baltic, and have also

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entered the principal ports from Cronstadt to Lisbon, including the capitals of Sweden and Denmark.

The reception of this force wherever it has appeared, and especially in Russia, where all classes were impressed with the friendly sympathy evinced by our Government toward the Emperor and people, was of a most flattering character. The Assistant Secretary and the officers of the Navy were welcomed with festivities and extraordinary courtesy and attention for a succession of days, not only at St. Petersburg, but at Moscow, and throughout the empire, and warm friendship was everywhere manifested for our country and people.

Great courtesy has been shown the squadron in the ports of those countries from which our men-of-war had for several years been excluded, and every facility has been extended at their dock-yards and elsewhere for the accommodation and repairs of any of our vessels.

Contagious disease has prevailed at many places, which our vessels could not visit unless required to do so by absolute necessity.

In order that the activity and service of this and all our squadrons may be known and appreciated, an enumeration of the ports which they have respectively visited is given.

During the year the flag of the Navy has been shown at Queenstown, Kingston, Belfast, Liverpool, Swansea, Falmouth, Portsmouth, Southampton, Plymouth, Sheerness, Spithead, Chatham, and other points in Great Britain; Marseilles, Toulon, Brest, Cherbourg, L'Orient, Rochefort, Lormont near Bordeaux, and Villa Franca, in France; Barcelona, Malaga, Carthagena, Corunna, Valencia, Gibraltar, Terragona, Cadiz, Ferrol, Port Mahon, Vigo, and other ports in Spain; Lisbon and Oporto, in Portugal; Messina, Palermo, and Syracuse, in Sicily; Naples, Spezia, Leghorn, and Civita Vecchia, in Italy; Milo, Athens, and Piræus, in Greece; Constantinople, and the islands of Candia and Cyprus, in the Turkish dominions; Syria, Beyrout, Trieste, Venice, Alexandria, Tripoli, Tunis, Algiers, Tangiers, Antwerp, Kiel, Hamburg, Flushing, Nieuwe-Diep, Sierra Leone, Monrovia, the Cape de Verd Islands, the Canaries, the Azores, Porto Praya, St. Iago, the ports on the Elbe and Weser, in Germany, and many others of lesser note.

ASIATIC SQUADRON.

The Asiatic squadron embraces the eastern coast of Africa and Asia, and the islands which stud the seas and ocean eastward of the Cape of Good Hope. The squadron is commanded by Rear Admiral H. H. Bell, who reached Batavia, within the limits of his command, on the 28th of December, 1865. The vessels of the squadron are—

Hartford, flag-ship	23	guns.
Wachusett	10	"
Monocacy	10	"
Ashuelot	10	"
Shenandoah	9	"
Wyoming	7	"
Supply	6	"
Relief	3	"

All the open ports of China, including some which no American man-of-war had ever entered, have been visited by the vessels of this squadron. Rear Admiral Bell in April proceeded to Canton, where he had a friendly reception and an agreeable interview with the governor general of the Quantung provinces. The disposition manifested toward our country and countrymen was of a gratifying character. Unlike the great maritime nations of Europe, the Chinese Government and people gave no encouragement or recognition to the rebels in their war upon the Union.

American residents in that far distant quarter of the globe have not been interfered with in their legal pursuits, or molested by the natives, save in a single instance. The exception was that of the United States consul at New Chwang, who was assaulted by a party of dissolute characters. The Wachusett was dispatched in June to that port for the purpose of securing the arrest and punishment of the parties who were engaged in the outrage. By the considerate yet determined course of Commander Townsend the trial of eight of them was secured, and conviction followed. The ninth, and chief instigator, whom the authorities seemed powerless to arrest, was seized by Commander Townsend and delivered over for trial.

While waiting the decision of the courts in the case of these outlaws, Commander Townsend, at the request of the Chinese customs authorities, availed himself of the occasion to survey the bar at the mouth of the Lian river. The channel was ascertained and buoyed for the benefit of the commerce of the world.

The increase or renewal of piracy in the Chinese waters has rendered the institution of decisive and vigorous measures for its arrest a necessity. Rear Admiral Bell has been fully authorized to act in concert with the naval commanders of other nations on that station in the suppression of piratical depredations.

The small number of our vessels in those waters—as compared with the English and French fleets—as well as the size of our ships, has not admitted of enlarged and complete arrangements for pursuing the lawless depredators, who seek shelter among the shoaled and most intricate waters. A class of smaller vessels will soon reënforce this squadron. In the mean time, Rear Admiral Bell is giving his earnest efforts to this great object, and the force under his command is under orders to pursue with vigor and destroy all piratical vessels, and deliver the captured freebooters to the authorities at the nearest consular ports.

During the summer, Rear Admiral Bell has visited the several open ports of Japan in his flag-ship, the Hartford, taking with him one or more of the other vessels of his squadron. He passed through the Straits of Simonosaki and the inland sea, where no American man-of-war had been since 1863. There were apprehensions that he might meet with some opposition in that quarter in consequence of the rebellious attitude of the Prince of Nagote toward the Government of the Tycoon and the existence of war between them. He met with none, however, and the passage was made quietly, without holding communication with the citizens of the disaffected province, in accordance with his determination announced to the governor of Nagasaki before departing from that port. This pass is an important one to the commerce of the United States, and the passage of our vessels through it, during a season of hostility, indicates that there is a disposition on the part of the people of Japan to reciprocate the kind feelings which we entertain toward them and to respect our flag.

The manifestations of the Japanese toward Americans have been more friendly than to any other nation. While Europeans were excluded from intercourse with them, they entered into treaties with the United States and opened their ports to our trade. It is important in every point of view that these amicable relations should be cultivated and sustained, and that there should be no aggressive act on our part to interrupt or disturb them. In the not distant future it will be of importance to this country to secure the commerce of Japan, and we should not permit ourselves to become complicated in the controversies of other Powers with this peculiar people. Such is the policy of this Department.

The Shenandoah on her way to the Asiatic coast visited many points, after leaving the Cape of Good Hope, unfrequented by vessels of the United States Navy. The intercourse between the officers and the authorities in all instances was mutually pleasant. While at Tamatav, in the island of Madagascar, Captain Goldsborough, in company with the United States consul and a large number of officers of the Shenandoah, made an official visit to the governor of the province, by whom, surrounded by his councilors, he was received in the council chamber. The governor expressed his gratification and pleasure in seeing an American vessel-of-war for the first time in a port of Madagascar, and offered any assistance in his power which the vessel might require. The treatment received from the natives was most kind and hospitable.

Proceeding up the Arabian sea, the Shenandoah anchored in the cove of Muscat on the 15th of September last, where she remained until the 18th. Immediately on the arrival of the vessel an officer came on board with the compliments of the Iman, to extend welcome to the port, to offer the facilities of the place, and to express the desire of his Highness to exchange the customary courtesies. A salute of twenty-one guns was fired by the Shenandoah, and promptly returned. The commanding officer and others of the vessel called on the Iman, who, surrounded by the governor of the province, the councilors of state, and several military officers, received them in a dignified manner. The Iman was particular in his inquiries as to the health of the President and the people of the United States, with whom he hoped to be always on terms of peace. There are no American residents at this place, but our commerce, which we desire to encourage and extend to every sea, was not absent from this distant quarter, there being two vessels at the time belonging to our countrymen waiting cargoes in the cove of Muscat.

In May last the headquarters of the squadron were removed from Macao and reëstablished at Hong Kong, which is considered the most convenient and best adapted locality for that purpose.

The following ports, among others, have been visited by the vessels of Rear Admiral Bell's command: Macao, Swatow, Amoy, Foo-Chow, Ningpo, Shanghai, Whampoa, Canton, New Chwang, Chee-Foo, Tang-Chow, and Taskee, in China; the ports of Japan; Manilla, in the Philippine Islands; Ambong, in Borneo; and Batavia. On her way out, the Shenandoah touched at Fayal, Funchal, Santa Cruz, Porto Grande, Porto Praya, Simonstown, Mauritius, Tamatav, in Madagascar; Mahé, one of the Seychelles group; Muscat, in Arabia; Bombay, Ceylon, Calcutta, Penang, and Singapore.

NORTH ATLANTIC SQUADRON.

During the greater part of the year the service required of the Navy on the North Atlantic coast and in the West Indies has been divided between three squadrons, but on the 1st of November last the Atlantic coast and West India squadrons were consolidated, and thereafter designated the North Atlantic squadron, the combined forces being commanded by Rear Admiral Palmer. The vessels are as follows:

Rhode Island, flag-ship	12	guns.
Osceola	10	"
Saco	12	"
Mackinaw	10	"
Winooski	10	"
Agawam	10	"
Lenapee	10	"
Chicopee	10	"
Monongahela	9	"
De Soto	9	"
Bienville	9	"
Yantic	9	"
Conemaugh	8	"
Florida	6	"
Daffodil	1	"

Until the union of the West India and Atlantic coast squadrons, the former was under the command of Rear Admiral Palmer, and the latter under Commodore Joseph Lanman. The vessels of these squadrons, besides guarding the coast, have visited the following points outside the United States: Havana, St. Iago de Cuba, Matanzas, Bahia Honda Caye, Cardenas, and the principal cays and islands on the north side of Cuba; the Anguilla group, the Cayman islands, Bermuda, St. Thomas, Port au Prince, and Cape Haytien, in Hayti; St. Domingo city; St. John's, and Mayaguez, in Porto Rico; Kingston and Port Royal, in

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Jamaica; Santa Cruz, St. Christopher, Nevis, Antigua, and St. Bartholomew's, of the Leeward islands; Barbadoes, Trinidad, Martinique, Tobago, St. Lucia, and St. Vincent, of the Windward islands; Demarara, in British Guiana; La Guayra and Porto Cabello, in Venezuela; Curaçoa, and the island of Nevaza. Some of these points have seldom or never before been visited by an American man-of-war. There has always been a vessel at Aspinwall, prepared to give assistance and protection to the immense numbers of our countrymen, and the vast wealth crossing the Isthmus. A portion of the squadron has been on the northeastern coast, and visited Halifax, St. John's, Pictou, the Magdalen group, Prince Edward's Island, and other points.

Revolutionary movements and civil disturbances in Hayti and St. Domingo, which threatened to place in jeopardy the lives and property of American residents, or made them apprehensive of danger, have called for visitations of our naval vessels and the exhibition of the flag at frequent intervals in those quarters. There has, however, been no occasion for interference, for the rights of our countrymen have been respected.

Rear Admiral Palmer, in April last, was ordered from the West Indies with a portion of his command to the northern limits of his station, in consequence of apprehensions then prevalent in regard to the condition and treatment of our fishermen on the eastern coast. But the liberal and conciliatory policy of the English Government dissipated all apprehended difficulties, and the questions were early in such train of adjustment that no necessity arose requiring the presence of a naval force on the fishing banks; other threatening questions were also quietly disposed of. During the summer, Admiral Palmer visited Halifax in the steamer Rhode Island, and the Winooski in June and July made a cruise among the fishing fleets in the Gulf of St. Lawrence. Our citizens engaged in the fisheries were found pursuing their avocation quietly, and good feeling between them and their neighbors prevailed. The intercourse between the officers of our service and the authorities at the British ports visited was most friendly, and the former were the recipients of gratifying attentions.

The vessels on the West India station were instructed to exercise vigilance in detecting slavers and preventing the slave trade, provided any lingering remains of that nefarious traffic still existed. But no captures have been made, and it is to be hoped this infamous trade is extinguished.

SOUTH ATLANTIC SQUADRON.

The South Atlantic squadron, which embraces the southeastern coast of South America, and the west coast of Africa from the Cape of Good Hope to St. Paul de Loando, is commanded, as at the date of the last annual report, by Rear Admiral Godon. The vessels are the—

Brooklyn, flag-ship	21	guns.
Juniata	15	"
Shamokin	10	"
Kansas	9	"
Nipsic	8	"
Shawmut	6	"
Wasp	3	"
Onward	3	"

The vessels of this squadron have, during the year, visited Rio de Janeiro, Bahia, St. Catherine's, Céara, Maranham, Pernambuco, and Santos, in Brazil; Buenos Ayres and Rosario, in the Argentine Republic; Montevideo, Colonia, and Pasandre, two hundred miles up the Uruguay river, in Uruguay; Concepcion, in Paraguay; St. Paul de Loando, Benguela, Little and Great Fish bays, and other points on the coast of Africa, the Falkland Islands, and St. Helena.

The duties of this command have been faithfully and promptly performed, without any extraordinary incident to record. The reëstablishment of the squadron in that quarter has been productive of friendly and beneficial intercourse between the officers and seamen of our service and those of other Powers in whose waters our vessels have appeared. Rio de Janeiro has been selected as the headquarters of the squadron, and at St. Paul de Loando, which is now embraced within its limits, a joint depot of stores and supplies for the South Atlantic and European squadrons has been established. It is believed that so far as the former squadron, particularly, is concerned, the arrangement will be productive of economy, and that advantage is to flow from embracing a portion of the southwest coast of Africa and the east coast of South America in one squadron. The saving of fuel—one of the most costly articles on our foreign stations—is a subject worthy of the closest attention, and is one of the objects which the Department had in view in fixing the present limits of the squadrons. A vessel taking its departure from some point on the southeast coast of South America can run before the wind, over to the African coast, follow that coast under steam to the depot at St. Paul, and then take the trade-winds back to the coast of Brazil.

The Juniata arrived at Rio on the 16th of September, having made a successful cruise to the southwest coast of Africa. The information obtained by her goes far to confirm the impressions that the maintenance of a permanent squadron on the African coast will no longer be required. But one slaver had been fitted out on the southern coast of Africa within the past year, and she had been captured on the coast of Cuba with her cargo. It was the opinion of prominent officials at Loando, including the French admiral on that station, that the slave trade had expired, and that this blot on civilization had become at last a matter of history.

In assigning to the European and South Atlantic squadrons the duties heretofore performed by what was known and maintained as the African squadron, that distinct organization has been dispensed with, and the service is more economically performed.

The prevailing war between the allied Powers of Brazil, Uruguay, and the Argentine Republic and Paraguay has rendered it advisable to keep one or more vessels in the vicinity of the La Plata. The flag-ship has been most of the time in that locality, and American citizens and interests have received due care and attention, aid and encouragement being always near at hand and ready to be extended on their behalf.

In April last Rear Admiral Godon ascended the Uruguay river as far as Pasandre, some two hundred miles above Montevideo.

NORTH PACIFIC SQUADRON.

The extensive limits of the Pacific squadron, and the important and rapidly-increasing American interests on the western coast of this continent, which require to be protected, rendered a division of the naval force advisable. By this division the North Pacific squadron was made to embrace the coast of North America and the Sandwich Islands, and was placed under the command of Rear Admiral Thatcher. This officer hoisted his flag at San Francisco on the 6th day of August, 1866. The following vessels have been allotted to this squadron:

Vanderbilt, flag-ship	15	guns.
Pensacola	21	"
Saranac, (temporarily)	13	"
Suwanee	12	"
Mohongo	10	"
Jamestown	22	"
Lackawanna	9	"
Mohican	8	"
Resaca	8	"
Saginaw	4	"

The Pensacola, Mohican, and Resaca have not yet reached their destinations, and the Saginaw, under authority of an act of Congress, is aiding the Western Union Telegraph Company in laying a telegraphic cable on the northwestern coast.

The vessels of the squadron have visited the Sandwich Islands, the ports of Central America, Puget Sound, and Acapulco, Guaymas, Mazatlan, San Blas, and La Paz, in Mexico. At all times one or more vessels have been at San Francisco, and also at Panama, ready for any emergency, and there has been almost constantly a vessel at or in the vicinity of Acapulco, the most important point to our interests on the west coast of Mexico.

In the latter part of September a conveyance to Honolulu in the Vanderbilt was tendered to and accepted by Queen Emma, and the vessel sailed from San Francisco on the 13th of October on that service.

A more thorough exploration of the Pacific ocean, with a view of correcting the charts and thereby lessening the dangers to navigators, is important, and our cruising vessels are expected to render themselves useful in ocean surveying service. Under the special direction of the Bureau of Navigation, which is intrusted with the details of such work, much valuable nautical information may be obtained by competent and efficient officers, who, with the means furnished to each vessel, will be able to correct some existing errors and establish with approximate correctness the geographical position and actual extent of many of the dangers which are now imperfectly stated. The cruising vessels of this squadron, when not on special service, instead of avoiding these reported but doubtful and ill-defined dangers, will make it their duty to ascertain, by actual observation and search, the exact facts in regard to them, and report full particulars to the Department.

SOUTH PACIFIC SQUADRON.

The South Pacific squadron extends from Panama to Cape Horn, and includes within its limits Australia. This squadron is under command of Rear Admiral Pearson, who, until the division of the squadron, had charge of the entire force in the Pacific ocean. He is to be relieved by Rear Admiral Dahlgren, who sailed from New York on the 1st instant. The vessels composing the squadron are the following:

Powhatan, flag-ship	22	guns.
Tuscarora	10	"
Wateree	10	"
Nyack	8	"
Dacotah	7	"
Farallones	6	"
Fredonia	4	"

The Lancaster, recently attached to this squadron, is on her return to the United States. The following points have been visited during the year: Valparaiso, Callao, and the commercial ports between those points; the Chincha Islands, Payta, Guayaquil, Panama, and the Straits of Magellan.

Events transpiring on the coast of Peru and Chili have rendered the presence of the greater part of the Pacific squadron necessary in that vicinity. In the absence of Rear Admiral Pearson on a cruise to the Sandwich Islands, war was declared and entered into between these Powers and Spain. Information of this fact was dispatched to Rear Admiral Pearson, with orders to proceed without loss of time to Peru and Chili. These did not reach him until his return to San Francisco. With as little delay as possible he proceeded to execute the orders he received, but before he arrived at Valparaiso the Spanish fleet had bombarded the city, inflicting great damage.

In anticipation of active hostilities between Spain and the southern republics, whereby American interests, and especially the shipping interest at the Chincha Islands, might be put in jeopardy, the Department had taken, the preceding autumn, measures for reënforcing our squadron in the Pacific by sending thither a special force, consisting of the turreted iron-clad Monadnock and the steamers Vanderbilt, Tuscarora, and Powhatan, under the command of Commodore John Rodgers. This officer reached Valparaiso previous to the bombardment of that city, and apprehending the views of the Department, remained on that

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station for the protection of our countrymen until the arrival of Rear Admiral Pearson. The appearance of so distinguished a commander, with a formidable squadron, on the eve of so important an occasion, and in the absence of Rear Admiral Pearson, was opportune and fortunate.

The course pursued by Commodore Rodgers in protecting American interests, and in observing and preserving neutrality in the harbor, met with approval. Whatever may have been his opinions or feelings as regards the course which the Spanish admiral thought proper to pursue, he was not required to interpose his force against or for either party. As the armed representative of this Government, which was on friendly terms with each of the belligerents, it became his duty, even while endeavoring to mitigate the harsh severities of war, to maintain a strict neutrality. His friendly offices in the cause of humanity were manifested so long as they could be effective; but the officers of other neutral Powers having declined to unite in any decided steps to protect the city, no alternative remained for him to pursue, consistently with the position of this Government toward the parties, than that which he adopted.

After the bombardment of Valparaiso, which took place on the 31st of March, the Spanish fleet retired from before the city and proceeded to Callao. Rear Admiral Pearson, who reached Valparaiso on the 17th of April, also proceeded to Callao, and was present during the attack on the defenses of that port on the 2d day of May. No occasion was presented for him to depart from the neutral position which had been taken, and which has been strictly observed throughout the contest, toward these belligerents.

GULF SQUADRON.

Affairs of public policy required that an organized squadron should be continued in the Gulf of Mexico. Commodore John A. Winslow was selected for that command, and entered upon his duties on the 7th day of May, 1866. The vessels of this squadron consist of—

Estrella, flag-ship	3 guns.
Mahaska	10 "
Tallapoosa	10 "
Potomac	26 "
Paul Jones	8 "
Chocura	6 "
Tahoma	4 "
Yucca	2 "
Glasgow	2 "
Charlotte	-

The vessels have patrolled the Gulf of Mexico, and repeatedly visited all the ports on our coast from Key West to the Rio Grande; also, Havana, Matanzas, and Cardenas, on the north side of Cuba, and the waters of the Rio Grande and Tampico, in Mexico.

On repeated occasions during the year one or more vessels of this squadron have been sent to Tampico. Apprehensions were at times entertained by American residents in that city as to their entire security and safety. The reports of the commanding officers to whom this service was assigned indicate that neither American citizens nor American interests have suffered violence from either of the contending parties.

During the spring and summer, reports were circulated of the intentions of lawless parties to seize colored persons on the southern coasts of the Gulf States and carry them into slavery, the neighboring island of Cuba being their alleged destination. Such contemplated violations of our laws and the rights of humanity were sufficient of themselves to arouse the vigilance of the Gulf and coast squadrons, each of which had its attention called to the subject, and was at all times vigilant to detect such schemes, if they existed, and to intercept those who should venture to engage in them. Judicious inquiry and anxious watching have failed to bring to light any attempt to carry on this detestable traffic. Precaution was taken, by dispatching a vessel for the especial purpose, to warn our consular representatives at the neighboring ports of Cuba of suspected movements of the kind referred to, and from an expression of opinion obtained from those officers and others after diligent inquiry, it is difficult to believe that, even if an expedition of that character were successful in departing from our shores, it would be permitted to land or be received into Cuba.

SPECIAL SERVICE.

Besides the vessels attached to the several squadrons, a number are on special service. The Sabine, the apprentice-ship of the Navy; the Massachusetts, Memphis, and Newbern, which are used in conveying supplies, mails, and officers and seamen to and from the squadrons on the coast; the Purveyor, which has recently returned from St. Paul de Loando, where she landed a cargo of stores for the European and South Atlantic squadrons; the Don and Ascutney, used for towing and other service between the yards and stations; the Sacramento, on a special cruise and under special instructions to the coast of China and Japan, touching at various localities in the route for the purpose of her mission; and the Michigan, employed on the lakes.

The Sabine has her headquarters at New London, with her field for cruising extending from the coast of Maine to the Capes of the Delaware.

The Michigan, as soon as the ice permitted the resumption of navigation, early in May, was about proceeding on a cruise through the lakes, when disturbances on the frontier assumed such proportions as to require the coöperation of that vessel with the military and civil authorities to preserve in good faith the neutrality laws. The Michigan was engaged in this duty from early in May until June, delaying her annual cruise to the upper lakes. When the armed force which invaded Canada was defeated, the fugitives, driven from their positions by the force directed against them, were, about seven hundred of them, captured in their retreat by the Michigan on the 3d of June, in Niagara river, off Lower Black Rock. They were retained and provisioned on board the Michigan until the 5th, when they were turned over to the civil authorities. On the 16th of June Captain Bryson was notified by the military commander of the district that the coöperation of the Michigan was no longer required at that point, the difficulties on that portion of the frontier having terminated. Shortly afterward the Michigan made a circuit of the upper lakes, visiting Cleveland, Detroit, Mackinaw, Green Bay, Milwaukee, Racine, Grand Haven, and returning to Erie and Buffalo.

The steam frigate Susquehanna, Commodore James Alden, is on special service, having been ordered to convey our minister to the Mexican republic and Lieutenant General Sherman to Vera Cruz, or such point as might be required.

MONADNOCK AND MIANTONOMOH.

The turreted or monitor class of vessels was never designed by the Department for cruising purposes, but for harbor defense and operations upon our coast. In the object for which they were intended these vessels are as formidable and efficient as was anticipated, and will furnish security to any port, and be able to disperse or destroy any blockading fleet which may appear in our waters. The peculiar formation of our coast is in itself a protection against the heavy and formidable iron-clads of immense tonnage and deep draught which European constructors have devised, because, except at a few points, it will be difficult for them to approach within cannon-shot of our shores, and there is but a single port which they can enter from the Capes of the Chesapeake to the Rio Grande. But, while in the estimation of our best naval officers our monitor class of vessels are more than a match for the monstrous and expensive iron-clad structures of Europe, they are of such draught that they can enter all of our principal harbors, and are therefore peculiarly adapted to our coast defense.

The impression sought to be created that these vessels could not venture outside the harbors where they were constructed, or at all events that they could not proceed on a distant voyage, has been dispelled by the cruise of the Monadnock, which, after navigating the Atlantic and Pacific, reached San Francisco in safety. The Miantonomoh, another monitor of the same type as the Monadnock, crossed the Atlantic, passed up the Baltic to Cronstadt, and has visited many of the principal ports of Europe. These vessels have, in these two voyages, disposed in a great degree of the misrepresentations and prejudices which had been created, and proved the ability of the turreted vessels to perform long voyages, when required.

Great credit is due to Commodore John Rodgers, and the officers and crew who were charged with the labor, responsibility, and risk of vindicating the navigating power and capability of these American naval vessels. To Lieutenant Commander Francis M. Bunce, who volunteered to navigate the Monadnock to San Francisco, and performed that duty, which many deemed hazardous, and not a few denounced as an impossibility, honor and praise and promotion are due for persevering and successful daring. Service such as his cannot otherwise than be appreciated and rewarded by the country.

Rear Admiral Goldsborough, in a dispatch dated the 7th of November, 1866, says: "The pilot who went from Cherbourg to Brest with the vessels, a man of large experience, told me that he never in his life saw a vessel behave better than the Miantonomoh, and for his part, as far as safety was concerned, he would be willing to go around the world in her. Vice Admiral Popoff, of the Russian navy, who took passage in the Miantonomoh from Hamburg to Cherbourg, also told me that he was particularly struck with her good sea qualities in the midst of a heavy blow and sea encountered just after leaving the Elbe, and that if he was in my place he would prefer being on board of her to the Colorado. Indeed he spoke in the highest terms with regard to her merits on the occasion."

Reports of the performance of the Monadnock and the Miantonomoh are appended to this report.

QUARANTINE VESSELS.

A joint resolution of Congress, approved March 24, 1866, authorized the Secretary of the Navy to place gratuitously at the disposal of the commissioners of quarantine, or the proper authorities of any ports of the United States, to be used by them for quarantine purposes, such vessels or hulks belonging to the United States as were not required for other uses by the national Government; under this authority the sloops-of-war Saratoga and Portsmouth were placed at the disposal of the commissioners of health at New York for service at quarantine—the first-named on the 20th day of April, and the other on the 18th day of May. They were returned to the navy-yard in the latter part of September, the commissioners reporting that they were no longer required.

THE NAVY-YARDS.

During the past year the operations of the several navy-yards have, with a view to economy, been reduced to the lowest limit consistent with the public interests. On several vessels work has been altogether suspended, and on others only so much has been done as was necessary to enable the contractors for the steam machinery to place portions of their engines in the hulls. Six vessels of the class intended for high speed have been launched, and also three others in which the steam power has been somewhat reduced in order to increase the armament. Steam machinery for twelve vessels of the classes here referred to is in an advanced condition, and the Department is under contracts, made during the war, to provide the vessels in which these engines are to be placed. It has, however, been considered

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advantageous under the circumstance, there being no pressing necessity for this class of vessels since hostilities have ceased, to make temporary arrangements for storing the machinery and postpone the construction of the hulls.

We have in our navy-yards too few ship-houses. As a matter of economy, ships should be built under cover. Protection from the weather not only facilitates the work during construction, but if retained for any period on the stocks, adds greatly to the durability of the ship after completion.

Fourteen ships are now in the course of construction at the several yards, of which nine are in ship-houses, and five are exposed to the weather. Over these last temporary covers are being erected.

These vessels, and others hastily built during the war, are constructed to a great extent of unseasoned timber, and for that reason it is best that they should remain on the stocks a longer period than would be otherwise required. The vessels which are in the course of construction can be launched whenever it may be necessary to make room for others, for which the steam machinery is being manufactured. Four of the vessels which are now on the stocks are iron clads, larger and much more formidable than the Miantonomoh and those of her class. The steam machinery and turrets for these vessels are prepared and ready for erection whenever it may be considered advisable to launch them.

In addition to the steamers which are being constructed, or are afloat, it has been deemed expedient to have a class of smaller vessels which in many cases can serve the purpose of the Government with greater economy than the larger vessels, particularly in time of peace.

The want of a sufficient number of building-shops, ship-houses and dry-docks has been a serious embarrassment and cause of delay throughout the whole of the war. There should be an increase of all these, for the efficiency of the Navy depends in a great degree on having an adequate number of each.

There are in the single navy-yard of Portsmouth, England, eleven dry-docks; more than three times the number that we have at all our yards, for there is only a single permanent dry-dock at any one yard, and but three in all of them. With these limited means, and under these disadvantages, the Department has been compelled to struggle to maintain an efficient navy in a period of great and exacting trial. Had we a war with a maritime Power, where naval combats would be frequent, and cruising active, the necessity for more docks and larger yards would be great.

The supplies of timber at the different yards have been exhausted during the rebellion, and it will be true economy to provide an abundance, so that in future emergencies the difficulties and embarrassments recently experienced may be avoided. Our former policy, many years since, was to make an annual increase of ship-timber, and other countries have wisely furnished themselves with this material. Commodore Steedman, in a recent communication from Carthagena, in Spain, writes: "It is an interesting fact that there is still a stock of Florida timber in this yard which came from Florida while it was yet a colony of Spain."

In the construction of ships-of-war iron may ultimately, to a great extent, supersede wood; but such are the resources of timber in this country that wooden vessels will, for some time to come, constitute a large portion of our Navy.

For the construction of iron and armored vessels, it can only be repeated that, although our country has the material in great abundance, and possesses many advantages in that regard, we are almost wholly unprepared. In future maritime wars the contests between the great naval Powers for supremacy on the ocean will be determined chiefly by iron-clad or armored ships. Our turreted vessels or monitors will be powerful and effective for harbor and coast defense, but in conflict with any European Power our countrymen will hardly be content with merely defensive warfare.

Armored vessels for ocean cruising must necessarily be of large size, which cannot, with the requisite strength, be secured in wooden structures. If attempted the immense masses of timber must rapidly decay, and the cost resulting from deterioration will be such as no economical and prudent nation will consent to sustain. Ships for cruising and offensive operations must be such as can use sails, for no vessel can long keep the sea under steam alone. Such vessels as are here suggested should be built at a Government establishment, for though private enterprise can do much in aid of the Navy, the peculiarities of iron vessels for naval purposes are such that private parties cannot undertake the work unless at prices which will cover all the outlay for the establishment, as well as the vessels, for there can be no other customer than the Government for such work.

In this view of the subject it is plainly the interest of Government to erect its own shops and machinery, and to possess its own establishment for the construction of its iron and armored naval vessels. Several years of preparation will be required to provide the necessary appliances for such an establishment, and a special and convenient location, with ample area, should be promptly selected. In each of the navy-yards a dry-dock is indispensable, and for a steam navy there should be suitable shops and accommodations for the repair of vessels.

The navy-yards at Norfolk and Pensacola, which were almost totally destroyed during the war, require large expenditures to place them in a condition to be efficient. They have been occupied as naval stations since the Government recovered possession, and some repairs have been made at each; but the dilapidated walls and remnants of the former establishments remain in a condition which renders them scarcely fit for occupancy or use. This is more particularly the case at Pensacola, where only a few outbuildings and stables escaped destruction. These are now converted into temporary quarters for the officers on duty at that station. From the limited appropriations which have been made some progress has been effected toward restoration at Norfolk. The destruction at this yard was not so thorough and complete as at Pensacola.

The yard at Norfolk is, in a national point of view, one of the most important, as well as one of the best located, in the United States. It is the only southern yard on the Atlantic coast, is accessible in all seasons, has one of the best harbors in the country, and is, in every respect, favorably situated, with many natural advantages for a naval establishment. There is at this yard a permanent dry-dock which, under all the disadvantages that have existed, has been of immense service to the Government in the repair and refitment of vessels, without the delay and additional expense that would have been incurred in sending them further north. Since the termination of the war, most of the machinery which belonged there has been recovered, and portions of it put in operation. But in order that this yard may be placed in proper working condition, at all compared with its former state of efficiency, and adequate to the future wants of the service, much yet remains to be done.

The yards at Norfolk and at Pensacola are as essential to the Navy and the country as either of the yards at the North, and in the event of a foreign war we could better dispense with one of the yards north of the Chesapeake than with either of these. Our possession of them during the late conflict, even in their dilapidated condition, was of great value to the Union cause. After their recovery the vessels composing the several blockading squadrons were not detached and sent North for ordinary repairs, with loss of service, during their absence, of vessels and crews, but were retained on their stations. The repairs thus effected were made without many of the required facilities, but notwithstanding great disadvantages considerable saving ensued to the Government, and the blockade thereby was made more efficient.

The suppression of the rebellion and the reëstablishment of that peace and unity which constitute us one country and one people make it a duty to restore these national establishments to their former efficient condition. In so far as there was reason during the rebellion for refusing to do this because insurrection prevailed in the region where the yards are situated, that reason no longer exists. True, the expenditures will be made in States which were in rebellion, but the rebellion has passed away, the States are parts of the Union, and the establishments which are to be renovated are national in their character and of general interest to all. Upon the Pensacola yard, even in its present ruinous state, we must depend for repairs and supplies for any squadron we may employ to guard the ocean outlet of the great central valley of the Union, and of our whole coast bordering on the Gulf. To neglect to put that yard in proper condition would be to neglect Iowa, Illinois, and the States North, as well as Louisiana and Mississippi.

In the event of a foreign war with the great maritime Powers, our country would labor under serious disadvantages were we without a navy-yard or naval station in the Gulf. A naval force of steamers—and all fighting vessels must hereafter be steamers—could not be maintained in the Gulf without frequent repairs and supplies. With no navy-yard in the Gulf, the disabled vessels would necessarily be withdrawn from their station and compelled to proceed to a northern yard for refitment. Beside the perils incident to a voyage under these circumstances, with an enemy on the coast, the services of the officers and crews, as well as of the vessel itself, would be lost during the time she might be absent in going to and returning from a northern yard. The rebels and the waste of war have devastated the Norfolk and Pensacola yards, but the best interest of the service, and the obligations of the Government, are not less imperative now, when peace and union are restored, to place them in proper condition. It is to be hoped, therefore, that liberal appropriations will be made for that purpose.

NAVAL DEPOT FOR IRON CLADS.

In consequence of the failure of the Senate to act on the bill which passed the House of Representatives for the acceptance of League Island for naval purposes, the Government remains without a depot or station for our iron and armored naval vessels. Most of them have been permitted to remain in the back channel at League Island, where they were placed after the close of the war, as the best and most available location for their security and preservation. It is desirable that the bill for the acceptance of League Island, which has been unfortunately delayed in its passage through the Senate, should receive the early action of that body, that the necessary appropriation may be made for deepening the channel, preparing suitable docks, and making other necessary arrangements, at an early period, for the proper care and protection of the large number of costly vessels which are there in a precarious condition, and from which they are liable at any time to be warned away by the proprietors of the adjacent shores. The vessels lying in the back channel are there on sufferance. Being of iron, it is essential that they should be laid up in fresh water, and in consequence of the omission of Congress to provide any suitable place, the Department selected this location as by far the most eligible in the country for that purpose. They are there, however, under

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many disadvantages, for no preparations or improvements for them have been made, nor is the Department authorized to make any, for the safe-keeping, protection, and preservation of vessels which have cost the Government several millions. Deterioration and permanent injury must be the consequence of this delay, and, notwithstanding every precaution has been taken, it is but reasonable to expect that they have already been damaged to some extent from their exposed condition.

ENLARGEMENT OF NAVY-YARDS.

The purchase of Seavey's Island, adjacent to the navy-yard at Kittery, authorized by the act of April 17, 1866, has been consummated, and that island now constitutes a part of the Kittery navy-yard. This acquisition enlarges the heretofore restricted limits at that station, and will obviate some of the difficulties which have been experienced in consequence of insufficient room for the shops, sheds, and storehouses which are wanted to store materials. The annual loss at this and other yards by the deterioration of materials unavoidably exposed to the weather or stored, with much inconvenience, in temporary sheds, has been very great. The want of sites for the erection of additional storehouses and sheds has led to propositions for adding one additional story to the present buildings.

Operations at most of the yards have been much embarrassed for want of room, but at no one has there been so much difficulty and inconvenience from this cause as at Philadelphia. Until the introduction of steam the Philadelphia yard was of secondary importance, on account of its interior location, which rendered ingress and egress to vessels propelled exclusively by sails difficult and dilatory. But the revolution wrought by steam; the manufacture of iron vessels, and engines, and armature; the advantage of an interior location which was formerly an objection; the facility with which iron and coal can be obtained on the Delaware, and the necessity that our iron and armored vessels should be laid up in fresh water, will make the Navy establishment on the Delaware river important beyond any in the country. It is impossible, however, to carry on the operations which are essential at this central point within the limits of the present yard, which has scarcely one sixth of the area of any other, almost all being too restricted. Nor can the present yard, which is within the thickly populated part of the city of Philadelphia, be enlarged except at a cost which precludes the idea of its accomplishment. Another location must be obtained. Ten times the water front, and twenty times the area of the present Philadelphia yard are wanted for the naval establishment on the Delaware. There is no doubt that the present yard will be abandoned, and the sooner another location is secured, with ample room for the necessary works, to which the present establishment can be transferred, the better will it be for the service and the country. Should the Senate confirm the law which was passed by the House at the last session, accepting League Island for naval purposes, ample ground and water front will be obtained.

HARBOR DEFENSE.

The changes which have taken place within a few years, both in the character of vessels and guns, have raised questions as to the most effective means and the best use of those means for sea-coast defense. The value of iron-clad vessels, of channel obstructions, and of torpedoes, as means of defense, are, respectively, matters for consideration. A communication was addressed by this Department to the Secretary of War, in February last, suggesting the organization of a joint Army and Navy board for the consideration of these questions, and the adoption of some general principles concerning them.

The extent to which each or all of the means suggested could be advantageously used, the best form of iron-clad vessels, the character of the obstructions and of torpedoes, to what Department the preparation of these defensive means properly appertained, and which should control their use, are points which it is important to have defined and settled.

The Secretary of War concurred in the importance of organizing such a board, and assigned experienced officers to serve upon it in conjunction with naval officers detailed by this Department. This board, consisting of Rear Admirals Charles H. Davis and John A. Dahlgren, and Commodore James Alden, of the Navy, and Brevet Major General J. G. Barnard, Brevet Brigadier General Z. B. Tower, and Brevet Brigadier General B. S. Alexander, of the Army, assembled at Washington on the 1st of March, and continued in session until the 17th of July, and had these matters before them.

In the discussion of the three leading subjects which have been indicated, it was an object with the board to arrive at and report upon some definite plan of proceeding by which our harbors could, on a sudden alarm or emergency, be put at once in a complete state of defense against an enemy's fleet.

In their preliminary report the board advocated the importance of having always on hand a number of iron-clad vessels at each of our great commercial cities, and within the waters of our exterior bays; but without further information both as to the offensive and defensive properties of our forts, and also of our iron clads, it was unable to specify the requisite number, or to define precisely the part they should perform in the defense of our harbors, especially as that would depend upon the degree of success which might be attained in a well-devised system of channel obstructions.

On the subject of channel obstructions, a plan submitted by one of their number was favorably received by the board, who recommended that it should be tested experimentally; but such a test would have involved a large expenditure of money, for which there was no adequate appropriation. The board also recommended some general experiments to be made under their direction for ascertaining and settling certain general principles concerning the effect of torpedoes. After a very full examination the members became convinced that they could arrive at no definite conclusions on the points submitted without preliminary experiment; and satisfied that they could not add materially to what they had already reported, the board was dissolved by order of the Department.

The subject is, however, of great importance, and should receive thorough consideration.

PROMOTIONS.

In conformity with the provisions of the act of the 25th of July last, "to define the number and regulate the appointment of officers in the Navy, and for other purposes," selections were made for promotion and advancement in the brief period which remained after the passage of the act, and before the close of the last session of Congress. This labor was much facilitated by consultations which had previously taken place with most of the officers of the highest rank in the service who were on the active list, and under whom nearly every officer had served during the war. But the requirement, "that the increase in the grades authorized by this act shall be made by selection from the grade next below, of officers who have rendered the most efficient and faithful service during the recent war, and who possess the highest professional qualifications and attainments," could scarcely be expected, under any circumstances, to be carried into effect without causing some disappointment. By the act of January 24, 1865, an advance, "not exceeding thirty numbers, in rank for having exhibited eminent and conspicuous conduct in battle, or extraordinary heroism," was authorized. In the selections for promotion the tests prescribed by Congress controlled when the qualifications in other respects were unexceptionable. Many officers afloat had no battle-record; others possessing high qualifications, but occupied in other duties, had unfortunately been in no position to render actual fighting service during the recent war. Some few have necessarily been superseded by their more fortunate juniors, whose record being in all respects meritorious, they were selected for promotion under one or both of the tests which Congress adopted.

But for the war no such law would have been enacted, and the great object of the law was the recognition of war services. Governments very justly recognize and reward courage and success. The acts of 1865 and 1866 gave preference for promotion or advancement to those meritorious officers who had distinguished themselves by their heroic qualities and achievements over those who were not endowed with those qualities, or who had been so unfortunate as to have no battle-record.

Where all had done so well, it was a delicate and embarrassing duty to discriminate and select for promotion. No body of men ever acquitted themselves with more honor than the gallant officers of the Navy during the late war, and it is a gratification to know that, while some have received higher honors than others, yet every one on the active list who faithfully discharged his duty, has, by the liberal provisions of the Government, been advanced, and, if not promoted, occupies a higher number in his grade by the operation and administration of the law.

By the provisions of the third section of the law, a board of naval officers, consisting of Commodore S. P. Lee, Captain Foxhall A. Parker, and Commander John Lee Davis, was convened at Hartford, on the 5th of September, for the purpose of examining such officers as have served in the volunteer naval service for a period of not less than two years, with instructions, after examining the claims of all candidates, to select and report from the most meritorious in character, ability, professional competency, and honorable service the number authorized to be appointed and transferred to the regular Navy under the act. This board was subsequently enlarged by the addition of Captain Daniel Ammen and Commanders Walter W. Queen and K. Randolph Breese. Owing to the large number of candidates who desire to avail themselves of the privilege of the act, as well as to the thoroughness of the examination, and also to the fact that all who claim the right must be examined before the authorized selections can be made, there will be necessary and unavoidable delay on the part of the board in making their report.

NAVAL ACADEMY.

The Naval Academy is reëstablished at Annapolis, with some enlargement of the grounds and some important improvements. No measures were adopted by Congress for establishing the institution elsewhere on the Chesapeake, where there might be greater seclusion, with more ample area for those connected with the Academy. The appropriations for additions and improvements of the present site, with the acquisition of more ground, will obviate some of the objections which were taken against that location. The authorities of Maryland have manifested a warm interest in the Academy, and afforded facilities for enlarging the premises, which were, and still are, too limited. They have also, by suitable legislation and by municipal regulations to guard and protect the midshipmen from improper influences, done acceptable service in another respect.

On resuming possession of the academic grounds and buildings, expensive repairs became necessary in order to place them in proper condition for the School. During the war the houses and buildings had been used for Army and hospital purposes, and the grounds had been broken and impaired by wagon roads while

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in the occupation of the military forces. Considerable labor and expenditure was necessary in renovating and restoring the buildings and grounds for use. This has been accomplished under the immediate direction of the Superintendent. The buildings and grounds are now in good order, and the institution is in all respects in as prosperous and satisfactory a condition as could be expected in so brief a period.

A transfer of the executive mansion and grounds belonging to the State of Maryland, authorized by the government of that State, and for which an appropriation was made by Congress at its last session, has been completed, and the land is now inclosed within the academic grounds, to which it was adjacent, and, when graded, will make a handsome addition to the site already owned by the Government. An appropriation will be necessary, however, to defray the expense of grading and filling in the water front, for which the proper estimate has been made.

An appropriation of $25,000 was made at the last session of Congress for the purchase of certain other contiguous property which it was deemed advisable to secure, but the owners hold it at such exorbitant rates that the negotiations for it have been discontinued.

A more extensive range for those connected with the Academy than the present area furnishes is much wanted, and was one of the principal reasons for suggesting a change of location of the institution in my last annual communication.

Attention is invited to the recommendation of the Superintendent for additional accommodations for the officers and assistant professors, there being suitable locations upon the ground for the proposed buildings.

The machine-shop erected for the benefit and improvement of the pupils is completed, and the machinery, with a propeller engine adapted to the purpose of instruction, has been properly prepared.

The midshipmen have the present year entered upon a full theoretical and practical course of studies in regard to the application of steam power, so that hereafter the graduating class will be enabled, with very little practice afloat, to manage any engine in the Navy, and will thus have attained in their academic course the requisite elementary knowledge of this indispensable part of the profession of the future naval officer.

Three cadet engineers have been received into the Academy under the provisions of the act of July 4, 1864, which requires that the applicant shall, besides satisfactory evidence of mechanical skill and proficiency, have been employed at least two years in the actual fabrication of steam machinery. The stringent requirements of this act may need modification, in order to make it practically useful, for it is a severe exaction that youths under the age of eighteen who make application to be received as cadet engineers shall have had two years' previous practical experience in such employment. Under the provisions of this act, a class of only three who had prepared themselves for the purpose was formed, and as the necessary teachers and accompaniments for so small a class might be employed to advantage in improving a larger number, several young men who had been trained at some of the best scientific schools, and received the appointment of acting third assistant engineers in the Navy, have been added to the class for instruction in the higher qualifications of their profession.

The great loss, delay, and embarrassments experienced during the war in consequence of the ignorance, inefficiency, and incompetency of many of the engineers, admonish the Government of the necessity of educating and training men of ability to this highly responsible profession. Our naval officers must themselves hereafter be familiar with steam enginery as well as with seamanship, in order to be masters of their profession. Unless this is the case they cannot be masters of their ship, but will be dependent on the engineer who controls its motive power, and whose negligence or incompetency may destroy its efficiency.

The cadet engineers, making, as they will, steam and steam machinery a specialty, must attain proficiency, and from their acquirements and mechanical skill will become a highly scientific and useful class, indispensable to the service, and more useful, perhaps, in the design and construction of engines than in duty afloat.

Great credit is due to the energetic and judicious efforts of the Superintendent, who has given to the Academy the benefit of his acquirements and experience, and who in his well-directed labors has had the earnest coöperation of those associated with him in educating the future officers of the Navy. Under such management, fostered and sustained by the Government, the institution takes high rank and will be of incalculable service to the country.

Some valuable suggestions are made in the very able report of the Board of Visitors, as well as in that of the Superintendent, both of which are appended and commended to the consideration of Congress and all who feel an interest in the success of the Navy.

NAVAL APPRENTICES.

The revival of the system of naval apprentices, authorized by the act approved March 2, 1837, promises encouraging results. Having been imperfectly understood and not judiciously carried into effect at its origin, nearly thirty years ago, and compelled to encounter not only indifference and prejudice, but opposition, the execution of the law had been neglected and fallen into disuse.

Time and experience will still be needed to perfect the system, which has many difficulties to overcome, for it is yet in its infancy; but when fairly established and its merits fully developed, important benefits may be anticipated from it, not only to the naval but the merchant service. A class of educated and trained seamen will go forth yearly from the schoolships to give character and efficiency to American commerce as well as to the American Navy. Under judicious and skillful management the school-ships will be nurseries for the naval and merchant service, from which, when the system is in full operation, there will graduate a superior class of well-instructed and thoroughly-disciplined seamen, who in a few years will elevate and thoroughly revolutionize the maritime force of the country.

If the Government would enlist the best class of boys as apprentices, it must, as has been heretofore suggested, make the service attractive; and to do this most effectually, the recommendation is renewed that a portion of those most proficient and most deserving shall receive appointments to the Naval Academy. To carry this recommendation into effect, the plan proposed in my last report, that of conferring one half of the yearly appointments upon the naval apprentices who shall pass the best examination, instead of appointing the whole from congressional selection, is most available.

SEAMEN.

On former occasions and in various ways the attention of Congress has been invited to the condition of our seamen. Some measures should be taken to ameliorate and improve their condition and to increase their numbers, for neglect on the part of the Government, inattention to their merits and their wants, and more remunerative employment and greater consideration in other pursuits, are having their effect in retarding the increase of this useful and deserving class. Without representation or political influence, identified with no party, though always true to their flag, the sailors have received little attention from our legislators. This is, perhaps, in part owing to the fact that no one Department of the Government is clothed with special authority in regard to them. At an early day after the adoption of the Constitution, general duties respecting seamen were distributed among several Departments of the Government. The Treasury Department is intrusted with the navigation interest, and nominally with the care and protection of our sea-faring men. The State Department, through our consuls abroad, is charged with the duty of providing for destitute American seamen in foreign ports. The Navy Department, which procures its naval recruits mainly from the merchant marine, has the care of enlisted seamen.

No one Department is specially charged with the duty of attending to a class which, more than any other, needs the friendly and protecting care of the Government. Their interest and welfare are, consequently, almost wholly neglected, and from their roving life, liable to imposition when ashore, they become the victims of sharpers, who soon rob them of the wages they have earned while afloat.

Elsewhere in this report mention has been made of the importance of school-ships at the principal sea-ports, where boys may be received, educated, and trained for naval seamanship, and where their youthful ambition may be stimulated with the hope that by their own exertions, and by propriety of conduct, they may enter the Academy and become officers of the Navy. This commencement will do much to elevate the character of the American sailor. While some of the apprenticed boys would doubtless enter and obtain honorable position in the merchant marine, most of them would, with proper encouragement, continue through life in the public service, or until age had incapacitated them for duty. A small pension after not less than twenty years' service for such as preferred it to support in the asylum already provided, would attach them to the Government with which they would feel themselves identified. In his roving and unsettled life the sailor seldom accumulates property, and a pension of half his monthly wages to comfort declining age would be but just after he has given his best years to his country.

Movements have been recently made in behalf of their seamen by some of the maritime countries, which have become aware of the necessity of taking measures to retain the requisite complement of seamen for naval and commercial purposes.

In our own country our best naval officers and intelligent merchants are interesting themselves in this subject, and Congress and the Government cannot remain indifferent to it without putting in jeopardy our commercial and naval supremacy. But in order that the whole subject may be duly considered, and the best measures adopted for wise and intelligent legislation, there should be connected with the Navy Department a properly organized bureau, which should have in charge the whole subject relating to seamen, not only the men-of-warsmen, but the shipped seamen of the merchant service. Such a bureau, with an intelligent and practical seaman of either the naval or merchant marine at its head, one who understands the existing evils, comprehends the necessity of thorough and radical action, appreciates the growing wants of the country, and has the energy, industry, and zeal necessary for the work, could mature a system which would constitute the basis of future legislative action and be of benefit to both the seamen and the country.

The division of this and other incidents of the naval and commercial marine of the country among the different Departments tends to confusion, augmented expense, and inefficiency. It is a departure from the uniform practice and organization of other maritime Governments, all of which, so far as known, place in the charge of their marine depart-

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ment all that belongs to their navigating interests. The adoption of such a plan here would secure that unity of action and purpose which is indispensable to the best and wisest administration. The duties of the Light-House Board, the great and important operations of the Coast Survey, and the revenue-cutter service, which bring the naval power of the country to the aid of its financial and revenue system, are all legitimate branches of the administration of the Navy Department. Ocean transportation for military purposes should be a naval duty, and the same may be said of the coöperation of our consuls in the protection of our seamen abroad, and providing for the return to our shores of those who are wrecked and found destitute. All these matters can be best regulated and most easily attended to by being placed under the supervision of officers familiar with all the exigencies and operations of the naval service, and who in the performance of their duties will act under the direct control of the Department to which they belong.

OUTFIT FOR SEAMEN.

Complaint is made that at present prices, and with an inflated and fluctuating currency, the seamen find it difficult to procure their outfit on the wages they receive. It is a question whether the seamen, who, when on service, are confined to no particular locality, but are constantly changing from port to port, and from one country to another, ought not always to be paid in coin. It is important to them beyond any other class that they should receive their wages in money of true standard value, which they can use abroad as well as at home, and that they should not be paid in a fluctuating paper currency.

It has been suggested that were an outfit of clothing to a specified amount, in the nature of a bounty, furnished each recruit on his enlistment, it would remedy to a considerable extent the difficulties which are experienced. There are many reasons in favor of this proposition. In the naval service of most countries, and in the Army of our own, the enlisted man receives his clothing in addition to his wages. If compelled, as he is at present, to furnish an outfit for himself, by an advance of wages, the sailor commences his service in debt, becomes dissatisfied, and not unfrequently deserts. It is therefore recommended that clothing to a specific amount be furnished by the Government to each sailor on his enlistment.

TIMBER LANDS.

Many years since the Government adopted the policy of reserving from sale certain timber lands for "the sole purpose of supplying timber for the Navy of the United States." The lands thus reserved were placed under the control of this Department, and are scattered through the States of Florida, Georgia, Mississippi, and Louisiana. Agents were appointed, with salaries ranging from five hundred to two thousand dollars per annum, with allowances for boat hire, horses, wagons, and other alleged expenses, to protect these lands from depredation. These agencies were continued, at considerable annual cost to the Government, until the beginning of the rebellion, when they were discontinued, and they have not been revived since the insurrection was suppressed.

Measures for the preservation of live oak were commenced as early as 1817, and it was represented at that time that many of the trees had obtained their full growth. Yet it is not known that any timber has ever been procured from these lands for the Government, but, so far as ascertained, every stick of live oak which has been used by the Navy has been purchased, and there is little doubt that much of it was cut and taken from the timber reservations which had for years been protected by Government agents, at great annual expense to the Government.

Since the restoration of peace, ineffectual search has been made for the maps and papers relating to these lands, but they have not yet been found. Whether they have been misplaced or were abstracted by those who had access to and charge of them, but who fled South at the commencement of the rebellion, cannot be stated. Some difficulty may be experienced in ascertaining the quantity and precise locality of these reservations, but from what has taken place, it is evident that the policy of timber reservations with salaried agents to protect them is a costly failure, and should be abandoned. The Government has experienced no inconvenience in procuring ship-timber from private parties, nor is it apprehended that any embarrassment will occur from that source in the immediate future. Under these circumstances it is a question whether the Government should not, through the Land Office, resume possession of these reserved lands, and put them in market to be sold for general purposes.

NAVAL PENSION FUND.

At the date of the last annual report the naval pension fund amounted to $9,000,000. There has been added during the year the sum of $2,750,000, making the aggregate at the present time $11,750,000.

By law one half of the net proceeds of all prizes, when the captured vessel is of inferior force, is decreed to the United States, and it is enacted that all money thus accruing to the United States from sale of prizes shall be and remain forever "a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same, and if the said fund shall be insufficient for the purpose, the public faith is pledged to make up the deficiency; but if it should be more than sufficient the surplus shall be applied to the making of further provision for the comfort of disabled officers, seamen, and marines."

The efficient and active vigilance of the Navy in capturing prizes, and the promptness with which their adjudication has been enforced, has placed in the Treasury a fund the income of which is more than sufficient to pay the pensions at present rates. Further legislation is therefore required in order that "the surplus shall be applied to the making of further provision for the comfort of disabled officers, seamen, and marines."

The subject is submitted for consideration that the necessary provision may be made to carry into effect the pledged faith of the Government.

PENSIONS.

On the 1st of November last, the Navy pension-roll was as follows:

1,057	invalids, with annual pensions amounting to	$78,637 05
1,208	widows and orphans, annually receiving	192,102 00
2,265	persons receiving a total annual amount of	$270,739 05

This amount will be somewhat increased by virtue of the provisions of the acts of June 6 and July 25, 1866.

COMPENSATION OF CLERKS.

The compensation to the clerical force of the Department is small for the service rendered, and insufficient for the support, in a manner becoming their position, of the clerks and their families. All persons who have fixed incomes are injuriously affected by our expanded currency. With the ruling high prices for rents and the necessaries of life, the struggle of such as have low salaries and dependent families is extremely severe. A fair compensation on the part of the Government to those who faithfully serve it is undoubtedly the best policy.

An extra allowance, if made to the employés of any Department, should be extended in like manner to the clerks in the other Departments, who are as faithful and as meritorious, and subject to the same expenses as those who have received the special benefaction of Congress. The discrimination which is made is not only invidious, but in its effect most discouraging upon those who, while laboring with equal fidelity and assiduity in similar positions, are denied corresponding remuneration. No money of the Government is more judiciously expended than that which is paid to the capable and faithful clerical force in the Departments; and that of the Navy Department I earnestly commend to the special consideration of Congress.

EXPENSES AND ESTIMATES.

The available resources of the Department for the fiscal year ending June 30, 1866, were,	$142,291,919 40
Expenditures	43,324,526 42
Leaving a balance at the commencement of the present fiscal year of	98,867,392 98
The appropriations for the current year amount to	18,976,667 50
Making the total available resources for the fiscal year ending June 30, 1867	$117,944,060 48

As several of the bureaus will have unexpended appropriations, which will be ample for some time to come, they have made no estimates for the fiscal year ending June 30, 1868.

The following amounts are asked for:

Pay of officers and men of the Navy	$10,826,280 00
Pay for labor and superintendence in navy-yards	7,976,192 00
Bounties to discharged seamen	500,000 00
Navigation, Naval Academy, Observatory, &c.	612,239 15
Magazines, &c.	80,000 00
Surgeons' necessaries and hospitals	386,513 00
Contingent expenses	1,592,000 00
Support of Marine corps	1,595,212 01
Total	$23,568,436 16

The large unexpended balance in the Treasury at the close of the last fiscal year is embraced in appropriations under more than one hundred different heads. Many of these are continuous, have been made for years, their expenditure will be protracted through years to come, and, though assisting to make up a large balance, cannot be dispensed with. There are large amounts, however, under the heads of "construction," "steam engineering," "ordnance," "provisions and clothing," and "fuel," which can with propriety revert to the Treasury. No appropriations under these heads were made for the current year, and for the ensuing year none are asked. In the course of time the appropriations would be exhausted, but it is not believed to be in accordance with sound public policy in time of peace to continue such large amounts at the disposal of the Department.

Liberal appropriations for the naval service were made during the existence of the war, but the funds of the Department were always carefully and economically expended. This fact is attested by the numerous claims of contractors for relief now before Congress; and the result is, that the Department is able to complete all the vessels and engines contracted for before the close of the war, and designate appropriations to the amount of about fifty million dollars that can be relinquished to the Treasury, or may be otherwise disposed of by Congress.

It has heretofore been deemed essential to correct administration that there should be annual estimates for proposed expenditures, and specific appropriations therefor after examination by Congress, and this Department has no desire to evade this annual scrutiny.

THE BUREAUS.

The reports of the several chiefs of bureaus and of the colonel commandant of the Marine corps are appended, and are referred to for full information of the operation of their several departments. A brief abstract only can here be given.

The chief of the Bureau of Yards and Docks gives in detail a statement of the repairs and

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improvements at the navy-yards, the present condition of the work, and his views of future wants. The expenditures for permanent improvements were necessarily small during the last four years, and now that the war is closed, it is thought to be souud policy to supply many of the wants and correct the defects which a state of war has developed. The Portsmouth yard has been extended by the purchase of Seavey's Island, and arrangements have been made, subject only to a grant of jurisdiction by the New York Legislature, for extending the Brooklyn yard by incorporating into it property known as the Ruggles estate. The means for executing work at the Philadelphia yard are very limited, and, in consequence of the want of shops and machinery, large quantities of work have been done in private establishments which could have been performed more economically and perfectly in the navy-yard had the facilities existed. It is also recommended that the Washington yard be extended by the purchase of additional property. Fourteen beneficiaries have been admitted to the Naval Asylum during the year, nine have died, and one has been sent to the Insane Asylum. Total number on the rolls, including officers and attendants, one hundred and seventy-two; expenses, $62,282 58.

The Bureau of Navigation has under its immediate supervision the Naval Academy, Naval Observatory, Hydrographic Office, Nautical Almanac, and the school for naval apprentices, and a survey of operations in each of these departments is given in the report of the chief of the bureau. The subject of the local deviation of compasses, arising from the use of large quantities of iron in the construction of vessels-of-war, is occupying the attention of the bureau, and the results of some important observations will soon be made public. To collect data for this purpose, an officer was especially sent to San Francisco in the iron-clad Monadnock. A hydrographic office has been established in this city, under authority of an act of Congress passed at its last session. It will be the central depot from which charts, sailing directions, and nautical books in general will issue. The new buildings for the Naval Academy authorized by Congress will soon be commenced; other improvements have been completed. The Superintendent of the Naval Observatory reports that there has been added to the instruments of that institution a great transit circle, which restores the Observatory to the rank of a first-class institution, and will largely extend its sphere of usefulness. The result thus far of the naval apprentice system has not, in the opinion of the chief of the bureau, disappointed the expectations of its most sanguine advocates.

The chief of the Bureau of Ordnance reports the sale, during the past year, of unserviceable cannon and surplus powder to the amount of $337,364. Other ordnance material which the close of the war has left on hand, and is not needed for the present or prospective wants of the squadrons, will be disposed of. He states that the most satisfactory results have been attained with guns cast either solid or hollow, and nothing has transpired abroad, in the efforts to produce a steel or steel and wrought-iron gun better than ours, to induce a fear that cast-iron ordnance will be surpassed in any essential of endurance, either as smooth-bore or rifles. In gun-carriages a decided improvement has been made in the substitution of iron for the cumbersome wood ones so long in use, and a carriage has recently been designed upon which a fifteen-inch gun can be safely handled in any weather in which an action may be fought at sea.

The chief of the Bureau of Equipment and Recruiting reports that seven hundred and thirty-one tons of hemp, of a value of $296,489, have been used at the Government ropewalk at Charlestown. A board has been organized to examine and test the comparative strength of wire and hemp rope, with a view to its more general introduction into the Navy should the report be favorable. It is believed that by the use of wire instead of hemp rope, a vessel of the Wabash class will be relieved of over four tons' weight aloft, and that there will be a large saving in the original cost, as well as increased durability in the rigging of a vessel. The coal contracts for the current year are for forty thousand tons delivered at Philadelphia, at $5 61 per ton, and twelve thousand tons delivered at New York, at $7 28 per ton. But little coal has been sent abroad during the year. Especial attention is invited to the suggestions relative to the enlistment of seamen, both for the naval and merchant service.

The report of the chief of the Bureau of Construction and Repair is chiefly occupied with the prospective wants of his department. To place the Government dock-yards in such a condition as the experience of the past few years has shown to be necessary for efficient service will require the erection of a number of new buildings. The views of the chief of the bureau are detailed with some minuteness, and should command attention. During the war it became necessary to build many vessels of unseasoned timber, but such vessels are of short durability, and true economy will be consulted by laying in for future use a large supply, particularly of oak and yellow pine timber. Special appropriations for a few years for this purpose are recommended. During the year the force in the navy-yards has been principally engaged in placing in efficient condition the vessels which had been almost constantly employed during the war, and but little progress has been made upon the hulls of the new vessels.

The chief of the Bureau of Steam Engineering reports that no new work has been undertaken during the year in his department. All the new work under construction was commenced before the close of the war, and a number of engines are now completed, for which the vessels have not been commenced. This will be taken off the contractors' hands and stored. The machinery for the Idaho and Algonquin, designed by E. N. Dickerson, has proved a failure in each case, and been rejected. As the Navy is almost wholly a steam Navy, it is suggested that increased facilities be afforded for the construction and repair of steam machinery in our navy-yards, and to this end estimates, amounting to about one million and a half of dollars, are submitted. The chief of the bureau suggests that in view of the importance of the Engineer corps, the rank and pay of engineer officers should be increased; also, that the age qualification for cadet engineers be extended to twenty-one years.

The chief of the Bureau of Provisions and Clothing calls attention to the very great evils of the present system of supplying a sailor with his outfit. The market rate for the various articles he is compelled to purchase is now so high that when a sailor has received his advance in money, and drawn his clothing and small-stores, he finds a debt of about a hundred dollars standing against him, which he cannot expect to work out, after leaving a half-pay allotment for his family, in less than a year. The chief of the bureau recommends the erection of an additional storehouse, at a cost of $150,000, upon the new purchase at Brooklyn, known as the "Ruggles property."

The chief of the Bureau of Medicine and Surgery calls attention to the necessity for increased hospital accommodations at the Naval Academy, Annapolis, and suggests that a sufficient sum be appropriated to purchase a proper site, and to erect a hospital commensurate with the necessities of the institution. He represents the hospital now in use as wholly insufficient for the present number connected with the Academy. He also urges an appropriation of $150,000 additional to the amount already appropriated to build a hospital at Mare Island, to answer the growing necessities of that distant station. He represents that the building in which the naval laboratory is carried on is small, and so inconvenient as to seriously embarrass its operations; that the machinery, apparatus, manufacturing department, store-rooms, packing and dispensing rooms, are all crowded in one small building. He submits an estimate of $80,000 for additional laboratory accommodations. Interesting tables connected with the casualties of the Navy during the rebellion, and showing its sanitary condition, are given. The number of persons wounded during this period was 4,030, of which 3,266 were from gunpowder, 456 were scalded in battle, and 308 drowned in battle. The casualties incident to service in the Navy, not connected with battle, during the same time, were 2,070. The aggregate number of deaths in the Navy from casualties of all kinds during the rebellion was 2,272, as follows: from gunshot fractures, 495; from gunshot flesh wounds, 1,309; from incidental casualties, 373; died in rebel prison-pens, 95.

The colonel commandant of the Marine corps reports that at his annual inspection he found good order and discipline sufficiently marked to reflect credit upon both officers and men. One half of the strength of the corps is attached to vessels upon foreign service; the remainder is employed in guarding the navy-yards and naval magazines, and being instructed in the duties of soldiers. No difficulty is experienced in getting a sufficient number of recruits, and of a better class than formerly. The commandant of the corps recommends that new barracks be erected in Washington to displace those at present occupied, which were erected in 1805, and besides being dilapidated and not adapted to the health and comfort of the men, are considered wholly inadequate for the wants of the service. It is also recommended that steps be taken towards securing a convenient site for marine barracks at Norfolk, where there are no suitable accommodations for the marines. Attention is called to the fact that, although the corps is a military organization numbering some thirty-six hundred men, its commandant holds but the commission of a colonel. Strong interest is felt that the grade of brigadier general should be conferred upon the highest officer in a corps whose numbers and service would seem to justify it, particularly at a time when so many Army officers are honored with that position.

CONCLUSION.

I have, in this report, presented to you, and stated for the information of Congress, the present condition of our naval force at home, where its preparation for efficiency is still proceeding, though on a properly reduced scale, and its arrangements and operations abroad, where, following in the track of our expanding commerce, it keeps faithful watch over our national interests and honor. I have added to this description such suggestions as I deemed most worthy of favorable consideration, looking, with a due observance of economy, to further improvement of its organization. The calm which succeeds the great tempest through which our country has passed gives me the gratifying opportunity, while stating the movements of our naval force in distant seas, to suspend for this year the five times resumed narrative of its mighty growth and ever-memorable achievements. Yet in closing this report, I again exhort the Government and the country to realize promptly and practically that the maintenance of our Navy in an amplitude of power adequate to any emergency is intimately blended with our hopes of lasting peace, with the augmentation of our vast commercial enterprise and prosperity, and, above all, with that grand and imposing naval renown which has come in our age to be manifestly the surest and the cheapest defense of a great nation.

GIDEON WELLES,
Secretary of the Navy.

To the PRESIDENT.

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Report of the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., *November* 19, 1866.

SIR: I have the honor to submit the following exhibit of the operations of this Department, and of the various and diversified interests connected with the branches of the public service committed to its supervision.

During the fiscal year ending June 30, 1866, public lands were disposed of as follows:

Acres sold for cash	388,294.15
" entered under the homestead acts	1,892,516.86
" located with military warrants	403,180.00
" approved to States as swamp	1,199,658.27
" approved to States for railroads	94,596.99
" located with agricultural college scrip	651,066.60
	4,629,312.87

During the same period 6,423,984.18 acres were offered for sale. The cash receipts from sales and other sources were $824,645 08. The number of homestead entries exceeded that of the preceding year by more than sixty per cent.

There are sixty-one land districts and ten surveying departments. During the past year surveying operations have been prosecuted with energy in Minnesota, Dakota, Kansas, Nebraska, Colorado, California, Oregon, Nevada, and Washington, but have been deferred, on account of Indian hostilities, in New Mexico and Arizona. The anomalous condition of affairs in Utah has prevented any surveys there since the year 1857. At that date 2,500,000 acres had been surveyed. In order that they may be disposed of, it is recommended that a land district be created in that Territory.

The entire amount of the public domain is 1,465,468,800 acres, of which 474,160,551 acres have been surveyed.

The attention of Congress is again respectfully invited to the expediency of making early provision for the adjustment of claims to land situate in New Mexico and Arizona, arising under the laws of Spain or Mexico. The act of July 22, 1854, directs the surveyor general to ascertain the nature and extent of such claims under the laws, usages, and customs of Spain or Mexico, and to make a full report on all such as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo. Congress reserved the right to confirm, by its action, *bona fide* grants, and to give full effect to the stipulations of that treaty. Until such action, the lands covered by those claims are reserved from sale or other disposal by the Government. The act does not apply to that valuable region of country acquired by the treaty concluded at Mexico, December 30, 1853. Good faith and sound policy require the separation from the public domain of private property held by an incipient and unperfected right, or by a complete title, under a grant of the Government which preceded us in the exercise of jurisdiction and sovereignty over the soil. The confirmation of a private claim secures to the party a valid title. The location of his land, when ascertained by authentic surveys and noted upon our records, identifies the property of the United States, and facilitates the disposal of it. The authority of the surveyor general should extend to the lands ceded by the later treaty; and by a special tribunal created for the purpose, or through the action of the courts, all grants of this character could be definitely and finally disposed of.

The boundary between New Mexico and Colorado, as well as that between California and Nevada, should be permanently established, and the limits between Florida and Georgia finally adjusted.

It has been the cherished policy of the Government to assure upon the most liberal conditions to the actual settler a title to his home and improvements. His preference right of purchase is not confined to lands which were surveyed at the time of his settlement; nor is he required to pay for them, or for those surveyed but unoffered, until the day designated by the President's proclamation for the public sale. Differences of opinion exist as to the applicability to particular localities of some of the acts of Congress prescribing the period within which the declaratory statement for unsurveyed lands must be filed. No distinction ought to be made in regard to the time allowed for the payment for unoffered lands and those which have been offered. I concur in opinion with the Commissioner of the General Land Office as to the changes that might be advantageously made in existing preëmption laws. They also should be greatly simplified and rendered more uniform in their operation. In this way controversies such as have been occasioned by incongruous and conflicting provisions will be avoided, and the benefits of this wise and just policy effectually secured.

The right of the preëmptor attaches from the date of his actual personal settlement; that of the homestead settler from the date of his entry at the local land office. The latter is confined to surveyed lands. In either case the title may be consummated by a full compliance with the terms and conditions imposed by the law under which it was initiated. A party who has settled, with a view to preëmption, upon a particular tract, and thus excluded all others from acquiring a right thereto, should not be permitted to abandon his original claim and enter the land under the homestead law. Such a privilege would, in many instances, inevitably lead to great abuse. The modes prescribed for acquiring title to land by these enactments essentially differ; and if the claimant under a preëmption law fails to perform the condition which it enjoins, he should incur the consequences of such failure.

Authority should be given to the head of the Department to close up the local office, and transfer its archives, where the lands in a State are nearly all disposed of. The powers vested in the local officers might be conferred upon the Commissioner of the General Land Office, to enable him to give title on the sale of the remaining tracts.

A few tracts have been entered in California at the minimum price of twenty dollars per acre, under the supplemental act of March 3, 1865, for the disposal of coal lands. The propriety of reducing this minimum, where the coal is of inferior quality, and cannot be obtained without difficulty, is submitted for consideration. The area of the coal lands of the United States is estimated at two hundred thousand square miles.

Land offices have been reopened in Florida, Alabama, Mississippi, Louisiana, and Arkansas. By the act approved June 21, 1866, public lands in these States are reserved exclusively for homestead entries; and for the period of two years from the date of its passage only eighty acres can be entered by one person. The opinion of the Attorney General that patents for land sold under the revenue laws must issue from the General Land Office will govern the action of the Department.

The law forbids any incumbent in the General Land Office to purchase public lands. I suggest the propriety of extending it so as to include every officer in any way connected with the administration of the laws relating to them.

The grant to Iowa for the improvement of the Des Moines river has been fully satisfied. It embraced 833,079.90 acres.

There still remain unsold seventy-seven lots, situated within the Fort Howard reserve, in Wisconsin. They will be disposed of in accordance with the act of July 4, 1866.

Up to June 30, 1866, 43,204,774 acres of swamp lands had been patented to the several States, and the aggregate indemnity to them on account of such lands sold or otherwise disposed of by the United States was, in cash, $597,201 37, and, in other lands, 478,036.93 acres. It is recommended that the time for making selections of such lands be limited to two years after the official plat is received at the local office, and that the purpose of Congress in relation to this subject be explicitly declared.

Instructions have been issued to the surveyor general and the local officers in California to give full and summary effect to the provisions of the act of July 23, 1866, "to quiet land titles in California."

The registers and receivers act as agents of Government to prevent trespassers on the public lands from removing timber therefrom. By imposing fines, and compelling the offenders to enter the tracts trespassed on, the Government has been, to a considerable extent, protected in its rights. A *bona fide* settler is allowed to appropriate the timber on his claim only so far as may be necessary for indispensable uses. The Commissioner presents the importance of promoting by legal enactments the planting and growth of trees on the public domain, and he suggests the mode by which that object may be accomplished.

Under the donation laws, patents for 1,282,423.93 acres of land in Oregon have been issued. Additional legislation is recommended to enforce the survey of donation claims on which settlement was made prior to the public surveys.

Twelve hundred Indian patents were issued during the last fiscal year, for 298,256 acres of land.

Attention has been repeatedly invited by this Department to the immense value of the deposits of precious metals within our territorial limits. The mineral lands on the Pacific slope belong to the Government, but it has not provided for the disposal of them, or for the development of the treasure which they contain. In the absence of legislation by Congress, and with its tacit consent, these mines have been worked by individuals, vast expenditures made, and a species of possessory right acquired which has been recognized by State laws, and maintained and vindicated by State tribunals. The act of February 27, 1865, declares that no action in the courts of the United States for the recovery of any mining title, or for damages thereto, shall be affected by the fact that the paramount title to the land on which such mines are is in the United States, and the Supreme Court has held that mining interests, apart from the fee-simple rights in the soil by patent, existed before that act, with the implied sanction of the Federal Government. The exploration and working of these mines have largely contributed to the national wealth, and our legislation should, I submit, be controlled to some extent by existing rights and interests, which are the legitimate results of our policy of inaction. The wisdom of Congress can devise measures which, by placing this vast interest under the control of positive law, will render it tributary in a greater degree to the public prosperity.

Copious details are furnished and many topics connected with the public lands ably discussed in the interesting and elaborate report of the Commissioner.

By reason of the increased rates of pension, more than $33,000,000 will be required for this branch of the service during the next fiscal year.

Samuel Downing, of Edinburg, Saratoga county, New York, is the only surviving soldier of the Revolution. His name was inadvertently omitted in the last annual report of the Pension Bureau to this Department.

The names of 931 widows of revolutionary soldiers appear on the pension-rolls at the close of the last fiscal year.

The invalid pensioners disabled in the wars

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prior to that of 1861 do not exceed 8,000. The widows and minor children who receive a pension by reason of the services and death of those who served in such wars number 1,227.

During the last fiscal year 22,645 original applications for invalid pensions were granted, at an aggregate annual rate of $1,756,812 20. The number of such pensions that were increased was 1,263, at an annual amount of increase of $43,946 25. The total amount awarded to Army invalids during the year appears to be $1,800,764 45.

During the same period 27,076 original applications of widows and dependent relatives of officers and soldiers of the Army were allowed, at an aggregate rate of $2,743,711 17 per annum. The increased allowance to such persons was $299 10; so that the sum required to meet pension claims of this description allowed during the past year is $2,744,010 27.

The whole number of new Army pensioners of all classes added to the rolls during the year ending June 30, 1866, was, accordingly, 49,721, and requiring for their payment $4,500,523 37 per annum. The number dropped from the rolls during the same period, on account of death or other causes, was 9,342, whose annual allowance amounted to $880,178 62.

On the 30th of June last there were on the pension-rolls 54,620 invalids, whose yearly rate of pensions was $4,128,718 50; and 69,889 widows and dependent relatives, at a yearly rate of $7,284,404 11—making a total of 124,509 Army pensioners, at an annual aggregate of $11,413,122 26.

Including payments to pension agents, the amount paid during the year to revolutionary pensioners was $252,204 38; to Army invalid pensioners, $3,815,805 04; and to widows and dependent relatives, (not revolutionary,) $9,109,436 70—giving the total sum of $13,177,446 12.

During the year 238 original applications for Navy invalid pensions were allowed, at an aggregate amount of $18,902 50 per annum. Twenty-five such pensions heretofore allowed were increased at an aggregate annual rate of $917. Two hundred and eighteen original applications of widows and dependent relatives of officers and seamen were allowed, at an aggregate of $32,976 per annum. The total number of Navy invalid pensioners on the rolls at the close of the fiscal year was 1,032, at an aggregate annual rate of $72,610 05. The number of widows and dependent relatives was 1,181, at an aggregate annual rate of $189,742—making the whole number of naval pensioners, of all classes, 2,213,, requiring for their annual payment $261,352 05.

The total number of pensioners of all classes, Army and Navy, on the rolls June 30, 1866, was 126,722, and the amount paid pensioners, including expenses of disbursements during the last fiscal year, was $13,459,996 43. This amount includes $99,237 15 paid to 1,043 pensioners residing in the States whose inhabitants were lately in rebellion.

From the date of the executive proclamation declaring the inhabitants of any State to be in a state of insurrection against the United States, the names of all pensioners residing in such State were stricken from the rolls. Intercourse with them was, by the laws of war, the legislation of Congress, and the President's proclamation in pursuance thereof, suspended so long as such condition of hostility continued, but the right of such pensioners as remained loyal to the United States was saved by the act of February 4, 1862. Their names, on making the required proof of continued loyalty, are accordingly restored to the rolls. Mr. Attorney General Speed, whose opinion on the subject was taken by my predecessor, held that the restored pensioner was entitled to the arrears of the pension which had accrued since the last payment to him prior to the rebellion, and the practice of the Government has been in conformity to that opinion.

The Navy pension fund, accruing from the condemnation and the sale of prizes, and invested in bonds of the United States, amounts to $11,750,000. The interest of this investment is more than double the amount necessary to pay the Navy pensions. There is also an uninvested surplus of $205,738 35.

During the past year 406 bounty-land warrants were issued for 63,866 acres of land.

The Commissioner of Pensions represents that a considerable number of additional clerks is indispensable to the prompt and efficient transaction of the business of his office. The bill to reorganize the clerical force of this Department, recommended by my predecessor, and passed by the Senate at the last session, would have afforded a partial remedy; but the changes made in the pension laws subsequent to its introduction render its provisions inadequate to the present and increasing wants of the service. The cases during the last year exceeded by twenty-five per cent. those disposed of during that which preceded it. The labor of the office during the current year has increased in a much greater ratio, and is nearly if not quite twofold greater than has ever devolved upon it for the same length of time since its organization. Notwithstanding this imperative necessity for a well-organized force, several years have elapsed since any permanent addition to it was made. The authority to employ temporary clerks of the first class has been given, but it secures only the services of mere copyists. The business of the bureau must fall in arrear when insufficient means are furnished for transacting it. No delay, other than that which is unavoidable, should be suffered to occur in awarding the pensions provided by the country for those who have such strong claims upon its justice and gratitude. The case is respectfully presented to Congress, who can alone furnish the remedy, and whose early favorable action is specially and earnestly invoked.

The voluminous report of the Commissioner of Indian Affairs exhibits in detail the condition of this difficult and important branch of the public service. The numerous treaties recently negotiated with various Indian tribes have greatly augmented the labors of the department, and the constant pressure of emigration into the Indian Territory produces conflicts of interest which require judicious management to adjust and control. The Commissioner sets forth the terms and stipulations of those treaties. The Indian tribes of the Southwest have resumed their former friendly relations with the Government, and it is hoped that they will succeed in fully adjusting the differences which have heretofore existed among them in consequence of the different attitudes they were induced to assume toward the United States during the rebellion.

There are before the Senate some important treaties with the Indian tribes in Utah, Kansas, and Dakota, to which the attention of that body is respectfully invited. Several treaties recently negotiated with Indian tribes in the Northwest will be submitted to you at an early day, to be laid before the Senate for its consideration and action. It is believed that, should they be ratified and faithfully executed, peaceful relations will be established with powerful tribes, occupying a vast extent of country, who have recently been in hostility to the Government.

The Commissioner suggests the necessity of further negotiations with some of the Indians in Kansas with a view to their removal from that State, and also with the Indian tribes in Idaho, New Mexico, and Dakota, for their removal to and settlement upon reservations to be set apart for their exclusive occupancy and use. These suggestions will receive the early and careful consideration of the department. Collisions and hostility have been of less frequent occurrence between the whites and the Indians during the past year than has been generally believed. Occasionally depredations have been committed, and raids made upon emigrants and settlers, but these are believed to have been greatly exaggerated, either by the fears of the inexperienced and timid or the cupidity and selfishness of interested and designing speculators. Peace appears to have been the rule, and hostilities the exception, between the Mississippi river and the Rocky mountains.

It has been the settled policy of the Government to establish the various tribes upon suitable reservations and there protect and subsist them until they can be taught to cultivate the soil and sustain themselves. It is no doubt the best if not the only policy that can be pursued to preserve them from extinction.

Numerous recommendations looking to the amelioration of the condition of these wards of the Government are contained in the Commissioner's report, and will no doubt receive the attention of Congress.

During the year ending September 30, 1866, there were 14,039 applications for patents. Eight thousand seven hundred and sixteen patents (includiug reissues and assigns) were issued; 1,415 applications were allowed, but patents have not issued thereon by reason of the non-payment of the final fees; 2,579 caveats were filed, and 55 extensions of patents were granted.

During the same period the receipts were $460,416, 80, and the expenditures $343,697 73, leaving a balance of $116,719 07, which added to $111,578 19, the balance on hand September 30, 1865, makes the amount now in the Treasury to the credit of the patent fund $278,297 76.

The last annual report of this Department alluded to the law regulating appeals in cases arising in the Patent Office. I am unable to perceive any stronger reason for granting an appeal to one of the justices of the supreme court of this District from the decision of the Commissioner of Patents, than from that of the Commissioner of Pensions disallowing a pension claim, or from that of the Commissioner of the General Land Office on a contested right of preëmption. The decision of the judge does not have any more conclusive effect than the ruling of the executive officer. If adverse to the applicant, a patent does not issue. But if in his favor, even in interference cases, it is not a final determination of the questions in controversy. Congress has declared that it shall not preclude the right to contest the patent in any court in which its validity may come in question. If sued by the holder of an elder patent who was a party to the whole proceedings, the successful applicant cannot set up the decision awarding him a patent as a defense to the action. Such a decision is not, in its essential characteristics, a judicial act, and cannot be assimilated to the judgment of a court of competent jurisdiction, which may be pleaded as an estoppel where the identical question is directly involved between the same parties in a subsequent suit. The duty incident to this special trust should not be imposed upon the judge, and there is a manifest impropriety in giving him a supervisory control over the action of an executive bureau. The judicial and executive departments of the Government are distinct and independent, and the officers of each should be confined to their appropriate sphere of action.

The applicant for a patent, before he can prosecute an appeal to the judge, must pay into the office the sum of twenty-five dollars for his use. The fee required on each successive appeal from the primary examiner to the examiners in chief, and from the latter to the head of the bureau, constitutes a part of the patent fund, and is not paid to those of-

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ficers. They receive a fixed compensation, without regard to the cases submitted to them. The amount of the judge's emoluments for this special service depends upon the number of appeals to him, and that may be increased or diminished by the character of his decisions. He is thus placed in a position which no judicial officer should be compelled to occupy.

The act of March 3, 1849, establishing this Department, directed "the Secretary of the Interior to exercise and perform all the acts of supervision and appeal in regard to the office of Commissioner of Patents theretofore exercised by the Secretary of State." Subsequent legislation has not changed the connection then created. The Commissioner being thus subordinate to and under the control of this Department, should, as is now required of the other officers who sustain the same relation to it, submit to the Secretary a detailed report of the condition and operations of his bureau. The act of 1837, directing him to report to Congress, was passed when the Patent Office was under the supervision of the Secretary of State, who makes no annual report to the President of the United States for transmission to that body. The reason for the present exceptional regulation no longer exists, and I recommend that Congress order the Commissioner to make his annual report to the Secretary of the Interior.

On the 6th instant the Union Pacific railroad was completed to a point twenty-three miles west of the hundredth meridian of longitude, being two hundred and seventy miles distant from Omaha. The want of a railroad connection from Omaha eastward has retarded the transportation of the iron and equipments of the road and compelled the company to rely upon shipments by the Missouri river, at such times as the state of the navigation permitted. The difficulty will be removed by the construction of the railway from Clinton to Council Bluffs, which, it is believed, will be completed next spring.

The company have constructed all their depot buildings at Omaha. The arrangement and extent of their grounds and permanent fixtures are on a scale adapted to our vast and increasing traffic between the western and eastern shores of the continent. The road has been built of such excellent materials, and in so substantial a manner, as to elicit repeated expressions of commendation from the Government directors and commissioners. There can be no better evidence of the fidelity with which the company have met the requirements of Congress than the fact that the commissioners have in no instance refused to accept any portion of the road presented to them for examination.

The company have not filed a map showing the permanent location of the road beyond a point three hundred miles west of Omaha. Surveying parties have been actively engaged in ascertaining the most direct and practicable route, taking Julesburg, on the South Platte, at the mouth of Lodge Pole creek, about three hundred and seventy-five miles west of Omaha, as a starting point, and have furnished a statement of the comparative distances, quantities, and gradients of three lines—one via Cache la Poudre and Antelope pass, one via Camp Walbach and Crow creek, and the other via Lodge Pole creek, Camp Walbach, and Cheyenne pass. It is expected that the definite location of this part of the road will not be long deferred.

The company report that in April, 1865, their engineer commenced an extended reconnoissance of the country east of Great Salt Lake, with a view to find a practicable route over the Wasatch mountains to Green river via Spanish Fork and the Uinta. After ascending the Spanish Fork to its head-waters, he explored the whole district of country lying between the hundred and tenth and hundred and eleventh meridians of longitude, and between the parallels of forty degrees and forty degrees and thirty minutes of latitude. The result of these examinations satisfied him that such a route could not be found.

The survey of the line by the way of the valley of the Sweetwater, the South pass of the Rocky mountains, and the valley of Black's Fork of Green river was then commenced. It established the important fact that the summits of all the passes, of which surveys had been made in the great ranges of those mountains, have very nearly the same altitude above tide-water. Further examinations were made by the company's engineer in that region, the details of which have not been furnished to the Department.

One of the most important of this company's surveys extends from Great Salt Lake west to the Humboldt valley, between the hundred and fifteenth and the hundred and sixteenth meridian of longitude, traversing the Great American desert. Although incomplete, it has resulted in the discovery of a line, with grades not exceeding sixty feet per mile, from Great Salt Lake City to the valley of the Humboldt, across the Humboldt range of mountains, a distance of two hundred and eight miles. For about one hundred and fifty miles across the desert no fresh water was found by the engineer. He is satisfied, however, from his examinations, that it can be obtained in the passes over Cedar mountain, on the eastern side of the desert, and the first range west of the desert, leaving only sixty miles without fresh water. The soil is admirably adapted to a fine hard road-bed. The results of the survey are satisfactory to the company, and show that the difficulties to be overcome are much less formidable than were anticipated.

The company report that the amount actually expended on the road in money is $9,690,082 01. Of this amount $3,113,221 25 have been derived from the sale $3,280,000 of Government bonds, $3,901,357 01 from loans, and $2,508,725 from stock subscriptions. This amount does not embrace the indebtedness to the contractors for the first two hundred and forty-six miles of road, extending from Omaha to the one hundredth meridian. Their contract expired by the completion of this part of the line, and when the whole indebtedness of the company is adjusted the entire expenditure, including a million of stock which the contractors agreed to take, will not fall short of $12,500,000. The amount of the company's loan is $3,668,213 95. To meet this debt it has $5,480,000 of its first mortgage bonds unsold, and $560,000 of Government securities.

The amount of bonds actually executed is $3,560,000. The company is entitled to issue the following amounts: first, for two hundred and forty miles of road accepted by the Government, $3,840,000; second, for one hundred miles in advance, $1,600,000, making a total of $5,440,000.

None of these bonds have been offered for sale. They are made, by the act of Congress, a lien prior to that of the Government, and it was deemed advisable to wait, before negotiating them, until the work had made such progress as to give to the public the assurance that its successful completion was no longer a matter of doubt. They have, therefore, been used to a limited amount as a basis for temporary loans.

The rolling stock on the road consists of twenty-one locomotives, one hundred and fifty-six flat, forty-six box, thirty-five hand, and five passenger cars.

The Union Pacific Railway Company, eastern division, have constructed their road to Fort Riley, one hundred and thirty-five miles west of the Missouri river, of which one hundred and thirty have been accepted by the Government, thus giving a continuous line of railroad and telegraph four hundred and eighteen miles west of St. Louis.

They have also constructed a branch road, thirty miles in length, from Lawrence to Leavenworth, which affords them another line of communication to the Missouri river.

The company report that the present equipment of the road is as follows: nine locomotives, ten first-class passenger, three baggage and express, one hundred and one box, ninety-four flat, and twenty-seven hand cars. They have also purchased eight locomotives, five passenger, fifty flat, twenty stock, and four hand cars, have supplied the road with the requisite stations, depots, and water-tanks, and commenced the construction of machine-shops and round-houses at Wyandotte and Lawrence. Iron, weighing fifty-six pounds to the linear yard, and sufficient to construct one hundred and sixty additional miles of road, with sidings, has been purchased and will be delivered monthly until next April. Contracts have been made to complete the road two hundred and fifty miles beyond Fort Riley by the 31st day of December, 1867.

The traffic of the road is already considerable, and gives promise of great increase in the future. The gross receipts of one hundred and five miles of main line and thirty miles of branch road, for the month of September, were $42,000.

The commissioners, under date of November 28, report that they have examined, and they recommend the acceptance of, an additional section of the road of the Central Pacific Railroad Company of California, making a distance of seventy-four miles from Sacramento. The company report, under date of the 13th ultimo, that they have constructed an additional section of twenty miles, reaching at the terminus an elevation of about sixty-one hundred feet above tide-water at Sacramento. A force of ten thousand men is now engaged in grading the next two sections; the ties are redwood, equal to cedar in durability, and number about twenty-five hundred to the mile; and the culverts are constructed of granite or other hard stone, except in the valley, where hard-burnt brick is substituted, as stone could not be procured. The bridges are made of the best quality of red fir. The drainage is ample, and the road well ballasted with gravel and broken rock. The grades are necessarily high. The maximum authorized by law has been reached for a distance of three and one half miles. There is no difficulty in operating these portions of the road. The passenger trains make twenty-five and the freight trains twelve miles per hour.

There are on the road, or *in transitu*, thirty locomotives and six hundred and seventy-one cars. The company have in Sacramento the machinery for a large machine and repair shop, including a powerful horizontal engine for furnishing the driving power. The shop is in process of erection, and the company expect soon to be able to build locomotives and cars equal to those furnished in the eastern States. The tunnels have been constructed sufficiently wide to accommodate double tracks. A full force is at present employed in constructing a tunnel sixteen hundred feet in length at the summit of the Sierra Nevada, and one of nine hundred feet in length seven miles east of that point.

Examinations and surveys indicate the valley of the Humboldt as the most advantageous route through the State of Nevada.

The company expect to reach, during next year, the Big Bend of the Truckee river, to which point the road has been permanently located, a distance of one hundred and ninety-five miles from Sacramento. They allege that their expenditure exceeds $12,000,000, and they entertain no doubt that the road will be completed to Salt Lake City during the year 1870.

The Atchison and Pike's Peak Railroad Company have completed forty miles of their road west from Atchison. The company report that they have on hand six locomotives,

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two passenger, one baggage and express, fourteen box, and thirty-two flat cars, three tanks, and two turn-tables, &c., with a machine shop and a blacksmith shop complete, the former being built of stone masonry and covered with an iron roof, and they are now engaged in the erection of a round-house. The road is generally built in a very substantial manner; nearly all the bridges and culverts are of the best quality of solid masonry. The longer span bridges are of the Howe truss pattern. The road-bed for the next thirty miles is nearly ready for the superstructure. The ties, iron, chairs, and spikes for the same, are on hand or *in transitu*. The company report an expenditure, in the construction and equipment of the road, of $2,307,650. They confidently expect that sixty miles of road will be completed by the 1st of January next.

The Western Pacific Railroad Company filed, on the 13th of last July, their acceptance of the provisions and conditions of the resolution of Congress extending the time for the construction of the first section of twenty miles of their road, approved May 21, 1866. On the 2d instant this Department received the report of the Government commissioners, showing the completion and equipment of that section. It extends from San José, in the direction of Sacramento, to a point in Alameda county, a distance of twenty miles.

The report of the president of the Sioux City and Pacific Railroad Company, under date of the 16th instant, sets forth that renewed surveys by their engineers, during the past season, justify and confirm the opinion that the most direct and practicable route from Sioux City to a point which they have selected upon the Union Pacific railroad from Omaha is on the east side of the Missouri river, to a crossing near De Soto, thence via Fish creek to the Platte valley, and thence to the point of connection with the latter road at Frémont, forty-six and one half miles west from Omaha. It is also stated that the grading of the northern sixty-eight miles has been placed under contract, and a force already engaged on the work. The company has arranged to construct about six miles of road, which will connect its line very advantageously with the Cedar Rapids railroad, at a point where it is expected that the latter road will reach the Missouri river valley in a few days.

There is nothing on file in the Department to show that the company authorized to construct the Atlantic and Pacific railroad by the act of Congress approved July 27, 1866, have accepted the provisions of the act.

The work on the wagon road from Niobrara to Virginia City has been continued, though with serious annoyance from hostile Indians. The route has been shortened nearly one hundred miles.

Operations on portions of the projected road from Sioux City to the mouth of the Big Cheyenne river have been prosecuted with great activity and success. That part between the initial point and Yankton, with the exception of the bridges, is finished and in perfect order. The bridge over the Big Sioux river is being built. If the construction of it does not absorb the appropriation now on hand, the remainder will be applied to the completion of the bridges over the Vermillion river and the James. Apprehended Indian difficulties have prevented the extension of the road from the mouth of the Big Cheyenne.

The superintendent of the road from Virginia City, Montana, to Lewiston, reports that a considerable force is employed. The funds at his command will not, in his opinion, more than suffice to locate and clear out a trail ten or twelve feet wide from Lewiston to the valley of the Bitter Root. From thence roads are already open to Virginia City. He prefers the route by the Loo-Loo Fork, though it, in common with the others, is subject to obstruction from snow during one half of the year.

The northern and western porticos of the north wing of the Capitol are completed, and the columns of the southern portico are soon to be set. It is believed that the ensuing year will witness the completion of all the porticos. Efforts have been made, which it is hoped will prove successful, to improve the imperfect and objectionable ventilation of the Senate Chamber and Hall of the House of Representatives. In order to obtain a supply of air that shall at the same time be pure and in the summer cool, it is proposed to construct from each Hall an underground duct, opening in the center of a fountain in the eastern grounds. The jets and overflow would at once assist in cooling the air and serve to relieve it of all mechanical impurities.

The pipes to the Government spring now supply the Capitol with abundance of pure water.

The balance on hand of the appropriation for the Capitol extension, October 31, 1866, was $80,410 83. The architect estimates that $250,000 will be required to continue the work during the next fiscal year.

The apparatus for lighting, by means of galvanic electricity, the one thousand and eighty-three gas-burners of the dome, has proved a complete success. They can now be lighted in a few minutes. An interesting paper on this subject has been prepared, at the request of the Commissioner of Public Buildings, by three electricians of reputation, and is annexed to his annual report. The sum of $48,481 79 was expended on the dome during the year ending October 31, 1866, at which date there was on hand a balance of $1,539 59. An appropriation of $15,000 will be required to complete this work. The belt between the second and third cornices of the rotunda should be ornamented by a series of national pictures, or in some other appropriate manner; and designs for the purpose will be invited from eminent artists, if Congress confer the requisite authority.

The extension of the Library is nearly completed. The work has been done in the most substantial and elegant style, and the rooms are now an appropriate setting for the rich literary treasures within them. It is proposed to heat them with steam from the boilers in the basement, by means of Gould's apparatus. The Commissioner of Public Buildings urges, on sanitary grounds, the necessity of warming the passages of the center building, and of improving the manner of heating and ventilating the Supreme Court rooms. The expenditures on the Library extension from October 31, 1865, were $137,926 61, leaving a balance of $31,129 50.

The architect repeats the recommendation made in his preceding report in favor of the extension of the central portico, in conformity with the plan proposed by his predecessor, Thomas U. Walter, Esq. Should this recommendation be sanctioned by Congress, it would be advisable to commence the work at an early day, while operations on the other portions of the edifice are in progress, and before the eastern grounds are improved. In view of the anticipated early completion of the Capitol, should the central portico not be extended, it is recommended that Congress authorize inclosing the public grounds north and south of the building, and squares numbered six hundred and eighty-seven and six hundred and eighty-eight, should the bill which passed the Senate at the last session providing for the purchase of them become a law, and improving the Capitol grounds in a style befitting the magnificent edifice which crowns their summit.

About three fourths of the material necessary to complete the northern portico of this Department is on the ground, and it is expected that the work will be completed next season. An appropriation of $25,000 for this object will be required.

The appropriations for repairing and furnishing the Executive Mansion have been expended in a judicious and satisfactory manner, and the grounds between it and the Treasury Department have been improved and embellished.

The expenditure of the small appropriation for Pennsylvania avenue has scarcely improved its general aspect. The propriety of providing the means for paving it in the most durable manner is worthy of favorable consideration.

The appropriation of $10,000 for the repair of Long bridge has been expended, but the sum was wholly inadequate for the purpose. It is estimated that $20,000 more will be required to put it in proper order. A like sum is needed to properly repair the bridge at Little Falls, known as the Chain bridge. The navy-yard bridge is in good condition, and the new draw in it will be soon completed. The improvement of Franklin square has commenced, and in time grass, shrubbery, trees, and walks will render it an ornament to the part of the city in which it is situated. Appropriations will be necessary for the improvement of Lincoln square, the completing of the culvert through the Botanic Garden, and the construction of an iron fence around it. The opening, grading, and paving of certain streets and avenues mentioned in the Commissioner's report and leading to the Capitol, while eminently desirable on many accounts, will be wholly beyond the power of the corporation of the city. The propriety of undertaking these improvements on the part of the national Government is submitted for consideration.

By the act of May 5, 1864, the Commissioner of Public Buildings is directed to pay to the proper authorities a just proportion of the expense of improving avenues, streets, and alleys passing through or by property belonging to the United States. A large amount is due from the Government for such improvements. The means to meet it should be at once provided. The Commissioner recommends a further appropriation of $100,000, to enable him to meet similar liabilities in future.

The number of patients which Congress, at its last session, ordered to be constantly kept at Providence Hospital at the expense of the United States was fifty per cent. greater than that of the preceding year, while the sum appropriated for their maintenance remains the same.

The relations of the General Government to this District, and the duties resulting therefrom, have been fully and elaborately discussed in the recent annual reports of this Department. I cordially commend to favorable consideration the carefully considered views there advanced.

Congress made provision at its last session for the completion of the cut-stone dam from the Maryland shore to Conn Island, and for other portions of the Washington aqueduct. The work on the dam was resumed in August last, and has been vigorously prosecuted. The foundation masonry will be completed at an early day. The temporary dam at that point was washed away by the spring freshet. It has been rebuilt and will probably require no further expenditure. The connecting conduit is rapidly approaching completion. The work on the gate-house at Great Falls has been unavoidably deferred. The appropriation was made at so late a period of the session that it could not be advantageously used during the present season. An urgent necessity exists for deepening the distributing reservoir, and protecting, by a rubble wall, its interior or water slopes. I respectfully recommend that an appropriation be made for this and such other additions to the work as will permanently, and to the greatest available extent, secure to the national capital all the benefits which the liberality of Congress proposed to confer by this improvement.

The following statement shows the sums advanced to United States marshals during the year ending June 30, 1866, for defraying expenses of the United States courts, including fees of marshals, jurors, and witnesses, main-

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tenance of prisoners, and contingencies of holding the courts:

Districts.	*Amounts.*
Alabama, northern district	$3,197 00
Alabama, southern district	12,469 00
Arkansas, western district	6,517 00
California, northern district	14,319 00
California, southern district	5,600 00
Connecticut	6,114 63
Delaware	3,236 00
District of Columbia	76,612 75
Florida, northern district	2,671 00
Illinois, northern district	18,921 91
Illinois, southern district	17,150 00
Indiana	40,766 98
Iowa	16,261 00
Kansas	16,432 00
Kentucky	27,266 00
Louisiana, eastern district	9,915 00
Maine	16,653 00
Maryland	26,619 00
Massachusetts	25,429 16
Michigan, eastern district	36,952 00
Michigan, western district	38,632 00
Minnesota	10,851 00
Missouri, eastern district	29,163 00
Missouri, western district	14,736 00
New Hampshire	7,437 00
New Jersey	20,185 00
New York, northern district	126,000 00
New York, southern district	54,710 75
New York, eastern district	16,637 00
North Carolina	4,936 00
Ohio, northern district	40,101 22
Ohio, southern district	27,530 00
Oregon	4,101 00
Pennsylvania, eastern district	30,738 00
Pennsylvania, western district	29,731 00
Rhode Island	5,784 00
South Carolina	3,976 00
Tennessee, eastern district	9,579 00
Tennessee, western district	4,991 00
Tennessee, middle district	6,222 00
Texas, western district	7,350 00
Vermont	4,567 85
Virginia	13,650 26
West Virginia	11,406 00
Wisconsin	12,681 00
Colorado	3,360 00
Dakota	10,000 00
Idaho	13,000 00
Montana	28,815 00
Nebraska	18,579 37
Nevada	4,237 00
New Mexico	5,500 32
Utah	1,914 00
Washington	14,526 00
	$989,550 20

The amount paid for miscellaneous expenses and for rent of buildings for the use of the courts is $143,344 22.

The foregoing does not embrace the salaries of the judges or other officers of the courts; they are paid out of a special appropriation which is not under the control of this Department.

I cannot too strongly urge upon Congress the necessity which exists for the erection of suitable buildings for the Federal courts. The Department is now compelled, in many instances, to lease property which is ill adapted to the purpose, and where adequate security is not provided for the records and files. Few houses belonging to private parties have been constructed with reference to judicial uses. An exorbitant rent is often demanded, and the Government, in more than one instance, has been constrained to submit to unreasonable exactions. Every consideration of economy and propriety requires that the United States should be the proprietor of the buildings where its courts are holden, and that the most ample accommodations should be furnished the judges and officers for the performance of their highly responsible duties.

The report of the warden shows that on the 1st of November there were confined in the District jail one hundred and thirty prisoners, of whom forty-nine were white and eighty-one were colored. The average number during the year was one hundred and fifty; six entered the Insane Asylum, and three died. Eight white boys were sentenced by the courts of the District to the Baltimore House of Refuge. It was impracticable to make such an arrangement for the detention of young colored convicts. They have been, therefore, dismissed by order of the court, after a short incarceration. The officers are a warden and nine guards; and although the building is not in all respects secure, no prisoner has escaped during the past fourteen months. There prevailed last spring in the prison a mild form of typhus fever, which the attending physician ascribes to local causes, since removed. Efforts have been made to promote habits of industry among the inmates, and to impart to them the benefits of religious instruction. During the year ending November 1 there were two thousand and sixty-five commitments for various offenses. The total expense of the jail, including the cost of transportation of convicts sentenced to the penitentiary at Albany, was $32,626 97.

Pursuant to the authority conferred by an act of Congress, approved July 27, 1866, my predecessor designated a site for a new jail in the District. I have selected a plan and employed a competent architect to prepare a design and descriptive plans of the building, with complete specifications of the work required and the materials to be used. Notice of a public letting of the contract for the erection of the building will be given in the manner prescribed by Congress.

The board of trustees appointed and commissioned conformably to the recent act to establish in this District a House of Correction for boys have been duly organized; but the limited means at their disposal, and circumstances beyond their control, have rendered it impracticable to prepare the requisite permanent buildings for the reception of inmates. Boys under the age of sixteen convicted of crime punishable by imprisonment may be sentenced by the courts of this District to the institution. The directors suggest that its benefits should not be confined to one sex, and that children of confirmed vicious habits, who are beyond domestic control, although not convicted of crime, should, on the application and at the expense of their parents or guardians, be received and subjected to a kindly but rigid discipline. The act directs that the convict shall be confined during the "term of his sentence," and thus prohibits the directors from detaining him after, or discharging him before, the expiration of the specific period fixed by the court. They should, like the officers of similar institutions organized under State authority, be authorized to exercise a discretionary power in this respect, and to bind the discharged convict by indentures of apprenticeship. Their report is submitted, and I trust that their views and suggestions will receive the most favorable consideration.

Adequate measures have not been adopted in regard to juvenile offenders against the laws of the United States, convicted by the Federal courts in the several judicial districts. Difficulties have arisen in executing the act of March 3, 1865, and in many parts of the country it remains a dead letter. I respectfully refer to that portion of the last annual report of this Department which relates to the subject, and express my entire concurrence in the views there presented.

The board of police report that the District is divided into eight precincts. The levy court of the county of Washington have declined to provide station-houses within their jurisdiction. They allege a want of authority, and I recommend such legislation as will place them on the same footing in this respect as the corporations of Washington and Georgetown.

The total number of arrests by the police force during the past year was 24,542, of whom 19,757 were males, and 4,785 were females; 15,817 were charged with offenses against the person, and 8,725 against property. One third arrested are colored; 9,158 were married, and 15,334 were unmarried; 14,530 could read and write, 10,012 could not; 1,702 were committed to jail, 614 gave bail for their appearance at court, 207 were turned over to the military, 7,731 were dismissed, 2,038 were sent to the workhouse, 644 gave bond to keep the peace. In 10,791 cases fines were imposed, amounting in the aggregate to $50,355 06. Of sick, disabled, or destitute persons, 3,846 were furnished with temporary lodgings; 118 were assisted or taken to the hospital. One hundred and thirty-six lost children were restored to their parents.

The sanitary company of the police have essentially contributed to the preservation of the health of the city. By their agency, many nuisances have been abated and increased cleanliness of the streets and avenues enforced; but the available means for the accomplishment of objects of such vital importance are lamentably deficient. I cordially unite with the board in recommending that a more rigid and comprehensive code of sanitary laws be enacted for this District.

The detective force have made six hundred and ten arrests during the past year, recovered stolen or lost property to the amount of $38,662 45, and performed a large amount of other labor of which no record can be made.

The board represent that the system for the trial of minor offenses is open to flagrant abuses, and recommend a reorganization of the petty courts in the District. They are of opinion that a properly organized police court could promptly and efficiently dispose of all criminal cases of an inferior grade. It is believed that the establishment of such a court will promote economy, tend to the suppression of crime, and secure to the accused a speedier trial than is now obtained.

Eleven thousand seven hundred and forty-nine messages were dispatched during the year over the fire-alarm and police telegraph.

The sixth section of an act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes," approved July 28, 1866, increased the pay of the Metropolitan force thirty dollars per month. It was claimed that the commissioners, secretary, clerks, police magistrates, detectives, police surgeons, and others, were entitled to the benefits of the act. My predecessor was of opinion that the term "Metropolitan force," which occurs in that section, must be construed to embrace such persons only as were declared to constitute it by the act of August 6, 1861. The right of the other claimants to the increased compensation was therefore not recognized. I concur in this interpretation, but if it does not, in the opinion of Congress, give full effect to their intentions, a declaratory act will remove the difficulty. Congress, at the last session, authorized the appointment of one captain, twenty sergeants, and fifty patrolmen, but made no provision for their compensation. The entire force, including officers and detectives, consists of two hundred and thirty-eight men. Although active and vigilant, it is not sufficient to meet the exigencies of the service. I respectfully invite the attention of Congress to this subject. The salaries of all persons connected with the office of police commissioners, or subject in any way to their order or control, should be fixed by act of Congress.

The eleventh annual report of the Board of Visitors of the Government Hospital for the Insane shows that, during the year ending June 30, 1866, there were admitted, from the Army, 136 patients; from the Navy, 9; from civil life, 70; from the quartermaster's department, 3; from the Soldiers' Home, 1; rebel prisoners, 3; total, 222, of whom 30 were colored. The whole number under treatment during the same period was 483, of whom 362 were males; 265 were from the Army and Navy. During the same period 112 were discharged as recovered, 26 as improved, and 10 as unimproved; 54 died; leaving under treatment, at the close of the fiscal year, 281, of whom 185 were males. Valuable tables accompany the report, showing the physical and mental condition of those who died, and of those who were received

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into the institution during the year; the time of life at which each of the 2,209 patients treated since the opening of the institution became insane; their nativity; the form of disease under which they labored when admitted; the number who paid the expenses of their maintenance and treatment, and the number entitled to gratuitous admission. A singular and interesting fact is established. The instances of the recovery of patients who have been received from the Army or Navy are by three hundred per cent. more numerous than in the cases of persons who have been admitted from the avocations of civil life. This very marked difference in results is attributed to the fact that the former are sent to the hospital immediately on the appearance of symptoms of insanity, and their treatment is not interrupted or thwarted by injudicious friends. The importance of these two conditions—early entrance and uninterrupted treatment—is fully and ably discussed in the report.

During the year the receipts were $111,160 84, and the expenditures $107,079 10, leaving a balance in the hands of the superintendent of $4,081 74. Estimates are submitted for the next fiscal year by the Board of Visitors and the superintendent of construction.

My predecessors have alluded in terms of commendation to the management of this institution under the auspices of the eminent professional gentleman who is at its head. It continues with signal success to subserve the great objects for which it was created. It is a noble charity, founded and owned by the Government, and worthy in all respects of its fostering care.

There have been on the rolls of the Columbia Institution for the instruction of the Deaf and Dumb, since July 1, 1865, one hundred and six pupils, of whom seventy-three were males, and thirty-three were females. Ninety-six are now in attendance, of whom twenty are from the District of Columbia, and two are children of persons in the military service of the United States.

During the fiscal year ending June 30, 1866, the receipts for the support of the institution were $26,835 44, and the disbursements, $26,988 58, leaving a balance due to the president of $153 14.

For the erection of buildings the receipts from appropriations and a small balance on hand were $39,490 53, and the disbursements were $37,056 68, leaving a balance on hand July 1, 1866, of $2,433 85.

For the improvement of the grounds there was at the same date an unexpended balance of $2,222 46 remaining from the appropriation of $3,500 made for this purpose at the last session of Congress.

The report of the Board of Directors contains an interesting and instructive comparison of the instruction of semi-mutes which prevails in this country with that adopted in Germany. It is proposed to confer upon the pupils the advantages and benefits of each method.

The institution embraces a primary school and the collegiate department. In the former, instruction is confined to the elementary branches. In the latter, there is a class for such pupils as evince a desire and an adequate capacity for a more extended and liberal education. On completing the preparatory studies there pursued, and passing a satisfactory examination, they may enter the college proper, where the course comprises the ancient languages, French, German, mathematics, history, metaphysics, the natural sciences, and the science of government. Such large educational facilities, especially in the more advanced studies, are not afforded in any of the twenty-two excellent asylums for the deaf and dumb now in active operation in the United States. The collegiate and academic departments have been efficiently and successfully conducted by the accomplished president and professors of the institution. It is gratifying to record that many of their pupils manifest an ardent love of knowledge and a high capacity for acquiring it.

This is not a Government institution. The United States have no control over it, nor are they vested with the title to the property purchased with their munificent benefactions. It had its origin in the generous purpose of public-spirited individuals to secure a home and the means of intellectual and moral training for the indigent children of this District who were blind, or deaf and dumb. At the time this movement was inaugurated, neither Congress nor the local authorities had made special provision for this afflicted class, although asylums had been opened in many of the States for their own citizens, whose infirmities and necessitous circumstances gave a just claim upon public bounty. An association was formed, and, by the act of February 16, 1857, was created a body politic and corporate under the name of the "Columbia Institution for the Instruction of the Deaf, Dumb, and Blind." The Secretary of the Interior is authorized to procure admission to the institution for all of this class of teachable age and indigent circumstances who belong to this District, or are the children of persons in our military or naval service, and to pay $150 per annum for the maintenance and tuition of each pupil admitted by his order.

Congress, by an act approved May 20, 1858, allowed for five years to the institution, $3,000 per annum for salaries and incidental expenses. At the expiration of this period $4,000 was allowed for this purpose, and successive annual appropriations were made, respectively, of $4,400, $7,500, and $12,500.

In the mean time the institution desired to be relieved of the care of the blind. The requisite amendment to the charter was obtained. The Government beneficiaries of this class are now educated at an institution in an adjoining State.

The directors, in their annual report for 1865, proposed, in lieu of the annual allowance for each Government pupil, an appropriation in gross for the support of the institution. Their estimate was $20,700, which sum was allowed by Congress for the current year.

Congress has appropriated $136,065 87 for the purchase of grounds, the erection of buildings, and other improvements. Deducting from the existing appropriation the sum of $8,300, to which the institution would have had undoubted claim on account of the twenty-two Government pupils, and it appears that Congress, in addition to the payment of the stipulated *per capita* charges, has advanced to this institution the sum of $196,865 87.

The directors submit the following estimate for the next year: $25,000 for the support of the institution, and $62,175 for buildings and improvements, making an aggregate of $87,175, being $15,235 in excess of the last appropriations for the same objects.

The expediency of granting so large a sum is submitted for consideration. If it is the intention of Congress to pay the salaries of the officers and teachers, and to provide merely for those who are entitled under existing laws to the privileges of the institution at the charge of the Government, the sum of $25,000 is fully adequate to the purpose. But it has been suggested that the advanced department should be maintained on such a footing that the deaf mutes of the several States, on completing their preliminary studies, may enjoy, free of charge, the privileges of a course of instruction equal to that pursued in the best American colleges. Such persons, if in indigent circumstances, have been heretofore maintained and educated at the State establishments at the expense of the States to which they belong. The directors conceive that an institution which offers advantages "which cannot be afforded in the local institutions should be as free to the citizens of the States as to those of the Federal District and to children of the Army and Navy."

There is, in my judgment, an obvious distinction between the exercise by Congress of its conceded power to legislate for the local wants of this District and for the Army and Navy, and its assumption of a power which has wisely and to the fullest extent been conferred upon the States. No necessity whatever exists for the erection of additional buildings to meet present wants. But should Congress provide for the gratuitous collegiate instruction of the deaf mutes of the United States, I concur with the directors in the opinion that accommodations for a hundred students in the college will probably not be "in excess of the demand that will be likely to arise within a few years."

The whole subject is respectfully presented for consideration, in connection with the estimates furnished by the board. In my opinion no further sums should be advanced until the charter of the institution be so modified as to secure to the Government an efficient control in its management, and a proper accountability in the application and disbursement of the funds appropriated.

I desire to bear testimony to the energetic and faithful manner in which the officers of this Department have, since my connection with it, discharged their duties; and I cannot suffer this opportunity to pass without asserting their just claims to more ample compensation.

The chiefs of bureaus are charged with weighty responsibilities, and required to determine difficult and complicated questions. I am unable to perceive any difference in the relative importance and value of their respective services. Their pay was formerly the same. No one familiar with the subject will pretend that the duties of the Commissioner of Patents are the most difficult and exacting; and yet, by a singular inadvertence, his salary was alone increased. It is now fifty per cent. more than that of the Commissioner of the General Land Office, the Commissioner of Indian Affairs, or the Commissioner of Pensions, and even exceeds that of the Assistant Secretary, who, in the absence of the Secretary, is exclusively charged with the entire supervision of the Department. I am not of opinion that it is too large. Indeed it is less than that of many bureau officers at the seat of Government. But I respectfully submit that no such discrimination should be made between officers of the same grade in this Department, and that the Assistant Secretary, in view of his official position and arduous duties, should receive a salary less only than that of the head of the Department.

The clerks are not adequately paid. Many of them are charged with duties bringing into constant requisition acquirements which are the fruit of long experience and special study. The present salaries were fixed many years ago, and since then the cost of subsistence has increased one hundred per cent. The remuneration of the laborer, the mechanic, and the professional man has, in the intervening time, increased in a corresponding ratio, while that of these valuable public servants remains the same. Those of ripest experience and greatest merit frequently resign, as stronger inducements are offered to them in other pursuits than in the service of the Government. The applicants for clerkships are numerous enough, but do not possess the needed capacity for the higher branches of duty. No one, with the most limited experience in an Executive Department, can, I believe, avoid the conclusion that its efficiency would be largely promoted by a radical change in the organization of its clerical force, and that the increased outlay necessary to secure the services of experienced and skillful clerks would prove in the end to be true economy.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING,
Secretary of the Interior.

The PRESIDENT.

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Report of the Postmaster General.

POST OFFICE DEPARTMENT,
November 26, 1866.

SIR: The revenues of this Department for the year ending June 30, 1866, were $14,386,986 21, and the expenditures $15,352,079 30, showing an excess of the latter of $965,093 09. Anticipating this deficiency, a special appropriation was made by act of Congress approved July 28, 1866.

The decrease of revenue compared with the previous year was one and one fifth per cent., and the increase of expenditures twelve per cent. Including the standing appropriation for free mail matter, $700,000, as a legitimate portion of the revenues yet remaining unexpended, the actual deficiency for the past year is only $265,093 09; within $51,141 of amount estimated in the annual report of 1864.

That portion of the revenues accumulated in depository and draft offices, under the supervision of the "finance office" of this Department, was $6,751,655 39; collected by the Auditor, $2,641,074 38; and retained by postmasters for salaries and office expenses, $4,994,256 44.

The estimated expenditures for the year ending June 30, 1868, are		$17,583,000
The revenues, estimated at 5 per cent. over last year	$15,106,335	
Appropriation for free matter,	700,000	
		15,806,335
Excess of expenditures		$1,776,665

For this deficiency no special appropriation will be required. The standing appropriations for free matter, unexpended for several years, are deemed sufficient. The following amounts will, however, be required from any money in the Treasury not otherwise appropriated:

For overland mail transportation between Atchison and Folsom, and for marine mail transportation between New York and California	$900,000
For steamship service between San Francisco, Japan, and China, for one year from July 1, 1867	500,000
For steamship service between the United States and Brazil, for the same period	150,000
	$1,550,000

For detailed information as to the finances of the Department reference is made to the full and satisfactory report of the Auditor, hereto appended.

The number of postage stamps issued during the year was 347,734,325, representing $10,816,661; stamped envelopes 30,386,200, representing $921,500 50; stamped envelopes bearing printed cards and requests 7,683,525, representing $230,006 75; stamped wrappers 1,025,000, representing $20,500; making in all $11,988,668 25; a decrease of $858,769 25, as compared with the previous year.

The aggregate of stamped envelopes and stamped wrappers issued during the year ended June 30, 1866, was 39,094,725, representing $1,172,007 25; an increase of 12,888,550, representing $424,557 25, or nearly fifty per cent.; being largely in excess of issues during any previous year since the introduction of stamped envelopes.

The sale of stamps, envelopes, &c., during the past year amounted to $12,204,729 54, or $216,061 29 more than the issues; showing the absorption to that extent of the stock remaining unsold in the hands of postmasters, which amounted on the 1st of July, 1865, to $447,710.

The issues of postage stamps and stamped envelopes during the current fiscal year, from 1st of July to 1st of November, are $360,765 in excess of the issues for the corresponding period of last year, being at the rate of more than $1,000,000 per annum.

The increased demand since 1st July for envelopes with printed cards and requests for returning direct to the sender, if not promptly delivered to the address, is very notable, being about sixty-six and two thirds per cent. The general use of such envelopes will tend largely to reduce the number of dead letters.

During the year sixty-six cases of claims, on account of robberies by armed forces, involving an amount of $4,226 06, have been acted upon. Fifty-seven of these claims, amounting to $3,852 04, have been allowed under the provisions of the acts approved April 29, 1864, and March 3, 1865, and nine, amounting to $374 02, have been rejected as not coming within the provisions of the law.

CONTRACTS.

There were in the service of the Department on the 30th of June, 1866, 6,069 contractors for the transportation of the mails.

Of mail routes in operation there were 6,930; aggregate length, 180,921 miles; aggregate annual transportation, 71,837,914 miles; aggregate annual cost, $7,630,474; including the compensation of route agents, local agents, mail messengers, postal railway clerks, and baggage masters in charge of mails, namely, $779,710, the aggregate annual cost was $8,410,184. This service was divided as follows:

Railroad routes: length, 32,092 miles; annual transportation, 30,609,467 miles; annual cost, $3,391,592; about eleven cents per mile.

Steamboat routes: length, 14,346 miles; annual transportation, 3,411,962 miles; annual cost, $440,844; about thirteen cents per mile.

Celerity, &c.: routes' length, 134,483 miles; annual transportation, 37,816,485 miles; annual cost, $3,798,038; about ten cents per mile.

The length of routes was increased over the preceding year 38,581 miles; the annual transportation, 13,724,420 miles; and the cost, $1,393,590, the increase arising principally from the restoration of service in the southern States.

A table herewith annexed shows the rate of pay per annum for mail transportation in operation in late insurgent States on the 30th June, 1866, $1,170,529, compared with the amount due for service actually rendered in those States in the year ending with that date, $769,218; the difference, $40,311, resulting from the fact that much of the service was in operation only part of the year. The net postal receipts from those States for the same period being $603,835, the liabilities (without including the compensation of route agents, local agents, and mail messengers) exceed the receipts by $75,383.

A table is annexed showing the mail service in operation in these States September 30, 1866, compared with the condition of the service in the same States, November 1, 1865, the date to which the statements on this subject were made up in the last annual report. From this table it will be seen that there are in operation in the States enumerated ninety railroad routes, with an aggregate length of 8,170¾ miles, at a cost of $587,581 per annum; twenty-six steamboat routes, with an aggregate length of 5,557 miles, at a cost of $195,665 per annum; and 1,137 "star service" routes, (celerity, &c.,) with an aggregate length of 46,442¾ miles, at a cost of $1,062,477 54 per annum; making the whole service now in operation in these States, of all grades, 1,253 routes, with an aggregate length of 60,170½ miles, at a cost of $1,845,623 54 per annum. Compared with the service in operation on the 1st November, 1865, namely, seventy-one railroad routes, with an aggregate length of 6,242$\frac{8}{10}$ miles, at a cost of $437,257 per annum; twelve steamboat routes, with an aggregate length of 3,869½ miles, at a cost of $93,260 per annum; and one hundred and fifty-four "star service" routes, with an aggregate length of 8,186¼ miles, at a cost of $177,743 per annum, there appears an increase of nineteen routes, 1,928$\frac{55}{100}$ miles, and $150,324 annual cost of railroad service; fourteen routes, 2,971½ miles, and $102,305 annual cost of steamboat service; and nine hundred and eighty-three routes, 38,256½ miles, and $884,734 54 annual cost of "star service;" making a total increase of 1,016 routes, 41,872$\frac{65}{100}$ miles, and $1,137,363 54 annual cost.

Another table is annexed showing the number, termini, and length of southern railroad routes not in operation September 30, 1866; the number being only fourteen, and the aggregate length 696$\frac{13}{100}$ miles. Comparing this with ninety routes in operation, having an aggregate length of 8,170¾ miles, shows a remarkable progress in the resuscitation of the railroad system of the South. There being two thousand two hundred and fifty routes in all the States enumerated, these statements show more than half the whole number to be in operation, comprising nearly nine tenths of the railroad routes. All the routes in these States were duly advertised to be let to contract; a part from 1st January, 1866, and the residue from 1st July, 1866; but on a large number of them no proposals were received under the advertisement, and on many others the bids were extravagantly high. In the latter case, offers of the highest admissible rates were submitted by the Department to the lowest bidders, and in some instances negotiations were opened through special agents, postmasters, and leading citizens. By all these means combined the amount of service here stated has been obtained.

The existing contracts in all the States named, except Tennessee, will expire on the 30th June, 1867. New advertisements, inviting proposals for four years' service from 1st July, 1867, are now being issued, under which it is hoped all routes of real utility in the whole section will be let.

By a recent order of the Department, the overland mail route to California, of which Atchison, Kansas, had been the initial point, has been changed so as to have two points of departure—one from Junction City, Kansas, on the Union Pacific railroad route, (eastern division,) running from Wyandotte, Kansas; and the other from Fort Kearney, Nebraska, on the Union Pacific railroad route, running from Omaha City, Nebraska. The lines from these two points meet at Denver City, in Colorado Territory.

The Junction City road connects at Wyandotte with the Pacific railway from St. Louis, Missouri, making a continuous railway connection with the eastern cities. By this route the stage travel is diminished one hundred and sixty-eight miles, and the time occupied in the transit should be proportionately reduced. The mails to and from California, which before were sent via Chicago and St. Joseph, were consequently ordered, on the 15th of August last, to be sent via St. Louis, Wyandotte, and Junction City. The reports so far received of the actual running of the mails since the change took effect do not show the average diminution of time in the performance of the through trip which the Department was led to expect, though the capacity of the route for superior expedition is proved by the fact, that in one or two instances the mails have been received at New York in nineteen days from San Francisco, a day less than the shortest time ever made previous to the change. Subsequently, however, the extension of the Chicago and Northwestern railway to Omaha City, which is necessary to form a continuous line by rail to Fort Kearney, has become so nearly completed, that on the 13th of November instant, orders were issued to forward via Chicago, Omaha City, and Fort Kearney, all mails destined for the overland route from the distributing offices at Portland, Boston, Hartford, Albany, New York, Philadelphia, Pittsburg, Buffalo, Cleveland, and Detroit—the expectation being that mails from that portion of the country represented by these distributing offices will find their quickest transit by the northern route.

The preparation of post-route maps for publication has been continued by the topographer, and is well advanced. Two sheets, exhibiting

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the post offices and mail service of the New England States, are in the hands of the engraver, and will be ready for distribution and sale early this winter.

The amount of fines imposed and deductions made from the pay of contractors for failures and other delinquencies during the year was $62,956 48, and the amount remitted for the same period was $6,654 39, leaving the net amount of fines and deductions $56,302 09.

A table is annexed showing the number, description, and cost of mail bags, locks, and keys purchased during the year; the amount expended for mail bags of all kinds being $63,627 50. This, compared with the expenditure of the preceding year, ($91,715 86,) shows a curtailment of $38,088 36.

FOREIGN MAIL SERVICE.

The aggregate amount of postage, sea, inland, and foreign, upon the correspondence exchanged with foreign countries, was $2,289,219 30, being an increase of $469,290 70, as compared with the previous year. Of this amount $1,840,800 92 accrued upon the mails exchanged with Great Britain, France, Prussia, Bremen, Hamburg, and Belgium; $328,341 83 on mails exchanged with the British North American Provinces, and $120,077 75 on the correspondence transmitted to and from the West Indies, Mexico, Central and South America.

The transatlantic mail steamship lines employed in the service of foreign Governments conveyed mails, the postages on which amounted to $975,109 23; and those employed in the service of this Department conveyed mails, the postages on which amounted to $865,691 69.

The United States portion of the postages upon the correspondence exchanged with Great Britain and the continent of Europe amounted to $775,647 59; with the British North American Provinces, $188,883 53; with the West Indies, Mexico, Central and South America, $120,077 05.

The number of letters exchanged in the mails with foreign countries was 9,430,546; of which 4,886,916 were sent from and 4,543,630 received in the United States. Of this number 8,564,847 were exchanged with European countries, an increase of 1,851,330 over the number exchanged in 1865.

The number of newspapers sent to foreign countries was 2,804,442, and the number received from foreign countries 1,381,724, making a total of 4,186,166. Of this number 3,828,135 were exchanged with Europe, being an increase of 29,157 on the number in 1865.

The increased correspondence with foreign countries, particularly with the continent of Europe, during the year, is unprecedented, amounting to more than twenty-five per cent. as compared with the previous year.

The cost of transatlantic mail service performed by steamships employed by this Department, under the provisions of the existing law, which allows the sea and inland postage to American and the sea postage only to foreign steamers, was $525,307 46.

The cost of ocean transportation of mails to and from the West Indies, by steamers receiving different rates of compensation within the limit of the postages, was $57,871 69, being $20,742 32 less than the amount of United States postages upon the mails conveyed.

The amount paid for sea and isthmus transportation of the mails exchanged with Central and South America, via Panama, was $17,377 45.

The excess of postage collected in the United States upon the correspondence exchanged with Great Britain and the continent of Europe was $500,627 76; causing balances against the United States on settlement of the international postage accounts, amounting in the aggregate to $278,714 19.

A liberal postal convention has been concluded with the kingdom of Italy, which adopts the leading reforms in international postal intercourse recommended by the postal conference held at Paris in May, 1863. It was negotiated and signed at Turin on the 8th of July, 1863, and the ratifications thereof were formally exchanged at Florence on the 14th of June, 1866. This convention, a copy of which is annexed, will be carried into execution as soon as notice is received from the Post Department of Italy of the route or routes of transit by which the exchange of correspondence in closed bags can be effected.

Notice was given by the British Government, under date of July 25, 1866, of its purpose to terminate the existing postal convention between this country and the United Kingdom on the 1st of January, 1868, simultaneously with the expiration of the mail-subsidy contract with the Cunard line; accompanied with an assurance of the desire of that Government to conclude a new convention on a more liberal basis, reducing the present rates of international postage and granting enlarged mail facilities. The necessary steps were at once taken to accomplish that object, and I have the satisfaction of announcing that a preliminary basis for a new postal convention has been agreed upon by the two Post Departments, reducing the international charge on a single letter from twenty-four to twelve cents; admitting into the mails printed matter of every kind, and patterns of merchandise, at such rates as the dispatching country shall establish; and granting to each country, reciprocally, the right to transmit correspondence in closed bags, or in the ordinary mails, through the other, at the same rates of charge paid by the inhabitants of the country through which the correspondence is forwarded.

The principal advantages of the new arrangement may be briefly stated as follows:

1. A reduction of the international letter postage to one half of the existing charge.

2. The removal of all restrictions upon the exchange of printed matter in the mails at reduced postage charges.

3. The compulsory prepayment of postage upon letters and other mail matter, avoiding entirely the keeping of complicated postage accounts upon international correspondence.

4. A reduction of postage with all other countries to and from which correspondence is transmitted in the British mail, or in closed bags through the United Kingdom.

5. The establishment of uniform and reasonable charges for the sea and territorial transit of correspondence in closed mails; and granting to each Post Department the right to make use of all mail communications established under the authority of the other, for the dispatch of correspondence, either in open or closed mails, on the same terms as those applicable to the inhabitants of the country providing the means of transmission.

6. The postage of all international letters to belong wholly to the dispatching country, and no charge whatever to be made by the receiving country on delivery.

7. Each Post Department to make its own arrangements for the dispatch of mails to the other, by well-appointed ships, sailing on stated days, and to pay the owners of such ships for the conveyance of the mails which it dispatches.

No time has yet been agreed upon for carrying the new convention into operation, but it is confidently expected that the British Office will consent to name as early a date as practicable, that the public may receive, without unnecessary delay, the benefit of the reduced rates of postage, as well as of more frequent means of mail communication between the two countries.

The postal convention with Venezuela referred to in the last report was executed on the part of Venezuela on the 26th of June, and went into operation on the 1st of October last.

Negotiations have been commenced with the Post Department of Brazil, for a postal convention to regulate the exchange of correspondence with that empire, by means of the direct line of subsidized mail packets plying between New York and Rio de Janeiro, via St. Thomas, Para, Pernambuco, and Bahia. The draft of articles submitted by this Department as the basis of the convention proposes the establishment of low rates of postage both upon letters and printed matter, the avoidance as far as practicable of postage accounts between the respective Post Departments, and adopts the leading improvements recommended by the Paris international postal conference. A copy of the contract for the mail service to Brazil, which was executed by the United States and Brazil Mail Steamship Company on the 29th of August, 1865, is annexed hereto.

The Pacific Mail Steamship Company, of New York, to which was awarded the contract for the China mail service, authorized by the act of February 17, 1865, has executed a contract for that service, a copy of which is annexed. The high reputation of this company, their experience and undoubted resources, and the zeal and energy which they have manifested in making preparations for the service, afford a guarantee of the success of this great national enterprise to extend and develop American commerce, by obtaining control of the vast and constantly increasing trade of Japan, which the advantages of our geographical position should enable us to possess.

The contract is for monthly trips between San Francisco and Hong Kong, touching at the ports of Honolulu in the Sandwich Islands, and Yokohama (Kanagawa) in Japan, both on the outward and inward passages, by a line of first-class American sea-going side-wheel steamships of not less than three thousand five hundred tons burden, Government measurement, and of sufficient number, not less than four, to perform the stipulated service.

The Great Republic, the first of the new steamships building specially for this service, was launched at New York on the 8th of November instant, is now receiving her machinery, and is expected to be ready for sea about the 1st of May, 1867. She will register over 4,100 tons, Government measurement, or 1,100 tons more than the minimum tonnage named in the law; her extreme length is 380 feet, extreme breadth 50 feet, depth of hold 50 feet, and her draught when ordinarily loaded will be 21 feet. The second steamship, of similar size and proportions, is to be launched early in December of this year, and will be prepared for service about the 1st of July, 1867; and the machinery for two others of like dimensions is in course of construction. An inspection of the hulls and machinery of these ships, as well as a general knowledge of the preparations making by the contractors, has satisfied me that every possible exertion is being used to fulfill the requirements of the law and contract.

The company have tendered their first-class steamship Colorado to take the mails from San Francisco on the 1st of January, 1867, the day named in the law. This ship, which has been withdrawn from the Panama and San Francisco line to prepare her for service on the China route, is of the required tonnage, and will, it is believed, fully comply in other respects with the terms of the law and contract, although the report of her inspection by a naval constructor, under instructions lately given by the Secretary of the Navy, has not yet been received.

In the building of steamships for this line the contractors encountered a practical difficulty, arising out of two conflicting conditions; first, the necessity of constructing ships that could make the long voyage of 7,087 miles between San Francisco and Hong Kong, by the route named in the law, with safety and success, as regards the main object for which Congress authorized the establishment of the

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line; and secondly, the practicability of securing that object without making the ships so large as to preclude, by their heavy draught, the possibility of entering the harbor of Honolulu, which has a depth of water, under favorable circumstances, of barely twenty-one feet. These two conditions, they allege, were found to be inconsistent, and they therefore assumed the responsibility of so constructing the ships as to attain the more important objects of the subsidy, while necessarily placing a practical difficulty in the way of the accomplishment of the lesser, believing this to be the only course open to them without disregarding the main ends of their contract, as well as the wisest for the public interests to be promoted by the establishment of the line. They are, consequently, building ships of much greater cost, by reason of increased size, and proportionally more expensive to keep in service, than was necessary to meet the minimum requirements of the law.

Although the law, and the contract executed in pursuance thereof, name Honolulu as an intermediate port, the fact appears to be well established by reliable official information, that the laws which govern the navigation of the Pacific ocean render it unwise, if not incompatible with the complete success of the enterprise, to require the steamships to touch at the Sandwich Islands on their passage between San Francisco, Japan, and China. This is conclusively shown by the report of my predecessor to the Senate Committee on Post Offices and Post Roads, dated June 11, 1866, in which are embodied explanations furnished by Rear Admiral Charles H. Davis, Superintendent of the United States Naval Observatory, respecting the proper routes to be pursued by steam vessels navigating the Pacific ocean between San Francisco, Kanagawa, and Hong Kong. Admiral Davis, referring to the advantages of the great circle or direct route between China and San Francisco, so clearly defined by natural laws, uses the following explicit language: "It is impossible, in establishing a route between two continents for the improvement of intercourse and trade, to overlook or neglect such advantages as these. It is hardly too much to say that it would amount to an absurdity to select the models of our ships with special reference to speed; and to propel them through the water with engines of enormous power, and then to pretermit those aids and advantages which nature offers to us as her own means of coöperation. At any rate, if we are prepared to do so, we must also be prepared to leave this field of enterprise at no distant day to those who will obey the laws governing the navigation of the great seas. These considerations with regard to the eastern voyage appear to dispose of the whole question. They show that touching at the Sandwich Islands on the return from China would prolong the voyage so many days unnecessarily; that an additional line of steamers must soon be established, provided the intercourse between China and America is to acquire that importance which is confidently expected."

A careful consideration of the subject has satisfied me of the correctness of the views expressed by my predecessor in that report. That the steamships of the main line between San Francisco, Japan, and China should not be required to touch at the Sandwich Islands does not, in my judgment, admit of reasonable doubt; but the conditions upon which such release should be granted is a question exclusively for the determination of Congress. A wise and liberal policy toward a national enterprise of this magnitude would seem to justify the release without imposing onerous conditions, in consideration of the increased expenses incurred in building ships for the service of great size and augmented speed, as well as of the important public interests involved in the success of the line.

APPOINTMENTS.

The number of post offices established during the year	1,143
Number discontinued	636
Increase of offices	507
Number of post offices in operation on the 30th of June, 1865	20,550
Total number in operation on the 30th June, 1866	23,828
Number of post offices in the States not engaged in the rebellion	20,550
Number in the late insurgent States, of which 2,778 were reopened during the year	8,839
Number of offices subject to appointment by the President	709
Number by the Postmaster General	23,119
Number of offices reopened in the southern States up to November 1	3,234
Appointments made to fill vacancies by resignation of postmasters	4,679
To fill vacancies in suspended offices	2,778
By removals	1,065
By change of names and sites	192
By death of postmasters	217
By establishment of new offices	1,145
Total number of appointments	10,074
Number of cases acted upon	10,816

		Compensation.
Number of special agents	36	$93,865
Number of postal route clerks	83	96,200
Number of route agents	531	405,482
Number of local mail agents	58	38,919
Number of baggage-masters	30	1,800
Total	738	$636,266

The free delivery system is in operation in forty-six of the principal cities. The number of carriers employed was 863, at an aggregate compensation of $589,236 41.

This mode of delivery has steadily grown in favor with the public, and in several of the large cities, where its progress has been most marked, the local postage shows a gratifying increase. Experience has shown its superiority over the old system of box delivery, and the results of the last two years commend it to Congress as a permanent branch of the postal service. Its effects in saving time to the public; in insuring the correct delivery by inducing the habit of directing letters to street and number; in reducing the great number of advertised and dead letters; in facilitating correspondence, especially local; in obviating the necessity of the many fruitless calls at the post office, are relied on to prove its advantages over the old system of office delivery.

DEAD LETTERS.

The whole number of dead letters received, examined, and disposed of during the year was about four and a half millions, upward of forty per cent. of which were from forty-seven of the larger post offices. About six hundred thousand other letters were received, being unmailable for want of prepayment of postage, or on account of misdirection or illegible address.

During the year there were registered and remailed to the respective owners, as inclosing money in sums of one dollar and upward, 32,814 letters, containing an aggregate of $244,589 99, of which number 27,948, containing $221,066 19, were delivered, being ninety per cent. The number of letters inclosing sums of money less than one dollar, remailed to the respective owners, was 13,834, containing an aggregate amount of $3,652 55. Of these, 11,175, containing $3,001 23, were delivered.

The number of letters containing papers of value other than money, as deeds, bills of exchange, drafts, checks, &c., received, registered, and returned for delivery to the owners, was 26,610, and the nominal value of the inclosures therein was $7,826,881 68. The number of these letters delivered was 24,053, being eighty-five per cent.

The number of letters and packages containing photographs, daguerreotypes, and articles of jewelry, was 67,016, of which 53,572 were sent out, (containing, for the most part, photographs and daguerreotypes,) and 42,745, or eighty per cent., delivered.

A large number of packages containing miscellaneous articles, for which no owners could be found, were sold at public auction, the proceeds amounting to $3,543 14.

The number of letters returned, unopened, to foreign countries during the year was 193,754, the amount of unpaid postage on which was $9,879 40. The number received from foreign countries in the same condition during the same period was 72,440, and the amount of unpaid postage thereon $2,039 26.

The number of congressional and official papers returned to the proper Departments was 17,806.

The number of letters inclosing soldiers' discharges and other military papers sent to the Adjutant General's Office, &c., was 8,918.

The number of ordinary letters remailed to the writers was 1,746,156, being an increase of 583,472 over the number of the same character returned the year previous. Of these 1,275,845 were delivered.

The whole number of letters of all descriptions sent out during the year was 2,093,444, of which 1,602,224 were delivered, being seventy-seven per cent.

Of the number of ordinary letters sent out for delivery since the 1st July last, from which time, in accordance with the law, they have been returned free, eighty-three per cent. were delivered, being an increase of seventeen per cent. over the percentage delivered during the same period of the year previous.

About 2,500,000 dead letters have been destroyed during the year. Of these upward of sixty per cent. were ordinary business circulars, advertisements of lottery and gift enterprises, notices of corporate societies, and tradesmen's bills; the remainder being composed of letters not signed, or so written as to be unintelligible.

An investigation into the cause of the non-delivery of letters confirms the statement made in the last report, that three fourths of the whole number fail to reach the parties addressed through faults of the writers, and it has been ascertained that the proportion of letters fully addressed returned from offices where the free delivery is established is less than three per cent. From some of these offices returns have been received, in which not a single letter so addressed appears without a satisfactory reason for the non-delivery. From forty to fifty per cent. of dead letters are returned from these offices, and it thus appears that a more careful attention to the details of address on the part of writers, together with a more extensive use of request envelopes, would materially promote the certainty of delivery and greatly diminish the number of dead letters.

POSTAL MONEY-ORDER SYSTEM.

The number of money-order offices now in operation is 766, being 347 more than at the date of the last annual report, and measures have recently been taken to establish 67 additional offices in the Pacific States and Territories.

The number of orders issued during the year was 243,609, of the value of		$3,977,259 28
The number paid was 233,124, of the value of	$3,851,839 49	
To which is to be added amount of orders repaid to purchasers	52,050 73	
		3,903,890 22
Excess of issues over payments		$73,369 06

From the establishment of the system on November 1, 1864, to July 1, 1865, a period of eight months, the orders issued amounted to $1,360,122 52, and the orders paid and repaid to $1,313,577 08. On comparing these amounts with the corresponding transactions of the last fiscal year, it appears that the business has been almost trebled.

The average amount of each order issued during the year was $16 32.

The whole number of duplicates was 1,482,

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of which 1,124 were issued to replace originals lost in the mails or otherwise, 296 were in lieu of orders invalidated by age, and 12 to replace orders illegally indorsed.

The sum of $2,710,685 58, being surplus funds accruing at the smaller offices from the transaction of the money-order business, was transmitted to first-class offices used as depositories, either by national bank drafts or in registered packages by mail. The receipts and expenditures for the last fiscal year, as adjusted and reported by the Auditor, were as follows, namely:

Receipts:		
Fees on orders issued		$35,799 98
Premium received on exchange		3 08
		35,803 06
Expenditures:		
Commissions to postmasters	$11,432 49	
Clerk hire	14,910 50	
Books and stationery	1,224 59	
Premium paid on draft	25	
Miscellaneous, including furniture and fixtures	563 44	
Remittances lost in the mail	533 00	
		28,664 27
Excess of receipts over expenditures		7,138 79
This sum represents the gross amount of revenue derived from the transaction of the money-order business for the past year, and if we deduct therefrom the amount of the deficiency in the receipts as compared with the expenditures during the period of eight months ending July 1, 1865, as stated in the last annual report, namely		7,047 97
There remains the sum of as the proceeds of the system from its commencement up to the close of the last fiscal year.		$90 82

The cost of blanks for postmasters, which are furnished by the department of public printing, is not included in the foregoing statement of expenditures.

The present charge or fee established by law for an order of twenty dollars or less is ten cents, and for an order exceeding twenty dollars, twenty-five cents. These rates are defective in this respect, that an applicant who desires to remit any sum under forty dollars could do it more cheaply by two orders than by one, inasmuch as two orders for twenty dollars each would cost him but twenty cents, while for a single order of forty dollars he would have to pay twenty-five cents. The manifest tendency of this state of things is to augment unnecessarily the number of orders issued, involving a waste of time and of clerical labor at both the issuing and paying offices, as well as increasing the liability to error. The adoption of an additional rate of fifteen cents for all orders of more than ten, but not exceeding thirty dollars, without any change of the present fee for orders of ten dollars or less, or for orders exceeding thirty dollars, would remedy the defect in question, and promote expedition and accuracy in the transaction of the business.

At some post offices, particularly those located at centers of trade and commerce, the number of orders paid very greatly exceeds the number issued, so that the payment of orders constitutes the chief business of these offices, and as the postmaster's compensation for paying orders, being one eighth of one per cent. on the amount thereof, is much less than for issuing them, for which he receives one third of the fees, it is recommended that the commission for paying orders be increased from one eighth to one fourth of one per cent., so as to afford postmasters at such offices a compensation proportionate to their services.

In case of the loss of a money order, the owner, in order to obtain a duplicate thereof, is required "to furnish a statement under oath or affirmation," setting forth the loss or destruction of the original, together with a certificate from the postmaster by whom it was payable that it has not been and will not be paid. A certificate must also be obtained from the issuing postmaster, that the order in question had not been and will not be repaid to the purchaser. In the majority of cases the applicant's information with regard to the loss of the original order is limited to the fact that it was mailed at a certain office, but failed, from causes unknown to him to reach the person addressed. He is obliged, however, to furnish a statement to that effect, under oath, (which is to be administered by the postmaster without charge,) and to defray the cost of a five-cent revenue stamp affixed to such statement. This additional expense is burdensome to the owner, who is rarely to be blamed for the loss of the original order, for which the regular fee had already been paid to the Department, and the latter having undertaken, in consideration of that fee, to transfer through the mails the sum of money represented by the order, should perform that duty without exacting any further compensation. Experience, moreover, shows that the certificates of both postmasters afford complete security against the erroneous issue of a duplicate in lieu of an order that had once been paid. It would seem, therefore, that the legal requirement from the applicant of a sworn statement as to the loss or destruction of the original is entirely unnecessary, as well as onerous, and should be abolished. For similar reasons no charge whatever should be made for the issue of a duplicate order to replace an original that has become invalid because not presented within one year after its date, or because improperly indorsed. In such cases the invalidation of the order is in itself a penalty for any negligence of the holder, who, on application, should receive payment of his money by means of a duplicate without a second fee.

During the last fiscal year five cases have occurred of the payment of orders to persons who had forged the signatures of the payees. These persons had previously, through lack of precaution or injudicious confidence of the remitter or payee, been put in possession of all the information required to obtain payment of the order. To forge or counterfeit a money order is made a penal offense by the act of May 17, 1864, but there is no provision of law to punish the forgery of the payee's signature, and as the latter crime is liable to be often repeated, especially at the large offices, there is a necessity for additional legislation to provide an adequate punishment for it, as well as for any attempt to obtain payment of a money order by fraudulent means.

A remittance of surplus money-order funds, amounting to $617, sent in a registered package from Natchez, Mississippi, to St. Louis, Missouri, was lost by the destruction of the mail steamer City of Memphis, on the 31st of May, but in consequence of delay in obtaining satisfactory evidence that this sum had been duly counted, registered, and mailed, and had subsequently been totally destroyed, the claim of the postmaster at Natchez to be credited therewith was not allowed by this Department and transmitted to the Auditor in time to be inserted in his report.

MISCELLANEOUS.

In addition to the details of this report, I submit a few suggestions: the condition of all branches of this Department is most encouraging. The general plan proposed by my predecessor for reëstablishing postal service in the late insurgent States has been, to a large extent, carried out; and efficient service, with economical expenditures, has resulted. Just as rapidly as the condition of the country and the necessities of the people will warrant, new post offices will be opened and mail service increased.

The surplus of revenues over expenditures for the fiscal year ending June 30, 1865, was not anticipated for the year ending June 30, 1866. The expense incident to reëstablishing mail service in the southern States, where such service had been interrupted by the rebellion, it was known would increase largely the general outlays of the Department beyond what had been required during either of the preceding four years.

There is no better evidence of national prosperity than the constant increase, from year to year, of revenues derived from domestic and foreign postages. There is no better evidence of the increasing general intelligence of the American people than that furnished by the loaded mails.

The change in modes of conveyance from carrier pigeons and special messengers, and post riders with billets and small packages and a few letters, to railroads and steamboats, carrying every day hundreds of tons of letters and newspapers and books, all through the length and breadth of the land, is an extraordinary commentary upon the increasing wealth and prosperity of the nation, and the energy and intelligence of the people. The few thousand pounds of postal revenue in Franklin's time for a single year, give place now to $15,000,000 annually, a sum greater than the annual revenues of the Federal Government during the administration of John Quincy Adams.

This service, under the liberal patronage of the Government, has done more to aid in developing the resources of the country than anything else except the cultivation of the soil. It has done more to aid in enlightening and Christianizing the people than anything else except the spelling-book and Bible. The post office and mail route travel with civilization, and mark its progress as distinctly as the school-house and meeting-house.

It has always been an erroneous theory in the history of the postal service of the United States that it was established or sustained on the principle of wholly defraying its own expenses out of its own revenues; or, in other words, on the principle that it should be self-supporting. It is a great public necessity, to accommodate private citizens, and it will not do to say that no mail route shall be opened, or post office established, until the business on the proposed route or of the proposed office shall pay all expenses.

Large sums of money are paid every year to contractors for carrying mails beyond our frontier, across the central wilderness, to the Pacific States; and other large sums are paid for services on lines tributary to the main lines, to accommodate as yet sparse settlements. From these, comparatively small returns come back in the shape of postal revenues. Yet these very agencies invite settlement and encourage enterprise in material development, so that there come back to the people in real wealth almost as many millions of dollars as the Government expends thousands in this particular branch of service.

Congress has wisely appropriated $500,000 per year to pay for carrying mails from San Francisco to China. There is an excuse, in sending mails, for paying this money to a private company in aid of a great commercial enterprise. This money, so expended, will come back from the China seas in goods and wares and merchandise to our own markets, or, in seeking European markets, in transportation paid across the continent.

Whether the people pay in postage stamps for transmission of letters through the mails, or whether they pay by appropriation of public money, the ends sought and the ends attained are the same. While a lavish expenditure of public money is to be avoided, there ought to be a liberal expenditure for extending mail facilities by land and by sea.

In another respect I recommend more liberality. The clerks and employés of the Post Office Department have not been well paid for the services they have performed. The salaries of clerks in the Post Office Department during the four years of war were not increased, while all the expenses of living were more than

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doubled. The salaries were fixed in times of peace and low prices. They were not raised when war raised prices. Clerks were compelled to run in debt, and, in many cases, their families suffered from want. They worked faithfully and skillfully and honestly in discharging important duties for the Government. I submit that they ought to have some reasonable allowance for the past and an increase of salary in the future.

Clerks in post offices, letter-carriers, and route agents are not paid what they ought to be paid. Honest, industrious men are required for all these duties, and they ought to be paid a fair and living compensation for their labor. Their employment is uninterrupted, except by sickness. The letter-carriers claim peculiar consideration. They travel every day from early in the morning until late at night, in heat and cold and rain and snow, all through the cities, distributing letters and papers without compensation enough to pay house rent. I feel that the Government ought to pay all these employés better, because they earn more, and because the Government can afford to pay more. I plead the cause of all these employés because it is just to them that I should, and I earnestly ask permission and means to pay them better.

The foreign postal service has grown to such magnitude that increased care and responsibility fall upon those having the direct charge of it; and I respectfully ask that authority be given to appoint a superintendent of foreign mails, and an additional clerk for that branch of the service.

I also recommend that authority be given to appoint a superintendent of the opening and distribution of dead letters.

The law regulating the franking privilege ought, in my opinion, to be amended. I do not think the privilege should be abolished. I think it is a necessity for the different Departments, as well as for Congress. But great abuses have grown up under it. To avoid frauds and a misuse of the privilege, I recommend such a change in the law as to require the written signature of the person exercising the privilege upon the matter franked; and to relieve the heads of Departments and bureaus of great labor, that a franking clerk be authorized by law for each Department of the Government, with the right to frank all matter pertaining to the Department for which he is appointed.

Respectfully submitted.

ALEXANDER W. RANDALL,
Postmaster General.

The PRESIDENT.

Admission of Nebraska.

REMARKS OF HON. J. A. J. CRESWELL,
OF MARYLAND,
IN THE UNITED STATES SENATE,
January 8, 1867,

On the bill (S. No. 456) for the admission of the State of Nebraska into the Union.

Mr. CRESWELL said:

Mr. PRESIDENT: I expect to vote for the admission of Nebraska whether the pending amendment be adopted or not. I expect further to vote for the pending amendment, although I am satisfied that it will effect nothing. I am of opinion that the Congress of the United States has no authority to impose a condition in this manner upon the people of a State about to be admitted into the Union. I believe, however, that Congress has a constitutional right to interpose by conditions to be submitted for acceptance to the people of a Territory or inchoate State, wherever Congress may consider that those conditions are necessary to secure to the people of such Territory or State a republican form of government. I believe that the first clause of the fourth section of the fourth article of the Constitution is a controlling one, and that the United States is bound by the highest obligation to guaranty, under all circumstances, to every State in this Union a republican form of government; and further, that the powers reserved to the States and the people thereof must yield to the paramount operations of this guarantee.

Admitting, therefore, that the right is reserved to the people of the States to regulate the matter of suffrage, I think it equally clear that the people of the State have no right so to regulate the suffrage as to exclude absolutely and perpetually from the governing power of the State any portion of its citizens by reason of their race or color, or by any other arbitrary and unequal rule of exclusion.

But as to the pending amendment, let us put the case in this way: suppose this act shall pass with the amendment offered by my honorable friend from Vermont, and notwithstanding its passage, and the admission of the Senators and Representatives from the State of Nebraska, the people of Nebraska in their Legislature, should refuse to recognize the principle, and should insist that their constitution stands as they sent it to Congress, and that none but white persons can vote under its provisions, I apprehend that when the constitution should come into the courts, the question being raised by a person of African descent whose vote had been refused, the courts would decide that the amendment of the Senator from Vermont did not control the language of the State constitution inasmuch as the people of the State had never in any manner accepted that amendment or acquiesced therein. The argument, brief, though pointed, of the honorable Senator from Maine, is conclusive to my mind on that subject. Nevertheless, the amendment is valuable as a declaration of principle; and I confidently expect and believe that the people of Nebraska will voluntarily amend their constitution so as to conform to it.

But, sir, there are other considerations in connection with the position of this State in its application for admission that I desire to present to the Senate. I am anxious to see the whole of the western territory filled up with States. I have none of that feeling of jealousy toward the West which the Senator from Wisconsin [Mr. HOWE] said yesterday exists among eastern men. On the contrary, my heartfelt sympathy is with the adventurous people of that section. I believe that the active element of this nation is working there in the cause of civilization. The brave men of the West who spend their strength and their blood in subduing the wilderness and fighting the savage are the true champions of progress; and so far from feeling jealous of them I bid them God speed. If my friend from Wisconsin will but look over the record that I have made in the Thirty-Eighth and Thirty-Ninth Congress, he will not, I feel assured, charge me with any desire to impede the triumphant march of the pioneer. On the contrary, no measures that I have sustained have given me more pleasure, either at the time or upon subsequent reflection, than those to encourage the formation and to recognize the existence of the new States of the great West; and I care not how soon that section may so far increase in population and strength as to be able to outnumber with her representatives all the States upon the Atlantic. I would appeal to them for justice to Maryland with the same confidence that I now appeal to the Senators from the East, and I am sure that I should not appeal in vain.

But the distinguished Senator from Massachusetts says that we cannot without stultifying ourselves vote for the admission of Nebraska. He asserts that all men of whatever color are entitled to the exercise of the right of suffrage under the operation of equal laws. Well, sir, though I may be charged, perhaps, with being a somewhat recent convert to that doctrine, I accept it in its length and its breadth. I am willing to pledge myself to vote for the measure now pending, to apply that principle to all the remaining Territories, and to require that all of them shall make it a cardinal provision in their fundamental law before being admitted as States of the Union.

But, sir, I believe that it would not be wise to compel the people of Nebraska, at this late day, to hold new elections, to call new conventions, and to form a new constitution before admitting her into the Union. She has already complied, in the terms of her constitution, with every stipulation of our enabling act, as she interpreted it. The Senator from Massachusetts has said that in the enabling act Congress declared that Nebraska should conform to the principles of the Declaration of Independence. I admit it; but I ask him in all candor whether at the time those words were inserted in the enabling act he contended, or even intimated, that they imposed as a condition precedent to the admission of the State that black men should be allowed to vote. Did the Senator give any such intimation?

Mr. SUMNER. There was no discussion.

Mr. CRESWELL. There was no discussion; and it is therefore fair to presume that those words were used in no unusual sense. But a new state of affairs has arisen. My distinguished colleague the other day said that we ought to return to the doctrine of the fathers. I am willing to return to that fountain of true wisdom; and now that we have got rid of slavery, the bane and curse of this land for so many years, I am eager to turn again to the records left us by the revolutionary sages, and to conform my practice to those great principles of liberty and universal justice which they asserted and maintained.

Sir, for a vote that I gave in this body yesterday I have been censured in certain quarters. I have been charged with violating the accepted faith and traditions of Maryland. I deny it. I challenge any man in Maryland or out of Maryland to show from Maryland authorities the impropriety of my vote. Maryland was one of the old thirteen, and her first bill of rights and constitution were made in the very heat and fervor of the Revolution, ay, upon the very heel of the Declaration of Independence. The men who heard that glorious instrument read at the old State House in Philadelphia posted home to assemble their State convention, and to organize their State government. Influenced by the same feelings and purposes that prompted them to venture all in the effort to assert their liberties, they proclaimed to the world what they believed to be the genuine principles of republican government. The convention met on the 14th of August, 1776; many of the best men in the State were there: Dent, Mackall, Bowie, Hammond, Worthington, Ridgeley, Stevenson, Archer, Tilghman, Chase, Paca, and Charles Carroll, of Carrollton, held seats in that body. This convention, so constituted and animated, organized a State government upon the most enlarged views. What said they in regard to the right of suffrage? The bill of rights, adopted November 8, 1776, declared in its fifth section—

"That the right in the people to participate in the Legislature is the best security of liberty and the foundation of all free government. For this purpose elections ought to be free and frequent, and every man having property in a common interest with and an attachment to the community ought to have a right of suffrage."

Mark you, "every man;" not white men only, but "every man;" and that God made men of diverse colors they well knew, because at that time the African had been held in bondage in Maryland for more than a century.

Men still live who have heard their fathers say that they have seen, under that provision of the Bill of Rights, enforced by a subsequent provision in the body of the Constitution, white men vote side by side with negro men without a question being asked or a doubt expressed.

The same convention, in the body of the con-

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stitution adopted on the 8th November, 1776, inserted the provision following:

"All freemen above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote and residing therein, and all freemen having property in this State above the value of thirty pounds current money, and having resided in the county in which they offer to vote one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county."

That continued to be the law of Maryland down to the year 1810, when the constitution was amended so as to confine the suffrage to white men. At the same time the Legislature saw proper to manumit the white race from the property qualifications that at that time oppressed them. It was enacted that from and after the year 1810 no man should be excluded from the right to vote or should be prevented from holding any office by reason of the want of any property qualification, thus declaring forever in favor of manhood suffrage.

Now, sir, why was that? That was a departure from the fathers in one respect toward freedom, but in the other toward slavery. They enfranchised the white man; they riveted more tightly the shackles of the black man. It was done because meanwhile cotton, as they believed, had become king. It was done because the inventions of Whitney and others had enabled the cotton-growers to manipulate their product so successfully as to make it with slave labor the most profitable staple of the continent, and slave, ay, negro culture, thenceforth became as much a business as cotton culture; and even Maryland and Virginia, from their former condition of active hostility to slavery, as evinced by the sentiments of their representatives in the Convention which formed the Constitution of the United States in 1787, became from that day forth the active propagandists of slavery.

From this new stand-point it may have been necessary, if slavery rather than freedom was to be preserved, to exclude the black man, whether free or slave, from the ballot-box, and they did so. Avarice is insatiable, and those who profited by slavery, not satisfied with their present gains, began to throw around it the protection of the State laws. In 1836 they provided by an amendment of the Constitution—

"That the relation of master and slave in this State shall not be abolished unless a bill so to abolish the same shall be passed by a unanimous vote of the members of each branch of the General Assembly, and shall be published at least three months before a new election of delegates, and shall be confirmed by a unanimous vote of the members of each branch of the General Assembly at the next regular constitutional session after such new election, nor then without full compensation to the master for the property of which he shall thereby be deprived."

This was a declaration to the people of Maryland: slavery shall be continuous, perpetual; it shall be the absorbing interest within the limits of the State; and no matter what may be the convictions of the people in regard to it, or what may be the manifest interest of the majority, you shall not abolish it without a unanimous vote of both Houses of two consecutive Legislatures—an absolute impossibility as men are constituted. Thus justice, blind and robbed of her scales, was forced to wield her sword in the interest of her enemies.

But that is not all. In the constitution of 1851, article three, section forty-three, they imposed an absolute prohibition upon all legislative action for the abolition of slavery, in these words:

"The Legislature shall not pass any law abolishing the relation of master or slave, as it now exists in this State."

Finally, they went so far as to say that no slaveholder, no matter what might be his views of duty or propriety, should be allowed to manumit his slaves; and after having built up all these legal fortifications around their pet interest they actually aided to organize rebellion and civil war against this great Government, in order that they might witness the apotheosis of their grand idea and construct upon the ruins of free institutions a Government with its foundation based upon the corner-stone of slavery. After that came the deluge; and the men who fought to obliterate all sentiments of liberty from the human heart were themselves swept out of place, and many of them for their impious rashness paid the penalty with their lives. I believe, sir, the hand of God was guiding the whole movement.

Once admitted that slavery and property qualifications are forever abolished, and there can be no reason assigned why "every man having a common interest with and an attachment to the community" ought not to be remitted, according to the Bill of Rights of 1776, to the right of suffrage.

The time has come when every man, declared to be a citizen of the United States, of proper age and having the qualifications applicable to other citizens, must, if we intend to stand upon a republican form of government, be allowed to express his political sentiments through the ballot-box.

Now, sir, I come to the question propounded by the other Senator from Wisconsin, [Mr. DOOLITTLE.] He made the point upon my friend from Vermont that the people of a State might restrict the exercise of the right of suffrage. I admit it; but I assert that it must be by all the people; and now, that slavery is abolished, black citizens are a part of the people; and if there is a State within this Union with a constitution adopted by a majority of only a part of its people, I contend it is not republican in form. The white citizens of a State have no right thus to exclude the black citizens of a State from the exercise of political power any more than the black citizens have to exclude the white; and when a State is in that position, it is the duty of Congress, as much as anything can be its duty, to see that that State has a republican form of government. Not only does this duty apply to States which are under the ban of rebellion, but to all States. The Constitution says that "the United States shall guaranty to every State in this Union a republican form of government;" and hence, if by the force of events, or by any combination of circumstances, any State is in this Union without having given at some time of its history, either in the formation and adoption of its constitution or subsequently, to every citizen having the common qualifications, a right to speak with regard to its form of government, I pronounce it to be anti-republican.

I do not mean to say that every woman or every child or every criminal or traitor must vote. There must be certain obvious rules governing this matter. If the right of suffrage is committed generally to the males, then confine it to the males. If it be desirable to exclude children or criminals or traitors, let them be excluded as incompetent or dangerous characters to the State. But I do say that no principle ever embodied in the organic law by the founders of our Government can be cited to justify the Congress of the United States in allowing any State to retain a form of government which disfranchises all of a class of citizens by reason of race or color; and when gentlemen in Maryland talk about making a new constitution I contend that they must submit it to every citizen having these common qualifications; and if they deny that, I shall be one of Maryland's sons to come to the Congress of the United States and ask that that constitution shall not be recognized.

Mr. SAULSBURY. Will the Senator allow me to ask him a question?

Mr. CRESWELL. Certainly.

Mr. SAULSBURY. When the Constitution of the United States was adopted were negroes allowed to vote in the State of Maryland?

Mr. CRESWELL. They were.

Mr. SAULSBURY. When did they cease to be allowed that privilege?

Mr. CRESWELL. In 1810.

Mr. SAULSBURY. Was the government of Maryland republican in form after that?

Mr. CRESWELL. It was so held. But if the gentleman had listened to my argument he would have heard that I contend that where slavery is recognized and protected by the Constitution of the United States and by the States, it is one thing to exclude slaves and chattels from all participation in the Government, but a very different thing, when slavery has been universally abolished, to disfranchise freemen and citizens. That is my position. The law is changed, and events have remodeled the whole question.

Mr. SAULSBURY. Allow me to ask the honorable Senator another question. If the laws of Maryland now exclude the negro population from voting, does my honorable friend say that on that account the government of Maryland is not republican in form within the sense of the Constitution of the United States, and therefore requires the interposition of Congress to make it republican?

Mr. CRESWELL. I have argued and now maintain, not that a State may not limit the exercise of the right of suffrage, but that the limitation must be by a majority of all the people, and that a part of the people, one fifth, two fifths, three fifths, four fifths, have no right to exclude any other part, however small, by reason of race or color, from the formation of the organic fundamental law in and by which that limitation is prescribed.

Now, sir, a word to the distinguished Senator from Massachusetts. This is the great battle upon which we are entering. We shall contend for the right of every man in this country to protect himself by his ballot. It is a battle for mankind; it is a battle for all future time; and I am willing, under the circumstances, inasmuch as the Congress of the United States said to the people of Nebraska that they should be allowed to form their constitution upon a certain theory, to which at that time all acceded, I am willing, nay I am anxious, when we know from the character of that people and the representatives they have chosen that they will not only stand by us but that they will be in the very front rank in the approaching struggle to maintain the great doctrine that we have emblazoned upon our banners—to admit both those States into the Union at once. I appeal to the Senator from Massachusetts to accept their aid, and let us, having extended our lines upon the most advanced position, move onward in solid phalanx until the consummation of our great victory shall come. I respect the position he takes. I respect the view entertained by my friend from Vermont, and I am willing even to vote for his nugatory measure. I am willing to allow him that leek to feed upon if he be satisfied with it, and indeed it would be ungenerous in me not to do so, although at the same time I desire to state distinctly that I deny its legal efficiency.

I suppose, sir, that every inch of these States in which the black man has been denied and is still denied the right of suffrage will be fought over on this great question. I propose to take my position with that party that speaks for human rights. I propose even to go with that party which has the most enlarged views of human rights. And when public officers by their messages, whether Governors or Presidents, present to me the mean argument that the negroes hitherto held in slavery may in a very little while acquire all the power and consign us to an inferior station, I cast it to the dogs without an answer. If under the circumstances we are not able to maintain our position, 30,000,000 against 4,000,000—30,000,000 of born freemen against 4,000,000 of but lately ignorant and degraded slaves—then it is time for us to abandon all claim to the boasted ascendency of the white race; and to quit that proud position that hitherto we have held as the first and the most aggressive in the cause of right of all nations on the face of the earth.

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Such teachers acknowledge their insincerity when in the next breath they tell us that the negro is too ignorant to vote and can never be educated.

It is true he is ignorant. If this be his great sin, at least let his enemies cease to burn his school-houses and churches. Let him be allowed to take the money that he pays for white schools and appropriate it to the wants of his own children; let the magnanimous race, the race of property, the race of intellect, the race of power and station no longer rob the negro of the amount which he pays into the school fund, and appropriate it exclusively to themselves; but let them give him the benefit of all he pays, or else never more declaim about taxation without representation. Protect him in his right to worship God and his right to educate his children, and my word for it he will put to the blush many of our own race who have wasted better opportunities. Beside, the ballot itself is an educator. Let him enjoy its elevating tendency; and when another generation shall have succeeded to our places, intelligent men will wonder that we of this age could so long resist the teachings of patriotism and Christianity.

Tax on Distilled Spirits.

SPEECH OF HON. SAMUEL McKEE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

January 21, 1867.

Mr. McKEE. Mr. Speaker, it is my intention to make some remarks on a subject not at all exciting when discussed, in the manner in which I propose; a subject of common interest to the whole country, to those who so lately fought against this country and those who fought in its defense. A subject, I repeat, not at all exciting, but the matter of which too often excites men of all classes, and in high and low places, improperly used, does much harm. I refer to the "whisky question," and my remarks shall pertain to the law regulating the manufacture of this article. The law framed at the last session and now in force is one which bears with great hardship and severity upon a very large portion of the people of the United States. The law was framed by those who had the subject in charge ostensibly to prevent fraud and secure the largest amount of revenue to the Government from the manufacture of this article, which is regarded as one of the non-essentials of the community, not necessarily entering into the articles of daily consumption for man. I know that there are very many who in practice at least refute this theory, yet I think the theory a sound one.

But in reality this law was framed for another purpose, and that purpose neither more nor less than putting the manufacture of spirits into the hands of a few men of capital, and thus enable them to monopolize the whole business and have the whole control in their own hands. If whisky is to be made at all, and I apprehend the country will not very soon come to the rule that it shall not, why not allow all men who desire to engage in this business a chance to do so with whatever means they have? Why make a distinction between this and other branches of manufacture? Why make a law that in its operations will compel a man to make a great deal of whisky to enable him to comply with the law, or not permit him to make any at all? Of course a man who owns a large distillery, from which he produces through his machinery twenty-five to one hundred barrels of poisonous, drugged liquor per day can easily afford to pay five dollars per day for an inspector to watch his machinery, and with this monopoly crushing out all the small makers of whisky and enabling them to send their villainous stuffs through all the land to supply the want of pure drinks, they can also afford to pay the inspector not to watch their movements.

Instead of being a law to prevent frauds on the revenue this is really a law to encourage fraud; a law which sends a Government spy into every man's establishment, who is responsible to nobody for his acts, is under no bond and under no penalties, whose only interest is to get the five dollars per day from the poor distiller for his work of two minutes, perhaps, or get ten to twenty times this amount from the rich one for not doing what the law requires he should do. True, he can be displaced if he proves not honest, but is there any reason to suppose that his successor will not be likewise? I know that details are dry; but as I am certain few men in this House understand where, to what extent, and in what manner whisky is made half so well as a very few know how to dispose of this article when in hand, I propose to show the practical workings of the system. I take my own district in Kentucky, simply because it offers a fair example, and the same rule that applies to this applies equally to all districts in which the population is sparse and the people poor where whisky is made. These poor people, it must be borne in mind, in all the mountain portion of our country bordering on the theater of the late war, and even in its sweep, were generally the people who remained true to the country. From a statement made to me by the late collector of my district, at my request, I present the following facts:

Up to the date when the present law went into effect—that is, from the 1st of May to the 1st of September, 1866—there had been made by distillers of the district application for license to the number of one hundred and nine. These distillers had applied under the belief that the license tax would be the same to them, as distillers under three hundred barrrels, that it was in 1865, namely, twenty-five dollars. Not one of them had the means or facilities to make more than forty gallons of spirits per week. The general average was from fifteen to twenty-five gallons per week. This embraces only thirteen out of the sixteen counties in the district, leaving out three of the largest and most populous, from which latter the returns are not all in. This number is not the total number of small distillers in the district, for this reason: the great majority do not commence operations until the months of September, October, and November, consequently do not make application for license until they are ready to commence. The number of these others by whom application for license had not been made, for the reasons stated and because of finding out the onerous workings of the law in time to prevent being entrapped, is estimated from the reports of previous years to be one hundred and ninety-one, making the total number of small distillers in the district about three hundred. These men each about average making twenty gallons of pure whisky per week, aggregating four hundred and eighty gallons during the stilling season of six months, many not working more than two to three months. Total whisky produced in the district by the three hundred distillers one hundred and forty-four thousand gallons. Assuming that the average product is estimated too high by one half, which is perhaps true, these three hundred small distillers produced seventy-two thousand gallons, which brought an annual revenue to the Government of $144,000. The reason for stating that the product of four hundred and eighty gallons each is too high is, that these men frequently run no more than two or three months or dispose of their stills, and under the action of the old law could transfer their licenses, and the transfer in a few instances above had been counted as an issual of new license.

Out of these three hundred distillers who have heretofore pursued the business, as yet but two have prepared to run under the new law; the great majority of the others declaring their inability to comply with the new law, for the following reasons:

1. They are required to build bonded warehouses of their own, although general bonded houses are convenient, for the protection of Government, thus involving an expense to each of several hundred dollars in the erection of the building.

2. The necessity of employing an inspector at the rate of five dollars per day, and forbidding them to run without his presence. Entailing an expense in paying wages greatly disproportionate to the value of his services and the value of such like services of any kind according to the rates of labor-wages in this country.

3. The necessity of running their high wines or doublings immediately into the receiving cistern under the lock and seal of the inspector, by a series of tubing unapproachable to them, thus compelling them to purchase expensive scientific instruments for the purpose of testing the proof of their spirits and separating the high wines or doublings from the low wines or backings.

4. Being compelled to erect in a suitable room in the distillery, which is not to be entered by the proprietor, except in company with the inspector, as it is under his lock and seal, two or more receiving cisterns for the spirits, from which it is to be taken every third day and placed in proper packages in the bonded warehouse, thus further entailing unnecessary trouble, vexation, and expense.

To show the trouble and expense to which these small distillers are put, all of which is a part of the plan for crushing them out, I subjoin a circular from the revenue department:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
WASHINGTON, *October* 11, 1866.

Information has been received at this office that officers of internal revenue in various parts of the country are permitting distillers to continue under the new law the old practice of separating the low and high wines by allowing them to run into separate open tubs placed near the outlet of the still or worm. It is understood that the almost universal custom in grain distilleries has been to place near the outlet of the worm two open tubs, into one of which the high wines are conveyed, and into the other the low wines—the former connected by pipes with the high-wine cistern, and the latter with the still or doubler.

This arrangement is not consistent with the terms of the act of July 13, 1866. Section thirty-four (paragraph one hundred and twenty five) of that act provides that all the spirits distilled during each day, of twenty-four hours, shall be conveyed on that day into one of the receiving cisterns prepared for that purpose, and that such cistern shall be connected with the outlet of the still by suitable pipes or other apparatus, so constructed as always to be exposed to the view of the inspector.

This language clearly prohibits the use of open tubs for separating low, and high wines. The outlet of the still or worm must be connected with the cistern by pipes or other apparatus exposed to the view of the inspector. Open tubs are not "pipes or other apparatus" contemplated by law. The intention of the law, as is well known, is to cut off the opportunities for the commission of fraud heretofore existing. To this end the design was to keep the spirits, as it were, under close guard continuously, from the worm to the bonded warehouse, by the use of a pipe connecting the worm with the cistern, by having the cistern in a safe room under the lock and seal of the inspector, and by having the spirits, under the immediate inspection of that officer, drawn off into casks or packages, which, after being duly gauged, proved, and marked, he is to see removed into the bonded warehouse, which, again, is under his lock and key.

Now, to permit the spirits to be run from the worm into open tubs, for the ostensible purpose of separating the low from the high wines, would be to frustrate the grand object of the law, and render all other safeguards provided by the law wholly nugatory.

Consequently distillers must in all cases be required to connect the still or worm with the receiving cistern by pipes or other apparatus, which must be so constructed as to convey the spirits directly to the cistern.

As it is necessary for the interest of the distiller to prevent the low wines from running into the high-wine cistern, and as the use of the open tubs for this purpose cannot be allowed, it becomes necessary to adopt some arrangement by which this can be done.

It is deemed entirely feasible to separate the low from the high wines by the use of a glass vessel which shall be connected with and made a part of the pipes or apparatus connecting the outlet of the still with the receiving cistern. The precise form of this apparatus for separating the low and high wines is not

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now prescribed, but distillers must be immediately notified that some such arrangement must be adopted and put in use by the 15th day of November next. Any distillery which, after that date, shall be found without such apparatus must be closed up and proceeded against according to law.

THOMAS HARLAND,
Acting Commissioner.

In order more fully to understand the objections to the law urged in this objection an explanation of the working of these small copper stills is needed.

The grain is first prepared by being ground up into meal or mash; this with a small amount of barley, wetted up, is allowed to ferment, when it is placed into the still and allowed to run through the windings of its worm, and finally into a small tub or half barrel at the mouth or the outlet of the worm. This tub is called the "singling tub," and the spirits run into it "singlings." This is only half-made spirits or whisky; its proof only being twenty or twenty-five per cent., (proof whisky is spirits which will show fifty per cent. of alcohol at sixty degrees temperature, Fahrenheit's thermometer.) The contents of the singling tub, after the spirits or, more properly, liquid has ceased to run, are poured back into the still. The singling tub is placed aside and the doubling tub put to the outlet of the worm; and when the spirits begin to run they are received into the doubling tub and the result is whisky. Doublings is only a technical distillers' phrase for whisky. In the language of the department, doublings are high wines and singlings low wines. Where the hardships of the new law falls particularly heavy is here. After the doublings have run until the experienced distiller judges from the quantity run that proof is about exhausted he takes out the bung of the doubling tub, inserts his proof vial, and judges that proof has ceased when a bead no longer forms. As soon as this period arrives, he removes his doubling tub, containing proof whisky, and places his singling tub at the mouth of the still again. What run now are called "backings." If he were to permit this to run into his doubling tub it would spoil his whisky completely, ruin the taste and reduce its proof until it would not be decent grog, (old drinkers, I believe, do not indulge in grog, but take whisky straight.) But these backings are too valuable to be lost, and are placed back into the still, run through again, and come out doublings or proof whisky. The use of the proof vial is never dispensed with, but is in constant use while the operation of doubling is being carried on, whether produced from singlings or backings. According to the new law as explained by a circular (special, No. 46) from the revenue office, this manner of having the spirits run into two movable tubs, or "open tubs," as it calls them, is strictly prohibited. The distiller is not allowed to have access to the spirits at all, but they must be run into sealed and locked cisterns and the proof determined by some scientific instrument, which would necessarily entail heavy expense, and the high wines (doublings) thus separated from the low wines, (singlings and backings.) These instruments, which will, of course, be new inventions, and like all new inventions, not perfect, may get out of order or may not be adapted to the small copper distilleries of the rural districts, and if so, on failure to perform their labor, the spirits would be ruined, entailing a heavy loss on the poor of the mountain parts of our land.

But I come back to this inspector, who has nothing at stake and everything to gain by defrauding the distiller in the reports of his spirits—not being under bond, while the distiller himself is under heavy penalties; heavy fines and penalties awaiting every slight infraction of the law, whether by negligence, ignorance, or intention, with a moiety to the informer—this inspector is nothing less or more than a spy paid by his victim, with great inducements in the shape of reward in moiety of fine for discovering dereliction on the part of the distiller; even if in some instances under the natural frailty of human nature he is compelled to add imagination to real violations of law to convict his unfortunate employer.

6. Under the law he is not only compelled to pay his inspector five dollars for his services, but in addition he is further compelled to pay him one mill per gallon for every gallon of spirits inspected, thus paying twice for the same services; or, in other words, he is by law compelled to pay for services for which he has already employed and paid the laborer. The amount is very small, but the principle is none the less worthy of attention.

The great majority of the distillers in the rural districts are honest and good men, and believe their business proper, whether so or not Although the product of distillers of spirits proves a curse in the land, immensely overbalancing the good derived from whisky in any manner; yet the results are infinitely more appalling from the consumption of the products of the large distilleries than that of small ones. The spirits manufactured are perfectly free from foreign or deleterious substances, and if whisky and apple brandy are to be manufactured at all under the eye of Government officials it seems as if a peculiar protection should be thrown around those who manufacture pure spirits, which if not harmless, (and they are not necessarily so,) are at least less harmful than the drugged and poisonous production of the great steam distillery which pours its hundred barrels of noxious spirits out per day.

I know the large manufacturers are making strenuous efforts to have the tax increased. This is not necessary; and while it would enable the great establishments to still further grasp this whole business, enable them to commit still greater frauds—for I venture the assertion that in almost every large city an establishment can be found that has committed more fraud since this law went into effect than it would have been possible for all the small distilleries in any whole State in the Union to have committed in the same period of time—the decrease of tax, without removing this inspection, and relieving them from building their bonded warehouses, which are wholly useless and add unnecessary expense, when they are located for the storage of the article all over the country and by authority of the Government will not afford relief. The distillers through the country have become accustomed to paying the tax; it enables them simply to add this much to their price for the whisky. They cannot sell until this tax is paid, and they do not seek, after they once know the law, to evade it save in a very few instances. When the law first went into force they did not see how they could get on without selling their whisky first; but now they can understand this very well. It enables them to compel men to pay for whisky before it is consumed; to sell for cash and not on credit. But they cannot build these bonded houses and they cannot pay this inspector.

In cities there may be much illicit stilling in a small way, but the amount is greatly increased by this law. Relieve them of the burdens of inspection, &c., and they can and will pay the tax. If men are so dishonest in your large cities that you need to prevent all men from engaging in a business recognized as legitimate, except such as have immense capital,—and I have yet to learn that large wealth of itself makes men honest—throw around your cities such guards as you choose; but let us place the poor honest countryman, who has not learned to deceive, in a position where he can live on what he has, be it ever so small, and follow his occupation, while this occupation is allowed at all, without being ground to death either by Government taxes, paid not to the Government, and from which the Government gets no reward, but into the pockets of greedy individuals, or by having his enterprise crushed entirely out by men who can command capital in abundance. I urge, as a matter of justice to the poor men of the land, a modification of this law. Let all those who make less than twenty barrels per annum be relieved from the provision requiring inspection and bonded warehouses. Let the law be to this class as it was before the act of the last session of 1866, since not only no harm can come of it, but great good. The revenue will be increased largely from this source. Frauds will diminish; and, as whisky will be drank, men can get an article which is pure and fit for man to drink—that is, if any at all is fit.

For myself, if all men were like me little whisky would be required. Coffee-houses, saloons, and bars would close, not by law, but because no man went into or near them. Distilleries would also cease to make spirits to drink, because no man would drink their products. But all men are not so; and as they will drink whisky, let us not by oppressive laws so hamper its manufacture that only those who know, or have the means to enable them to learn, how by poisonous matter to so adulterate and increase its quantity from substances which do not enter into its legitimate make can produce this article. Put the law back as to these small distillers as it was in 1865 and you will get more money for taxes, be less annoyed by frauds, and save a vast amount of vexation not only to the revenue officer, but also to the manufacturers of pure liquors. I know very well that the revenue commissioners and some others have been waging a relentless war against small distillers. I remember the effort to put the tax up to $1,000, so that only men of great wealth could make whisky. But this or any other similar project is a war against the poor. As well say a man shall not make "wooden pails" unless he makes to the amount of $1,000 per month. Then again, I have heard this talk about the English system, where the Government itself makes or controls the manufacture of all the spirits or owns the distilleries.

Let us in this country have none of this English system, where the poor are ground to the very dust by the wealthy lords of the land; where men of capital have absolute control over all enterprise. Let us by wise and beneficent laws give the poor an equal chance with the rich to engage in whatever business the laws of the country allow to be carried on. The theory of our Government is that no class shall be privileged. Let us put it in practice. Let the tax on the product remain as it is; but let the law be so modified as to bear equally upon all. I trust that this House will see the propriety of this modification of doing justice to the poor, whom it is the duty of the Government to care for and protect.

One word further as to how this law affects the revenue. By this burdensome law now in existence the product of whisky in my own district alone is decreased from seventy-five thousand to one hundred and fifty thousand gallons per annum; and the loss to the revenue of the country is certainly $150,000, perhaps as much as $300,000; and my own is but little more than an average for my State. So that the decrease to the revenue alone from that State is not less than $1,350,000, and most likely to the extent of $2,500,000. Has the Government gained anything by crushing out these small distillers? Absolutely nothing. Other grain-growing and sparsely settled States, like my own, are affected in the same manner. The revenue commissioners are appalled at the apparent enormous decrease in the production of whisky. The decrease is only an apparent one, not real. So modify the law that the honest, poor man can engage in the manufacture, and let his reports be added to the reports of the honest man of wealth, and the increase of revenue will be as great from this source as has been the apparent decrease in the product of whisky. The revenue commissioners will not be appalled, except that frauds will be only one where now a hundred.

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If by this law as now existing any less whisky would in the end be made, and any less drank, I should not ask its modification. Less is made in certain localities; but this only gives the large manufacturer the chance himself to make the more, which he does, and sends it forth into all these rural districts, and by having the whole matter in his hands is enabled to cheapen whisky, because he can sell the more, and the consumption instead of being less is vastly more, and the effects of drinking this poison vastly more appalling. If this evil of making and drinking whisky—making is not an evil in itself but the drinking—is to be put an end to by law, let that law crush the great as well as the small maker.

Reconstruction.

SPEECH OF HON. A. H. WARD,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

January 19, 1867.

The House having under consideration the bill (H. R. No. 543) to provide for restoring to the States lately in insurrection their full political rights—

Mr. WARD, of Kentucky, said:

Mr. SPEAKER: A novice and almost a stranger upon this floor, I congratulate myself that I bear no scars inflicted by any member of this House, and no one can complain of any inflicted by me. I have heretofore engaged in no war of words, and do not therefore need the kind offices of the Reconstruction Committee.

It occurs to me that if the politicians of the country would teach and practice God's law of kindness instead of inculcating the doctrines of hate and vengeance between man and man and between section and section, you might discharge your joint Committee on Reconstruction; its occupation would be gone.

I find myself, Mr. Speaker, in a novel position in being called on to resist and condemn involuntary and compulsory secession. The people of the South in 1861, believing they had a right to secede from the Union, undertook to do so. This movement I opposed, because I then thought they were wrong. I did not think secession and rebellion could possibly remedy the evils complained of, but would be the fruitful source of incalculable and perhaps incurable mischiefs. The bill under consideration assumes that ten States, with a population of ten or twelve million white citizens, are out of the Union, foreign States, and their people aliens.

The distinguished gentleman from Pennsylvania [Mr. STEVENS] announces the startling fact that four years of war was prosecuted by the Government to turn ten States out of the Union and to make all of their white inhabitants slaves and aliens; not only so, but it is contended and asserted in the bill under consideration that these ten States have lost their State governments by the war.

Mr. Speaker, I have been taught to believe that the Constitution framed by our fathers invested Congress with the power to admit States into the Union, but gave that body no power to turn States out. The same great charter confers upon Congress power to pass uniform naturalization laws, but gives no power to destroy citizenship acquired under them. How, then, can Congress make aliens of native-born citizens? These southern States fought four long years to get out of the Union, and the contest was carried on by the Government of the United States to keep them in. This was what our bravest and best soldiers of the war fought for; they did not fight to turn these States out of the Union, nor to make aliens and slaves of the white people of the South. No one dared to announce such an infamous purpose as this. Gentlemen did not even dare at the commencement of the war to say that it was waged to free the negroes, who now boldly assume that it was waged to turn States out of the Union, to destroy their State constitutions, and to enslave their white population. I assume, Mr. Speaker, that the Constitution provides for the admission of States into the Union, and successful revolution can alone open the door for their exit.

It is true that the relations of these States to the General Government were suspended during the late unhappy war; but its successful termination at once restored the authority of the Constitution over all their territory and people. These ten States certainly were States before the war; if they are not States now, what are they? Certainly not Territories; no territorial governments have ever been or could be properly provided for them: and if their citizens are not citizens of the United States I would be obliged to the author of this bill if he will tell me of what country they are citizens?

In the exaction of all their duties to the General Government on the part of these ten States this Congress has repeatedly recognized them as such.

Mr. Speaker, the nation needs and must have repose; the war is over, but the whole surface of society is covered with frightful wounds, which must be healed. You cannot heal them by irritation nor by vindictive legislation. We must have peace, substantial, healthful peace; this can only be obtained by the speedy and complete restoration of all the white citizens of the late rebellious States to equal rights under the Constitution and laws. But gentlemen say that the people of these ten States cannot be safely trusted with a voice in the Government of the country, because they are disloyal. It seems to me a very important truth is overlooked in this line of argument. It is this: the people of the South did not make war upon our republican form of government nor seek to destroy it; they only sought to make two republics out of one. They are now and have been all the time as much attached to our system of free republican Government as those who abuse them for disloyalty.

Mr. Speaker, it seems to me that if gentlemen wanted to make these people hate our Government they could not devise a measure better calculated to accomplish that object than the one under consideration. It is natural for the citizen to love a good Government, which affords him perfect protection and perfect equality; but by what sort of reasoning do you expect him to love a Government which denies him every right of a freeman and degrades him by making him subservient to his former slave; and all this is accomplished by this bill in the most outrageous and odious manner. By its terms you declare all the white people of these ten States aliens, and at the same time, by the amendment of the distinguished gentleman from Ohio, [Mr. SPALDING,] you suspend the writ of *habeas corpus* in reference to these foreigners and proclaim martial law over all of these ten States.

Mr. Speaker, such a system of legislation as this must inevitably destroy the national credit and lead to national bankruptcy and ruin, and I fear its legitimate end will be frightful, bloody anarchy and final despotism. There is no rebellion now, no invasion threatened; the public safety is not endangered; then why suspend the writ of *habeas corpus* and proclaim martial law? Sir, we have had too much martial law already; in its practical operation it is military despotism.

Mr. Speaker, I honor the true soldier who perils his life in defense of constitutional liberty; but I would greatly prefer to meet him with the olive branch in his hand instead of the sword, dripping with the blood of his own countrymen. I want to see no more civil wars. I want to see my whole country united, prosperous, and happy.

Mr. Speaker, what is our condition at the end of this unhappy war? We have a debt of nearly three thousand million dollars hanging over the nation; and it will require the untrammeled brain and muscle of every man in America to pay it. What does the measure now before us propose? It not only proposes to make slaves of nearly one third of the white population of the United States, but it absolutely proposes an experiment which will cost this nation untold millions of treasure. If the gentleman from Pennsylvania [Mr. STEVENS] or any other gentleman supposes that you can enslave ten or twelve million white people in the United States of America in this nineteenth century without the expenditure of a vast amount of blood and money, he is most egregiously mistaken.

Now, sir, what is the true policy of the Government in regard to these people? A nation cannot prosper unless its individual citizens are prosperous. When every individual is perfectly protected in his life, liberty, and property, he then invests his labor to advantage: he crowns his domestic board with plenty and accumulates a pile of surplus from which a rill of gold flows into the public Treasury.

Now, suppose you admit all these southern people to equal rights under the Constitution and laws; give them their representation here; do not thrust the hand of the Government into their pockets to take their money to sustain the Government and refuse them representation; let them come here and have an equal voice in making the laws under which they are to be taxed, and they will help you to pay the public debt.

I understand the distinguished gentleman from Pennsylvania to be opposed to closing the rebellion. He wants to put an appendix to it. He wants to continue it until he, with the aid of others, can make a "perfect Republic." Now, let us see how this is proposed to be done by the measure under consideration.

I will concede at the commencement of the argument upon this question that every man, not only in the United States, but every human being upon the face of God's earth, ought to be free, provided he is capable of governing himself; and I say, at the same time, that the man who governs himself is free, and that he who is governed by somebody else is a slave, be he white or black.

Now, I say, Mr. Speaker, that this proposition undertakes to regulate man's right of self-government in the following manner, as provided in sections four, five, and six of the bill under consideration. The fourth section provides—

That the persons who shall be entitled to vote at both of said elections shall be as follows: all male citizens above the age of twenty-one years who have resided six months in said State and ten days within the election district; and no person shall be deprived of the right to vote, or otherwise disfranchised, by reason of conviction and punishment for any crime other than for insurrection or treason or misprision of treason.

The sixth section disfranchises every man who renounced his allegiance to the United States and swore allegiance to the confederate government. But let us look at the proviso. It provides—

That on taking the following oath the party being otherwise qualified shall be allowed to vote and hold office:

I, A B, do solemnly swear, on the Holy Evangelists of Almighty God, that on the 4th day of March, 1864, and at all times thereafter, I would willingly have complied with the requirements of the proclamation of the President of the United States, issued on the 8th day of December, 1863, had a safe opportunity of so doing been allowed me; that on the said 4th of March, 1864, and at all times thereafter, I was opposed to the continuance of the rebellion, and to the so-called confederate government, and voluntarily gave no aid or encouragement thereto, but earnestly desired the success of the Union and the suppression of all armed resistance to the Government of the United States; and that I will henceforth faithfully support the Constitution of the United States, and the Union of the States thereunder.

These are qualifications for suffrage embraced in that section. But there is another section on the same subject. The fifth section reads as follows:

***And be it further enacted*, That the word citizen, as used in this act, shall be construed to mean all per-**

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sons born in the United States or duly naturalized. Any male citizen above the age of twenty-one years shall be competent to be elected to act as delegate to said convention.

The fourth section of the bill provides that no person shall be debarred from exercising the right of suffrage on account of having been convicted of any crime.

Now, what is the effect, I ask you, of these provisions? Why, sir, in the first place every man who ever committed manslaughter, rape, arson, or burglary, and was thus rendered infamous and disfranchised by a judgment of conviction, is to be a prominent and qualified voter in the reconstruction of these States. And not only that. There is the temptation held out in the proviso to the sixth section to every man in the confederate States to commit perjury. The man who went into the rebellion from interested motives, or a mere camp follower, may take this oath, while the man who thought he had a right to secede and who fought honestly and manfully to carry out that idea will not take it, because he cannot do so truly; he will not perjure himself. You will catch all who will swear falsely, and you will lose all who have integrity enough to swear truthfully.

In addition to that, what do you get under the suffrage regulations of this bill? You get the votes of all the negroes, the votes of men who have learned the science of self-government in the school of slavery for nearly two hundred years. You get the convicts of the penitentiary, all of the jail-birds and unpardoned scoundrels who prey upon society, the men who would perjure themselves by swearing they were opposed to the cause for which they were fighting; and this is what the distinguished gentleman from Pennsylvania calls a perfect Republic. All of the people who have honesty enough to say what they are and what they have been, are disfranchised. And this is the perfection of a Republic in the estimation of the distinguished Pennsylvanian.

But how does the thing work if you look at it a little further? The constitution is to be made in this manner: Congress is to elect three commissioners who are to select judges of election; and I suppose they will select them without distinction of race or color—bound to do it. I suppose that they will be guilty of a violation of the sentiment which seems to prevail in this House if they make any distinction as to race or color in the judges. I suppose the judges must be loyal, and of course they will be of the colored race. Now, these gentlemen sit there as judges of the election with the Army of the United States at their back to keep the peace at the polls, as gentlemen say. Sir, we have had some of these peace-makers at the polls in Kentucky, and God forbid that we should ever see such peace-makers again. They were put at the polls for base and infamous partisan purposes; they were put there to disfranchise the free, qualified voters of my State.

Now, these negro judges will sit and hold this election, backed by the United States Army. That is rather an elevated position for the new-made freedman; the *habeas corpus* suspended, martial law proclaimed, the Army at the back of the negro conducting an election to reconstruct States. [Laughter.] I suppose the Freedmen's Bureau men will have something to do with it as it progresses. Now, look at it. Congress finding the negro incapable of self-government, passes an act creating the Freedmen's Bureau to govern him. Congress controls the Freedmen's Bureau, the Freedmen's Bureau governs the negro, and the negro, with the United States Army at his back, governs the white men, [laughter;] and this is what the gentleman is pleased to call a perfect Republic. [Laughter.]

Why, sir, I hope I may be pardoned for alluding to a caricature that I once saw. It was a picture of an old lady flourishing a broomstick over the head of her husband, with a negro in the background holding a dog by the neck, and flourishing an uplifted lash, with these words issuing from the mouth of the darkey: "Missus whips massa, massa licks me, and so you infernal dog I gib you de debbil." [Great laughter.] Congress backs the Freedmen's Bureau, the bureau backs the darkey, and the negro gives the white man the devil, [renewed laughter;] and this is your perfect Republic!

But gentlemen undertake to say, when this constitution is thus formed and presented to Congress, Congress are to pass upon it, and say whether they will approve it or not, or whether they will make it over again. Do gentlemen assume that Congress has power to make a constitution for a State or Territory either? I deny it. There is not a vestige of authority for it anywhere. There is not a line in the Constitution, which is the great charter, that authorizes Congress to make a constitution for a State. The States have the right to make their own constitutions, to alter or amend the same as they please. Congress only has the power to guaranty to the States republican forms of government; and if you confer this power upon the negroes of the ten States it is very likely they will exercise it in their own way.

Now, the gentleman from Pennsylvania really contemplates that at some future day in the dim distance these people of the seceded States are to be restored. Suppose that Cuffy, when he comes to make a constitution, shall think better of his former master, and should happen not to hate him so bitterly as the author of this bill seems to do, and shall make a constitution declaring that all of the white men over twenty-one years of age shall vote without being naturalized, will you reject his constitution on that account? Why, sir, how long, I would like to know, do gentlemen propose to keep these people of the seceded States out? How long do you think it is necessary to keep them in a state of bondage before they will learn to love the authors of their oppression and graduate in loyalty and the science of self-government?

The rule adopted in regard to the negro is, that he is eminently qualified and has learned to be perfectly fitted for freedom by a probation of two hundred years in slavery. Do you propose to hold the white population of these ten States in a preparatory state for two hundred years? Or how much short of that will you stop? You intend finally to restore them; you think that having felt the chains of bondage around his neck and the manacles upon his wrist the white man there will have learned to love a Government which should owe its strength to the approbation and consent of those governed by it. You propose to teach him to love the Government by smiting him through that Government; you undertake to make him loyal by persecuting him. You undertake to punish a man who has been pardoned for all his political sins; and this is the perfection of a republic.

Now, I am glad the gentleman from Pennsylvania [Mr. Stevens] proposes at some time to restore these people. I am one of those who think that the longer a man is free the more capable he becomes of being free and exercising the rights of a freeman; and the longer you keep a man in bondage, the more likely he is to remain in bondage and the less capacity he is likely to acquire to throw off his bondage. When a man is free I am in favor of keeping him free. But these gentlemen here say that at some future time they intend to let these people come back.

There was a man who once came to my neighborhood and preached what he called the doctrine of restoration in reference to a better and higher world. He said that all sinners would finally be restored to the enjoyment of paradise, and be permitted to walk the streets of the New Jerusalem; but he said they would first have to go to the place of perdition, the pit that burns with fire and brimstone, and stay there until they had expiated all their sins. An old man who was present and heard him, one who was noted more for his straightforward and blunt language than for his piety, got up and said: "Why, brother, after I have been in that sulphur and fire burning long enough to have all my sins burned out of me, don't you think I would be a d——d pretty singe cat to go to heaven?" [Great laughter.] And that is what the gentleman is pleased to call a perfection of the Republic.

Mr. WASHBURN, of Indiana. I would like to ask the gentleman if the preacher Nasby lives in his district? [Laughter.]

Mr. WARD, of Kentucky. I have always understood that he came from Indiana. [Roars of laughter.]

Mr. Speaker, the proposition under consideration not only proposes to dissolve the Union, but it proposes to dissolve it prospectively and indefinitely: it not only proposes to break up the Union now, but it proposes to lay the foundation for breaking it up indefinitely hereafter. It is assumed that the majority of Congress can do pretty nearly everything. I thought when I came here, having occasionally read the Constitution of my country, that the Constitution of the United States, like the fiat of the Great Creator of the universe, who, when He divided the sea from the land, said to the sea "Thus far shalt thou come, and no further"—I thought the Constitution of the United States absolutely restricted the power of legislation; yet some gentlemen here seem to think they can do almost everything. They assume that they can not only expel ten States from the Union at one blow, but also lay the foundation for their indefinite exclusion at the pleasure of the majority of any future Congress.

There is a provision in this very bill which says that if the right of suffrage and any other rights be in any manner restricted or denied by any of these States to the negro then that State shall be excluded from its representation upon the floor of Congress. Is it possible that such a precedent as that is to be established here? Suppose that the majority should be the other way, and not be, as it is now, in favor of New England and New England ideas. New England is now the largest slave-owner in the world, and under your tariff system all of the other States are her tributaries. These southern States are not considered republican in form because they once held slaves. And New England leads the van in this war upon the southern people. Yet New England to-day claims to own ten or twelve million white slaves; and the gentleman from Pennsylvania [Mr. Stevens] says she obtained them by conquest. Now, is it possible that a free republic can fight to make ten or twelve million people slaves and still be a free Government? Can a republic make ten or twelve millions of its own citizens slaves by conquest? No, sir; to do that would be simply an act of suicide. Suppose, then, that there should be a majority here that would differ with the present majority in this House; and suppose they should undertake to say that New England, having at this particular juncture of affairs claimed to be the owner of ten or twelve million white people, and, therefore, her government was not republican in form, and therefore that a majority in Congress should say, "You must walk out!" that Congress would have as much right to turn her six States out as you have to say these ten southern States are out now.

I ask gentlemen to pause before they indulge in this kind of legislation. What are to be its effects upon the country? You undertake to hold these people in bondage, at an expense of one, two, or three hundred million dollars per annum. You establish a system of martial law. I believe the estimates of the Army and Navy reach about one hundred million dollars for the current year. If you carry out your

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system of martial law and suspension of the *habeas corpus* and your negro governments at the South, you will need at least $250,000,000 annually. I ask you whether the toiling millions of this nation are prepared to pay $250,000,000 per annum for the exceeding great luxury of holding our own countrymen in bondage, and this, too, while a national debt of about three thousand million dollars is hanging like a millstone round the nation's neck, and the people already overburdened with taxation to pay it? Can this scheme be carried out iff the critical condition and peculiar character of the currency? What sort of a currency have you? About three hundred million dollars of the circulation of the national banks, based upon what? Simply upon the nation's promises to pay, the interest which the Government pays upon its bonds being the only metal that enters into the arrangement. Three hundred million dollars of circulation, and a few pitiful thousands upon which to sustain it! Why, sir, here you have a pyramid inverted, with an exceedingly narrow apex. What upholds it? Nothing but the atmosphere of popular confidence in the public credit. Carry out your revolutionary schemes; pursue your experiments with the liberties of the white people of this country, at the expense of two or three hundred million dollars per annum, and I ask you how the people can be expected to have confidence in your credit. Suppose this fabric topples over, what becomes of the Government securities? Your bonds become worthless; all the material interests of the country are damaged and almost destroyed. Yet gentlemen are asking us to pass this bill under the idea that it makes the Government a perfected Republic.

Now, Mr. Speaker, I am opposed to this whole system of legislation which has for its object retaliation and vengeance. The nation cannot afford to indulge in it. It is too expensive, not only in money, but it may cost the whole nation its safety. I implore gentlemen to abandon it. It is said by the distinguished gentleman who proposes this bill that, if we regard this measure as one of punishment, these people have deserved it. Gentlemen are all the time saying that treason must be made odious. They cling to the idea of punishment. It seems to me that war—a civil war like that through which we have passed—brings its own punishment. What more do you want than the punishment which the war has inflicted? The commerce of the southern people has been destroyed; their towns and cities have been burned; their fields desolated and stained with blood; wives have been widowed and children made orphans; and amid the desolation they are threatened with famine and crying for bread. Yet gentlemen say, "Revenge, crucify, punish—still punish."

"Alas, for the rarity
Of Christian charity
Under the sun!"

These children cry for bread, and you give them vengeance. You not only refuse to feed the body—you absolutely refuse to feed their minds. A few days ago there was passed in this House a resolution denying to the States lately engaged in the rebellion the scrip that was appropriated by Congress to educate the children. "God said, 'Let there be light!'" but this House says, by its vote, "Let darkness prevail!" You are in favor of darkness, because you shut out intellectual light. You propose to "make treason odious" by punishing the poor children and shutting the light of education from their minds. I ask gentlemen whether they expect to restore the Union by such legislation. Why, this is only one specimen of it. In my own State, and in the other border States, commissioners have been appointed by this Government to value the slaves that were enlisted in the Army of the United States. By a bill which has recently passed both Houses of Congress those commissioners are to be suspended in the exercise of their functions, the money is to be held, and the obligation, I suppose, finally repudiated. It seems to me repudiation—nothing but repudiation; although this House, in conjunction with the Senate, originally passed a law, before the negroes were enlisted, proposing to pay their former masters for them, they did it by solemn enactment, and afterward, at the last session I believe they reënacted the law and said it should be paid to the loyal owners. But now what have you done? When you want to uphold the nation's credit, when you want to restore the confidence of the public, you set the example of repudiation. A great nation cannot preserve its respectability among nations unless it pays all of its just debts. "Pay what thou owest" is the law of God and the law of the land. The nation ought to pay, and ought not to set the example of repudiation. I warn gentlemen on that subject. If you expect the people to be satisfied with the Government and uphold it, if you will make it strong and make peace permanent, you must not commence by repudiating what you owe the people of certain States and then turn round and tax them for what is due to you. You must pay all justly and fairly, or else repudiate all. The laws of the land must be executed fairly and justly; and I hope this House will reconsider that subject, and in some shape reassert its purpose to pay what it owes our people whose slaves enlisted in the Army.

Mr. Speaker, I have experienced some difficulty in making myself heard on account of severe cold and hoarseness; but I felt constrained by an imperative sense of duty to enter my solemn protest against the passage of this bill, believing as I do that if the provisions of this measure and others now pending in this Congress of a similar character be carried out the nation's credit must be destroyed, the Government securities rendered worthless, and the stability of the Government rendered so uncertain that capital will seek a safer place of investment, and I greatly fear that our free Republic, of which we have all felt so proud, will be converted into a military despotism at no distant day.

Mr. Speaker, I promised to give my friend from Ohio [Mr. LE BLOND] a few minutes of my time, which I now cheerfully yield to him.

Reconstruction.

SPEECH OF HON. L. S. TRIMBLE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

January 21, 1867.

The House having under consideration the bill (H. R. No. 543) to provide for restoring to the States lately in insurrection their full political rights—

Mr. TRIMBLE said:

Mr. SPEAKER: If I know the feelings of my own heart, I entertain a sincere and honest desire to see a thorough restoration of all the States to all their rights under the Constitution. I am in favor of peace, and wish to see every interest of the country prosper. I believe

"Peace hath her victories
No less renowned than war."

More glorious because they are bloodless, deriving their highest luster from the numbers saved instead of slain. Hence I am not in favor of the passage of the bill now under consideration or the substitute of the gentleman from Pennsylvania, [Mr. STEVENS;] for I believe under them we cannot have peace, that under them every right of the States and every right of the citizens of those States embraced by their provisions will be trampled under foot.

The bill declares, in the first place, that the ten States of the South are out of the Union, denies them representation upon this floor or a voice in their State governments, and proposes to establish in lieu of the governments now in those States governments to be set up and put in operation by Congress, through the agency of commissioners and military despots with no responsibility to the people, disfranchising a large portion of the people of that section. The most intelligent and best citizens are to be reduced to serfs. I ask where is the authority, where is the power, under the Constitution of the United States to so treat these people?

The people of the South attempted to get out of the Union by and through secession; did they succeed? Was secession triumphant, and did they, by the act of secession, dissolve the Union? If they did not, then will this Congress, and by this very act break up the Union and place the people of the South where they could not place themselves by secession or by revolution? The illegal and unconstitutional acts of the northern States, with the attempt on the part of the southern States to establish a government of their own, did not and cannot dissolve the Union. This unnecessary and cruel war cost this Government six thousand millions at least of treasure and an amount of blood unparalleled in the history of human warfare. But that did not take them out of the Union. But, sir, if this bill shall become a law, in my opinion it will bring upon the country another civil war with all its direful consequences; and I fear it may cost us as much blood and treasure as the late unfortunate struggle, ending in a total disruption of the Union and loss of the liberties of the people. I ask members to pause and reflect before passing this act. The step once taken it may never be in your power to recall it, and I appeal to you to stay your hands, do as you would have others do unto you, and give to these people the rights you claim for yourselves, to which they are equally entitled under the Constitution.

Now, sir, under what authority, under what clause in the Constitution, do you find any warrant for this bill? Not even under the constitutional amendment that is now pending and unaccepted as yet by the people—neither can it be, giving it the votes of all the northern States—can you find a shadow of authority or justice for the monstrous provisions contained in this bill. In the first place it puts upon trial ten States of this Union, arraigns them at the bar of Congress, adjudges them guilty of high crime, and denies them all rights, including those that are inalienable. They are not heard; they have no representation here; they have not the benefit of counsel, no one to plead their cause. By this act you dissolve their connection with the Government of the United States, blot them out of existence as freemen, and degrade them to the condition of negro Commonwealths.

The war did not destroy the States. It was carried on by the Government, as you solemnly declared, for the avowed purpose of maintaining the Union and preventing disunion, to preserve the national authority throughout the entire country, to enforce obedience on the part of the revolted States to the Constitution and the laws passed in pursuance thereof. It was so declared in the celebrated Crittenden resolution; it was so declared by Congress again and again; it was so declared by President Lincoln and Secretary Seward. It was expressly declared and reiterated by every speaker in the land who advocated the war that the sole purpose and object of the war was to maintain the Union, not to dissolve and break it up and by it to crucify the States and State constitutions. Without that declared purpose I do not believe the support that was given to it could have been wielded in the manner that it was.

Besides, Congress has recognized these States as States from the beginning of the struggle up to the present hour. The very bill that I have before me, and the substitute of the gentleman from Pennsylvania, characterizes them as

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States. Congress by the act of the 4th of March, 1862, so recognized them, and to-day this House recognizes that act, as follows:

"That from and after the 3d day of March, 1863, the number of members of the House of Representatives of the Congress of the United States shall be two hundred and forty-one, and the eight additional members shall be assigned one each to Connecticut, Ohio, Kentucky, Illinois, Iowa, Minnesota, Vermont, and Rhode Island, approved March 4, 1862."

Fixing two hundred and forty-one as the number of members of this House, only one hundred and ninety-one hold seats here. Thus admitting by the law, as it now stands, that South Carolina is entitled to four Representatives, North Carolina to seven, Virginia to eight, Mississippi to five, Alabama to seven, Arkansas to three, Louisiana to five, Florida to one, Georgia to seven, and Texas to three; but by your action overriding this law and the great constitutional right of representation. This act declares that the lower House of Congress shall consist of two hundred and forty-one members; we have upon this floor to-day less than that number by fifty. Besides this, you were fearful the President would not send this amendment to the southern States, and you passed a resolution instructing the President of the United States or your clerk to send to each of the States of this Union the proposed amendment to the Constitution for their approval. No one has ever yet declared here, so far as the action of the southern States is concerned, any objection to their ratifying amendments that suit the purposes and objects of the party in power.

If I recollect, during the last session of this Congress in the midst of a speech of some gentleman, (I believe the gentleman from Pennsylvania, who was arguing at that time these States were dead,) he was stopped while a telegram was read from the Governor of Alabama announcing the pleasing intelligence to the majority here that that State had passed the constitutional amendment and desired to be counted as the twenty-seventh State. That was received by members all over the House with plaudits and cheers, thus recognizing the right of the State of Alabama to pass upon this question. And the same doctrine was enunciated to the country upon the adoption of that amendment by the State of Alabama.

So all the time throughout the discussion and excitement upon this question, the southern States have been recognized as States. Why Louisiana, Tennessee, and other States had Representatives upon this floor long after the outbreak of the war; and the distinguished gentleman who now occupies the White House was a Senator from the State of Tennessee, and was nominated by the party in power as Vice President while the war was in progress. If those States are out now, Tennessee was certainly out then. You are committed, in my judgment, to the doctrine that these States have never been out of the Union. And I defy your power to put them out in the manner proposed.

I take it that if there is any constitutional authority or power anywhere to pass this bill, it is to be found in the Constitution itself, and not in the last amendment proposed that is now pending; because I suppose no one will claim or assert here that that amendment as it now stands has passed. It is defeated as it stands before the people of the United States to-day. To ratify it requires the vote of three fourths of the State Legislatures. It has been submitted to all the States. The existence of the southern States as members of this Union has been recognized by the Executive and by Congress, and cannot be denied successfully before the Supreme Court of the United States, or any other tribunal in the United States, in my opinion. It has not received the sanction of enough States to entitle it to become the organic law of the land. If it had, this bill would be in plain and direct violation of that amendment itself, because that amendment declares that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside," and that "no State shall make or enforce any law which shall abridge the privileges or immunities of any citizen of the United States," &c.

That is the amendment; but this bill proposes to disfranchise three fourths of all the white people of the South and degrade them to the position of slaves, denying them a voice in the affairs of their States or to be represented in the councils of the nation. I say that this bill is a plain violation of that amendment of the Constitution, because under this bill all persons are disfranchised who come within the provisions which I will now read. It is as follows:

SEC. 6. *And be it further enacted*, That all persons who on the 4th day of March, 1861, were of full age who held office, either civil or military, under the government called the "confederate States of America," or who swore allegiance to said government, are hereby declared to have forfeited their citizenship and to have renounced allegiance to the United States, and shall not be entitled to exercise the elective franchise, or hold office, until five years after they shall have filed their intention or desire to be reinvested with the right of citizenship, and shall swear allegiance to the United States and renounce allegiance to all other Governments or pretended governments.

Who, I ask, can vote under this clause? Can any honest native of the South? The object and purpose of this last constitutional amendment was to prevent the disfranchisement of the black race or to endow them with the right of suffrage. But the object and purpose of this bill is to give the right of suffrage to the blacks and to disfranchise the whites.

Now, if that amendment to the Constitution is the law for the party in power, and it was the party cry upon which you went to the country at the last election, why, I ask, do you come here now and seek by the provisions of this bill to disfranchise three fourths or four fifths of the white population of the South? Is not that making a discrimination between races? But I suppose that that is all right if the discrimination is against white men, in the estimation of the majority here.

What else do we find? We find that this is a bill of attainder and an *ex post facto* law. By its provisions you try these people, condemn, and execute them in their absence. It not only destroys them as States, but it ruins them as individuals and deprives them of their rights as freemen. The constitutional amendment says:

"Nor shall any State deprive any person of life liberty, or property, without due process of law."

Now, if a State has not the power to do this, to deprive a citizen of life, liberty, or property without due process of law, where is there authority in the Federal Government to thus deprive the people of the South of the dearest right of freemen, the right of suffrage? Sir, you may take my land; you may take my slaves and everything else I possess; but all that dwindles into insignificance when compared with this monstrous outrage, depriving me of the inalienable right of the American citizen, the right of suffrage. In God's name leave me a freeman not a slave!

What does this bill do further? It fixes the conduct of elections in the hands of the military and of commissioners appointed by Congress. It overrides that provision of the Constitution of the United States which declares that—

"The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for the most numerous branch of the General Assembly."

The right of the people to manage their own affairs by means of State organizations is one of the rights which in my judgment never was surrendered to the Federal Government. And the only power possessed by Congress or by the executive department is the power expressly delegated by the Constitution itself. The Constitution says:

"All powers not delegated by the States to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

When did the States of Virginia, North Carolina, South Carolina, and Georgia, four of the original thirteen States, surrender, by constitutional amendment or otherwise, to the Federal Government the right to say who shall be entitled to the right of suffrage in those States? They never did surrender that right; and Congress has no such power under the Constitution of the United States. To do so will be usurpation and despotism.

Sir, is this the sort of government contemplated by the Constitution of the United States, which declares that it shall be the duty of the Federal Government to protect and defend the States in the exercise of a republican form of government? Is it republican to deprive these people of the right of suffrage, of any voice in their local affairs? I ask you further, if it is just and proper that the people of the South shall be disfranchised as it is proposed to do by the provisions of this bill, while the millions of recently emancipated slaves in that country should be endowed with the highest title of sovereignty? Is it fair and right to bestow this right upon them and deny it to the descendants of Lafayette and Kosciusko who may come to this country until they shall have been here five years? Is the freedman better qualified to manage the affairs of this country than the intelligent foreigner? If not, then why make the foreigner go through a schooling or training of five years before he is endowed with the right of suffrage, or why should that right be denied to the free-born white citizen of the United States?

I have ever believed that the perpetuity, the very existence of this Government depends upon the intelligence and patriotism of those upon which the duty falls of controlling its destiny through the ballot-box. If you would preserve the Government in all its purity and integrity, you should preserve the elective franchise, and place it in the hands of those competent to wield it to the honor and safety and dignity of the Government. Have we any evidence going to show that we should continue to prosper under the state of affairs proposed by this bill, with the ruling classes heretofore now made subservient to their former slaves, and the slaves placed in power over them? I tremble for my country when I contemplate the possibility of this proposition being carried into execution. As I already have said, I appeal to members here to pause before they commit this fatal mistake, before they make this stab at the very existence of our Government as ordained by our fathers. I desire to see it protected and perpetuated for all time in all its justice and purity.

What else do we find in this bill? We find that according to the provisions of this bill when this Union shall have been restored its continuance will depend upon the whim and caprice of any State. According to this bill should its provisions be violated by any State that State is to be sent back to the condition which it now occupies, the condition of being virtually out of the Union—taxed, but denied equality and representation. Now, is that constitutional, is that in accordance with the ideas of those great men who ushered into being this great and glorious Government of ours under the Constitution? Did they ever suppose that the right of any State in this Union, and especially of any of the States that made the Constitution itself, would ever thus be put in jeopardy? I do not believe it; no sane man or jurist ever did believe it heretofore.

Nor do I believe, Mr. Speaker, that if this bill ever becomes the law of the land it will be allowed to remain upon the statute-book for twelve months. Whenever reason shall have

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resumed its sway, the people who are now so anxious for the passage of this bill will see the workings of it, and will with their own hands obliterate it from the statute-book with the seal of their condemnation and that of every friend of law and of order.

What further do we find in this bill? An amendment was offered by the gentleman from Ohio, [Mr. SPALDING,] and accepted by the gentleman from Pennsylvania, [Mr. STEVENS.] That amendment is as follows:

And be it further enacted, That from and after the passage of this act, and until the said States in rebellion shall be admitted to representation in Congress as aforesaid, the provisions of the writ of *habeas corpus* shall be suspended in Virginia, North Carolina, South Carolina, Georgia, Florida, Texas, Alabama, Louisiana, Mississippi, and Arkansas; and said districts of country are hereby placed under martial law for and during the whole term aforesaid.

Just think of it. This country is to be again placed under martial law, and that, too, at a time when there is profound peace, when the laws are being executed from one end of this country to the other, and as well executed in the southern States, I have no doubt, as in any other portion of the country. And that is to be done in plain violation of the Constitution of the United States, which each one of us upon this floor has sworn to support. You object to governments and officers elected while martial law prevailed in the South. The opposite side of the House are estopped from objections on that ground: after giving their countenance and aid to elections in my State, held by the military in 1863, electing members to Congress, without whose votes you could not have passed the first amendment, in open and known violation of the will of the legal voters of that State.

The Constitution declares that—

"The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it."

Why, sir, this very bill speaks of those States as "States lately in rebellion." No man asserts, because the facts will not warrant him in doing so, that those States are in rebellion to-day. Eighteen months or more have passed since the last armed confederate laid down his arms. Peace has prevailed from one end of this country to the other. Yet, in the face of this fact, we have this monstrous proposition—to declare martial law in ten States of this Union; and in making this declaration we, in my judgment, step upon the mangled ruins of the Constitution; for the Constitution plainly gives this power neither to the executive nor the legislative department of the Government. In this position I am sustained by the highest tribunal in this land. Let me read two short extracts from the opinion of the Supreme Court of the United States in the celebrated case of *ex parte* Milligan and others.

"No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen, when charged with crime, to be tried and punished according to law. The power of punishment is alone through the means which the laws have provided for that purpose; and if they are ineffectual there is an immunity from punishment, no matter how great an offender the individual may be, or how much his crimes may have shocked the sense of justice of the country or deranged its safety. By the protection of the law human rights are secured: withdraw that protection, and they are at the mercy of wicked rulers or the clamor of an excited people."

"Time has proved the discernment of our ancestors, for even these provisions, [referring to the provisions of the Constitution designed to protect the personal liberties of the people] expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than seventy years, sought to be avoided. Those great and good men foresaw that troublous times would arise when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of Government. Such a doctrine leads directly to anarchy or despotism; but the theory of necessity on which it is based is false, for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority."

I am admonished why read from the Constitution or decisions of the highest tribunal in the land to a body whose voice can make and overthrow constitutions, executives, and the courts.

Under the Constitution the people of the South have the right, if they are accused of any crime against the Government of the United States, to be tried by a jury; for the Constitution declares that—

"The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed."

With the same regard for the rights of the citizen when accused of crime, the Constitution provides that—

"No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law."

These constitutional provisions are the shield behind which the humblest citizen of the South can stand, and, in my humble judgment, protect himself from the operation of the provisions of this bill. I believe that this protection will be given by the courts under the Constitution.

Much complaint has been made because the Legislatures of the southern States have not adopted the constitutional amendment submitted by Congress at the last session. I think myself that the southern States have already adopted one amendment too many. I trust that they will not adopt another. Why has any one the right to complain because those States refuse to adopt a proposed constitutional amendment? Why is an amendment submitted to those States unless it is expected that they shall exercise their free choice in regard to its ratification or rejection? If it is foreordained that a particular proposition for amendment shall become the law of the land, why go through the mockery of submitting to the people of the South a proposition upon which they are to exercise no freedom of choice? Why should not the southern States exercise the right to determine such questions in the manner which they deem to be demanded by their interests or self-respect? I would not ask Massachusetts to accept an amendment changing the organic law of the land unless that old Commonwealth believed that the adoption of that amendment would conduce to her interests and promote the welfare of the entire country. Nor would I ask the people of the South to accept an amendment which, in my judgment, barters away the rights and liberties of the best, the most intelligent portion of that entire country.

In my view there can be no doubt that this bill in its present shape comes within the definition of a bill of attainder and *ex post facto* law. It proposes to make criminal retrospectively acts which were not criminal at the time of their commission. It proposes to inflict punishment upon those whose guilt, whatever it may have been, has been wiped out by the pardoning power of the President of the United States. Three fourths or more of the people of the southern States have been, under the amnesty proclamation of the President of the United States, (about whose power in the premises there can be no question,) relieved from all the pains and penalties to which they were liable by reason of their participation in the late rebellion.

Attainder is the stain or corruption of blood which arises from being condemned for any crime. When and where, by what court and jury, were these people tried by law and found guilty? You have not tried Jefferson Davis nor convicted him, neither do I believe you can under the Constitution and laws.

They are free from that offense so far as the Constitution of the United States and the pardoning power can free them; and that frees them to all intents and purposes, in my judgment, as any man could be freed from any past offense. If that be so, I ask, then, if this bill is not a bill of attainder, and *ex post facto*?

And the only authority that exists, in my judgment, either in the national Government or in these States, to deprive any free-born white citizen of Texas or of South Carolina of any of the constitutional rights I have enumerated is by trial and conviction by a jury of that State for the commission of some offense the penalty for which has been fixed by law prior to its commission.

By the Constitution certain duties were imposed upon the several States, and the exercise of certain of their powers was restrained, which implied their continued existence as States. But to remove all doubt an amendment was added which declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. The reserved rights of the States are treated by this bill as nullities, not worth the paper on which they were written.

I have ever believed and sincerely believe to-day that the only way or hope to save this Union and preserve the life of the nation will be to preserve inviolate the Constitution. Tell me not that you can preserve my life after you have torn out my heart; it is as idle to talk of preserving this nation by overthrowing her Constitution. Under no circumstance conceivable by the human mind have I or would I ever consent to violate that Constitution for any purpose. I will cling to it as the last hope of freedom, as the bond of unity in the past, as the only practical bond of union in the future, the only land lifted above the waters to which the ark of the Union can be moored. From that ark alone will go out the dove, which shall return bringing the olive-branch of peace and the guarantee of constitutional liberty.

I am for peace, for the Constitution and laws passed in pursuance thereof. It may be a crime; if so I confess it. Already have our quarrels filled the country with mourning, with widows and with orphans that to-day appeal to Heaven for aid and sympathy. Why pursue these unfortunate differences? Let by-gones be by-gones; let us act for the living, with charity to all and malice to none, upon living issues, issues upon which we are to be saved or lost as a nation. I entreat you to pause in your career of madness and folly, of unequal and unconstitutional legislation. Repeal your Freedmen's Bureau bill, your civil rights bill, your test oath; grant a general amnesty; make good your Crittenden resolution; declare to the South and to the world that this is a republican Government in the true sense of that term, that we derive our just powers from the consent of the governed.

Mr. Speaker, by this act you blot out ten stars from that flag now waving over your chair. Desecrate not that flag, I entreat you, by mutilation or by tearing from its folds ten or one single star; let it continue to greet the breezes of heaven as the ensign of thirty-six coequal States united by a just Government, shedding its blessings upon all like the dews of heaven. Let there be one refuge secure from tyranny and oppression; let that glorious refuge be here in the United States of America.

The spirit now dominant in this House and rampant throughout the North not only mock

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at gray hairs and tramples on the lessons of experience, but regards with impatience and ill-disguised contempt every appeal in behalf of the rights of States or the guarantees of that Constitution you have all sworn to support. Stop! stop! says the extreme loyalist. We have had a terrible rebellion, we are fresh from the scenes of carnage and of war where our brothers have been slain. Can this be plead to extenuate or relieve you from your oath and duty to the Constitution of our fathers? No, never. Sir, the fierce bay of the bloodhound on the warm track of his prey devours the calm voice of reason and the soft pleadings of humanity. Who that realizes the moral accountability of nations can doubt that we have fallen upon evil days?

In this great crisis, oh! that some great and good voice that never counseled aught to dishonor or injure this Union would rise, as if from the grave, and expose the specious pretexts on which a further prosecution of this war is now being waged upon a brave and vanquished people.

Sir, they are our brothers. To what end do you further persecute them? Born a few miles south of us, from a common ancestry, with a common inheritance, who indeed formed the Union of these States.

I am frank to say I do not believe that the people who for four long years held at bay and often drove back nearly one million Federal troops can be reduced to subjection (by unconstitutional laws) and the negroes established as the dominant race. If so they have degenerated from their noble ancestors who drove back the British at King's mountain and upon the plains of New Orleans. Sir, if you do not intend to have a Union under the Constitution upon terms of equality you had better at once let the South go in peace, for no brave people ever did or ever will submit long to such taxes and laws as now proposed—virtually slaves without representation. Our forefathers fought for representation. They established the principle by the offering of their lives and their blood that representation and taxation should go together. Is that principle less dear to American freemen to-day? No, sir; it will continue to glow and burn until again enshrined in the hearts of every true American in this land, and woe to the man or party that stands in the way of this inalienable right.

From recent indications the last citadel of liberty, the Supreme Court, must bow to the behests of party. God forbid! Save us from such humiliation! Be it said to the honor of the courts in all ages of the world they were the last to forsake the rights of the citizen. In our own they have not been the instruments used to take the lives and liberties of innocent men and women. May that august tribunal continue with all its power and dignity under the Constitution as the shield and protector of the weak and the innocent through all time.

Reconstruction.

SPEECH OF HON. ELIJAH HISE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

January 21, 1867.

The House having under consideration the bill (H. R. No. 543) to provide for restoring to the States lately in insurrection their full political rights—

Mr. HISE said:

Mr. SPEAKER: If I occupy any time to-night in the discussion of the subject now before the House it will be of course not to enlighten the members here nor to produce any conviction upon the minds of gentlemen united in this House in support of this and other measures to which I am opposed. My only object is to avail myself of this the only opportunity I shall have, I presume, to present some views I entertain on this subject, in order that the facts stated and the arguments urged may go to the country and go especially to my constituents for their information and instruction, if what I may say will furnish any. The reporters will please take down what I have to say as I have no written speech prepared. I am in the habit of relying upon the current of my own thoughts, the spontaneous flow of ideas in my mind, and on the inspiration of the moment for what I may say.

Mr. Speaker, I was asked, in the progress of my remarks on a former occasion, while speaking in the Committee of the Whole, by the gentleman from Pennsylvania, [Mr. WILLIAMS,] who is not now present, and for whose cultivated intellect I entertain a high respect—I was asked whether or not it was my opinion that the fact of the Republican, now commonly known as the Radical, party, had risen into power, whether their advent to power, their obtension of authority, both in the executive and legislative departments of the Government, was a sufficient cause for precipitating the country into a war by the southern States in their acts of secession and their subsequent attempts to establish and achieve their own independence? I instantly answered, in the hurry of the moment, that I thought not, and I would still give the same answer.

Although there had been causes engendering for a great number of years which occasioned strife and animosity between the States in which slavery did not exist and the States in which it did, and which were well calculated to drive the States asunder, although there had in the progress of time been many acts of usurpation of power not granted in the Constitution and many acts of the prostitution for unconstitutional ends of powers which were actually granted for the aggrandizement of one section at the expense of the other, nevertheless I never yet believed in the expediency of resorting to an attempted dissolution of the Union by separate or collective efforts for secession on the part of the southern States or either of them as a remedy or redress for all the oppression, for all the usurpation of ungranted powers and the prostitution of granted powers to their injury. I never believed secession a remedy either lawful or expedient; but if they had not hitherto, if preceding the acts of secession there had not existed any cause for so momentous a proceeding, one fraught with such disasters and calamities, yet they seem now, at all events, whatever may have been their purpose heretofore, or however unfounded may have been the pretext or the grounds upon which the southern States attempted to secede and establish separate governments for themselves, they have ample grounds here now why they should hereafter resist Federal power and Federal domination; that is, provided the atrocious acts of usurpation, injustice, and oppression committed and projected are attempted to be visited upon them.

I am, sir, for giving no cause for a severance of the Federal Union, or for resistance to the authority of the Federal Government; and I am for giving no substantial sufficient cause for revolution or secession. I was opposed to a severance of the Union, so much opposed to it that in fact I have always been in the hope and entertained the desire that the beneficent Government of the United States should be coextensive with the whole continent of North America. I have also further, however, entertained the opinion that unless this Government was administered and conducted within the limits presented in the Constitution, and in the exercise only of the powers granted therein, and to subserve only the ends intended thereby, always respecting the right of self-government and the reserved powers of the States, the Union never could be preserved; but by maintaining such respect for the rights of all sections and all the States of the Union, and by avoiding the usurpation of ungranted and even doubtful powers, the Union may be indefinitely extended and forever perpetuated. The very best mode, the most judicious course for strengthening the bands of union and perpetuating its existence forever would be to respect and carefully observe that wise and celebrated doctrine of President Jackson, to refrain from the usurpation or exercise of any ungranted or even doubtful powers.

These few preliminary remarks bring me directly to the expression of my opinion of the legal status and condition of things now. My opinion, as formerly expressed, has been and now is that there never has been a State yet out of the Union; that the authority exists only to admit States into the Union, and when admitted that all the States in the Union collectively, under the Constitution of the United States, compose a commonwealth of States; that they govern through that Constitution as States; that none but States can govern, and none but States can be governed by the United States. I say therefore that you can admit a State or any number of States into the Union. This power is plenary, full, and unlimited; but there is no power reserved to a State to withdraw, or granted to the United States to expel or eject a State from the Union.

I admit that Governments of every form, whether republics, monarchies, oligarchies, aristocracies, in former times have been overthrown, subverted, and destroyed. Such a thing may occur by one strong Power invading the dominion of a weaker Power and subduing its inhabitants. Such a thing may even occur in constitutional and representative Governments by surmounting to such extent the limitations of power and the lawful manner of its acquisition, and by obliterating in practice the conservative division of authority, so as by repeated acts of usurpation a republic may be converted into a despotism; but it can never legitimately be the case in the United States Government, a Government strictly constitutional, having no right to exist except under a constitutional charter, from which alone it derives all its powers (strictly defined and limited by special grants) to perform any governmental act.

Mr. SCOFIELD. Will the gentleman allow me to ask him a question?

Mr. HISE. I will with pleasure if it will not take much time.

Mr. SCOFIELD. Suppose the confederate States had succeeded——

Mr. HISE. It would then have been a successful revolution.

Mr. SCOFIELD. The gentleman has not heard my question. Suppose they had succeeded in establishing their independence by force of arms, the Constitution of the United States being unchanged, no amendments having been agreed upon either by us or them, would they then be States in the Union while running their own governments and entitled to rights here under the Constitution? And if not under the Constitution how would they have got out of the Union?

Mr. HISE. It would have been a case of a successful attempt at revolution; they would have established their independence. If they had prosecuted that struggle until the North had ceased to resist or to wage war for their subjugation and had acquiesced in their independence, why then the States remaining would have been the United States north, and the other States would have been the States south under their own confederate government and constitution.

Mr. SCOFIELD. If they had no power to secede, had we any power to acquiesce? What becomes of the constitutional provision regarding them as States after they have severed their connection with the Federal Government?

Mr. HISE. When I speak of secession I am speaking of the law as applicable to it, and not upon the subject of the successful application of force. The law of the case is that they

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cannot secede; there is no authority in the Constitution for their secession. The compact is between sovereignties, by which they bound themselves perpetually that the Constitution of the United States and the laws of the Federal Congress made in pursuance thereof shall be the supreme law of all the States of the Union, anything in the constitution and laws of any State to the contrary notwithstanding. Every State, therefore, by its own ratification of that Constitution agreed with every other State to remain in perpetual unity under that compact, never supposing, much less providing for, such an event as secession or severance.

Therefore secession, attempted severance, was a revolutionary movement. It may have been rightful or wrongful; that is a subject which I do not desire to discuss; I desire to promote harmony and good feeling between my friends North and South.

Mr. SCOFIELD. The gentleman does not meet my question exactly. I agree to his premises about the Constitution.

Mr. HISE. I think I understand my friend's position.

Mr. SCOFIELD. Well, but suppose these States had remained out fifty years, running their confederate government meanwhile; if I understand the gentleman from Kentucky, he claims that they would have been theoretically States in the Union under the Constitution and entitled to representation. But their secession and war were unconstitutional. Our consent to it, even if we had consented, was unconstitutional; and they were bound to us, and would be entitled all the time for these fifty years to have representation in our Government.

Mr. HISE. I would suppose that if the war had been conducted for five or six years, and then terminated by the consent of the two belligerents——

Mr. SCOFIELD. Ah! that is not what I suggested.

Mr. HISE. In such case it would be like two game-cocks, that have fought and continued the fight until they find that neither can master the other. They then retire by degrees, getting a little further apart, and finally separate and each goes his own way. Why, sir, if that state of things were to continue for fifty years the doctrine of lapse of time would apply, and the southern States would have become an independent confederate Government; and the northern States would have retained their own independence and union under their existing Constitution; in other words, it would have been a successful revolution, resulting in a severance of the States by force and not by law. But such is not the case here.

Mr. SCOFIELD. Then I understand the gentleman to say that it is a question of time; if they only stay out four years then they are still States and entitled to representation; but if they stay out fifty years they are not entitled to representation.

Mr. HISE. If they stay out fifty years you have no right to govern them. All Governments, let me say to the gentleman, are instituted by the people for the purpose of promoting their own peace, welfare, and happiness. Government is but a machinery costly, expensive, and attendant with a variety of evils, among which is its tendency always to usurpation and corruption. Yet Governments have been found to be necessary evils by peoples where they have the doctrine of *meum* and *tuum* prevailing; for the conservation of rights of property and person. In such cases the people have found it to be necessary to create governments for their own protection, advantage, and happiness. That being the case, no Government can continue to prosecute a war for fifty years for its own aggrandizement, and to subjugate by military power a people attempting to establish their own independence, and reduce them to a state of absolute political and individual slavery.

Mr. FARNSWORTH. Will the gentleman allow me to ask him a question?

Mr. HISE. No, sir, I will not; I was so interrupted in a former speech that I made that it was impossible for me to get along.

Now, sir, if there was no sufficient cause for these States by revolution or by secession to withdraw from the Union and to attempt to maintain their position by defensive war—because it was manifestly a defensive war—will you now attempt to reduce them to a state of political slavery such as is unheard of in this country or, I believe, in any other? You propose that a commission, appointed under the provisions of this bill by the supreme court of this District, shall be vested with despotic and arbitrary power to call an election, whether the people of the State desire it or not, to arrange and rearrange districts in these States at their pleasure and to authorize the people to vote or not to vote at their pleasure, having the privilege of adopting a registry of voters in these States. Where under the Government of the United States has a despotism of that sort existed? Where in this country has there ever yet existed, or can there exist, any government unless it be free and representative both in form and substance.

Sir, what kind of an officer would you call one of these commissioners? Is he a Federal or a State officer? Is he an officer of the Government of the United States or an officer of a State government? Is his office legislative, executive, or judicial, or all combined? All combined in one. By this extraordinary bill these commissioners not only have authority legislative, executive, and judicial, but also to set up one government, overthrow another, and install their own officers at pleasure. This they can do under the authority proposed and attempted to be vested in them to make a registry of the men who alone shall vote.

Now, sir, I hold that if these men are Federal officers, then the Constitution is violated in their mode of appointment. Where is the constitutional authority to vest the appointment of a Federal officer in the district court of the District of Columbia. The Constitution provides that—

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Those inferior officers who are to be appointed by the heads of the Departments must be executive officers necessary as inferior agents in the discharge of the duties pertaining to those particular Departments. If the authority of appointment is vested in the courts of law, of course it is contemplated by the Constitution that they are to be inferior officers of those courts of law, such as tipstaves, prothonotaries, clerks, and messengers of the courts. As for other officers, judges, embassadors, heads of Departments, &c., their appointment belongs, under the Constitution, to the President of the United States, by and with the advice and consent of the Senate, and they are, with the exception of judges, removable at his pleasure. Here is a manifest violation of the Constitution.

Again, sir, these commissioners are by this bill to be invested with a power which this Congress has no authority to vest in any officer of the Government, legislative, executive, or judicial; that is, the authority to overturn a State government and superstruct another, in violation of every principle of republican and representative government.

Again, sir, it is proposed in this bill to authorize a certain class of the population to vote in constructing these new governments. Herein we have a gross violation of the rights and powers of the State governments, who alone have the authority to prescribe the qualifications and conditions upon which the inhabitants of the States shall exercise the right of suffrage. This is a power that does not belong to the Government of the United States. It is contained in no grant of the Constitution, nor is it to be derived by implication from any granted power. On the contrary, the implication is decidedly the other way, because the Constitution in defining who may vote for members of this House declares that those voting shall possess the qualifications of electors of the most numerous branch of the State Legislature.

Some gentlemen on the other side, in arguing this question, have admitted, as I understand, that the Federal Constitution is a compact between sovereign States. This cannot be denied, because it had no obligatory force upon any State except by its own agreement, that agreement being indicated by its ratification through a State convention. The Constitution was a compact, a treaty, an agreement in writing between all the States, in the nature of a charter, defining the skeleton and framework of a Government to be instituted, with public functionaries to rule according to the provisions of that instrument, to exercise the powers granted, and to respect all the reserved powers and rights of the State.

Gentlemen agree that the Constitution was a compact. They agree further that the compact was violated by the different ordinances of secession which certain States adopted. They agree that, in virtue of that provision of the Constitution which declares the supremacy of the Constitution and laws of the United States, "anything in the constitution or laws of any State to the contrary notwithstanding," those ordinances of secession and acts of State Legislatures looking toward the secession and separate independence of certain States fall to the ground as null and void.

That being the case, they failed to get themselves out of the Union by valid ordinances, by valid acts of secession, by any valid acts of their Legislatures, or by any valid proceedings of their popular conventions. It is admitted that they did not get out in any such way. And we claim that they did not get out at all, but that they were forced to continue in the Union. We hold that not for a moment did they lose their right of representation under the Constitution of the United States, either at the time of secession or during the whole progress of the strife, provided that without obstruction they could have used and exercised their constitutional privilege. But they were forcibly impeded; they were prevented during the time of the war by the military occupation of the country, by armed force in opposition to the Government, from sending their Representatives here.

Now, I have never yet heard that the non-user of a constitutional privilege contained in the solemn covenant of Government between all the States would by any operation of law or reason deprive them of that privilege, and what can you make of it except a non-user during the five years the war was prosecuted? It was nothing but an abstaining from the assumption and exercise of an undoubted right to have their Representatives upon this floor to speak and vote for them, and to legislate in reference to the interests of all the States of the Union, themselves included. They failed to use their privilege, their right of representation. Whether the non-user was voluntary, or the result of obstructing force makes no difference in point of law or logic. They were still entitled to their representation here, and whenever they send their Representatives here we are bound to receive them, or otherwise we are justly liable to the charge of being disunionists and revolutionists, because the Union is one of States under a compact by which only

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States unite upon the unalterable principle of equal representation in the Senate and proportionate representation in the Lower House of the Congress.

The only answer that is urged to this legal view of the case—and it is an answer founded neither in fact nor in reason—is that they forfeited their places as States, their rights as States, and their right of representation in the Federal Government, as a penalty due and which can be rightfully and properly enforced against them for their rebellion. Now, this is the first time I have ever heard gentlemen who assume to be jurists or lawyers claim that a State, a political corporation, can commit a felony; that a political State sovereignty, with all governmental powers, except such as they granted to the Federal Government, can be guilty of any known crime or offense against the Constitution of the United States or against any law of the United States in such manner as to make them subject to any kind of indictment, prosecution, judgment, conviction, or punishment.

I will admit that individuals may be punished; but that the number of individuals who have committed transgressions or offenses or crime may be so numerous as to make it bad policy to punish any of them. That is the case here? Not only can you not punish these individuals, but by the treaties and arrangements by which their armies were induced to surrender, as well as by the amnesty of the President of the United States as published, and the pardons by him granted since, nearly the whole body of people, high and low, engaged in the contest for self-government are relieved from all penalties whatever, and are not now liable to be prosecuted, tried, convicted, or punished at all, even in the courts of law. If they have violated the compact, as they concede it to be, and by such violation have forfeited their position in the Union, and their rights as States under the Constitution, why is it so? It is because by their acts of secession and by their resistance to the authority of this Union they have got out of the Union as States. Then the forfeiture of their constitutional right to representation in this Government involves the release of their obligation to obey it. There is no law to indict a State or to define crimes committed by States. There is no mode of procedure of trial by which a State can be arraigned, tried, convicted, condemned, and then punished for any offense.

In regard to the effect of an attempted secession of some of the States from this Union, and an attempt to obtain their independence by force of arms, in reason or law the effect of it can be nothing more nor less than to suspend by reason of obstructing causes their representation in Congress for the time being.

Now, see what they propose. They propose to give to a commission unbounded authority; that commission to be appointed unconstitutionally by the supreme court of this District. I suppose it is known when they vest the appointing power in this court what kind of court it is, and that they therefore look forward to and expect the appointment of a radical commission, a commission composed of men who are continually howling out these hackneyed words of "loyalty" and "disloyalty," of "traitor," "treason," and "rebellion."

These gentlemen, Mr. Speaker, would cease these vituperative cries, they would cease belching forth these words "traitor" and "rebel" if they could at once perceive and understand that the country, that a large majority of the intellectual, the intelligent, and educated portion of it, look upon them in their attempts to eject States from the Union as the actual rebels and traitors instead of the southern people, who are endeavoring under the Constitution to resume their guarantied right of representation in Congress and their position in the Union.

Abusive epithets of that description may easily be bandied backward and forward with or without reason; but they should not, sir, be thrown out continually against the men who are in favor of the peaceable union of these States under the Constitution, with the rights of representation, with the rights of person and of property, with our liberties preserved; but if it were prudent and admissible to retaliate, might not these terms of reproach be justly and truly hurled at those of the majority who so freely use them, those who are for instituting unconstitutional dominion over ten States of the Union, for creating a sectional military despotism, and for preventing the continuance of the union of all the States under and as required by the Constitution of the United States; for they are not willing that the Union shall be reëstablished under the Constitution, but persist in their efforts and purpose to eject from the Union ten States by refusing them representation, while at the same time they are designing to impose upon them a most odious, oppressive, and despotic government.

Now, sir, my programme is this; it is plain and simple: let us be united. You cannot by injustice and oppression prevent the people of this country from quarreling, as families sometimes do, upon measures of policy. You cannot prevent the existence of difference of opinion. You cannot prevent the existence and civil conflicts of parties adherent and parties opponent to an existing Administration. You cannot prevent the formation of the party of ins and the party of outs. You cannot prevent the party that is out from opposing the one that is in.

In a deliberative body like this, having limited legislative powers in regard to any great measure of public policy, there will be differing views and opinions, leading to strife and controversy upon constitutional questions and upon important subjects of public policy, as, for instance, internal improvements in the States by the Federal Government. One party will deny you have any power in the premises; that you have any authority to collect taxes in one portion of the Union to be invested in making internal improvements in another. Men will assert that you do nothing less than prostitute the power of the Government when you obstruct the freedom of commerce and impose duties upon foreign imports for the purpose of aggrandizing certain classes at the expense of others. Of course we will squabble about all these things, but we will nevertheless do it peaceably and courteously, maintaining in the mean time a respect for and obedience to the Constitution and laws of the land. We will not kill one another, we will not make war upon one another or between parties or sections; we will act courteously, and amid opposing views and conflicting though tolerant opinions show to each other that deference and respect which is due from man to man.

Differences of opinion will exist in a republican form of government, and ought to exist; and it cannot, therefore, be expected from the people of the South that by coercive exclusion from their place in the Union and deprivation of their right of representation in Congress they will surrender all their political opinions and prejudices in regard to the extent of the powers of the Federal Government and the reserved rights and power of the States, and humbly get upon their knees and exclaim, "You Radicals are right; you are in power, and we will vote for all of your measures now and forever hereafter." If you expect that sort of slavery, that kind of servile submission on the part of these southern people before you allow them representation upon the floors of Congress, then the Union never will be restored. Were they to make such slavish and degrading confession of repentance and reformation, you will never have any confidence in them; your suspicion and jealousy would remain; and the tenacity with which you have grasped and hold all power, and the dread of losing it and your party ascendency, will hereafter as heretofore cause you to continue your opposition to the union of all the States and to the admission of the Representatives of the ten southern States in Congress.

It is apparent, sir, that the use of the word "loyalty" in this country by this party means loyalty to them, loyalty to their domination, submission to their will, undisputed recognition of their power and authority now, and a promise for its perpetual continuance. What you mean by freedom is to make slaves of these southern people, to put the State governments of the South in the hands of the negroes, because by robbing the people of the South of their slave property and putting these negroes into power you hope to make them your own submissive slaves.

The term "loyalty" is one inapplicable to this country. This term should be obsolete and find no place in an American lexicon. It means submission, unconditional slavish submission to a feudal superior, whereas in this country we are all equal and there is no such thing as legal or obligatory loyalty to any man or party required of an American citizen.

We are bound to obey the Constitution until it is changed, to submit to the laws until they are repealed; but the right of free discussion always exists. Our whole superstructure of governments, State and Federal, are built upon the declared right of the people to alter, abolish, overturn, and reconstruct their political institutions at pleasure. What does the possession of this right amount to unless we have also the other right to be disloyal in the sense in which that word is used; that is, the right to controvert the views of others, the freedom of discussion, the freedom of the press, the right to object to any feature in the Constitution or laws or policy of the country that we may think subversive of the public good or prosperity? It involves the right to overturn the Government itself—legitimately, I admit, not by faction nor by revolution—but by repealing or changing, in the forms prescribed, an existing Constitution, and the substitution of another by competent authority in its place. And yet, if any southern man should stand up here for the Constitution as it was and should speak against the fearful corruption of the dominant party here, he would be denounced with contempt as a disloyal man.

Some gentlemen say: We offer you conditions; accept this constitutional amendment and you shall have representation in Congress—as though it lay in them, *ex gratia*, to give or withhold the right of constitutional representation! Sir, you deny this right in violation of right, of justice, and of the Constitution. Conditions! You have no right to make conditions. The right of representation stands in the great charter of the Constitution, and can never be forfeited so long as a State that you wrongfully deprive of representation is governed by and held amenable to the authorities created by that Constitution; so long as you attempt to rule, tax, and govern a State as a State of the Union, so long it is a State of the Union, and its rights as such can only be defeated by a gross violation of the Constitution; in fact, by an entire subversion of free government, *pro tanto* at least, to the extent you attempt to exercise control over disfranchised States.

Now, sir, this attempt never can be carried out. I know well—I think the country well understand—what the party here in power are attempting to accomplish by the series of measures proposed and the system of policy projected. Those measures and that policy are certainly calculated, if not designed, to uphold their dominion and to perpetuate their power, by keeping alive indefinitely the hostile, vindictive, revengeful feeling that has been engendered by long years of political controversy and strife, and by a bloody civil war, so that the public feelings and sentiments on theirs

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(the stronger section) will be so educated, fostered, and strengthened, as to insure their continued possession of place and power. They will, to keep alive forever sectional jealousy and hatred, persistently reiterate the charge of southern disloyalty as furnishing a sufficient reason and excuse for depriving these people of their representation in Congress. If a loyal man comes here and asks admission, and if the State he represents has adopted the constitutional amendment, you say you will admit him. What right have you to inquire into the loyalty of a member? And when you do inquire, what would you ask? Your inquiry would be substantially this: "Are you humble; are you repentant; have you changed your opinions and feelings; are you willing now to subscribe to our dominion, and admit not only that all we have done is right, but all that we may do hereafter will be right.?" [Laughter.] And if he answers in the negative you may pronounce him disloyal.

It is upon such a miserable and unreasonable pretext as this that you deprive these States of their right of representation on this floor. The negroes are your friends, and they and the felons and jail-birds are to be admitted to the right of suffrage and allowed to hold office in these States by your bill; and of such persons will be composed the membership of the proposed conventions, the miserable creatures that are claimed to be enfranchised by your civil rights bill, the reckless and unprincipled adventurers from the North who have overrun the South to plunder both the white man and the negro; camp followers, sutlers, Army contractors, and discharged convicts, are the kind and character of persons to whom will be committed, by the operation of this bill, the governments of these States, and who, should it be passed and carried into execution, will send Representatives, "loyal" Representatives, to this House. My God! what a representation it will be. [Laughter.]

I have heard the question asked sometimes, "Would you like to be President of the United States, and receive an embassador from Hayti; would you like to sit at table with a fragrant African on one side of you?" And I have heard the answer made, "I would never serve in a body where the black man occupied that position on terms of equality with me."

These are the kind of men that are to make these new governments, overturn the existing governments, and send "loyal" representatives to Congress. Now, we understand all this, and the country ought to understand it. It is all a miserable scheme of public policy to destroy the political force and influence of the southern States as members of the Union, devised by a party whose adherents are loudest in professions of devotion to free government and of love of liberty. Ah, sir, Madame Roland exclaimed during the bloodiest period of the French Revolution, "Oh, Liberty, what crimes are committed in thy name!" These men claim to be the special advocates of human liberty and equal rights. They say they must put their friends, their loyal friends, in possession of the State governments and then they will send loyal delegations to represent them in Congress. Oh, yes, they will send loyal delegations! So this bill, if executed, will in effect establish corrupt and despotic local governments for all those States, and place in all the offices the most ignorant, degraded, and corrupt portion of their population, who would rule and ruin without honesty or skill the actual property holders and native inhabitants, making insecure life, liberty, and property, and still holding those States in their Federal relations subject to the most rapacious, fierce, and unrelenting despotism that ever existed, that of a vindictive and hostile party majority of a Congress in which they have no voice or representation, and by which irresponsible majority they would be mercilessly oppressed for that very reason; and this will be continued I fear until the country shall again be precipitated into civil war. We think the design and purpose of this unwise and malignant policy is understood by the representatives in the Congress of the United States. But the country should understand it also, because it is impossible that the American people should long sustain a party who do everything they please; who engage in all sorts of usurpation, and who sustain all sorts of monstrous and vile measures, unwarranted by constitutional law, subversive of republican government, and destructive to the Union of the States. They will not sustain them when they have full knowledge and are enabled to understand the purposes they have in view.

Sir, I am not speaking to that party. What I say I say to the country in the hope that what goes forth to the people of truth and reason will influence the public judgment, in time, by a change of rulers, to avert the impending ruin now threatening the whole country. I could make, sir, a series of charges against that party, the truth of which would find its verification in the history of the times, including the period intervening between the date of their advent to power and the present moment, that when understood and believed by a free people would overthrow any party in any civilized community in the world. I have not time to do that now. We can do nothing with them by argument. We can do nothing by holding up the written Constitution and the laws. They are ruling, dominant, fierce, and triumphant, with such force and powers of numbers that, in the exultant spirit of present possession and fruition, they are made blind to the adverse destiny which surely awaits them. Now, in the very zenith of their power they will triumphantly carry all their monstrous measures, tending to produce consolidation of all the powers of the Government of the United States, executive, judicial, as well as legislative, and of all the States, in the hands of the dominant majority of this the legislative branch of the Government.

They have deliberately engaged in an unconstitutional scheme for subverting the executive power of this Government, and to-day a monstrous bill was proposed and referred to a committee by a party majority to overthrow the judicial department of the Government, to overthrow it in all its material characteristics, in regard to its main power of subserving the grand object had in view in the creation of independent departments of the Government. What is the Constitution but a paper with writing upon it—intelligible writing? How can you sustain this Constitution; how can you command respect for its provisions, save by an adherence to it and by keeping within its restraints, and it secured in such respect and restraint by an independent judiciary?

The history of this Congress will show how little respect a dominant majority has for constitutional law, and how gloomy would be the hope or prospect of avoiding legislative encroachment and usurpation without the existence of an independent judicial department of government of powers sufficient to check the inroads of the Legislature upon the Constitution.

It was well known by the wise and sagacious men who framed the Constitution of the United States that that Constitution would not be respected by a dominant party majority in Congress, especially when it attained to a two-third vote, since it would then

"Play such fantastic tricks before high heaven,
As make the angels weep."

The framers of the Constitution foresaw this, and hence they provided that there should be a judicial department of the Government, and that the judges should be independent of the legislative department, should hold their places for life, and should only be removed by impeachment in the most solemn form. Why was this done? It was in order that the people might rely upon that department of the Government as standing as a breakwater, as an intervening wall of defense against the invasions and usurpations of Congress in behalf and in defense of the rights of the States and of the people.

Not only was the judicial department thus created and for this purpose, but knowing that a check of that sort was necessary to preserve constitutional rule there was an executive department created for the same identical purpose, an executive department in which was lodged all executive power. The only officer known to the Constitution in which that power is vested is the President. And it is necessary only to ascertain the distinction as to what is legislative and what is executive power in order to know whether any given power belongs to Congress or to the President of the United States. He comes in with his beneficent conservative power and authority placed by the Constitution in his hands of putting a veto upon the unconstitutional action of the legislative branch of the Government, which power can never be overcome except by a vote of two thirds of each House of Congress, as has been the case here lately, and as will undoubtedly be the case repeatedly hereafter. And our only hope of the preservation of a free Government is in the judicial department of the Government, and in the decisions of the Supreme Court pronouncing your acts unconstitutional and void.

The Tariff.

SPEECH OF HON. JOHN SHERMAN,

OF OHIO,

IN THE SENATE OF THE UNITED STATES,

January 23, 1867.

The Senate having under consideration the bill to provide increased revenue from imports—

Mr. SHERMAN said:

Mr. PRESIDENT: Before the vote is taken on the amendment of the Senator from Rhode Island I think it right that I should state the general views which have controlled my action as a member of the Committee on Finance, and which will control my vote on this and the various propositions of amendment that will be submitted to the Senate.

I listened yesterday with great pleasure to the speech of my honorable friend from New Jersey, [Mr. CATTELL,] and was generally pleased with its tenor and scope. It sounded like a good old-fashioned Whig protective speech—the school in which I was educated, the faith in which I was taught, and in which I yet have confidence. But, sir, it seemed to me that the Senator from New Jersey, in his zeal for protection, forgot that we were now legislating under peculiar circumstances, and are compelled to look at a state of facts far different from those that existed before the recent war.

In considering so complicated a subject as a tariff nothing can be more deceptive than the application of such general phrases as a "protective tariff," a "revenue tariff," a "free-trade tariff." Every law imposing a duty on imported goods is necessarily a restraint on trade. It imposes a burden upon the purchase and sale of imported goods and tends to prevent their importation. The expression a "free-trade tariff" involves an absurdity. Free trade implies a trade without restriction, while any tariff is a restriction on trade. A duty of ten per cent. is a limitation on trade as well as a duty of one hundred per cent., and they differ only in degree. So the phrase a "protective tariff" may be applied to every bill imposing duties on imported goods.

The first tariff act, passed soon after the formation of the Constitution, was called a "protective tariff;" one of its leading objects, as declared by Washington, was to foster and

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protect American manufactures, and yet the general rate of duties was but ten per cent. *ad valorem*. On the other hand, the tariff of 1846 is commonly known as a "free-trade tariff," and yet the rate of duty levied by it averaged twenty-four and a half per cent. Every duty on imported merchandise gives to the domestic manufacturer an advantage equal to the duty, and to that extent every tariff is a protective tariff. When the duty is so high as to prevent importation it ceases to be a "tariff" and becomes a "commercial regulation." So the general term a "revenue tariff" as descriptive of a tariff is deceptive and is simply tautology. Every tariff bill is a "revenue tariff." The word "tariff" implies revenue, and means a rate of taxation on imported goods. It is simply a mode of taxation adopted by all commercial nations as the most certain, convenient, and least expensive form of taxation. The common meaning attached to the phrase a "revenue tariff" is a general *ad valorem* tax on imported goods, without regard to the domestic manufacture. Such a tariff has never existed in any commercial country, least in all in Great Britain, where the duties are carefully levied to encourage their own manufactures. They do not now levy duties on manufactures for the same reason that we do not care to levy a duty on anthracite coal. By a vast accumulation of capital, and by severe commercial restrictions maintained for one hundred years, they have a substantial monopoly of important branches of industry. They do not levy duties on such goods because none are imported into Great Britain, and the tariff on them would produce as little revenue as your duty on anthracite coal.

These general phrases, if not always deceptive, are totally inapplicable to any tariff law that any one would propose for the United States now. Free trade, if it means a mutual exchange of commodities with foreign nations without restrictions, is impossible. Our necessities compel us to tax every form of property or production. Every hour of domestic labor contributes some portion of its product to the wants of the nation. Under these circumstances it is the plainest principle of political economy that we should so frame our tariff laws as to produce the largest possible income from imported goods. Revenue is the first, highest, and most pressing want, and it must be so levied as to do the least harm to our own industry. It is in the application of this obvious principle that all the difficulty in framing a tariff law exists. This cannot be done by applying any general rate or rule to all articles. We must discriminate between articles of luxury and articles of necessity; between articles that may be produced in our country and articles mainly produced abroad; between raw materials necessary to the domestic manufacture and completed products of industry. The rate of duty must be modified by a multitude of circumstances as varied as human knowledge, and with details far more difficult than any subject of legislation.

Nor can we now consider the question as we should before the war. Then we had an opportunity to choose between imported articles; we might throw off the duty upon necessities, such as coffee and tea and various articles, because such duties were not necessary for revenue nor useful for protection; but now we are compelled to levy high duties upon everything, not only upon articles of absolute necessity the duty upon which will undoubtedly add to the cost of the articles, but also upon all articles of American production, and even upon raw materials that are indispensably necessary as the basis of our manufactures. We cannot now regard the subject in the same light or from the same stand-point that we did in olden times when the tariff was the great controversy between parties in this country. We have now to consider it in the light of facts created by the war. The first and obvious inquiry of every Senator in discussing the question is, how much is it necessary to raise by a tariff on imported goods? and here I may say that all the revenue that is required to be raised in gold must be raised by duties on imported goods. While we have a depreciated currency it would be idle to require domestic taxes to be paid in gold. It would be to legalize a paper currency and then to repudiate it. In regard to imported goods the case is different. All imported goods are bought with gold; all transactions in imported goods are based upon gold. Imported goods being the product of foreign countries can be purchased only by the money known in the commerce of the world. Therefore, in imposing duties upon imported goods, it is no hardship to levy them in gold, so that the whole cost of an article of that description when it enters into consumption represents so much in gold. But if an attempt was made to levy in gold our domestic taxes it would be very difficult; it would impose on our people a burden they could not bear. It is manifest that we have to raise all the gold we require for Government purposes by means of duties on imported goods.

By the financial policy adopted during the war—it is not necessary for me now to discuss the propriety or expediency of that policy—we are required to raise a very large sum of money in gold. The annual interest upon the outstanding gold bonds of the United States, according to a statement furnished me from the Treasury Department brought down to the 1st of January, 1867, is $82,048,531. By the terms of all the outstanding notes bearing interest in currency, except the compound-interest notes, they are convertible into gold bonds bearing six per cent. interest. That conversion must be made within a year or a little more. When those notes are converted the amount of annual interest that will be required of the Treasury of the United States will be $131,353,977 40. To this must be added the amount required to maintain our foreign intercourse and other gold liabilities, partly growing out of treaties, which it is estimated will amount to $6,000,000 per annum. The expenditures for foreign intercourse, which are disbursed in foreign countries principally, must necessarily be paid in gold, the currency of the world. Adding enough for this item, it is evident that the aggregate amount of gold required to carry on the operations of the Government for the present fiscal year will be not less than $140,000,000 in gold.

In addition to this there are maturing bonds which by the policy of the Government are paid in gold, and which mature before the end of the next fiscal year. Bonds amounting to nearly sixteen million dollars mature during that time, namely: on the 31st of December, 1867, $7,613,000, and on the 1st of July, 1868, $8,169,000. These must be paid in gold; but probably they can be provided for out of the large amount of gold on hand, and need not enter into the elements of our calculation. But at any rate it will be necessary to raise $140,000,000 in gold.

For us now, therefore, to talk about a free-trade tariff is simply an absurdity; and for us to talk about a protective tariff is unnecessary, because the wit of man could not possibly frame a tariff that would produce $140,000,000 in gold without amply protecting our domestic industry. To the extent that the duties are levied upon articles that may be produced in this country the tariff operates as a protection. It is very clear that upon an ordinary year's importation the rate of duty that will have to be levied upon importations in order to produce $140,000,000 will not be much less than fifty per cent. *ad valorem*, even if we could prevent all undervaluation or smuggling.

I assume, then, Mr. President, that the main, leading, and necessary object of this bill is to produce $140,000,000 in gold, and that we may very properly leave the question of protection to be settled as a matter of detail, with the certainty that any tariff which will yield the necessary revenue will sufficiently protect American industry. The degree of protection on different articles can only be adjusted by a careful inquiry into a multitude of details, while the paramount object—to raise revenue to the amount of $140,000,000 in gold—must always be kept in view.

It is sometimes said that, as this is the great object, it is not necessary to change the present tariff, which will produce that amount, and has in fact during the last fiscal year yielded $179,046,630. The answer is, that during the last fiscal year our importations were swollen beyond any former experience of this country, and cannot be relied on as a basis for the future. Under the very same law the year before the amount of gold revenue was only $84,928,260. It is manifest, therefore, that we cannot depend for the next fiscal year upon the present tariff to produce anything like the amount that it did in the last fiscal year, and even during the current fiscal year the estimated receipts from customs are far less than they were a year ago.

That no estimate of future receipts can be based on the amount of the receipts during the last fiscal year is shown by the peculiar circumstances by which we were then surrounded. When the war closed the southern States were entirely bare of domestic or foreign fabrics. They were without clothing; they were without all those articles necessary for human life, both of domestic and foreign manufacture. The stock on hand, as it is commonly called, in the northen States was very much reduced, so that the very moment the war was over large importations necessarily flowed in, and large demands were made for our domestic manufactures. But that cause has now ceased; the vacuum has been supplied. Not only so, but by the sudden fall of gold, which fell much more rapidly than the prices of labor or of other commodities, goods manufactured abroad became cheaper in proportion than American goods. The American manufacturer could not adapt his prices to the fall of gold because of the high prices of labor and commodities, and these could not be reduced owing to the high rate of taxation and the increased cost of food and all the elements which enter into production. If the American manufacturer could have reduced the cost of his production in the same ratio that gold was reduced he would not have been disturbed by the fall of gold. The valuable statistics presented to us by Mr. Wells show that while gold at times went down to thirty and even to twenty-five per cent. premium, during all that time the ordinary addition to the cost of food was from ninety to one hundred and forty per cent., and the addition to the usual cost of manufacturing was from seventy to eighty or ninety per cent.; so that the fall in the price of foreign goods, which were paid for in gold, was far greater than the fall in the prices of domestic commodities. The domestic manufacturer was suddenly called upon to compete with the foreign market when the advantage was some thirty or forty per cent. in favor of the foreigner.

It was manifest under these circumstances that domestic fabrics must fall off, and that large amounts of foreign goods would flow in to take their place. This led to enormous importations, and thus produced a very large gold revenue during the last year; but that cannot exist longer without utter destruction to our producing interests. It is also clear that if the present relative condition of the price of labor and the price of commodities and the price of food is maintained nearly all our domestic manufactures must cease to exist. It is impossible under the present rates that domestic manufactures can be maintained unless one of two things occur: either a fall in the price of labor, or a rise in the price of gold. Among the numerous gentlemen who

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gave their observations to the Committee on Finance, it was admitted on all hands that if they could reduce the price of labor they could also reduce the price of their fabrics and without additional duties come in competition with the foreign manufacturers; but they all said that was impossible; the laborer now was getting barely enough to maintain life; there were indeed strikes all over the country; some peculiar branches of industry were able to pay very large prices for labor, but in many cases, especially with the woolen and some other interests, the price of labor had not advanced in proportion to the price of food, so that the laborer was really receiving less now than he did before the war, although nominally getting twice the wages he did before. The reason is that the price of food, clothing, and of all the commodities which enter into his consumption have not declined sufficiently to enable him to live upon a less sum of nominal money.

If the present tariff law be continued in force we cannot expect it to yield more than one hundred and twenty-five to one hundred and thirty million dollars. It is clearly necessary, then, looking at this subject simply in a revenue point of view, to increase the duties on imported goods and to receive a larger amount of duties in gold.

It is not necessary for me to picture the disastrous consequences that would result to this country if we failed to pay our interest in gold—failed to meet our obligations. The absolute necessity that weighs upon us is scrupulously to observe the public faith. During the war we were compelled to make contracts that may appear to our people to be onerous; and yet any man of ordinary patriotism feels that we must observe those contracts to the fullest extent. It is evident, therefore, that an absolute necessity rests upon us to raise by some mode of taxation an amount of money sufficient to enable us to meet our public engagements. The weight of these engagements has never yet rested on the people of this country. The reason has been that the interest on half the public debt was payable and paid in paper; but by the very terms of our obligations the whole of that interest will soon be payable in gold, and then we must meet the burden that will come upon us of paying it in gold.

If your tariff should yield you but $120,000,000 in gold when you have to pay $140,000,000 in gold. the Secretary of the Treasury will be compelled to go into the open market and buy $20,000,000 of gold to meet the deficiency. What would then be our financial condition? If, instead of selling gold now day by day, he was compelled to borrow or buy gold in the open market to meet the interest on the public debt, what would be the consequence? The price of gold would rise. The public engagements could only be met by a sale of our securities in a foreign market. Indeed it would be the saddest spectacle that could possibly be presented. It is manifest, therefore, that we must levy such an amount of duties upon imported goods as will place us beyond all danger from this cause.

Then, Mr. President, when you come to apply the duties upon the various articles of importation it becomes a simple matter of detail. I shall not waste much time in going into the various details now, because the questions will come up from time to time as they are presented; but there are certain matters upon which the committee have acted that it would be well enough to state in general terms.

The most obvious sources of revenue in a tariff bill are items usually classed as luxuries. In levying duties upon these articles there is but one rule laid down, not merely by the English and French writers, but by every nation that attempts to raise a revenue from imports, and that is to levy as high a rate as possible from them without reducing consumption. They are mostly contained in three items: spirits, wines, and tobacco. These are undoubtedly the first objects of taxation; and in most countries, especially in England and France, they yield a very large portion of the revenue. We, however, are unhappily placed in regard to these articles because we produce them ourselves. We make our own whisky and produce our own tobacco, and therefore we do not and cannot look to these items as so great a source of revenue as they do in other countries, especially in England and France, where they produce no tobacco, but import all they use, and where it consequently can be levied upon at the custom-house.

The rates of duty prescribed by the Senate amendment on these articles are substantially the rates of duty prescribed by the House bill, except in one important particular—in the article of wine. It was found on examination, and is shown very clearly by Mr. Wells's report, that wine of a cheap quality, really inferior to our ordinary cider, is imported in enormous quantities at the valuation of less than twenty cents a gallon, and pays a duty of some twenty or thirty cents, and is sold to our people in many cases at four dollars a dozen bottles, or about one dollar a gallon. This is really not the wine of France, or the wine of the country from which it purports to come, but an adulterated article prepared for the American market, having no market value in the country of its production and sent here at a merely nominal price. It is found that by the operation of the present tariff the Government gained comparatively litttle revenue from it. Last year the revenue from wines amounted to about four millions. The committee have proposed to substitute a uniform tax of fifty cents a gallon which, in my opinion, is rather too small, but which will yield a much larger sum than the present *ad valorem* duty. I am inclined to think that while a larger rate of duty would probably prevent the importation of a considerable portion of the wine, the amount of revenue received would be greater even on a smaller quantity. The committee thought proper to adopt a specific duty of fifty cents a gallon, and I am willing to try the experiment. In regard to tobacco the law is left substantially as it is except in regard to the single item of cigars, which is somewhat reduced because it was found that the present rate tended to prevent importation and to promote smuggling.

The next items which are always regarded in framing a tariff bill are such articles of common use as are called comforts, or perhaps luxuries—in this country they are the comforts of all classes of the people—sugar, tea, and coffee. The House of Representatives, I think without carefully examining the subject—certainly it was done without the sanction of the Committee of Ways and Means—threw off one half the duty on tea and coffee on the ground that as tea and coffee were used by all classes of our people we ought not to tax them so high.

The truth is that the *ad valorem* tax on both coffee and tea is far below the general average of our tariff laws, six cents a pound on coffee and twenty-five cents a pound on tea, amounting to about from thirty to fifty per cent. *ad valorem*. If we had no occasion for revenue, if we were in a position to throw off taxes, if we had no system of internal taxation, if we had no taxes more oppressive and more burdensome than those on tea and coffee, they would be the first we should throw off; but it is manifestly improper now to dispense with a revenue equal to eight or ten million dollars merely to relieve our people from paying a tax that does not weigh heavily upon them. By doing so we would compel the imposition of $12,000,000 in paper money upon our domestic productions. The Committee on Finance, therefore, thought it wise to restore the old rate of taxation, and that yields on the articles I have already named—wines, tobacco, spirits, sugar, tea and coffee—from fifty-five to sixty million dollars, or about two fifths of all the revenue that is necessary to be produced from imported goods. These articles are more stable in their yield, more uniform in their consumption than any other articles on the list. Although used to some extent by all the people the great body of them is used by those who are able to pay for them. Besides, the duties on these articles are more easily and more surely collected. The duties are specific and there can be under this bill no undervaluation. Besides, the articles are heavy; they cannot be smuggled in; they are easily ascertained by weight or measure. They are articles that in all countries are looked upon as the main sources of revenue. We cannot afford to throw off now a certain revenue of $10,000,000. At a time when we are compelled to levy internal taxes upon every branch of our industry, when the widow and the orphan, when the farmer and the manufacturer, when the laboring man and all classes of our citizens are compelled to pay largely increased prices for their food and clothing by our system of internal taxation, we certainly ought not to throw off this, the easiest and best form of taxation. The duties in these cases are left by the Senate amendment where they were before. So in regard to spices: I believe there have been some little changes, but nothing material.

Mr. FESSENDEN. Very slight.

Mr. SHERMAN. We come now, Mr. President, to the duties on manufactures, and that for the first time presents the question of protection. In regard to the articles I have already discussed, although we do produce tobacco and wine in this country, the question of protection is not necessarily involved, and we looked upon them simply as a question of revenue.

When you come to manufactures it is necessary in levying the duties to discriminate in favor of our own industry on all articles that can be produced in this country by the ordinary application of skill and labor. It is manifestly the duty of the country to protect American industry to that extent, not simply on account of the old-fashioned argument that we used to have before the war, that as a policy it is better to diversify our industry and manufacture all that is necessary for our own consumption, but on other grounds. We must now protect American manufactures, not merely against foreign competition, but also against the effect of our own laws. This is really all the protection they now need.

If you converse with intelligent men engaged in the business of manufacturing they will tell you that they are willing to compete with England, France, Germany, and all the countries of Europe, at the old rates of duty. If you reduce their products to a specie basis and put them upon the same footing they were on before the war, the present rates of duty would be too high. It would not be necessary for scarce any branch of industry to be protected to the extent of your present tariff law. They do not ask protection against the pauper labor of Europe, but they ask protection against the creation of your own laws. These are our paper currency and our internal taxation.

The American manufacturer comes to you and shows that foreign capital in Canada and elsewhere is not compelled to carry on business operations under the depressing influences that surround us. Manufacturers abroad pay no internal taxes; they do not have to buy with paper money at the inflated prices always produced by paper money. Take the case of the manufacturer of iron. If he was at liberty to hire his labor upon the gold basis and to buy his provisions upon the gold basis, and to buy on the gold basis all the necessary elements which enter into the production of iron, he could compete with the labor of Europe. The advantages of freight and other advantages would enable him to do it. But if you compel him to pay two hundred per cent. for his food—

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and more than half the cost of all the iron produced in this country is food—if you compel him to pay largely increased prices for clothing for his laborers; if you add largely to the cost of everything that enters into the elements of his production, as a matter of course he cannot compete with those who are not subjected to similar burdens. It is not British or foreign competition that produces distress among the manufacturing interests of this country at this time; it is the effect of your own laws.

The chief evil arises from a depreciated currency. The inevitable effect of paper money is to advance prices far beyond the difference between paper and gold, and indeed it is sometimes held to be one of the virtues of paper money that it does advance prices and give higher wages to labor. I do not wish now to enter into an argument on that question; but we know that the existence of paper money does tend to raise the prices of commodities in this country, and that the American manufacturer cannot, with paper money and with high prices caused by your taxation, compete with foreign productions. What, then, has he a right to ask? He has a right to ask that if your laws impose upon him additional burdens, your laws also should give him additional protection. That is the claim made by these gentlemen, and it is impossible to resist it. They generally ask that as your laws impose upon them burdens caused by the war, your laws also ought to make them a countervailing protection, so that they may stand on equal footing to compete with the productions of foreign countries.

It may be said, then, why not withdraw our currency; why continue our present paper money; why continue our internal taxation? I wish we could do so; but certainly it is now impossible. If we could come back to-morrow morning to the specie standard, and remove all the taxes that we have imposed upon our labor, we should all be glad to do it. I suppose there is not a Senator within the sound of my voice who will not admit that a specie basis is the natural condition of trade; that for a currency there ought to be something stable and valuable which is made valuable by its own weight and the labor necessary to produce it. Every body admits that gold and silver are the only real standard of value; that that which regulates exchanges must be the production of labor—something which can only be quarried out of the earth by labor—something which itself is labor personified. Gold and silver are the product of labor in its most permanent, convenient, and unchanging form, and is therefore the best standard of currency. But, Mr. President, we were driven to the use of paper money; we could not have carried on the war without paper money. The circumstances by which we were surrounded compelled us to resort to these expedients; we had to adopt a system of paper currency; we did the best we could; we could not have got along without it; and I believe that every sensible man who examines our affairs, whether he is a foreigner or a native, must admit that without the free use of our credit, coined in the shape of money, we could not have carried on the operations of the war, because we should not have had a circulating medium with which to pay our soldiers for their services, and to feed their wives and children while they were away from them. Our paper currency was a matter of necessity, but the effect of that currency is to raise the prices of commodities, the prices of labor, the prices of food—to raise the price of everything which enters into the articles of American manufacture. It is necessary for us to countervail that by some legal benefit or protection.

It is sometimes said, and I have often heard the argument made, the foreigner has to pay his duties in gold, while the manufacturer pays his taxes in paper money, and also pays the additional cost of labor in paper money, and they say the difference between gold and paper money is a sufficient protection. That argument would be a very complete reply but for this important fact, that the price of labor and the price of commodities is far more advanced than the price of gold. Gold is the cheapest commodity in the market. The importer has the benefit of that condition of affairs; he has a discrimination in his favor, because while the increased cost of American manufactures has gone up about a hundred per cent., the price of gold is only about thirty-six per cent. above paper. To that extent the system of paper money is a discrimination in favor of the importer of foreign goods. That discrimination was made manifest in its effects by the enormous importation made during the past year by the fact that when gold went down to twenty-five importations increased, while the prices of domestic commodities and of labor did not materially fall during that time. While gold went down from 200 to 125, the price of labor was not materially affected. The large demand for foreign and domestic supplies kept up the market. The necessity of the case compelled the manufacturer to pay these large prices. He had no choice but to pay high prices or close his shop. The result was that he met a competition, not growing out of foreign labor, but out of your own laws, which prescribed currency for him and gold for the importer.

I do not know that I have made myself understood; but this is the real and leading reason why it is necessary to give to the American producer in all the different stages of production some countervailing protection to balance the effect of paper money.

Another reason is, that the system of internal taxation which your necessities compelled you to adopt throws upon the American producer an enormous burden which the foreigner does not have to bear. Take a shop or a mill in Canada, along our frontier, where labor is one half what it is here: do you suppose an American producer can compete with the Canadian manufacturer? More striking yet; take the case of England, where by a long system they have reduced the cost of production to the lowest possible limit, where by their system of taxation they favor all manner of production, where no tax is levied on any kind of production, where the cost of labor is reduced and yet the imposition imposed by the Government amounts to but little, and where the manufacturer gets all his raw material free: is it possible for the American manufacturer to compete with the English manufacturer when he has to contribute to $310,000,000 of internal taxation? It is impossible. We were compelled by the necessities of the war to levy upon him directly a tax of five per cent. on his productions; we levy a tax of five per cent. on his income; we levy a large tax upon every element which enters into the cost of his labor. Indeed it has been estimated, and I think very correctly, that the actual taxes upon American manufactures, if you carry them out to their remote origin, amount to about twenty per cent. on the capital employed. Mr. Wells, in his report, shows very clearly that the various taxes levied upon cotton manufactures amount to about twenty-two per cent. upon the capital employed.

Is it possible for American manufactures to be maintained, for American workshops to be continued, unless the Government is willing to give some protection against its own laws? Can the manufacturer pay these enormous taxes upon the basis of paper money and yet compete with the unpaid or insufficiently paid labor in Europe, where the manufacturer pays no taxes, where he has his raw materials free, where every element is in his favor? I think it is impossible. If, therefore, we would protect our American industry against our own laws we must give the benefit of duties on foreign goods commensurate with the imposition we impose upon our manufacturers and thus enable them to continue the competition that has been carried on for years.

It is not necessary for me to go into familiar facts to show that the effect of domestic competition is to cheapen the price of products. Under the stimulus of our laws great numbers of American manufactures have grown up with a rapidity unexampled in the history of any country. England was more than one hundred years in building up her system of manufactures. Ours have been built up since 1828. In 1828 New England was a mere commercial community; now she is manufacturing. At the time when the great friend of America, the Earl of Chatham, said that the laws of England should be so framed that no shoe-nail should be made in America we could scarcely make one. We imported everything. There was scarce a factory in America; and so it continued, with but slight progress, for fifty years. American manufactures took their birth in 1828 under the heavy restrictive duties of the tariff law of that year. Now they have grown to amazing proportions, until American productions by manufactures alone are ten times the whole importations of this country.

I was somewhat surprised at the tables produced by my friend from New Jersey yesterday, and especially the table prepared by Mr. Delmar, showing that in 1860 the annual productions of this country—agricultural, mechanical, &c.—amounted to $6,700,000,000 in gold. I thought it was pretty large, and I should like to see the elements of Mr. Delmar's figures, but he foots up $6,755,587,957. A large proportion of these productions were in manufactures which have been built up within the last thirty or forty years.

It is manifest, when this enormous industry is brought in competition with a different system of labor, that if you impose burdens upon it in the form of internal taxation and in the form of paper currency, you must give it countervailing benefits. Of the $310,000,000 of taxes levied upon productions in the form of internal revenue, about $170,000,000 is paid directly or indirectly by manufactures. It is true it is finally collected again from the consumer; but, as it is added to the price of the commodity, the manufacturer must reduce his price to compete with the foreigner, or he must abandon the market.

Under these circumstances it is apparent that the present rates of duty although very high, higher than they have ever been before, must either be increased or else there must be a reduction in the price of labor in this country, or there must be an increase in the price of gold. I think we have tried the last experiment very well. I do not believe an act of Congress can affect the price of gold. I do not think it can or will or ought to affect it. Then, unless you give to the American manufacturer some increased protection against your laws, the immediate effect will fall on the great mass of the people in the price of labor and the price of food. They will have to pay these large internal taxes with less daily pay, and the result will be we shall have distress, complaint, not repudiation, I know, but dissatisfaction with your laws. While goods are flowing into this country in great quantities from all the countries of the world, the products of foreign industry, our own industry is being depressed, our manufactures broken down, our shops shut up; and thus you will have dissatisfaction and discontent. The only way, in my judgment, to meet it is to give them, by your legislation, protection equivalent to the taxes you impose upon them and the effect of your currency. Whether the Finance Committee have done this or not is for the Senate to say. I do not wish to go into the details. If I observed the general scope of the tariff bill, as reported by the committee, there is an advance of duties of about ten per cent. on the cost of imported goods that come

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into competition with our own manufactures. It may vary more or less; but I believe that is the general proportion—an increase of about ten per cent.

Now I come to a part of this bill which is the only one which induced me to engage in this discussion, and that is the proposed duties on agricultural products. Here there is a conflict of interest between agricultural and manufacturing industry, or at least there was supposed to be, but I believe there is not and ought not to be. The manufacturer generally looks upon everything he has to buy as a raw material, and everything that he has to sell as a finished product. The revenue commissioner has fallen into the same error, and he calls wool a raw product. Wool is not a raw product to the farmer, though it may be to the manufacturer, because to the farmer it is the completed product of his industry. So of the cereals, wheat, flaxseed, rye, barley are not raw materials to the farmer, but they are raw materials to the manufacturer who consumes them. They are the result of labor; they are the complete product of the labor of the farmer. His raw material is his land and his labor, while his product is wool, wheat, barley, &c.

Mr. President, if you ever attempt, in the present condition of affairs, to levy your duties on imported goods so as to give to the farmer no protection against competing labor, you will do an act of gross injustice, and such a tariff as that cannot be enduring. We very well know that the great body, I believe four fifths, perhaps five sixths, of our people, are engaged in agriculture. They usually, on account of the weight and bulk of their articles, do not require anything like the protection that other industries do, because the very bulk of their products gives them an advantage in the home market. But if they are compelled on ordinary articles of their production to compete on equal terms with the cheap labor of other countries they will naturally be dissatisfied.

How do you maintain the doctrine of protection in a tariff? You say to the farmers, "Protect our industry, build up our manufactures, and we will start shops in your neighborhood and consume your products; we will give you the benefit of a home market." That is all very well and very plausible, and it has induced the great body of the farming community in this country to be what are called protectionists. Ohio, which was always an agricultural State, was a protectionist State, and the farmers were probably as much so as any other class. Why? Because they believed that by building up manufactures in this country they would have the benefit of the home market. But if a manufacturer in Rhode Island who consumes a million pounds of wool, after he has got the benefit of all the protection he wants on his woolen goods and has raised the price of them to the farmer who has to buy them, turns around and says, "I can buy my wool cheaper in South America, and I am therefore opposed to any duties upon your wool, because it is a raw material," you will find that the farmer will be discontented. He will not be satisfied, and he will not be put off with any such reasoning. You must extend the doctrine of protection to everything that is made up by labor, and you cannot stop short of it. If wool is a raw article to the manufacturer, so is cloth a raw article to the tailor. If you will not give us protection to our products we will give you none to yours. The principle is correct as to wool or it is wrong as to cloth.

In ordinary times protection is not necessary to the farmer, because with all the advantage he possesses in a rich soil and cheap land he can compete with similar products of any other country. Our agricultural industries do not often want protective duties and have rarely called on Congress for them; but now when the prices of all commodities are raised upon him by high extraordinary prices, he has a right to demand and does demand that the same principle of protection should be extended to him as to other industrial interests.

I wish in this connection to make some reference to the report of Mr. Wells on the question of wool, and I do it with sincere respect for the author of this report, because I know from personal observation that he is not only industrious and able in the discharge of the duties imposed upon him by law, but I believe he is as well qualified from his experience and intellect to discharge that duty as any man in the United States; but at the same time in regard to some interests that affect my own constituents he has fallen into many errors.

He is opposed to the proposed increase of the duty on wool, and has supported his opinion with all the reasons that can possibly be given, and he bases it mainly upon the assertion that every cent added to the duty on wool costs the consumer of the wool $6,000,000, and therefore that a duty of ten cents a pound would add to the cost of the wool and woolens consumed in this country some sixty million dollars. There is a great deal of fallacy in this mode of reasoning. Suppose you were to apply that principle to another protective duty. Suppose we should turn round to the iron men and say, "Here, your duties on iron add to the cost of all the iron produced in this country the full amount of duty, and the consumer has to pay that additional value, and all this costs the people of the United States too much." If that is the mode of reasoning there is an end of all protection. You must show that all classes of the community get the benefit of this principle or you must abandon it altogether. You cannot maintain that it is a hardship for the wool interest to demand protection any more than the iron or other interests. Take the case of cotton manufactures, the duties on which are fixed in this bill at from fifty to sixty per cent. Undoubtedly to a considerable extent these duties are added to the cost of the articles to the consumer; and I might make a formidable array of figures to show that in order to sustain the manufacturers who are the constituents of my friend from Rhode Island the people of Ohio are compelled to contribute out of their pockets a number of millions of dollars. That would not be a fair mode of argument, and yet it is precisely the mode of argument with which we are met in regard to the duty on wool. It is strange that the manufacturing interests, who have been maintained by protective duties, should resort to free-trade arguments when the agricultural interest demands a far less rate of prohibition than has been given to them.

But there is an element of error in the computation itself as well as in the principle of the computation. The commissioner without giving us the basis of his computation, declares that there are one hundred and seventeen million pounds of woolen goods manufactured and consumed in this country and that there are imported thirty-three million pounds of woolen goods. He thus puts the whole amount of woolens consumed in this country at one hundred and fifty million pounds. Then he says, as it takes four pounds of raw wool imported into this country to make one pound of woolen cloth, therefore the amount of wool consumed in this country must be six hundred million pounds. That is an absurdity. The largest amount of importations of foreign wool into this country in one year was never over eighty-four million pounds, and the average is about sixty millions; the largest clip of wool ever grown in this country, and that was last year, was one hundred million pounds, while the average is eighty millions; showing but an aggregate of one hundred and eighty-four million pounds or enough to make forty-six million pounds of cloth instead of one hundred and seventeen million pounds.

What is the use of taking a computation of this kind in the face of plain, palpable facts? The wool imported in the form of woolen goods I leave out of view, because the computation is that one hundred and seventeen million pounds of woolen goods aside from those imported are consumed in this country. That would show a production of wool here amounting to about four hundred and sixty-eight million pounds.

Mr. FESSENDEN. Allow me to say to my friend that these figures are taken from the estimates made by the wool men themselves.

Mr. SHERMAN. I think Mr. Wells has fallen into a mistake.

Mr. FESSENDEN. I have read the original report. That does not make it quite so much; he makes it more than they do.

Mr. SHERMAN. I do not care who makes the computation, nor do I think the wool-growers did make it. The wool-growers never pretended, and no one I have ever seen pretended that the clip of this country was over a hundred million pounds. It is generally estimated at an average of eighty-four or eighty-five millions, while the highest quantity of wool ever imported into this county was but eighty-four millions, and the average but sixty millions. Two years ago it was only forty millions, and last year eighty-four million pounds were imported, the highest importation ever made.

Let us examine the reasoning upon which the commissioner bases his estimate. He says:

"The number of sets of woolen machinery or series of cards employed in the United States, reported to the Wool-Manufacturers' Association in October, 1865, was forty-one hundred, consuming 2,252,545 pounds of scoured wool and substitutes for wool per week; but these returns, it was stated, did not probably indicate more than three fourths to four fifths of the sets then in actual operation."

Upon a statement that in a certain week in October the amount of consumption in the woolen factories, then driven to their extreme, was so much, and then multiplying that by fifty-two we have the basis of the computation. That is a very insufficient mode of reasoning. I have no doubt that the duty on wool will add somewhat to the cost of the woolens consumed by the people of the United States. To what extent it is difficult to say, because it is very difficult always to estimate how much of the duty will be paid by the importing merchant, how much by the foreigner who raises the wool, how much of it will be added to the consumer, and how much of it will be cheapened by the increased manufacture or by the increased competition in domestic products. These are unknown quantities about which men may theorize as much as they choose. I take it though as a general principle, and admit beforehand that every duty adds to the cost to the consumer.

There is another statement here made in regard to this same matter in which I think the commissioner must have fallen into an error, and I intended to call his attention to it this morning. He endeavors to show that the wool interest is a prosperous one; that the growth of wool is a prosperous and profitable branch of industry in this country, and he quotes from a gentleman who is very highly esteemed by the men engaged in this business, Mr. Randall, who wrote a very good book called the "Practical Shepherd." He quotes from Mr. Randall, who says:

"How very striking is the fact that, during thirty-eight years, [ending January 1, 1862,] and with all the disturbing causes to the wool market, there has not been a single year in which the average price (42.8) for the wool marked 'medium,' would not *now* pay the actual cost of producing our heavy-fleeced American merino wools." * * * * "Of the production of how many other of our great staples of industry can as much be said?"

In this Mr. Randall says that the average price they have received for their wool according to statements up to a certain time was forty-two and eight tenths cents per pound. Then by a marginal note which comes in after the word "now" there is a reference in the report to September, 1866. Any one who would read this report would suppose that Mr. Randall,

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president of the Wool-Growers' Association, in September, 1866, said that *now* the average price, forty-two and eight tenths cents per pound is a full remuneration for wool growing.

Mr. FESSENDEN. That is a typographical error; it should be 1863.

Mr. SHERMAN. I am glad of that because a good deal of complaint has been made on this point. I was about to say that Mr. Randall's statement, or book, was written in 1863, and was based upon calculations made prior to January, 1862, and prior to any increase on the price growing out of the war. The computation made by him was literally true, that at forty-two and eight tenths cents per pound for wool, the average rate, the business of sheep-growing would be a remunerative one. The paper as printed here, would indicate that Mr. Randall said in September, 1866, that was a remunerative price; but I am glad to hear that it was a typographical error; it ought to be corrected. If the wool-grower now had forty-two and eight tenths cents per pound in gold for his wool—and that was what Mr. Randall was talking about—it would be all he wants, all he could ask. But now this same report goes on and says:

"The present prices of New England, New York, and Ohio unwashed wools (New York Price Current, November 3, 1866) range from thirty to forty-six cents per pound, and at these rates it is claimed that the business of wool-growing, particularly in the States of New York, Pennsylvania, and Ohio, is very far from remunerative."

This report, with the correction of date, shows that while the price of wool for a period of years before 1862 was forty-two and eight-tenths cents in gold, now in currency the average price of that same wool is less than it was in gold a few years ago. Is it possible that the wool-growers can continue their industry upon this basis? Does it not appear from the very facts here stated that all the increased price of that wool and the labor that goes into its consumption, and the elements which form its cost, all of them have been increased by a paper currency and your system of internal taxation, while the product of their industry has not gone up any? Can you suppose the men thus engaged in an industry which yields one hundred million pounds of wool, or at the old rates $42,000,000, can carry on that industrial pursuit without some protection? The manufacturer on the New England or Atlantic coast anywhere starting his mills can send to South America and buy his wool cheaper than he can in Ohio. The cost of freight from Ohio is fully as great as the cost from South America—the precise rates I cannot tell, water transportation is so much cheaper. Is it possible for the wool-grower thus to compete? Unless you give him a protection equivalent to the advance of your paper money, the advance of prices since we have substituted paper money for gold, can you expect him to be satisfied? The wool-growers of this country, as a general rule, are among the small farmers of the country. The great body of sheep are owned in small flocks of from one hundred to two hundred. Very few, comparatively, have large flocks. They are the common farmers of the country, and when they see that their product, upon which they rely to help to pay your internal taxes, has not advanced in price one cent beyond what it was at the beginning of the war, and that they are now with insufficient protection called upon to compete with South America and all the cheap wool-producing countries, can you expect them to be satisfied?

In Canada the duty on Canadian wool is three cents a pound. The average duty, as shown by the tables here paid on South American wool, is a little over four and a half cents a pound. Certain wools are brought in at three cents; certain wools at six cents; certain wools at twelve cents. The average as shown by the tables is four and a half cents. The gold value of the wool, according to this statement, before the war was forty-two and eight tenths cents; so that the actual protection which the farmer now gets to compensate for all the derangement of the currency, for all his share of internal taxes, is only one tenth of what the cost of every pound of his wool was in 1862. Under these circumstances you must expect him to be dissatisfied.

When these two rival interests met together in a convention called by the manufacturers themselves, and the whole matter was there discussed, it was agreed between them after full and ample discussion that the rates of duty reported by the Senate bill should be given them, and they were satisfied with them, and have never called them in question. The manufacturers then made the claim that if the duty was put on wool they ought to have a corresponding duty on the cloth. That was freely yielded. The principle is proper; that is, if a duty is levied upon the raw article, an equivalent amount should be added to the duty on the product in order to enable the American producer who convert that wool into cloth to compete with the foreign producer. That was freely yielded. I trust, therefore, that on this subject of wool which has given rise to a great deal of debate on the present tariff, and which probably is under a more depressed condition at this moment than any other industrial interest of the United States, the arrangements between the wool-growers and the wool-manufacturers will be carried out. I would prefer myself to take it in the very words they have given us, so that if they are not satisfied hereafter they cannot complain of the proper committees of Congress for any mistake. I would take them at their word. I think their demand is a reasonable one, and I would be willing to give it to them as they ask it, so that if there is anything wrong in the practical working of their scheme they themselves may have the responsibility of it.

It is said, I know, that there was a very important class of our people not consulted when this arrangement was made. That is true: the consumers were not consulted, and the consumers have to pay the increased cost; but all other branches of industry in which these same consumers are interested are sufficiently protected by the duties imposed by this bill. The duties on wool and the duties on all agricultural products provided for in this bill are less per cent. *ad valorem* than the duties on manufactures. This is properly so, because they are so bulky that they protect themselves in great measure, and because on account of the cheapness of our land we have the advantage over foreigners and have less need for protection.

Here, in order to save me from addressing the Senate again, I may say that there is another agricultural interest in which the people of Indiana and Ohio are very largely interested, and that is flaxseed. By the present tariff, with which they are very much dissatisfied, the duty on flaxseed is a little less than eleven cents a bushel. There is a nominal duty of sixteen cents, but a reduction is made from that duty of the drawback on the cake made from imported seed, which reduces the duty in favor of the farmer to about ten and a half cents. The effect of that drawback is that American cake or cake made from American seed in the city of New York, of the same quality and the same kind, lying side by side with the cake made from the imported seed, is not worth so much by five cents a bushel as the foreign cake. That discrimination is made against our own industry. The duty then is really less than eleven cents a bushel, and at present prices it is only about five per cent. *ad valorem*, while on the other hand on flaxseed oil, which is nothing but the expressed juice of the flaxseed imported from India, there is a duty of twenty-three cents a gallon, or what is equivalent to a duty of about fifty-one cents on a bushel of seed, so that the discrimination made against the agriculturist is about forty cents a bushel. There is great complaint of this. That the crusher ought to have some protection there is no doubt, though I think myself the crushing of the India seed is one of those forced unnatural trades that can only be sustained by a very high rate of taxation, but as it is in existence I am willing to give it a fair protection. That is one point of difference between the House and Senate bill, and as I do not intend to enter into the discussion of the question hereafter I will simply say that the House had the subject before them a long time, and after much controversy settled it I think on a proper basis by giving thirty cents duty on the seed and thirty cents a gallon on the oil which is equivalent to a protection of thirty-seven and a half cents per bushel to the crusher of imported seed. If the oil is imported in the seed it will pay a duty of thirty cents a bushel, which will produce two and a quarter gallons of oil or fourteen cents a gallon. If imported as oil it will pay a duty of thirty cents a gallon, giving to the crusher a protection of sixteen cents a gallon for the simplest form of mechanical labor. Surely this is enough.

Mr. President, there is only one part of this bill to which I wish now to call the attention of the Senate, and that but for a few moments. The Secretary of the Treasury in his annual report states that the extent of the undervaluations and fraudulent importation of foreign goods amounts to about twenty per cent. of the whole. That this is true is known to every one in the trade. In certain articles, which are solely manufactured for the American market, the invoice prices are merely nominal, and as most of the duties are *ad valorem* they pay merely nominal amounts. The loss from this source and from smuggling according to the report of the Treasury, is $35,000,000 a year. It is manifest that this ought to be corrected, and that all classes, especially the American importer, who is usually honest, ought to seek to remedy it. It is said that on account of this system of undervaluation many branches of our foreign trade have got into the hands of unprincipled men. Merchants who have their chief office abroad invoice their goods and consign them to an agent here, so that we have no responsible person to punish for a violation of our laws. The present remedy is to seize the goods and go through a long litigation about it. On account of the prevalence of *ad valorem* duties and the difficulty of ascertaining the real value of the goods at the place of exportation frauds that are manifest on the face cannot be detected because there is really no value to the goods in the market at the place from whence they are exported.

This has been a subject of much inquiry in England and France, and it appears that in England they have adopted a system by which they dispense with custom-house oaths, but by inspection ascertain the true valuation of the goods. If in the opinion of the proper appraisers the goods are undervalued the Government simply says to the importers, "I will take these goods at your price, and allow you a reasonable profit on them," and they are sold for public use. The result has been in England, I am told, to break up all systems of undervaluation. The same principle has been introduced into the treaty between France and Italy, a copy of which I have before me, so that if goods are imported from Italy to France, or *vice versa*, and when received at the custom-house, if, by inspection it is ascertained that they are undervalued to the extent of five per cent., they seize them for the Government, and they are sold for public use. The importer receives his own valuation for the goods together with a profit of five per cent. If he complains he is sufficiently answered by saying, "We took your goods at your own price, at your own valuation; if there is an error you made it yourself." The result has been that undervaluation is too dangerous to be practiced. I do not learn of anybody who ever got the

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advantage of these Governments except in one case. One of our adventurous Yankee countrymen imported a cargo of clocks into England. They are made here for less than anywhere else. When they reached the custom-house the proper officers, not being accustomed to Yankee clocks, thought they were undervalued and seized the whole cargo and sold them, paying the importer his own price and allowing him ten per cent. profit. This was so rapid and favorable a sale of an American product that another cargo was sent at the same valuation. The officers seized them, too, but the market was already supplied with Yankee clocks, and as they were not really undervalued the second cargo was released and no one was harmed.

This device has been applied in many cases both in England and France with great advantage. The Committee on Finance have therefore introduced into the bill a provision somewhat similar to the English regulation, except that the English law, where the goods sell for more than ten per cent. in addition to the valuation, allows the custom-house officers one half of the excess. The Committee on Finance thought it best not to insert that feature, for the present at least, until the system was tried. The section contained in this bill authorizes the custom-house officers, in the case of undervaluation to the extent of ten per cent., to seize the goods as the property of the United States and sell them. If the importer complains about it he is paid at his own value, and ten per cent. allowed him for profits and for expenses of importation and sale.

With these general observations I leave this bill. Although some portions of it do not meet my views, and I shall probably vote for modifications; yet I believe the bill as a whole will be beneficial. The bill of the House, in my judgment, was defective in several important particulars. In the first place, it reduced the duties on some articles more than we can bear by throwing off half the duty on tea and coffee. Another objection to the House bill was that in many cases the rates of duty were made so high as absolutely to prohibit importation, and consequently to utterly destroy the revenue from certain branches of industry. The present bill, founded upon Mr. Wells's bill, but very materially modified by the Committee on Finance, will give every industry of the country a fair and reasonable protection. It will not reduce the aggregate revenue from manufactured goods, but it will secure a reasonable competition between the foreign and the domestic producer. From the statements made to us I believe that under it every industrial interest of our country can be prosecuted with reasonable success under favorable circumstances, and yet at the same time there will be such a competition between the foreign and domestic producer as to yield us a fair revenue on imported goods.

Nor am I alarmed by the statement made by my friend from New Jersey yesterday, that the amount of goods imported into this country was the enormous sum of $305,000,000. We have got to import goods in order to get revenue, and when I reflect that $305,000,000 is only five per cent. of the magnificent production he shows we have annually made in this country I do not think we need be frightened at the amount of imported goods. We cannot entirely break up the importation of goods without surrendering our revenue. We dare not do that. The necessity rests upon us of raising $140,000,000 of gold revenue. We must not, therefore, materially affect the trade between foreign countries and our own. All that our own people can ask is, that such reasonable protection shall be given to them that the effect of our currency laws and our system of internal taxation shall not operate injuriously to their interests, but that they may have countervailing protection against the operation of our own laws.

Reconstruction.

SPEECH OF HON. JEHU BAKER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

January 17, 1867.

The House having under consideration the bill (H. R. No. 543) to provide for restoring to the States lately in insurrection their full political rights—

Mr. BAKER said:

Mr. SPEAKER: I rise for the purpose of indicating to the House some reasons why, in my opinion, the pending bill should not be adopted in its present shape, but should be referred to the joint Committee on Reconstruction.

The subject-matter of this bill and of the pending substitute is of a character the most important that can be brought before the American Congress, and it ought therefore to be thoroughly and exhaustively considered; and all experience has shown that an able and well-composed committee is the most proper body for giving due consideration in the first instance to important measures of legislation.

I am not at all satisfied with the bill in its present form, and although there are many large questions collaterally connected with the measure now before the House into which I might illogically enter, I shall confine myself rigorously to a mere statement of my objections to this particular bill, as reasons why it should not be adopted but referred for more mature consideration by the committee. I will read the preamble to the bill, which is as follows:

Whereas the eleven States which lately formed the government called the "confederate States of America" have forfeited all their rights under the Constitution, and can be reinstated in the same only through the action of Congress.

Now, sir, I object to the phraseology of this preamble, in that it employs the term "government" without qualification or restriction as applied to the lately revolted States. The word "government" is the term used for a valid, legitimate Government. When such a Government is not meant we qualify with some adjective, as "so-called" government, "pretended" government," or, better still, "*de facto*" government. I am unwilling to imply in a public statute, even by the remotest intendment or allusion, that the so-called "confederate States of America" had ever the slightest valid existence as a legitimate "Government."

The preamble further asserts that these revolted States have forfeited all their rights under the Constitution of the United States. Now, I am not prepared to say I agree to this proposition without qualification. I understand that it is the duty of this Government to guaranty to each of these revolted States a State government republican in form. And if it is a constitutional obligation upon this Government to thus guaranty a republican State government to each of these States, then I would really suppose it is their right to receive such a government. The obligation to guaranty appears necessarily to involve the right to receive the benefit guarantied.

Further, sir, I suppose the word "State" includes the people thereof as a part—certainly a very important part—of its contents; and I am of opinion that the people of each of these revolted States have, under the Constitution of the United States, the right of petition. And in my opinion they have the further right to occupy the legal status of citizens of the United States in the most general sense of the term citizen. This I put first upon the general ground that the Government of the United States is their sovereign. Sovereignty over these people is based on the necessary assumption that they are subjects or citizens of the sovereign Power and owing it allegiance. The two things are inseparable. But, secondly and in a more particular sense, we have in the most solemn manner recognized them as citizens. At the last session of Congress we proposed to the States of this Union the adoption of an amendment to the Constitution of the United States, the first article of which provides that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States," &c. Now, sir, the terms of that amendment cover those persons who have engaged in armed revolt against the United States. They were born in the United States; they are subject to the jurisdiction of the United States; and it results by force of the first article of the proposed amendment that they are citizens of the United States. Furthermore, the first section of the civil rights bill—in substantially the same words—declares these people to be citizens. I am not therefore prepared to say, in an absolute and unqualified sense, that they have *no* rights under the Constitution.

I find myself compelled also to take serious exception to the second section of the bill of the gentleman from Pennsylvania, [Mr. STEVENS.] It is in these words:

SEC. 2. *And be it further enacted*, That the State governments now existing *de facto*, though illegally formed in the midst of martial law, and in many instances the constitutions were adopted under duress and not submitted to the ratification of the people, and therefore are not to be treated as free republics, yet they are hereby acknowledged as valid governments for municipal purposes until the same shall be duly altered, and their legislative and executive officers shall be recognized as such.

By the operation of this section, the moment this bill passes and becomes a law these respective *de facto* State governments, established under military power, and not valid unless recognized by the legislative department of this Government, become that instant valid State governments for municipal purposes, long before the scheme of reconstruction contemplated by the bill is effectuated. And let me observe that, for reasons foreseen or not foreseen, this scheme though passed here might never be effectuated; and then we should find ourselves in the awkward position of having recognized in advance as valid for all State purposes these respective military governments. Having once so recognized their validity it may be possible that that recognition might be retracted; but I desire to impress it upon the House that there would be very great difficulty in taking back what we had once declared in due form of law upon such a subject. I suggest that the wiser course would be that this recognition of these *de facto* governments as valid, retrospectively, should be postponed to such time as the scheme of guarantying loyal, civil, constitutional governments in their stead, may go into practical effect; and that to recognize them in advance would be to incur the danger of further embarrassing the whole subject by the logical consequences of our own illogical procedure.

Mr. STEVENS. Will the gentleman from Illinois yield to me for a moment?

Mr. BAKER. Certainly.

Mr. STEVENS. I find that the second section of my substitute is objected to. My ardent friend from Wisconsin [Mr. PAINE] on yesterday made great objection to this second section. Now, if it is going to offend any brother I am willing to modify my substitute so as to leave out that second section.

The SPEAKER. The gentleman has the right to modify his substitute before any vote is taken. And if no objection is made, he can do so at this time, although the gentleman from Illinois [Mr. BAKER] is entitled to the floor.

No objection was made.

Mr. STEVENS accordingly modified his substitute by striking out the second section.

I am also compelled, sir, to take exception to the third section of the bill, which is as follows:

SEC. 3. *And be it further enacted*, That each of the ten States which were lately in rebellion, and have not been admitted to representation in Congress, shall hold elections on the first Tuesday of May, 1867, to

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choose delegates to a convention to form a State government. The convention shall consist of the same number of members as the most numerous branch of the Legislature of said State before the rebellion. It shall meet at the former capital of said State on the second Monday of June of said year, at twelve o'clock noon, with power to adjourn from time to time, and shall proceed to form a State constitution, which shall be submitted to the people at such time as the convention shall direct, and if ratified by a majority of legal votes shall be declared the constitution of the State. Congress shall elect a commission for each of said States, to consist of three persons, who shall select, or direct the mode of selecting, the election officers for the several election districts, which districts shall be the same as before the rebellion, unless altered by said commission. The officers shall consist of one judge and two inspectors of elections, and two clerks; the said officers, together with all the expenses of the election, shall be paid by the United States, and said expenses shall be repaid by said State or Territory. Each of said officers shall receive five dollars per day for the time actually employed. Each of the members of said commission shall receive $3,000 per annum, and their clerk $2,000. The commission shall procure all the necessary books, stationery, and boxes, and make all regulations to effect the objects of this act. The President of the United States and the military commander of the district shall furnish so much military aid as the said commissioners shall deem necessary to protect the polls and keep the peace at each of said election districts. If, by any means, no election should be held in any of said late States on the day herein fixed, then the election shall be held on the third Monday of May, 1867, in the manner herein prescribed. Returns of all such elections shall be made to the said commissioners, whose certificates of election shall be *prima facie* evidence of the fact.

I raise, sir, upon that section the question of its constitutionality. I do not assert positively, much less dogmatically, that it is not constitutional; but I say I cannot see that it is constitutional; and I direct the attention of the House to a clause which I read from the Constitution of the United States:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Now, sir, the foregoing section of the bill provides that Congress shall elect a commission for each of said States, to consist of three persons, whose functions—large and important ones it will be admitted—are provided for in the section.

It will not be pretended, I presume, that the appointment of this class of Government agents is "otherwise provided for" in the Constitution; and it results seemingly, with entire clearness from the above-quoted clause of that instrument, that if they are to be regarded as officers of the United States—as indeed what else can they be—they must be appointed in conformity with this section of the Constitution; that is, sir, if we are acting under the Constitution. If not, then we are out upon a shoreless sea, without sextant, without compass, without guiding stars to lighten our pathway over the deep. I, for one, do not propose to navigate under any such conditions.

I next draw the attention of the House to the fourth section of the bill, which is in these words:

Sec. 4. *And be it further enacted*, That the persons who shall be entitled to vote at both of said elections shall be as follows: all male citizens above the age of twenty-one years who have resided six months in said State and ten days in the election district: and no person shall be deprived of the right to vote, or otherwise disfranchised, by reason of conviction and punishment for any crime other than for insurrection or treason or misprision of treason.

Confining my remarks on this section to the concluding part of it, I will say that I am advised of the object had in view by the gentleman who put this extraordinary provision in his bill. It was to guard against disfranchisement, by certain iniquitous procedures, which I am told are being instituted and carried on wholesale in these States, or in some of them. It is well, indeed, to guard against that kind of alleged procedure on the part of those who are now controlling the destinies of these States. The object is a good one, certainly; but why shall we provide that all the common criminals in ten States may be voters? Sir, the penitentiaries of these States might disgorge their inmates upon the polls under the operation of this bill. Why, in our dread of Scylla should we drive sheer upon Charybdis?

Mr. STEVENS took the floor.

Mr. BAKER. I will say, before I yield, that in my opinion the Committee on Reconstruction can pilot us more safely and wisely than that.

Mr. STEVENS. This provision only refers to the preliminary constitution, and goes no further than that; then it exhausts itself. I will add that yesterday I received information which justifies this clause in the bill. A gentleman told me he saw last week white men who only received a slap upon the back, while black men received seventeen lashes, every lash bringing the blood; and this they did to show that the law was impartially executed.

Mr. BAKER. That mitigates, but does not remove the objection. I do not suppose it would be a very difficult thing to provide for the end had in view by the gentleman without adopting the extraordinary and unheard-of provision that robbers, thieves, murderers, and criminals in general may be empowered to exercise the elective franchise in laying anew the foundations of a State government. I really think that provisos and qualifications could be devised securing the object of the gentleman on the one hand, and guarding against such undesirable results on the other.

But a more weighty objection, perhaps, than any I have stated grows out of the following portion of the sixth section of the bill:

And be it further enacted, That all persons who on the 4th day of March, 1861, were of full age, and who at any time held office, either civil or military, under the government called the "confederate States of America," or who swore allegiance to said government, are hereby declared to have forfeited their citizenship and to have renounced allegiance to the United States, and shall not be entitled to exercise the elective franchise or hold office until five years after they shall have filed their intention or desire to be reinvested with the right of citizenship, and shall swear allegiance to the United States and renounce allegiance to all other Governments or pretended governments; the said application to be filed and oath taken in the same courts that by law are authorized to naturalize foreigners.

Now, sir, the objection which I take to this language is, that it assumes that the status of a portion of those who have been in revolt against the United States is such that they are not citizens of the United States; in fact, that they occupy the position of aliens to the United States. I maintain such is not the law of the case; and I desire to draw the attention of the House to some authorities on this important legal question, which appear to me to be entitled to great consideration.

The decision of the Supreme Court in what are termed the prize cases I have never known called in question by any loyal man in America. On the contrary, it was everywhere hailed as a most admirable utterance of the court—sound in patriotism and sound in law. A portion of that decision has been cited, if I mistake not, by the gentleman from Pennsylvania to help out the idea that the revolted States did in some way succeed in placing themselves in a position of legal independence of the United States; and this is the part:

"Hence, in organizing this rebellion, they have acted as States claiming to be sovereign over all persons and property within their respective limits, and asserting a right to absolve their citizens from their allegiance to the Federal Government. Several of these States have combined to form a new confederacy, claiming to be acknowledged by the world as a sovereign State. Their right to do so is now being decided by wager of battle. The ports and territory of each of these States are being held in hostility to the General Government. It is no loose, unorganized insurrection, having no defined boundary or possession; it has a boundary marked by lines of bayonets and which can be crossed only by force. South of this line is enemies' territory, because it is claimed and held in possession by an organized, hostile, and belligerent power."

Now, from that language it has been sought to make out some intendment in favor of the position that the rebellion succeeded in some way in placing itself beyond the legal sovereignty of the United States. Plainly the words bear no such meaning. They are to the effect that confederate sovereignty was a thing asserted by the rebels, but not admitted by this Government, nor accomplished as a legal fact. But the court proceeded positively to exclude such an unwarranted intendment by saying in the same immediate connection—

"All persons residing within this territory whose property may be used to increase the revenues of the hostile Power are, in this contest, liable to be treated as enemies though not foreigners."

Well, sir, I submit they must either be foreigners or citizens of the United States; and if they are not to be treated as foreigners, the reason is that they have not by their act of rebellion absolved themselves from allegiance to the supreme sovereignty of the Republic. But the court in the same decision say expressly:

"Now, it is a proposition never doubted that the belligerent party who claims to be sovereign may exercise both belligerent and sovereign rights."

That is, the exercise of the powers of war, and the extension of belligerent rights to the rebels as public enemies, was, in law, no abdication of the sovereignty of the Government over these same rebels.

And here the court refer to a decision in 4 Cranch, 272, to the material part of which, as bearing directly upon the question I am considering, I call the attention of the House. It is the case of Rose *vs.* Himely—the decision having been rendered by Chief Justice Marshall, in 1808, long before this iniquitous rebellion in behalf of slavery and against liberty and civilization threw its ugly and bloody front across the pathway of the Republic. In that decision the court say:

"The colony of St. Domingo, originally belonging to France, had broken the bond which connected her with the parent State, had declared herself independent, and was endeavoring to support that independence by arms. France still asserted her claim of sovereignty, and had employed a military force in support of that claim. A war *de facto* then unquestionably existed between France and St. Domingo. It has been argued that the colony, having declared itself a sovereign State, and having thus far maintained its sovereignty by arms, must be considered and treated by other nations as sovereign in fact, and as being entitled to maintain the same intercourse with the world that is maintained by other belligerent nations. In support of this argument the doctrines of Vattel have been particularly referred to. But the language of that writer is obviously addressed to sovereigns, not to courts. It is for Governments to decide whether they will consider St. Domingo as an independent nation, and until such decision shall be made, or France shall relinquish her claim, courts of justice must consider the ancient state of things as remaining unaltered, and the sovereign power of France over her colony as still subsisting."

Now, the court here very properly say that the language of Vattel is obviously addressed to sovereigns, not to courts. If France had recognized the independence of St. Domingo that would have constituted her a new sovereign State, and put her at once in a position beyond the sovereignty of the mother country. So in our case: if the United States had recognized the independence of the rebel power, that would have placed the revolted States in a position of independence, and absolved their people from all allegiance to their late sovereign Power. But, on the contrary thereof, this Government through every one of its departments, legislative, executive, and judicial, and through a military force of two millions of men, continually disputed the assumption that there was any sovereignty to be recognized in the revolted States. And so with all the nations of the civilized world: not one of them at any time recognized the so-called confederate States as a sovereign Power.

I will next draw the attention of the House to a particular passage from Vattel, which I am sure—at least I strongly believe—I have heard cited upon this floor on more than one occasion by the gentleman from Pennsylvania

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[Mr. STEVENS] in support of his very peculiar ideas upon this great subject. Before doing so I will remind the House that in ascertaining the real meaning of a writer it is best to quote him by context and not by isolated passages. Vattel says:

"A civil war breaks the bands of society and government, or at least suspends their force and effect; it produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge. These two parties, therefore, must necessarily be considered as thenceforward constituting, at least for a time, two separate bodies, two distinct societies. Though one of the parties may have been to blame in breaking the unity of the State and resisting the lawful authority they are not the less divided in fact. Besides, who shall judge them? who shall pronounce on which side the right or the wrong lies? On earth they have no common superior. They stand, therefore, in precisely the same predicament as two nations who engage in a contest, and being unable to come to an agreement have recourse to arms."

But a little further along, in the same chapter, on the same subject, Vattel adds:

"When the sovereign has subdued the opposite party, and reduced them to submit and sue for peace, he may except from the amnesty the authors of the disturbances—the heads of the party: he may bring them to a legal trial, and punish them if they be found guilty."

Now, could that be done if they had attained a position of independence, or if they had succeeded in placing themselves beyond the supreme sovereignty of the State against which they were contending? Of course not. So that the opinion of Vattel upon the subject is quite in harmony with the opinion of the Supreme Court of the United States—as indeed with the very reason of the case, with the practice of all nations, and with the opinion of every respectable writer upon public law. I am unwilling to take any step or to cast any vote which assumes that in fundamental law there ever were, for any one moment of time, two sovereign Powers inside of the territory of the Republic. The practical execution of this unbroken legal sovereignty of the Union was obstructed, it is true; but what of that, as affecting my present argument? Every legal authority, every legal right, is liable to be obstructed. If a man commits a crime, murder for example, he may put himself in defiance of the law, and resist or evade its officers for weeks, months, or years. Can it be maintained that in consequence of such an interruption of its execution there is any suspension of the authority of the law—any loss of rightful jurisdiction over the person of the offender? Certainly not; and the principle is the same in the great case as in the small. Here was a gigantic treasonable combination, large enough to require two millions of men, first and last, to put it down; but yet, from the standpoint of the Constitution of the United States, there was no moment at which every one of these parties in revolt did not in very law owe allegiance to the Government of the United States. And if so, if the sovereign power of the United States was, all through the rebellion, a subsisting fact in law, how can it be maintained that these men succeeded in placing themselves in the position of alien enemies, beyond the sovereign jurisdiction of the United States, as we are invited by the sixth section of this bill to assume they did?

As to the power of this Government to decitizenize rebels by its own act and in due form of law I say nothing. No such question is raised by the sixth section of this bill, as I understand it. It contains no words operating *in presenti*, and accomplishing such a purpose on the part of the Government. It simply assumes that a certain class of those lately in rebellion have, heretofore, by their own action, succeeded in cutting the thread of their allegiance to the Government, and in placing themselves, by their own volition, in the status of aliens or foreigners; and it provides that they may become naturalized as other foreigners. This assumption, as I have endeavored to show, receives no countenance from the law of war, none from the solemn and approved adjudications of our highest court, and is, besides all this, a flat stultification of the entire previous action of every department of the Government.

But, sir, if I should possibly be mistaken in my construction of the language of this section of the bill—if it should be construed as a present legislative declaration, decitizenizing the class of persons therein defined—still I find very great difficulty in giving it my approval. To say nothing of such a policy as an original and open question, I invite the attention of the House to two important considerations already briefly alluded to: first, that such action would contravene the civil rights bill; and secondly, that it would be in violation of the proposed amendment of the Constitution. The first section of the civil rights bill enacts:

That all persons born in the United States and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States, &c.

These words, sir, beyond all question, include the very persons whom the bill before us proposes to treat as foreigners. Are we prepared to take back what we have said in that bill; to mar at so early a day that great statute of liberty? I for one shall be slow, very slow, to aid in the mutilation of so noble a statute.

But, sir, there is a still more formidable obstruction barring up the way along which the gentleman from Pennsylvania would lead us. The first section of the proposed constitutional amendment, as already cited in my opening remarks, provides that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, &c.

These words again, beyond all cavil, embrace the class of persons whom the gentleman from Pennsylvania proposes to treat as in the category of foreigners.

Now, sir, did we propose this amendment of the Constitution in good faith? I certainly so understood it. The Congress proposing it so understood it, of course. The States that are ratifying it, one after another, so understand it; and yet we are now invited to thrust it aside, to ignore its existence as a fact worthy of no consideration, and to enact a statute in flat violation of its provisions. Sir, is it fit, is it becoming in this great Legislature of the nation, to work eight months in the elaboration of a constitutional amendment—a wise, useful, and indispensable amendment, as I regard it—and then, immediately after it is sent to the States, and while the States are rapidly ratifying it, to turn square around and propose to override by statute exactly what we have projected by way of constitutional amendment? Such a line of policy as coming from the gentleman from Pennsylvania becomes the more strange and unaccountable when we remember that it is his opinion, stoutly and often expressed, that it only requires three fourths of the loyal States to ratify the amendment—a number certain to be obtained. Sir, in my judgment there is no proper consistency, no solidity or cogency of action in such a course. It appears to me like a species of trifling, quite out of place in an American Congress, to propose an amendment to the Constitution in one breath, and to proceed at once to disregard the policy it embraces in the next—especially in view of the all but certain prospect of its early ratification.

I next draw the attention of the House to a similar difficulty which it appears to me will grow out of the seventh section of the bill, which is as follows:

SEC. 7. *And be it further enacted*, That no constitution shall be presented to or acted on by Congress which denies to any citizen any right, privileges, or immunities which are granted to any other citizen in the State. All laws shall be impartial without regard to language, race, or former condition. If the provisions of this section should ever be altered, repealed, expunged, or in any way abrogated, this act shall become void and said State lose its right to be represented in Congress.

Sir, I regard the concluding sentence of that section as embodying an utterly untenable provision. We have proposed, as I have stated, an amendment to the Constitution, which few of us question will be adopted. Within a very few months it may be a part of the Constitution of the United States. The second section of that proposed amendment leaves it to the States of the Union to determine who shall be qualified electors. Now, sir, the States upon which this bill is intended to act might conform to the provisions of this seventh section, and thus resume their full practical relations with the Government of the Union. Meantime, the amendment having been ratified and become part of the Constitution, these States might so modify their constitutions and laws as to be at the same time in conflict with this section of the bill and in palpable harmony with the Constitution of the Union—in which case the bill enacts its own abrogation, and provides that the States so offending shall lose their right of representation in Congress!

Sir, such a provision is not only untenable, it is nugatory and monstrous. It is no part of American statesmanship or American policy to dismiss from these Halls the representatives of a State whose constitution and laws are in harmony with the fundamental law of the Republic!

Mr. Speaker, I have now said all I intended to say in the way of criticism upon the provisions of this bill. I think it ought by all means to be referred to the Committee on Reconstruction. That committee was constituted for the very purpose of considering this sort of work in the first instance, and in my judgment we shall be all the forwarder by so referring the bill. An ill considered and untenable step will retard rather than advance our progress. I hear much said about vigor of action. Well, sir, I certainly go for vigor; but I also go for something in addition thereto. I want to put some consistency, some law, some common sense into our vigor. I go for hooping our tub before putting water in it. To pour in at the top that which will run out at the bottom is not vigor, but disconcerted weakness. Let this whole business be referred to the appropriate committee; let the committee go to work in earnest; and we shall then be in a train promising a better harmony of the House—better results in the way of matured, sound legislation, than I can at present hope for from any other course of action.

Regeneration before Reconstruction.

SPEECH OF HON. GEO. W. JULIAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

January 28, 1867.

The House having under consideration House bill No. 543, to restore to the States lately in rebellion their political rights, and the amendment thereto proposed by Mr. STEVENS—

Mr. JULIAN said:

Mr. SPEAKER: In view of the time already consumed in the discussion of the measure now before us, and the general desire of members to reach an early vote on the pending motion to commit, I shall endeavor to address the House as briefly as possible; and I therefore prefer, on this occasion, to submit my views without interruption. I cannot support the amendment proposed by the gentleman from Pennsylvania [Mr. STEVENS] in its present form; but I shall not vote to send it to the Committee on Reconstruction at this late hour in the session. I believe the time has come for action, and that having this great subject now before us we should proceed earnestly, and with as little delay as may be, to mature some measure which may meet the demand of the people. Nearly two years have elapsed since the close of the war, during the whole of which time the regions blasted by treason have been subject to the authority of Congress;

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and yet these regions are still unprovided with any valid civil governments, and no loyal man within their limits, black or white, is safe in his person or estate. The civil rights act and the Freedmen's Bureau bill are set at open defiance, while freedom of speech and of the press are unknown. The loyal people of these districts, with sorely-tried patience and hopes long deferred, plead with us for our speedy interposition in their behalf; and even the conquered rebels themselves, who are supreme in this general reign of terror, seem to be growing weary of their term of lawlessness and misrule. Sir, let us tolerate no further procrastination; and while we justly hold the President responsible for the trouble and maladministration which now curse the South and disturb the peace of the country, let us remember that the national odium already perpetually linked with the name of Andrew Johnson will be shared by us, if we fail in the great duty which is now brought to our doors.

Mr. Speaker, my first objection to the amendment proposed is that it practically confounds the distinction between treason and loyalty by allowing the elective franchise to the great body of the criminals who strove, through four bloody years, to destroy the nation's life. No such policy can have my sanction. The sixth section of the amendment, which seeks to guard against this by the affidavit which it requires, would prove a delusion and a snare. I will read the form of the oath which it prescribes:

I, A B, do solemnly swear, on the Holy Evangelists of Almighty God, that on the 4th day of March, 1864, and at all times thereafter, I would willingly have complied with the requirements of the proclamation of the President of the United States, issued on the 8th day of December, 1863, had a safe opportunity of so doing been allowed me; that on the said 4th of March, 1864, and at all times thereafter, I was opposed to the continuance of the rebellion and to the establishment of the so-called confederate government, and voluntarily gave no aid or encouragement thereto, but earnestly desired the success of the Union, and the suppression of all armed resistance to the Government of the United States; and that I will henceforth faithfully support the Constitution of the United States and the Union of the States thereunder.

Sir, of what value would be such an oath? In exacting it, instead of protecting the rights of loyal men we should build a safe bridge over which every rebel in the South could pass back into power. How could perjury be assigned upon such an affidavit? By what process could the prosecutor prove, on the trial, the hidden purpose or the secret intention of the party? I have little faith in the oaths of rebels under any circumstances. If our experience in the late war establishes any general rule in such cases, it is that the oath of a traitor proves nothing but the perjury of the villain who takes it. Most assuredly we could not rely upon it where the man who swears runs no risk of being brought to account; and the exaction of such an oath of men who have ruthlessly lifted their hands against their country is scarcely less than a mockery.

But if it be granted that this oath would be honestly taken, it does not follow that we should now restore the franchise on any such cheap and easy conditions. Are we willing thus to degrade and belittle this great right, the highest expression of citizenship, and its truest safeguard? Must we make haste to share the governing power of the country with the rebel hordes who fought us nearly three years, because they grew weary of their enterprise on the 4th day of March, 1864, and desired then to give it up? Is treason against the nation an offense so slight, an affair so trifling, that no real atonement for it shall be demanded? Sir, these are grave questions, and the state of our country to-day demands that Congress shall ponder them. The citizen's duty of allegiance and the nation's obligation of protection are reciprocal. The one is the price of the other, and the compact is alike binding upon both parties. When the rebels broke this compact by attempting the crime of national murder their right of citizenship was forfeited, and the nation has the undoubted right to declare the consequences of that forfeiture by law. It not only has the right, but in my judgment is sacredly bound to exercise it. And why? Because, in the language of Vattel, "Every nation is obliged to perform the duty of self-preservation." The only solid foundation of national security is the allegiance of the citizen; and the most solemn duty which is at this moment devolved upon the Congress of the United States is the duty of keeping the Government of the country in the hands of loyal men. No Government can be secure, and no Government deserves to live, which allows its enemies a common and equal voice with its friends in the exercise of its powers. This nation has hitherto recognized this principle. In the very first years of the Republic Congress sanctioned the perpetual disfranchisement of the leader and principal officers of Shay's rebellion; and the acts of Congress which warrant the exercise of this power of disfranchisement stand in full force and unchallenged on your statute-books. Congress, during the rebellion, deprived of all rights of citizenship those who deserted from the military or naval service, or who, after being "duly enrolled," left the United States or their military districts to avoid a draft. Certainly these offenses are no greater than the crime of treason, persisted in for successive years. The authority of Congress in all such cases rests upon the universal law of nations. It grows out of the contract of allegiance and the duty of every nation to preserve its own life; and therefore no trial and conviction by any judicial tribunal are necessary as a condition of the declared forfeiture. The forfeiture is not declared as a punishment for the violation of any criminal law, but as a safeguard against national danger. It is an expression of the same policy which excludes aliens from the rights of citizens. The power is not unconstitutional, for our fathers, in framing the Constitution, recognized the law of nations, as they were compelled to do, in launching the Republic among the independent Powers of the world. Nor is it at all affected by the question whether the districts lately in revolt are States in the Union or territorial provinces. In both States and Territories the national authority must be held paramount as to the rights of citizenship, which has uniformly been regarded as a national question. If the second section of the first article of the Constitution gives to the States the power to say who shall vote, this must necessarily be understood to apply only to those who are citizens of the United States, since otherwise the national authority might be overthrown by aliens in our midst in combination with citizens. The late war for the Union has been carried on at immense cost for the purpose of demonstrating to all the world that we are a *nation;* and every nation, according to the high authority already quoted, "has a right to every thing that can ward off imminent danger, and keep at a distance whatever is capable of causing its ruin; and from that very same reason that establishes its right it has also the right to the things necessary to its preservation."

Mr. Speaker, with what face can we denounce the President for his wholesale pardons, and charge him with making treason honorable and loyalty odious, if we ourselves voluntarily clothe with the honor and dignity of the ballot the men who have forfeited all their rights by their crimes against their country? With what consistency can we declaim against the monstrous blood-guiltiness of treason while we extend to the traitor the right hand of political fellowship? Sir, not a single rebel has yet expiated his crime on the gallows. Not one has even been tried. Neither confiscation nor exile has been the portion of the armed assassins and outlaws who summoned to their untimely graves more than three hundred thousand heroes of the Republic, and made the civilized world stand aghast at the recital of their crimes. I do not say we should disfranchise the rebels because the President has allowed them to go unpunished, but that loyal men alone can be trusted to govern the country they have saved, and that the false clemency of the Executive is the exact reverse of a good reason for restoring traitors to power. Nor do I argue that perpetual disfranchisement will certainly be necessary, but that the nation, for its own safety, should withhold the ballot from its enemies till they have proved themselves fit to cast it. No such proof can be adduced. On the contrary, the spirit of treason is now quite as reeking and defiant in the revolted districts as at any time during the war. In the sunshine of the President it has sprouted up into new and more vigorous forms of life, while repentant rebels are unknown, save in the sense of regretting the failure of their treason. Sir, I hope the Thirty-Ninth Congress will not sully its good name by confounding the friends of the country with its enemies in the reconstruction and government of the districts blighted by treason, and thus trample down the great principle that allegiance to the nation is the condition of citizenship and the bulwark of our freedom. To do this would be to surrender our strongest weapons to the President and his rebel allies. It would be disloyalty to the great cause which would thus again be imperiled, and bring dishonor upon the graves of our martyred legions, who perished in deadly encounter with the traitors whom we now propose to restore to their lost rights.

Mr. Speaker, I further object to the measure before us, that it is a mere enabling act, looking to the early restoration of the rebellious districts to their former places in the Union, instead of a well-considered frame of government, contemplating such restoration at some indefinite future time, and designed to fit them to receive it. They are not ready for reconstruction as independent States on any terms or conditions which Congress might impose; and I believe the time has come for us to say so. We owe this much to their misguided people, whose false and feverish hopes have been kept alive by the course of the Executive and the hesitating policy of Congress. I think I am safe in saying that if these districts were to-day admitted as States, with the precise political and social elements which we know to exist in them, even with their rebel population disfranchised and the ballot placed in the hands of radical Union men only, irrespective of color, the experiment would be ruinous to the best interests of their loyal people and calamitous to the nation. The withdrawal of Federal intervention and the unchecked operation of local supremacy would as fatally hedge up the way of justice and equality as the rebel ascendency which now prevails. Why? Simply because no theory of government, no forms of administration, can be trusted, unless adequately supported by public opinion. The power of the great landed aristocracy in these regions, if unrestrained by power from without, would inevitably assert itself. Its political chemistry, obeying its own laws, would very soon crystalize itself into the same forms of treason and lawlessness which to-day hold their undisturbed empire over the existing loyal element. What these regions need, above all things, is not an easy and quick return to their forfeited rights in the Union, but *government*, the strong arm of power, outstretched from the central authority here in Washington, making it safe for the freedmen of the South, safe for her loyal white men, safe for emigrants from the Old World and from the northern States to go and dwell there; safe for northern capital and labor, northern energy and enterprise, and northern ideas to set up their habitation in peace, and thus found a Christian civilization and a living democracy amid the ruins of the past. That, sir, is what the country demands and the rebel power

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needs. To talk about suddenly building up independent States where the material for such structures is fatally wanting is nonsense. States must *grow*, and to that end their growth must be fostered and protected. The political and social regeneration of the country made desolate by treason is the prime necessity of the hour, and is preliminary to any reconstruction of States. Years of careful pupilage under the authority of the nation may be found necessary, and Congress alone must decide when and upon what conditions the tie rudely broken by treason shall be restored. Congress, moreover, is as solemnly bound to deny to disloyal communities admission into our great sisterhood of States as it is to deny the rights of citizenship to those who have forfeited such rights by treason.

I have thus far, Mr. Speaker, addressed myself to considerations which appeal to men of my own political faith. There is a theory of reconstruction held by gentlemen on the other side of the House, according to which the rebels, the moment they laid down their arms and confessed themselves vanquished, were entitled to resume all their rights as citizens, just as if they had had not rebelled, and to set in motion the machinery of their State governments, be represented in Congress, and enjoy all and singular the rights and privileges of other citizens of the United States. Sir, I shall not consume much time in noticing this strange theory, which was so happily disposed of by the gentleman from Ohio [Mr. SHELLABARGER] on Friday last. I must, however, do its friends the honor of confessing it to be entirely original. I think no such principle can be found in the law of nations. I am quite sure there is no historical precedent for it, and that the precedents are strongly the other way. One of these, and a very notable one, I may refer to, as illustrating the difference between the congressional and presidential theories of reconstruction. I understand that when Satan rebelled against the Almighty he was accommodated with quarters somewhat more tropical and less salubrious than the kingdom he had involuntarily abdicated. To speak plainly, he was plunged into hell; and he "accepted the situation." According to one account of the transaction he said it was—

"Better to reign in hell than serve in heaven;"

and he has not been "reconstructed" to this day. But according to the modern theory to which I refer, the devil, when he was finally overpowered and was willing to acknowledge it, was that moment entitled to be reinstated in his ancient rights in Paradise, exactly as if he had not sinned. That I understand to be the Democratic theory of reconstruction. But Satan, devil as he was, never had the infernal audacity to insinuate so monstrous a pretension; and it was reserved for the followers of Andrew Johnson, nearly six thousand years later, to startle the civilized world by its avowal. Mr. Speaker, let me not be misunderstood here. I do not desire to see the rebels follow in the footsteps of their illustrious predecessor. There may have been times when it seemed to me they deserved a similar treatment. It may even have occurred to me, in some of my profaner moments, that if there is not a pretty respectable orthodox hell on the other side of the grave for the special discipline of the rebel leaders, it would seem to be the grandest oversight that divine Providence could possibly have committed. But in confronting the dangers which now beset our country, I put aside these theological fancies; and what I demand, and all I ask, is that Congress shall organize a well-appointed political *purgatory*, located in the rebellious districts, and keep the rebels in it until by their penitence and a change of their lives they shall satisfy us that they can again be trusted with power. Let us put them on probation; and should it require ten years, or twenty years, to qualify them for restoration, or secure an outside element strong enough to rule the rebel faction, let the time be extended. The grand interests involved plead with us to "make haste slowly," while voices from the graves of our slaughtered countrymen beseech us to "keep none but loyal men on guard." When the rebels, conscious of the ruin they have wrought, shall wash away their guilt in their tears of genuine contrition, then, and not till then, let us restore them to our embrace.

And now, Mr. Speaker, if any gentleman asks me what plan of government I would institute for the probation and pupilage of these districts I am ready to answer him. But before I do that I desire to say what forms of reconstruction I do not favor. In the first place, I oppose any cunningly devised scheme like that reported by the gentleman from Ohio [Mr. ASHLEY] from the Committee on Territories, with its popular conventions, its committees of safety, its provisional governors, and other machinery designed to meet the ugly fact that we have a bad man in the presidential chair, whose usurpations it is pretended we must checkmate by these extraordinary measures. If the President has been guilty of high crimes and misdemeanors, let him be impeached and hurled from power. I believe he is thus guilty, and therefore I believe our first duty is to call him to account. Instead of gradual approaches and flank movements we should confront him at once with our accusations and demand his trial. Instead of lopping off the branches we should strike at the root of our troubles, and no significance or insignificance of the executive office as now filled should stand in the way of our constitutional duty. If the President is not guilty of high crimes and misdemeanors, in the sense in which those terms were understood by our forefathers, and according to the precedents they had before them, then the right of impeachment is not even a "scarecrow," as Mr. Jefferson styled it. But if I am mistaken, and the country is doomed yet longer to endure his maladministration, then let us adopt precisely such measures of government for the rebellious districts as would be necessary and proper if we had an honest man in the place of Andrew Johnson, thus affording him the opportunity, should he seek it, to provoke new conflicts with the people by opposing our measures. Should his madness fail to supply us, abundantly, with the grounds for a successful impeachment, the sands of his official life will soon run out at the worst, while the management of the rebel territory demands a policy which may last for indefinite years. As the friends of the Constitution and the champions of law, we can best perform our duty by adhering to the well-settled forms and usages of our republican institutions.

I oppose, in the second place, any plan of reconstruction which attempts to reconcile opposite and utterly irreconcilable theories. If the rebellious districts are States, known to the Constitution as such, they have the right to be represented on this floor and in the other end of the Capitol. They have all the rights of the other independent States of the Union, and the work of reconstruction is done already. The logic of this theory, if accepted, not only vindicates the policy of the President, but brands the legislation of Congress for nearly six years past as a deliberate usurpation. This is the rebel theory, and those who have accepted it with all its consequences are consistent and brave men, who are entitled to the thanks of all the enemies of their country. But if you reject this theory, then you are driven squarely over to the policy of unqualified radicalism, for there is no middle ground on which to stand. If these districts are not States known to the Constitution it must follow inevitably that the Constitution knows them only as Territories, for which Congress is bound by the express words of the Constitution to "make all needful rules and regulations." Sir, I am opposed to any scheme of compromise between these theories, and to any plan of reconstruction which embodies in it any elements of the rebel theory. The policy of Congress and the President in recognizing those districts as States, while exercising over them powers utterly inconsistent with the rights of States, has brought upon us our worst troubles, and the sooner we abandon it the better it will be for the country. The nation needs a manly and straightforward *policy*, and not the weakness and vacillation which spring from crooked and ambidextrous measures which lend strength to the enemies of the Republic.

Mr. Speaker, the theory which deals with the rebellious districts as under the exclusive jurisdiction of Congress rests upon grounds which are logically impregnable. In the first place, their old constitutional governments were overthrown and destroyed by the rebellion. This will not be disputed. Second, their rebel governments, which followed, were destroyed by our arms. This is equally certain. Third, their present governments, extemporized by the President, are military and provisional only, having no validity whatever save that which they borrow from the continued acquiescence of Congress. The President himself can be quoted in support of this position. And fourth, the rebels themselves, having forfeited all their rights by their treason, as I have already shown, have no authority to institute any sort of government within their respective districts, until they are expressly empowered so to do by Congress. If I am right in these positions, these districts are so many geographical divisions of the Republic whose people are wholly without any valid civil government, and without any constitutional power to frame such government; and being solely under the jurisdiction of Congress, and having none of the powers and attributes of States, they are necessarily Territories of the United States. As such they need government till they are prepared for readmission, and the machinery of territorial governments, older than the Constitution itself, is as familiar to the American people as that of the State governments. Let each of these Territories then have a governor, a chief justice, a marshal, and an attorney. Let each of them have a Delegate in Congress, fitly denied the right to vote, while permitted to speak. Let each have a Legislature for the enactment of local laws, subject to the supervision of Congress. Let Congress declare who shall be qualified to vote in these Territories, adopting the same rule already established in the other Territories of the United States and in the District of Columbia. And when local supremacy shall defy the national authority in any of these Territories, let it be effectually cured by the military power of the United States. Under this educational process I would have these rebellious districts trained up in the way they should go, whether the time required for such training shall prove long or short; while in the mean time every inch of their soil will be subject to the national authority, and freely open to the energy and enterprise of the world. This policy, by nationalizing the South, would render life and property as secure in Louisiana as in Maine. It would tend powerfully to make our whole country homogeneous. It would encourage in these wasted regions "small farms, thrifty tillage, free schools, closely-associated communities, social independence, respect for honest labor, and equality of political rights." All these blessings must follow, if only the nation, having vanquished its enemies, will now resolutely assert its power in the interest of loyal men, over regions in which nothing but power is respected.

To all this, Mr. Speaker, it will be objected that it contravenes the policy of the constitutional amendment proposed by Congress at our last session, and therefore cannot in good faith be urged while that amendment is pending. Several replies to this objection are at hand.

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First, it must be remembered that this amendment was submitted to the several *States*. Congress had no right to propose it to unorganized districts which had no constitutional governments of any sort, and therefore no power to pass upon the question. Could we, for example, submit this amendment to Colorado or Nebraska, before they have been lawfully declared States? Congress, at the last session, might have waived all formalities and recognized the rebellious districts as States by receiving their representatives, as was done in the case of Tennessee; but we refused to do this. Congress even declined to pass the bill reported from the Reconstruction Committee providing that these so-called States should be received on their acceptance of the amendment. It is perfectly certain, therefore, that Congress reserved for its future judgment the very question which is assumed to have been decided by the objection under notice; or, that if Congress did decide it the decision was the other way. The very utmost that can be claimed by the champions of the constitutional amendment is that the question is an open one; and, being an open question, Congress may decide it to-day by putting territorial governments over these regions, leaving the amendment to the disposition of the loyal States, whose representatives in Congress for nearly six years past have ignored the existence of disloyal States in dealing with the mighty concerns of war and peace and the amendment of the Constitution itself. I believe the pending amendment will be ratified; but in voting to submit it I do not think Congress is at all embarrassed in its present action. I can say, for myself at least, that I am perfectly untrammeled, either by my votes in this House or by pledges or committals anywhere; while I believe the general understanding at the last session was that the amendment embodied provisions which were demanded as national safeguards, without pretending to supply any final solution of the problem of reconstruction.

But I reply, in the next place, that even if Congress at the last session bound itself by an implied agreement to admit these districts as States on their ratification of the amendment, we are now released from that obligation. With singular unanimity and emphasis they have rejected our proposal, and thereby left us free. Sir, are we bound to wait here five years, or ten years, for them to ponder the question and reverse their decision, after they have already defiantly spurned our offer, allowing the rebel power in the meanwhile to have free course? I do not so understand the bargain, if any bargain has been made. We have the right to plead our release, and the state of the country demands that we shall exercise it. Since our session of last summer great changes have been wrought in the general feeling of the people. We see daily the truth of the old adage that "circumstances alter cases." Public opinion has forced Congress to establish manhood suffrage in the District of Columbia, and thereby to say that that principle should prevail in all the States of the Union. Congress has extended it over all the Territories of the United States, constituting an empire large enough to support a population of two hundred million people. Congress has voted for the admission of Colorado and Nebraska on the fundamental condition of their acceptance of the same principle, and thus advertised all whom it may concern that other States yet to be born must comply with the same condition. Most certainly the like requirement will be made of the districts lately in arms against us, whatever may betide the constitutional amendment. God forbid that we should impose conditions upon virgin States of the Northwest, which have never rebelled, and whose people to-day are loyal, which we will not exact of the rebels who have drenched their country in blood! Sir, we cannot trifle with a principle so vital, or expose it to any sort of hazard. I voted last year against restoring Tennessee to her place in the Union, because I feared she could not be trusted without a mortgage from her securing the ballot to her colored loyalists. I hope my fears will prove groundless, but I shall never regret my vote. The loyal people of Maryland to-day, black and white, would be safer under Federal bayonets than under their local government; and Congress, where it has the power, must exert it against the enemies of the country and their sympathizers. I shall never vote to restore one of these rebel districts to power as a State, except upon the condition that impartial suffrage, without respect to race, color, or former condition of slavery, shall be the supreme law within her borders. Sir, we can no longer evade the solemn duty which the logic of events has at last made plain to all lovers of justice; and the man who now thrusts constitutional amendments in our way might as well quote the Crittenden resolutions, adopted by this House the day following the first battle of Bull Run, as the governing principle of the Thirty-Ninth Congress.

I add, finally, and as a conclusion from what I have said already, that the second section of the proposed amendment ought never to be made a part of the Constitution of the United States. It would not now be proposed, if the question were pending as a new one, as our action at this session has plainly indicated. I voted for it, along with the other sections of the amendment, simply as a proposal to reduce the political power of the rebels to a common level with that of loyal men; but instead of cutting down representation in these districts to the basis of actual suffrage, I think we are now ready so to extend the franchise as to make it commensurate with actual representation. An amendment of the Constitution securing this result should have been proposed at the last session. When, in our extremity, we called on the black loyalists of the South to help us through the red sea of war into which our wickedness had plunged us, and they responded to our call by sending two hundred thousand soldiers to our rescue, it thenceforward became the nation's duty, from which no escape was morally possible, to secure the rights of citizenship, both civil and political, to the wronged and outraged millions of the African race in our midst. It thenceforward ought to have been counted a shameful proposition, a flagrant affront to common justice and gratitude, for Congress to propose to the rebels, as a constitutional amendment, that if they would agree to the exclusion of these loyal colored men from the basis of representation, we would agree to surrender them to the tender mercies of rebel State governments, which might wholly deprive them of the sacred right of representation. Sir, I hope no such principle will ever defile the Constitution of our fathers. Aside from its cold-blooded ingratitude to our black allies, it is radically vicious. It impliedly concedes to the States of the Union the right to disfranchise male citizens of the United States over twenty-one years old who are innocent of crime, and thus strikes at the root of all democracy. If "taxation without representation is tyranny," and Governments derive "their just powers from the consent of the governed," the citizen's right of representation is as natural and inherent as the breath of his nostrils. To deprive him of it, unless he himself forfeits it by his offenses against society, is a crime against his manhood, which is the common foundation of the rights of all men. It is an offense against all free government, for the right of one citizen to a voice in its public administration is precisely the same as the right of every other citizen; and no fraction of citizens, however large, can deprive the remainder of their common and equal right. To deny this is to mock the Declaration of Independence and insult the memory of our fathers; and to incorporate the denial into the Constitution of the United States, in words which express or imply it, would strengthen the hands of every rebel in the South, and comfort the enemies of American democracy throughout the world. It would pollute the very fountains of our national life by the unnatural marriage of the Constitution to the foul heresy of State rights, which so recently wrapped the Republic in the flames of war; while it would stand in open conflict with that grand central principle of our great Charter which declares that "the United States shall guaranty to every State in this Union a republican form of government."

Reconstruction.

SPEECH OF HON. GEO. F. MILLER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

January 19, 1867.

The House having under consideration the bill (H. R. No. 543) to provide for restoring the States lately in insurrection to their full political rights—

Mr. MILLER said:

Mr. SPEAKER: The bill under consideration is one of vast importance, and demands the serious consideration of this House. Eleven of the States of this Union having rebelled, to wit: Tennessee, Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, Texas, Mississippi, and Virginia, claimed to have seceded and attempted to set up a new government for themselves, to be called the "confederate States of America," after four years of terrible and bloody conflict, such as no nation ever before witnessed, one of the most gigantic rebellions ever inaugurated was subdued by force of arms, and the life of this Republic, though not yet a century old, saved from ruin. During our struggle the monarchical Governments of Europe, save that of Russia, were, as it seemed, desirous for our downfall, and some of them even boasted through their public journals that a republican form of government was a failure. They looked back upon the ancient republics, which flourished for a while, but finally crumbled into ruin, and on their foundations were reared the most tyrannical Governments, with a lively hope that our fate would be no better.

But thanks be to Him who rules the destinies of nations that we had at the head of our Republic a President in the person of Abraham Lincoln, who was destined for the great work of saving the country from the grasp of designing demagogues. He was the choice, and I might add the idol of a free people, and around his administration the true, loyal patriots of the country rallied. After the triumphant reëlection of Mr. Lincoln and surrender of the rebel forces, the next great question to solve was how to reconstruct the eleven States lately in rebellion so as to insure a permanent peace. But before this work was fully entered upon, Mr. Lincoln was assassinated, to wit: on the night of the 14th of April, 1865, by a foul wretch of the name of John Wilkes Booth, and of the wounds inflicted died the next day at twenty-two minutes past seven o'clock a. m. This was a sad event for the nation; his death was mourned by all the loyal people of the land; and the only consolation for this bereavement was the loud professions of Andrew Johnson, who, being placed on the same ticket with Mr. Lincoln, was elected Vice President of the United States; and on the day of Mr. Lincoln's death, after taking the requisite oath administered by the Chief Justice, took the presidential chair. It was then hoped and believed that he would follow in the footsteps of his illustrious predecessor.

Immediately after the organization of the Thirty-Ninth Congress there was appointed a committee of fifteen, nine on the part of the House and six from the Senate, denominated

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a Committee on Reconstruction. This committee after several months' labor, having made a thorough investigation as to the status of the late rebellious States, made a report recommending certain amendments to the Constitution of the United States, to be called article fourteenth, which, after undergoing some modification, passed both Houses of Congress by more than a two-third vote. Said article is divided into five sections, which are as follows:

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. That Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

This amendment having been submitted to the respective States for their action thereon Tennessee, one of the late so-called rebel States, promptly ratified the same through her Legislature, and was immediately after admitted to representation in Congress, thus leaving ten of the rebellious States unrepresented.

I will now, Mr. Speaker, consider some of the features of the bill under consideration. The original was reported by Mr. STEVENS, from the joint Committee on Reconstruction, on the 20th of April, 1866, embracing two sections, to which the same gentleman, on the 19th of December following presented an amendment embracing eight sections; and on the 16th of January, 1867, he presented to the House a modified amendment embracing eleven sections. On the same day Mr. ASHLEY, of Ohio, chairman of the Committee on the Territories, presented what he denominated a modified amendment embracing eighteen sections. The first section of the original bill provides that when the constitutional amendment shall have become part of the Constitution of the United States, and any State lately in insurrection shall have ratified the same and shall have modified its constitution and laws in conformity therewith, the Senators and Representatives of such State, if duly elected and qualified, may, after having taken the required oath, be admitted into Congress; and the second section allows time to such States for payment of direct tax under the act of August 5, 1861. These sections presupposed of course the speedy adoption of the constitutional amendment.

The amended bill is more stringent in its terms. Considerable fault is found with the second section even by some of the Republicans, and especially by the ardent gentleman from Wisconsin, [Mr. PAINE,] upon the ground that it acknowledges as valid for merely municipal purposes the present State governments until legislative and executive officers shall be recognized. I cannot see in that section anything to bring forth so much opposition; it parts with no rights, nor does it acknowledge the validity of the governments formed in those States, except for the purpose therein contained. The third, fourth, and fifth sections prescribe the mode of forming constitutions in the said ten States. The remaining sections direct who shall vote in forming constitutions in those States. There may be some doubt with regard to Congress having the power to determine who shall exercise the elective franchise if they still retain their status as States, but in my opinion there is serious objection to what is contained in the sixth section, which declares that a certain class of persons engaged in the late rebellion have forfeited their citizenship and renounced their allegiance to the United States, and in order to be reinstated must first file their petitions for naturalization, and five years thereafter may on taking the prescribed oath be restored.

I contend, Mr. Speaker, that no rebellious act on the part of the rebels could dissolve their allegiance to the Government of the United States, and consequently they are amenable to its laws and can be tried and punished for their treason, and moreover they could be drafted and forced to serve in our armies notwithstanding they might claim to have seceded. In 3 Dallas, 153, Talbot *vs.* Janson, it is laid down by the Supreme Court of the United States that even if expatriation exists under our Constitution and laws there must not only be a renunciation of citizenship of the United States, but the actual removal for some lawful purpose; in the same case, on page 153, Justice Patterson, who delivered the opinion of the Court, says:

"It is an obvious principle that an act of illegality can never be construed into an act of emigration or expatriation. At that rate, treason and emigration or treason and expatriation would in certain cases be synonymous."

Hence it will be seen that no citizen, while remaining within the United States, can absolve his allegiance, consequently this section could not be sustained; yet I have no doubt that laws may be passed depriving those engaged in the rebellion of certain political rights. The modified amendment makes some change as to the time of holding the election of delegates to meet in convention to form a constitution and the mode of appointing commissioners who shall direct the mode of selecting the election officers for the several districts; in other respects the main features are the same as that of the amended bill.

The modified bill of Mr. ASHLEY differs considerably from that of my colleague, [Mr. STEVENS,] though, as I view it, it is more complicated, and it will be more difficult to carry out its provisions. The fourteenth section provides that the constitutional convention, when assembled and organized, may divide the State of Texas into two States, and that said convention shall first cede a part of the territory to the United States. I doubt very much whether this extraordinary power could be carried out by this mode of procedure, at least it would be a very doubtful undertaking, and such as I do not think Congress would feel justified in adopting. Upon the whole I am of opinion that my colleague's [Mr. STEVENS] bill is preferable to that of the honorable gentleman from Ohio if somewhat modified, which could be best accomplished by reference to a committee; and as the Committee on Reconstruction is composed of members from each House it would be the appropriate committee to refer it to, and I am therefore in favor of such reference. The reconstruction of these States is a very grave question, and ought not be passed over too hastily.

The learned gentleman from Ohio [Mr. BINGHAM] attacks the bill of my colleague [Mr. STEVENS] with considerable severity. He says in his able speech:

"The gentleman's [Mr. STEVENS's] bill, while it conflicts with the constitutional amendment, totally ignores the first duty of the Congress of the United States to give the protection of law to life and property in the disorganized States."

He also says that—

"The bill and the gentleman's [Mr. STEVENS's] hypothesis would operate as a general jail delivery."

I cannot see how the bill referred to "would operate as a general jail delivery." If its provisions are in conformity with the Constitution and could be carried out, the rebels might find a jail without a delivery, and I am inclined to believe that the fears of the learned gentleman on that point are more imaginary than real; nor do I understand Mr. STEVENS to be opposed to the constitutional amendment, for I understood him to say when I gave notice that at the proper time I would offer the following section to the bill, to wit:

And be it further enacted, That no such State shall be admitted to a representation in Congress until it also ratifies the amendment to the Constitution of the United States which has been proposed by two thirds of both Houses of the Thirty-Ninth Congress and submitted to the respective States for ratification—

that he had no objection to this section being added. Much has been said, Mr. Speaker, by members on this floor as to the status of these late rebellious States; some have contended that they are to be treated as conquered provinces, and of course be subject to the will of the conqueror. Of this, which I deem a very dangerous doctrine, I had occasion to remark in a speech delivered in this Hall on the 21st of April last, that by assuming that position we might make ourselves liable for at least so much of the rebel debt as is held *bona fide* by outside parties, and it is said that about five hundred millions of the bonds are held by persons in Europe.

By the law of nations the conqueror of a province is entitled to the public domain and is bound to pay its debts previously contracted. As this is such a universal rule it does not require authorities to substantiate it; I will, however, cite one, which will be found in Wheaton's Elementary International Law, third edition, page 63, in which it is laid down:

"As to public debts, whether due to or from the revolutionized State, a mere change in the form of government or in the person of the ruler does not affect their obligation. The essential form of the State, that which constitutes it an independent community, remains the same; its accidental form only is changed. The debts being contracted in the name of the State, by its authorized agents, for its public use, the nation continues liable to them, notwithstanding the change in its internal constitution. The new government succeeds to the fiscal rights and is bound to fulfill the fiscal obligations of the former government. It becomes entitled to the public domain and other property of the State, and is bound to pay its debts previously contracted."

Now, sir, we cannot afford to speculate upon such a theory, nor is there any occasion for assuming such a dangerous position. On this point I maintain the same views that I expressed during the first session of this Congress, to wit: that no act on the part of the rebels could take a State out of the Union; that their attempt to do so was frustrated by the force of arms, and that they still remained a part and parcel of the United States; and that all their acts and decrees, so far as regards the United States, were an absolute nullity.

I think I am safe in saying that there are but few who maintain the doctrine that the rebel States are in the position of conquered provinces. There are others who contend that they lost their status as States and are to be treated as Territories, and are again to be admitted as if they never had been States. This, I think, is a mistake, for I do not well see how the rebellion could bring about this fundamental change. It is true that they may have, by their acts, in effect abrogated their corporate powers, or, in other words, suspended the same

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and thus placed themselves for a time without a protective State government, in which case that injunction of the Constitution of the United States must be invoked, which in the fourth section of the fourth article thereof declares that—

"The United States shall guaranty to every State in this Union a republican form of government."

And these very words of the Constitution plainly indicate that when a State is once admitted into this Union it must remain a State, and that a majority therein cannot change its government from that of a republican form. The minority, let it be ever so small, is entitled to the protection of the United States, and consequently it is a great mistake to suppose that they forfeit their rights because a majority in a State may rebel. In this view I am sustained by an able writer on the laws of nations; for in Vattel's Law of Nations, page 6, it is laid down that—

"If a nation is obliged to preserve itself, it is no less obliged carefully to preserve all its members. The nation owes this to itself, since the loss even of one of its members weakens it and is injurious to its preservation. It owes this also to the members in particular, in consequence of the very act of association; for those who compose a nation are united for their defense and common advantage; and no one can justly be deprived of this union and the advantages he expects to derive from it while he on his side fulfills the conditions."

And the same author adds that—

"The body of a nation cannot then abandon a province, a town, or even a single individual, who is a part of it, unless compelled to it by necessity, or indispensibly obliged to it by the stringent reasons founded on the public safety."

In all our congressional proceedings we have denominated them as States, and I do not see, Mr. Speaker, what is to be gained by the territorial doctrine in regard to those States, even if it was tenable, for we have the full power to so reconstruct them as to protect the loyal people resident therein, and that there are such no one doubts. But recently four million human beings who were held in abject slavery have been emancipated, who are said to be loyal to the Government, and it is our duty to see that they are properly protected. But suppose we should undertake to establish the doctrine that the late rebel States, except Tennessee, are to be considered as Territories: what better position would we be placed in? For when they would present a constitution framed to meet the approval of Congress they would be admitted, and in fact to accomplish that they might readily agree to almost any terms in order to obtain admission and representation, and, this having been accomplished, I would ask, sir, what could prevent them from calling a convention and changing their constitution in any way they may see fit, provided it is not incompatible with that of the United States, and I might also ask what protection would the loyal people in those States then have?

But it is said the civil laws in those States are not sufficient to afford ample protection; I would say then, sir, extend the laws of the United States over those States in such a manner as to give proper protection; and if that is not sufficient then suspend the writ of *habeas corpus* and let them be governed by martial law until they shall have learned to respect the civil law. But I may be asked if the adoption of a proper constitution in those States is not a sufficient guarantee against future innovations, what is? My response is the adoption of the constitutional amendment, which I believe to be the bulwark of our liberty and a complete barrier against any other rebellion. And now, sir, permit me for a few minutes to examine the features of that amendment. The first section thereof makes all persons born or naturalized in the United States and subject to the jurisdiction thereof citizens, and also prohibits any State from making or enforcing any law which shall abridge the rights of citizens, &c. This is in effect ingrafting the civil rights bill and affording to all adequate protection, which is so just that I cannot see how any objection can be seriously interposed, unless it is by those whose consciences have been seared with the rebel doctrine that "a negro has no rights which a white man is bound to respect." This section however will relieve those persons who entertain that doctrine.

The second section provides that if any male citizens of the United States, being twenty-one years of age, shall be deprived of the right of voting, except for participation in the rebellion, representation shall be reduced in proportion. This applies to all the States in the Union, but may more materially affect the late slave States. Under the Constitution of the United States, adopted by the Convention on the 17th day of September, 1787, and ratified by the States in 1789, in the representation the whole number of free persons, including those bound for service for a term of years, and excluding Indians not taxed, three fifths of all others were counted, and now as slavery is abolished the other two fifths would be counted, thus giving the late slave States a representation for all the colored men without extending to them the elective franchise, which would be then about thirty-seven members of Congress for an unvoting population, while on the other hand the other States are confined to the voters, consequently making, in effect, the vote of one white man in the South equal to about three in the North. It must be borne in mind that this amendment is intended for all the States of the Union, and leaves each to decide for itself as to negro suffrage; but if the black man is deprived of that right he is not to be counted in the representation. Is not this just?

The third section prohibits any person from being a Senator or Representative in Congress, or elector of President and Vice President, and from holding any office, civil or military, under the United States or any State, who had previously taken an oath as member of Congress or as an officer of the United States or of any State to support the Constitution of the United States and afterward engaged in the rebellion; with a proviso that Congress may, by a vote of two thirds of each House, remove this disability. This, I presume, is the main feature to which the leading rebels object, as they seem extremely anxious to be in a position to make and administer laws for the loyal people of the country. They ought to be thankful that they are permitted to enjoy the benefits of the Government they exerted themselves to overthrow. This section only puts them upon their good behavior, and if any future Congress sees evidence of true repentance and return to loyalty they may, by a two-thirds vote, remove the barrier. But in the mean time these persons must understand that in Government affairs they must take a back seat.

The fourth section affirms the validity of the debt of the United States, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, and declares that neither the United States nor any State shall asssume or pay any obligation against the United States or any claims for the loss or emancipation of any slaves, but that all such obligations shall be illegal and void. This is a very important section to the tax-payers of the country. As far as I have been able to ascertain the rebel debt, including the $500,000,000 held in Europe, is not less than $2,500,000,000; besides this the slaveholders assert that they will make claim for their emancipated slaves, which are in number say four millions. Now, counting these at $300 each, we would have $1,200,000,000 more, and this being added to the rebel debt, would make $3,700,000,000.

Now, supposing that the constitutional amendment should be abandoned, how would we stand with regard to this enormous claim? The insurrectionary States being restored to representation their representatives, together with their northern sympathizers, would no doubt favor the assumption of the same by the United States, an attempt to do which might succeed with the influence that might be brought to bear on some future Congress, both at home and from abroad, for it is not supposable that foreigners owning such a large amount as $500,000,000 of the rebel debt would be passive on such an occasion, and especially if we should be so unfortunate as to elect a southern man for President. If this enormous sum should be assumed and added to our own debt what would become of us? When and how could it be paid? Would it not reduce the nation to bankruptcy or at least tax the people beyond endurance? Then the people would see the importance of the policy of the majority of the present Congress. But how can this catastrophe be averted? My answer again is by the adoption of the constitutional amendment, and then to change it there will be required two thirds of both Houses of Congress and three fourths of the States, which it is not likely can ever be obtained. Then may the country feel safe, having a sure guarantee.

But it is said that none of the ten insurrectionary States will ratify it; then let them do without representation; we did without their help in our struggle to maintain our nationality, and now as that struggle is over we can still get along without them; they left these Halls with their own accord to inaugurate a rebellion and they shall not return without the approval of Congress. This amendment is such a guarantee as we have a right to demand, and I assert, Mr. Speaker, that so long as I am honored with a seat on this floor I will never vote for the admission of Representatives from those States until the constitutional amendment is first ratified, in which they must participate.

The next and last section gives power to Congress to enforce by appropriate legislation the provisions of this article.

President Johnson seems very anxious for these insurrectionary States to have representation in Congress without any precedent condition whatever, notwithstanding the overwhelming verdict of the loyal people as expressed through the ballot-box at the recent elections. In his last annual message he says:

"Ten States, more than one fourth of the whole number, remain without representation; the seats of fifty members in the House of Representatives and of twenty members of the Senate are yet vacant, not by their own consent, not by failure of election, but by the refusal of Congress to accept their credentials."

And he talks about taxation without representation, and also says that those States so modified their laws as to repudiate the rebel debt.

Now, sir, why ought those States be allowed representatives in Congress to take part in reconstruction? Is it likely that they would vote for any restriction? And who ever heard of a judge or juryman sitting in the trial of his own cause? And yet the President asks that these men shall be admitted at once without any guarantee whatever for future security against the inauguration of another rebellion. He tells us that if they should after admission prove disloyal they may be expelled; but I would ask how could that be accomplished? The Constitution requires the concurrence of two thirds to expel a member, and if such representatives were admitted it is not probable that they would vote for their own expulsion, and by their voting against such procedure, as a matter of course, a disloyal member would be permitted to retain his seat and thus thwart the action of Congress. As to the changing of the laws, I look upon that alone as no security, for how easy it is for them to change back again and make them even more obnoxious than they were before.

We are told, Mr. Speaker, that our proceedings, without representation from those States, are invalid; if that is correct then all laws passed

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to suppress the rebellion, and also the large debt of $3,000,000,000 incurred to defray the expenses are null and void. Will any man contend that the laws so enacted and debt created are of no effect? Surely no loyal man will promulgate such doctrine. But if it was necessary for those States to participate, then President Johnson is not a legal President, for when he was elected those States were not allowed representation nor permitted to take part in the election of a President and Vice President, and therefore if the present Congress is an illegal body it follows as a corollary that he is an illegal President. It is not necessary, however, Mr. Speaker, to spend time on such an absurd proposition, and I may be permitted to say here that I am sorry that the President of the United States in his journey to the city of Chicago and back made use of such language as is attributed to him in his speeches. It would have been better, far better, for him and the country if he had been more guarded in his expressions. Mr. Speaker, the Republican members of this House are anxious for the restoration of the ten States lately in rebellion, and I might add as much so as the President is, with this difference, that he is in favor of admitting them without terms, and Congress, on the other hand, requires substantial security for the preservation of the country.

Had the life of the lamented Lincoln been spared, or had his successor, President Johnson, coöperated with Congress, reconstruction would ere this have been consummated and the States represented in the councils of the nation; but, as it is, Congress has this arduous duty to perform with the opposition of the President, backed by his mighty patronage, which has been used against the party that elevated him to the Vice Presidency, by which, on the death of Mr. Lincoln, he was enabled to step into the presidential chair. Mr. Speaker, counting the insurrectionary States, we have thirty-six, and if it requires three fourths of them to ratify the amendment twenty-seven States will be required. The fifth article of the Constitution of the United States prescribes that—

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

Of the twenty-six States all except Delaware, Kentucky, and Maryland have elected Republican Legislatures, who were pledged for the ratification of the amendment; and those of them that have not already ratified it will do so shortly. But in addition to these twenty-three States four more will be required provided three fourths of the whole number are necessary. It is, however, contended by some able lawyers on this floor that it is not necessary to include these ten unrepresented States; and if that position is tenable, then but three fourths of the twenty-six States would be required, to wit, twenty, and upon that hypothesis we have pledged three more States than are sufficient to accomplish this desirable object. But, as I stated on a former occasion in this Hall in regard to the constitutional amendment abolishing slavery, it is a question too important to theorize upon, as there is no telling what the Supreme Court of the United States, as now or shall hereafter be constituted, may decide in regard to the status of these ten insurrectionary States; and these apprehensions are fully illustrated in the recent decision of that court in the Milligan case—a decision which, if not already, will, in my opinion, be more obnoxious than that of the "Dred Scott."

Unfortunately, our courts of error do not keep pace with the progress of the age, for, instead of looking forward and framing their decisions consonant to the times and circumstances in which we live, they are too apt to turn their attention back in search of some stale precedents of the dark ages. I do not, Mr. Speaker, on this occasion intend to discuss the merits of the decision in the Milligan case; but trust that that high judicial tribunal may realize the importance of not keeping too far in rear of the other branches of our Government. The honorable gentleman from Ohio [Mr. BINGHAM] says:

"Let the amendment be ratified by three fourths of the organized and represented States, and it is in vain that conspirators and aiders of rebellion will appeal to the Supreme Court to relieve them from the righteous and just provisions of the decree of the people."

The same gentleman in his speech says also:

"If, therefore, gentlemen are at all apprehensive of any wrongful intervention of the Supreme Court in this behalf, sweep away at once their appellate jurisdiction in all cases, and leave the tribunal without even a color or appearance of authority for their wrongful intervention."

It is in vain, Mr. Speaker, for us to speculate with regard to what "conspirators and aiders of rebellion" will do, for they will stop at nothing that has a tendency to thwart the action of Congress or oppose the rights of the loyal people of the country; and suppose we should "sweep away the appellate jurisdiction" of the Supreme Court, how soon would it be restored in case the Opposition should obtain a majority, or in case it should be deemed by any future Congress that it was inexpedient to take away such jurisdiction? And how would we then stand?

Mr. Speaker, we must look at these grave questions coolly and with deliberation, and not be too sanguine with regard to untried theories; and as we are now vested with power to place our Government upon a sure basis beyond cavil it is our duty to do so, and not to admit to representation in Congress any of these ten late insurrectionary States that persist in the rejection of the constitutional amendment. I repeat, sir, that it is not the desire of the great Republican party to retard the restoration of those ten States to full political rights, but on the contrary they are anxious for a speedy adjustment, in order to secure adequate protection to all classes and conditions of men residing therein, and at the same time afford ample security to the United States Government against any future refractory course that might be pursued on the part of those States. The delay about which we hear so much complaint from a certain quarter is not the fault of Congress, but owing to the pertinacity of leading politicians who participated in the inauguration of the late rebellion.

Sir, they must and will be taught to understand that they are not to dictate as to the plan of reconstruction. That work must be left in the hands of loyal men, who, in the dark hour of our struggle to maintain national existence, rallied around the old flag, and those States must accept the terms that Congress propose or remain without representation, and in the mean time be governed in such a way as may render proper protection to the inhabitants thereof. Mr. Speaker, I will say to the people of those States that they need not be deluded with the idea that they will get back under what is denominated President Johnson's policy, or under any terms more favorable than those dictated by Congress, and their abuse of this body through certain southern journals will not hasten their aggrandizement; and again, it is time that they should understand that rebels, even whitewashed with pardons, are not to be intrusted with the affairs of the Government, and so far as this and the next Congress are concerned I think I am safe in saying that they will find that determination carried out. And now, sir, it devolves upon us to stand firm upon these great questions, and I trust there will be no Republican member found to falter.

The course we laid down at the first session of this Congress was submitted to the people, who were looking upon our actions with an anxious eye, and notwithstanding the fact that all the executive patronage was brought to bear in order to defeat Republican members we were nobly sustained by a grateful and patriotic people and returned here to complete the great work submitted to us; and I trust our constituents may not be disappointed, and that, through the guidance of Him who has signally blessed our arms and dispelled the dark clouds of treason that were hanging over our beloved country, we may be enabled to so reconstruct the late rebellious States as to insure peace, security, and stability for generations to come, so that this Republic may never be distracted by another rebellion.

And now, Mr. Speaker, in conclusion, I have to say that the late rebellion caused the sacrifice of too many noble men who fell in defense of the Union, and caused too many widows and orphans, beside the large expenditure of money, to allow rebels to resume seats in the councils of the nation or permit the States lately in insurrection to assume their former position in the Union without an adequate guarantee. Had those ten States manifested the same disposition as Tennessee they might now be in a very different position; but as it is, I see no hurry in granting them representation until we have more evidence of returned loyalty and see a disposition manifested to adopt the amendment; and this is the sentiment of the loyal people of the country, to which we as their Representatives must adhere, and by doing so we will foster our free institutions and make manifest to the world that a republican form of government is not a failure, and it will then be a light for the oppressed nations of the earth to follow.

Government of Insurrectionary States.

SPEECH OF HON. A. J. ROGERS,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more effectual government of the insurrectionary States—

Mr. ROGERS said:

Mr. SPEAKER: I have not, during this session at least, however much time I may have taken before, occupied the attention of this House much upon the questions which have been before it. In the remarks which I intend now to submit I intend to speak for myself and nobody else, because I may entertain some views with regard to this important question, in which we have all so much interest, that are not entertained by other gentlemen upon my side of the House, and I may appear to disagree in part with the position taken by my honorable friend from Ohio, [Mr. LE BLOND,] that the President of the United States had no constitutional authority to put it in the power of the people of the insurrectionary States to form their present State governments.

I made a speech in this House some seven or eight months ago wherein I took occasion to discuss this question of the power of the President of the United States to lend his aid, as Commander-in-Chief of the Army and Navy, to such an extent to the people of the insurrectionary States as that they might form their present State organizations. Because, sir, I hold that such of the people of the South as were engaged in actual hostilities, while they were in rebellion, defying the laws of the country, and preventing the constitutional authority of this Government from exercising its legitimate functions over them, were in such a condition as to have no right to participate in the exercise of the legislative, executive, and judicial powers of the Federal Government.

Mr. LE BLOND. Will the gentleman yield?

Mr. ROGERS. I will for a question.

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Mr. LE BLOND. I wish simply to state my position, for I think the gentleman has not stated it correctly. The position I take is this: that the very moment the rebellion ceased these States were entitled to all the rights under the Constitution that they possessed before the war commenced; and having their State governments in full operation all that was necessary to be done was to let them send their representatives to Congress, and to treat their States as fully organized under the Constitution and laws of the Federal Government, precisely as General Sherman provided and stated in the articles of capitulation between himself and General Johnston. That is the view I take. Now, the very moment the President of the United States appointed provisional governors in those States he recognized to some extent their disorganized condition, to which recognition the ultras in this House appealed as a justification for the course they were pursuing.

Mr. ROGERS. The gentleman and myself do not disagree upon the proposition he lays down, that the moment the war ceased the people were entitled to all their constitutional rights as they existed before the war. But the gentleman said that the President of the United States had no right, as Commander-in-Chief of the Army and Navy, to lend his aid as such by appointing provisional governors and putting the people in the former position or the original status which they occupied before the rebellion broke out.

I hold this question to be settled by a judge of the Supreme Court, in the opinion given by one of the ablest men on that bench in a case where this identical question of the status of these States and the rights of their people came up. I refer to the opinion of Justice Nelson in the case of James Eaton, who applied for a *habeas corpus* to be released from imprisonment, to which he had been sentenced by a military commission in South Carolina for the offense of murder alleged to have been committed in that State. Among other things the judge decided:

"For all that appears the civil local courts of the State of South Carolina were in the full exercise of their judicial functions at the time of this trial, as restored by the suspension of the rebellion some seven months previously, and by the revival of the laws and the reorganization of the State in obedience to and in conformity with its constitutional duties to the Union. Indeed, long previous to this the provisional governor had been appointed by the President, who, as Commander-in-Chief of the Army and Navy of the United States—and whose will under martial law constituted the only rule of action—for the special purpose of changing the existing state of things and restoring the civil government over the people. In operation of this appointment a new constitution had been formed, a Governor and Legislature elected under it, and the State placed in the full enjoyment or entitled to the full enjoyment of all her constitutional rights and privileges. The constitutional laws of the Union were thereby enjoyed and obeyed, and were as authoritative and binding over the people of the State as in any other portion of the country. Indeed, the moment the rebellion was suppressed and the government growing out of it subverted, the ancient laws resumed their accustomed sway, subject only to the new reorganization by the appointment of the proper officer to give them operation and effect. This organization and appointment of the public functionaries, which was under the superintendence and direction of the President, the Commander-in-Chief of the Army and Navy of the country, and who as such had previously governed the State from imperative necessity by the force of martial law, had already taken place, and the necessity no longer existed."

I read this for the purpose of showing that Andrew Johnson, in pursuing the course of policy which he did in organizing these States, did no more than his duty imposed upon him by the Constitution of the United States under his oath of office as President and Commander-in-Chief of the military and naval forces of the United States. He was bound to assist them in forming constitutional governments so as to place them in their proper constitutional relations as they existed prior to the breaking out of the rebellion. Because, if the theory of the gentleman from Ohio be true, that the President had no right to lend his aid to the people of those States to form their governments, then the moment he undertook to interfere, either by direction or implication, let alone all mandatory action, he was a usurper and a violator of the constitutional power which was lodged in him either as Chief Magistrate of the nation or as Commander-in Chief of the Army and Navy. And, sir, I am not willing here, as the advocate of the reconstruction policy of the President, to brand him as such a usurper and violator of the Constitution. Although I do not say that the gentleman from Ohio undertakes so to brand him, yet the effect of his doctrine is the same; it is equivalent to declaring that the President has usurped powers with which he was not clothed by the Constitution in the course which he took in guarantying under the solemn form of law the reorganization of the State governments in the South and their restoration to the same status which they occupied before the rebellion broke out. When the war ended the people of the South were in a state of chaos, and it was indispensable that the President should lend his aid, through the military power, to enable them to elect their Governors, hold their conventions, form their constitutions, and place their State organizations upon republican forms, because the Army swept away all their governments formed under the articles of secession; but this bill proposes to destroy all the present State governments there, and makes no provision for forming any governments there.

Mr. LE BLOND. Will the gentleman allow me to ask him a question?

Mr. ROGERS. Yes, sir.

Mr. LE BLOND. I would ask the gentleman if those States had before the rebellion republican forms of government?

Mr. ROGERS. Yes, sir; those States had republican forms of government before the rebellion.

Mr. LE BLOND. Wherein did they change their forms of government during the rebellion?

Mr. ROGERS. Why, sir, many of them formed entirely new State constitutions.

Mr. LE BLOND. Will the gentleman designate a single State of the South which formed a new constitution?

Mr. ROGERS. The States of South Carolina, Virginia, Mississippi; and there were others. They all made their constitutions conform to their articles of secession, and provided in all of them that the officers should swear to support the secession governments, and altered all of them in the particulars which required officers to swear to support the Federal Constitution. Their governments were not wholly destroyed, but their forms of government, as they existed before the rebellion, were changed from governments owing obedience and allegiance to the Government of the United States to those owing allegiance to a government formed by usurpation and revolution. They were not the very governments made under our Constitution. And upon no other hypothesis can you sustain or advocate the policy of Abraham Lincoln, or the policy of Andrew Johnson, in reorganizing and setting on foot forms of civil government in those States. That action was based upon the idea that the power was lodged in him to so act, in virtue of the provision of the Constitution making him Commander-in-Chief of the Army and Navy of the United States.

Mr. THAYER. Will the gentleman yield to me for a moment?

Mr. ROGERS. Certainly.

Mr. THAYER. With the permission of the gentleman from New Jersey [Mr. Rogers] I will state for the information of the gentleman from Ohio [Mr. Le Blond] one point in regard to which I understand that the new constitution of the State of South Carolina differed from the old one. By the old constitution of South Carolina representation in their State Legislature was apportioned according to the entire population, including both the whites and the blacks. By the new constitution a new apportionment was made, based upon the white population only.

Mr. ROGERS. The old constitutions which were in force in all those eleven States before the rebellion required that any person who held an office under the State government should take an oath to support the Constitution of the United States.

I think there is no disagreement between me and any gentleman on this side of the House in regard to the status of those States not only before but during and also after the rebellion. My position always has been that the States as States never were destroyed. The State itself is one thing; the government of the State is another thing. Our Constitution expressly recognizes States as one thing and the governments of the States as another thing. The Government of Mexico has been several times overthrown, yet Mexico as a State still exists. The States themselves retained their constitutional relations to the Union to which they had been cemented so fast by the blood of our fathers that by no act of their people could any State be separated from the rest without the consent of all the States. But the people of those States, by the force of arms, overthrew the State governments which had been established by virtue of law and set up others outside of the law and the Constitution, and were therefore absolutely void *ab initio*, unless you admit the principle that a State has a right to secede.

Mr. FARNSWORTH. Will the gentleman tell this House how there can be a State in this Union without a government?

Mr. ROGERS. Very easily. I think no one on either side of the House will deny that during the war the governments which had been recognized by our Constitution were suspended and the States existed as such without such a republican form as the Constitution contemplates where it provides that "the United States shall guaranty to every State in this Union a republican form of government." Because the form of government which the President, through the military, was bound to guaranty must be a republican form in the Union; and although these States, under the articles of secession, had governments republican in form, they were not the very forms of government contemplated by the Constitution, because they were set up in defiance of it and claimed to be out of the Union. The President, in using the military to prevent anarchy and chaos South, and to place it in the power of the people to form their State governments, was doing what the Constitution commands the United States to do when it uses the mandatory language that they shall guaranty to every State in this Union a republican form of government.

It was because the States were in the Union that the President had authority to enforce the guarantee. "Who could, under the Constitution, enforce this guarantee, except the President, as Commander-in-Chief, through the military power." The people of the South used force to prevent republican forms in the Union, and by force attempted to set up such forms outside of it. "How then could our guarantee be carried into effect, except by the President as Commander-in-Chief?" He is charged by the organic law to see that the laws of the Union be executed. But this bill overturns the old and the new governments both, and suspends a right in time of peace irrevocably given to the people by the Constitution. I mean the writ of *habeas corpus*, which the Constitution says shall not be suspended except in cases of rebellion or invasion, and then only if the public safety require it.

I take the ground that there is no place, position, or location where a State can exist outside of the Union; and if those States were within the pale of the Constitution, as the Supreme Court of the United States say they were, all the time during the rebellion, then there can

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be no such thing as a destruction of a State. The legal Government cannot be destroyed by the null government. The action of the people cannot destroy the status that a State had in the Union. Those States were integral parts of the Union, possessing most of their powers, not by virtue of the Constitution, but as inherent rights belonging to them before it was made. But those rights were so limited by it as to prevent disunion. There can be no such thing as a State outside of the Union.

Sir, let us see what we are attempting to do. We have before us an important question, one deserving grave consideration from every candid man. This is a measure which may result in weal or woe to the people of this country. In my view its consequences must necessarily be most destructive. It is an attempt for the first time in the history of our Government to inaugurate within this Union a government founded on military power; to set up such a government over territory which has heretofore been recognized as constituting States under the Constitution. There are in these ten States six hundred and sixty thousand one hundred and eight square miles of territory, a territory more than equal in extent to the five leading nations of Europe. This territory embraces a white population of four million six hundred and four thousand by the last census, and a black population of three million eight hundred and ninety-six thousand, making a total of eight million five hundred thousand.

These States have a coast line of three thousand miles and thirty-six thousand miles of internal water line, including the Mississippi. The agricultural productions of those States in 1850 amounted to $560,000,000. They have rich natural resources, which are not surpassed by any other portion of the civilized globe. They have Governors, Legislatures, courts, railroads, canals, telegraphs, post offices, and all the machinery of free government. Before attempting to impose upon a territory like this a military despotism we should pause and consider the terrible plunge which we are about to make. It is establishing chains and shackles for civil law. It is the work of wicked men, ambitious of power, who hate liberty and have a contempt for law. Civil liberty and this kind of law cannot exist together; and in the conflict which it will surely bring on if it become a law one or the other must perish. If this proposition can be enforced and be submitted to then liberty is dead, and we will all be wretched mourners around its tomb.

The argument urged by gentlemen upon the other side proceeds upon the assumption that there is in the southern States at the present moment a condition of affairs which renders it impossible for the people there to protect themselves. It is urged that there is an absolute necessity, if there is to be any personal security there, that there shall be a different form of government from that which existed before the war. It is urged that armies and military tribunals are necessary to be established there to secure the rights of the loyal people. This is utterly false. But, sir, this bill imposes upon the South such a government as that which King George attempted to impose upon the people of the American colonies, causing thereby the revolutionary war.

The gentleman from Connecticut has intimated that the southern people have not yet suffered sufficiently. Now, I am not here as the special advocate of the South, but I am the advocate of justice, and I say to the honorable gentleman from Connecticut that no people upon the face of the earth have ever suffered so direfully and calamitously as have the people of the South. Why, sir, we have burned and devastated their cities, we have laid waste hundreds of miles of their territory, we have ruined their prosperous industries, we have filled their homes with lamentation and woe, we have made a hundred of their fields wet with their blood spilled in fierce conflict, we have filled their land with widows and orphans, whose wail of sorrow is now piercing the very clouds. The rebellion was caused by radicalism in the North and South, and your party leaders are as guilty of bringing on the war as the leaders of the rebellion South.

They ought not to be visited with this punishment upon the ground stated, because the masses of them are not responsible for the war. The masses did not bring it about. The innocent babe and its harmless mother, the half-grown lad and the old man in his dotage, are not to be held accountable for it. The great masses of the people were led astray by the ambitious politicians, who desired to remodel the Government that they might control it. Why should we now impose upon the mass of them a military despotism of such a character as to deserve the forcible opposition of every American citizen? In the name of God and our free institutions, I trust the people of this country will not allow their liberties to be crushed by a military despotism of this kind. As one individual I would feel it the duty of every loyal American citizen to resist by force such an attempted invasion of liberty.

I tell you, sir, you will carry this conflict on until you bring about a war that will shake this country as with the throes of an earthquake; a war that will cause the whole civilized world to witness our dreadful shock and fill nature with agony in all her parts, with which the one we have passed through is not at all to be compared.

If you undertake to ride over the decisions of the Supreme and other courts, subvert civil law, and overthrow the Constitution, then, unless we have become slaves and unfit to be freemen, we will not submit without reluctance, even though to sustain our Government it may cost us our blood.

The joint Committee on Reconstruction have published to the country as their opinion that the southern States were not out of the Union, and that their State governments had the right to reorganize and place themselves in their constitutional relations to the General Government.

Mr. HARDING, of Illinois. I hope when the gentleman next goes out to war I may be there to see.

Mr. ROGERS. I am here, sir, to think and speak for myself; and I do say I will oppose despotism to the last extremity, and, as Patrick Henry said, if that be treason make the most of it. It is treason to the Constitution of the United States to place ten of the States of the Union in a time of profound peace under the unrestricted control of martial law, as is done in this bill. I say if the people of the South are not already so oppressed and broken down as to be unable to defend themselves, if they have the blood of Washington, Jefferson, Madison, and the other heroes of the Revolution running in their veins they would protest as our fathers protested against the despotism of King George when the military attempted to deprive them of their inherent right to govern themselves.

But they say we must have guarantees from the South. The gentleman says there is no guarantee against secession. Who is accountable for that? This House and the Senate are accountable. The committee of fifteen, composed of gentlemen of high professional and congressional standing, upon whom was devolved the important duty of framing an enactment proposing an amendment to the Constitution of the United States, did not propose that there should be a feature of it providing against future secession. It was their business to do it. Gentlemen on the Republican side of the House do not want this question settled. They had no idea in presenting the constitutional amendment to the people in the form they have, that it would be accepted. The people are compelled to take the whole of the amendment or none at all. It was so framed that the chance of rejection might be greater. If each section had been submitted by itself several would have been adopted.

Gentlemen say that the rebellion is not suppressed. Is there any rebellion in the South now? Are there any men in arms against the Federal Government? It is a mere attempt to excite the people of the North against the South. It is to put the minority in power at the South.

The question involved has been settled by the Supreme Court of the United States, and upon it there was no dissenting opinion in the court. Those who concurred in the minority opinion in the Indiana case all agreed upon all the points but one. They all agreed that in times of peace Congress has no right to establish military tribunals for the trial of offenses, whether in States that have been in rebellion or not. The only disagreement among the members of the court was as to the power to establish military tribunals in time of war.

I now read from the opinion of the Supreme Court of the United States in *ex parte* Milligan:

"Another guarantee of freedom was broken when Milligan was denied a trial by jury. The great minds of the country have differed on the correct interpretation to be given to various provisions of the Federal Constitution, and judicial decision has been often invoked to settle their true meaning; but until recently no one ever doubted that the right of trial by jury was fortified in the organic law against the power of attack. It is now assailed; but, if ideas can be expressed in words, and language has any meaning, this right—one of the most valuable in a free country—is preserved to every one accused of crime who is not attached to the Army or Navy or militia in actual service. The sixth amendment affirms that 'in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury.'" * * * * * * * *

"All other persons, citizens of States where the courts are open, if charged with crime, are guarantied the inestimable privilege of trial by jury. This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance, and cannot be frittered away on any plea of State or political necessity. When peace prevails and the authority of the Government is undisputed there is no difficulty of preserving the safeguards of liberty; for the ordinary modes of trial are never neglected, and no one wishes it otherwise; but if society is disturbed by civil commotion, if the passions of men are aroused and the restraints of law weakened, if not disregarded, these safeguards need and should receive the watchful care of those intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the revolution.

"The statement of this proposition shows its importance; for if true republican government is a failure, and there is an end of liberty regulated by law. Martial law established on such a basis destroys every guarantee of the Constitution, and effectually renders the 'military independent of and superior to the civil power'—the attempt to do which by the King of Great Britain was deemed by our fathers such an offense that they assigned it to the world as one of the causes which impelled them to declare their independence."

But this bill, sir, proposes to take away the right of trial by jury. These assumptions of power were attempted to be sustained or excused during the war on the ground of military necessity. When we have returned to a state of peace there is no pretended necessity for it.

What has Andrew Johnson done in the formation of these State governments that his predecessor did not do? Mr. Lincoln was revered by you all on the other side, and your whole party clung to him with unfaltering devotion. Did not he form State governments for Louisiana, Arkansas, Tennessee, and Virginia, and were they not recognized by Congress? If the State governments organized by Andrew Johnson are void then the government of Virginia and West Virginia, organzied under Mr. Lincoln's administration, was also void. The State of Virginia had adopted secession and officially signed the articles of confederation and attached itself to the so-called confederate government long before West Virginia was, by the action of the State of Virginia and of Congress, admitted into the Union and permitted to send representatives to the Congress

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of the United States. What authority had Congress or the Legislature of old Virginia to agree to the creation of West Virginia unless old Virginia was a State of the Union? Yet, in the face of your premises, you have admitted Tennessee to representation. If it be true that the status of that State had been changed, that Virginia was a conquered territory, then it was beyond the control of Congress and Virginia to make the State of West Virginia a State. It follows upon the radical theory that all the acts performed by any of the officers of these Governments organized by President Lincoln must be void.

If the position taken by the gentleman from Pennsylvania [Mr. Stevens] be correct, that these States are Territories, then we have no right to rule and govern them by military authority. I take issue with the gentleman as to that on the ground that the Constitution nowhere recognizes the right of Congress to govern Territories by military law. Such a power was never known to the Constitution. It is inimical to its spirit, and is a perversion of its intent and purposes.

Our fathers protested against the exercise of this military power by England. It is attempted here to take us back to the days prior to 1776, and to put the southern States in the very status that the Colonies were placed in by England. You will find in the grievances set forth in the Declaration of Independence the very things which are now attempted to be forced upon the southern people. Our fathers asserted in that immortal document, as one of their grievances, that King George kept among us in time of peace a standing army without the consent of the Legislatures of the Colonies. What do you propose to do? You propose to keep a standing army in ten States of this Union without the consent of their Legislatures and to render the civil authorities of those States subordinate to the military power.

It goes further even than this. It proposes to vest in military officers the power to appoint tribunals to try offenders. Sir, this places in the hands of the military the government of eight million people. If that be not despotism, then our fathers were mistaken in the assertion of the grievances against which they rebelled and in the support of which they went into the most glorious Revolution ever recorded in the annals of history.

Another ground upon which they rebelled was that the British Government deprived them in many cases of the right of trial by jury, and made the civil law subordinate to the military power. Now, every one of these objections will exist under the bill now pending. If the people of the South were not at our mercy, if they were not prostrate at our feet, if we had not the power to stamp them to earth, unless they were reptiles unworthy to crawl they would rise as their fathers rose against the mother country. They are not cowards, as their bravery has already demonstrated. Did not the committee of fifteen, in reporting the constitutional amendment which they ask Congress to pass, recognize the existence of these States? They reported a bill expressly providing that whenever any State adopted that amendment and it became a part of the organic law such State should be entitled to full representation in Congress. This shows that these fifteen gentlemen, selected at the commencement of this Congress to devise means by which our difficulties could be settled, were eight months ago clearly of the opinion that these States were entitled to exercise their constitutional functions and to be represented here.

I do not stand alone upon the decision I have read, but have others to which I will refer, which decide that the Federal Government can exercise no rights except those which it was authorized to exercise over its own territory before the rebellion broke out. The war did not give the Government of the United States a right to any new territory; it acquired the right to exercise no new sovereign power that did not exist in it before the rebellion. And when that insurrection was suppressed it simply resumed control of the sovereign jurisdiction which it had the right to exercise over those States as States before the rebellion broke out. It merely acquired possession of its own territory; it proceeded upon the principle of an action of ejectment. Finding that a usurper, an intruder was in possession of some territory over which it had sovereign power, it took possession of that territory again; but it acquired no power or authority which was not lodged in it before the rebellion broke out.

I refer the members of this House to the case of the Amy Warwick, in admiralty. I know there is no use in reading law or making arguments here upon this subject, for there is a predisposition on the part of honorable gentlemen in this House to so conduct the legislation of this country as to perpetuate their political power. They appear to be afraid to allow representation to these people in the South for fear that their present political power may be taken away from them and they thus lose the control of the Government.

"In the case of the Amy Warwick, in admiralty, Judge Sprague, of Massachusetts, said:

"'It has been supposed that if the Government have the rights of a belligerent, then, after the rebellion is suppressed, it will have the rights of conquest; that a State and its inhabitants may be permanently divested of all political privileges, and treated as foreign territory acquired by arms.' This is an error, a grave and dangerous error. Belligerent right cannot be exercised where there are no belligerents. Conquest of a foreign country gives absolute, unlimited sovereign rights, but no nation ever makes such a conquest of its own territory. If a hostile Power, either from without or within, take and hold possession and dominion over any portion of its territory, and the nation by force of arms expel or overthrow the enemy and suppress hostilities, it acquires no new title, but merely regains the possession of that of which it had been temporarily deprived. The nation acquires no new sovereignty, but merely maintains its previous rights.

"'When the United States take possession of a rebel district they merely vindicate their preëxistent title. Under despotic Governments the right of confiscation may be unlimited, but under our Government the right of sovereignty over any portion of a State is given and limited by the Constitution, and will be the same after the war as it was before."

I have also another opinion here of a commentator on criminal law, Mr. Bishop, in which he takes the same ground. Therefore there are four different decisions and opinions, all expressly sustaining the position which the President of the United States occupies.

Bishop on Law, in section one hundred and thirty-two, volume one, remarks:

"Except, therefore, for the clause guarantying republican governments to the States, the United States might, if it chose, after a State has committed what is called an act of secession," * * * * "legislate for it forever, to the exclusion of any subsequent State legislation. But the clause under consideration provides that the United States shall guaranty to the State a republican form of government. Therefore, as soon as the guarantee is executed, the right of legislation which the United States received from the defunct State government flows out to the new State government.

"When for any reason, as for instance when a State has passed what is termed in these days an ordinance of secession, there ceases to be within the State a government under the Constitution of the United States, "the guarantee" mentioned in this section of the Constitution attaches, and the "United States" becomes obligated to give the State a republican form of government."

I stated in a speech which I made here some three or four weeks ago that the liberties of the people were about being taken away. I stated that in good faith; and the legislation now proposed fully convinces me of my prophecy on that occasion. And I am here again to raise my warning voice and proclaim to them that liberty expires in the establishing of a military government over one third of the territory of this nation. Sir, when that shall be done our liberties will have been destroyed, and despotism and tyranny will reign in full and undisturbed impunity; and the place where our fathers and mothers used to drink the love of liberty on the mountains and in the vales will no longer be visited by anything but the rule of despotism and anarchy; and the scenes of Mexico and South America will soon be enacted in our land. God knows I have but one hope, and that is to see the flag of our country waving in triumph from one end of it to the other. I want to see the Constitution of our fathers preserved, and to see civil liberty maintained as our fathers left it to us. I want law, liberty, and order to go down to posterity, as a bright casket of human freedom, unimpaired. I want to see the day when the passions of the hour shall have passed away, and when a generous, humane, and enlightened policy toward a brave, courageous, and noble fallen foe shall be adopted. I want to preserve a reverence for the memory and for the tomb of Washington, which lies in Virginia, and where his sacred dust and ashes are mingling with the soil of that State, as a consecrated emblem of liberty never to be disgraced by governing the land where he lies by a wicked military despotism, as proposed by this bill. I know that men laugh and sneer at such predictions as these. They think that these calamities are not coming upon us. I tell gentlemen that in the heat and excitement of the present time you do not reflect as you should. Party passions often obscure the better reason which should at all times govern our minds. We are warned by George Washington in his Farewell Address, as we are warned by the recent opinions of the Supreme Court, that in the heat and excitement of party passion liberty is easily dethroned.

This Government, sir, has been the model one of the world. It was founded by our fathers upon principles of liberty; it was erected in antagonism to military rule; it was established to secure to every man his rights of civil liberty, where every man's house should be his castle, where the courts of the country should be open to all. Yet if we are to countenance such legislation as this, the day is fast approaching when ours shall be a Government of bastiles, dungeons, cells, anarchy, despotism, secret police, spies, and informers. I grieve to see the day when any portion of the people of this country, whether they have been engaged in rebellion or not, shall be deprived of those inestimable rights which the blood of our fathers was shed to establish. These rights are to be invaded by the legislation which it appears this House is about to pass. It will be the end of free government if such a law be enforced. It deserves to be met by all the force which the people are able to command.

I am anxious to preserve the equilibrium of the different departments of the Government; I desire that the executive power shall be confined to its constitutional limits; I want the judicial power to be restricted to its legitimate sphere; I wish the power of Congress to be exercised strictly within the scope defined by the fundamental law. When these several departments come into collision there results a disorder that must be fatal to the public good.

But, sir, even putting out of view the constitutional question, I submit that as a matter of policy we ought not to pass this bill. Have the people of the South done anything that warrants such treatment? I claim that they are a brave people. I claim that they are "bone of our bone and flesh of our flesh." Their fathers and our fathers, fighting side by side, achieved the liberties of this country.

When the people of the South rebelled against the power of the Federal Government they did no more than has been done by many nations in times past. It was an exercise of revolutionary power; and if they had succeeded in that effort the nations of Europe would have placed the leaders side by side with those who succeeded in vindicating their liberties against the power of Great Britain and establishing a Government on this continent founded upon

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the principles of constitutional liberty. I wish the President of the United States had been more lenient; that he had been more merciful; that he had been more charitable. If I had been the President of the United States the very moment the rebellion was suppressed I would have recognized those States as restored to their constitutional relations and rights as States of the Union without any conditions or qualifications.

But the course here appears to be to take away the power of the President and lodge it in another person. I should like some gentleman to tell me what authority there is in this Congress to take away a grant of power expressly and mandatorily placed in him as Commander-in-Chief of the Army and Navy. The Constitution says that the President shall—that is the word; it is a mandatory word—be the Commander-in-Chief of the Army and Navy of the United States. You are not only trying to take away his civil power, but to take away his military power. An attempt is made in this bill to place the entire military powers of the President in the hands of a commission unknown and unrecognized by the Constitution. The Constitution has reposed certain powers in him, and I hold that he cannot be divested of them by any action of this Congress.

The Constitution declares that he shall be the Commander-in-Chief of the Army and Navy; but you propose by this bill that he shall not be Commander-in-Chief of the Army and Navy. You say that a General shall establish an army in the South, that he shall establish military law there, and that he and his subordinates may in their discretion authorize the civil tribunals to try certain offenses. You break down and take away the mandatory constitutional grant of power which makes the President Commander-in-Chief of the Army and Navy.

By what authority can that be done? Is the Constitution of the United States no longer the law? Is the theory to be, as declared by the gentleman from New York, [Mr. RAYMOND,] that we have two constitutions, one real and the other not real—one a written Constitution and the other outside of it? The Supreme Court of the United States says there is but one Constitution, and that it is a law for rulers and people equally in war and peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism. (*Ex parte* Milligan, page 7.) If the organic law be not a dead letter, how can you pass this bill taking away from an officer the mandatory power placed in him by the Constitution of the United States and lodge it in another man unknown, unrecognized, and unprovided for in it? You cannot do it without usurpation; and I hope the President will not submit to have the power placed in him by the Constitution of the United States taken away from him, and that he will exert his military power against all traitors and disunionists, whomsoever they may be.

We are all bound to obey the law, and if Andrew Johnson will stand tamely by and see his country destroyed then I say his name would be a slander and a libel on free government, and he ought to go down with infamy and ignominy to posterity as a man who did nothing in the hour of danger to assert the great constitutional rights placed in him by our revolutionary fathers under our organic act. He is a good man and a true patriot, and will not silently see his country die. "What is life without liberty." Free government brought him from a poor boy to as great a man as ever lived, and he deserves as much credit as Washington, and will yet receive it. I know him well enough to say that Andrew Johnson, who stood in the Senate of the United States in 1861 and branded the southern Senators as traitors and disunionists, will not submit to have the citadel of liberty invaded and destroyed without using the civil and military powers to prevent it. He will maintain the Constitution, sir, even to the spilling of blood.

I am a peace man when there can be peace, but without liberty there cannot be peace, But I am not a peace man enough to quietly consent to see military despotism established in the place of civil law. If the Constitution is once destroyed, then the Union will perish with it; I mean the Union made by Washington and Jefferson and the heroes and sages of the days that tried men's souls.

My position may be somewhat in advance of other gentlemen, even on my side of the House. But I do not think it is. I know all gentlemen cannot think alike on these questions. Men will disagree. But what I say is the honest convictions of my heart. I speak for the whole country, and deep-seated is the sorrow I feel for the wronged and abused people of it, North and South.

I know there is a rule of action which ought to be carried into effect by every law-abiding man, that when the court of the highest jurisdiction, upon a question legitimately in issue before it, decides a case, that it ought to be recognized as the law of the land. If Mr. Johnson is willing to have his power taken away, to quietly submit to usurpation of the rights which have been conferred upon him by the Constitution, I am mistaken in the man, because I recognize in him as pure and patriotic a statesman as ever lived. He stood in the Senate of the United States in 1861, amid the hisses of rebels, branding them as traitors and disunionists; and yet to-day he is assailed after all the suffering, anxiety, and trouble which he underwent during the rebellion, as being himself a traitor and disunionist. Let him go on in his good work of reconstruction; he will prevail. He is but following out the impulses of the people during the whole war. It is but conforming to the joint resolution of Congress which passed both Houses, wherein we solemnly declared to the civilized world that the object of the war was not subjugation nor conquest, but to restore the States to all their rights unimpaired.

By that declaration we have pledged ourselves and our posterity in the face of the world that when we put down the rebellion we would restore these people to the rights to which they were entitled before the war. If that was a living principle in 1861, and was right then, is it not now? Have we acquired any jurisdiction or gained any rights or powers by the suppression of the rebellion that did not exist in us during the war? Even up to the close of the war, when General Sherman made the treaty with General Johnson I never heard any man pretend, except Mr. SUMNER on one occasion in the Senate of the United States, that by our becoming conquerors these persons were at our mercy as captors to deal with them as we might see fit.

Even if the conclusion be a logical one, that these States are reduced to conquered provinces; even if they were the conquered domain of a foreign country, the law of nations will not allow them to be governed by military law any longer than civil institutions can be put in motion. The civil law of the conquered country operates as soon as the military can be safely withdrawn. It was so demonstrated in the case of the acquisition of New Mexico and California from the Mexican Government, which was first conquered and then by treaty ceded. Our Supreme Court decided that the laws of Mexico governed that Territory in so far as it was not inconsistent with our Constitution, and in cases afterward arising out of the title to real property there they were decided by the laws of Mexico.

Government of Insurrectionary States.

SPEECH OF HON. E. C. INGERSOLL,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more effectual government of the insurrectionary States—

Mr. INGERSOLL said:

Mr. SPEAKER: In the view of this case which I shall present I shall discuss the propositions of the gentlemen who have preceded me, who claim that the States have never lost their status in the Union, and that as States within the Union they have all their original rights, among which is the right of representation in Congress.

I shall also discuss the proposition advanced by the gentleman from Ohio, [Mr. BINGHAM,] that they are still States, but with certain limitations and qualifications.

Now, sir, I hold that there are but two sides to this question, that they are either States for all purposes and the equals of the other States, or else they are no States at all; I mean political States known to the Constitution. There are geographical States and political States. The southern States lately in rebellion have not changed their geographical character by the rebellion in which they engaged, but their political character only, and they are no longer States of this Union within the meaning of the Constitution. What constitutes a State? I answer an organized community governed by law and having certain geographical limits. A State under the Constitution must not only be an organized community governed by law and having certain geographical limits, but it must, in addition to this, be recognized as a State of the Union by the law-making power of the General Government.

Now, sir, as regards the law, the logic, or the facts of this question, I deny that there is any middle ground to occupy. They are either States for all purposes or they are not States for any purposes under our Government. All the domain belonging to the United States or within its jurisdiction assumes one of two characters, namely, that of a State or that of a Territory. No other condition was ever known. I hold that the rebel States by rebellion destroyed all civil government within their boundaries, and destroyed their political organizations known to the Constitution of the United States, and consequently they ceased to be States of this Union; and by the operation of the act of secession, culminating in armed rebellion, they became the territory of the United States, when we by our successes on the battle-field made a conquest of their armies.

Gentlemen in the argument of this question seem to forget the history of the rebellion. They seem to forget that the rebellion organized a *de facto* government; that the States that went into secession repudiated by a solemn act in convention the act by which they ratified the Constitution of the United States, thereby becoming members of the Federal Government. Gentlemen seem to forget that they formed a government which from the very necessities of the case was recognized by our Government as a *de facto* government. By the laws of war and by all international law we were bound to recognize them as a belligerent power, as a *de facto* government. We did do it for over four years. Not only were they recognized by us, but by most of the civilized Powers of the world as a *de facto* government, authorized to issue letters of marque and reprisal, to make captures on the high seas, and one whose flag protected those sailing under it. But for that recognition the character of their cruisers would have been changed to that of piratical crafts. They were expressly recognized as a *de facto* government by the

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Roman Government in an official communication addressed "to the President of the confederate States of America." As evidence of like recognition by our Government, I refer to an act of Congress, passed in the early part of the rebellion, which interdicted all commercial intercourse between the inhabitants of the United States and the inhabitants of the so-called confederate States. That act made no exception on account of the loyalty of any person residing in the confederate States. It regarded them all as public enemies. It would have been as much a violation of that act for one of our people to have had a commercial transaction with a loyal as with a disloyal person within the jurisdiction of the confederate government. This was an exercise of one of the war powers of the Government. No express authority for this act is found in the Constitution. The Constitution gives to Congress the power to "regulate commerce among the several States," but not to *interdict* it.

Now, sir, having said this much by way of premise, let me call attention to the position assumed by the gentleman from Ohio, [Mr. FINCK.] He seemed to view it as a matter of surprise that Congress should attempt to control the late rebel States as proposed in this bill, and he challenged history to produce a single instance where a Government had made a conquest of its own territory. Assuming it to be true that a Government cannot make a conquest of its own territory, he held that as a necessary consequence Congress possessed no constitutional power to pass the bill under discussion.

Now, sir, let me answer the gentleman: is it fair to assume that because history furnishes no example of a nation making a conquest of its own territory that it is impossible under any circumstances for a nation ever to make such conquest? I say it is not.

I challenge him to produce from the pages of history the record of any such rebellion as that we have suppressed. Under what civilized Government was there ever a rebellion that rose to the power and the dignity of a *de facto* government? Was there ever a rebellion that made such head against the established Government as to create a new Government, occupying and controlling absolutely one third of the territory of the entire country? Was there ever before a rebellion that was recognized as a belligerent power by the civilized Governments of the world? Never, sir. You will search history in vain to produce such an illustration. There never has been before this in any country a rebellion which was recognized as a *de facto* government by the Government it was contending against, or recognized by the civilized governments of the world as entitled to belligerent rights. But in this case the recognition was complete at home and abroad. The rebel government was recognized as a *de facto* government, entitled to belligerent rights and protected in those rights under the law of nations.

Mr. Speaker, let me call your attention and the attention of the House to this question: whether the Government of the United States did make a conquest of the confederacy, and whether it did acquire the rights of a conqueror over the vanquished rebel power. Let it be remembered that the rebellion, or the confederate government, first made a conquest of a portion of the original territory of the United States, and erected upon it a government and maintained that government, exercising jurisdiction over the territory thus acquired for five years, and thus became to all intents and purposes a foreign Government, making war upon the Government of the United States, but by the success of our arms we made a conquest of the confederate government, made a conquest of its people and its territory after years of the most sanguinary and desolating war of modern times, and by international law we have a right to exercise over this conquered belligerent power, over this territory wrested by the power of arms from this confederate government, all the rights pertaining to the conqueror, one of which is to control the territory thus conquered, the people thus subjugated by military power. Hence arises our right to dispose of the property, real and personal, of the rebel government as well as to exercise control over its people.

I hold, sir, that in the prosecution of the war against the rebellion the laws of war in the main controlled us, and not alone the written law. Where did you get the power to declare greenbacks a legal tender? Where did you get the power to pass a confiscation law? Where did you get the power to do many of the acts necessary for the preservation of the Government in the prosecution of the war against the rebellion? Did you rely solely upon the letter of the Constitution for the power, or did you rely upon the inherent right of the Government to preserve its own life?

I hold, sir, that the Government of the United States possesses as much inherent power and may exercise any power necessary to self-preservation that any Government on earth can exercise. We are as powerful in war, and may in war legally and rightfully do what the Czar of Russia could do, what the Emperor of France could do, or any other monarchical Government. We possess the inherent right of self-defense, and under that right we may do any act recognized under the laws of war necessary to self-preservation.

Mr. RANDALL, of Pennsylvania. The gentleman will allow me to ask him a question, and I propose to take him back to the "greenback" question. I want to know whether the gentleman thinks the "greenbacks" were declared legal tender in the exercise of any war power? Does he admit there was no constitutional right to declare them a legal tender?

Mr. INGERSOLL. I hold, if there had been no war, no exigency in the affairs of the Government rendering it *necessary*, it would have been unconstitutional. I may be wrong, but this is my opinion. I find no power conferred on Congress in the Constitution relating to money except the power "to coin money and to regulate the value thereof;" and I do not believe the Congress of the United States in ordinary and peaceful times has the right to make paper money a legal tender. To make "greenbacks" is not in my judgment to "coin money." But it did have the right to make "greenbacks" a legal tender, in order to preserve the Government from destruction and for the successful prosecution of the war.

Mr. LE BLOND. Will the gentleman allow me to ask him a question?

Mr. INGERSOLL. I cannot yield now. I cannot yield to have immaterial issues brought in here; but if I had the time I would yield with pleasure for any pertinent question.

I want some gentleman here to tell me the difference between a conquest of the rebel States by the war power of the Government and a conquest of Canada supposing we had had a war with Great Britain. Had we been in war with Great Britain instead of the southern confederacy, and had we made a conquest of the Canadas, would we have the right under the law of nations to establish military Governments there? I answer most assuredly. Would we be compelled to withdraw the military forces as soon as they had surrendered? By no means. We would continue our military forces in the Canadas until peace had been declared and until the new order of things should be adjusted according to the spirit of our institutions and in harmony with our Constitution.

Now, sir, let us look into history and see if we cannot get some light on this subject. It is but a few years since we invaded Mexican soil. After many sanguinary contests our armies marched victoriously to the capital of that country. We made a conquest of their whole territory. Now, on the theory of gentlemen here who oppose this bill, the Mexican people should have protested, as the people of the rebel States have protested, against the occupation of their territory by the military forces, on the ground that they had surrendered their arms and were willing to yield to the situation. What are the facts concerning the occupation of Mexico? We held it until the treaty of Guadalupe Hidalgo was agreed upon, and we maintained our military force there until we had secured all the objects of the war. After the ratification of the treaty the troops were withdrawn, but not till then.

In regard to the States lately in rebellion there has been no ratification of a treaty of peace. There has been no peace declared. Had peace been declared what would have been the effect? The States in rebellion would have been restored to the Union. The Representatives from those States would have been admitted into Congress on the same terms as Representatives from the loyal States. That would be the highest evidence of the restoration of those States to the Union. The admission of their Representatives to seats here would itself be the most satisfactory evidence that peace had been restored and the highest evidence of the restoration of those States to all their rights under the Constitution.

We have had no declaration of peace, and we have had no peace in fact. We conquered the rebellion. We now have possession of their territory as conquerors, and when did we cease to have the character of conquerors? When did we lay aside that character? Never. We have suspended active hostilities, but we have never given up our occupation of that country by the military forces. To be sure we have not lately controlled it to any considerable extent by military authority, but we have not given up military occupation of those so-called States; neither do we intend to until the rights of the enfranchised and loyal people of such States shall be secured and the peace and safety of the Republic shall be no longer endangered by disloyal rule.

Congress, under the Constitution, has power "to make rules and regulations concerning captures on land and water." Now, sir, during the progress of the war, under the rules and regulations of the Army as prescribed by acts of Congress, which rules and regulations were changed from time to time, our forces captured property of all descriptions, personal and real, and disposed of the same, putting the proceeds into the Treasury of the United States. We captured their officers and soldiers and held them as prisoners of war. We captured State after State from the confederate government, and at last we captured all its States; so that when the rebel flag went down we had captured as trophies of the war the entire rebel confederacy, thus making a conquest of that government and a conquest of its people and of its territory. The gentleman from Kentucky who last addressed the House [Mr. HISE] desired some reference to the clause of the Constitution which gives us authority to regulate and control the southern States lately in rebellion. I point him to that clause which declares that "Congress shall have power to make rules and regulations concerning captures on land and water." But some gentlemen urge that this clause in the Constitution applies only to personal property. I answer that the Constitution makes no distinction as to the character of the property, and the reasonable inference is that it includes everything which is the legitimate subject of capture. We capture towns, cities, and States, as well as personal property, and under this clause in the Constitution Congress has a right to make rules and regulations concerning such captures, and we have the right to dispose of the territory thus captured from the confederacy by sale, if we desire to, or in any other manner. It is absolutely at the disposal of the conqueror. Under the law it belongs to the conqueror, and

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the conqueror necessarily has the right to dispose of that which belongs to him in any manner he may think best.

We propose by this bill to control the subjugated people in this conquered territory by the military power temporarily until such times as loyal civil government can be established there and maintained without the aid of the military power. But in order to find authority in Congress to pass this bill I am not compelled to go so far with the argument based upon this clause of the Constitution as to even inquire whether it authorizes any disposition to be made of the territory captured or wrested from the confederate government. This clause in the Constitution relates to "captures," and it cannot be denied but that we have authority to make rules and regulations concerning such captures. This bill only proposes to regulate the captured rebels; it does not interfere with property. But I am not driven to rest the right of Congress to pass this bill upon this clause alone. I call the attention of the House to another clause of the Constitution. It is this:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The late rebel States are to all intents and purposes as much territories of the United States, subject to the exclusive control of Congress, as are the Territories of Utah, New Mexico, Montana, or any other Territory belonging to the Government. Congress has not yet vested the people of these so-called States with authority to establish local governments, but has so far retained the right to exercise all legislative authority for them, and in the exercise of that authority we propose to establish temporarily military governments in these so-called States for the security of life, liberty, and property. This is not, strictly speaking, a measure of reconstruction, but a measure looking simply to the enforcement of order. It seems to me clear, then, that, not only under the laws of war and under the law of nations, but under the express authority of the Constitution itself, Congress possesses the rightful authority to establish military governments, as proposed by the bill under consideration.

And here I ask the gentleman from Ohio [Mr. BINGHAM] this question: if these late rebel States are States in the Union, are they not of right entitled to a vote upon any resolution proposing an amendment to the Constitution? I believe the gentleman himself holds that the constitutional amendment when ratified by three fourths of the adhering loyal States will be binding.

Mr. BINGHAM. If the gentleman will permit me, I will save him all trouble on that point. I stated that no State can exercise the local functions of a State without having complied with the conditions-precedent set out in the Constitution of the United States, which I recited; and these States having broken down their legal State governments have ceased to be capable of exercising these functions. While, therefore, they do remain States for Federal purposes, they have no voice in the matter.

Mr. INGERSOLL. Certainly, for local State purposes they have no existence.

Mr. BINGHAM. Nor for political purposes.

Mr. INGERSOLL. Well, sir, if that is true they are not States enough to "hurt." [Laughter.]

Mr. BINGHAM. The gentleman forgets one thing: unless they do remain States, with the boundaries of States according to the original law of the State, where is the boundary of this jurisdiction that touches life and property by this bill? I maintain that every thing remains intact, as though no rebellion had happened as to the Federal Government. Unless they are held to be States for Federal purposes there must be a general jail delivery.

Mr. INGERSOLL. This in my judgment does not necessarily follow; but as the proposition of the gentleman is all on our side I do not propose to combat it. They are States for our purposes, but not for their own, [laughter;] so he says. That they are States in the legal sense of the term I deny; they are Territories, nothing more, and as such are subject to the control of Congress, the law-making power of the Government.

But this question I have no desire to debate further with the gentleman from Ohio, [Mr. BINGHAM,] for he lays down the proposition that these are States for Federal purposes, and that it is at our option whether we will recognize them or not as States as regards local legislation or State government. Now, I do not know how I could go further than that. Who could go further? When a State government destroys its civil and political organization surely it ceases to be a State. But let this pass.

The President of the United States, in his proclamation to Governor Holden, declared that the State of North Carolina by the rebellion had become "deprived of all civil government," and by just inference had ceased to be a State. It is by and through its political organization that a State lives, moves, and has a being. When the State government becomes defunct there is nothing left but a dead hulk. Thus much I have said in regard to the status of these so-called States, and I think I have established the fact to the satisfaction of reasonable and intelligent men that they are but territories of the United States, and subject rightfully to the exclusive control of Congress.

And now, sir, a few words with regard to this particular bill. Whether it be the wisest and best measure that can be conceived I will not attempt to say; what will be the effect of it should it become a law I will not attempt to describe; what hindrances will be thrown in the way of its operation by the President of the United States I can hardly imagine; what power he may exercise to delay, hinder, and trammel the operations of the law I can hardly conceive. But before I go further upon this point, I desire to call your attention to the fact that this is a measure looking to the pacification of the rebel States and not to their reconstruction. Now, suppose we lay aside, for the moment, the "rebel States" and talk about the reconstruction of the people of those States. The people, not the States, have been making war upon our Government. Then let us deal with the people, and when we have succeeded in reconstructing them, the States, it may then be said, are reconstructed. Whenever you can throw around the loyal people of the southern States the protection of law, enforced, if needs be, by military power, you will form a nucleus around which we can rally all the Union sentiment of this now suffering and outraged people, and it will grow and expand into a power that will reconstruct those territories upon a loyal basis and restore them to the Union regenerated and redeemed from treason.

But, sir, I will not dwell upon this subject. The labor of the last Congress and of this Congress, so far in the work of reconstruction, has been labor lost. What real progress has been made? The President has tried for nearly two years his policy, and Congress has attempted from time to time to put in operation some plan of reconstruction, but by reason of the opposition of the President and his friends they have all been defeated. The President's policy has not proved to be a success. It is a miserable failure. The joint Committee on Reconstruction have reported this bill to the House and recommend its passage, and I am sure that no member need hesitate to vote for it, for if it become a law it cannot make matters worse than they now are, and it may make them better. Something should be done, and done at once. The condition of things there has been growing worse from day to day since the day of their surrender. Crime is holding a high carnival there; industry is in a great measure paralyzed; the Congress is repudiated and denounced as an unconstitutional body, and the laws of Congress are continually pronounced unconstitutional by the courts of these States, and all that stands in the way of the restoration of the rebel aristocracy to power is crushed out by violence or by the decision of their courts. Gentlemen object to this bill because it proposes to place the people of those States under military authority; but we must remember that these are rugged times, and that to remedy the state of things that exist rugged measures must be resorted to.

The resolution proposing an amendment to the Constitution was submitted to them in good faith in the hope that it might be ratified and form an equitable basis for the reconstruction of those States. But so far as those States have acted upon it they have rejected it.

The exercise of civil power under the President's policy has been tried and proved unavailing. Shall this condition of things last always, or shall we try some more stringent measure in the hope that it will result in the restoration of harmony and of peace?

This bill may not, possibly, effect the object desired, but it will have this effect if no other: it will topple over these spurious governments set up by the power of presidential usurpation; it will teach those people that they must look to Congress and not to the President for the terms of peace and reunion. It will teach the President that the law-making power does not intend to yield its right to pass upon the validity of any government that may be formed in these States; it will inform him that he is not the law-making power of the government, but simply the Executive to execute the will of the loyal people as expressed by their Representatives in Congress.

But more than this I will not say it will accomplish, for I am satisfied that the President will do all in his power to defeat the object sought to be attained in this bill. Judging from what he has done in the past I have a right to anticipate his action in the future.

This bill purposely withholds from the President the power to assign the generals who are to command the various districts, and vests that power in General Grant. This is one of the best features in the bill. The loyal people know that they can trust General Grant. He has been weighed in the balance and not found wanting. This in itself guaranties a fearless, honest, and faithful execution of the powers contained in the bill.

I have no fear in vesting this power in the General of our armies, for I believe he will exercise it wisely, prudently, and firmly, as he has exereised all the other powers that have been conferred upon him, and he will appoint judicious and able generals to command these districts. In judging of the fitness, capacity, and qualifications of an officer he has probably no superior in the world.

But I am met by the objection that the President is Commander-in-Chief of the Army, and that he may rescind any order that General Grant may make under the provisions of this bill. I reply that the President by virtue of his being Commander-in-Chief of the armies may rescind any order that the General in his *discretion* may make.

The President is made by the Constitution for the time he exercises the functions of that office the superior officer of General Grant, and as such superior officer he may possess the power to supervise, change, or rescind an order of the General, but the question is, will he have the temerity to do it in the face of and in violation of this law? If this bill becomes a law it is not assuming too much to say that General Grant will promulgate the necessary orders to carry it into execution. He will assign the various generals selected by himself to the command of these several districts. I am asked in case he does, what is there to prevent the

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President from rescinding such orders at once? I answer, perhaps nothing except a wholesome fear as to the consequences of the act. As a mere question of power I admit that the President would have the power to rescind any order which General Grant might make in assigning generals under this bill to their various commands. But I ask again, will he dare to assume the responsibility of interfering in such manner? I am asked again, if the President has the power to rescind orders of General Grant why pass this bill? I respond, pass the bill and place the responsibility of any interference in its operations with the President.

Mr. RANDALL, of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. INGERSOLL. I will.

Mr. RANDALL, of Pennsylvania. As this bill was originally drawn up I understand that it contained the words "by the President of the United States." Can the gentleman tell why these words were stricken out and the words "by the General of the Army" inserted in their stead?

Mr. INGERSOLL. I can give you my opinion if you desire it, and it is this: that the change was made because we fear to trust the President with this power, for I do not believe if the duty of assigning these generals to the command of the proposed district was left to the President that he would appoint such generals as Sherman, Sheridan, Thomas, Howard, or Heintzelman, but that he would appoint such generals, if he could find them, who would be willing to yield a ready and pliant subserviency to his wishes and to promote his interests and his policy. We are not without instruction upon this point. "To be forewarned is to be forearmed."

It is time it was settled who is master of the question of reconstruction of the rebel States, the President or Congress. We have been deceived once by the President. That was his fault. If we allow him to deceive us again it will be our fault. Now we know him; then we did not——

Mr. HISE. If the gentleman will allow me a moment, I desire to ask him a question.

Mr. INGERSOLL. Certainly.

Mr. HISE. If you are afraid to trust the President with the power you have proposed to be conferred by this bill upon the General of the armies, and you are still of the opinion the President has the lawful authority under the Constitution of the United States to rescind General Grant's orders and take the whole control of the matter in his own hands, then why pass this bill at all?

Mr. INGERSOLL. The President, under the form of this bill, might still have the constitutional authority to rescind the order of the General in assigning the generals to their various commands, yet he would not have the constitutional authority to "take the whole control of the matter into his own hands." I answer further that I would pass this bill because I believe it is a measure demanded by the condition of things in the South; and in the second place, I doubt whether the President has the pluck to rescind whatever orders may be made by the General under this bill; and further, if the President should corruptly rescind the order of the General or refuse to execute the law it would form a good ground for his impeachment. Congress has the right to look behind the mere act of the President, although the act in itself might be warranted by the Constitution, and to inquire into the purposes of the President for doing it. The President has no right to do an act lawful in itself for corrupt ends; so that it would bring the question before Congress for decision whether the President, in rescinding the order of the General, acted corruptly or not, and if so found it would be good ground for his impeachment.

Mr. STROUSE. That will be the only ground you will ever have.

Mr. INGERSOLL. I do not know that. I wish I did. And here I will say that I believe we might as well stop the consideration of the question of the reconstruction of the southern States or of the southern people, and turn our attention to the reconstruction of the President. I say this in no offensive sense, and I may be permitted to add that if we have wisdom and sagacity enough to frame laws which will keep him within the exercise of the legitimate powers which are conferred upon him by the Constitution, which will keep him within the pale of loyal and patriotic action, I am not certain but we will be serving our country with more honor and more credit, and with the hope of better results than in endeavoring to reconstruct the rebel States while the President is thrusting so many obstacles in our way. I cannot now say what law should be passed to hedge in and control the President; but any law that could be constitutionally passed that would have that effect I would most gladly vote for.

In my opinion the President has broken loose from his moorings under the Constitution, and I feel it incumbent upon me, as one of the Representatives of the people, to do everything in my power to bring him back. I say this out of no feeling of disrespect to the President. I conscientiously believe that on these great vital questions he is wrong. I will not now say he is intentionally wrong, but the effect of his acts upon the country are just the same without reference to his intentions. But let us do our duty without anticipating what the action of the President may be. I advocate the passage of this bill out of no feeling of vindictiveness toward the people of the late confederacy. I believe that it will result in their good; that it will promote and perhaps secure the restoration of law and order, the necessary foundation of all well-organized society. I do not believe the officers selected by General Grant would abuse the powers reposed in them, but I do believe that they would lend the aid of the military power of the Government for the restoration of civil authority.

The fact that I fear the President, stimulated as he will be by those who cluster around him, will interfere with the military execution of this bill will not deter me from voting for it. The President will be held responsible for his action by the people and by Congress, who are the direct representatives of the people and charged with the execution of their will, subject only to the Constitution. It may be pertinent to inquire here how long this war forced upon Congress by the President shall continue; how much longer shall we submit to it. It might be well for Congress to settle the question now whether we are to continue under the present condition of things for and during the remainder of the term of the President, which expires on the 4th of March, 1869, or whether the President has been guilty of any crime or misdemeanor for which he deserves to be impeached or removed from his high office, and thus remove this paramount obstruction which stands in the way of the reconstruction by Congress of the late rebel States.

Mr. TRIMBLE. Will the gentleman yield to me for a moment?

Mr. INGERSOLL. For what purpose?

Mr. TRIMBLE. To ask a question.

Mr. INGERSOLL. I will.

Mr. TRIMBLE. As the gentleman concedes that the President, by the Constitution, is Commander-in-Chief of the Army and Navy, I desire to know whether the President would not have the power to revoke any order made by any officer of the Army under this bill?

Mr. INGERSOLL. So far as the question of *power* is concerned I have conceded that.

Mr. TRIMBLE. I mean constitutional power.

Mr. INGERSOLL. Well, for the sake of argument I will concede that also.

Mr. TRIMBLE. I wish to ask further whether it would be a ground for impeachment if he exercised that power in a constitutional way?

Mr. INGERSOLL. I think I have already answered the gentleman's question in a former portion of my remarks, but for his satisfaction I will endeavor to answer it again. I say that it might be a ground of impeachment in this way: if he should use that power for *corrupt* purposes he would undoubtedly be liable to impeachment, and Congress would have the right to inquire into the motives and objects of the President in rescinding such on order, and if it should appear that he rescinded such order for *corrupt* purposes Congress would not only have the power to impeach him, but *ought* to impeach him. The President has no right to exercise even constitutional powers for corrupt ends.

Mr. TRIMBLE. The gentleman will permit me to ask him one further question. The President takes an oath to support the Constitution of the United States; we take a similar oath. Have we the right under the solemnity of our oaths to pass a bill which overrides the Constitution and attempts to deprive the President of the power which he constitutionally possesses?

Mr. INGERSOLL. I answer that we have not the power to pass a bill which overrides the Constitution and attempts to deprive the President of the power which he constitutionally possesses; but such is not the case in the bill before us. The gentleman assumes that the bill under consideration "overrides the Constitution," but his assumption in my opinion is unfounded. If he refers to any other bill it will be time enough to answer it when such bill is under consideration. This bill I hold to be strictly within the constitutional powers of Congress.

Mr. TRIMBLE. The point which I make is this: the gentleman admits that the President, by virtue of the Constitution, is Commander-in-Chief of the Army and Navy.

Mr. INGERSOLL. That is true.

Mr. TRIMBLE. That being conceded, I ask the gentleman whether Congress has the right to deprive the President of his power as Commander-in-Chief and place it in the hands of some one else?

Mr. INGERSOLL. The gentleman will permit me to say that he is mistaken if he understands this bill as attempting any such thing. This bill leaves the power of the President just where the Constitution leaves it. It neither diminishes nor augments it. It simply directs the General of the Army to assign to the command of certain districts created by the bill such generals as he may in his discretion select, and this does not interfere with the powers of the President as Commander-in-Chief of the Army and Navy.

The character of this legislation is not new. The same thing was done many times before, and its constitutionality was never questioned until now. By an act of Congress the office of Provost Marshal General was created, and the duties of that officer were specified in the act. By acts of Congress officers of the Army and Navy by name have been assigned to special duty heretofore, and we propose to do nothing more than that by this bill.

Mr. Speaker, I will now return to the consideration of the subject, the discussion of which I had commenced when I was interrupted by the gentleman from Kentucky. I was speaking in reference to the impeachment of the President and the necessity of determining without unnecessary delay as to whether the President has been guilty of any crimes or misdemeanors for which he should be impeached and removed from his high office. If he is innocent it is due to him and to the country that the agitation of this question should cease, for it must be apparent to all that while this question remains undetermined the country is necessarily agitated on this subject, the

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commercial and financial interests of the country are disturbed by it, and the prosperity of the country is affected seriously, and the sooner the question is settled the better for all parties and interests concerned.

In these remarks I intend no reflection upon the honorable committee that has charge of this subject; but that this inquiry ought to be pressed at once and without delay is most evident. If the President has been guilty of acts for which he should be impeached, let us not shrink from the responsibility which properly belongs to us. If he is guiltless he should not be unnecessarily haunted with the specter of impeachment. If he is to be tried, and when tried found guiltless, we must then submit to the rule of the President to the end of his constitutional term and suffer him to pursue his *devious* way. If he is to remain in that office for the coming two years we might as well abandon the question of the reconstruction of the States lately in rebellion by legislative enactment, and at once proceed to fortify ourselves against any further encroachments on the part of the Executive, and content ourselves with such legislation as shall be necessary to prevent the Representatives from the President's "pocket States" from occupying seats on this floor until after another presidential election shall have given us a President true to liberty, true to justice, true to the best interests of the whole country. Then harmony will be restored between the executive and the legislative departments of the Government, then the work of reconstruction can again be resumed and prosecuted to a speedy restoration of these States upon a basis in accordance with the principles of the Constitution. We can certainly endure the present condition of things if the southern States can. It is of more importance to them to have representation than it is to us that they should have it.

If they prefer to continue in their obstinacy rather than yield to the just and humane desires of Congress, I say compel them to bear their equal share of the burdens of the Government and withhold from them the blessings which result from a condition of restoration to the Union and to representation in Congress until such time as they are willing to do justice. Let the responsibility rest with them, it will not belong to us. They have rejected the constitutional amendment proposed at the last session of Congress: perhaps they will like this measure better.

The gentleman from Ohio, [Mr. LE BLOND,] in his remarks to-day, seemed to be somewhat excited over an anticipated war if we passed this bill. I desire to ask the gentleman where he is going to get his soldiers to make war upon the Government and the Congress of the United States? You will hardly find them in the rebel States. They have had enough of war; they have been thoroughly whipped, and do not desire to be whipped again. You will not get them from the loyal people of the northern or southern States. If you get any at all you may drum up a few recruits from the Democratic ranks, but in the present weak and shattered condition of that party you would hardly be able to raise a very formidable army, and I tell the gentleman if the party decreases in the same ratio in the coming year as it has in the last, the whole party together would not form a respectable *corps d'armée*.

A MEMBER. How about the bread-and-butter brigade?

Mr. INGERSOLL. Pardon me; I did not think of that heroic and patriotic band, but I do not apprehend much danger from that source; it would be a bloodless conflict; we would have no use either for the sword or the musket; all that would be necessary to make a conquest over them would be found in the commissary department. Order out the bread and butter and peace would be restored.

I ask the gentleman, who is going to command your army in case you make war upon the Government? Do you believe that Generals Grant, Sherman, Sheridan, Thomas, or Howard will command and lead your armies against Congress and the loyal people of the United States? Are they going to make war upon those who have been their friends throughout the long and bloody struggle for the suppression of the rebellion? Are they going to make war upon those without whose aid they would not now wear upon their brows the resplendent laurels of victory which they won? You will find no Grant, no Sherman, no Sheridan, no Thomas, no Howard, to command you, except to command you to disperse. You will not find one heroic soldier who fought to maintain the honor of his country's flag, for the preservation of his country's life, for the suppression of the rebellion, for the destruction of slavery, that will join your army. No, not one.

For one I anticipate no war, and if the President would only lend his ready coöperation to the measures matured and passed by Congress for the restoration of permanent peace the most timorous would not even dream of war, knowing that if such was the fact, harmony and prosperity would be restored without delay. The people of the South would not for a moment stand in the way of congressional reconstruction but for the encouragement held out to them under the presidential policy. Under that policy they see in anticipation restoration to power—yea, augmented power, more power than they had previous to their rebellion. Under the reconstruction policy of Congress they see a diminution of their power unless they enlarge their ideas of justice, liberty, and the rights of man. Should they do this, then their political power would be equal to ours in the ratio of their population. But until they consent to stand upon the platform we stand upon, and in their fundamental laws grant liberty and equality to all men, they will find the heroic people of the North at the ballot-box and here in Congress battling them in the future as they have in the past.

We have laid aside the musket and we hope to be able to complete our work with the ballot. We must gather the fruits of our victories. It has been so decreed by the people, and in this Government the people are supreme. Let us hear no more of a war upon the loyal people and their Representatives.

The gentleman from Ohio [Mr. LE BLOND] and his colleague [Mr. FINCK] denounced with considerable vehemence the action of the majority here as tending to monarchy; that we favored despotism; that we ignore the rights of the southern people; that we are going to fasten upon them governments unsupportable by reason of their tyranny.

How, Mr. Speaker, can any man without blushing make the charge against the Republican Union party that it is despotic; that it is attempting to destroy the liberties of the people; that it is seeking to establish monarchy or an oligarchy; that it is seeking to place the powers of the Government in the hands of the few to the exclusion of the many?

Sir, I have but to point with becoming pride to the record of the Republican party to refute this charge. Has it not enlarged and extended the area of liberty? Has it not taken by the hand the lowly, the poor, the oppressed, and the downtrodden and lifted them up to a political level with itself? Has it not, in opposition to the falsely called Democratic party, stricken the corroding shackles from four million slaves, which the hand of tyranny and despotism fastened upon them, and which the Democratic party kept upon them during three generations? The shackles and that party are going to dust together.

This, sir, is the fruit gathered from the seed planted by the old abolition party many years ago in the free soil of the North. Slavery and oligarchy—the worst features of despotism—were cherished and strengthened by the party calling itself Democratic. When the abolition party came into power it struck a giant blow, and Moloch and his worshipers fell to rise no more.

To whom are we indebted for the repeal of the odious fugitive slave law? To the Republican party that is in power to-day. In its hatred of despotism it struck that hideous law out of existence. To whom is the world indebted for the grand lessons of liberty and equal justice that have been taught and enforced within the past few years? To the abolition party. To whom are the colored people of this District indebted for the recognition of their manhood and their rights as citizens? To that same Abolition-Republican party in Congress here. Standing loyal and true to its professions it was the first party to give the country an illustration of the principles it professed in favor of universal liberty. It voted for the abolition of slavery at the seat of your Government and carried it over your opposition. It conferred throughout the length and breadth of this land the character and rights of citizens upon the emancipated blacks in the face of the opposition of your party and over the veto of your President. Recognizing the right of the black man to liberty it placed in his hands the ballot to protect that liberty.

Its voice is again heard in opposition to the admission of new States with the word "white" in their constitutions. It is against the recognition of the inequality of man; and here again your party is on the side of despotism and oligarchy. The Republican party has ever been the party of liberty, of equality, and justice. That party is now most gloriously fulfilling the hopes of the good men who founded and established this Republic by carrying into practical effect the immutable principle of the Declaration of Independence, "that all men are created equal." For the first time in the history of the Government has this divine principle been recognized by its law-making power and carried into execution. Instead of war the day of jubilee is coming, and this Republican party is going to usher it in. Are we in favor of monarchy and despotism? Are you afraid that the Republican Union party will fasten upon any portion of the people the chains of slavery or any form of despotic government?

Have we not in the face of the fiercest opposition enlarged the area of freedom and made it coextensive with the Republic itself? The Republican party has done all this and more; all for the amelioration and elevation of mankind. Language fails me to portray its glorious deeds in behalf of liberty and justice. I am proud of that party. It has done more to aggrandize free institutions than any and all other parties that ever existed on the face of the earth. A portion of its fame belongs to me. It will descend to my children. The influence of its glorious deeds are not confined alone to the limits of our own country. It has extended across the seas, and is to-day undermining and threatening with destruction the monarchies and despotisms of the Old World. It questions the divine right of kings and their thrones are less secure, and its influence will not cease to be felt and move the hearts of men until the world is redeemed from the thralldom of despotism.

Now, sir, with that sublime record of the past do you suppose it possible for the Republican party to do an act inconsistent with that record, an act that will dim the luster of its immortal fame? No, sir, never. We are making a grand advance. Clothed in the panoply of justice, supported by the unconquerable will of a liberty-loving people, we are *invincible*. The day is coming, it is not far distant, when justice will be satisfied and the blessings of liberty secured to all, and then a grand and majestic Republic will have risen upon the ruins of the present.

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Government of Insurrectionary States.

SPEECH OF HON. G. S. SHANKLIN,

OF KENTUCKY,

In the House of Representatives,

February 8, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more effectual government of the insurrectionary States—

Mr. SHANKLIN said:

Mr. Speaker: I do not know whether my present state of health will enable me to express my views fully to the House upon the measure now before it for consideration. I will endeavor, however, as briefly and succinctly as I can to present some of the views and opinions which I entertain in relation to this subject.

Several gentlemen who have preceded me in this discussion have most earnestly stated that this is a measure of as much interest and of as much importance to the American people as any measure which has ever been presented to this Congress or to any deliberative body ever assembled in this country. Permit me to say, that in my opinion it is a measure which, if carried out to the full extent of the powers which are attempted to be conferred by it, is fraught with as much danger to free and republican institutions, to the liberties and rights of the citizens of the States over which it is intended to operate, as any measure ever presented for the consideration of any deliberative body under a republican form of government.

It is proposed by this bill to establish a military government over ten States of this Union, containing a population of perhaps eight million or more citizens. It is proposed to strike down and set aside the State governments which have been established in those States for the protection of the citizen. If the power intended to be conferred by this bill upon this military government is carried out that will be its effect and legitimate consequence.

What are the reasons presented and urged with so much earnestness and zeal for the passage of a measure of this character? The preamble, I presume, states the main reason and ground upon which the friends of this measure intend to base it. The preamble of any act should contain statements true in point of fact when it pretends to give the reasons upon which the act is based. I wish to call the attention of the House to the statements contained in this preamble. Let us test those statements by the facts as exhibited in the history of those States and the governments in existence there, and let us see whether those statements are true or untrue. If they are true, perhaps they might furnish some apology for this measure, but certainly no sufficient justification. If they are untrue, then it has no foundation upon which to stand, and consequently should and must fall. The preamble contains this recital:

Whereas the pretended State governments of the late so-called confederate States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas were set up without the authority of Congress and without the sanction of the people.

Here it is gravely asserted that the "pretended State governments" of those States recently in rebellion were set up without the authority and sanction of the people. Is this statement true? Were those governments set up without authority and without the consent of the people over whom those governments were intended to operate. Four of the States in which this military government is intended to be established were States perfectly organized and in operation, with all the machinery of government, long before the Federal Government was organized by our fathers. In four of those States—Virginia, North Carolina, South Carolina, and Georgia—those governments were in successful operation, fully organised by the authority of the people of those States before the Federal Government was formed, and they aided and assisted in the formation of that Government. These governments were established by the people who inhabited those States, and no authority from Congress was necessary or could have been given.

Have those governments, from the time of their organization down to the present time, been destroyed and set aside? If they have, by whom has it been done? By what act of legal or constitutional authority have those State governments been destroyed and set aside? Gentlemen say that these State governments have been destroyed and set aside by the rebellion. Did the Government of the United States wage a war against the confederacy for the purpose of overthrowing and destroying the State governments existing within the so-called confederacy? Was it the object of the Federal Government to overthrow and destroy those State governments? Were those State governments destroyed by the Federal Government? Was there any design upon the part of the Federal Government to overthrow and destroy those State governments? Who has ever proclaimed it? What measure has ever been taken to effect an object and purpose of that sort? But upon the contrary, it was declared upon every occasion and in every possible way by each and all of the coördinate branches of the Federal Government, that its object and purpose was to defend and maintain both the State and Federal Government unimpaired and unchanged, and maintain their connection and union under the Constitution.

Did the citizens of those States, or any one of those States, when they passed their ordinances of secession, when they attempted to destroy their connection with the Federal Government, attempt to destroy those State governments? Was it their purpose or design to overthrow the State governments? No, sir; they did no act to interfere with or destroy those State governments, except to pass their ordinances of secession and accomplish what was constitutionally impossible—break their connection with the Federal Government and throw off their allegiance as citizens. Have they done any act that tends in any degree to destroy those State governments? They have not. During the whole period of this rebellion the State governments formed prior to the rebellion were maintained in all their parts, perfectly organized, with all their working machinery as State governments. All they did or attempted to do was to sever the connection of those States from the Federal Government and to connect themselves by league with the confederate government.

These States, every one of them, at the time this rebellion was suppressed, at the time the rebels laid down their arms, were in complete operation, and not overthrown or destroyed in any sense of the word. And when the Government of the United States took possession of those States they found them organized, with all the machinery of State governments in operation. There was some amendment made to conform them to the altered state of things brought about by the war, but there was no overthrow or destruction of those State governments.

Even after the surrender of the rebel army and up to this time those State governments have never been disorganized or destroyed. Their functions may have been suspended, but they were never destroyed. The legislative branch of the Federal Government is sometimes suspended during the recess of Congress, and does any gentleman contend the Federal Government is destroyed because the legislative branch of that Government was suspended for a period? The war did suspend the operations of the Federal Government in those States, but it did not overthrow and destroy those governments.

Then with what truth can it be alleged that they were pretended "governments set up without the sanction of the people?" And the same preamble further states:

Said pretended governments afford no adequate protection for life or property, but countenance and encourage lawlessness and crime.

Is that true in point of fact? Do those State governments encourage lawlessness and crime? Where is the proof of that important fact? I do not believe there is any proof that either one of those States has or does now encourage lawlessness and crime. Mr. Speaker, I call for the proof, if there is any, that these State governments attempted to be set aside by this bill have been encouraging lawlessness and crime?

Has any State government ever been formed or any governments of any kind with sufficient wisdom and power to prevent the commission of crime or disturbances? No doubt there have been examples of disorder and crime in those States now attempted to be overthrown. What State in the Union has been able to prevent the commission of crime by its own citizens and others within its borders? Go to New England, where they claim to be the most holy of the holy, and you will find crimes committed day after day; and if any individual would take the pains to keep an account of the commission of crimes in those States, as is done in the States lately in rebellion, perhaps it might be found to be nearly or quite equal to the crimes and violations of law committed in those States whose governments you attempt to set aside. Crimes have been committed there, but we have no committee treasuring up every instance of crime.

Mr. Speaker, it is not to be expected a people engaged for four years in a most terrible and disastrous war should at the termination of that war return at once to the pursuits of peaceful life. That people have no doubt by the effects of this war been to some extent demoralized, or a portion of their people have become demoralized by the effects of the war. The camp followers of the armies that have been disbanded have been the fruitful sources of crime in those States. The men who followed the Army for the purposes of plunder and robbery still linger within the borders of those States, and they are the principal perpetrators of crime in those States.

Mr. Speaker, we are told that those States are encouraging lawlessness and crime. Where is the proof? Where is the evidence? The gentleman from Maine [Mr. Pike] confined his whole argument to a detail of crimes which have been committed within the borders of the States recently in the rebellion. What does it prove? It proves merely there were individuals there, as in every community, who have committed crimes. Is there any evidence that those Governments encouraged them? If there is no proof, the allegation in the preamble must fall, and we are left to conjecture the reason and purposes of its insertion.

Mr. Speaker, there is one great fundamental principle which is the corner-stone of republican government, and which seems to have been overlooked or forgotten in this bill, as well as in many other bills of like kind, and that is that the sovereign power is inherent in the people. It must emanate from them and from no other source. In this our republican Government differs from the Governments of monarchical Europe. There the doctrine is that the sovereign power is in the King. He holds that power except so far as he surrenders it to some other branch of the Government.

Now, sir, what is this sovereign power inherent in the people? It is to form a government for themselves. Does this bill recognize that great fundamental principle? Is any gentleman who is sustaining this measure here a citizen of either one of these States in which it is proposed to establish military government? What right, then, I ask, has a citizen of one State to set up a government for another State?

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What power or authority has the General Government to form a State government? The General Government has the right, and it is its duty, to guaranty to every State a republican form of government; but that grant in the Constitution does not confer upon Congress the right to form a republican government for a State. The people of a State alone have the right to form their State government, and it is for Congress to determine after that government is formed whether it is republican in form or not. That is the extent of the power of the General Government. If the people form a government which the Congress shall determine is not republican in form, what would be the effect of it? The government so formed would be a nullity, and the whole subject would be referred back to the people, who would be required to form another, and so on from time to time until they formed a government which was republican in form. When they have done that, then, according to the principles of the Constitution, they would be entitled to a connection with the Government of the United States if within the limits of her jurisdiction and possessed of sufficient population.

But I will hasten on to consider some of the provisions of this bill. It contains very extraordinary provisions, conferring extraordinary powers upon the military governments to be established over these ten States. They are to be divided into five districts, each one of which is to have a military commander over it not below the grade of brigadier general. It provides—

> That said so-called States shall be divided into military districts and made subject to the military authority of the United States as hereinafter provided.

Military chieftains or perhaps despots are to be placed in each one of the districts. The third section defines what the powers of these military governors shall be, and while it does not in direct terms attempt to set aside the State governments, yet, if it is carried out, if all the powers attempted to be conferred upon the military governments are carried into full effect, the result will be to utterly destroy and abolish these State governments which are now existing for the protection of the people of those States, and put them absolutely and unconditionally under the control of military despots, despots not responsible to the people of those States. If there is any responsibility anywhere perhaps it is to the Congress of the United States, which claims to exercise all the sovereign power of these governments without regard to the other coördinate branches.

The third section provides "that it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property." It covers the whole ground of protection of person and property. How are you going to protect these citizens by military authority in the right of property? You must have a remedy to enforce that right, and that must be determined by the military commander of the district. There is no code of laws written or unwritten belonging to a military government. The discretion, the will, the caprice, or the passion of the military commander constitutes the code of laws by which he governs the community.

But this bill goes further. It not only gives the absolute and unconditional control over the rights of property and person, but it declares—

> That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, anything in the constitution and laws of the so-called States to the contrary notwithstanding.

Sir, if you were to add "anything in the Constitution and laws of the United States and the decisions of the Supreme Court made under the Constitution to the contrary notwithstanding" it would be complete and perfect, and there would be no difficulty in understanding the objects and design of this measure.

I would inquire what power any Government can exercise that is not conferred upon these military authorities? You give to them absolute, unrestricted control over the rights of person and of property. You strike down all civil governments. Ah! but there is a clause in this bill which says the military commander may, if he sees proper, confide to the civil courts the trial of offenses against the laws. By the permission of those military commanders the courts may try—not that they shall try; not that they shall have jurisdiction of cases of that government—but with the consent of the military commander alone they may try offenses against the laws. Where, I ask you, is the power left to these State governments to protect either the life, liberty, or property of the citizen? They are made perfectly subservient to this military authority; and any upstart with brass buttons and shoulder-straps, with or without brains or heart may control the courts of law; and the doctrines and maxims of our Government are subverted. I have always been taught that the military is subordinate to the civil authority; but by the provisions of this bill the civil power is made subordinate to the military power, and that, too, in a time of profound and perfect peace. When there is no rebellion, no war, and no prospect of war the military is made the supreme government in these ten States when this bill shall be carried into effect. At the end of the third section of this bill you will find the following:

> And all legislative or judicial proceedings or processes to prevent or control the proceedings of said military tribunals, and all interference by said pretended State governments with the exercise of military authority under this act, shall be void and of no effect.

For fear there might be some misunderstanding of the powers intended to be conferred upon these military authorities it is declared that all interference by the legislative, executive, or judicial authorities in those States shall be null and void. I would like to know if it is the purpose of those who drafted this bill and of the committee who reported it to strike down the Federal courts as well as the State courts there? No exemption is made for the Federal courts. All courts within the borders of those States, according to the liberal meaning of this act, are denied the right to try anybody unless by the permission of the military commanders; and the very next section of the bill shows that it was the intention not only to destroy and annihilate the State courts, but to overthrow and overturn the Federal courts which are now in existence in those States. The fourth section provides—

> That courts and judicial officers of the United States shall not issue writs of *habeas corpus* in behalf of persons in military custody, unless some commissioned officer on duty in the district wherein the person is detained shall indorse upon said petition a statement certifying, upon honor, that he has knowledge or information as to the cause and circumstances of the alleged detention, and that he believes the same to be wrongful; and further, that he believes that the indorsed petition is preferred in good faith, and in furtherance of justice, and not to hinder or delay the punishment of crime.

A lieutenant, perhaps, is by this bill set up over a Federal judge, who cannot exercise that highest right and power of the judiciary which was intended for the protection of the citizen, unless he first obtains the permission of the lieutenant or any other military officer who may be in command there. The action of the Federal judge is made subservient to the will and pleasure of these subordinate military officers.

The Constitution of the United States provides that the privilege of the writ of *habeas corpus* shall not be suspended unless in case of invasion, or insurrection, when the public safety may require it. Yet here there is an effort by this bill to suspend the privilege of the writ of *habeas corpus* when there is no danger, when there is no insurrection, no invasion, when the public safety does not require it; directly overriding that great principle which our fathers ingrafted in the Constitution for the purpose of protecting the citizen against wrong and oppression.

Now, I will ask gentlemen, as they have been repeatedly asked before, where do you get the power and the authority to pass a measure of this character? Do you find it in the Constitution of the United States? That question has been repeated again and again, and there has yet been no response to it. You not only have no authority within the clauses of the Constitution, but you have no shadow of authority there. And this military power and authority which you are now seeking to establish in each of these ten States is attempted to be organized in violation of every principle and feature of the Constitution intended for the protection of the citizen. I will read some of those provisions. The first to which I will call attention is the following, in section two and article three of the Constitution:

> "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed."

Here is a provision of your fundamental law which declares that all trials shall be by jury. Have you provided in this bill for a trial by jury? You have not. You have denied the trial by jury, coming directly in conflict with that great principle of your Constitution which was intended for the protection of the citizen against oppression.

In the fifth amendment of the Constitution it is provided that—

> "No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law."

Have you provided in this bill for the trial of offenders by or under the presentment or indictment of a grand jury? You provide for the organization, if the commander may think proper, of a military commission for the trial of offenders, not under indictment, but under some sort of proceeding, I suppose, that may be prescribed by the commanding general of the district. You utterly deny the protection which the Constitution here attempts to throw around the citizen. You violate it in spirit and in letter. You violate that instrument from which alone you derive your power to legislate at all; you violate one of the most sacred and fundamental principles of that Constitution which is intended for the protection of the citizen when accused of crime—a trial by jury.

It is further provided in the sixth amendment of the Constitution that—

> "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense."

Have you in this bill any provision for a trial of this kind? You are proposing not only to try men who may be in the Army and in the military service of the country, but you are proposing to try civilians; and yet you propose to try them, convict them, and punish them without an opportunity of being heard by themselves or counsel, if the military commander should think proper to deny such a hearing. The party who may be accused of crime will not under this bill be guarantied the right "to be informed of the nature and cause of the accusation." There is no provis-

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ion for providing him "with compulsory process for obtaining witnesses in his favor." What manifest injustice! A man may be tried by a drum-head court martial, no man being permitted to appear in his defense,—nay, he himself not being permitted to appear before that august court, a military commission, and defend himself, but convened for his murder while he inclines upon a bed of straw in his prison.

There is to be no appeal from the decision of this court. There is to be no trial by jury. There is to be no relief by the writ of *habeas corpus*. The accused stands helpless and powerless before that august body, a military commission. This is in direct violation of one of the recent decisions of the Supreme Court of the United States; and I will ask the Clerk to read a short extract from the opinion of that court in the case of *ex parte* Milligan and others.

The Clerk read as follows:

"No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen, when charged with crime, to be tried and punished according to law. The power of punishment is alone through the means which the laws have provided for that purpose; and if they are ineffectual there is an immunity from punishment, no matter how great an offender the individual may be or how much his crimes may have shocked the sense of justice of the country or deranged its safety. By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers or the clamor of an excited people.

"Time has proved the discernment of our ancestors, for even these provisions, (referring to the provisions of the Constitution designed to protect the personal liberties of the people,) expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than seventy years, sought to be avoided. Those great and good men foresaw that troublous times would arise when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of Government. Such a doctrine leads directly to anarchy or despotism; but the theory of necessity on which it is based is false, for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority."

Sir, that court decides that not even in time of war can you try a citizen by a military commission; that the Constitution is as valid and effective and binding in time of war as in time of peace.

It was intended to shield and protect the right of the citizen, and you cannot depart from it. That court decided there is ample power within the limits of the Constitution for the Government of the United States to protect itself from assaults from within and without, but that it must confine itself to the limits prescribed by the Constitution. That court have decided that these military commissions have no judicial power under our Government either in time of peace or in time of war unless so far as the persons in the Army are concerned, yet this bill, in the face of that authority, the supreme law of the land, attempts to create a military court with powers superior to the Supreme Court of the United States, superior to the executive department, superior to everything except this Congress.

Now, Mr. Speaker, I have presented the power which is attempted to be conferred upon this court and this Government, and I have alluded to the constitutional provision which prohibits the exercise of this power by that tribunal. I wish the members of this House had lived for a few months under a military government as I have lived for two or three years. If you can find a human being of ordinary sensibilities, who has lived under a military government and prefers it, I would like to see him. I lived under a military government, a military despotism, for two years. I saw the best citizens in the Commonwealth in which I live dragged from their homes and families, without charges of legal offense, and confined in loathsome military dungeons and prisons, without access to them by their friends, a few favorite counselors and lawyers, who hung around the military headquarters, being the only ones who were allowed to approach the unhappy victim. If any of the men who were arrested could raise a few hundred or a few thousand dollars and slip it into the hands of those vampires calling themselves lawyers, he was immediately released without charge of crime or trial; but if he refused to contribute to the amount of his ability, then he was left to drag out a miserable existence in the military prison.

The commander of the department of Kentucky in 1864 had his headquarters in the district I have the honor to represent, and I am credibly informed he issued an order to the provost marshals just before the November election to arrest ten or twelve of the wealthiest and most influential citizens in their several counties and to send them to his headquarters. The provost marshals made arrests accordingly, and they sent the wealthy and influential citizens to the headquarters of the department commander, and they were confined in the military prison. Why the arrest of wealthy and influential citizens? If they did not have the money themselves to take themselves out of prison their friends would supply it. I have been told on good authority that some men were compelled to pay as high as $5,000 to be released.

This same military chieftain established trade regulations and appointed a board of trade composed of traders, who of course would not suffer any man to have a permit to come into competition with them. These men realized by extortions thousands and thousands of dollars, and while they exult in the abundance of their wealth they live under the condemnation and curses of all just men.

These are some outlines of the characteristics of military governments. We may have a better set of military men now. I hope to God it is so. No man who ever lived under a military government wants to see it restored; and I am satisfied if this House could have lived for a few months under military government, and seen the operations of that sort of despotism, this bill would not be passed.

But it is said this is intended for the rebels, against whom the hatred of the so-called loyal men seems to grow greater every day, and which may grow until the last vestige of liberty shall be overthrown. Do you suppose, Mr. Speaker, you can enslave eight million people in this Government and maintain the liberties of the balance? If you enslave any portion of our people you will endanger the liberties of all, and the free institutions erected by our fathers for their descendants, and the oppressed of all nations. Let us pause in our mad career, and bind up the bleeding wounds that have been inflicted by this most unnatural and unnecessary civil war. Let us forgive as we would ask to be forgiven, and that brave and noble people that now lie pleading at our feet will rise up to shed renown upon this mighty nation in the future as they have done in the past.

How transient, how uncertain are all human events! You may be in the plenitude of power to-day and you may be ousted to-morrow. And I hope to God if you do not cease these outrages upon the people of the country, such as you propose here, such as are attempting to be inflicted by your Freedmen's Bureau and your civil rights bills, that the time will not be long before that army which the gentleman from Illinois [Mr. Ingersoll] seemed to think could not be raised, an army armed with ballots and not with bayonets, will march to the polls and hurl the advocates of this and its kindred measures out of their places and fill them with men who appreciate more highly and justly the rights of citizens and of freemen, with statesmen whose minds can grasp our whole country and its rights and its wants, and whose hearts are in sympathy with the noble, the brave, and the just, whether they live in the sunny South or the ice-bound regions of the North.

Government of Insurrectionary States.

REMARKS OF HON. F. A. PIKE,

OF MAINE,

In the House of Representatives,

February 7, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more effectual government of the insurrectionary States—

Mr. PIKE said:

Mr. Speaker: In the limited time awarded to me I propose to make but two points. First, it does not seem to me that the change proposed to be made by this bill in the management of the southern States is so violent as gentlemen on the other side would have us suppose. They seem to believe that now the people of those States govern themselves, but the truth is, since the suppression of the rebellion, that is, since the surrender of the rebel armies in 1865, the government of those States has been virtually in the hands of the President of the United States. Last session we called upon the President to furnish to Congress the correspondence between himself and the Governors of the States lately in insurrection. In that correspondence and otherwise we have had officially from the Executive a statement of his mode of dealing with them, and it exhibits the fact that the President, whenever he has chosen to intervene, has done so. He has authorized elections, and whenever disposed to abide the results has done so; setting them aside whenever he wished. I need not mention the instances; they will occur to all gentlemen who have read the public prints for the last two years. New Orleans, Mobile, and Richmond are those that occur to me just now. But the general truth is that in all instances whenever the President has not been satisfied with the result of an election or with the result of legislative action in those States he has disregarded it. He, by virtue of his authority as Chief Executive, Commander-in-Chief of the armies of the United States, assuming to exercise within himself the power of the Government, has intervened and controlled those States.

He began with the constitutional convention, directing who should elect the members and who should be elected. He followed it up by instructing those conventions what laws they should pass and what omit, declaring upon what conditions he would allow the Governors elected by the people of the States to exercise the functions of the offices to which they had been chosen. And since he has never ceased for a moment to exercise the supreme control whenever he saw fit, having it in his power to cause them to adopt or reject the constitutional amendments—he being undoubtedly responsible for their rejection by those States—or to do any other act affecting their relations with the General Government.

The proposition of this bill is to regulate and define this fitful control so exercised by the Executive. Instead of allowing him to govern these States by his own mere motion, it puts the supreme control under the General and higher officers of the Army. This authority is not to be exercised freakishly, but only when occasion calls for it. Courts, jurors, and legislators are to understand that the people of

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the United States expect them to deal justly by all classes of the population and govern themselves accordingly. When gentlemen on the other side of the House come to reflect that the bill does not transfer the government of those States from the people to the officers of the Army, but only from the President to those officers, I hope they will become better reconciled to it than they now appear to be.

That is the first point I wish to make. The second is that there is an urgent necessity for action on the part of Congress. And I submit to the Houses two instances—representative in character—which illustrate the necessity for action.

The first is that of three soldiers stationed in October, 1865, in South Carolina. They happened to be from my own State. They were detailed to guard a small quantity of cotton at a point on the Savannah river called Brown's Ferry. Quiet, inoffensive, their good conduct was testified to by the people of the vicinity at a public meeting called soon after their murder. Indeed these young men seem to have been guilty of no offense to anybody except that of wearing the uniform of the Republic.

These soldiers, so stationed, were set upon by the owner of the cotton—one of the most considerable men in that neighborhood—and five others, were murdered in cold blood, and thrown into the river. There was no altercation or provocation of any kind whatever. The murder was deliberate and fiendish to the last degree.

The men committing the crime were arrested, tried, and convicted before a military commission sitting at Charleston. The examination of witnesses occupied some two months, and every opportunity was given to the accused to make a defense, the Government procuring the attendance of their witnesses. Four of the murderers were convicted, a fifth escaped arrest, and the other was not identified by the witnesses.

These convicts were imprisoned in Castle Pinckney, thence transferred to the Dry Tortugas, and thence by order of the President to Fort Delaware, from which they were released on *habeas corpus* by Judge Hall of the district court.

Mr. COOPER. Let me ask the gentleman a single question. The gentleman from Maine states that these prisoners were removed from the Dry Tortugas to Fort Delaware by authority of the President. I ask the gentleman to state whether he does not know the fact to be that the Secretary of War assumes all the responsibility for that removal as having been done by himself?

Mr. PIKE. That is the fact. I make no point on the President on this account. After being released these men returned to their place of residence at Anderson, in South Carolina, and there they were received by a general ovation of the people of the place. A witness before the select committee appointed to examine into this case testified that the opinion was universal in Anderson that the men convicted were the murderers. But that made no difference. The people turned out and sanctioned the murder by welcoming the murderers. And no step has since been taken to punish these men. General Sickles, commanding that department, says that they would be acquitted by a jury of the vicinage no matter what the proof of their guilt.

The second instance is that given by General Schofield in his testimony before the select committee I have referred to. The case has already been given in the newspapers, but I prefer the House should have it in an authentic form, and so I ask the Clerk to read from the testimony of General Schofield, who is well known to be no radical. He says the Watson case is a "fair type of a large number of cases in Virginia."

I send to the Clerk's desk the testimony of General Schofield.

The Clerk read as follows:

"This freedman who was killed by Dr. Watson was a servant of one of his neighbors, whose name I do not recollect. He was driving the family of his employer to church on Sunday morning. Dr. Watson's family were also being driven to church at the same time by another colored man, neither gentleman being present. This colored man attempted to drive by the carriage of Dr. Watson's family at a point where the road was narrow and it was difficult for the carriages to pass each other. In the attempt to pass the carriages came in collision, the spoke of one of the wheels in Dr. Watson's carriage was broken. Probably his family were somewhat endangered, but no one was injured. The carriages were extricated and passed on to church. One, two, or more days afterward Dr. Watson called at the plantation of his neighbor, where this colored man was at work in the field, saw the employer and other members of his family, and told them he had come to chastise his negro for the insult offered to his family. He went into the field where the negro was at work and commenced caning him with a small cane, asking him at the same time why he ran against his carriage, or something of the kind. The negro started to run, the doctor called upon him to halt, which I believe he did at first, the doctor pursuing him, however, as if to continue his caning; the negro man ran again; the doctor then drew his pistol, snapped the cap, which exploded without igniting the powder, and pulled the trigger again and fired, killing the negro, or rather wounding him so that he died within a day or two. He attended the negro himself, and also got another physician to examine him. As soon as the wound proved fatal, he presented himself to a magistrate, and was bound over to appear before what was called an 'examining court' in some small sum of five hundred or a thousand dollars. He appeared before that court composed of five magistrates. The facts were developed pretty much as I have stated them, I think, by witnesses before the court. The court decided to discharge him, which discharge, under the laws of Virginia, is an acquittal and a bar against any further prosecution or trial."

I do not select these because they are worse than numerous other instances. They are not. The records of the Freedmen's Bureau is full of just such cases. An enormous number of murders have been committed during the past year in those States. Probably not less than twelve to fifteen hundred soldiers, freedmen, and Union men have been killed. It is almost incredible that in any part of this country such a condition of affairs should exist. But it is not worth while to indulge in sentimental denial when the facts are so well authenticated.

The select committee to which I have referred, in the exercise of the power conferred on them by the House, called upon the department commanders to state to them the condition of affairs within their respective commands.

These States are divided into four departments: the Virginias are under General Schofield; the Carolinas compose General Sickles's department; General Thomas has Kentucky, Tennessee, Georgia, Alabama, and Mississippi; and General Sheridan Louisiana, Arkansas, and Texas. Three of these gentlemen and General Baird and General Wood, who formerly had commands in those States, have been before the committee. Their testimony agrees in these important particulars:

1. Justice is denied practically to Union men and freedmen, and offenses against them go unpunished. There have been several instances of the murder of soldiers, but no punishment has been inflicted.

2. That up to this time there has been no change for the better since the suppression of the rebellion, but rather worse.

3. That unless substantial justice is done to the laboring classes hereafter, and to the Union men and northern men who desire to go there to engage in business enterprises, no improvement in the state of affairs can be expected.

4. The courts cannot be relied on—neither magistrates nor jurors can be expected to deal justly in cases between whites and freedmen, or between those who engaged in the rebellion and Union men.

5. So far as they have expressed an opinion the department commanders favor a law like that now before the House.

These gentlemen have had such excellent opportunities for observation, and are so far removed from temptation to partisan exaggeration, that I call the attention of the House to some extracts from their testimony, and ask gentlemen to determine for themselves whether the state of facts they exhibit does not call for immediate action on the part of the General Government.

General Schofield was inquired of in regard to the punishment of crimes committed against freedmen in Virginia.

Question. What is the difficulty; is it in the arrest and presentment, or in the disposition of the men who try them?

Answer. The difficulty is in the disposition of the magistrates and jurors. Where it is a civil question alone, a question of money, uninfluenced by any other question, I think they most always do justice to the freedmen; but where that question is affected by any allegation upon the part of white men of insubordination or disrespect or insolence upon the part of the colored men, that allegation will justify him in the opinion of the local magistrates or jurors for inflicting upon the freedmen any punishment he may see fit; either by driving them off the plantations without wages, or, as has been done in some cases, shooting them.

Practically if the employer on a plantation chooses to drive a colored man off without his wages, alleging that he was insolent or insubordinate or neglectful of his duty, he is without remedy.

The same question was put to General Thomas.

Question. What is the difficulty; is it in failing to arrest the offenders, or in their trial?

Answer. A failing to arrest unless their attention is called to it, and then the trial is generally slurred over.

Question. Does that observation pertain to all the States you have designated equally, Georgia, Mississippi, Alabama, Kentucky, and portions of Tennessee?

Answer. The practice is about the same in each. The sentiment of these different localities is about the same; the prejudice against Union men and freedmen about the same.

Question. From your knowledge what should you say would be the probability, if a murder was committed in that State (Georgia) by a white man upon a freedman, of his being brought before a jury and convicted?

Answer. I do not believe there is much chance of convicting a resident or citizen of Georgia for murder if the victim was a Union man or a negro. If the murderer was a Union man or a negro they would convict him very speedily, or if the man had moved into Georgia since the war and was known as a northern man or a Union man.

Question. Can you suggest any remedy for this state of things?

Answer. The remedy I would suggest would be the establishment of some supervising authority in those States, with power to advise and insist on the impartial administration of justice, accompanied by a sufficient force if necessary to induce the people to feel that the authority is sufficient to enforce its advice or instructions.

Question. As time runs on, and ordinary justice is denied to a large share of the people of these States, is there a fair chance of the state of affairs then improving?

Answer. I think not, because enterprising people, knowing that state of affairs to exist in that country, would be discouraged from going there and entering into business. I do not think the people themselves have either the energy or the disposition to undertake legitimate enterprises; that is, enterprises resulting in the improvement of the condition of affairs in the State and bringing wealth to the country.

Question. You think there must be a substantial basis of justice to accomplish that?

Answer. Yes, sir.

General Sickles is still more emphatic in his testimony. He says it will be impossible to maintain our garrisons in the South unless additional authority is given to the Army to arrest and punish offenses against soldiers.

General Sheridan's opinion is forcibly expressed in his report to General Grant in December, in which he says the trial of a southern man for the murder of a negro in Texas would be a farce.

General Baird and General Wood, in their testimony before the committee, concur with General Thomas in his statement of the present condition of affairs and the nature of the remedy to be applied.

Aside from all humanitarian considerations, I urge the House to consider that it is the wisest political economy to protect labor. A Government that allows its laborers to go without remedy for the non-payment of wages, and even to be shot with impunity for demanding them, cannot expect and should not have material prosperity. God never has so dealt with any nation, and never will.

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But a higher consideration than this is that these men so persecuted and destroyed were our friends in the great battle for the life of the nation. These Union men of the South, white and black, are now hunted and destroyed because they are our friends. The Government by means of this assistance emerged from the contest victorious, but it now refuses, and up to this time has refused, to extend its powerful arm in protection of these humble allies. At the close of our revolutionary war Great Britain sought out the loyalists of America who had suffered for adhering to the mother country. A commission was appointed, and after careful hearing the sum of $15,000,000 was distributed among the losers. That sum at that time would be at least equal to $50,000,000 now. Shall this Government triumphant be less liberal than Great Britain defeated? If we do not make up the losses already suffered, in God's name let us see to it that hereafter every Union man of the South of whatever color shall have the fruits of his labor and not be stripped of them whenever a brutal employer may choose.

This bill will do something toward so desirable an object. Let it be passed as speedily as possible.

Government of Insurrectionary States.

SPEECH OF HON. ELIJAH HISE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more effectual government of the insurrectionary States—

Mr. HISE said:

Mr. SPEAKER: If I had not been prepared, by other measures hitherto adopted and others hitherto introduced into this House, I should not have been less startled at the introduction of this than if I had received the sudden intelligence that the ten States enumerated in this bill had been sunk by some great convulsion of nature and submerged under an oceanic deluge. I acknowledge, however, that I have been to a considerable degree prepared to anticipate the introduction of this or some similar measure in this House by the committee to which I have been attached.

The chairman of the Committee on Reconstruction, in laying the foundation for the authority of this Congress to adopt this most extraordinary measure, has made a most extraordinary assumption, namely, that the States by their attempt to retire from the Union, and the efforts of their people to cast off the authority of the Constitution and laws of the United States and to set up a separate and independent government for themselves, thus giving occasion for the prosecution of a war by which they were finally subdued and their severance from the Union thus prevented, are thereby to be regarded as occupying the position of territories of a foreign country, conquered by us as such, and subject therefore to the unlimited authority of the Congress of the United States, which has complete and plenary power to institute over them or their inhabitants such government, civil or military, as it may choose to establish, regardless of the charter under which the Congress of the United States derived its own existence and authority, and regardless of all the limitations and restrictions upon the exercise of power by Congress therein contained.

Such, sir, is the ground upon which the gentleman from Pennsylvania [Mr. STEVENS] assumes to exercise this most extraordinary authority. He likens it to a case of a war with a foreign Power, where the conquered people are dependent upon the mercy of their conquerors even for their continued existence as a people. He founds his assumption upon what he calls the laws and usages of war as defined by standard authorities upon international law and as observed in the conflicts between civilized nations, and by which authority is erroneously claimed to institute a military despotism and impose it upon the people inhabiting that conquered territory, thus placing their lives, liberty, and private estates at the disposal of the commander of the forces detailed to maintain his authority.

I think I have stated briefly as I could the position assumed by the gentleman from Pennsylvania as the foundation of the authority of Congress to pass this bill. On the other hand, the gentleman from Ohio, [Mr. BINGHAM,] repudiating expressly the ground of authority assumed by the gentleman from Pennsylvania, and maintaining that the late insurgent States are still States of the Union, and that they never have been otherwise, claims that the authority for the passage of this or any other measure in regard to the people inhabiting these ten States is to be derived from the Constitution of the United States alone.

Now, sir, in making an argument upon a great constitutional question like this, in such an august assembly as this Congress of a great confederate Government of thirty-eight States, with the high reputation of those gentlemen, they should be able to so put the statement of the case, so connect the line of argument, that there should be no mistake of fact, no misapplication of law, no sophism in their argumentation. What they say should have all the accuracy, the neatness, and completeness of a piece of machinery adapted skillfully in all its parts to the consummation of a perfect whole, so that when it goes to the country it may deserve the influence which they intended it should exercise upon the minds of the people in creating public opinion.

Now, sir, in the first place, I deny that a State once in the Union can ever get out of it except by force—never by law. And in considering this subject we must consider it in the light of the law as applicable, not of force, which would be applicable only in the event that such force is finally successful. If the attempt to sever their connection as States of the Union and to set up an independent Government for themselves did not prevail, then they have not lawfully effected a separation. The force, unless successful, does not alter the law of the case.

The law, then, of the case is undoubtedly this: that this Congress has no existence as a legislative body except by virtue of the fundamental law which spoke it into existence. It has not one iota of authority beyond the grants of power contained in the Constitution of the United States, that power to be carried out and executed by necessary and proper means to effectuate the great ends and objects for which the States confederated and agreed with one another upon the adoption of this constitutional charter. The functionaries of this department of the Government were spoken into existence alone by virtue of that instrument. This statement cannot with truth or reason be denied.

Now, when gentlemen assume the position that a bill before a legislative body is constitutional, they are bound, if it is questioned, to produce the constitutional authority. They are bound to refer to the article or clause which sanctions by fair, logical argument, and by just rules of interpretation, their assumption; because if the power is not found in the Constitution it does not exist, and Congress cannot assume it. He who takes the position that a measure is unconstitutional of course does not, in his judgment, find or admit the existence of the power to pass it or to have it executed; if it is not found by him in his examination of the instrument it does not exist there; and when gentlemen are challenged to show the clause in the Constitution upon which the authority is based they are bound to produce it.

Now, I have given close attention to the discussion of this bill, and though gentlemen have been repeatedly challenged to show their constitutional authority I have heard no intelligible response to the challenge. When asked where they find the constitutional provision upon which to base this bill, they have not answered it. Nowhere from beginning to end of that instrument can they find any authority—in none of the special grants of power contained in that instrument. Hence the gentleman from Pennsylvania has been represented as saying that the Constitution is played out, that the States having made an unsuccessful and abortive attempt at severance and independence the Congress of the United States is under no constitutional obligation whatever in regard to their government or treatment as States of the Union. Thus he sets aside the Constitution and claims that they are conquered territories, whose inhabitants are subject to the will of the conqueror, according to the usages of war as defined by writers on international law.

Now, sir, the answer to that is full and complete by saying that you cannot speak in this Hall. You have no right to utter a word here except by virtue of the Constitution of the United States. You have no authority to pass a law except by virtue of that instrument. If, then, the Constitution is to control, I deny the authority of this Government even in a war with a foreign Power to conquer territory and to take its inhabitants under its arbitrary dominion. There is power and authority to make war and peace, but I am thoroughly satisfied from my reading of our political history, as shown in the essays of three of the most learned members of the Federal Convention, Hamilton, Jay, and Madison, as well as by later authors upon the subject, that it never was intended that this Government should make any other than defensive war. War for subjugation, war for extending dominion, has no authority under our Constitution. Under the war-making power of the Constitution aggressive wars for the conquest of foreign countries and to enslave their people were never intended to be authorized—only war for the protection of the independence of the States of the Confederacy which had been achieved by a long and bloody struggle with a foreign Government—to maintain our rights as a nation on the land and on the sea. The power to raise and support an Army and a Navy was intended only as a means of defense. The right of conquest does not exist under our Constitution, much less the authority to impose upon a conquered territory and its inhabitants a despotic government, such as does not and cannot exist under the Constitution of the United States.

Now, if gentlemen are right in their theory that these States are to be regarded as foreign territories, made foreign by their acts of secession, and the war was waged as a war against a foreign country and resulted successfully by the subjugation of their forces in the field, then the question comes up as to what authority the Government or the Congress of the United States has over the territory and the inhabitants of the territory so conquered. Now, I say that this Government has no right to set up any authority at home or abroad, for foreign or domestic purposes, not conferred by the Constitution of the United States, which was intended, so far as we are concerned, to embody the laws of war and the laws of nations as applicable to our character of government, both State and Federal.

Now, when we had the war with Mexico we conquered nearly the whole of that country. We conquered the States of New Mexico, California, Chihuahua, Tamaulipas, and Vera Cruz, and took possession of the capital of that republic. Yet so well convinced was the then existing Administration, at the head of which was Mr. Polk, that the Government of the United States could not by violence and

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force conquer and annex foreign territories and, under the Constitution of the United States, govern the people of those territories arbitrarily, that they did not rely upon the right of title by conquest at all. On the contrary, we obtained by the treaty of peace with Mexico a cession of a portion of her territory, for which we paid an equivalent in money.

And when the subject of the admission of California was considered before Congress, and when the subject of imposing a territorial form of government upon New Mexico was under consideration in this House, in which there were then as Representatives the most intelligent, patriotic, and illustrious men that ever adorned our own or any other age, it was admitted that whether our title to the country was to be regarded as acquired by conquest, by subjugation of the inhabitants, and the taking possession of and holding the country by military power, or by cession and treaty, we had no authority to impose arbitrary and despotic government over the people of that country; but the laws and customs of the country as previously existing continued to exist in full force and vigor for their government, except so far as they might be in conflict with the Constitution of the United States.

I therefore ask my friend from Ohio, [Mr. BINGHAM,] for whose acumen, judgment, and ability in making nice and accurate distinctions in argumentation as well as in legal application I have the highest respect—I ask him how in the name of common sense he can claim the authority and right to impose upon the inhabitants of these States an arbitrary military dominion contrary to the character of the Government of the United States itself, contrary to the representative principle, and contrary to our constitutional theory, that the military should ever be held to be subordinate to the civil authority?

Mr. BINGHAM. In reply to the gentleman I desire to make one remark which did not occur to me when I was addressing the House. He uses the words "arbitrary military government." I wish the gentleman to understand that I do not recognize any such principle under the Constitution and laws of the United States, nor is it recognized in this bill either. This military authority and government is not to be arbitrary, but it is to be exclusively subject to the law-making power; and one limitation is incorporated in this bill, as the gentleman will observe, and it is borrowed from the Constitution and is the rule of law for the government of every one of these military officers, to wit, "that no cruel or unusual punishment shall be inflicted." And if you can impose one limitation by statute you may impose forty, so that this military government is not arbitrary at all, but is subject to law.

Mr. HISE. I do not intend to inflict a constitutional argument upon the House at this late hour, for I have not time. But I take the ground, and I do not think it can be successfully controverted, that these States are now States in the Union, subject to the Constitution of the United States and the laws enacted in conformity thereto, and consequently entitled to all the rights and powers that appertain to the other members of the Union. I assume this to be an obvious political truth, an actual existing fact, that cannot be contradicted with any show of reason or by constitutional or legal sanction or with a due regard to historic truth; to deny it is revolting to common sense and in opposition to the convictions, nay the knowledge of all unprejudiced men, unless resolved to persist in the grossest error both of law and fact.

What an unwarrantable assertion it is to say that they are not now States in the Union, that they have got out of the Union, although they failed in their effort to do so; although the war was successfully prosecuted to maintain the Union; although the war was waged with the express and solemn declaration on the part of Congress that when it should terminate by the suppression of the rebellion the States would resume or rather continue their existence in the Union as States, with all their equal rights and privileges as such, and with all their institutions preserved intact equally with all the other States.

Now, I will ask again, where is the authority to disfranchise a State; to expel a State from the Union for the purpose of punishment? Why, sir, examine the debates in the constitutional convention as reported in the Madison papers, and you will find that it was contended in so many words, without being contradicted or questioned, that a State as a State could not be punished. Hence in framing our Government it was so constituted as to provide for a judicial and an executive department, so that the powers of the Government and its laws could be executed and made to operate directly upon the citizen. And this was done in conformity to the acknowledged political truth that a State as such was not susceptible of trial, arraignment, conviction, or punishment, and could commit no offense for which their place in the Union could be changed or their rights and immunities under the Constitution annulled. The power conferred was to admit States in the Union: none was granted, for any cause, to expel them from it.

What, then, but malignant and hostile feelings toward the people of those States can be the ground for your determination to rivet this most odious military despotism upon them? If you entertain this feeling of resentment and revenge let it be carried out legitimately. If those men are guilty of a violation of the criminal laws of the United States upon the subject of treason or conspiracy or rebellion, they are amenable to punishment in a regular and legitimate way: they can be if guilty apprehended, indicted, and tried for their offenses in the civil courts of the United States of competent jurisdiction. That is the mode, and the only mode, by which their crimes, if any have been committed, can be lawfully punished. A State as a State cannot be guilty of a crime. Whatever crime may have been committed, if any, in fomenting a rebellion in those States, it is the crime of A, B, C, or D, and they alone can be tried, convicted and punished by the courts according to law and in the manner prescribed in the Constitution. This Congress has no judicial power except for impeachment of civil officers. It has no power to assume by legislation that a State or its inhabitants have committed crimes, and then judge, convict, and punish them by a deprivation of their rights of representation, their right of suffrage, by their disfranchisement, and by placing their property, liberty, and lives under the arbitrary and irresponsible control of a military tyrant, with authority to plunder, imprison, and slay, at his discretion, and provided with a military force sufficient to support such authority. Congress may pass laws defining crimes and fixing their punishments, and when this is done its power in this respect is exhausted. The courts alone can try and punish the offenders.

All the States as corporate political bodies are in the Union, and have been continuously ever since the original thirteen ratified the constitutional compact, and ever since the other twenty-three became parties thereto by their admission into this Union. Four of these States, through their illustrious representatives in the constitutional Convention, were among the most influential in constructing our Government. Nay, it may be said, almost, that Madison was the framer of it. Others of those States have been admitted to the Union under the plenary power of Congress to admit new States. Why admit States? Because essentially and necessarily there could be no government of the Union under the Constitution except by States and the representatives of States being equal in one branch of a constitutional Congress, and being represented also as States, although without equal numbers in the lower branch of Congress. I charge, then, upon the party predominant in this House that setting aside and subverting the Constitution of the United States, they have denied to ten States of this Union their equal representation in the Senate and their proportionate representation in this House, without any authority under Heaven for so doing.

What is the warrant for this bill? Whenever you ask for constitutional authority gentlemen get up and clamor and rant about the "loyal" men and the "freedmen"—the free negroes of the southern States—being oppressed; their property, their liberty and their lives endangered by unlawful misrule. Gentlemen do not appear to understand the fact that in those States all the property-holders, all the land-holders, all the traders and merchants who had capital, including all the best and most reputable citizens, the substantial men disposed and interested to maintain good government, to uphold law and order, and to secure the enjoyment of regulated liberty, were engaged in the movement for secession and separate independence. They composed, I venture to say, exclusive of the negroes, nine tenths of the entire population of all those States. Yet you assert a right to enslave all those people—to make political bondsmen of the men who have the capital of that section, who do the business, who carry on the factories—the men who have a deep stake in the country for the preservation of law and order. These are to be placed under the dominion of their own slaves, now turned loose among them, and of the interlopers, the renegade sutlers, jobbers and contractors and army followers from the North, who return spreading abroad unfounded reports of their having been "Union men" all the time and having been proscribed and persecuted and driven off, not one word of which, in my deliberate opinion, has any foundation in truth. Since the war has closed, since the armies of the rebellion have been dispersed, the actual citizens of those States to whom I have referred, who have a stake in the well-being and prosperity of the country, are the men to whom we should look for the preservation of law and order and the prevention of crime and misrule.

Yet because you suspect and believe if these governments continue in the hands of those men, disloyal men, rebels, traitors, as you continue to call them, and they are allowed representation in the Congress of the United States, which you cannot deny to them without violation of the Constitution; because it is apprehended that they will stop the progress of all your revolutionary measures, all your unconstitutional schemes of policy for monopolizing all the power and patronage of the Government and all the emoluments of office, you design to destroy their States, disfranchise the citizens, whatever may happen, subvert their State governments and laws, and subject the inhabitants to a military despotism.

Mr. PRICE. Will the gentleman let me ask him a question?

Mr. HISE. I have not the time.

Mr. PRICE. It is a plain question, and quickly answered.

Mr. HISE. I must decline to yield the floor.

Now, sir, what is the object of this measure you have inaugurated? A despotic government has existed over these people ever since they surrendered. They surrendered under the hope and expectation on the part of all their intelligent, able, and prominent leaders, of all their distinguished men who before the war had occupied seats in the Congress of the United States, that when the war terminated the Constitution of the United States would be still in force all over the whole country, and that they

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would be entitled as free men to representation in the Legislature of the United States, hopes and expectations founded upon the solemn pledges of the American Congress, founded also upon constitutional law; yet Congress in bad faith, and contrary to express constitutional injunction, interpose by a joint resolution a barrier to the admission of their representatives into the Senate and House, and declare in substance that they shall be excluded at discretion until such barriers shall be removed.

So from the very period of the termination of hostilities up to this moment there has been a despotic civil government over them. You have extended the authority of your courts over them. You have imposed upon them your internal tax laws. You have imposed your impost duties upon them, and all obstruction to the execution of the Constitution and laws of the United States has been removed; and while you discriminate against them in taxing their agricultural productions, and while you are so legislating as to impose upon them all the heaviest burdens of the Government, and to deprive them of all its advantages and blessings, yet you deny to them their constitutional right of representation here and their right of local self-government. Is not this the very essence of despotic government, to rule those ten States of the Union and all their inhabitants by a governing power wielded by a legislative body made up exclusively of representatives of other States, in which they have no voice, over which they have no share of influence, and which is irresponsible to the people whom they oppress and enslave?

But, sir, do you tell me any respect for constitutional law or the constitutional rights of these States will ever restrain Congress from the exercise of any legislative power, however illegitimate, cruel, and oppressive, which will enrich and aggrandize the represented at the expense of the unrepresented States. See what has been done already. Look at the discriminating tax of three cents per pound upon cotton. Observe how all the patronage and revenues of the Government are dispensed and expended for the exclusive benefit of the North, with a studied discrimination against the South and the southern people. Look at the pitiful indication of sectional malignity against the southern people upon this floor in striking out an appropriation of $10,000 for necessary repairs of the marine hospital at Louisville, Kentucky. Look at the immense patronage given in the form of Government credits and grants of public lands to northern companies for the construction of railroads, while the project of a railroad from the Mississippi to the Pacific on the line of thirty-two, through the State of Texas, by the way of El Paso to the Pacific port of San Diego has not a single acre of land nor a single dollar from the Government. No aid has been given on the part of the Government to push that enterprise; and yet that railroad project is over a country through which the route is everywhere practicable and its construction easy, at a cost much less than that of the other projects so munificently patronized. It will pass through the richest mineral region of the country, is near one thousand miles shorter than any other route, and has the advantage of a location in a latitude where there is a perpetual spring and never any obstruction from ice or snow.

Look at everything done by this Government and you will find the design and end to be for the aggrandizement of the North and the oppression of the South. It all shows that it will inevitably follow, in the nature of things, that the Government by the representatives of one section over the people of another section will always subject the latter to injustice, cruelty, and oppression.

You have kept up a civil despotism in the South up to this very moment, and now you propose to substitute a military despotism in place of it. There is no limitation upon the power of these military satraps. Who they are to be I now distinctly understand. They are to be appointed by——

Mr. ALLISON. Appointed by the President.

Mr. HISE. Appointed by the President! Indeed.

Now, sir, with all deference and respect to the gentlemen who differ with me, it appears to me that these measures, taken as a series, strike at the executive and judicial departments of the Government, consolidating the powers of the Government in the hands of one of its branches, thus abrogating all the checks and guards devised in order that neither of them should absorb the powers assigned to each by the Constitution. But by this bill it is proposed to establish military governors over ten States of this Union, who may rule and control them without any regard to their rights, any knowledge of their laws, or any sympathy for their inhabitants.

Sir, it is a monstrous usurpation of power. This law proposes to consolidate the powers of the Government in the hands of the military authorities, and to perpetuate the authority exercised by the military during the war, the exercise of which in time of peace has been declared to be unconstitutional by the Supreme Court of the United States.

You propose further by this bill to ignore the executive department of the Government by depriving the President of the power to execute this law; for the military tyrants who are to rule the five military districts embracing the ten States are to be appointed by the General of the Army.

The gentleman from Ohio says that the bill requires that persons arrested by the order of the military chief shall be, without unreasonable delay, brought before military commissions for trial. I presume——

Mr. BINGHAM. I wish the gentleman to consider that there is nothing in the text of the bill that justifies him in supposing that the limitation refers to State laws; it is a limitation applicable to all other authorities.

Mr. HISE. The bill provides for no limitation to the authority and power of the commanders of these military districts; but they are invested with full, arbitrary, and irresponsible power. They are not elected by the people. They are not appointed, according to this bill, by the President or the head of any executive department of the Government. They will govern these people regardless of their will; and they are responsible to no higher authority and may imprison for life, confiscate the estates, and take the lives of the inhabitants through the instrumentality of the military tribunals established by themselves. It cannot be expected that such despotic government will be voluntarily submitted to. The people of these States will not endure this degrading bondage under which they must depend for any security of life, liberty, and property upon a callous and rapacious despotism.

Mr. ALLISON. Would you be afraid to trust General Grant?

Mr. HISE. I have had an opportunity of knowing something of this military rule and of the crimes and atrocities which make up its bloody and relentless record of murders, robberies, thefts, arson, and rapes, of arrests and imprisonments committed and done among and upon the inoffensive, unarmed, and peaceable inhabitants of the border States adhering to the Union, and where the people were peaceable. I know that citizens were maltreated, imprisoned, plundered, and put to death without authority of law; and that assessments were unlawfully made upon them, and large sums of money collected and forced from them by threatened and actual violence upon their persons and property.

Such were the bitter fruits of the imposition upon the people of military rule in many portions of the country, within the limits of some of the adhering States, and in every place in the South where the troops were stationed, and through which they made their desolating marches; and all this upon the pretext that the people were disloyal.

Mr. GRINNELL. The pretext.

Mr. HISE. Yes, sir, the pretext, and the same pretext that has been employed always as an excuse for deeds of blood and violence the world over.

Now, sir, this bill does not expressly provide that the negroes alone are to be protected, and that those loyal fellows who come here to Congress and ask to be placed in power over all the property-holders and the virtuous and intelligent men of these southern States, and are to be permitted to oppress and rob them—the negroes. No, because they have nothing to be robbed of. Instead of that the negroes of the country have been taken by force from their masters, contrary to the Constitution of the United States. It is very true that the bill does not say that they—the negroes—are to be the exclusive objects of protection.

However, it might be said here with truth, that this military government is to be provided for the exclusive advantage of the enfranchised slaves and the extremely loyal adherents of the party in power here; and they and the military governors, with the troops furnished for the purpose, will be let loose by this bill to prey upon the other inhabitants, who, under the military government which this bill provides for them, will be, by being oppressed and plundered, by imprisonments and military executions, driven from their homes or exterminated.

Whatever may be the design, such I believe would be the terrible effects of this stupid, cruel, unwise, and unconstitutional measure should it pass and go into operation, regardless of the Executive veto and the opinions of the Supreme Court. This bill, I grant, does not say in express terms that the negroes and the poor loyal white men of the country alone are to be protected. But from the speeches which have been made upon this floor it is perfectly manifest that the men who have been engaged in the civil or the military service of the confederate government while it existed are to be disfranchised and punished, while their slaves and these loyal vagabonds and adventurers, who followed the armies to the South, and who are the authors of the false reports spread broadcast in the North of southern crime and cruelty, are to be placed in power to govern the country. And when this is done, I suppose the southern States will be placed in their constitutional relations with the Government of the United States, and be allowed representatives in the two Houses of Congress, provided they be black, or loyal if white, and are and remain true adherents of the Radical leaders and supporters of their measures.

My friends, the gentleman from Ohio and the gentleman from New Jersey, have differed in regard to a very material and important question. The gentleman from Ohio [Mr. Le Blond] entertains the opinion that the President of the United States had no authority after the termination of the war to appoint provisional or military governors for the ten southern States. But the gentleman from New Jersey [Mr. Rogers] entertains a different opinion on that subject, and he quoted judicial authority and opinion to sanction his view of the question. Now, my opinion upon the law of the case is simply this, that no State can get out of the Union legally; that every attempt of the civil authorities, by ordinances or decrees of conventions or legislative enactments, would not lawfully produce such result, because all such acts, decrees, and ordinances would be nothing more nor less than mere

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nullities. Being contrary to the laws and the Constitution of the United States, which are supreme, those ordinances or decrees could have no effect to dissolve the connection of those States with the Government of the United States; they could not release or discharge them from their obligation to obey that Constitution and those laws, nor could they have the effect of depriving those States of their reserved powers of local self-government, nor of the rights, immunities and privileges secured to them equally with all the other States by the Constitution of the United States. That is my opinion of the law of the case.

If they had gone on and succeeded in dissevering their connection with the Union by force, that would have been a breach of the Constitution successfully accomplished by means of a revolution.

Our action as Colonies in severing our connection with England was revolutionary. The law of the case was against us. We were legally subjected and owed allegiance to the Government of England. The King of England was King of the Colonies. And the Declaration of Independence would have been null and void, the Articles of Confederation would have been of no force or effect legally, except that validity and force were given to both by a successful application and use of military power, acquiesced in finally by England herself. But that was not the case in the southern States. There was no successful application of force either by them or by the Government of the United States.

And, sir, the contrary opinion involves those holding it in these difficulties: if these States are out of the Union—you do not admit or contend that they got out by force of arms—by virtue of their civil proceedings, by their enactments in conventions and Legislatures, and by the votes of their people they got out of the Union, then they are still out of the Union. And if you maintain, then, that because they are not States in the Union they are deprived of all the rights of States, including that of representation, under the Constitution of the United States, then they are relieved from all obligation to obey that Constitution. And you have no right any longer to govern them, because you can only govern them as States; and as States to be governed under and by virtue of the Constitution they must have representation.

If they be not in the Union, then they are out as independent States. In such case they are not bound by the laws or Constitution of the United States, and the President would have no authority to appoint their Governors, nor would Congress have power to bind them by its enactments. But if these States are in the Union, they are entitled to representation in Congress and to the right of local self-government, and the President would have no right to appoint their Governors nor Congress the power to establish, alter, or overthrow their local governments. The Congress of the United States has the power to admit new States; but I want to know if there is any power to put States out of the Union by war or in any other way? And if you cannot put them out, if there is no constitutional authority to eject them from the Union as States, then you have no right or authority to deprive them of their representation as States. Now, I admit that Congress did not at first expel them, but that they attempted to go out. Some lawyers on this floor concede that the Constitution is a compact between States, a treaty between the several States contracting with one another; and they concede that all these ordinances are null and void by reason of the fact that they were contrary to and in violation of the compact or Constitution of the United States, because that Constitution and the laws made in pursuance of it are supreme and in direct opposition to such legislation.

Government of Insurrectionary States.

SPEECH OF HON. J. F. FARNSWORTH,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more effectual government of the insurrectionary States—

Mr. FARNSWORTH said:

Mr. SPEAKER: The gentleman from Ohio [Mr. LE BLOND] stated that it seemed to him that it would be the death-knell to civil liberty if we pass this bill. Sir, if civil liberty means the right to slaughter and slay and despoil at pleasure then I trust this is the death-knell to it. This bill was framed for the purpose of protecting the people of the disorganized States, all the people, in their rights.

The necessity of the bill is found in the fact that no such protection is found in the ten disorganized States at the present time, afforded by the courts, or by any civil tribunal.

The power of the courts, and of such governments as they have in those States, is in the hands of disloyal, unrepentant rebels, who still have the same virus and the same hatred of the institutions of our country that they had during the war.

I am glad that my colleague on the select committee to inquire into some of these disorders [Mr. PIKE] has called the attention of the House, and of the country, to some of the testimony which we have taken, and I propose to present to the House some other of the testimony he had not time to read.

I take it that it is no longer a question of doubt it cannot be skulked or avoided or denied, that the loyal men, the Union soldiers and the freedmen, in these disorganized and disloyal States are not protected. They are murdered with impunity; they are despoiled of their goods and their property; they are banished, scattered, driven from the country.

I know that some newspapers and some politicians have been in the habit of denying all this. They state that what we are told by refugees, by these exiles from those States, is all false; that they are made-up reports to effect northern sentiment; that there are designing men traveling north for the purpose of exciting sympathy with their tales of suffering, and that there is no foundation for their reports. But when the military authorities, all with one accord, unite in telling us that there is no protection for life and property there is no longer any reasonable doubt. We have testimony that unless the military is clothed with some additional authority there the United States garrisons and troops will have to be withdrawn. Why? Because if a soldier is brutally murdered, and the military arrest the offender he is taken from their hands by writ of *habeas corpus*, issued by the State courts and is discharged.

And it is mean and damnable for us to send soldiers clothed in the United States uniform into those States thus to be murdered, unless we provide some means of redress. General Schofield, who has never been considered a Radical, but always, I believe, very conservative, says that—

"The courts throughout these States fail to do justice to the freedmen—that is, fail to punish white men for assaults and outrages committed on the freedmen."

He says, also, that—

"The courts not only fail to punish outrages and assaults but they fail to administer justice in matters of contract between freedmen and white men."

If, for instance, a freedman is kicked off from a plantation and clubbed, and brings suit before a magistrate for the wages due him, and the white simply asserts that the freedman was insolent, the court dismisses the case.

General Thomas says:

"I cannot say that it is habitual for them (the civil authorities) to exercise a disposition to bring these people to justice, (*i. e.* those who commit crimes against loyal men.) They do it sometimes, because they know that the offenders will be arrested under General Grant's Order No. 44, and held until they are tried." * * * * * * * *

"I do not think the civil authorities are disposed to administer justice if left to their own will."

He further says that trials are not impartial.

General Baird, who was in command of the district of Louisiana, says:

"Murders were frequent. In some instances I think the civil courts would do justice to the negroes where no feeling was aroused or question raised in regard to the rebellion, and as between white men and black men, or Union men and rebels. If any such question was raised, as a general thing it would be impossible to get justice done.

"In case of murder of freedmen it was almost impossible to get the man arrested, and if arrested he would be sure to get released on very low bail. I remember one such case, where the man was released on $300 bail."

General Wood says, in regard to Mississippi, "that there is no diminution of crime, and punishments are seldom inflicted."

General Sickles says, in reference to South Carolina and Georgia, that the courts do not furnish any redress for murder or other crimes committed upon Union men, freedmen, or soldiers, and that unless the military can be clothed with power to protect themselves and punish offenses committed against them, the garrisons will have to be withdrawn.

Sir, it is impossible to find an officer of any considerable rank, who has spent three months in any of those States, in command of any district, or as superintendent or assistant commissioner of the Freedmen's Bureau, who will not make the same statement.

Then the question arises, is it the duty of the Government to afford protection to our people there? There is no adequate protection now to Union men, to soldiers, or to freedmen in those States. I care not what laws you pass here, so long as they remain a dead letter because there is no power there to enforce them. No matter what enactments you may place upon your statute-books, unless there is some power provided to enforce them in those States they are good for nothing. Crime of all descriptions runs rampant through the land. These people are holding out their pleading hands, they are looking to us with ghastly faces, they are imploring us now, as they have been for the last two years, to give them that protection which they never yet have had afforded them. Therefore the joint Committee on Reconstruction have reported this bill in accordance with the recommendations of their commanders; in accordance, I believe, with the sentiments of the General of the Army, and of every other loyal man who is desirous that this shall be a Government in fact as well as in name. This bill is intended to give to that people the protection which we owe to them, and which they so much need.

I have just received a New Orleans paper, the New Orleans Tribune, of the 27th ultimo, which contains an account of the brutal treatment of a family in Texas. I send it to the Clerk's desk to be read.

The Clerk read as follows:

"A VICTIM OF REBEL HATRED.—We published yesterday in our paper the funeral notice of the death of Mrs. Martha G. Temple, wife of Captain C. H. Temple, late of the Union Army.

"As the case is one burdened with those deep and burning wrongs not unfrequently practiced by the high-toned chivalry of Upper Red River against northern men and loyalists whose fortunes have been cast among them, we have taken the pains to inquire into the particulars attending it and although our space will not permit of a history of all the circumstances leading thereto, we deem it proper to present the following outline for the benefit of our readers here as well as at the North.

"Captain Temple, the afflicted husband, has been a soldier of fifteen years' service in the United States Army. In one of the first engagements of the war he was dangerously wounded by receiving a ball in his right lung, a fracture of the skull, and the carrying away of a part of one foot by a shell. After recovering from these wounds he reëntered the ser-

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vice in a regiment of Illinois cavalry, and rendered distinguished services in East Tennessee as a scout, when he was again wounded. The close of the war found him in service with his regiment in Arkansas, near Pine Bluff, where he married the daughter of a Union man from Tennessee.

"Moving from thence to the Upper Red river country, he engaged in planting in partnership with some citizens of Sevier county, Arkansas, where, in consequence of the great influence which he exercised over the freedmen, he was permitted for some time to labor unmolested. His untiring energy produced him a very considerable crop of cotton, although once overflowed by the freshet of the river, when most other planters failed to secure any crop whatever. About the time his cotton had begun to mature his fancied security was soon withdrawn and a series of persecutions substituted. His life was threatened on every side, and attempted on several occasions, during one of which he was again wounded. About two months since, finding his situation so precarious, without the protection either of civil or military authority, the life of himself, family, and freedmen, as well as his property, in constant peril, he came to this city for the purpose of securing the assistance of the military in getting his family and property out of that country, as he could not have done so otherwise. He was granted an escort of twenty men by General Sheridan, all that could be spared at the time.

"Upon his return home with the detachment mentioned, under command of Brevet Major Granger, he found his house vacant, his young wife and infant driven to take refuge among the freedmen some miles into the interior of Arkansas, and a young man in his employ, named Davidson, who had also served in the Union army, compelled to fly to the woods to escape being murdered. His horses and cotton were seized by his partner in the planting business, and the former taken away into the interior of the country. The force sent for his protection proved wholly inadequate, and were in great danger of being massacred by the infuriated reconstructed Johnsonians, who assembled in numbers upward of three hundred strong, fully armed, at Boston, Bowie county, Texas, Linden, Texas, and Richmond, Arkansas, the three towns adjacent to where he, Temple, had lived. It was found necessary for the officer commanding the detachment to avoid Boston and Richmond, but being compelled to pass through Linden, in hopes of securing the interference of the United States troops and thus bring on a conflict, a gang of freedmen, shackled and chained, were paraded and marched through the streets in the presence of Captain Granger and his troops. All means of transportation, either for Captain Temple and family or the troops, was denied, and the sale of subsistence refused, and the party was compelled to travel upward of one hundred miles, most of the way on foot. The wife of Captain Temple rode the distance in an ox-cart, exposed during the time to the inclemency of the weather, and for several nights without shelter, until the party arrived at Jefferson.

"The conclusion of this barbarous treatment has been that Captain Temple, wife, and child arrived in this city on Monday evening in a destitute condition and prostrated from hardships and exposures. Mrs. Temple was with great difficulty carried from the state-room on the steamer Alabama to the rooms of Major Carroll, where she remained in a sinking condition until Thursday night, when she expired. Captain Temple is now lying in a prostrated condition in the room with the dead body of his young wife, and it is considered if he recovers at all it can only be for a brief period."

Mr. SHELLABARGER. Will the gentleman from Illinois [Mr. FARNSWORTH] yield to me for a moment?

Mr. FARNSWORTH. Yes, sir.

Mr. SHELLABARGER. I understood the gentleman to say to the House that this measure reported from the joint Committee on Reconstruction was in accordance with the wishes and views of all the distinguished commanders of our Army. Now, if that is a fact, it is one that this House and the country are entitled to know, on account of the singularly good opportunities possessed by those commanders of ascertaining the character and condition of those communities. If the gentleman makes that statement advisedly I would be glad to know the fact.

Mr. FARNSWORTH. I did make that statement advisedly. I have mentioned the names of Schofield, of Thomas, of Baird, of Wood, of Sickles, all of whom have testified before a select committee of this House.

Mr. ASHLEY, of Ohio. And Sheridan?

Mr. FARNSWORTH. The testimony of General Sheridan has not yet been taken. All those whom I have named have testified with one accord that there is no other method of protecting loyal men, white or black, in those rebellious and disorganized States than by clothing the military with the necessary powers. I said of the General of the Army that I believed this bill was in accordance with his views. I cannot speak authoritatively or "by the card" so far as he is concerned.

It is for the reason that we desired to bring these facts before the House that my colleague on the committee [Mr. PIKE] and myself have occupied the time of the House. My purpose is to nail to the counter this denial of the rebels and their sympathizers that these outrages and disorders exist. It is to place the matter of fact beyond a peradventure. There can be no possible doubt or question in reference to the matter when military commanders of different schools of politics, who have no political or personal ends to serve by their testimony, have stated under oath the true condition of things in the South.

Now, Mr. Speaker, we need spend no more time upon the facts. I take it the fact is settled that adequate and necessary protection to the Union people in those States is not afforded and cannot be under the present system of government, because of the popular hatred which exists against all loyal men. I propose now to say a few words with regard to the bill itself and the power of Congress to pass such an act. It is claimed on the other side of the House that this bill is, in several particulars, in derogation of the Constitution. It is objected, in the first place, that we violate the Constitution by directing the General of the Army to assign officers of a rank not below that of brigadier general to the command of certain districts. It is said that as the Constitution clothes the President with the right to command the Army, therefore we cannot direct any other official to assign an officer of a particular rank to a special duty. I do not believe in that doctrine. I think that I can find numerous instances in various statutes which have been enacted during the war wherein we have by law directed, for instance, that the Provost Marshal General shall perform a certain duty that the Judge Advocate General shall perform a certain duty; that the General of the Army or the Lieutenant General shall assign officers to certain duties. If we should declare in this bill that the General of the Army shall assign a particular officer, naming him, to a special duty, there might be some question raised about such a provision; but that Congress has a right to direct that officers of a certain grade shall be assigned by the General of the Army to particular duties seems to my mind a matter beyond controversy. Why, sir, the President only can command the Army in obedience to the law and for its execution. Congress commands both President and Army.

It is said that the Committee on Reconstruction have, in framing this bill, changed the provisions of a similar bill which was introduced by a Senator from Oregon, [Mr. WILLIAMS.] That is true. The Committee on Reconstruction have struck out the words "by authority of the President." I am very glad that this has been done; and I will state why. I want to put the President into a position in which he will be obliged, by affirmative action, to place himself in the way of a law of Congress, if he is disposed to obstruct the execution of that law. If you require the General of the Army to run to the President every time he wants to make an assignment of an officer to a particular duty, and the President chooses to say, "I am engaged and cannot attend to the matter now," and thus by a sort of negative action defeats a law of Congress, he is not placed in the position in which he would be if he should by a positive order direct Grant not to assign an officer to this particular duty. Let him thus array himself, if he will, against the express provisions of a law of Congress, and then he will be placed in a position where there will be no difficulty about dealing with him. I say again, that as to the right of Congress to direct that an officer of a particular grade shall be assigned for certain duty to a district, without even naming the district, I have no doubt whatever.

It is said that by this bill we propose to upturn and destroy the civil tribunals in these insurrectionary States. Why, sir, who gave them civil tribunals? What kind of civil tribunals have they? The President stated, after the war had concluded, that those States were left without civil governments; that there was chaos there; that all civil government was overthrown. He said this repeatedly. Did anybody doubt it then? No. And his friends upon the other side of the House will not, I suppose, contend now that he was not right in so saying. Then if those States were left without civil governments at that time, who has given them civil governments since? Where did they derive their authority to set up civil governments? Have they any civil governments which are entitled to recognition by the sovereign power of this nation?

If they have set up any governments it has been under the direction of the President of the United States. This is the first time, if we pass this act, that the Congress of the United States has passed any law giving them any kind of government. We are, sir, now doing what we ought to have done in May, 1865, and what, in all probability, Congress would have done had it been able to assemble and had an opportunity to legislate upon the subject. These are called civil governments, and yet the only tribunals they possess it seems are used for the protection of crime.

Mr. KUYKENDALL. My colleague says they have no civil governments down there. Now, what then is referred to in the third section of the bill, where it is declared the commanding general may allow civil tribunals to have jurisdiction? What civil governments are referred to?

Mr. FARNSWORTH. The civil tribunals they have in fact. I was speaking about legal tribunals. It is certain they have certain governments set up there in fact, which are not derived from any authority given by the law-making power of the Government. In my judgment none of those civil governments are lawful, and it is very certain that they are now in the hands of the rebels.

We may as far as we please make use of the agencies which are now in existence in those localities. We may if we see fit allow them still to act in reference to certain matters. And I am convinced of the power of Congress to pass this bill for the purpose of giving them some kind of government.

Talk of civil governments! They are not civil governments, but on the contrary are very uncivil. [Laughter.]

Now, the object and purpose of this bill on the part of the Congress of the United States is to secure the full protection of the persons and property of our own citizens. And the Government that does not do that is not worthy the name of Government. I ask gentlemen to point out any other way in which we can protect the rights of loyal citizens there except by clothing the military with this power. I have given this subject some thought and attention during this Congress, and no man is more anxious for restoration, reconstruction, or whatever name you may please to call it.

I am not disposed to let any theory stand in the way. I do not care whether you call them Territories or States. I do not care whether you call them conquered provinces or disorganized States, but I do care that the great Government of the United States under which I live shall enforce protection of the rights of all of its citizens. If any gentleman will point out to me any other mode by which liberty and property will be secured in those disorganized States than that provided for in this measure, I will be glad to hear it. I know of no other method. The military commanders to whom I have alluded say they know of no other

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method. There is no other method. I repeat, again, if gentlemen can tell me of any other method I should like to hear it. Certainly I have not heard any gentleman upon this floor point out any other.

Surely, sir, there has been time enough. We have allowed nearly two years to pass, and we find instead of things growing better they are every day growing worse and worse. When the rebellion was ended, when Lee and Johnson surrendered, for a few months there was comparative peace in the South. The rebels felt subdued so long as the military held power there. They were in a great measure subdued and peaceful, but the moment the policy began to be developed of pardon, restoration, and amnesty and all that, these men began to creep out of the holes where they had skulked and hidden themselves and assumed the airs of braggarts and talked about constitutional rights as if they had any constitutional rights.

Mr. LE BLOND. Will the gentleman permit me to ask him a question?

Mr. FARNSWORTH. Yes, if it is a very short one.

Mr. LE BLOND. Did I understand the gentleman correctly as saying that General Grant favored the proposition now pending?

Mr. FARNSWORTH. No, sir; I said I believed he did; but I could not speak from authority.

Mr. LE BLOND. I suppose the gentleman does not claim to have any personal knowledge.

Mr. FARNSWORTH. I do not, sir; it has been the policy of the President and his Cabinet which has brought things to this state in the South. His policy of pardoning rebels, restoring them to power, and giving into their hands the reins of government in their States, develops at once the hatred which is natural to them and which has not been cured. Every commander, every one of the military men who have been in the South during the war, and who has remained there since, will tell you the same story. Things are not as they were at the close of the war. Why? Because then these men knew and realized the fact that they had no constitutional rights, and that all that was left to them was to ask for mercy. They were content with that at the close of the war. A Union man in the South was then at a premium. He was courted and his influence was sought after by these unwashed rebels. But when the President told the rebels he would protect them at the expense of the Union men, then the Union man was at once at a discount and the rebel at a premium. Now the Union men are murdered, persecuted, driven from their homes, and despoiled of their goods. They have no security. And that state of things is growing worse and worse all the time.

Now, Mr. Speaker, I think I see the dawn of a better day in the passage of this bill. I am very glad indeed that the committee have been enabled so unanimously to agree upon such a measure as this. I hope it will pass this House by an overwhelming majority and become a law. I do not expect that this is all that should be done, but I consider it as an entering wedge of the right kind and driven in the right direction, for the first duty of the Government is to afford protection to its citizens.

Government of Insurrectionary States.

SPEECH OF HON. W. E. NIBLACK,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 9, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more effectual government of the insurrectionary States—

Mr. NIBLACK said:

Mr. SPEAKER: When I first sought the floor a day or two since I did feel very much like discussing at some length the questions involved in this bill. Since that, however, the debate has taken so wide a range, and some of the grounds which I intended to occupy have been passed over so ably by other gentlemen, that I have ceased to have that personal desire to participate in this discussion at any great length at this period of the debate.

I regard this as one of the most interesting, and at the same time important, measures that has been introduced during the present Congress. It brings up legitimately for discussion every power of this Government, civil and military, legislative, judicial, and executive. It brings before the House all the questions that have been presented upon this subject of reconstruction for discussion again, if we see proper to avail ourselves of the latitude which is usually allowed in debates of this sort.

At the commencement of the late civil war I felt that this question of the relation of States to the General Government, if the war continued long, would inevitably be the great question of the times. I felt then, as I feel now, that it was one of the first duties of the first Congress that assembled after the commencement of the war to provide for some contingencies which have since happened by appropriate legislation, and whatever neglect may have occurred in failing to provide for those contingencies I assert with all due respect rests upon the Congress of the United States. It is true at one time during the war a bill was passed by Congress for the reorganization of the rebellious States, as they are termed; but from disagreement between Mr. Lincoln and Congress that bill failed to become a law. That failure is in no sense justly chargeable to the present Administration nor to the present minority in Congress.

When the war closed this whole question was therefore very suddenly and to a great portion of the country very unexpectedly precipitated upon the administration of President Johnson. I concur—and in that declaration I know I am liable to the charge of being considered somewhat extreme—I concur in the view expressed by the gentleman from Ohio [Mr. LE BLOND] yesterday that the best arrangement that could probably have been made, in view of all the difficulties that surrounded the question at the time, was to have indorsed the terms of capitulation agreed upon between General Sherman and General Johnston, recognizing the then existing State governments of the insurgent States upon their compliance in good faith with those terms of capitulation. Whatever relations they had theretofore sustained to the so-called confederate government were swept away by the collapse of that government. Every extraneous matter having relation to the rebellion certainly ceased to have any valid and binding authority or force upon those States when the confederacy expired, and only the naked State governments remained, which could have been immediately used in the restoration of law and order. I always thought it would have been better, as a practical question, to have acceded to and sustained those terms of capitulation. But, sir, in the temper in which the country then was, in view of the embarrassment that then surrounded the President of the United States, it is no matter of surprise now that he failed to concur in that arrangement of General Sherman. I did not complain of him for not doing so, for I confess the question was surrounded by many and very great difficulties, some of which I may have failed to fully comprehend.

When the Administration failed to sanction what General Sherman had done it became necessary for it at once to adopt some other policy which would secure to the people of those States some sort of civil government. President Johnson, conforming to the policy of his predecessor on this subject, proceeded to appoint provisional governors for these States.

Now, sir, I am free to confess that I always regarded these appointments of provisional governors with some degree of disfavor; and I have always had some doubt as to the legality of the acts of a governor so appointed, unless his acts and conduct were ratified by the people of the State over which he was appointed to preside. That question, however, has failed to become one of any practical importance in the present position of affairs. Whatever may have been the power or want of power of the President in the premises the people of these States have accepted them as acting governors, and have ratified and recognized their acts as binding upon them. To my mind that relieves the question of any further embarrassment.

The States, under the auspices of these governments, have reorganized their constitutions with such amendments as they thought necessary to accommodate themselves to their changed condition and circumstances. I therefore contend, and have always contended, that, at least in the absence of any other power asserted to be and claiming to be the State governments of these States, these reorganized governments are, and of right ought now to be, recognized as the legitimate governments of these States, entitled to all the powers which appertain to the administration of their local affairs.

Well, sir, we are now confronted fairly and squarely with the question whether we shall recognize these State governments as valid and having authority for any purpose, or whether we shall not. That view of the question was very fairly presented yesterday by the gentleman from Ohio, [Mr. SHELLABARGER.] He admitted very frankly that if these reorganized governments in the lately insurgent States are valid State governments we have no power to pass the bill under consideration. On that point there is not that I am aware any controversy. The validity of these State governments being admitted, all the use we can make of the military power within those States in time of peace is to aid in certain contingencies in the execution of the laws within them already enacted by the proper legislative authority. If, on the contrary, they are States for no purpose, then it has been the duty of this Congress from the first hour in which it assembled to the present time to provide other governments, territorial or otherwise, for the government of these districts of country once known as States. But, sir, from disagreements of opinion, and perhaps other causes, which I may not fully understand, this Congress has failed in any manner to recognize them as States in the full political sense of the term, and yet it has failed to decree that they are not States, and thus, notwithstanding the immense interests involved, the whole subject has been allowed to move on, in this anomalous and unsettled condition, to the present time.

I know it is charged that this failure on the part of Congress to adopt some affirmative and decided policy is due somewhat to the action of the Executive of the United States. I do not really know just how far the President has failed to coöperate in all respects with the present Congress, or has thwarted any action intended to secure this object. I only know that there seems to be some disagreement on this question. But I have discovered, as we have all witnessed to-day in the passage of the Nebraska bill, that when the President has failed to give his sanction to any other measure upon which the dominant majority in this Congress have united they have always been able to carry their proposition over his veto. Why, therefore, has not this Congress adopted some measure of reconstruction? They can pass, if there be need for legislative action at all, any measure they choose. There is, therefore, no good reason for charging the failure upon the Executive. The blame rests rather with the majority here, who cannot it seems agree upon any proposition which will command the party strength.

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Mr. ELDRIDGE. I desire to ask my friend a question. I understood him to state that Congress had by no act recognized these States as States since the rebellion. I wish to inquire of my friend if in the act apportioning representation among the several States they were not recognized as States, and further, if in the apportionment the direct tax of $20,000,000 levied upon the people of the United States there was not a clear and unequivocal recognition by act of Congress of the existence of these States since the rebellion?

Mr. NIBLACK. I did not intend to go into that branch of this question, or to be understood as saying that Congress had not in any manner recognized the existence of these State governments. On the contrary, as the gentleman has suggested, I am prepared to affirm upon all suitable occasions that this Congress has indirectly and by collateral legislation, in the manner suggested by the gentleman, and perhaps in other ways, recognized the existence of these State governments. That matter has been discussed oftentimes in this House and elsewhere. And what I was endeavoring to say, what I desired to be understood as saying, was that Congress had, by no direct legislation upon this subject of reconstruction, either affirmed or denied the validity of these State governments, but has left it a question somewhat of construction and inference as to their status by the acts it has passed upon other subjects and not bearing directly upon the subject of the restoration of these States to their former relations with the Government.

I will come now directly to the consideration of the bill now before the House. As I stated in the outset of my remarks this bill, to my mind at least, really presents more questions of interest than is presented by any other measure which has been submitted to this House and to the country since the close of the war. It commences by a preamble which is intended as a declaration of the views of Congress upon the conduct of the executive department of this Government, both during the administration of Mr. Lincoln and the administration of Mr. Johnson. It is a statement also of what Congress is asked to announce as the legal effect of the reconstruction policy of both Mr. Lincoln and Mr. Johnson in regard to the States enumerated. The preamble is as follows:

Whereas the pretended State governments of the late so-called confederate States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas were set up without the authority of Congress and without the sanction of the people; and whereas said pretended governments afford no adequate protection for life or property, but countenance and encourage lawlessness and crime; and whereas it is necessary that peace and good order should be enforced in said so-called States until loyal and republican State governments can be legally established: Therefore, Be it enacted, &c.

Now, I concede, Mr. Speaker, that this preamble is no part of the bill; it may be stricken out without affecting in any way its provisions. When a preamble to a bill is adopted, however, it usually becomes an important and sometimes an essential part of it.

Now, what is the nature, character, and evident purpose of this preamble? It bases the proposed action of Congress upon the pretense that no proper State governments have been erected within the lately rebellious States; that they have not been sanctioned by the authority of the people. Therefore, because the people have not sanctioned what has been done in the alleged attempt at reconstruction, Congress must intervene without reference to what the people wish or desire in those States, and take the whole power of the Government into its own hands.

Now if, as there intimated, and as I fully concede, the assent of the people is necessary to the reconstruction of any State or to the establishment of a government within it, then I hold it is not the duty of Congress to provide a military government for these people, but to make provision at once by which they may reestablish civil government if the present State governments are to be swept away. But this bill does not pretend to do anything of the kind. On the contrary, I think it can be construed in no other light than as an attempt to set up military governments in place of the State governments now there, obliterating all State lines, and not founded in any sense upon the consent of the people. It is founded simply upon what is claimed as the authority of Congress, to do as it pleases with the States lately in rebellion, without reference to any constitutional limitation.

This preamble is a reflection upon all that has been done by the executive authority upon the subject of reorganizing those States; and it applies, and I call the attention of the House to the fact, that it applies as well to what was done by Mr. Lincoln in regard to the States of Louisiana, Arkansas, and Virginia, as to what has been done since by Mr. Johnson in the other seven States included in this bill. The blow that is intended to be inflicted by this preamble upon the present Executive necessarily reaches back and applies in a great measure to the acts of his predecessor. I do not pretend to discuss the relative merits of Mr. Johnson and Mr. Lincoln in those respects. These matters have already been discussed more ably and at greater length than I have the power or the time now to do.

The first section of this bill is as follows:

Be it enacted, &c., That said so-called States shall be divided into military districts and made subject to the military authority of the United States as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

Thus it is proposed to establish military governments—for if it amounts to anything it amounts to that—in those ten States, without regard to the old State boundaries or to the present State lines. That, however, is merely a preliminary to what follows. The second section provides—

That it shall be the duty of the General of the Army to assign to the command of each of said districts an officer of the Army not below the rank of brigadier general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

Now, the remarkable feature in this section is that instead of declaring that the President of the United States shall do these things, as is usual in all similar legislation, so far as any previous legislation has ever been similar to this, it is provided that the General of the Army shall exercise this power—not the President, not the War Department, but the General of the Army.

Now, while I have as much confidence in the military capacity of the General of the Army of the United States as any member of this House, yet under the Constitution he is but a subordinate officer to the President. The President, by virtue of the Constitution, is the Commander-in-Chief of the Army and Navy of the United States; and if this bill should become a law he could still, notwithstanding its provisions, prescribe to General Grant the duties which he shall or shall not perform in regard to this as all other military measures. I take it, therefore, that if this bill should pass in its present form it could have no legal effect in tying up the hands of the President. All that you can make of it is simply a personal reflection upon the President, attempting to confer upon the General of the Army authority which constitutionally belongs to the President. This provision, therefore, can have no other effect than to illustrate the *animus* of the bill or of those who reported it.

The third section provides—

That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, anything in the constitution and laws of the so-called States to the contrary notwithstanding: and all legislative or judicial proceedings, or processes to prevent or control the proceedings of said military tribunals, and all interference by said pretended State governments with the exercise of military authority under this act, shall be void and of no effect.

This, Mr. Speaker, presents the great and important question for the consideration of this House; in other words, it is the important and controlling section of the bill. As was properly remarked yesterday by the gentleman from Ohio, [Mr. SHELLABARGER,] the military power of this Government in all matters pertaining to its civil administration is but the police force of the Government. It is but an auxiliary of the civil power when called upon in the execution and enforcement of the laws. In order, therefore, that the military may exercise any proper authority in the so-called rebellious States there must be some civil government, some civil authority, in aid of which the military shall act.

The bill declares that the "rights of persons and property" shall be enforced and protected by the military authority; but it does not define what are the "rights of persons and property" of the people in those districts of country. It does not pretend to define what those rights are or any civil rights pertaining to the people of the section of country to which it applies. If the pretended State governments of which the bill speaks are not legal governments and have no power to enact laws, then of course all of the pretended laws of these pretended States defining the rights of citizens, defining the rights of person and property, are void and of no effect. There are no State laws, then, to execute by the aid of the military within these so-called States. If there are no State laws, then I submit, Mr. Speaker, there are no laws of Congress applicable to the emergency. It amounts simply to this: that there are no laws now in force, either State or national, pertaining to the local administration of this district of country known as the lately rebellious States which the military can be called upon to aid in executing.

If the military authority in the district, therefore, has any power at all, or attempts to exercise any power, it must in some way define by military power what the rights of the people shall be, and then proceed to protect the people in those rights so defined by military power, thus surrendering all power, executive, legislative, and judicial, to the military.

The gentleman from Ohio [Mr. SHELLABARGER] tells us this is to be followed by some legislation defining the rights of these people. In all candor and in all fairness, Mr. Speaker, we are commencing at the wrong end of the difficulty if Congress must legislate on the subject at all.

The first great duty, it seems to me, is to either define, or cause or allow to be defined, the civil rights of the people interested in this measure by proper and competent legislative authority. Then, if the civil power shall be unable to execute the laws for the protection of those rights, it will be time enough to invoke the aid of the military in the work of preserving law and order.

This third section which I am considering, in defining the duties of the officer to be placed in command of the military district, provided for in the first section, provides that among other things "he may allow civil tribunals to take jurisdiction of and try offenders." What civil tribunals? Does it mean the State courts? If so, then it must mean that the military commander shall recognize the validity of the laws of these States or not, in his discretion. Was ever such a power conferred on a military offi-

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cer in any country claiming to be free? Sir, it devolves upon this officer the decision of a question which Congress seems not to have had the courage so far to decide. Congress has heretofore in this contest about reconstruction claimed that the decision of everything pertaining to the lately rebellious States belongs to it; yet in this section one of the great and controlling questions pertaining to these States is referred to the decision of a military officer to be designated by the General of the Army. This surely must have been an oversight on the part of those who reported this bill.

It is also provided in this third section, in further defining the duties of the officer in command of a district, that—

When in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose.

Now, Mr. Speaker, I did hope, in view of the late decision of the Supreme Court of the United States in the case of *ex parte* Milligan and others, and in view of the plain reading of the Constitution, this matter of military commissions had been set at rest. In that case, as we all know, it was decided that military tribunals cannot try persons not in the Army or Navy or the militia in actual service for civil offenses, and that it is not competent for Congress to confer this power on such tribunals. Even the dissenting judges who delivered opinions in that case do not claim for Congress the power to confer on military tribunals such unlimited and undefined jurisdiction as the section in question contemplates.

I know it is claimed that this decision relates only to the people of what is known as the loyal States; but, sir, if it is worth anything it applies in times of peace at least to all the States and to the people of all the States.

The Constitution of the United States applies to men in the lately rebellious States as well as in the loyal States.

Mr. DUMONT. Will my colleague yield for a question?

Mr. NIBLACK. Certainly.

Mr. DUMONT. The Supreme Court of the United States, in the decision referred to, say: "No hostile foot has ever pressed the soil of Indiana." I wish to inquire if my colleague, in commenting upon that decision and agreeing with the majority, agrees with them in the assertion of that as a fact? Is it true in point of fact that no hostile foot ever pressed the soil of Indiana? Is not my colleague aware that a bill has been introduced—certainly one, if not more—during the present session of Congress, providing for the adjustment of damages occasioned by the raid of Morgan and other hostile troops from the rebel States into the State of Indiana, and even into the gentleman's own district?

Mr. NIBLACK. Mr. Speaker, I have not time now, nor do not desire to go into an examination of all the arguments used by the court in the case. I concede that there were some raids into the State of Indiana in which some damage was done, but I do not attach any importance to that fact as affecting the logic of the decision.

Mr. DUMONT. I understand my colleague to concede as matter of fact that that assertion is not true.

Mr. NIBLACK. Whether true or not the fact is an immaterial one in the consideration of the legal points involved. I again admit there were some raids into that State, but no insurrection. It never was the theater of war in the sense in which that term was used in the decision to which the gentleman refers and to which I am referring.

But, sir, as I was remarking, the civil rights bill declared that every person either born or naturalized within the United States, without regard to race or color, shall be deemed a citizen of the United States. That is general; it applies to the lately rebellious States as much as to the loyal States. The Freedmen's Bureau bill recognized people in all sections of the country, and especially in the southern States, and of all races and colors, as being citizens of the United States, entitled to the protection of the laws of the United States. Now, sir, I care not how great the crimes of any citizen may have been, or what may have been his short-comings, what may have been his degree of disloyalty or of his rebellion against the Government of the United States, he is still a citizen if he falls within the provisions of our laws in that respect, and is entitled to all the protection of any other citizen in the administration of the laws. If he shall be convicted of his crimes it must be under some law constitutionally enacted. Conviction even of the highest crime does not necessarily abrogate his civil rights or destroy his citizenship unless that conviction shall be followed by capital punishment. It is no more lawful to feloniously assault or kill a person under conviction for a high crime than the most worthy citizen.

Therefore, every man entitled to the protection of the Constitution and laws of the United States can claim the benefit of this decision, and can insist on being tried by a jury of his countrymen. The Constitution on that subject says that—

"The trial of all crimes, except in cases of impeachment, shall be by jury."

Not in one section, not of one class of people, not of one class of crimes, but the trial of all crimes, except the case of impeachment, shall be by jury. This bill, therefore, runs counter to that provision of the Constitution.

The Constitution also provides, as is quoted in the decision to which I have referred, much of the argument in that decision being founded upon this provision, that—

"No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger;" * * * * "nor shall any person be deprived of life, liberty, or property without due process of law."

That provision is plain and unequivocal; there is no necessity for any doubt about the construction of it, and it is against the authority claimed in this third section, the assumed right to try civilians, persons not connected with the Army or Navy or the militia in actual service in time of war, by military commission.

But the fourth section is, in my judgment, so far as it goes, more objectionable in some respects than any other portion of the bill, though not so important, perhaps, in its consequences as some others. It provides—

That courts and judicial officers of the United States shall not issue writs of *habeas corpus* in behalf of persons in military custody, unless some commissioned officer on duty in the district wherein the person is detained shall indorse upon said petition a statement certifying, upon honor, that he has knowledge or information as to the cause and circumstances of the alleged detention, and that he believes the same to be wrongful; and further, that he believes that the indorsed petition is preferred in good faith, and in furtherance of justice, and not to hinder or delay the punishment of crime. All persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted.

Now, Mr. Speaker, if this bill contained no other obnoxious provisions, that would be sufficient to induce me to vote against it. It is proposed that in the present condition of the country the right shall be given to suspend the writ of *habeas corpus*, when the Constitution guaranties that the writ of *habeas corpus* shall only be suspended in time of rebellion or invasion. On that subject the Constitution says:

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

To authorize Congress, therefore, to suspend the writ of *habeas corpus* there must be an existing rebellion, or else an invasion of the country.

This has already been conceded by some gentlemen who have seen the importance of this question. But they have attempted to apologize for the exercise of this power, or to argue in favor of it, on the ground that the country is still in a state of war. Well, Mr. Speaker, if this country is still in a state of war the people are not aware of it. There are, I concede, some slumbering embers still remaining of that great fire which swept over the States lately in rebellion, but I am only surprised, considering the terrible struggle through which the country has passed, that we have not had more lawlessness and irregularities than we have had following the dissolution of our great armies.

Mr. Speaker, the President was authorized early in the war to declare States in insurrection under certain circumstances. This power, in my judgment, carried with it the right to declare when the insurrection had ceased. The President long since proclaimed that the rebellion had ceased and that the country was again at peace. Our soldiers enlisted for a given time, or during the war. After the cessation of hostilities, in the spring of 1865, all, or at least nearly all, of our soldiers enlisted during the war were, with the approbation of Congress, as I infer from the circumstances, mustered out of the service, because the war had terminated, and because the terms upon which they had enlisted had been complied with. And yet more than a year and a half after these volunteer soldiers were mustered out of service, because the war had closed, we are met by the declaration in this House that the country is still at war, and that, being thus at war, we are justified in taking military jurisdiction of all the country lately in rebellion, and of suspending the privileges of the writ of *habeas corpus* throughout its limits.

Now, Mr. Speaker, I do not propose to go into the questions of international law discussed by the gentleman from Massachusetts, [Mr. BANKS,] defining the different degrees of hostility which may exist from time to time between two nations at war with each other. Theorize as we may, the common sense of mankind will pronounce that when one army totally and unconditionally surrenders to the other the war is at an end. Applying that proposition to our condition, war ceased to exist in this country more than a year and a half ago.

A well man needs no remedies; it is only when he is sick that you can require him to submit to medicinal applications. A country at peace does not need and ought not to allow martial law and other summary remedies incident to a state of war. Gentlemen on the other side feel and recognize this. To obviate this difficulty they are now driven to assert that a state of war still exists between this Government and the people of the States to be affected by this bill. If they can succeed in establishing this proposition there will then, and only then, be some pretext for the war measures proposed in this bill.

The fifth and last section of the bill we are considering reads as follows:

SEC. 5. *And be it further enacted*, That no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the Army shall not be affected by this act, except in so far as they conflict with its provisions.

This section, Mr. Speaker, does not require more than a passing notice. It is intended as a limitation on the power conferred in the third section of the bill. It does not obviate any of the constitutional objections to that section, nor in any other manner materially improve it. It would be murder to take the life of a civilian under the sentence of a military commission or tribunal, as provided for in this

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third section. The effect of this last section could only be to make the commanding officer a party to such murder, or where a civilian is thus imprisoned, by his approval to make him liable for a false imprisonment. Sir, it is unreasonable, it is unjust, to place any gallant officer of the American Army in such a dilemma.

Sir, I yield to no man in my admiration for the Army of this country. We have always had and now have an Army which compares very favorably with that of any other country of the civilized world. It is an Army of which the country is and always has been justly proud. And I am willing to avail myself of every fitting opportunity to honor that Army and every worthy member of it. And in the objection which I make to the military jurisdiction which is proposed to be conferred by this bill I intend no reflection upon any officer or soldier connected with that Army. But we all know that the officers and men of our Army are selected, not with reference to their knowledge of municipal laws and the rights of persons and of property, but with reference to their gallantry, their bravery, and their prowess as soldiers in the field. Military officers are expected to have some knowledge of international law; but they are not required, so far as I am advised, to give any special attention to the local or municipal laws of the country or to the manner of proceeding in the civil courts. They are, therefore, not selected with reference to this matter of civil administration, but for other and far different purposes. And I really think that any officer of the Army of the United States, no matter what he might feel that his duty required of him, would do otherwise than very reluctantly assume the duties required of him by this bill should it become a law.

Now, Mr. Speaker, I concede as fully as any gentleman here the pressing necessity that exists for a full and complete restoration of this Government. Our greatest need is to be again united and to have all the States once more in harmony with each other and with the Federal Government. In our present condition the power of this Government is sectionalized and localized. No measure can pass this Congress in opposition to certain localities and to certain interests. No one, therefore, regrets more than I do that the majority here have not been able to agree upon some proposition or to adopt some line of policy tending toward a speedy reunion of the whole country. To me the process has seemed an easy one ever since the present Congress assembled. And that is, whenever a gentleman presents himself as a Senator or Representative from any one of the lately rebellious States, armed with his proper credentials and possessing all the necessary and proper qualifications for the position he claims, admit him at once, and so on, considering each case separately if thought more desirable, until all the States and districts are again represented. This once accomplished, all other minor matters could soon be, and I have faith soon would be, adjusted.

The majority here, however, assume that some preliminary and affirmative legislation is necessary before Senators and Representatives can be admitted from those States or before the legal existence even of those States can be recognized. If this be so, why has not such legislation been adopted? Ample time has intervened. As I have already remarked, the majority have power to pass laws independently of the President's objections. They seem never to have failed to pass any measure over the President's veto when they earnestly resolved to do so. Why, then, this delay about reconstruction?

First one proposition is brought forward and then another. Each is in turn discussed and then postponed, laid aside, or defeated. Just before the adjournment of the last session of this Congress certain amendments to the Constitution were agreed to and submitted to the several States for adoption. Recently, however, they too have been cast aside as insufficient for the emergency. It is now pretty well understood that these amendments were only a bridge to carry the majority over the late elections. It is now claimed that more radical measures must be resorted to, and that the military power of the Government must be invoked to do the work. As has been well said by the gentleman from New York, [Mr. Raymond,] a recurrence to military power in matters of civil administration is usually the last resort of a decaying republic.

Gentlemen on the other side will pardon me, I hope, if I confess that the impression has stolen upon me during our deliberations here that complete and final reconstruction (as it is termed) is just what a large proportion of them do not want at this time. With the lately seceded States unrepresented and uncounted in the Electoral College the majority stand a good chance for a new lease of power in 1868. With these States represented and their votes counted it is not so certain with them. In this I do not intend to impute corrupt or base motives to any one. Gentlemen undoubtedly believe that the policy of procrastination is the better policy, else they would not adopt it. All seem to be anxious that something looking to restoration ought to be done, yet nothing efficient for any practical purpose is done. Now, is there not some purpose in this seeming disagreement? Some gentlemen of the majority have reluctantly admitted of late that Congress has no affirmative policy on the subject. They denounce the President for having a policy, but adopt none themselves. I have therefore come to the deliberate conclusion that the long talked of policy of Congress in regard to this subject simply means no policy and indefinite procrastination. By this means this question of reconstruction will again be thrown as a football into the canvass of 1868. I have also ceased to expect that any practical measure of reconstruction will be adopted or at most be allowed to go into full effect until after the next presidential election. The gentleman from Pennsylvania [Mr. Stevens] has had the candor to announce, on more than one occasion I believe, that the continued ascendency of his party is a matter to be provided for at almost every hazard, and that to that end the majority are justified in using all the powers in the possession of Congress.

Now, Mr. Speaker, there are many methods of carrying an election, there are many means that may be used to perpetuate party ascendency; but the last five or six years have demonstrated that one of the surest means of carrying an election is not to allow your opponents to vote. This the majority doubtless well understand. Hence perhaps we ought not to expect them to place ballots within the reach of those whose votes they may not be able to control.

Then, again, high tariffs and other monopoly interests are holding high carnival in the present divided and disorganized condition of the country. With the States all represented in Congress they might not fare so well. Better let well enough alone, say some who believe in those things, and they are in no haste about reconstruction. Thus it is, sir, that the highest and dearest interests of this country are made subordinate to party exigencies and to special and particular interests. No wonder, then, that trade languishes and commerce declines.

I hope, sir, I am mistaken in some of the predictions I have made to-day. If I shall find that I am, none will be more rejoiced than I will be. Hoping all things, trusting all things, I shall await with intense interest the result of this measure and of everything else affecting the unity and prosperity of this great country.

Government of Insurrectionary States.

SPEECH OF HON. T. E. NOELL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

February 12, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States—

Mr. NOELL said:

Mr. Speaker: It is said that liberty dwells in the mountains. Nations which are poor have more patriotism than those which are wealthy. The accumulation of wealth begets corruption. The mass of the people were always strong enough to vindicate their rights, but the wealth of tyrants has always been too strong for a corrupted people. It is said that republics are short-lived; "whom the gods love die young." History bears sad testimony to the incapacity of people to preserve free Governments when they have grown wealthy. Cæsar never could have risen to power except upon the bended necks of a people whom he could buy with largess. Noble patricians feasted on nightingales' tongues and oppressed the poor of the once proud Roman republic. When the two great tribunes, Tiberius and Caius Gracchus, called upon the people to strike for their rights, they were murdered by popular mobs incited by patrician largess.

The Constitution of the United States was a patriotic reaction against the tyranny of George III. Our forefathers lived in a wilderness and had among them no upper-ten to corrupt the lower million. But now no man can sustain himself as a popular leader unless he seeks to promote some private interest at the expense of the general welfare. The Constitution which cost such sacrifice is to be destroyed. We are to forget the lesson taught us by the sufferings of our forefathers. We are to abandon a free Government and retrace our steps through the blood of the late rebellion to a commercial despotism. The whole theory of the Government is to be changed. Governments do not derive their powers from the consent of the governed. Its powers are delegated by the all-powerful military arm of a central despotism. The military is no longer to be subordinate to the civil, but armed provost marshals, with shining shoulder-straps, with pistols and sabers girded on their waists, are to invade the sacred precincts of justice, and before their unlimited power the vanquished citizens of ten States of this Union are to stand with hats off to await whatever the caprice of a martinet may inflict upon them.

Hitherto the meanest felon in the land or the most helpless citizen was guarantied the benefits of the Constitution of the United States. The infant child's property could not be taken in violation of the Constitution. The man who had murdered his mother, his wife, or his child could still appeal to the Constitution of the United States, and wo to those who denied him its benefits! But the Constitution is now swept away by the unwritten constitution of mob law. Minorities have no rights. Congress wishes to make Grant President, and with his approbation he is first constituted military dictator. Henceforth in our political conflicts the specters of Marius and Sylla will rise in our midst. *Væ victis* is our motto.

It was a sublime sight to see a million brave men rally to the call of the President of the Republic, to see a million strong arms raised in solemn oath to do battle for the Constitution, to see a million republican soldiers fighting and falling for the liberties of our common country; for the liberties even of the enemies ranged breast to breast and muzzle to muzzle against them. Our soldiers did their duty nobly, and their days of battle are over. Now we have a new war—the war of the politicians. Waterloo had its Thenardier. There are followers to every army, who prowl about and rob the bodies

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of the dead. But their offense is small compared to the crime of those who rob a nation's fallen patriots of their honor and fame.

We were suddenly informed that these sister States were dead. The nation looked at the distinguished gentleman from Pennsylvania [Mr. STEVENS] to know what big joke he was getting off, for he perpetrates huge grim jokes frequently. It was a joke on Great Britain when Cromwell was made Protector; it was a joke on France when the uncle and the nephew were succinctly constituted consul and president of that republic; but this was the grimmest joke that was ever perpetrated on the world." It made even the iron men laugh; it was enough to make a horse laugh! No doubt the lean, starved, spavined, army horses which had worn themselves to bony skeletons dragging around artillery and baggage wagons in the war for the Union rubbed their noses against each other's visible ribs and said in their horse dialect, "That's a big joke on us!" Dead!

Ay, there's the rub;
"For in that sleep of death what dreams may come"

of golden visions and of mighty fortunes! Dead was the word. The gentleman from Pennsylvania said "dead." The distinguished gentleman from Indiana, [Mr. COLFAX,] who presides so worthily over this House, said dead, and all Hoosierdom echoed the word. Members from Illinois said dead, and the Suckers of that State wiggled their tails with joy at the discovery. The peal of dead States went out from the Alleghanies and reverberated from the Rocky mountains. The people rubbed their eyes in surprise. My distinguished colleague from St. Louis asked, "When did they die?" "Humph!" you replied, "they have been dead all the time." Imagine the surprise of the venerable Rip Van Winkle when he came down from the Catskill and was informed that his old chums Frank Stein and Nick Vetter had been dead and buried and rotten for fifteen years, and you will have some idea of our astonishment when we were gravely informed that these States had been dead four years. This was the end of that sublime farce in which two million men had been the actors and the world the audience. It was but to consummate a scheme of northern Machiavellism that we went to war. The old flag which floated in the skies above the smoke of every battle-field, with every star bright upon its folds; the old flag which floated upon every sea and gladdened the heart of the American citizen everywhere; the old flag under which brave men fought and died; which was wrapped around their dead bodies by their comrades in arms as a sacred winding-sheet, was all a flaunting lie! Ah, when the gentleman from Pennsylvania perpetrated that joke it was enough to convulse the Goddess of Liberty with dying laughter and shake her from her pedestal above this Capitol.

An American poet, sitting amid the ruins of the palace of the Cæsars, and looking back through the dim vista of past ages, had a vision. The ruined palace sprung up and was repeopled, and he found himself in an enchanted ball-room, surrounded by people engaged in joyous revelry—

"Full of youth and grace and beauty, flaunting plumes and purple palls,
Robes of gold and silver tissue, jeweled stars and coronals;
Perfumed airs and flaming candles, peals of laughter, mirth, and song,
Merry music, dizzy dancers, floating dreamily along;
Some in gay saloons were feasting, some at gaming tables strove,
While along the terraced gardens others walked and whispered love."

But, with the fitful caprice of all dreams, the dancers were all suddenly transformed—

"Hideous specters, grim and ghastly, filled the corridors and hall!
Guests and servants and musicians, hideous specters were they all.
Yet the horrid transformation seemed no hind'rance to the ball!
Still the band made merry music, grinned and wagged their skulls about.
Bearing salvers and refreshments ghosts went gliding in and out.
Whirling on in 'wildering waltzes went the dancers close embraced,
Each his bony arm entwining round his partner's fleshless waist.
Bony feet in circles blending, fleshless fingers interlaced;
Still they feasted, still they flirted, laughed, and jested as before;
Plumes and coronals and chaplets, stars and crosses still they wore."

If these States be dead, why, then let us cut loose from them. If they are united to us as closely as the Siamese twins are to each other, there is the more necessity for dissolving this monstrous connection of the living and the dead. Professor Galvani, who invented the electro-magnetic battery, thought he had discovered the elixir of life. When his grandfather died he is said to have expressed joy, for now he could bring him to life and restore him to a more healthy state than before his death. He applied the poles of the battery to his grandfather's legs and the old gentleman's corpse sprung upon its feet. He applied it to his face and the corpse grinned. He applied it to his arm, and the galvanized corpse knocked the professor down and fell down itself. The professor buried his grandfather's corpse, and tried no more experiments on dead men.

It is a lamentable fact in human transactions that neither Governments nor parties are impelled to do any act for the sake of justice or humanity. If an idea is advanced which is not coupled with an interest or penalty, it is regarded as a theoretical dream and laughed at. Heaven tempts the selfish saint to virtue, and hell drives the wicked from vice. Take away Heaven and hell and you would find a Socrates now and then—probably with the liver complaint.

In England, when government was secured permanently, the land interest controlled it. The landholders were the aristocratic few and could combine to build up that interest at the expense of the other interests of society. They passed laws giving bounty for the exportation of corn and prohibiting its importation. This increased the price of corn and gave large profits to the landholder. When the manufacturers grew strong enough to vindicate their interests in Parliament the corn laws were swept from the statute-book.

From the foundation of the General Government of the United States there were two general interests contending for supremacy in the national councils: the manufacturing and the agricultural. The manufacturers lived in a cold climate, which made them vigorous, active, and persistent. The blue-eyed northman has always borne down the swarthy southron. If the people of South Carolina were Connecticut clock peddlers that State would have been in the Union on her own terms long ago. The soil of the manufacturing districts is sterile, and it is "root hog or die" with the inhabitants. [Laughter.] This produces a thrifty people. It is said that a Yankee baby once lay in his cradle and rolled his eyes around till he invented a new back-action rocker, for which he took out a patent as soon as he was old enough to talk. [Laughter.] The influence of circumstances in producing ideas of thrift is forcibly illustrated in Kansas. It is said that boys ten years of age sit round on the street corners of Leavenworth City late in the night smoking cigars and making plans for jayhawking in Missouri. [Laughter.]

The manufacturers had a definite increase to gain by tariffs. If the tariff on iron is raised one cent a pound it is equal to raising the price of all iron on hand two cents per pound. The tariffs only affect the farmer indirectly and in a manner not noticeable, like rat holes in a barn floor. He finds his plows cost more and his wagons and all the implements of husbandry, but he never traces this back to its cause, but pays out his whole profits in little dribs without asking a question. If the amount he pays thus were footed up at the end of the year, and he were asked to plank it down in one pile, no farmer would suffer the imposition.

The manufacturers were the few capitalists, and could combine; the farmers are the many, scattered abroad over the whole country. A combination and active exertion of influence is the great source of strength to any measure. What is everybody's business is nobody's business. The farmers do not form combinations to vindicate their own interests; they do not desire to take any advantage over any other class of persons, consequently they have no organization and plan to set their claims before the country. The fewest number take the pains even to think for themselves. A farmer reads an agricultural paper, and perhaps a political partisan paper which some politician has advised him to subscribe for. The agricultural paper commands his earnest thought, for it relates to his business, and he must test every statement in it before he believes it; but the partisan paper does his political thinking, and he does not give himself the trouble to weigh its statements in the light of probability or reason.

As I was traveling through my district I noticed a curious circumstance. Wherever I found a house standing which had been built before the war, (in many localities all were burned by troops on one side or the other,) I saw remnants of old newspapers pasted on the walls. I could almost infallibly tell from the character of these paper remnants what had been the sympathy and action of the family during the war. The papers had done their thinking and instilled into their hearts loyalty or disloyalty. What a sad thing to reflect upon, that good men should be shot, their mothers or children driven from home, and their houses burned and property destroyed, all on account of the accident of having subscribed for a newspaper. This ought to be a warning to all persons never to take a paper. [Laughter.] The prospect of a definite gain, or the fear of a definite loss, will stir up any class to unusual labors.

Take the tariff on iron; the cost of plows, shovels, hoes, wagons, wheelbarrows, axes, cutlery, and every thing most useful to farmers is doubled. It is the same case with thrashing-machines and the engines and gearing of mills. The price of railroad iron is raised so much that the building of a railroad is a most herculean task. Several railroads have been projected in southeast Missouri, and every natural inducement exists for their completion; but they can never be built at the present cost of railroad iron. The cost of steamboat building makes the freight of farmers' produce enormous. The cost of ship-building, owing to high tariffs, has become so enormous that American vessels are driven from the ocean and foreign vessels do our carrying trade. The vessels which carry American produce to foreign markets are built upon the Clyde and the Tyne. Our tariffs compel us to patronize the ship-builders who launched the Alabama. Instead of being a first-rate Power, we are not even a third-rate Power upon the high seas. Out upon the trackless waste of the world's waters the ocean wayfarer seldom meets the stars and stripes. A great deal of sympathy is expended here upon that hybrid race of mixed breed Spaniards, Indians, and negroes, known by the generic name of greasers, headed by a mongrel president; a nation of revolutionists whose daily murders are enough to appall mankind; but we have no blush of shame tingling our cheeks at the humiliation of the United States in foreign commerce. The codfish aristocracy had bounties for fishing in order to build up a navy; even then they loved bounties.

But I digress. I was speaking of the power of combination and legislative influence, of the capitalists and manufacturers. From the

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causes I have mentioned there was every prospect that centralization would be the theory of our Government in the beginning. The Hamiltonian idea was undoubtedly stronger than the Jeffersonian. The power of combination; the definite gains of special interests and indefinite loss of the general interests; the active influence of the capital of manufacturers in collecting statistics and lobbying bills through by bargains with other special interests, all seemed to give the manufacturers an easy victory.

But Whitney invented a cotton-gin; slavery became profitable, the planters of the South grew into an agricultural aristocracy. Free labor was crushed out because it could not stand competition with a class of laborers who worked for their victuals and clothes. Small plantations were overshadowed because the planters of large plantations could undersell the small. The man who must make enough profit from the labor of five hands to support his family cannot sell as cheaply as one who makes the support of his family from the profits of a hundred laborers' wages. The large plantations gradually extinguish the small. The planter bought more negroes to work more land to buy more negroes. As his profits increased his lands spread out, his fortune was like a pyramid, continually rising in height and continually broadening at the base. Planting was the most profitable channel capital could find, and the planter had no money to invest in stocks or manufactures; all the wealth of the community was absorbed in this investment. The rich became richer and the poor became poorer. The planter was independent of the handicraft of his neighbors; he needed nothing of domestic manufacture but a few coarse fabrics for his slaves. His household consumed silks, wines, and other foreign luxuries. Between the rich and the poor there was a complete social disintegration; even negroes boasted of the number of slaves owned by their masters, and a poor man's slave could not pass muster for respectability. Thus was aristocracy built up in the South.

Slavery did the same thing in the Roman republic. Prior to the fall of Carthage slaves were used only as household menials; the lands of the republic were parceled out; each Roman cultivated his little farm with his own hands. After the fall of Carthage the Roman Senate, moved by the invectives of Cato and influenced by the hatred of the people toward the ancient enemy, who had but lately swept like a simoon of wrath over Italy, decreed that the inhabitants of Carthage and her allied cities in Greece should be sold into slavery. The devastations of Hannibal had made corn scarce. The Carthagenian slaves were sold into Sicily and used by the planters in the cultivation of corn. This was the first time that slaves had been used as agricultural laborers in the Roman republic. Mark the consequence. The scarcity and high price of corn made slavery profitable; soon every farmer purchased all the slaves he could to assist him in cultivating land. All the lands of the people and the immense public domain were engrossed by wealthy planters. Every conquerer brought home a train of slaves to grace his triumphal car. Cæsar brought half a million from Gaul. Slave traders penetrated to lands where the Roman eagles never perched. The Eternal City become a slave market. There might be seen in the same mart the voluptuous Syrian and the shaggy Siberian, the black-skinned Ethiopian and the cultivated Carthagenian, the savage Bushman and the refined Greek, all for sale. The successful planters became very wealthy, and the poor became doubly poor. Some of the Romans owned as many as twenty thousand slaves each. A bloated aristocracy sat like an incubus upon the Roman people. The latter were oppressed with all the burdens of the Government, and frequently seized by the planters and held as slaves. There was no redress, for there was no *habeas corpus* in those days. Abject poverty induced many of the poorer class to sell themselves into slavery. When a noble patrician feasts on nightingales' tongues his epicureanism presupposes a thousand plebeians starving for bread.

So slavery has always produced aristocracy. In the South the capital increased, and the aristocrats increased in fortune and diminished in number. The great planters were not too many to combine for their own protection. Their property in slaves were in danger of aggression from the central Government, so they upheld the doctrine of States rights. Their interests were agricultural; and all they asked of the central Government was to be let alone. Thus slavery appealed to the shibboleth of States rights, and confronted the aggressive centralization of the manufacturers.

The Republican party, under one name or another, has always secretly upheld the doctrine of prohibitory tariff and strong central Government, coupled with ideas of internal improvement; but in 1856, in Frémont's platform, the doctrine was boldly proclaimed. That same year Buchanan's Cincinnati platform declared that it was a usurpation of power in the Federal Government to build up special interests at the expense of the general interests. Buchanan beat Frémont, distanced him, for the agricultural sections were alive to their own interests.

In 1860 Mr. Lincoln's platform contained the doctrine of prohibitory tariff, and the platforms of Douglas and Breckinridge both condemned the doctrine that manufactures should be fostered at the expense of agriculture; but in 1860 the fire-eaters of the South played smash, nominated Breckinridge, and elected Mr. Lincoln. As long as the Democratic party held together nothing could defeat it. The conflict was waged like all conflicts, political and military, by the few against the few, the slave-holder against the manufacturer, the aristocrats South against the aristocrats North, Greek against Greek. The planters would always have beaten the manufacturers, because land cultivation embraces more voters than manufacturing. But now the aristocracy of the South has been humbled, the cornerstone of the confederacy has been dashed to pieces like a potter's vessel.

The farmers scattered abroad over the land can concert no plans to protect themselves from the aggression of the northern aristocracy of capitalists and manufacturers. Henceforth there is no power that can resist these northern vampires which batten upon the corruptions of the central Government. The Democracy has—

"Dropt from her nerveless grasp the shattered spear,
Closed her bright eye, and curbed her high career."

The gentleman from Pennsylvania [Mr. Kelley] can well afford to exult at the helpless condition of the farming interests and avow the purpose of the Radical party to lay such heavy burdens of taxation and commercial restrictions upon them that the farmer boys of the West will be driven from their father's homesteads to seek positions as laborers in the factories of manufacturing nabobs in the East. I thank him for the bold avowal of the intention to legislate in Congress so as to diminish the number of farmers and increase the number of manufacturers. If he did not let the cat out of the bag he let her tail through the loop-hole when he acknowledged that purpose. Farmers cannot gather statistics, employ lobbymen, pay newspapers, keep up party discipline, or even take measures to inform themselves of the wrongs perpetrated against them. They are superior in strength of numbers, but powerless because of their want of unity.

"This gloom dispel, the light of heaven restore,
Let me but see and Ajax asks no more."

When the southern representatives withdrew from Congress the manufacturers had a high old time. Tariffs were increased several hundred per cent. on manufactures of iron. The gentleman from Pennsylvania [Mr. Kelley] eloquently described the general prosperity and quickened industry in the North during the war. The capitalists of the North grew rich. He hired a foreign substitute to fight for the flag of his country, or perhaps bought a contraband substitute. I am told that negroes were shipped from Nashville, Tennessee, and sold in Cincinnati, Ohio, at $1,000 apiece. Northern negro traders retired after the war with princely fortunes and with glorious reputations for loyalty. There was no war in the North, (except against copperheads and peace-sneaks.) All went merry as a marriage bell; things went on swimmingly.

But the rebellion collapsed! Lee and Johnston surrendered; tidings of peace flew over the land on the swift wings of the lightning; a cry of joy was heard from a patriotic people; but the tidings came upon these thriving speculators like a fire-bell in the night. The South laid down her arms on the terms of Lincoln's policy? the southern States to resume their relations with the Government? southern congressmen to vote with the representatives of western farmers? the old Union to be restored, and the farmers no longer to pay tribute to the capitalists? Too bad, too bad! Some means must be devised to exclude these States from the Union. Andrew Johnson is President; urge him to abandon Mr. Lincoln's policy and hold these States as military provinces. But Johnson will not accept the dictatorship. He at least was thoroughly in earnest in this struggle to save the Union. He spurns the kingly power which is offered him, and avows himself the tribune of the people. If he could only be bent to yield to the demands of the loyal bankers and loyal manufacturers and loyal ironmongers, and break up this Union and establish their schemes forever; if he would only wink at Congress the thing could be done. But he will not bend. His square old back is not made of bending stuff. He will not even wink at Congress. He stood like a rock upon the firm base of his own strong convictions when the strong billows of secession lashed around him. He will not swerve from that conviction now, not even so much as bat his eye. The slimy things upon the sea of corruption crawled around him and licked his hands and licked his feet, and would have licked him elsewhere; but when they found his stern, inflexible purpose to do right they crawled away and hissed at him, and they determined to sting him to the death.

During the war a northern aristocracy had grown strong. It had money, and consequently social influence. Did you ever reflect that the non-slave-owners of the South, whose interests were diametrically opposed to slavery, were stronger supporters of that institution and more hostile to free-soilism than the slave-owners? Where abolitionists have been mobbed in the South the mobs were incited by and composed mainly of non-slaveholders. This is a curious and instructive fact. The passions and sentiments of the upper class are reflected in the lower class, and increase in intensity by the reflection. The clansmen of Scotland hated each other more inveterately than their plaided chiefs. The influence of the moneyed aristocracy was plainly seen in the North in the last election.

What was the effect of the tariff laws? It excluded foreign goods. This compelled farmers to purchase of manufacturing monopolies at higher prices, thus paying them tribute. It excluded grain-growers from the European market, for we cannot sell where we cannot buy. It diminished the revenues at the custom-house, for if goods are not imported they pay no custom duties. By diminishing this revenue the deficiency had to be made from taxes on the land interests, where it all falls at last. But farmers voted for these radical tariffs.

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The national banks are an immense moneyed aristocracy. The banker purchases $100,000 worth of United States bonds and puts them in his vaults; he draws the interest on them twice a year; he pays no taxes on his investment; he issues and uses and gets interest on $90,000 worth of currency; the United States pays for printing and issuing the currency; thus he draws a double interest on his investment, pays no taxes, has his banking expenses paid, and sends out upon the country a rotten currency which is not legal money to pay debts.

The national bonds exercise a large influence in society. They are held mostly by capitalists of the eastern States and of Europe. In Missouri the people were plundered so during the war that they had no money to invest in these profitable, untaxable stocks. That is why we must use test oaths to keep loyal. If property taken by the Army had been paid for in Missouri as punctually as it was in Ohio, Indiana, and Pennsylvania, we would have more money and more bonds among us, and would consequently be more loyal. If you had given to our ten thousand State volunteers the same bounty that you gave to volunteers from other States we would have had more money in every community and would have been more wealthy. You raise your taxes from Missouri, and you draw all the money, which if circulated in the community would increase the labor of wages. You take it out of the State by taxes and pour it into the hands of eastern bond-holders, and you refuse to give our soldiers their bounty. If they had been negroes they would have received bounty. Here an idea strikes me concerning the future loyalty of the South. Slavery having aggregated the lands of the South into large plantations, that institution being destroyed, these lands will have to be sold out into small farms suited to free labor. When the planter sells he must invest his money; there is but little prospect of manufactories in the South for fifty years. There is no profitable investment in the South. His own interest will lead the planter to invest in United States stocks, that being the best investment in the United States, and in its character resembles a local investment, because the interest may be drawn in any locality. I believe a man does not have to take the oath before he can buy a bond. Once bond-holder, these planters will be more "loyal" than the now bond-holding negroes. I will bet two to one that the first repudiationist elected to Congress from the South will be elected by the negroes. Who will take the bet?

These national bonds drain the wealth of the country from the poverty-stricken localities and pour it into the laps of wealthy communities. It is an aristocracy holding millions of property exempt from taxation. What produced the French revolution? It was the wealthy, who had purchased patents of nobility, which exempted their property from taxation, thus increasing the burdens of the poor.

When the Roman armies went to war they passed out through the gates of Janus. The temple of Janus was surmounted by the statue of that god who had two faces looking in opposite directions. Janus was one of those pagan gods who, having eyes, saw not, and having ears heard not; but he was a marvelously proper emblem of the two-faced idea which sent an army forth to war. He was a fit emblem of the divinity which shapes our ends in war. There is always the idea of the fighting class and the idea of the class which reaps the benefits of the conflict. The conflict which we have just gone through was on both sides a rich man's war and a poor man's fight. The soldier, under a generous impulse, throws himself into the ranks and becomes food for powder; but the power behind the throne is the cold plotting speculator. At the South we see two passions in harmony, the selfish interest and pride of the aristocrat and the devotion of the people to their native States. In the loyal Army we see the two passions combined, namely, the patriotism of the people and the commercial ideas of the North.

Old Ezekiel, walking down by the river Chebar and gazing with clear vision into the blue ether, saw a large wheel revolving and rising up and going down, and looking closely at it saw a smaller wheel inside, and the small wheel controlled the large one. It would not require much of political clairvoyance to see in the war for the Union a wheel within a wheel; and the lesser wheel, which controls the greater, has its center at the "hub of the universe." When a call was made for troops patriotism was aroused; but a class who remained at home gave or withheld their "moral support," according to the policy that was pursued. I saw five thousand people at Indianapolis in 1862 resolve with explosive enthusiasm that they would contribute no more men nor money to the war unless Lincoln emancipated the negroes. You do not suppose that this idea was original with the Hoosiers.

When Mr. Lincoln was coming to the capital in February, 1861, to be inaugurated, he made speeches to the people in several places. At Independence Hall, in Philadelphia, he addressed the people. He unfurled the old flag and called upon the people to stand by him in the great crisis which was coming and be true to their patriotic instincts. Here in this Hall the Declaration of Independence had been signed and the people felt impressed with awe, and felt as if the spirits of our forefathers, who had staked their lives and fortunes for our freedom in 1776, were hovering over them. It was a time when the voice of faction was hushed among all good people by the dread of impending calamity.

Mr. Lincoln stirred the patriotic impulses from the lowest depths of the hearts of his audience. But he was interrupted in his eloquent appeal by the sharp voice of a Pennsylvania ironmonger, who inquired, "What about protection on iron?" There, sir, before the war commenced, was an illustration of the two principles at work. If these principles are followed up we will have a clue to many things otherwise inexplicable. Patriotism was the main wheel which rolled over insurgents and crushed the rebellion; but commercial ideas and financial schemes were the wheel within the wheel. It was patriotism which convoked the reapers in the harvest of death; but property interests on both sides dictated the policy. Of all the dying exclamations of earnest men upon the battle-field who ever heard a commercial idea alluded to? No southern soldier ever said, May the Lord perpetuate slavery and aristocracy. His exclamation as he yielded up the ghost was, "May God protect my State from the Yankee vandals." It was love for his State and dread of northern oppression which made him join the rebel ranks. I have heard of no example yet of a Union soldier turning to his companions to utter with his last breath the great wish of his heart, saying, "May the Lord raise the tariffs and make the North rich," or "May my country long enjoy national banks!" No; when stricken with the fatal wound he felt that death was tugging at his heart, he exclaimed with the pride of one who had given his life in a glorious cause, "God save the Union." I venture to say that had you boldly avowed your purpose to subjugate the South, destroy the Union, and violate the Constitution in order to establish the supremacy of the commercial and financial ideas of the North you would have had few of the patriotic soldiers who came forward at their country's call. You might have enlisted an army of bounty-jumpers for the pay, or of thieves who expected to thrive on the plunder of the South; but these would not have been likely to have put down the rebellion.

The gentleman from Massachusetts [Mr. BANKS] has an amendment which he gave notice he intended to tack on to this bill. It contains the substance of the Louisiana bill which we passed to-day. It proposes to take these States, one at a time, and send into them congressional and military satraps to establish governments in the South on the "loyal basis." In speaking of his measure of reconstruction, the gentleman said our duty consisted in three words, "liberty, emigration, census." The liberty he proposes is the military despotism inaugurated in this bill; the liberty of martial law; the liberty of a people who have no rights, whose courts are struck down and whose citizens are conquered enemies; the liberty which a people may enjoy when turned over to military satraps released from all reponsibility except to carry out the purpose for which Congress sends them, namely, to humiliate and degrade the people.

This bill places the people under martial law for an unlimited time. The gentleman said it would not do to allow all of the States to come back into the Union at once. What laws are to govern in the mean time? The United States has no code, and the codes of the States are annulled. Are these military satraps to govern by the Plymouth code or the Blue Laws of Connecticut? We may expect to see in some loyal police gazette in the South (for all disloyal ones will be suppressed) "John Smith sentenced to twenty lashes for kissing his wife on Sunday," or "Sarah Brown hung as a witch," or "Peter Jones burned as a Quaker," or "Jane Tompkins sentenced to a ducking-stool for scolding;" and at the end of the sentence the godly, Puritan fiat, "Thus saith the Lord!" The object in setting up governments South is not to give the people a voice, but more effectually to stifle their voice. It is the kind of liberty the French people enjoyed when every house was placarded with "Liberty, fraternity, equality—or death!" The kind of liberty extended to the people of Lyons when Collot d'Herbois went down to that city and assembled ten thousand men, women, and children, and shot them with artillery and musketry, and turned loose republican soldiery on them, and hackled them to pieces with sabers, and then razed the city, and placed over the ruins the inscription, "Lyons rebelled, and Lyons is no more." The kind of liberty extended to French Girondists, when they put them in a ship and scuttled it and they sunk to the bottom. Strange things are done in the name of liberty, and the most implacable tyrants are the hydra-headed despots—democracies.

Emigration is the next object after liberty. The gentleman proposes to give bounties to loyal men to go there to take control of the government. The people of Massachusetts have great faith in bounties. It was their principal way of fighting in the late war. The black citizens of these States, invested by all authority, are to run the whole machinery of government. It matters not how large or how small this class may be, they are to exercise the full sovereignty of the States. The idea which gentlemen on the other side of the House have of republican institutions is that only they are entitled to enjoy the privilege of citizens who will indorse the commercial and financial schemes of the Radical party. No man is entitled to exercise the prerogatives of a free citizen unless he is in favor of their national banks and upholds their divine tariffs.

Then, Mr. Speaker, he proposes to remodel the census there. I do not know whether he proposes to kill off everybody that does not belong to his party, or whether he proposes by more civil means to drive away those who do not agree with him. He proposes to remodel the census of that country as the British East India Company did in India; to remodel the census as Great Britain is doing with Ireland; to remodel the census of the South by driving out her white population and bringing in by bounties a new population to occupy that country. He proposes to remodel the census by

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confiscating the land of the South and turning it over into the hands of the black *sans-culottes*. He proposes to remodel the census there by turning over all the revenues of the Government, all the property of the people into the hands of irresponsible speculators, who go down there for the purpose of making fortunes. Henry Ward Beecher, in a lecture delivered in this Hall some time ago, said, in speaking of the capabilities of human nature, "Smelt any man and he will run pure gold." Now, our friends of the Radical party are establishing a system by which these speculators are going down South to smelt the negroes; and if they do not run pure gold, they expect that they will run greenbacks copiously.

It has been said by several speakers here that the people who have the control of the governments in the South believe that the confederate cause was right and that we must break down those governments for the purpose of making that cause odious. Now, sir, I am one of those who believe that the great mass of human beings in this world, so far as their moral qualities are concerned, are about alike. I believe there is as much virtue in the people of the South as there is in the people of the North; I believe that there was as much loyalty in the people of the South in 1860 as there was in the people of the North; I believe that they were as truly devoted to the doctrines which had been inculcated into their minds as were the people of the North to the doctrines in which they had been educated.

The people of the South have fought and died for their principles. They left wives and children poor and bountiless; they dared all the dangers of the battle-field; they have endured everything that a brave people could endure. I think, therefore it would be nothing but sheer cruelty, and would subserve no good purpose, to inflict upon them by our legislation, humiliation. Every family has given some victim to the cause. Can we expect the survivors to curse the memory of their dead relatives, and can we not be magnanimous enough to leave them the poor gratification of believing that they died without dishonor?

I noticed at the close of the rebellion in the Atlantic Monthly, a journal which I very frequently read—not because I favor its politics, but because I want to know what is going on—a journal published in the "hub of the universe," a poem which attempted to describe what should be done with the South. It was entitled a "Jaguar Hunt," in which the people of the South were designated as the bloody jaguar; and it was there inculcated that they should be hunted like the jaguar to his den and killed without mercy.

The Jaguar Hunt.

The dark jaguar was abroad in the land;
His strength and his fierceness what foe could withstand?
The breath of his anger was hot on the air,
And the white lamb of peace he had dragged to his lair.

Then up rose the farmer, he summoned his sons;
"Now saddle your horses, now look to your guns!"
And he called to his hound as he sprang from the ground
To the back of his black pawing stud with a bound.

Oh! their hearts, at the word, how they tingled and stirred!
They followed all belted and booted and spurred.
"Buckle tight boys," said he, "for who gallops with me,
Such a hunt as never before shall he see!"

With wide nostrils smoking, and flanks dripping gore,
The black stallion bore his bold rider before;
As onward they thundered through forest and glen,
A hunting the dark jaguar to his den.

In April, sweet April, the chase was begun;
It was April again when the hunting was done:
The snows of four winters and four summers green
Lay red-streaked and trodden and blighted between.

Then the monster stretched all his grim length on the ground;
His life-blood was wasting from many a wound;
Ferocious and gory and snarling he lay
Amid heaps of the whitening bones of his prey.
Then up spoke the slow eldest son, and he said:
"All he needs is just to be fostered and fed.
Give over the strife; brothers, put up the knife;
We will tame him, reclaim him, but take not his life!"

But the farmer flung back the false words in his face;
"He is none of my race who gives counsel so base!
"Now let loose the hound!" And the hound was unbound,
And like lightning the heart of the traitor he found.

"So rapine and treason forever shall cease!"
And they washed the stained fleece of the pale lamb of peace;
When lo! a strong angel stands winged and white,
In a wonderful raiment of ravishing light!

Mr. Speaker, I have seen a great many confederate soldiers who enlisted from my district. Most of them were directly interested in the overthrow of slavery, as they were poor men, with whose labor slave labor came into competition. Still, though they were crushed down by this aristocratic system, they ardently enlisted in the confederate cause. I asked them what they had been fighting for, and they said they had been fighting for the old Constitution. This is the idea which influenced thousands upon thousands of those who went into the rebel army. They believed that the abolition party of the North was violating the Constitution of the United States; they believed it had invaded the sacred precincts of the rights of the States; they believed a consolidated despotism could not be established in place of our free Government unless this abolition party was put down; they therefore took up arms against the Government.

Now, sir, we may think that the southern people were silly in having taken up arms against the Government. It has been repeated here day after day that secession arose from their extreme and unconquerable ignorance. When they went into the rebellion we are told they did not know what they were fighting for. If they did not know what they were fighting for we ought to be more inclined to forgive them, especially since we have ascertained that we did not know what we were fighting for. When we consider how many confused ideas, distorted opinions, and blind passions may be found in the labyrinths of every man's brain we will not judge harshly.

Sir, this whole system is wrong. If history teaches any lesson plainly, it is that a nation's happiness, freedom, and perpetuity depend upon the exercise of toleration. This lesson is written in the blood of every nation which has fought for freedom. Gentlemen may talk about the laws of nations and quote Vattel and Grotius. To quote from commentators on the laws of nations is sheer nonsense. Who made the law of nations? There is no such law. These commentators derive their laws from precedents set by nations of the Old World, and principles foreign to the genius of an enlightened Government. In this country no man or class of men can impair the freedom and prerogatives of the meanest citizen. Were we to conquer Mexico to-day we would have no right to set up an oligarchy of mestizoes or a monarch over that country.

We are greatly exercised lest the Emperor of France should set up a monarch in Mexico. We fear to have a monarchy on our borders. But it gives us no uneasiness that in our own country, under the very wings of the American eagle, freedom is to be struck down, the sovereignty of the citizen is to be denied, and a throne of despotism erected in every southern State. The governments of that broad country, richer than the fertile lands of Egypt, are to be farmed out by the moneyed aristocracy in the North to speculators and to emigrant mercenaries, and to all others who may be willing to

"Crook the pregnant hinges of the knee
Where thrift may follow fawning."

The gentleman from Massachusetts [Mr. Banks] holds up as a precedent in international law the conduct of Russia toward Circassia. The Czar exterminated and drove out the fair inhabitants of that country, depopulated it, and repeopled it. The gentleman alluded to this episode in Russian history as a triumph of administrative ability worthy of imitation. We are to grind the people of these States under the heel of a central despotism, and if they become restive and offer any excuse, we must be ready and prompt to

"Let slip the dogs of war."

It is a mistake to suppose that proscription and force can preserve our country. We must trust to the conservative influences of society, and if they fail our country is lost.

Equality of Suffrage.

SPEECH OF HON. T. E. NOELL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

February 11 and 18, 1867,

The House having under consideration the following resolution:

Resolved, That Governments were made for the people and not the people for the Government; that every adult citizen of sound mind in any State or Territory has the right to a voice in the formation of the constitution of said State, and in the representation and laws of said State, and that any State which disfranchises any class of its citizens on account of sex is not republican in form and should be overturned by Congress.

Resolved, That the Committee for the District of Columbia is hereby instructed to report to this House, without delay, a bill so amending an act entitled "An act to regulate the elective franchise in the District of Columbia," which passed Congress January 8, 1867, as to abolish the disfranchisement of persons from voting on account of sex.

Resolved, That the Committee on the Judiciary are instructed to report a bill calling a convention and authorizing every adult citizen of sound mind in the State of Massachusetts to vote for delegates to said convention for the purpose of making a constitution for said State republican in form.

Mr. NOELL. Mr. Speaker, I have been asked frequently if I were sincere in advocating woman suffrage. If my principles are sound, why inquire my motive? You do not believe a Democrat can uphold woman suffrage in good faith. It is the old story, nothing good can come out of Nazareth. People must believe that politicians are sincere, for they look to them for earnest advice. But politics is a farce. The actors in the play smile at each other behind the scenes and congratulate themselves that they have "knocked" the people. I, unlike most public men, belong to no party; and unlike the gentleman from Pennsylvania [Mr. Stevens] no party belongs to me—

"A rose by any other name would smell as sweet,"

but a politician does not. I am sick of names and quibbles. It is Nero fiddling while Rome is burning. We discuss interminably the difference between tweedle-dum and tweedle-dee, and get each other on the hip by calling the yeas and nays. The Congressional Globe of last session had more wind in it than Ulysses' bags. A little seriousness of purpose would act as a great carminative to that journal. One party contends that this is a white man's Government; the other party demonstrates that it is a black man's Government. One party contends that the southern States are in the Union as now organized on the white basis; while the other party says that they are out of the Union (which they are, considering the Radicals have the power to exclude them) and that they shall not return until they come back "Union end foremost," which means negro end foremost. Why need we prolong discussion on that question? The Radicals have the power and will adopt any expedient to perpetuate it. Revolutions never go backward. All discussion could only appeal to the sense of justice or mercy of the dominant party. Talk to a Radical about justice! you had as well sing love-songs to a mantua-maker's dummy. As to moving a Radical's bowels of compassion, he has no such bowel in his body. If he has, it is the *vermi formis*, not subject to be moved.

The history of civilization is the history of peace. Historians have but little to say of the history of civilization. The task of writing history has devolved upon men, and nothing is important in their eyes but throat-cuttings,

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blood-lettings, stratagems, and spoils. Garrulous history likes to curdle one's blood with the details of all that is monstrous, cruel, and wicked. Historians are a kind of biped jackals, who riot in human carcasses. What a glorious feast were the mountains of skulls piled up by Tamerlane to mark the progress of his conquests! Piles of human heads cut off and stacked up, numbering thousands. The stories in the Arabian Nights of Bagdad under Haroun al Raschid are not as interesting as the history of Bagdad with ninety thousand human carcasses on the streets. Who civilized the world? Neither Guizot nor Buckle nor Hallam can answer this question. We must glean along the waste stubble-fields, whence history has garnered her stores, for facts to aid us in solving this question. We derived our civilization from Rome; the latter derived her civilization from Greece; and this last country derived her civilization from Egypt. Who civilized Egypt? The women!

That was a long time ago, say you? Yes, it was long ago; but there was the same little difference between men and women then that exists now. It was long before the soil of Massachusetts was trodden by that painted and tattooed race of human beings against whose barbarism our Puritan forefathers turned those civilizing engines of Christianity, gunpowder and Holland gin. It was before Irish potatoes had offended the statistics of learned philantropists by overstocking the world with surplus human beings. It was before anti-nicotian societies were formed; before nice young men smoked cigars or old women consoled themselves with pipes. It was before the Monroe doctrine had been promulgated in America. It was shortly after the great flood, when the world was hung out in the universe to dry. Egypt was the cradle of civilization, of the arts and sciences; the sciences of astronomy and astrology, the useful arts, and the black arts, all were taught here; for amid the universal barbarism of the world Egypt had civilized herself. Egypt civilized the world, and the women civilized Egypt. The periodical overflowings of the Nile caused the people to meet together in the high places. The men and women mingled together, every one bending his or her energy to minister to the general welfare during the overflow. Here the native genius of the women displayed itself in devising conveniences and comforts and in the various ways in which genius must assert itself when the conventionalities of society are broken down. The dull, plodding, thick-headed men of Egypt—the most talented men in the world—found that they knew nothing compared to the knowledge of the women. For their own interest they constituted the women the controlling class. We have no Nile to overflow and break down the conventionalities of society; but we are threatened by a destructive overflow of the *Niger*, and I think it is time to bring the women into the high places.

The women of Egypt were the traders and merchants. They enriched that country and gave a start to the arts and sciences. They were the heads of families. When the parents grew old the daughters and not the sons were bound by law to support them. In the marriage contract the woman promised to support her husband and the husband in turn promised to obey his wife. The Egyptian women traded in Tyre and Sidon; the Arabian merchants carried on traffic between the Hindoos and the Egyptian women.

That wry-necked, sweet-scented fellow of Macedon (Plutarch says he smelt like cinnamon) might well feel proud of the conquest of this country and celebrate it by building the city of Alexandria; and when the little corporal of Lodi crossed into Egypt to build by conquest the fabric of an oriental dream, well might his soul expand as he said: "Soldiers of France, from yonder pyramids forty centuries look down upon you!" Napoleon did not say anything of the mummies of illustrious females, through whose eyes, now empty, gluey sockets, once beamed the civilization of the world, probably before the descendants of Noah's crow could find a roosting place on Corsica. Napoleon, like all warriors, held that only one function belonged to women—to breed men for the ranks. Some one asked him who was the greatest woman in France; he replied, "She who has borne the most children."

Balmes in his work on Philosophy attacks the old theory of the inertia of matter, and asserts that all things are naturally in a state of motion. The philosophy of the world has always been that war is the normal condition of man. In Sparta deformed children were killed because they could never make warriors. Since the day that Cain killed Abel the history of the world has been written in blood. Individuals and communities are playing always a mutual game of grab, and the longest arm and the strongest arm takes the prize. The women cannot fight, and they have always lost their rights in the game of grab. Among barbarians the women perform all the work, except the pleasant sports of hunting and fishing. Women attend to the property of their husbands, they grind corn, skin the game, cook, tan the skins of animals, and make garments and perform other duties. Spinning and weaving has done more to humanize mankind than anything else. This of course was the invention of woman. The old line runs:

"When Adam delved and Eve span
Who was then a gentleman?"

The women taught mankind to wear fine clothes. Adam was not made with breeches on. As a symbol of power Eve was entitled to them. She was the controlling genius in Eden. The devil knew which one to tempt. Fine dressing was the first impulse to commerce. Babylon, with her fifty miles of wall and her hundred gates of brass, her stately palaces and hanging gardens, was built by a woman. Its fabrics of scarlet and fine linen, rich vestments and embroidery, were the handiwork of women. Carthage was founded by a Phœnician woman, and the traders of that city used to transport the jewels and fabrics of the East to the barbarians of the West. The women of Babylon used to dress and shape jewels. They did not have diamonds, but they used to grind the purple amethyst, the green emerald, the blue sapphire, the red, red ruby, and other stones as precious in their eyes as diamonds.

Andromache fed and curried Hector's horses, and when he died she embroidered his death scene. Helen of Troy embroidered a great work during the siege representing the different battles of the siege. Would that some versatile female would embroider a scene representing the reception of a loyal Congress! It would require a brown rag for the groundwork. Sumptuary laws were passed against women. In the time of Romulus women were forbidden to taste wine, and several husbands killed their wives for violating this custom. The women, to be above suspicion, used to kiss every man who called on them. If the Congressional Temperance Society will inaugurate that custom we will all join it.

When Europe was overrun by barbarians commerce was destroyed and agriculture interrupted. The lands were all seized by the warlike chiefs and the people plundered. The allodial tenures of the Saxons and the feudal tenures of the Normans were alike adaptations of war. Peaceful pursuits were universally discarded, and the great landholders were robbers, who lived by the saddle. The mass of the people were like so many cattle attached to the land, the absolute slaves of the baron. Every noble was intrenched in a castle defended by strong walls and broad ditches. There could be no ingress or egress until the gate was unbarred and the drawbridge let down. Sentinels paced around the castle through all the silent watches of the night. Under the allodial tenures the people had no protection. Each baron was lord and master of his own manor and all its vassals. They could own no property, they lived on his bounty, were his tenants-at-will, and paid him whatever he exacted as rent, tithes, donations, fines, or customs. Every person was forced to deliver himself into this slavery to some baron to be protected from robbery or murder, for there was no law of protection except the will of a powerful chief, and he only protected his vassals. His vassals could not marry without his consent. The custom of borough-English by which property descended to the youngest son sprung from a custom on the part of the lord of the manor to have possession of the brides of his tenants the first day of marriage, from which the oldest son might not resemble his father.

There was a law in France that a lord returning from hunting should not kill more than two serfs to warm his feet in their bowels. Noble lords frequently shot serfs on tops of houses to see them tumble off dead. These noble lords were funny fellows and played grim pranks.

No trade was allowed or carried on except by peddlers, who prowled about the country with such portable articles as they could carry on their backs. Traveling peddlers were not so welcome as mendicant minstrels, who sung bacchanals at drunken routs and sung the praises of warlike valor. Peddlers had to pay heavy licenses for the privilege of trading, and incurred great danger of being robbed or killed. So common was the murder of these wretches that if a noble lord laughed in company he was frequently asked if he had killed a peddler. But notwithstanding the danger and heavy tax upon them peddlers did travel about selling small wares and fabrics. Those who live in places remote from cities will bear me out in the assertion that nothing short of death will ever stop a peddler. They are a class of unsung heroes who are daunted by no obstacle.

There being no commerce, all the produce of the land was consumed in its crude state. The corn and cattle were used to feed retainers who lived upon the bounty of the baron, and were his slaves in peace and his followers in war. This kept a standing army quartered in every manor.

But these standing armies could not remain idle. The chieftain of a thousand retainers plundered his neighbor who was only five hundred strong. To prevent this the weaker nobles combined and set up a common chieftain to whom they paid allegiance, and who protected them from rapacity of the strong. Thus arose feudalism and the establishment of a sovereign liege. International wars rendered it necessary for all the barons of a nation to unite under one sovereign. So nations drifted into monarchy, and allodial tenures changed to feudal tenures, held of the king. From that time forward commenced a struggle on the part of the central power to strengthen itself against the power of the barons. The struggle was long and severe. The men who were vassal slaves were rallied first under the standard of the king and then of the barons, and each had to appeal to the vassal's interest and hold out inducements for him to fight in the way of new liberties granted him. King John, who is always spoken of as a tyrant, did more of his own accord to establish the liberties of the people than any sovereign who ever reigned in England. He built up the free boroughs and strengthened the people against the barons. In the charter which the barons demanded at Runnymede the bulwark of English liberty was established; but the barons only put in these grants of liberty to the citizens to enable them to obtain the assistance of the people to force the king to relinquish claims which were obnoxious to the barons. Thus the men, being able to fight, had their liberties

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extended to them as bribes to help contending chieftains fight battles for dynasties and successions. We always pay our allies in war and politics, and whoever has the power to help us may command his terms. But the women could not fight battles, and therefore they are as abject slaves as they were in the darkest ages of history.

While this struggle of barbarians was going on how were civilization and peace growing? The wars of the middle ages sprung from the fact that there were large armies of retainers in every castle, whose daily labor was battle and plunder, and whose recreation was feast and wassail. Defenseless women were liable to be ravished by any robber ruffian who captured one. To prevent this they were shut up in strong castles, where they were guarded from the spoiler. Afterward, it was sufficient for any valiant chieftain to declare a woman under his protection, and that he would avenge any insult to her. This gave rise to orders of chivalry and knighthood, and a woman might demand protection from any knight, and he was bound in honor to extend it to her. The pride of the men being flattered by this tribute to their power, the sentiment of chivalry became enthusiastic. The women cultivated their charms assiduously to make themselves objects of devotion. They decorated their persons with costly ornaments and gave fresh encouragement to the hitherto persecuted peddlers.

The women had always been the chief patrons of the peddlers. It makes a man aguish to see a peddler come to his house. He always tries to send him off before his wife gets a glimpse of him. If the biographies of all these strolling peddlers were written, I do not think a single example could be found where one had unpacked his bundle and showed his wares and fabrics in the presence of a woman without finding a purchaser. The courage displayed by those strollers in those barbarous days appealed to woman's nobler feelings and excited her sympathy. Women are never commonplace. Most women, when they read the lives of old Jack Sheppard, Dare-Devil Dick, or John A. Murrell, wish that their husbands were just like these heroes. Every girl of sixteen, poetically inclined, wishes she was a bandit's bride. Desdemona married a negro because of the dangers he had incurred. The Sabine women so admired the pluck of their Roman ravishers that they pleaded for and remained with them. This heroic instinct caused the ladies to take the peddlers under the wings of their protection.

Costly fabrics and jewels from the farthest ends of the world were eagerly sought for, and every lord desired his lady to appear more beautiful than any other woman in the world, and was ready to run his sword through any man who doubted that she was the most beautiful: a kind of demonstration entirely satisfactory in those days and at this time. These ornaments were costly, and could not be had unless paid for at great expense. Household expenditures increased fearfully. The barons could not afford to consume all their crude produce in supporting retainers; so the retainers were dismissed and the armies disbanded, and peace necessarily ensued. Thus the women of the middle ages instilled refinement and love of virtue and true valor into the men, built up society on a solid foundation, scattered the standing armies that filled every castle, gave an impetus to commerce, and established the arts of peace; for women, since the days of Delilah, have been averse to men's belligerent propensities.

Notwithstanding woman has been the lovely instrument through which civilization has been imparted to the world, she has received but little benefit from that civilization. One of the proudest titles of an Eastern prince is that he is the husband of a thousand wives. A distinguished member of Congress, whom, alas! Congress extinguished, told me that he saw at Constantinople the harem of the Sultan driving out. They raised the little flap windows of their carriages and peeped out on the sly, (for all women are like Blue Beard's wives and must see what is going on.) They were beautiful women which his Serene Highness the Sublime Porte had purchased to gratify his sublime appetites. A big black eunuch, the tallest that could be found in all Ethiopia, passed along by the windows and put his hand in and these women kissed it.

From what is our system of housing and hampering women derived but the barbarous customs of duennas and eunuchs? We cage them up like precious wild beasts, not like tigers and hyenas to keep them from devouring us, but to whet their appetites that they may have the better stomach to devour us. It is said that women do not ask to vote. Is that any reason why we should withhold from them a right which is a prime necessity with her? The Scripture teaches us to sit modestly down toward the foot of the table and wait to be invited up to a more honorable position. In the last election in Missouri every one knew that every man who was disfranchised desired to be restored to his full powers as a citizen, yet nowhere did rebels take any prominent part. Some of their over-zealous and excessively timid friends advised them to keep their mouths carefully closed. I believe, sir, if the rebels had taken an active part in the last election we would have been more successful; but wiser men than I thought different. If a rebel opened his mouth to complain of the flagrant outrages perpetrated against him, all the milk-and-water conservatives in the community flocked around him and begged him for God's sake be quiet and not to manifest any interest whatever in politics. Many rebels gained a disgraceful popularity by truckling to this spirit and joining the Radicals in a crusade against themselves and their fellow-sufferers, and were accounted "honest men" for so doing.

Did the negroes ask to be emancipated? You say they were praying for it secretly. I have no doubt they were. But did a negro ever say in the presence of a white man that he wanted to be free? No. He always proclaimed loudly that he had rather live with "Ole Massa." He was afraid of the "Bobolitionists," and little negro children would run under the bed and roll their white eyes around in fright when you told them that the Abolitionists would catch them. But while the negro professed such contentment, while he laughed and danced and sung "A nigger will be nigger any way you fix him," he felt that something was wrong with his race; and he often met in conclave in a distant cabin with a gang of his fellow-blacks, eating his master's chickens and plotting means to escape, and discussing the chance of his emancipation. Take away the Freedman's Bureau to-day and leave to a vote of the people, white and black, and they would almost unanimously vote to reëstablish slavery. Social power and physical power control sentiments and expressions. You had to drag the negroes from their houses in the South like hampered cattle. You drew them away from the plantations just as our forefathers brought them from Africa. We offered large bounties and bought them. The gentleman from Massachusetts [Mr. Banks] said wisely that universal suffrage would not make the South loyal, because the negroes would vote as the whites wished. Women do not ask to vote, because they know that they would be cried down as strong-minded. It is supposed that none but long-haired men and strong-minded women are in favor of this measure of justice. Therefore women say they do not wish to vote. They are afraid to kick against the goads.

They are taught from childhood that they must be deceitful. The whole system of their education leads them to suppression of truth. A woman's no proverbially means yes. The first deceit which a girl learns is the concealment of her age, preparing for future contingencies. They know that men and owls like spring chickens; and to cater to men's craving for tender meat, girls never get older than sixteen. If a well-bred girl is asked to marry she invariably says, "No;" but her sweetheart knows by her drooping eyes and heaving bosom that she means yes. If he has ever seen Forrest, or read Marryatt, he will know what to do; he will encircle her fragile waist with his arm and exclaim tragically, "O, dearest Stella, shiver my jib-boom if I sail life's voyage without thee!" She then falls into a limber swoon, and weeping upon his manly breasts exclaims gushingly, "Noble Fitzhugh Fitzpoodle, you must ask my ma!" At this the loving ma, who has been standing in an adjoining room waiting for her cue, comes in all unsuspecting and smiles a greeting to the terror-stricken young man.

The daughter (who has been carefully taught by her doting mother to set her snares for Fitzpoodle) now looks disconcerted and fades away like a guilty thing and sobs violently in the adjoining room. The mother looks grave daggers at the agitated Fitzhugh, demanding by a silent and awful stare what this means. The noble Fitz stammers incoherently that her daughter has the crimpiest hair and the bustiest form of all the ladies in the land, and that he wants to make her his own absolutely. The tragic mother raises her hands on high and exclaims, "Oh, Heavens!" She turns pale, her eyes become fixed in vacancy, she swoons a rigid swoon, and falls into Fitzpoodle's arms. Stella hears the noise and rushes in with flaming eyes and hair beautifully disheveled, and shrieks, "Oh, my ma's dead!" The gouty old father comes hobbling down stairs. At the first glance of his wife reclining in Fitzpoodle's arms he feels a twinge of the "green-eyed monster." But another glance satisfies him that this is only a rehearsal of a little farce which was played on the eve of his own marriage.

The mother slowly revives, but becomes slightly delirious and talks about the ingratitude of children preferring strangers to their mothers, and the brutishness of young men, who cause such distress by marrying their favorite daughters. This is only the farcical part. There is a deep tragedy underlying most marriages, and that is that prudent mothers bargain off their daughters for so many shekels. Women are an expensive and useless commodity which must be disposed of to the best advantage. Like oysters, they cannot be kept fresh. They must be sold in reasonable time or pickled in vinegar. This bartering of intelligent human beings to the highest bidder, with all the odious consequences of being yoked together by the law, is the cause of bickerings and heart-burnings and unhappy homes. This causes *ennui*, dissipation, extravagance, and crime. Women are sold like cattle among both savage and civilized nations. A knowing writer describes the marriage of the noble savage as follows:

"If he wants a wife he appears before the konnel of the gentleman whom he has selected for his father-in-law, attended by a party of male friends of a very strong flavor, who screech and whistle and stamp an offer of so many cows for the young lady's hand. The chosen father-in-law, also supported by a high flavored party of male friends, screeches, whistles, and yells (being seated on the ground he can't stamp) that there never was such a daughter in the market as his daughter, and that he must have six more cows. The son-in-law and his select circle of backers screech, whistle, stamp, and yell in reply that they will give three more cows. The father-in-law (an old deluder, overpaid at the beginning) accepts four and rises to bind the bargain. The whole party, the young lady included, then fall into epileptic convulsions, and screeching, whistling, stamping, and yelling together—nobody taking any notice of the young lady, (whose charms are not to be thought of without a shudder)—the noble savage is considered married, and his friends make demoniacal leaps at him by way of congratulation."

Women are repressed in every way. They must follow certain fashions, or they become the subjects of animadversion. Their high

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aspirations are subdued by careful teaching. Have you ever considered that the minds of the young can be molded like wax? Compté, in his Positive Philosophy, says that conscience and taste are creatures of education. Take two children exactly alike, and the circumstances which surround them in childhood will make one a saint and the other a sinner. The mind of a woman is regarded as a secondary consideration. The study of cosmetics engages her whole attention. Mathematics is a hidden book to her, and she learns geography only at the watering places. She learns French in order to perplex the male sex by throwing gibberish in their teeth. She learns to soak lithographs in turpentine and daub them over with variegated colors, not so brilliant as those of the rainbow, but much more solid, and then she asks you how you like her painting. I have been crucified fifty times by being called on to admire these hideous "efforts of genius." She learns to make wax-flowers, making a wonderful improvement on nature, there being no withered petals nor worm-eaten leaves in wax-flowers. She learns the mysteries of botany, and talks so glibly of shooting shrubs and pistils that you become apprehensive lest she should touch off a bouquet at your devoted breast. She learns from her botany that charming dialect known as the language of flowers. If you give a young lady a flower she invariably blushes and asks you "Do you mean it?" If you give her a pink she knows that in your eyes she is the pink of perfection. If a rose, she is sweet sixteen.

If in a pleasant walk through the woods on a May morning a sweet nymph, over whose head thirty summers have shed their brightness, should hand you a violet, she means that she is too young to leave her mother. If a scrawny matron of fifty hands a bellicose old codger a sprig of sunflower, it is a gentle hint that she is "fat and forty." Bear in mind that two-score and ten does not deprive widows of sentimentality.

"Old age ne'er cools a widow's blood."

If a buxom maid who weighs ten stones hands you a "touch-me-not" she intimates that she is a frail thing, and mutely beseeches you not to crush her. If you walk in the garden with an old maid whose personal charms are in the inverse ratio of her fears of attack upon her purity, be careful not to give her a poppy. She will immediately take fright and ask you to "spare her honor." If an old bachelor, in attempting to play the gallant, should pluck a daffodil and present it to a widow, she will faint in his arms, and he will find himself like the venerable Mr. Pickwick, with his head in the matrimonial noose—for all unwittingly he has said "Will you marry me?" and she has by this widowly pantomime signified that "Barkis is willin'." If a laughing girl, with a rosy, pouting mouth, gives you a tulip, she means "kiss me if you can;" and I would not give much for a man that could not.

A few years ago the girls had a great fancy for phrenology. They discoursed wisely on bumps and temperaments. They freely permitted male gawks to fumble over their jaunty little heads and discourse on their bumps. I confess to having read Lavater, and who would not when such were the inducements? What a glorious privilege to hold in your hand these beautiful temples of divinity! To think, too, of the magic fancies, the bright dreams, the quaint oddities, and little schemes that have flitted through the teeming brain within. But now these heads are sacredly guarded from the touch of rude fingers. If you attempt to caress a girl by stroking her front hair, she will cry out, "Take care of my rats!" or if you attempt to touch the back of her head you are rolled away to an illimitable distance by a resistless waterfall.

Girls have another highly intellectual diversion, telling fortunes. The art of divination has always been appropriated by the women. The sibylline books were written by a woman. The oracle of Delphi was a woman. In the ancient times in Greece and Rome the women, as a class, were oppressed as they now are, but having a great knack of knowing secrets and being skilled in the art of foretelling events they became divinities. As late as the eleventh century a temple was erected at Venice for the worship of Joan of Aragon. It was at first erected for the joint worship of herself and her cousin, Duchess of Guise; but it being suggested that two female divinities could not dwell in harmony together it was dedicated to her alone. No astonishing occurrence was ever related to a woman that she did not invariably reply, "I told you so." A man once informed his wife that the cow had swallowed the grindstone. "Yes," says she, "that's always the way. I told you yesterday the old cow would swallow that grindstone." Among the gipsies the women tell the fortunes. In the New England States a century ago nearly every door had a horseshoe nailed over it to guard it from the spells and enchantments of the old women who were regarded as witches. If a woman were old and ugly this was *prima facie* evidence that she was a witch, and it required but an idiot's tale to send her to the gallows. Our Puritan forefathers were as merciless in exterminating old women as their descendants are in exterminating rebels.

On one occasion eight persons were hung in a lot. As they swung in the air Parson Noise pointed to them exultingly and said, "There hang eight firebrands of hell." But our Puritan forefathers were like their descendants, God-fearing people; and whether they engaged in burning old women, murdering Indians, or kidnapping negroes and selling them into slavery, they found Scripture for it all. And whether these Puritans were banishing Roger Williams, squelching Mrs. Hutchinson, persecuting Quakers, disfranchising all persons not belonging to their church, or whether disfranchising rebels and enfranchising negroes, selling white women to Virginia planters or emancipating slaves which their ancestors had kidnapped, there is always the same valid reason, "Thus saith the Lord!"

But I was speaking of the faculty which women enjoy of fortune-telling. At an evening party, when gossip has been exhausted and the women whose countenances are excruciatingly ugly have been several times told by nice young men that they look charming; when the weather has been fully discussed; when one half of the party have emphatically said, "This is a fine evening," and the other half have replied with equal emphasis, "Delightful," so that there can be no cavil or doubt about its being delightful; when silence has ensued and some one of the party has made that facetious and original remark, "Quaker meeting," a young lady fixes her eyes on a susceptible young man and sayst "Adolphus, can you tell fortunes?" In a twitter of excitement he replies, "No, Zuleika; can you?" She answers, "A little," and draws up to the table. She knows of a rival to whom Adolphus pays occasional visits. In a dextrous turn of the cards she makes him in love with her brunette rival. The cards describe her person accurately, and disclose some things new to Adolphus. The rival has a catarrh in her nose and has false teeth; she wears plumpers in her mouth, and her heart is guarded by the same defenses as those behind which General Jackson so successfully repulsed the assaults of Pakenham at New Orleans. Thus the meek-eyed Zuleika dissects her rival divinity to the great amazement of Adolphus. Then the cards tell of one who loves Adolphus; and the cards describe Zuleika. The fates leave to Adolphus the privilege of a choice between the two rivals. If he marries the dissected he is to have storms in the morning and hurricanes at night, and die poor and childless. If he marries the fortune-teller he will be worshiped by her through life, he will accumulate riches and have nine children, (that is the magic number that all men aspire to,) who will live to bless his old age. The trick of telling fortunes is a good thing if well followed up. Gamblers run horses, astronomers make almanacs, politicians predict elections, and girls tell fortunes. Which is the most uncertain?

Next in the order of female accomplishments is music. Many an old bachelor has been devoured by the sirens. A writer in the Spectator said that marriages were more frequent in the spring than any other season; that the system was warmed up and a redundancy of animal heat inflamed the amatory passions. But music will thaw a man out in the dead of winter, and open the flood-gates of his affections. Shakespeare says—

"The man that hath no music in himself,
Nor is not moved with concord of sweet sounds,
Is fit for treasons, stratagems, and spoils."

The dove coos to his gentle mate; the dog howls with delight at the winding of the hunter's horn. When the dreadful marches and stern alarums of grim-visaged brigadiers are over they smooth their corrugated brows and—

"Caper nimbly in a lady's chamber
To the lascivious pleasings of a lute;"

For—

"Music hath charms to soothe the savage breast"—

That is, some music. I have heard music better calculated to make tame beasts mad. But the appreciation of music is purely a matter of taste. No doubt the tympanum of a female cat's ear vibrates with pleasure at the sound of her favorite Tom wauling in the garret, and many persons derive equal pleasure from the falsettos of a fashionable opera singer. The poet says:

"Sweet is the cry of a new-born babe;"

but very little of that sweetness will do me, especially in a stage-coach. I got my fill of music once. I became acquainted with a young lady who played the accordeon. We met by chance; her mother kept a boarding-house. She was a healthy girl—a robust girl. She sang through her nose, and ever the burden of her song was—

"I'd be a butterfly."

For six months the tune was quite refreshing; then I began to grow tired of it, and finally in my tortured soul I poured forth a prayer that she might be a butterfly and flit away to other places.

I have enumerated some of the accomplishments of girls who are expected to move in good society. Their education teaches them deceit, seductiveness, and vanity. The idea of her being a helpmeet is long discarded by society. This idea must be generated by a higher civilization than we now enjoy. Women are, as a class, burdens on society. Their lives are devoted, not to high purposes or useful pursuits, but to creating a comeliness of person in themselves which will entice men of inflammatory feelings from the freedom of single-blessedness. We are amazed at the harems of the East. We do not reflect that there may be harems with only one woman in them. When Artemus Ward was in Utah one of the elders died, and all his wives flocked around the wax-works man and besought him to marry them. He replied that they were pretty enough, and individually he would not object to marrying any of them, but that it was the muchness of the thing that he objected to. That is the difference between our system and that of the East. What baser prostitution than for a woman to marry a man for his money, when she had as lief take a toad in her bosom as to enfold her arms about him? We talk about the heathenism of Oriental girls who dance lasciviously in the presence of the men to inflame their lusts; but if the Asiatics should peep over at their civilized antipodes they would see in the fond embrace and lascivious

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"round dances" much to shock their ideas of propriety.

I have frequently attended balls and sat in obscure corners and indulged in philosophy; but philosophy is trite and is little needed. What spectacle more humiliating than to see young ladies sitting like "the four and twenty tailors, all in a row," decked in costly jewels and rich laces, eager as so many roaring lions seeking whom they may devour? Their dressing makes them caricatures on humanity. Fashion! What folly and misery does not that word invoke. Paris leads the fashion in dress and Eugenie leads the fashion in Paris. She is *passé*, therefore shall all Christendom wear large hoops; she has a bald spot on the crown of her head, therefore shall all shave tonsures on their heads. In the time of the elder Bonaparte there was great lack of population owing to the wars, and all the energies of society were devoted to supplying the deficiency. It was the fashion for women to appear matronly, so they stuffed their waists to attain fashionable proportions, and look as interesting as possible. Now, the women have a propensity for being squeezed in that locality—hence small waists. What if our great grandmothers could walk out from their pictures on the walls and appear in fashionable circles, would not all the young ladies snicker and say, "Grandmother, what makes your waist so big; grandmother, what makes your hair so prim; grandmother, what makes your back so straight?" But would not the old ladies be surprised in turn at the dress of their great granddaughters? When they saw the long trails, the tilting hoops, the embroidered petticoats, the laced waists, the cotton busts, the red-topped boots, the saw-dust legs, the rats and mice and braids and crimps, the jet chains and frizzles; but above all, when the old ladies saw the wonderful waterfalls of our girls, they would go back into their pictures and giggle forever.

I have briefly alluded to the position and aspirations of women who are above want. The brainless creatures who desire to elevate themselves above the rank of mortals and make themselves the laughing stock of devils. It is this class of well-bred fools who do not wish to take upon themselves the burden of thinking. Their first business is to catch husbands, or if they have succeeded, their lives are devoted to playing the part of nambypambies. The mind demands some excitement, and for want of something sensible to entertain themselves, women fly to dissipation. Some put in their time reading novels, others gad around among their neighbors, and the majority, like Mrs. Toodles, go to auction. These little endearing freaks are all well in a handsome young lady, but when she gets old and her teeth are rotten, and her skin tanned with dropsical affections, her breath fetid, and her body unsymmetrical, such nonsense becomes intolerable. The subordinate position occupied by old women is not a matter of surprise to me when I consider how they are reared.

We laugh at women concealing their ages. How heroically they struggle to retain the only source of power left to them! A woman looks into the glass as she is wont to do to smile at her own loveliness and lo! she sees the faint lines of a crow's-foot about her eyes. She turns pale. A sickish feeling comes over her. She throws herself on her bed and weeps. She has played the fairy all her life, and has indulged in the wildest caprices of her bountiful power. Men have been her willing slaves; but her magic wand is broken! Let not the world know that she has crow's-feet around her eyes or her power is gone forever. Henceforth when she smiles it is only a grin of the lips; a horrible corpse laugh, which maintains the eyes in deadly placidity! Gray hairs on a man's head are only the spring flowers of a green old age, but on a woman's head they are the waifs of a desert island, toward which she is irresistibly drifting; an island bleak and barren and lonely. The rounded form, the blooming cheek, the pearly teeth, the laughing eye, where are they?

"Gone glimm'ring through the dream of things that were!"

Not for her the social converse, not for her the power of intellect, not for her the pleasures of literature, not for her the teachings of philosophy; she is a dethroned queen, who must forever weep in the darkness of a mental dungeon for the kingdom she has lost. Her royal scepter has been shivered and its fragment thrown into the great reservoir of chaos, where all things destructible go. When the beauty of one of these dolls has faded, she leads forevermore an isolated and joyless life.

"Old, old, chilly and cold,
With the icy frosts and gathering mold
On the hoary head and the weary heart,
So lonely and sad would fain depart.
Old, old, chilly and cold,
'Tis a weary, dreary thing to be old.

"Old, old, wrinkled and gray,
Tottering along on the time-worn way,
Marked by the graves of the loved that are fled,
Strewn with the hopes that are withered and dead.
Old, old, wrinkled and gray,
Lonely and desolate, passing away!"

Our Puritan ancestors did practical charity to their grandmothers when they hung them as witches.

What shall we say of the condition of the lower million? While the upper ten need the ballot to teach them that they are mortal and are to be the helpmeets of men in politics as well as household affairs, the lower million need it to give them an equal chance with their fellow-mortals in their life struggle, their labor for bread. All over the North we sing the plaintive strains of suffering negrodom, but the Song of the Shirt is not fashionable. It is not set to music, and no tune will fit it. The song is jerky and knock-kneed, and tells of quaint bony starvation.

"With fingers weary and worn,
With eyelids heavy and red,
A woman set in unwomanly rags,
Plying her needle and thread—
Stitch! stitch! stitch!
In poverty, hunger, and dirt,
And still with a voice of dolorous pitch
She sang the 'Song of the Shirt!'

"'Work! work! work!
While the cock is crowing aloof!
And work! work! work!
Till the stars shine through the roof!
It's Oh! to be a slave
Along with the barbarous Turk,
Where a woman has never a soul to save,
If this is Christian work!

"'Work! work! work!
Till the brain begins to swim;
Work! work! work!
Till the eyes are heavy and dim!
Seam, and gusset, and band,
Band, and gusset, and seam,
Till over the buttons I fall asleep,
And sew them on in a dream!

"'O men, with sisters dear!
O men, with mothers and wives!
It is not linen you're wearing out,
But human creatures' lives!
Stitch! stitch! stitch!
In poverty, hunger, and dirt,
Sewing at once, with a double thread,
A shroud as well as a shirt.

"'But why do I talk of death?
That phantom of grisly bone,
I hardly fear his terrible shape,
It seems so like my own—
It seems so like my own,
Because of the fasts I keep;
O God! that bread should be so dear,
And flesh and blood so cheap!

"'Work! work! work!
My labor never flags;
And what are its wages? A bed of straw,
A crust of bread—and rags—
That shattered roof—this naked floor—
A table—a broken chair—
And a wall so blank, my shadow I thank
For sometimes falling there!

"'Work! work! work!
From weary chime to chime,
Work! work! work!
As prisoners work for crime!
Band and gusset and seam,
Seam and gusset and band,
Till the heart is sick and the brain benumbed,
As well as the weary hand.

"'Work! work! work!
In the dull December light,
And work! work! work!
When the weather is warm and bright;
While underneath the eaves
The brooding swallows cling,
As if to show me their sunny backs
And twit me with the spring.

"'Oh! but to breathe the breath
Of the cowslip and primrose sweet—
With the sky above my head
And the grass beneath my feet,
For only one short hour
To feel as I used to feel,
Before I knew the woes of want
And the walk that costs a meal!

"'Oh! but for one short hour!
A respite however brief!
No blessed leisure for love or hope,
But only time for grief!
A little weeping would ease my heart,
But in their briny bed
My tears must stop, for every drop
Hinders needle and thread.'

"With fingers weary and worn,
With eyelids heavy and red,
A woman sat in unwomanly rags,
Plying her needle and thread—
In poverty, hunger, and dirt,
And still with a voice of dolorous pitch—
Would that its tone could reach the rich,
She sung the 'Song of the Shirt.'"

As population increases some get rich, but the pauper class increases tenfold. In London live the merchant princes of the world, in costly palaces, but in the dark alleys and squalid hovels, the garrets and cellars of that great human ant-hill, dwell a class of wretches who are walking illustrations of poverty, misery, and vice. They belong to the pauper, which is such a great hobgoblin in the eyes of the gentleman from Pennsylvania, [Mr. Kelley.] We, too, have a pauper class growing up in the United States, which has been fearfully increased of late years by the calamities of war and the fluctuation of money values. Our pauper class must for two hundred years consist exclusively of women and invalids. The extent and cheapness of land is such that every able-bodied man can get good wages. The invalid can be supported by public charities. But who shall provide for poor women?

"Old King Cole was a merry old soul,
A merry old soul was he,
He had a little girl and he kicked her out of doors
Because she was a *she!*"

What shall be done with the women? The world has been asking that question more than three thousand years. The answer might readily suggest itself. Let the women have an equal chance to take care of themselves. If they fail, then let us devise a means. Women have been bartered as merchandise, housed up in harems, made to perform such drudgery as men would not do, until men have an abiding faith in their own superiority in all lucrative employments. God made woman free and gave her the gift of understanding, and gave her hands to work. Let us not out of an excess of love tie her hands and let her starve.

An Irish farrier once sent a bill to Lord Donahue: "For doctoring your honor's mare to death, £3 5*s*." Are we not guarding the women to death? Ordinarily a woman has but one means of livelihood—that is her needle. Oh, the pains of stifled breasts and aching eyes and dizzy heads that daily ascend, a voiceless prayer of millions of sewing-women, to the throne of Him who created woman for some purpose. Think not that the dumb prayer of myriad aches is unheeded. A tree grows up in strength and beauty; a poisonous worm is gnawing at its roots; slowly will the tree wither, its leaves fall off, its fruit turn bitter, until at last it is dead as if blasted by the shivering stroke of a thunderbolt. We cannot violate the laws of nature with impunity. If women are raised higher or dragged lower than nature intended, evil must befall. Among the Hindoos, woman is regarded as only a thing to be used for animal gratification. When her husband dies, these people are too fastidious in taste to want his leavings; therefore his widow is only an incumbrance to society, and she is taught and compelled by her religion and her Government

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to burn herself to death with the body of her deceased husband. The cruelty of this custom shocks us. Let one of my radical friends who is voting against women's franchise go out on Pennsylvania avenue, and before he walks five squares he will see a Babylonian woman dressed in scarlet and fine linen, and burnt with fire more scorching than the blazing fagots of a Hindoo widow's pyre; a fire which corrodes the body and sears the soul; a fire which raged in Sodom and Gomorrah long before the skies rained brimstone, and before Lot's wife had crystallized into a salty monument of woman's curiosity. She will give you the wink; but do not follow her. She is the Apocalyptic woman whose "footsteps lead down to hell."

These scarlet women are the holocausts of society. They are mostly uneducated. They have all been pretty girls, and have been innocent babes. Take one of the most depraved of these wretches and trace back her life, and you will probably find that it was not want of virtue but want of bread which dragged her down the fatal abyss of crime. She has been tenderly reared by a fond mother, who has often, as she lay at her breast, gazed into the blue depths of her beautiful eyes, has parted her downy hair caressingly, and kissed her with all the pride and rapture of a mother's love, little dreaming that the child's beautiful lips would ever be polluted with oaths and obscenity. The child has grown up and is left in the world with no capital but her beauty. Brainless and breadless she must henceforth do battle for herself. Bread alone does not satisfy; she must dress, for her business is to catch a man. Before she is aware of it she is in debt. Then the struggle and humiliation commences. There is no honest labor for her to do, but hard drudgery, poorly paid. The seducer comes to her with an offer of bread and clothes and undying love. In a fatal moment of weakness her virtue is conquered, and she submits to his embrace. She is henceforth to be banished from society, and rush down to lower sinks of infamy, until the last step, where all good Christians consign her, to hell!

Her seducer grows tired of her. She hangs about him like a faithful dog; but never more, oh, never more, shall a smile of affection greet her in this world. And what can she hope in the next? She swigs down the fiery Hollands, blurts out oaths, obscenities, and blasphemies because she is given over to perdition and the fiend is gnawing at her heart. Her seducer moves in good society, attends church, and marries and is an exemplary man in every way. Does it not strike you that there is something wrong somewhere? If women were allowed to clerk in stores and perform any labor which they have the capacity to perform, there would be more independence among them, and they would be less subject to the temptations of evil. Virtue is instinctive with woman. When she falls, the blame, in nine cases out of ten, does not rest with herself, The question of the education and employment of women is one of the gravest in the world. On this question we are in the same condition which the barbarous ages left us.

I have shown you that the Radical party was a "whited sepulcher." That it had no republicanism in it; that it sought to enfranchise the negro for commercial and financial schemes. This will not satisfy the people. Woman suffrage is a grand principle pervading society in all its ramifications, and increasing in importance till the millennial day when "seven women shall lay hold of one man," but the interest in the negro will soon flag. I fear the conflict which he will have to suffer at the polls. The instincts of race are so strong that Germans and Irish can scarcely vote together without fighting, because one is sanguine and the other phlegmatic. The instincts of the Caucasian and African are more widely different. Why have not Chinese or Indians ever taken part in politics on the western frontiers? I fear we cannot make a white man of a negro by act of Congress. What says the poet?

"You may break, you may shatter the vase, if you will,
But the scent of the roses will hang round it still."

When you mount the Pegasus of Republicanism, let him soar as high as the American eagle. If you mount this gallant steed to trot quarter-races around the Gulf States, you will be the laughing stock of the world!

What harm will it do to allow women to vote? Those who do not choose to vote may remain at home. I have been told that this would corrupt society and make women rude. Is there anything corrupting in a man's going to the polls with his wife and his daughters, and all of them putting their ballots into a box? The very fact that women were to be at the polls would close every drinking saloon and keep every community orderly on that day. Women attend Fourth of July orations and public speaking in every decent community, and if there is any person who forgets the proprieties that are due to their presence, there are twenty stalwart arms to put him out or take him to jail.

Can CHARLES SUMNER consistenly ask for the enfranchisement of the negroes when a majority of the adult citizens of Massachusetts of sound mind and good character are disfranchised? The election of two negroes to the Legislature of Massachusetts does not wipe out the stain from her escutcheon. And who are the disfranchized? The gamblers? No. The drinkers of whisky? No. The smokers and chewers of tobacco? No. The criminals and convicts? No. The politicians and other vagrant non-producers? No. It is the frugal, industrious, and virtuous class which is disfranchised. It is the busy housewife who gets up in the morning and cooks her lazy husband's breakfast, while he is in bed snoring like a brute; who remains faithfully at home all day like a guardian angel watching over his household; and who darns his socks at night while he is rollicking at the club-house spending his money and her money.

The very name of woman has been in all ages the synonym of virtue. The Lybian women were allowed to participate in the sham battles and wrestling matches at the festivals of Minerva. It was the religious belief that any woman who had ever been unchaste would be wounded in the battles and the penalty was death. Yet nearly all the women participated and came out unscathed. Suppose such a qualification should be prescribed for members of Congress, do you think you would ever call the previous question again on the other side of the House? You would do well if you could get the ayes and noes. We are asked to disfranchise the white rebel because he is an aristocrat, and to enfranchise the negro to break down this aristocracy. But the aristocratic manufacturer of Massachusetts, who sports a gold-headed cane and wears a broadcloth coat with a tail much resembling a cod-fish shall vote, while the poor factory girl who wears her life away with dreary, unpromoted toil, has no voice in the Government.

The husband and wife are one in law, and he is that one, her lord and master. He may give her a thrashing every morning, and if arrested and tried for beating her, he pleads *molliter manus imposuit*, and comes clear, for she is his slave in law. She may be intelligent and thrifty, striving hard to earn a livelihood for her children, whom, under no circumstances, can a mother abandon. But her drunken sot of a husband can drive her about from pillar to post and prevent any one from even giving her shelter. How often do we see advertisements in the newspapers, "I warn all persons not to harbor my wife!" If she works hard to accumulate property or earn a support for herself and her children he must take the proceeds, for he is entitled to her wages, and money paid to her without his authority is no payment in law. She cannot dispose of her separate property, make a will, nor even a dying donation without his written consent. These barbarous statute laws are being modified in some States, but are not the social laws against women still more oppressive?

In no State are the statute laws as liberal toward women as they should be. Why? Look at the materials of which elections are composed! The saloon influence is the acknowledged strongest power in every community. Look at the workings of that influence (always hating and hated by women) in last election. The Radicals had the money. They held the public offices, and were supported by all the moneyed powers in the North. A Radical canvasser buys half a gallon of radical whisky (which has paid a radical tax for the distillery of two dollars per gallon for the whisky, and is, notwithstanding this tax, sold at $1 75 per gallon, radical poison;) with this bottled lightning he drenches the voter, and this sovereign and lord of creation goes reeling up to the polls as drunk as a fiddler's dog to vote "according to the spirit that is in him." Do you not think his poor starving wife could vote as wisely?

You shut woman out from all the easy and honorable ways of earning a livelihood. A short time ago the important national work of making a statue of Mr. Lincoln, to be placed among the art monuments of this Capitol, was by Congress committed to the hands of a young female artist, whose personal worth and brilliant talents place her among the brightest stars in the constellation of American genius. The selection of this young lady to make the statue provoked cruel criticism from venomous pens, which was satisfactorily answered by the following just criticism on the superior genius of male artists:

"It has been said in Congress and elsewhere that it was beyond the ability of her girlish hand to deal with such a subject; that it 'needed the masculine grasp,' &c. Well, a good many artists of the male persuasion have grappled with it during the past year, and the result has been the turning out of Mr. Lincoln in almost every conceivable style. We have him striking a Napoleonic attitude, with distended eye and arms crossed over a protuberant breast. We have him glowering, with Forrestian air, at a set of broken handcuffs. We have him pointing with melodramatic swagger to an ax and rail. We have him in Roman toga, very much to the disadvantage of his lank figure. We have him in bulging trowsers, a smart Talma cloak, and with his strongly-marked grotesque features so idealized as to pass for a Byron. We have him holding all sorts of documents at all sorts of angles, sometimes poised on his left leg and sometimes on his right.

"The masculine grapplers seem to have about exhausted themselves, and the result is not so decisive as to exclude competition. Suppose we give the feminine grasp a show. Her model is yet in the rough, but it shows points of excellence that promise well. The attitude is Lincolnian, and the artist, who made her study from life, has succeeded in catching the benign expression of face that should be perpetuated in a statue of Mr. Lincoln.

"As regards the charge of audacity in the young artist aspiring to contest honors with the Crawfords, Greenoughs, Persicos, and others whose works adorn the Capitol, we cannot exactly see it. We can see nothing to discourage her from emulation in the series of squats in question—the squatting squaw and the bowling Columbus on the eastern portico, the squatting white woman, squatting Italian, Indian, impossible hunter, and nondescript dog on the other side of the steps; the squatting Washington in the eastern yard, shirtless and shivering, with hand uplifted as if calling upon a just Heaven to launch its thunderbolts upon the sculping scallawag who set him out there upon a cold chunk of marble in such inadequate costume; the squatting 'civilization' group, crouched under the pediment; or in the sweet-potato-shaped 'America' in Madge Wildfire headdress, (would to Heaven she could squat!) surmounting the dome of the Capitol."

If a woman is highly educated she may teach school; if not, she must be a sewing-woman, a beer-jerker, or a harlot! If she clerks in a store she is an exception, and must meet the scornful criticism of the world. Nice young men, counter-jumpers, the tulips and daisies of society, who labor under the heavy responsibility of supporting small mustaches, are the proper persons to measure ribbon, sell hose, and corsets, and vote! How many sunny-

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haired girls grow up to find that their freedom of labor is curtailed, their ambition hopeless! They find it necessary to cultivate the baser and more artful part of their natures in order to catch a man. She must have a man to protect her from that beast of prey called society. Whence arises this dread among women of becoming old maids? They are willing to mate themselves with men far inferior to them in every way.

Many a woman of genius whose heart beat high with ambition has exclaimed in the agony of her slavery, "Oh, that I were a man!" Many an old maid whose hopes in life were blighted because she could not catch a man, has sat by her window at night and looked out into the black vault of heaven at the stars twinkling in the distance and longed to fly away to another world where she might be somebody. What is more mournful than the plaint of the old maids:

"Fourscore and four of us
Poor old maids!
Not a penny in our purse,
Poor old maids!
Dressed in yellow, pink, and blue,
Poor old maids!
Nursing cats is all we do,
Poor old maids!"

They meet nothing but frowns from the world and they take these feline little creatures to their bosoms.

If a poor man has a family of daughters his life is a misery to him, and his heart aches when he asks himself, "What will become of my children when I die?" The wealthiest men in the land have commenced life as poor boys. Every young man has a fair prospect for a fortune; but what woman ever made a fortune, or, ever rose by her own exertion from poverty, except by the wages of sin?

"There is a tide in the affairs of men
Which taken at its flood leads on to fortune."
"There is a tide in the affairs of women
Which taken at its flood leads—God knows where!"

A soldier lays down his life for his country; he leaves a widow and helpless children. How is she to maintain her little family? She must depend on the cold charities of the world or marry again! If she asks for employment she is only a woman, and a pauper at that—who heeds her complaints?

"At my casement I sat by night,
While the wind far off in dark valleys
Voluminous gathered and grew,
And waxing swelled to a gale.
Far off 'twas a people's moan;
Hard by 'twas a widow's wail!"

But we are told to wait. This will complicate questions. What more simple than to follow a principle to its corollaries? It is said that woman suffrage will bring odium on negro suffrage! Have the women got so low down in the scale of humanity that their privileges would bring odium upon the enjoyment of the same privileges by the untutored African? If so, shame upon this barbarous people who have reduced them! Why should we wait? There are thousands of women, widows and orphans of men who have fallen in battle, starving and freezing for want of the ballot. There are thousands of virtuous women who are on the brink of crime for want of bread. There are thousands who are now in the meshes of Satan and cry loudly for help; for bread! Why wait and refuse to discuss measures when such grave results hang upon the issue?

It would be superfluous to discuss woman's capacity to vote. She is the natural superior of man in every way. A poet says of Nature:

"Her 'prentice han' she tried on man,
And then she made the lasses O."

I grant that she is not now as intellectual as man. She has not the education. She has never been taught to think. The women know as much about law as the majority of doctors; and much more about medicine than lawyers. What lawyer could have ever invented catnip tea? All things require cultivation and education. When the gentleman from Pennsylvania [Mr. Stevens] takes snuff, the whole radical party sneezes; but I do not believe he could blow a half bushel of potatoes out of his nose as I have seen many a juggler do. Distinguished *ci-devant* conservatives, political acrobats, might display wonderful powers of contortion in the arena of politics, but they would find themselves hard put to it to imitate the flying leaps of Mr. Merryman, and would grow dizzy in following Blondin and turning somersaults on a tight-rope over Niagara Falls.

Let us allow women the chance to use their learning, and they will soon become educated. Let us allow women to be useful to themselves and to society, and they will cease to be so helpless and will be more courted. Why is it that a barbarian woman is a subject of purchase, the man being willing to trade his cattle or his other goods for a wife? It is because they are useful. Why is it that when society has become civilized every inducement and penalty is needed to force men to marry, and women are willing and anxious to marry without?

The author of the Spirit of Laws, (Montesquieu,) who has observed society closely, gives the following reasons:

"Young women who are conducted by marriage alone to liberty and pleasure, who have a mind which dares not think, a heart which dares not feel, eyes which dare not see, ears which dare not hear; who appear only to show themselves silly; condemned without intermission to trifles and precepts; have sufficient inducements to lead them on to marriage. It is the young men that want to be encouraged."

Among the ancients a variety of inducements were offered to tempt young men into matrimony. Not content with these, by the wisest legislators disagreeable circumstances and punishments were annexed to a bachelor state. Among the Lacedemonians old bachelors were obliged every winter to run naked around the market-place, singing a song which pointed out their crime and exposed them to ridicule. It is said that old maids hate the men. Who can blame them? The worm when trampled upon will turn and sting the heel which grinds it. Athenæus mentions a festival where the women seized the old bachelors and dragged them around the altars and beat them severely. At a festival of Ceres the women shut out all the men and dogs and kept them out all night to air their devotion. At a festival of Bacchus the daughters of Mynia, all being in love with young Hypasus, (he had violated the injunction, "Never court but one,") they killed the young man, cooked him, made a fair divide, and ate him.

These are mere straws in history, but they serve to show which way the wind blew. The oppressions of society force women to marry, and the men refused to marry them, and they took advantage of the superstitions of the men to pay them up, (as a good wife sews up a drunken husband in a sheet and beats him.)

While the Romans preserved their primitive simplicity of manners, wives were in such demand that the Roman youths seized by force the Sabine women and married them. But when civilization had made costly ornaments of women and deprived them of usefulness, men ceased to marry. Cæsar offered rewards to men to marry. Augustus, to check the debauchery of the people, laid heavy fines upon men who remained unmarried. The Roman knights pressingly petitioned him to relax the severity of that law. He ordered the whole body to assemble before him, and to separate the married men on one side and the unmarried men on the other. He told the married men that he would appoint them to all the offices, and confer on them all the honors and emoluments of the government, (constituting them the bread and butter brigade of the Roman empire.) Then, turning to the bachelors, he denounced them, and revived the Popean law, which imposed a heavy fine on them, giving them twelve months' time to marry and be relieved of the fine. Some married infants in the cradle, they being less expensive than grown women; others grumbled at the fine, but paid it, saying it was cheaper to give away half their estates than to support the luxury of a wife.

Can woman see any pleasure in the part she plays? She may be gay and festive while in company, showing off her fine clothes, but at night, when this costly paraphernalia is laid aside, what a dreary sense of her own littleness comes over her. She realizes in their bitterest significance the words of the preacher, "vanity of vanities." This is why our daughters and wives look pale and care-worn early in life. There is a "skeleton" in every closet. When she is married all her accomplishments are laid aside. The man who is wedded to a musical wife bewails his lot.

Why is it that with the increase and wealth of a country woman only becomes more burdensome on society? The new demands for labor springing out of the diversification and division of labor find no place and offer no wages to woman. Men's wages increase, but women are still helpless burdens on the community. In my district this is not the case. We have not only the prettiest girls in the world, but the most useful women. The men find great difficulty in getting married, for the girls are independent and can earn a livelihood without marrying.

But look around in your cities and you will see a great contrast. There the women are like ravenous wolves or cunning man-traps. A man has to "bevare of the vidders!" A poor man is in continual trepidation lest he should fascinate one of them. If he is married he brings his nose to the grindstone. She can be of no earthly use to him in business, her ideas run in a different current from his, and she can have no social relations to him except to ask him the news and detail to him the gossip and slander of the day. If she asks about his business he frowns, and if he inquires about household affairs he is pertly informed that it is none of his business. Women put on airs of frailty. A young lady in company will cut a pea in two, it being too large for her delicate mouth; but as soon as she is alone she will cram a whole corn-dumpling down her throat.

I know that success in my undertaking to enfranchise the women is not likely. When I look around in this Hall and see so many men whose bald heads and hooked noses denote that they have passed that period of life when even the heroic retreat of Joseph has any merit in their eyes, I feel discouraged. The gentleman from Pennsylvania—the modern sea-green incorruptible, who was so reluctant to visit Harrisburg—is an old bachelor. He knows that if women were in power the scepter would pass from Israel. When the great archangel of radicalism is hostile to the female cause, what may we expect of his imps?

Then the clerks in cities who compose the voting class will be hostile to this measure. If women were allowed to clerk in stores these counter-jumpers would lose their places. They fear the competition. The saloon influence, the strongest power in the land, is hostile to woman suffrage. A woman whose husband and sons have been poisoned would not show much quarter to the dealer of poisons. Here again the people of my district are more fortunate than in most localities. A man may get gentlemanly tight or even gloriously drunk at any corner-grocery in southeast Missouri without disturbing the peace, killing his neighbor, beating his wife, or voting the Radical ticket; for our saloon-keepers sell good liquor. Other parts of the State are less fortunate. I need not tell you how much "red-eye," "tangle-foot," and "bust-head" it took to roll up four thousand Radical majority in the St. Joseph district. When I advocate woman suffrage it is not because my constituents need it, but for the advancement of the civilization of the world. Like Anacharsus Klootz, I am the friend of the human race:

"No pent-up Utica contracts our powers,
But this whole boundless continent is ours."

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The women of my district would probably not exercise this prerogative, but it is their right and they should have the privilege to exercise it. As long as the men vote right the women would be slow to obtrude themselves upon the public. But in great public emergencies they would step forward and save the nation.

Rollin in the introduction to his Ancient History, mentions Aristophanes' play, Lysistrata, and comments on it as follows:

"One of the principal magistrates of Athens had a wife of that name, who is supposed to have taken it into her head to compel Greece to conclude peace. She relates how, during the war, the women, inquiring of their husbands the results of their counsels, and whether they had not resolved to make peace with Sparta, received no answers but imperial looks and orders to mind their own affairs; that, however, they perceived plainly to what a low condition the Government was declined; that they took the liberty to remonstrate mildly to their husbands upon the rashness of their counsels; but that their humble representations had no other effect than to offend and enrage them; that in fine, being confirmed by the general opinion of all Attica that there were no longer any men in the State nor heads for the administration of affairs, their patience being quite exhausted, the women had thought it proper and advisable to take the government upon themselves and preserve Greece, whether it would or not, from the folly and madness of its resolves. 'For her part,' she declares that 'she has taken possession of the city and treasury in order to prevent Pisander and his confederates, the four hundred administrators, from exciting troubles according to their custom, and robbing the public as usual.' She goes on to prove that the women only are capable of retrieving affairs; that admitting things to be in such a state of perplexity and confusion, the sex, accustomed to untangling their threads, were the only persons to set them right again, as being best qualified with the necessary address, patience, and moderation."—*Rollin's Ancient History*, vol. i., p. 69.

When France was beleaguered by foes and was about to fall under the dominion of a foreign scepter, the dark-eyed Maid of Orleans buckled on her armor and headed her nation's hosts and saved her country. And at a later day, when terror reigned in the republic, and a radical party, drunk with blood, had struck down religion and law, when every fireside was invaded and the busy guillotine chopped off the head of conservatives all day and all night, day after day, until men were struck dumb with fear, the blue-eyed Maid of Caen came down to Paris, and Charlotte Corday struck her dagger to the heart of the chief of the infernal triumvirate and turned back the red waves of the surging revolution. Women are timid and averse to destroying anything; but when danger is so great that the stoutest hearts of men are appalled, a woman's courage rises to the full height of her divine nature, and she is always ready to sacrifice herself for the good of others. I read yesterday an account of a tornado which swept along the Mississippi river above Vicksburg. When it struck the house the father called to his children to escape from the house and he ran off himself. The mother, with that God-given heroism which women alone possess, rushed in to save them, and the roaring hurricane dashed down the building upon her and she died with her children.

These resolutions single out the District of Columbia and the State of Massachusetts as the theater of experiment. The District was put under the absolute dominion of Congress that it might be the Utopia of the nation. Tom Corwin related an anecdote of a pioneer company which went out to Oregon to found a settlement. They run out of provisions, and had to subsist on such roots and herbs as they could find. One day they got a mess of greens which proved noxious, and made them all sick. They had with them an orphan boy that no one took any particular interest in. They concluded that whenever they found any herbs that they had never seen they would make this boy eat of them first, and if they did not kill him they could all eat them. The District of Columbia is our orphan child, and we have tried negro suffrage here. We cannot do worse than we have done, and that gives me confidence to press this measure. Let me say generally that men are fast losing sight of the great principles of patriotism and justice. They are generally controlled by implacable hatred and prejudice or by sectional selfishness and greed. Women could not do half so badly as the men.

Our boys in blue have intermarried with the dark-eyed girls of the South; and the gallant boys in gray have won the affections of golden-haired maids of the North. Let us unite political affinities with these personal attachments which are constantly springing up in every community and our whole people will soon have their hearts full of union.

Though I have no hope of practical results from this Congress, I confidently expect that the Forty-First Congress will come here pledged to give the women their rights. If the prominent women of the United States withdraw their support from the Radical party, it will fall to rise no more. If you provoke opposition from such women as Mrs. Mott, Mrs. Stanton, Anna Dickinson, Lucy Stone, and Fannie Gage, they will drive your radical orators from every stump in the North. Who get up your organizations and societies; who raise your funds; who get up your sanitary fairs? The women! It was through them that millions of dollars have been raised for the men of the Radical party to spend. I tell you that every woman of talent throughout the North is impressed with the conviction that she is injured by this forced repression and social ostracism. They say truthfully that genius and talents have no sex.

There is a general reform steadily progressing over the North, especially in the Empire State. There every woman may control her own property as a *femme sole*. She may enter into copartnership, trade, or engage in any business, and nothing mars her prospects except the influence of social custom and prejudice. That is being rapidly overcome, and the men have been brought down a peg. They condescend to assist their wives in the hardest drudgery. They provide conveniences and make their homes comfortable and their work light. It is a spectacle of great significance and moral sublimity as you pass by a New England farm of a winter evening to see the devoted husband with his head against the sides of old Brindle, squeezing the foaming milk into the pail, while his flaxen-haired first-born stands in front feeding her with "nubbins" and his loving wife is near by affectionately holding the calf. Such a scene is well calculated to inspire the friends of humanity with hope.

Intelligence is gradually restoring to women the rights that are withheld from her by force. The world is fast learning that war costs more than peace. The gentleman from Minnesota [Mr. WINDOM] demonstrated to us that it cost this Government over two million dollars to kill an Indian, and with that amount we could support the whole Indian race for a longer time than it takes to make the longest campaign. Killing is the most costly amusement which mankind enjoys. Let the women vote and we will have no more war. A woman would bear a great deal before she would plunge the country into war, for she is more injured by war than any other portion of society. Among the Romans the women were not taxed for war debts. On one occasion, in a great distress for money, a tax was laid upon the property of women. Hortensia and four thousand Roman matrons appealed to the prætor. She made a speech against war, and against the injustice of taxing women for war, that has come down in history as a remarkable piece of eloquence. The prætor struck their names from the tax list.

The women are oppressed because they have submitted without a murmur. But that time is now past, and from this time on this question will be agitated. Our forefathers submitted to the imposition of unjust taxation without representation until the burdens became so onerous that they passed non-intercourse resolutions and threw off the yoke of Great Britain. This last Government in 1812 assumed prerogatives inconsistent with the honor of our nationality, and our Government laid an embargo on our ports, and the British lion was forced to drop his tail and waive his high pretensions. Let the women imitate our forefathers and have nothing to do with men who deny them their rights, and these self-constituted lords of creation will soon be humbled as the British lion was.

Last night I attended the temperance meeting in this Hall. I listened to the eloquent speeches from the cream of orators of the United States. The startling character of the revelations were enough to freeze one's blood and make—

"Each particular hair to stand on end,
Like quills upon the fretful porcupine."

Intemperance we were told filled our jails and penitentiaries; scattered misery and starvation over the land; struck down giant minds and made them driveling fools; corrupted society from its foundation; invaded the forum and the pulpit, and even provoked international wars. A distinguished speaker said that a few years ago Lord Buckingham introduced into Parliament a resolution asking for a committee to inquire into this great evil which was destroying the revenue of the nation and the bone and sinew of the realm, and that he was laughed at. But Lord Buckingham was a man of great eloquence, and before he sat down he changed their laughter to tears and forced them to give him his committee, which committee had made an able and convincing report in behalf of temperance. I thought of my own effort here to get a committee in behalf of a cause lying back of surface reforms, and how I was laughed at by grave men who never laugh except to sneer, and how a little select committee of five was refused me. Then I wished for the eloquence of the great temperance reformer that I might command the serious attention and impress my convictions upon the House. Oh, if I had the eloquent Voice of the gentleman from Massachusetts [Mr. BANKS] I would make this House ring with *ore rotundos* until I brought you all to a sense of justice. So much for Buckingham.

After I left the Hall the graphic pictures drawn here haunted me until I fell asleep. Then I had a dream, which was not all a dream. A spirit stood beside me dressed in white raiments. Said I, "Who are you, young man?" He replied, "I am the spirit of just men made perfect." He had an empty bottle under his arm, with which he struck the table where the head-notes of my woman-suffrage speech lay. Immediately I saw an election, and the spirit said "1860." The people ranged themselves along the bar-rooms and said it was "candidates' treat." The candidates treated and drank, and everybody had a jolly time. Then I saw the elected candidates assembled in Congress, and great discussion arose, and the partisans on one side went out and took a drink, and came back saying, we will have our way or fight; and the partisans on the other side went out and took a drink and came back saying, we will have our way or break up the Government. The good men tried to counsel moderation, but neither faction heeded their counsels.

Then the spirit struck his bottle on the table again and the scene was changed. I saw the sky red with the glare of a thousand stricken battle-fields, and heard the opening roar of war, and saw brave men fall, and heard curses and prayers ascend from two million begrimed warriors toiling and fighting, and I saw two million families wring their hands with agony of suspense or despair. Said I, "What means this?" The spirit replied, "This is man's sport; it is the jolly dance of war!" Then I saw a black cloud of men in the distance, and saw a great bird of prey hovering over the whole army, and heard this bird scream with delight. Said I, "What bird is that?" The

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spirit replied, "That is the American eagle." Said I, "Young man, what makes the eagle scream so?" He replied, "Because the colored troops fought nobly."

Then I saw another army, five hundred thousand strong, headed by young captains, who shouted and laughed as the champagne bottles popped around them; and in the train were old, palsied, bottle-scarred veterans, nodding their heads with driveling imbecility. Said I, "What means this army of scare-crows?" He replied, "That is the army of drunkards in the United States." "Where are they marching?" said I. "To drunkards' graves," said he. "Fifty thousand fall each year in the United States." I saw a million ragged women and children, with pinched, hungry faces following the drunkard army to perdition. Said I, "Is there no way to disband these armies?" He struck the old junk bottle on the very head-notes of my speech, and immediately I saw five million white-breasted martins fly up as if released from a cage, and as they rose in the air they flocked around the American eagle and picked him feather by feather, until he was fain to perch in his eyrie, and a white-winged dove of peace hovered over the land! And over the drunkard's army I saw a fierce hawk. "This hawk," said the spirit, "is the liquor vender, who sinks his poisonous fangs into the proudest in the land, and drags them to the drunkard's grave." Then the white-breasted martins darted at him and tore him limb from limb.

Then I saw millions of paper fragments falling gently from the skies. "These," said the spirit, "are the ballots of the women who have suffered from war and whisky." When the hawk was dead an angel hovered over and emptied the horn of plenty upon a happy people and war disappeared from the earth; grog-shops were supplanted by places of industry and thrift. I saw Katy lead Dick to the polls, and as they walked and whispered lovingly, they said: "We have removed all temptation and closed the corner-grocery." Then the spirit dashed the old junk bottle on the hearth-stone saying, "There is no more use for this." And I saw an angel of the fireside gather the fragments and make a flower vase of them, and a bunch of fresh blooming posies shed their fragrance over the room. "Now," said the spirit, "every woman will have a husband, and what is more, every man will have a wife." If there are any other members who are, like myself, "Josephs," they can interpret that dream.

Civil Government in Louisiana.

SPEECH OF HON. B. M. BOYER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 12, 1867.

The House having under consideration the bill reported from the select Committee on New Orleans Riots (H. R. No. 1162) for the reëstablishment of civil government in the State of Louisiana—

Mr. BOYER said:

Mr. SPEAKER: I am not as well prepared to enter upon the discussion of this bill now as I would have been if I had supposed that a measure of this kind was to be introduced and put upon its passage at this time. I am not as well prepared as I should have been if it had been supposed when the House adjourned yesterday that debate would be allowed upon this bill to-day at all. But unprepared as I am, and without notes or previous arrangement, I shall endeavor to present my objections to this measure in such form, however desultory, as that they will be at least understood for whatever they may be worth in substance.

This is another example of that impetuous legislation to which this House has been too much accustomed. There are excellent reasons, which unfortunately do not seem to have found a lodgment in the minds of the gentlemen who represent the Republican party here, why a measure so important as this should be properly debated and considered. There certainly can be no good reason why a bill so important and involving in its consequences the interests of so many thousands of people should be hurried with hot haste to its passage under the operation of the previous question after but two hours' debate. It seems to be much easier for the dominant majority in this House to unite in a measure which aims at the destruction of States than in a measure intended to restore them. They have as yet agreed upon no plan for the restoration of the Union; but to keep the States apart there have been many devices which commanded the united radical vote of this body.

No plan for the restoration of the Union has succeeded, because no plan of reunion will suit this Congress but one which will perpetuate the dominion of the Republican party. It is not because the Constitution will not be obeyed, nor because the laws cannot be enforced that the ten excluded States are deprived of representation upon this floor. It is not, therefore, because this Union cannot be restored that we are still a divided nation. The difficulty is not because you are not able to bring back the citizens of the southern States to their allegiance to the Government, but because you cannot at the same time convert them into radical Republicans.

Mr. Speaker, what does this measure propose? It proposes, sir, to abolish a State government. It proposes to wipe out a State constitution. And what sort of a government and what sort of a constitution is it here proposed to subvert?

The constitution under which the government of Louisiana is at this time in peaceful and successful operation is the constitution adopted more than two years ago, and ever since that time recognized and obeyed as the constitution of that State. Every civil office in the State of Louisiana has been filled under its authority. Two successive State Legislatures have been elected, have met, and have adjourned under its provisions. Everywhere throughout the State of Louisiana the courts are open and speech is free.

I admit that the constitution which it is proposed by an act of Congress thus to abolish was not originally a constitution regularly made with the active coöperation of the whole people of the State. The authority to assemble the convention which originally framed that constitution was an authority emanating from a major general commanding the Department of the Gulf. But a majority of the parishes in the State sent delegates to the convention, a constitution was framed and submitted to the people of the State, and ratified by them; and the Governor of the State issued his proclamation that it had been regularly adopted. The whole people of the State of Louisiana have since then acquiesced in it and obeyed it as such for more than two years past, during all of which time Congress has not interfered. If there were anything in the existing government of Louisiana which was subversive of the principles of the Federal Constitution, or if there were anything in the constitution of Louisiana so unjust in its provisions as to call for the speedy application of a remedy for the sake of humanity, there might indeed be some pretext for such a measure as this.

But it is a constitution framed by the very men who now ask this Congress to destroy it. It abolishes slavery and prohibits the Legislature from recognizing the right of property in man. It prohibits the payment of the rebel debt; it authorizes the Legislature to extend suffrage to such of the colored population as by military service or by taxation to support the Government or by intellectual fitness may be deemed entitled thereto. It disqualifies from holding office, either of profit or trust, and from exercising the elective franchise, every person convicted of treason. Such is the constitution which this bill proposes to nullify; and the State government established under this constitution is the government which this bill proposes to overthrow.

I well know that Congress is besieged by individuals claiming to be loyal citizens of the State of Louisiana, who say they have been driven from their homes by political persecution. I know that there are such in this city at this time; probably there are some of them at this time in the galleries or in the lobby of this Hall and within the hearing of my voice.

Some of them may be patriots, but all of them are office-seekers and political agitators, and most of them intemperate in speech and action. It can easily be shown, also, that those most prominent among these gentlemen are not men whose antecedents justify them in setting themselves up as the accepted standards of loyalty and Unionism in Louisiana. Some of them were confederate office-holders, and took the oath of allegiance to the confederate government. Some of them were members of secession societies in the early part of the war, organized to exercise espionage over the movements of Union men. I could name some among them who voted in favor of hanging Union men for their Union sentiments, and who assisted in driving them beyond the lines of the State for no other reason than that they stood by the flag of the nation. I will not name them here; I have named some of the most prominent among them in the minority report, which, as a member of the Committee to investigate the New Orleans Riots, I had the honor yesterday to present to this House. I have named them in that report, and I have accompanied the mention of their names with the proof. I maintain that even these men can live safely in Louisiana; but they are here to traffic with their bogus loyalty and to manufacture political capital out of their voluntary martyrdom.

These men tell us that they cannot live in peace in the State of Louisiana, and they ask us for their sakes to establish another government there. Look to their antecedents, and it will be seen that it is office they want rather than peace. They were the advocates of the rebellion when it was strong; they deserted it when it became weak. They were only political adventurers then; they are but political adventurers now; and what they want is not a better government in the State of Louisiana, but they want a government so constructed that under it they can obtain the monopoly of the offices. That is all they want.

At the foundation of this proposed change of government in Louisiana are two motives. One is to get hold of the offices of the State; the other is to bring Louisiana ultimately into this Union with a Radical-Republican representation in Congress. Why is she and why are the other nine States that have no representation upon this floor excluded, while Tennessee has been admitted? Tennessee was a part of the confederacy; Tennessee seceded; Tennessee fought gallantly in opposition to the Union cause side by side with Louisiana and South Carolina. Why is it that Tennessee is not proscribed? Why is it that we see her Representatives upon the floor of this House? There are two reasons. One is that Tennessee bent her knee in subserviency to radical rule. She elected a radical Legislature and a radical Governor, by the help of certain restrictions imposed by the Federal Government upon her voting population. The other reason is that the President of the United States is himself a citizen of Tennessee, and it was too striking and practical a refutation of the radical theory of exclusion that an "alien enemy" should sit in the presidential chair.

But gentlemen on the other side of this Chamber seem to think that they cannot afford to

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admit any more of the "wayward sisters" into the national family; not that Unionism would thus be put down, because the representatives of all the southern States, if admitted here would constitute a powerless minority; but the fat offices would slip away from the Republican grasp, and the tyranny of the two-third majority would come to an end.

In order to bring in the now excluded States of the South at some future day as States in subservient accord with the dogmas of the Republican party, it is necessary to resort to certain measures of coercion subversive of their rights as States in the Union. Louisiana is to-day to be selected as the victim. If the experiment succeeds, it will be tried on all the others. It is unblushingly proposed by this bill to effect that purpose by establishing a negro government in the State of Louisiana. The fifth section of the bill extends the right of suffrage to the colored population without restriction. There are in the State of Louisiana about twenty-eight or thirty thousand white voters. If suffrage is extended to the colored population, as it will be if this bill passes, there will be from thirty to thirty-five thousand negro voters. Therefore, the State of Louisiana will pass out of the hands of white men into the hands of the negroes as soon as the government organized under this bill shall go into operation.

But this does not seem to be sufficient in the eyes of its authors to insure the accomplishment of the design; and therefore it is that this bill provides in addition for the disfranchisement of a majority of the white voters of the State. Rufus King Cutler, one of the most influential leaders among those who set themselves up to be the peculiarly "loyal" men in the State of Louisiana, in his testimony before the investigating committee, after mentioning the statistics of population to which I have just referred said, that after the extension of suffrage to the negroes and the disfranchisement of white men (just as is provided in this bill) he believed that with the help of the military power of the United States the local government thus established might be maintained. One might suppose that gentleman had drafted this bill; it accords so well with his notions of what the government of Louisiana should be.

And who is he who sets himself up as the indicator to this Congress of the kind of government which ought to be established in that State? There was during the war a rebel company known in the confederate army by the name of the "King Cutler Guards" a company equipped at the expense of the individual I have named. I shall not consume time by going over in detail the loyal antecedents of the other gentlemen to whom I have alluded. I refer those who have any curiosity upon the subject to the report of the minority of the investigating Committee on the New Orleans Riots.

I have not heard urged upon this floor by the honorable gentleman who reported this bill, and whose first intention it was to pass it without any debate, any reasons assigned why the existing government of Louisiana should be abolished; and therefore it is impossible for me to take up his argument as I should like to do, step by step, and show upon what sort of a foundation this proposition rests. I cannot analyze his argument, because he has presented none; and it is therefore left for me to anticipate what possibly might be the excuse which would be offered if he had condescended to offer one at all.

It was said some time ago, when the committee was appointed to investigate the New Orleans riots, that there had been registered in this Congress—in some secret Republican caucus, I presume—a decree that the government of Louisiana was to be subverted, and the State reduced to the condition of a Territory, and that a committee of three had been appointed to go down to New Orleans for the purpose of hunting up an excuse for such legislation. If we look to the report of the majority of the committee, and to this bill submitted by the chairman, it appears that the committee has come fully up to the demands of its mission.

It will be a surprising thing doubtless to the people of Louisiana when they learn a committee, sent to New Orleans for the purpose of investigating a local riot, put upon trial in secret session the State of Louisiana itself, and now hold accountable before this Congress and the nation the entire people of the State for a local disturbance in which a few hundred were engaged, and which was confined to a few squares within the city of New Orleans. It might have surprised even me, as a member of that committee, if I had not had some previous experience in this body, when I found the range which the inquiry was taking, and the determination to hold accountable for its consequences so many thousands of those who never had any knowledge or warning of the disturbance. The riot of the 30th of July does, indeed, embrace some circumstances much to be deplored; but I maintain that it did not arise in any degree whatever out of any hostile feeling which the people of the city of New Orleans or the people of the State of Louisiana entertained toward the Government of the United States. It was a riot which under similar circumstances could have been provoked in any other quarter of the Union.

But while the committee was investigating the origin and progress of the riot, there was "lugged" into the examination a great deal of testimony bearing on the general sentiments and feelings of the people of the State of Louisiana, not by the introduction of facts, but of opinions. The facts themselves were meager enough, but the opinions were as strong as the majority of the committee could desire; for they called to the stand as witnesses upon this point the very individuals who by incendiary speeches and revolutionary acts and threats of violence had themselves produced the riot, and they came before the committee and swore through their own case as a matter of course.

It would have been much more conducive to the ends of impartial justice if there had been some consultation between all the members of the committee as to some impartial system to be pursued in the examination of witnesses in the case; and that would have been done if it had been intended to make this investigation profitable for any other than a party purpose.

If the public sentiment of the State was to be inferred from the testimony of witnesses called by the committee, it would have been more in accordance, in my judgment, with the ends of a fair investigation, and more productive of light upon this important question if it had been so arranged that from all parts of the State men not involved in the movement of the conventionists of the 30th of July had been summoned to testify in regard to the state of affairs in their respective localities. When the committee did allow, upon the suggestion of citizens of New Orleans, witnesses to be called whose opinions on public questions might be regarded as reliable from the character of the witnesses themselves and from the position they occupied in society and in the State, it will be found upon reference to their testimony that the government of the State of Louisiana as it now exists is a government in which justice is for the most part fairly administered in the courts and elsewhere, without distinction of race, color, or political opinion.

Most of the witnesses here alluded to had been Union men, not such Union men as the "latter-day saints," to whom I have before referred, but men who were loyal in the beginning, when the rebellion seemed to be strong and when public sentiment was overwhelming in its favor, men who stemmed the secession tide, who resisted the influences which were employed to carry the State of Louisiana out of the Union, as long as resistance could be of any avail, and therefore men to whose judgment and statements of fact we ought to pay a decent regard. The individual instances in which facts were testified to showing injustice in the courts were very few. There was but a single district in the whole State of Louisiana in reference to which there was any proof whatever that the course of justice had been obstructed or that jurors were influenced by their political feelings.

I do not propose to take up the testimony and show in detail what appears in the evidence. I leave that to the members of the House who desire to enlighten themselves by the perusal of the testimony hereafter to be printed and laid before them. I see, at this moment, in the hand of one of my colleagues, the chairman of the committee, an advance copy of the printed testimony; and if he or any other gentleman on the other side desires to make a speech on this subject I have no doubt he can select from different parts of it much which, standing by itself, would seem to favor the views of those who are pressing the passage of this bill, for the testimony is voluminous and varied. Time does not permit me to enter upon that sort of analysis of the testimony, and all I propose to do this day is simply to refer gentlemen to the testimony itself, and to ask that before they vote upon this bill they shall take time to look it over and to investigate the subject in a manner befitting the magnitude of the occasion.

It is no light thing to take away the government of a people and blot out the existence of a free State.

There are those in this Hall who profess to regard with veneration the precepts and example of the late President. I have always myself regarded the memory of President Lincoln with respect, because whether he was right or wrong I always thought he loved his country and was actuated by patriotic motives. In reference to this very government of Louisiana, one of the very last councils he gave near the close of his Administration was that the government of the people there, inaugurated under the constitution of 1864, should be encouraged. You remember well the homely but apt illustration by which he enforced his counsel. You could sooner get a fowl by hatching the egg, said he, than by smashing it; and that although this government of Louisiana might then not be precisely all that might be desired, it was a move in the right direction and ought to be fostered and sustained by the Federal Government. But no chickens are allowed to be hatched by this Congress unless the eggs have upon them the label of the Reconstruction Committee, and warranted to produce radical Republican fowls. [Laughter.]

A MEMBER. Shanghais. [Laughter.]

Mr. BOYER. Therefore it is that the committee of fifteen, organized nearly two years ago for the purpose of restoring this Union, have sat upon their basket of eggs without producing a single well-developed living fowl; and we have at last the authentic announcement of the chairman, the gentleman from Pennsylvania, [Mr. STEVENS,] made yesterday to the House, that the eggs were all addled. [Laughter.]

I do not say that the government of Louisiana is perfect in its operation or that no injustice is ever suffered there. I do not say that in every court in that State every judge is infallible and every jury unbiassed. I know of no States and I know of no courts anywhere within the limits of this broad land to which we can impute absolute perfection and infallibility. But I do say, that as a general thing and in the aggregate the State government of Louisiana as it now exists, and as it is now administered, under the constitution of 1864, is a government in peaceful and regular operation, under which, in general, the laws are

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faithfully administered and the rights and interests of the people of that State of all classes respected and preserved.

I do not say that at this very moment there ought to be withdrawn from the State of Louisiana every Federal soldier, nor that it may not still be useful to exercise some supervisory power over the police regulations of the city of New Orleans or elsewhere in the State of Louisiana. But I do say that the laws which we now have will enable us to do that, so far as it may be necessary, and that there is no occasion for passing other laws for that purpose.

Whatever in that direction needs to be done can be done hereafter as it has been done heretofore. The peace of the city of New Orleans and of the State of Louisiana can be preserved now and hereafter as I maintain that it has been heretofore preserved, as a general rule, during the whole two years of the existence of the present State government. Since that government came into existence there has been but one riot that we know of anywhere within the limits of the State of Louisiana, and that was a riot confined to a small portion of the city of New Orleans, and in which comparatively few of the inhabitants of that city can in any way be shown to have been engaged. And even if we put the very worst interpretation upon the acts of the rioters, how can we, with any show of justice, hold seven hundred thousand inhabitants of the State accountable for a local disturbance?

I have discussed this measure thus far as a question of justice and policy more than as a question of constitutional right. I do not propose to enlarge upon the latter aspect of the case upon this occasion; nor should I feel inclined to do so even if I had time. The principle involved has been often discussed in this House. But I do say that there has never been a measure proposed, even in this Congress, which presents to my judgment a clearer usurpation of constitutional power or a more flagrant and tyrannical subversion of popular rights than the bill now before this House, which seeks to set up against the will of nine tenths of the white people of Louisiana a negro government in that State, supported by military force. This bill, in effect, establishes a military dictatorship; because in all things the civil government which it pretends to establish is subordinated by its provisions to military supervision and control.

How does this bill accord with the pledge which was given by an almost unanimous vote by this Congress to the people at the outset of the war, and during the progress of the war repeatedly renewed, that the war should be prosecuted only for the purpose of restoring the Union "and maintaining the dignity, equality, and rights of the several States unimpaired?" It was by that pledge that you recruited your armies; it was by that pledge that you were enabled to man your Navy; it was by that pledge that you were enabled to rally the whole people of the North, of all political parties, as one man in defense of our nationality. By that pledge, and in that sign, you triumphed over the rebellion; and now, when you feel yourselves secure, instead of redeeming that pledge which you gave to the loyal people of the North, and to the loyal people of the South as well, you introduce bills here which provide, in express terms, for the dismemberment of this Union, and which regard neither the dignity nor the equality nor the rights of the several States. Borne upon the wave which the war-storm rolled over the nation you floated into power. I admit that you are intrenched everywhere throughout the country in possession of State Legislatures and the Governors of States, and you feel yourselves strong because you assume that at the recent elections you were indorsed by the people. But have a care lest you tempt too far the credulous confidence of your countrymen.

There have been measures, of which this is one, introduced and passed in this Congress which tend to revolution; such a measure as this is revolution itself. And if gentlemen persist in their vain attempt to radicalize the South, if they are not content with southern allegiance but insist upon southern support for their party measures; if they are not content with the absolute abandonment of the right of secession, which, as all here well know, has been surrendered by the citizens of the South in good faith; if they are not willing to receive back these States as States when their people in good faith are willing to renew their allegiance to the General Government; if they protract these unhappy dissensions too long; if they falsify their pledges too grossly and too persistently, the country will some day awaken to the full knowledge of the fact.

Gentlemen should remember that although rebellion such as we have had is a crime it is possible to make even rebellion respectable. The red-handed rebel striking for a freeman's rights against the oppressor's wrongs is applauded by mankind and glorified in history. Let this Government beware, so that its acts may breed no such rebels here as did George III and his British Parliament.

Magnanimity is the crowning grace of the conqueror.

When Cæsar burned without reading them the letters by which some officious spy sought to reveal to him the offenses of his enemies and the treachery of his pretended friends, he became in the estimation of posterity a greater man than if, like the majority in this Congress, he had instituted mousing committees to go all over the country for the purpose of making out cases to justify punishment.

The Roman Senate, when it made citizens of its alien and conquered enemies, was engaged in a nobler and a wiser work than the members of an American Congress plotting for the disfranchisement of millions of their own countrymen.

I do not suppose anything I can say will alter the predetermination of a single member of this House. I know that the passage of this bill cannot be prevented if it has already been resolved upon by the majority, and I would not have deemed it of any utility for me to say one word in opposition were it not for the fact that as a member of the committee who have reported this bill, I owe it as a duty to myself and to my constituency to clear my skirts of all responsibility in the matter.

I have not thought fit to repeat here the particulars upon which I have commented in the minority report to which I have referred. If, however, the riot which happened in New Orleans on the 30th of July is to weigh with members in their action upon this bill, it would be a source of some satisfaction to me if I could imagine that the report had been read. Of that satisfaction, however, I am deprived, as it was only presented yesterday, and not as yet in print. It is, however, so far as the action of the majority is concerned, a matter of little practical importance if, as it seems, when the select committee was appointed the decree had already been registered that the State government of Louisiana was to be subverted and a new government established by Congress more in accordance with the designs of the Republican party. Still it would have been a more discreet policy on the part of gentlemen on the other side if they had paused until the country might at least be supposed to think that the subject had been fairly examined. To pass this bill at this time must appear not only to this House but to the entire people of the country as if the case had been prejudged, and as if this committee was sent forth, not for the purpose of eliciting information, but merely for the purpose of making out an excuse for an act of tyranny the perpetration of which had even then already been resolved.

Reconstruction.

REMARKS OF HON. J. W. HUNTER,

OF NEW YORK,

In the House of Representatives,

February 15, 1867,

On the bill (H. R. No. 1143) to provide for the more efficient government of the lately rebellious States.

Mr. HUNTER. Mr. Speaker, I shall vote against this bill because of its dangerous and mischievous tendencies, and because every interest of the country demands the peaceable restoration of the Union in all its fullness and integrity. This bill is contrary to the whole theory of the contest in which thousands of brave men have died. We certainly waged this fearful war to prevent a dissolution of the Union. The victory won, are we living up to our professions, or are we allowing a noble purpose to degenerate into silly contentions and personal abuse of those who happen to differ with us in the political contests of the day? Who will not remember when Congress assembled in this Hall in trembling anxiety and in prayerful hope that the life of the nation might be saved? I ask attention to the great resolution of this House, adopted on the 22d of July, 1861:

"*Resolved*, That in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease."

Somewhat different from the resolutions of the present day. But "new occasions bring new duties." What were the duties of that hour, with the rebel flag floating within sight of your Capitol? Did any one think of inquiring into the political views or of the kind of votes then lately given by the hundreds of thousands of the brave men who came freely to offer their lives in defense of their country; to stand between you and certain destruction; when these heroes, coming back victorious, but marred, scarred, and maimed with the wounds received in the war, and having, perhaps, by the favor of the President of the United States been appointed to some minor office? It seems to become the new duty of the occasion to look these brave men in the face and reject them from office because they happen to have voted contrary to the views and wishes of the dominant party at the last election. The President himself is villified and abused, and even those who in the least sustain him in this his great offense are branded as traitors and in complicity with rebels.

It is said that the most belligerent parties now in the South are the parsons and the women. Who are the most belligerent among us; who are the strongest advocates for war-like measures upon a beaten and a vanquished foe—a people so poor and impoverished that the benevolent of our larger cities are at this moment collecting money to save them from starvation? Are they not identified with the party who, by continued agitation on this and kindred subjects, strive to keep themselves in power; who war upon the President, upon the small minority in this House, upon any one, just to keep their hand in practice? But however necessary to the life of a party it may be to keep up a system of agitation and commotion, it is not exactly what the great mass of the people want. They want a quick, quiet settlement of our national difficulties. The great national wish is for a peace which will embrace the whole land; that trade and commerce shall be allowed to flow in their accustomed channels; that every feeling which would bind and cement a people together

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should be encouraged. To accomplished this I am willing to vote for any measure having clearly in view the complete and final settlement of our difficulties coming from any quarter, from any individual, or from any of the great leaders of this House. It matters not to me so that this great object is attained. I am in favor of forever setting aside the concoctors of the late rebellion; they should

"Never more be officers of mine."

Yet no vote of mine shall be given which would blot one star from the flag nor one State from the Union.

With care we may escape the dreadful dangers which now surround us, become a truly united people, with energy to restore, beautify, and stimulate the great resources of the country, and take our stand as the foremost nation of the world. We can do none of these things under this bill.

Reconstruction.

REMARKS OF HON. J. H. DEFREES,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 12, 1867,

On the bill (H. R. No. 1143) to provide for the more efficient government of the lately rebellious States.

Mr. DEFREES. Mr. Speaker, but little over six months ago this Congress submitted a plan to the country providing a way by which the States lately in revolution might be restored to "their practical relations with the General Government." That plan was supposed at the time to have been a liberal one upon the part of the loyal States, and the generosity of the people of those States was fully manifested when the question came to be submitted to them for consideration. None doubted but that the disorganized States would readily accept of the constitutional amendment as a finality, and thus forever settle the existing difficulties. But in that expectation the country has been disappointed; and it is not necessary to discuss the question whether such refusal was brought about by the Executive, as some allege, or whether the rebellious spirit alone that seems yet to exist on the part of the community that inhabit those States caused its rejection. One thing, however, is a fact, that all the disloyal States have repudiated it.

Under these circumstances it would seem that something further in the way of legislation should be done—in addition to the proposed constitutional amendment, which I believe should still be exacted as a condition—which will speedily cause to be organized republican governments in those States, and which will give full protection to all the people.

To effect this object a number of bills have been drawn and reported to the House, and among them one by myself; but they have all alike have been swallowed up by the great maelstrom that exists here, the committee of fifteen on reconstruction, and will never again be permitted to see the light of day. According to the rule adopted nothing that relates to a reorganization of the rebel States can be considered, unless it comes through that committee, and is by it indorsed. Notwithstanding this state of facts, I will take the liberty to recur to some of the leading features of the bill submitted by me, which, I think, if they were carried into operation, would furnish a government that would give peace and quietude and protect all the interests of the people of every class.

In the first place, after setting forth the facts connected with the organizing of the present governments in the preamble, it provides that marshals shall be appointed in every county in each State to organize a board preparatory to holding an election of the people, irrespective of color, and permitting all to vote for delegates to a convention (except certain leading rebels) to be assembled at the capital of each State, at a given time, for the purpose of making a constitution. When such constitution is made and ratified by the people, and indorsed by Congress as being republican, then the existing local governments that have been set up by executive authority shall cease to be. Again, provision is made, as an inducement to the citizens to acquiesce in the proposed plan of government, for an amnesty, to apply to all who may have been engaged in rebellion, restoring them to full citizenship, and releasing them from liability for their treason, excepting those that will be excluded by the proposed constitutional amendment from holding official position; and all such are disqualified from not only voting, but from serving as delegates to any one of the State conventions provided for. This provision of course is conditional, and is only effective should the new government go into force in good faith. The President is required to furnish sufficient force from the Army and Navy to protect the people in carrying out the provisions of the law.

Such are the general features of the bill, and it seems to me, guarded as it is, that no injustice can arise to any, but that all may join in the measure of organizing a fundamental law for their State, and assist in putting into motion the machinery of Government. I am aware that most of the measures heretofore proposed for organizing those revolted States have been based upon the principle that none but those who wholly abstained from taking any part in the rebellion, or did not sympathize with traitors, should take part in reconstruction. That position now, whatever may have been its correctness, is hardly tenable. The proposed constitutional amendment ignores any such idea, but upon the other hand fully restores all to their original rights, except a certain class especially provided against. For the interest of the general welfare, and especially for those who inhabit these disturbed States, it certainly is essential that a homogeneity of feeling should be encouraged, and all the past blotted from memory as far as may be, and that the pulse of the nation once more beat in unison, so that we may go on and fulfill the expectations of the liberty-loving in establishing an empire where equal and exact justice is meted out to all people, irrespective of nationality.

Mr. Speaker, I have but little expectation that any views that I may entertain will meet with much favor from the Committee on Reconstruction. They have peculiar notions of their own, and they occasionally report something upon the subject; but they take good care to hedge around their propositions with such parliamentary obstacles as will prevent an amendment even to be offered to their bills. Not long since that committee gave us a bill in the shape of a territorial government for the rebel States, but it contained some provisions not fully satisfactory to a majority of the House; and by vote, after discussion, it was recommitted to the same committee for alteration or amendment. It was expected that in a short time the bill would be returned containing amendments in accordance with the views, as near as possible, that the discussion had drawn out. But, sir, what was the surprise a few days ago when, instead of reporting a bill providing for civil governments for the revolted States, one was sent to this House establishing a military despotism all over the South—a measure unheard of and unprecedented in the history of our legislation. When in the annals of the world was it ever necessary for a Republic in full vigor of its power, and the people in more than three fourths of its territory indorsing and sustaining by their moral force its government, was it necessary to abandon its effort to furnish its people with republican civil Government and force upon them a purely military organization whose *dictum* is the supreme law? The necessity, if one exists, for resorting to a measure of this character is strong presumptive evidence that the great Republic is on the wane, or that those who are now directing its affairs are not capable of grasping the situation and bringing out of it such events as the people demand.

This bill furnishes no solution to our difficulties. Instead of providing the means whereby the people might organize a government upon a proper basis, it will tyrannize over them worse than the despotisms that are now in existence in that part of the country where the law is to be enforced. Was there ever a time that the military, when the power of State was conferred upon it, that it ever sympathized with the masses of the people? The whole system of military law partakes of aristocracy, and our brigadiers, as well as those of lesser degree, will in a short time be in sympathy with the rebel aristocracy of the South, for they yet control the wealth of the country, and the poor white loyalists and freedmen will feel the force of military rule. In case of controversy between the aristocrat and the freedman, your corporal, who may be vested with a little "brief authority," sits as umpire between the parties, although he may be as ignorant of law and justice as the musket he carries on his shoulder; yet there is but one appeal from his decision, to that of the brigadier, who will be governed by the known rules of military discipline, and his judgment is final. Why, sir, in the darkest days of the rebellion, when it almost seemed as though the nation's life must perish, no such power was conferred upon an officer of the Army. If a citizen was so unfortunate as to fall under the ban of military law he had an appeal from a military court to the President of the United States, where his case was revised, and a decision had upon its merits uninfluenced by camp surroundings.

Sir, it would seem that the warning voice of history can make no impression upon the friends of this measure. When Rome placed her civil power in the hands of the military her history was written as a republic. Her liberties were soon swallowed up, and an emperor swayed a scepter over her people. It will not do to say that such can never take place in our country. So thought the ancient republics. Inaugurate the military power over one third of our Republic and there is no telling where the end will be. I know it is said that this measure is but a temporary one, and only intended to operate until Congress can establish civil governments. When will that be? This session is almost at its close, and where is the plan for civil government? Why not place the civil government in the foreground, and let the military, if needs be, assist in putting it into operation?

But, Mr. Speaker, what laws in those revolted States are to be put in force by this military government? Certainly not those made by the governments that the President set up, for these are called illegal. Not the laws of Congress, for Congress makes no laws of a police character to be enforced in the States. Congress makes no laws to regulate the dealings between individuals. Congress makes no laws regulating the settlement of estates and the divisions of property. Congress makes no laws for punishing burglary or arson. What laws, then, are to be enforced? None, sir, but the *dictum* of the brigadier. He is governor, legislature, and judiciary. His will is supreme, and all have got to bow to it, and acknowledge him "Lord of all he surveys."

Sir, the loyal people of this country want no such despotism organized in any part of the Republic. What they demand is a government that will give all equal rights and have those rights amply secured. They want a civil government to go in advance of the military, and to have the military subordinate to it, to be used only as a handmaid to assist, if necessary, the enforcement of the enactments made

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by it. A system of reconstruction is demanded of a permanent character, that all may know that when its requirements are complied with, that then there will be an end to the subject—a plan based upon the immutable laws of justice, and left with the people to adopt, under such disabilities for engaging in treason as Congress may think right for the future safety of the country. When that is done we will have discharged our duty, and the responsibility of refusal will be left with those for whose especial benefit the law was enacted.

Reconstruction.

SPEECH OF HON. JOHN H. RICE,

OF MAINE,

In the House of Representatives,

February 13, 1867,

On the bill (H. R. No. 1143) to provide for a more efficient government of the insurrectionary States.

Mr. RICE, of Maine. Mr. Speaker, amidst the conflict of opinions and the "confusion of tongues" upon the condition, the disposition, and the restoration of the late insurrectionary States and the people thereof, I have not intended to utter a word nor express an opinion in this House, save by my votes, until the introduction of the bill now under consideration. But, sir, this measure involves principles of such vast magnitude, so broad in their scope, so extended in their operation, so questionable in their shape, and may become so revolutionary in their character, that I cannot give it my support without expressing my fears for the future of the country, and briefly giving my reasons for the reluctant vote which I may be constrained to record in its favor. Some of my friends upon this side of the House seem to regard it as a great measure of reconstruction, a grand panacea for all our ills, and the final resting-place for the Republic after the long agony and the "bloody sweat" of war. If such is the haven in which the nation is to be finally anchored, then, sir, I can only exclaim in hopeless agony of soul, "God save the Republic!" for nothing less than Almighty power, working through miracles such as the ages have not seen, can preserve in such a shell the soul of republican liberty.

If such be the dread extremity to which we have come at last, if this is to be our abiding place, then we have wasted our substance for naught. Ay, sir, we have shed the best blood of the nation in vain, and the bereaved and mourning widows, fathers and mothers, sisters and brothers all over the East, the North, and the great West must have added to the poignancy of their grief the conscious heart-crushing fact that their best loved ones have died as the contending hosts of the South have died, for a "lost cause;" that victors and vanquished are alike defeated; and the surviving soldiers of the Republic, that grand army of citizen patriots, now returned to the peaceful avocations of life, will look back to the battle-fields of the desolated South and sigh that they, too, did not go down with their comrades in the shock of battle and in the glory of conscious victory, rather than survive the great principles for which they fought; that the great triumph won by their prowess should thus by our folly "be turned to ashes in their mouths." Heaven grant that we may so escape from the perils that surround us and which may be involved in this measure as to avert the curses of those who have thus sacrificed and fought for the preservation of the Union upon the true basis of constitutional and republican liberty.

Mr. Speaker, if that vast portion of the Republic lately given over to rebellion and bloodshed, but now prostrate before the power of the Government, is to be held for an indefinite period as a subjugated province under military rule, divided and subdivided into military departments and districts, instead of retained as States in a grand Union of States, governed and controlled by a law-loving and loyal people, according to the principles and through the forms of civil rights and process, then a thousand times, ten thousand times, better that we had let our "erring sisters" depart in peace, and so saved the hecatombs of precious lives and the untold treasure expended in the fearful struggle through which the rebellion was subdued. If I believed for a single moment that such would be, or could be, the settled policy of the great party with which I have the honor to act, I would spit upon this bill and spurn it under my feet. In sorrow and in sadness I would part company with my friends here and pass over to the other side of this Chamber, and there, with the disconsolate, feed upon the dry husks of degenerate and demoralized Democracy for the few remaining days of this Congress; and then, disheartened and discouraged, retire to the quiet walks of private life; and there, with sorrow for the past, in anguish for the present, and hopeless for the future of my country, close out the remaining years of an unprofitable life. But, sir, I am glad to hear it generally declared, and I fully believe such to be the fact, that this is only designed as a temporary expedient, inaugurated because of present and urgent necessity to protect the loyal people, white and black, in these States, and save them from plunder, rapine, and murder.

With this understanding only, and upon the finding and report of the joint Committee on Reconstruction, based upon the testimony of distinguished officers of the Army in whom we and the people have full faith and confidence, that such necessity and such facts exist, do I consent to give this measure in any form my support. I cannot and I will not go home to my constituents with such evidence upon the record, and tell them that I refused to give the best relief in my power to bestow, even by the support of a measure so distasteful as this. My fear is that the remedy may be infinitely worse than the disease. The disease is said to be present and imminent, and that the proposed remedy will cure and not kill the patient. This may be so if it be quickly and skillfully applied, and with this hope I consent to put the medicine into the hands of the military doctors, but with the full conviction that if the operation shall be oft repeated or long continued that the patient will surely die. I do not stand here to dispute nor controvert the evidence. The witnesses are highly respectable, and have had full and most ample opportunity to observe the facts and the condition of things upon which they testify. I must say, however, because I believe it to be my duty so to state, that so far as my observation has extended in the South, I do not agree in the statement of facts adduced nor in the conclusions arrived at.

During the last summer and autumn I spent several weeks in the State of Georgia, and there mixed freely and unreservedly with all classes of the people, from the log-cabin of the poor man to the residence of the State Executive; from the squalid poverty of the one up through all the gradations of society to the refined and luxurious elegance of the other. I expressed my political sentiments freely and fully, on all proper occasions, and among all classes, without a word of insult or even rudeness from any one; and I must say, and it is with pleasure that I say it, that, in my judgment, no such state of things then existed there as to demand or justify for a remedy a measure so extreme and revolutionary as the one now under consideration. If this bill was designed to operate upon that State and that people alone I would, upon the judgment I have stated, promptly and unhesitatingly vote against it; but from the evidence adduced in the case I must suppose that a different state of facts exist in other portions of the southern country, and that this or some other prompt and "heroic" remedy is imperatively demanded. I shall therefore be constrained to vote for the bill, modified, I trust, in some respects, with the hope and expectation that some measure more in consonance with the spirit of our institutions may soon be brought forward which shall displace military power under this bill, if enacted, and give to the well-disposed, loyal people of the South protection and justice under the beneficent ægis of the Constitution and the civil law. In the mean time, the well-disposed and law-abiding in the sections where they dwell and have control must wait in patience and hope until their good example shall extend to and regenerate the people of the more rebellious sections.

Mr. Speaker, if I understand this bill, it will if enacted and executed extend martial law and military power over and into every part and portion of the territory named therein. It vacates all civil government at the will of a military commander; the courts of law, whether Federal or State, must be closed, or else proceed under the indorsement and permission of a post captain. All civil and judicial authority must necessarily end, for the exercise of either under such circumstances would be a mockery and a farce. It again inaugurates the "drumhead" and the "military commission," which I had hoped had passed away forever, in place of the forms, if not the substance, of civil government and judicial process, which have been assumed and exercised since the flag of the rebellion went down before the victorious banners of Grant and the "boys in blue." While the war lasted in visible organized force I willingly, gladly, and steadily voted here for every measure which would give strength to the military arm of the nation; and now I only submit to this measure with any degree of patience or favor upon the express finding of the committee, that the rebellion still continues in fact, not by open, manly warfare, but by permissive violence and outrage, against all men in the South who dare to love and honor and vindicate the Government of the Republic and the flag by which it is represented.

Mr. Speaker, I yet hope that the facts upon which this report of the committee is based have been overdrawn, or if not, that the southern people may be speedily convinced of the folly of their course and correct their behavior, so that in either case the necessity for the enactment and continuance of this extreme measure may cease. I trust that the bill may be amended so that it shall show upon its face that its friends regard it as only a temporary expedient for a desperate emergency, and to cease its operation when some reasonable and effectual plan of restoration shall be agreed upon. There is nothing now in the bill to show that it is not a final and permanent measure of reconstruction, (if I may so abuse the term,) to be deliberately adopted and adhered to as the policy of the majority in this House. If that idea had been distinctly negatived in the bill, I might have voted for it without wearying the House with these remarks, but still with great reluctance, as I shall now do. If the Republican party expects to maintain its supremacy in the councils of the nation it must not plant itself upon the theory or the fact that the great section of the country so lately or now in rebellion is to be governed for any great length of time by military power alone. If it does it will utterly fail, and will go down before the indignant will of the people as hopelessly and as ignominiously as the Democratic party fell under the withering curse of their loyal hearts. And yet this bill does not upon its face show any other theory. It should not, I am aware, contain a party platform. I do not mean that; but it may and it should, in my judgment, negative in its preamble the legitimate and mischievous presumption of which it is susceptible.

I admit, sir, that I am jealous of military power exercised other than in subordination to the civil authority in times of comparative

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peace, even if delegated to the distinguished officers contemplated by this bill. With all their great skill in arms, with all their great patriotism shown upon hundreds of battle-fields, with all their great qualities of intellect, purity, and public virtue, with the undivided hearts of a grateful people in their possession, still they are but men, (like the rest of us somewhat,) and being but men they are unfit to exercise the functions legitimately pertaining to civil and judicial power, except in case of war or absolute necessity, unless they first divest themselves of all military authority and proceed in strict accordance with the great precepts and principles and the prescribed forms of civil and judicial process.

Mr. Speaker, I would willingly see the distinguished General upon whom it is proposed to confer the extraordinary powers of this bill so divested of his military functions, but only to take up and retain for the prescribed term the higher position of Commander-in-Chief of the Army and the Navy, as provided by the Constitution of the United States, with the highest title which the people of the Republic can bestow superadded. Such, I believe, is the desire of the true and loyal people. But, sir, I greatly fear that that desire will be defeated if we thrust upon him any of the duties of that great office prematurely and contrary to the true intent and meaning of the fundamental law of the land.

Mr. Speaker, I believe the most earnest desire of the people whom we represent upon this floor to be the restoration of the southern States and the reconciliation of the southern people, in true loyalty of heart and mind, to the Government and the laws of the great nation under which it is our pleasure as it must be their lot to live. Can it be accomplished by measures like this? In my judgment, No! We are beginning at the wrong end of our work. We set up military power and through that hope to inaugurate civil government. We may with as much reason expect the noonday light to follow the setting of the sun. The two powers always have and always will be in direct antagonism, and can only be kept from collision by making the latter supreme over the former. We should build up or recognize civil governments in these States upon a loyal basis, and then, if need be, call in the military power to maintain and defend them, as prescribed by the Constitution and laws of the country. This measure does not contain a single element of reconstruction, restoration, or conciliation, but the reverse. The people ask for peace, and we give them war; they demand reconstruction, and we give them redestruction; they want restoration, and we give them annihilation; "they ask for bread, and we give them a stone."

The loyal and law-abiding people of the South, those who "accept the situation" in good faith, desire protection and conciliation, and so far as we know the opinions of such now in this city, they do not approve this measure, and many of them look upon it as the last knell of their failing hopes. Still we are told that rapine and murder stalks abroad at noon-day throughout all the South unrestrained and unmolested, and that we must instantly pass this bill to stay the Moloch of blood. And upon the statement of facts we must do it. No man will go further than I will to protect the true men of the South or of any other section from such a state of anarchy. But I warn my friends upon this side of the House that we cannot stand before the country long upon this measure. We must work out the fruition of the people's hopes and demands for peace and restoration in something more in accordance with the spirit of our institutions than bold, naked military power. I have no doubt that in some parts of the South a state of things exists which will fully justify the extreme remedy embodied in this bill, but I do hope and I must be permitted to believe for the future peace and welfare of all parts of the country, that it is not so throughout all that section. If such be the fact, our troubles and trials as a nation and a people have but just commenced. I have just received a letter from a reliable and most intelligent friend who has been long in Texas, in which some facts are stated bearing directly upon this question. I will read it to the House:

SHREVEPORT, LOUISIANA, *January 26*, 1867.

MY DEAR SIR: I see that a committee has been appointed in Congress to investigate the murdering of Union soldiers in South Carolina and elsewhere. On the 30th August last two of our soldiers were shot without any provocation at a post where they were on duty, about eighteen miles from Jefferson, Texas. Their names were privates Nathaniel Eylan and John Bull, both of company F, eightieth United States colored infantry. The murderer was one Jack Phillips, of Jefferson, and at that time holding some civil office. A complaint was made by the officer commanding the guard to the civil authorities and a warrant was issued; but after the troops were withdrawn from that station, which was a few days after, not the least effort was made to arrest him, and in a few weeks he returned to Jefferson, and has been there since, unmolested by the civil authorities. It is not considered an offense in that section to kill a negro, and especially a negro soldier.

There is no law or protection in this section for the poor colored man; but they are being murdered in cold blood every week; and where is the strong arm of the Government? Heart-rending scenes have been brought to my attention all through the past year, which if you gentlemen in Congress could see and know as I do would induce you to do something for the race whom you have taken from slavery in name, but whose freedom in fact you have guarantied. It is criminal to take these people from the protection of their masters and leave them in a land of murderers and ruffians with no protection. Your Freedmen's Bureau bill amounts to nothing, for they, that is the officers of the bureau, have no power, or are not allowed to exercise any, except to tell the outraged negro where the office of the justice of the peace is; a sort of guide-post for them. Your Army amounts to but little, for in officering the new regiments no care seems to have been exercised to appoint men possessed of heart, soul, and intellect. I could recite more atrocities and outrages against freedmen in eastern Texas and northwestern Louisiana than would fill one hundred pages like this, and more facts than all the committees and inspectors sent down here, fattening upon the luxuries of rebels' tables and hearing their hypocritical statements. We are to be mustered out. My address for a few days—say two or three weeks—will be 16 Natchez street, New Orleans, care J. H. Hatch, when I shall go north to Maine.

Respectfully, &c.,

CHARLES W. LOWELL,
Major Eightieth United States Colored Infantry,
Brevet Colonel United States Volunteers.

Hon. JOHN H. RICE, *M. C.*

Mr. Speaker, notwithstanding this dark picture, I yet have hope for a peaceful and in some degree satisfactory solution of our difficulties. The Legislatures of the southern States have unwisely, and in some cases rudely, rejected the constitutional amendment submitted by this Congress at its last session. I still have faith to believe that that just and conciliatory measure may yet be ratified by many of these States by an appeal to the people from the action of their representatives. It should be remembered that probably three fourths or more of the men in the South who have voted upon the question of the ratification in their Legislatures would be disqualified under the provisions of the third section. This may be the reason for their action, but no such reason exists in the minds of the masses of the people, for probably nineteen twentieths will not be so affected. It ought not to be supposed, and it is not a fact, that the masses there have any desire to retain or sustain the original breeders of the rebellion in places of trust and power; on the contrary, they must know from their sufferings, if not by their reason, that all their ills have been brought upon them by their words and acts of misrepresentation and deception. They do have and will have faith in the men who opposed secession, and then, after being beaten upon the stump, went with them into the ranks and fought for a cause which they knew was wrong and in which they did not believe, and had predicted would fail. These men will now have power, while the unrepentant secessionists will be cursed and forgotten.

It may be said that this class of men (the coöperationists as they were termed) are no better than the other class. I do not think so, for all must understand the difficulties of their position. I have no doubt that some of the secessionists are now better disposed to the Government and accept the situation in better faith than some of the coöperationists, but the general rule must be the other way. I believe, sir, that the true policy for us to pursue is to divide the people of the South in political sentiment, so that they will organize into antagonistic parties instead of consolidating into one party, and that party in affiliation and acting in conjunction with the Democratic party of the North. Just so long as such a state of things exists, just so long the country will be in peril, for we cannot keep these States out forever, and with the great States of New York and Pennsylvania, so nearly divided politically between saints and sinners as they are, we are liable at any time to pass into the power of a reunited, a reconstructed, but not a regenerated Democratic party, for it will be under the control of the rank copperheads and the unconverted secessionists. The first financial shudder, the first commercial agony that shall sweep over the land will unsettle and overturn our majorities in those two great States, and then we shall "gnash our teeth" in agony, and the Republic will again go darkling through the realms of political infamy, and quite likely culminate again in blood and disaster.

I beg my friends here to open their eyes to this great danger. Do not lay the flattering unction to your souls that the Democratic party is dead. It is hardly asleep, only a little dormant, while generating and bottling up virus for future mischief. It is the political worm in our body-politic which never dies. It is "coppered and copper-fastened," and will ride out the storms of political adversity and come safely into port, provided it can recruit its old officers and crew from the South. Our only safety is to take out its fangs, and the only way to do that is to divide the people of the South. If we are wise we can do this. How? Let us properly appreciate the great work that has been accomplished by the war, the radical and revolutionary fact that slavery has been abolished, and that the southern people, or the great mass of them, recognize and concur in the living, glorious truth that it is so, and would not have it restored if they could. This breaks the great material bond, the one strong political cord that held them united and bound them to the Democratic party before the war. There is no earthly reason why they shall again unite in that affiliation, and they will not, unless we are idle and fail to properly use the instrumentalities within our reach. They know very well that all the promises made to them before the war by the Democratic leaders were shamelessly broken, and that they deceived them as to the feelings and the promised action of their followers in the North in case of war.

Let us, then, appeal to the people of the South, the laboring, suffering millions there, and indoctrinate them with the true principles of republican liberty, instruct them in the manhood of free labor, and the advantages of free schools. The foundation of reconstruction must be laid deep and solid in the hearts and minds of the common people. We can reach and touch them now by words and acts of kindness. Some of them may at first turn from us with revilings, because of their ignorance of us and the motives which actuate us; but we can surely forgive those who are ignorant and have been misled and deceived by others. They are stricken and suffering from the desolations of war and the bitter pinching of poverty and hunger, and shall we also smite those whom God has stricken? No! Let us discriminate in their behalf, while we visit incorrigible and unrepentant rebels, those who have been instrumental in bringing the wrath of God down upon them and upon us, and are still inciting the people to deeds of wrong and violence, with the full force and vengeance of the Government. This I know cannot be accom-

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plished here to any great extent; these Halls are not peculiarly dedicated to deeds of charity and Christian benevolence. It is easier for us to

"Let slip the dogs of war"

than to bind up the wounds of the suffering, light up the minds of the benighted, and feed the mouths of the hungry; but surely in executing justice we may as far as possible discriminate against those who "sin against light and knowledge," and in favor of the poor and the suffering. While I will go as far as any one upon this floor in the just punishment of the former, I am free to confess that my heart opens in sympathy toward the latter in their dire distress. Now is the time for the great pulsating, benevolent heart of the North to pour out the warmth of its love upon the suffering poor in our own land, and to thrust its broad, generous hands deep down into its capacious pockets and from thence draw out and distribute generous supplies for their shivering bodies and their hungry mouths, and this without inquiring as to their past offenses, but only as to their immediate needs.

I hail with intense satisfaction the great deed, the munificent gift, the generous act of the distinguished philanthropist, Mr. George Peabody, in placing in the hands of trustees more than two million dollars for "the educational needs of those portions of our beloved and common country which have suffered from the destructive ravages and the not less disastrous consequences of civil war." I hope that others who have the ability may make additions to that fund; and that it may go on accumulating and distributing its blessings until every child in the sunny South, "without distinction of race or color," shall be able to read and understand the noble letter through which the great gift was made and the trust created. Such will be for the "healing of the nation."

Mr. Speaker, I will with the permission of the House have printed as a part of my remarks, the correspondence which consummated this grand transaction, so that it shall be preserved forever in the annals of the nation, and made a sweet place of rest for the weary student while plodding through the ponderous tome. An oasis, the one green spot, amid an infinite waste of words.

To Hon. Robert C. Winthrop, of Massachusetts; Hon. Hamilton Fish, of New York; Right Rev. Charles P. McIlvaine, of Ohio; General U. S. Grant, of the United States Army; Hon. William C. Rives, of Virginia; Hon. John H. Clifford, of Massachusetts; Hon. William Aiken, of South Carolina; William M. Evarts, esq., of New York; Hon. William A. Graham, of North Carolina; Charles Macalester, of Pennsylvania; George W. Riggs, esq., of Washington; Samuel Wetmore, esq., of New York; Edward A. Bradford, esq., of Louisiana; George N. Eaton, esq., of Maryland, and George Peabody Russell, esq., of Massachusetts:

Gentlemen: I beg to address you on a subject which occupied my mind long before I left England, and in regard to which one, at least, of you (Hon. Mr. Winthrop, the distinguished and valued friend to whom I am so much indebted for cordial sympathy, careful consideration, and wise counsel in this matter) will remember that I consulted him immediately upon my arrival in May last.

I refer to the educational needs of those portions of our beloved and common country which have suffered from the destructive ravages, and the not less disastrous consequences of civil war.

With my advancing years my attachment to my native land has but become more devoted. My hope and faith in its successful and glorious future have grown brighter and stronger, and now, looking forward beyond my stay on earth, as may be permitted to one who has passed the limit of threescore and ten years, I see our country united and prosperous, emerging from the clouds which still surround her, taking a higher rank among the nations and becoming richer and more powerful than ever before.

But to make her prosperity more than superficial, her moral and intellectual development should keep pace with her material growth, and in those portions of our nation to which I have referrred, the urgent and pressing physical needs of an almost impoverished people must for some years preclude them from making, by unaided effort, such advances in education, and such progress in the diffusion of knowledge among all classes, as every lover of his country must earnestly desire.

I feel most deeply, therefore, that it is the duty and privilege of the more favored and wealthy portions of our nation to assist those who are less fortunate, and, with the wish to discharge so far as I may be able my own responsibility in this matter, as well as to gratify my desire to aid those to whom I am bound by so many ties of attachment and regard, I give to you, gentlemen, most of whom have been my personal and especial friends, the sum of $1,000,000, to be by you and your successors held in trust, and the income thereof used and applied in your discretion for the promotion and encouragement of intellectual, moral or industrial education among the young of the more destitute portions of the southern and southwestern States of our Union; my purpose being that the benefits intended shall be distributed among the entire population, without other distinction than their needs and the opportunities of usefulness to them.

Besides the income thus derived, I give to you permission to use from the principal sum, within the next two years, an amount not exceeding forty per cent.

In addition to this gift I place in your hands bonds of the State of Mississippi, issued to the Planters' Bank, and commonly known as Planters' Bank bonds, amounting, with interest, to about eleven hundred thousand dollars, the amount realized by you from which is to be added to and used for the purposes of this trust. These bonds were originally issued in payment for stock in that bank held by the State, and amounted in all to only $2,000,000. For many years the State received large dividends from that bank over and above the interest on these bonds. The State paid the interest without interruption till 1840, since which no interest has been paid, except a payment of about one hundred thousand dollars, which was found in the treasury, applicable to the payment of the coupons, and paid by a *mandamus* of the Supreme Court. The validity of these bonds has never been questioned, and they must not be confounded with another issue of bonds made by the State to the Union Bank, the recognition of which has been a subject of controversy with a portion of the population of Mississippi.

Various acts of the Legislature, namely, of February 23, 1842; February 23, 1844; February 16, 1846; February 28, 1846; March 4, 1848, and the highest judicial tribunal of the State have confirmed their validity, and I have no doubt that at an early day such legislation will be had as to make these bonds available in increasing the usefulness of the present trust.

Mississippi, though now depressed, is rich in agricultural resources, and cannot long disregard the moral obligation resting upon her to make provision for their payment. In confirmation of what I have said in regard to the legislative and judicial action concerning the State bonds issued to the Planters' Bank I herewith place in your hands the documents marked A.

The details and organization of the trust I leave with you, only requesting that Mr. Winthrop may be chairman and Governor Fish and Bishop McIlvaine vice chairmen of your body. And I give to you power to make all necessary by-laws and regulations, to obtain an act of incorporation if any shall be found expedient, to provide for the expenses of the trustees and of any agents appointed by them, and generally to do all such acts as may be necessary for carrying out the provisions of this trust.

All vacancies occurring in your number by death, resignation, or otherwise, shall be filled by your election, so soon as conveniently may be, and having in view an equality of representation so far as regards the northern and southern States.

I furthermore give to you the power, in case two thirds of the trustees shall at any time after the lapse of thirty years deem it expedient, to close this trust, and of the funds which at that time shall be in the hands of yourselves and your successors, to distribute not less than two thirds among such educational or literary institutions, or for such educational purposes as you and they may determine in the States for whose benefit the income is now appointed to be used. The remainder may be distributed by the trustees for educational or literary purposes where ever they may deem it expedient.

In making this gift, I am aware that the fund derived from it can but aid the States which I wish to benefit, in their own exertions to diffuse the blessings of education and morality. But if this endowment shall encourage those now anxious for the light of knowledge, and stimulate to new efforts the many good and noble men who cherish the high purpose of placing our great country foremost, not only in power, but in the intelligence and virtue of her citizens, it will have accomplished all that I can hope.

With reverent recognition of the need of the blessing of Almighty God upon this gift, and with the fervent prayer that under His guidance your counsels may be directed for the highest good of present and future generations in our beloved country, I am, gentlemen, with great respect, your humble servant,

GEORGE PEABODY.

Washington, *February* 7, 1867.

Upon the receipt of the above letter by Hon. Robert C. Winthrop, a meeting of the gentlemen named in it was called to consider the matter, whereupon the following resolutions were presented by Bishop McIlvaine, of Ohio, and signed by those trustees present in Washington:

Whereas our honored countryman and friend, George Peabody, has, in a letter just communicated to the undersigned, made known his determination, out of a grateful sense of the manifold goodness with which God has prospered his life, and of an earnest desire to promote the best interests of his fellow-citizens, to devote a munificent donation of property for certain most wise and beneficent uses, indicated in said letter, and has requested us to take in trust the charge and management of the same: Therefore,

Resolved, That the undersigned, being the trustees assembled in Washington, deeply sensible of the honor conferred on them by a trust of such eminent importance and responsibility, and realizing their dependence upon the guidance and blessing of God to be enabled to discharge its duties with such wisdom and faithfulness as may best secure the benevolent designs of the gift, do hereby accept the office of trustees of the same, and promise our best exertions in its behalf.

Resolved, That we hereby express to Mr. Peabody our grateful appreciation of the enlarged and unprecedented generosity which, after having bestowed on the poor of the city of London a bounty that drew forth the admiration of Europe, and after having exceeded the same in his recent return to his native land in benefactions to institutions of learning and education in the middle and eastern States of the Union, has now crowned the whole with this last deed of patriotism and loving kindness so eminently calculated to bind together the several parts of our beloved country in the best bonds of mutual well-doing and regard.

Resolved, That we express to Mr. Peabody our respectful and affectionate prayer that in the gracious providence of our Heavenly Father his valuable life may be long spared to witness the success of his benevolent contributions to the happiness of his fellow-citizens in all parts of his native and beloved land, and that many of those whom God has blessed with large possessions may be induced to follow his example of wise and noble employment of wealth for the good of man and the glory of God.

ROBERT C. WINTHROP,
CHARLES P. McILVAINE,
U. S. GRANT,
General United States Army,
WILLIAM AIKEN,
WILLIAM M. EVARTS,
C. MACALESTER,
GEORGE W. RIGGS,
SAMUEL WETMORE,
GEORGE N. EATON,
GEORGE PEABODY RUSSELL.

Mr. Speaker, I for one would willingly vote to donate from the public Treasury an equal sum for a like purpose were it not that it might be invoked as a precedent in the future for similar appropriations. As a plan of reconstruction it would be far more effective and largely less expensive than "an army with banners." I have no earthly doubt that $5,000,000, judiciously expended for the relief of the actual sufferings of the people of the South, would do more to reconcile and restore them and the States to amicable relations with the Government than twenty times that sum expended in the execution of measures like this now before the House. But, sir, I have been led away from the line of my argument into theories which may be regarded by some as weak and impracticable, and perhaps by some others as trenching close upon the confines of political heresy.

When I "ran off the track" I was about to say that our great battle must be fought with the Democratic party for a division of the southern people into political parties, and that the abolition of slavery rendered that a natural and an easy thing to do. Upon the basis of the constitutional amendment, notwithstanding its present rejection, I believe, together with other reasonable conditions, that more than one half of the southern States could be carried for the Union candidates in the next presidential election. The Democrats rely upon their old game of representing themselves as exclusively the friends of the South and of the southern people; and the strongest possible argument against the intelligence of the people there is that they succeed so well in making them believe it, when in fact they were before the war, during the war, and are now their greatest enemies. If that party or the President had declared in favor of the amendment it would have been carried, and the southern States might have been represented here today in accordance with the expressed will of the northern people in their most emphatic action at the polls.

If all other measures fail, as they may fail in this Congress and in the first session of the next, we should in my judgment make a vigorous effort to carry a part of the southern States for the amendment by a direct appeal to the people. I believe this may be done and thus destroy the power of the Democratic party, which after

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all I regard as being the great enemy with which we have to contend. That power confronts us here and it confronts us there. Strike it down there and it falls here and everywhere, and with it falls all the wrongs and the violence and the outrage that now prevails at the South and which distracts us here to-day. I do not mean to charge our friends on the other side of this House as directly or indirectly encouraging such a state of things, for they are all "honorable men," and many of them my personal friends, who would not be guilty of any such offense; but the fact of their great power in the States I have named and some others of the northern States, induces the southern people who are disloyal and ill-disposed to exercise their "amiable qualities" in committing wrongs and outrages upon defenseless negroes and loyal white men, and relying upon the Democratic party for friendship and general amnesty.

If the measure now before the House shall fail to become the law, as I think it will in its present shape, and if no better measure can be agreed upon as a finality upon this question, let a grand political campaign be inaugurated upon the basis of the constitutional amendment and universal manhood suffrage. The proposed amendment is I know quite generally misunderstood by the people of the South. I so found the fact, and I did not find but very few who made objection to it after they understood it, other than those who would be disqualified from holding office under the third section. If the masses of the people can be induced to accept it in good faith, probably no better method of reconstruction and reconciliation can be devised. I believe that a line of towns and counties and States from the mountains of West Virginia down to the Gulf can be carried, by proper effort, and through the instrumentalities I have named, and thus dividing the southern country again, now in the interests of peace, transversely to that other division made by the hosts of war. Not by a pathway strewn with the desolations and ruin of war and lighted by the glare of burning towns and hamlets, but one made joyous by the blessings of peace and contentment. This effected, the belt would rapidly expand, left and right, to the dashing waves of the Atlantic in the east and to the murmuring ripples of the Rio Grande in the west. Then the great desire of the nation's heart, the rich fruition of the people's hopes, the grand consummation of our labors—reconciliation, reunion, and restoration, these three in one—will have become an accomplished fact.

Then from the fountains of wealth in the North the waste places of the South will be rapidly rebuilt, and the ever-rushing tide of human migration from the East and from over the sea, no longer turned westward by the dark barrier of slavery, will spread itself throughout her borders. Then the land will bud and blossom—in all the vallies and upon the hillsides, along the rivers and the arms of the sea, upon the mountains and the broad savannas—with the ripe, rich fruits of human industry, directed by the impulse of free minds and the energy of willing hands. That diversity of employment and production will then obtain which was impossible under the old system of labor, and the want of which has kept the South lagging behind the other sections. Not only will her rich fields and savannas produce increased riches in cotton, corn, and sugar, but her mountain sides, touched by the wand of freedom, will pour forth rich streams of mineral wealth. Her coasts and her rivers will whiten with the sails and hiss with the steam of commerce and navigation; and the waters of her numerous streams will laugh and sparkle amid the revolving wheels of manufacturing machinery. Thus, under the stimulus of free labor, with a free Bible and free schools everywhere and the blessing of God, the nation will be regenerated and take a new start in the race of prosperity and empire. Slavery was the "dead-line" which divided the sections. It has been obliterated by the sharp point of the bayonet and the atonement of blood. Let us not raise another wall in its stead, but stand together in republican equality upon the broad plain of a common country, a common brotherhood, and a common destiny.

These views, Mr. Speaker, at the present time, may seem extravagant and Utopian; but, sir, if wisdom and true statesmanship shall govern the hearts of the people and the action of their representatives, all that my words have indicated and even more will be accomplished. It is time for us to abandon the idea that the southern people are to be punished for their treason by excluding them from participation in the Government under which they are to live. The question to be determined is, are they loyal and well-disposed toward the Government now? I believe that the great body of them are so. They do not want to fight any more; they have had enough of that; they do not desire to have slavery reëstablished even if they could; they know that it has been the fruitful cause of all their trials and sufferings, and they do not desire that their children shall be subject to the like. We cannot exclude all who have given aid to the rebellion in the South from participation and voice in the Government and preserve even the semblance of republican institutions there. The grand foundation-stone upon which our form of government rests is equal, unrestricted manhood suffrage, and the sooner we reach uniformity in all the States in that respect the better it will be for all. We cannot set up a military government nor an oligarchy in one part of the country and maintain it for any length of time without endangering the entire national edifice. If we are wise we shall not try the experiment beyond the bounds of absolute necessity, but hasten forward as speedily as possible to the auspicious day when all government and divisions of government in our happy land shall rest securely "upon the consent of the governed."

Reconstruction.

REMARKS OF HON. F. E. WOODBRIDGE,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more efficient government of the lately rebellious States—

Mr. WOODBRIDGE said:

Mr. SPEAKER: I think it will be admitted by all that when we adopted the constitutional amendments at the last session of Congress it was with the understanding that upon their ratification by the rebellious States restoration to the Union and representation in Congress would naturally and perhaps necessarily follow. We went to the country upon that ground and made it an issue in the elections last autumn. A triumphant and overwhelming majority of the loyal people sustained us. The South, instead of accepting our reasonable and generous propositions, hurled them back upon us with derision and scorn, and regardless of all law, either human or divine, and with a recklessness and hate worthy only of demons, have oppressed loyal men; refused to protect their persons or property; driven them from their homes and their States for no other reason than because they stood by the grand old flag; and, if accounts are true, they have beaten and scourged and murdered the poor freedman, and never in a single instance has the offender been punished.

In this condition of things an additional duty is imposed upon Congress, and that is, first of all to provide some means whereby loyal men in the South shall be protected in their persons and property. Under this paramount obligation of the Government to all its loyal citizens the bill introduced the other day by the distinguished gentleman from Pennsylvania, [Mr. STEVENS,] called the military bill, was justifiable, and met with my support. However inconsistent with a Republic martial law may be, or however onerous a military government may be, Congress, as the supreme legislative body of the nation, may establish either or both when the safety of the Government or of the people demand it. I was not particularly pleased with the bill, and greatly prefer the amendment which has passed the Senate and is now under consideration. I greatly doubted the constitutionality of the provision directing the General of the Army to detail officers, not below the rank of brigadier generals, to command the districts into which the ten rebellious States were divided, upon the ground that Congress has no authority to grant to any one a power the exercise of which directly infringes upon that clause in the Constitution which makes the President of the United States the Commander-in-Chief of the Army and Navy.

Somewhat distrusting my own judgment, however, and differing with several gentlemen, for whose opinions I entertain the profoundest respect, I supported the bill, believing that the Senate would relieve it of any unconstitutional provisions. It seems that the Senate agreed with me, and in the amendment have given to the President the power which in the original bill was conferred upon the General of the Army. The country demand of the present Congress two things respecting the rebellious States: one is such legislation as will protect loyal men, black and white, in their lives, liberty, and property; the other is some well-defined plan or platform, by which the loyal people of the South may reorganize and reëstablish State governments, republican in form, which may be recognized and accepted by Congress, and they thereby become entitled to representation as States in the Union. This Congress, sir, will be untrue to itself and untrue to the country if it adjourns without accomplishing these two results, and I doubt whether the party can sustain itself which fails to do so.

Mr. Speaker, I will very briefly examine the proposed amendment for the purpose of convincing gentlemen, if possible, that it will meet the exigencies of the times and the demands of the country. I confess, sir, that it does not entirely suit me. While, in my judgment, the purposes which we seek may be fairly attained under its provisions, I would prefer such alterations as would have nothing to intendment or implication. But, sir, as we have but one day left in which to get the bill into the hands of the Executive it is necessary to have early and speedy action; and the fact that, so far as I am informed, it met with the favor of every Republican Senator, induces me to believe that any material changes would cause delay.

Two objections are raised against the bill. First, that the rebellious States will be in the hands and under the control of rebels until their restoration to the Union; and second, that the third section confers suffrage upon all, including the prominent and leading rebels, or, as some have expressed it, grants universal suffrage and universal amnesty. I deny both these propositions. The amendment in its preamble states that no legal State governments or adequate protection for life or property now exists in the ten rebel States, and that it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established; and for that purpose it is provided in the first section that the rebel States shall be divided into five military districts and made subject to the military authority of the United States. The second section provides that the President shall assign to the command of each district an officer of the Army, not below the rank of brigadier general, and detail a sufficient military force to enable him to perform his duties and enforce his authority.

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The third section prescribes the duties of the commanding officers, and they are to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace and criminals; and to enable them to perform this duty they may allow the local civil tribunals to take jurisdiction of and try offenders, or when they deem it necessary for the purposes of justice they may organize military commissions or tribunals for that purpose; and provides further that all interference under color of state authority with the exercise of military authority under the act shall be null and void. Hence, sir, it will be seen that under this bill the State governments in the rebellious districts are simply permissive so far as the administration of justice is concerned. When under wholesome laws the rights of person and property are properly protected by the local courts military power does not interfere, but when the loyal man, black or white, is not protected in all his rights, either by reason of unjust laws or disloyal public sentiment, then the officer in command erects his military court and administers even justice to all; and so, sir, it seems to me that during the period of military occupation under the bill, ample provisions and safeguards are established for the protection of the persons, property, and rights of loyal citizens, and that under no circumstances if the provisions of the bill are faithfully executed can rebel supremacy or rebel malignity trample upon the rights of the loyal.

Such, sir, is my answer to the first objection to the Senate amendment. It is, however, further objected that under the provisions of the fifth section suffrage and amnesty are granted to the leading rebels. Sir, if I so regarded it I would oppose the measure; for never, never, until there have been many works meet for repentance and growth in grace for years, would I permit one of that wicked, oath-breaking class either to hold an office or to vote. But, sir, the bill is not obnoxious to such criticism, and gentlemen who adopt such a construction are in my judgment mistaken. It is true that the fifth section provides that when the people of any one of the rebellious States shall have formed a constitution, &c., plainly implying that all male citizens over twenty-one years of age may vote for members of the convention by which the constitution shall be framed; but, sir, does this grant suffrage to all? Not at all, sir. It simply grants to all the right which has ever been held sacred in this country—alike to the innocent and the guilty—namely, the right of petition. It neither directly or by implication grants suffrage or amnesty to leading rebels. Still, sir, I will favor an amendment, if gentlemen consider such an amendment important, providing that no person disqualified from holding office under the third section of the proposed constitutional amendment shall vote for members of the convention elected to form the State constitution.

Now, Mr. Speaker, I think I have shown that under the military provisions of this bill we secure protection to all the loyal people, and the question now arises as to whether the bill provides a plan or platform whereby the insurgent States may return to their allegiance and a practical restoration to the Union upon conditions that are just to them and safe for ourselves. I think it does. It provides that the State constitutions shall be in conformity with the Constitution of the United States in all respects; that it shall be ratified by a majority of the male citizens of the State, twenty-one years old and upward, of whatever race, color, or previous condition of servitude, who have been resident of the State for one year previous to voting upon the question of ratifying such constitution, except they may be disfranchised for participating in the rebellion or for felony; that the elective franchise shall be guarantied to the black man as well as to the white man; that the constitution shall be submitted to Congress for examination and approval; that the Legislature elected under the constitution shall adopt the proposed constitutional amendments, and that said proposed amendments shall have become a part of the Constitution of the United States before any of said States shall be restored to the Union and become entitled to representation in Congress; and that until all these conditions-precedent are complied with, the military arm of the Government shall be charged with the protection of the person and property of every loyal citizen.

The bill secures universal suffrage on the one hand, and on the other prevents any person from holding any office, civil or military, State or Federal, who in the exercise of any prominent office had taken the oath to support the Constitution of the United States and then engaged in rebellion or given aid or comfort thereto. The future safety of the country demands all these guarantees, and if they are accepted by the rebellious States, fraternity will follow and the future of the South will be as bright and glorious as her past has been wicked and oppressive.

Reconstruction.

SPEECH OF HON. GARRETT DAVIS,

OF KENTUCKY,

IN THE UNITED STATES SENATE,

February 16, 1867.

The Senate having under consideration as in Committee of the Whole the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States—

Mr. DAVIS said:

Mr. PRESIDENT: It is not my purpose to attempt a discussion in detail of the bill under consideration, or of the different propositions to amend it, offered and suggested, or of the twin measure, "A bill for the reëstablishment of civil government in the State of Louisiana." That work has been performed in so masterly and complete a manner by Senators who have preceded me in this debate, the revolting injustice and oppression contemplated by each and all of these propositions have been presented by those Senators with so much distinctness and fullness, and in such vivid colors, as to render all further efforts to perform that part of the work wholly superfluous. But I state the proposition broadly, that Congress has no constitutional authority, no power whatever to pass these or similar measures; and I propose to state some principles and to read some authorities in support of that position.

The Constitution is the source and the only source of all the powers of Congress. If it be invested with any that are not written down expressly in the Constitution it is because they are principles of national or maritime or some other body of law, that are adopted and embodied into the Government of the United States by some language of that instrument.

How and by whom was the Constitution made? The Colonies, by their Declaration of Independence in 1776, each severally became a sovereign and independent State, and each for itself clothed with every political power and every attribute of sovereignty possessed by any nation.

The second of the Articles of Confederation is in these words:

"Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

There are several other articles to the same effect.

These Articles of Confederation did not form a Government, but merely a league, leaving each State possessed of its full sovereignty to perform or not perform, according to its own will, its engagements and duties to the Confederation. There was no mode of coercing a defaulting State, except *ratione ultima*, by force of arms, as among independent nations. It failed essentially to fulfill the purposes for which the States had designed it. Every intelligent American felt the absolute necessity of a more perfect Union of the States and a vigorous Government to manage their affairs. The Congress had no authority to call a convention to take these subjects into consideration; and therefore the States voluntarily, and each by its separate action, chose delegates to meet together in this momentous consultation, in which the delegates from each State represented a distinct and independent sovereignty. This Convention proceeded to form a plan of union and government for all the States, and to recommend its adoption by them. It provided for the formation of a common Government with three separate and coördinate departments, legislative, executive, and judiciary, to which the States should delegate a part of their sovereignty and powers, particularly named, and chiefly in the organization of each department, and which were appropriate to enable the common Government to manage the affairs of the United States with each other, with foreign nations, and the Indian tribes.

Such a Government, being made for limited purposes and by the grant of named powers from States having the possession of all political sovereignty, the whole of that sovereignty, except what was thus transferred to the common Government or expressly placed in abeyance, remained with the States. The Supreme Court has repeatedly decided that this was an inherent principle of the Government. The Constitution was adopted and became the Government of the United States by the action of the people of each State in sovereign Convention. There was a provision that—

"The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

Each State being sovereign and possessed of the perfect right and power to adopt or reject, it could not be the Government or have any obligation on any State until its adoption by such State. North Carolina and Rhode Island refused for a year or two to adopt the Constitution, during which period each was a separate and independent sovereignty and nation; and if they had adhered to that position, and had not been conquered by the other States, would have so remained to this day.

The innate, but unexpressed principle, that all powers not conferred by the Constitution on the common Government, did not satisfy our vigilant fathers, who at least valued as much the rights which they had not delegated by it to the General Government, and which were to be exercised by each State for its own domestic government, as they did the possession and exercise by the common Government of the powers with which it had been invested. Therefore, the people of all the States added this amendment to the Constitution:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This principle has been frequently recognized by the Supreme Court, both as inherent in the original text of the Constitution, and as again expressly established by the amendment which I have read. In the case of Briscoe and others against the Bank of the Commonwealth of Kentucky that court says:

"The Federal Government is one of delegated powers; all powers not delegated to it, or inhibited to the States, are reserved to the States or to the people."—11 *Peters*, 259.

The same principle is as distinctly recognized by that court in many other cases; and among them is that of the mayor, aldermen, and commonalty of the city of New York against Mien, (11 Peters, 139,) in which the court says that—

"A State has the same undeniable and unlimited

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jurisdiction over all persons and things within its territorial limits as any foreign nation, where that jurisdiction is not surrendered or restrained by the Constitution of the United States."

There are other authorities to the same effect, but this is the plain principle of the Constitution. The authorities upon which I rely clearly establish these positions:

1. That the Government of the United States is one of delegated powers.

2. That it has no powers which the Constitution does not confer upon it.

3. That the Constitution must have invested Congress with some power that will cover the bill under consideration, and the passage of which will be an appropriate exercise of that power, or it will be void if passed.

The advocates of this measure, and especially the Senator from Michigan, [Mr. HOWARD,] claim that the war powers of Congress give authority to pass it, and that the military and naval forces of the United States having suppressed the rebellion in the lately revolted States, Congress was thereby placed in the position of the conqueror of those States, and by the laws of nations became invested with all the rights and powers in those States that one nation at war with another would acquire by its conquest. I propose to examine this most novel and startling proposition. Congress by one provision of the Constitution is empowered—

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

And by another provision—

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

Other provisions of the Constitution declare that—

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the service of the United States," and he "shall take care that the laws be faithfully executed."

The Supreme Court, in the Prize Cases, (2 Black, 666,) says:

"War has been well defined to be that state in which a nation prosecutes its right by force."

And in the same opinion (668) it says:

"By the Constitution, Congress alone has the power to declare a national or foreign war. It cannot declare war against a State or any number of States, by virtue of any clause in the Constitution. The Constitution confers on the President the whole executive power. He is bound to take care that the laws be faithfully executed. He is Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States. He has no power to initiate or declare war either against a foreign nation or a domestic State. But by the acts of Congress of February 28, 1795, and 3d of March, 1807, he is authorized to call out the militia, and use the military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrection against the government of a State, or of the United States."

The learned court, when it announced that Congress "cannot declare war against a State or against any number of States, by virtue of any clause in the Constitution," could have added with as much truth, "nor any other law or claim of power." Our Constitution establishes not only a complicated, but a peculiar and unique, at the time, form of government. Other forms of government afford no aid in determining the character of ours, the extent of its powers, or their distribution among its different departments and officers. They may be resorted to for the purpose of ascertaining their meaning of phrases and language which our Constitution has borrowed from them; but they, or any powers which they impart, cannot have the effect to overrule any provisions of our Constitution, to nullify any powers organized by it, or to change their investiture from any of its departments or officers, much less to confer new powers upon the Government and to indicate which of its magistracy are to execute them. This practice of drawing analogies between the monarchies and despotisms of Europe and the Government of the United States, and interpreting its powers, and their distribution by those other Governments, has produced in our country much error and mischief. Our Government has but a single source, the Constitution, in which is written down its whole law, and that is "the supreme law of the land." Any and everything in the constitutions and laws of the States, in the laws of nations, maritime law, and all other bodies of law, in conflict with the Constitution, or any of its provisions, fall by its touch and before its intrinsic power: it could not otherwise be "the supreme law of the land."

In giving construction to it, resort must be had principally to its text, and then to the debates of the Convention which formed it, to the defects of the system it was intended to supersede, and the exigencies of the country that required a more vigorous Government, to the contemporary expositions, and its interpretation in the decisions of the Supreme Court. When brought to these tests, the Constitution will be found to establish clearly these propositions:

1. Congress can constitutionally make war only against foreign nations.

2. Congress has no authority to make war upon a State for any purpose.

3. When the people of one or more States make war against the United States, by resisting forcibly the due execution of their laws or rebelling against them, it is the duty of Congress to raise the necessary military and naval power to enforce the execution of the laws and to suppress the rebellion.

4. When the insurgents have been suppressed and submit to the authority, Constitution, and laws of the United States, arms can no longer be rightfully used against them.

5. In any conflict of arms between the United States and any portion of the people the former have no rights of conquest whatever.

I propose to make some further examination of these positions, and will treat of the first two together.

When it is observed that the Constitution, in after clauses, expressly authorizes Congress to use military force to execute the laws of the Union, to suppress insurrections, to repel invasions, and to protect every State against domestic violence, being all the forms in which internal war can be made, it cannot be doubted that its previously established power to declare war relates to foreign nations only. If it had been intended to comprehend domestic wars also they would not have been specially provided for in later express enumerations. The debates of the Convention, the Federalist, and other contemporaneous expositions of the Constitution show clearly that the power "to declare war" was intended to operate only against foreign nations; and that construction having been given to it by the Supreme Court it is not now an open question.

If Congress has no authority to make war upon a State, and that position can be established by argument, it would also demonstrate that its power to declare war would necessarily be restricted to foreign nations. For the United States to declare or make war against one or more States, and conquest and subjugation to ensue, would be for the whole to destroy its parts, the body its members, and where would the operation of such a principle stop? There was no proposition or thought in the Convention to confer on the common Government any such power; but it was proposed to authorize it to coerce the States by military force for particular ends. Mr. Randolph, in the sixth resolution of his series, embodying his ideas of some of the principal features of the new Government, among many others, proposed that it should have power "to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof."

In the plan submitted by Mr. Patterson, for himself and several of the deputations, a similar proposition, but in a more circumscribed and special form, was offered in this language:

"That if any State, or any body of men in any State, shall oppose or prevent the carrying into execution such acts or treatics, the Federal Executive shall be authorized to call forth the power of the Confederated States, or so much thereof as may be necessary, to enforce and compel obedience to such acts, or an observance of such treaties."

This proposition was lengthily debated on several days by the Convention. It was opposed ably and earnestly by Madison, Hamilton, Wilson, and other members, and finally rejected.

In April, 1787, Mr. Madison, in a letter to General Washington, speaking of the approaching Convention, and the new Government it would probably propose to the States, incorporated these passages:

"An article should be introduced expressly guarantying the States against internal as well as external dangers."

"In like manner, the right of coercion should be expressly declared. With the resources of commerce in hand, the national administration might always find means of exerting it either by sea or land. But the difficulty and awkwardness of operating by force on the collective will of a State render it particularly desirable that the necessity of it might be precluded. Perhaps the negative on the laws might create such a mutuality of dependence between the general and particular authorities as to answer this purpose."

Mr. Madison, in a letter dated October 24, 1787, to Mr. Jefferson, then our minister to France, wherein he gives a synopsis of the new plan of Government recommended by the Convention, introduces this paragraph, speaking of that body;

"It was generally agreed that the objects of the Union could not be secured by any system founded on the principle of a Confederation of sovereign States. A voluntary observance of the Federal law could never be hoped for. A compulsive one could evidently never be reduced to practice; and if it could, involved equal calamities to the innocent and the guilty, the necessity of a military force both obnoxious and dangerous, and, in general, a scene resembling much more a civil war than the administration of a regular Government. Hence was embraced the alternative of a Government which, instead of operating on the States, should operate without their intervention on the individuals composing them; and hence the change in the principle and proportion of representation."—*Writings of Madison*, volume one, pages 290, 344.

Mr. Madison here announced to Mr. Jefferson what the Constitution so distinctly shows: that the Convention had abandoned the principle of the Articles of Confederation, which was the great weakness of that system; that its powers could only be executed by the intervention of the States; and had framed a Government to execute itself by acting directly upon its objects and the people. Also, that it had refused to adopt the principle of coercing the States by a military force to obey the laws. The Convention which framed the Constitution never intended that the Federal Government should have the power to initiate civil war by coercing a State by military force for any purpose. Mr. Madison's prescience was that such coercion would be civil war. A proposition to give to Congress the power to veto the laws of the States also was made in the Convention, and repeatedly and lengthily pressed in earnest debate, and was rejected.

The substitutes for these proposed coercive powers, which the Convention adopted, were to make the Constitution, and the laws made in pursuance of it, the supreme law of the land, and to require the judges in every State to be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding; to require the Senators and Representatives of Congress, and the members of the several State Legislatures, and all executive and judicial officers of the United States and of the several States to be bound by oath or affirmation to support the Constitution; to enforce the execution of the laws of the Union; to suppress insurrections and repel invasions; and on the application of the Legislature (or of the Executive when the Legislature cannot be convened) of the several States to protect

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them by force of arms against domestic violence; by the courts to punish treason against the United States; and to adjudge all cases, in law or equity, arising under the Constitution, laws, or treaties of the United States.

Congress is not empowered to make any war upon the States or the people; but when the execution of the laws is resisted, or an insurrection, or rebellion, which is only a big insurrection, is made against the United States, the Government of the United States has the constitutional authority to intervene with arms, Congress to raise the forces, and the President to direct them as Commander-in-Chief. The resistance to the execution of the laws and the insurrection are criminal, and equally criminal whether with or without the sanction of the State authorities. The mode of putting them down is, in all respects, the same in the one case as in the other; and all the actors in both are guilty of treason against the United States, and the only kind of treason which, under the Constitution, can be committed: "levying war against them or adhering to their enemies, giving them aid and comfort;" and persons charged with this crime cannot be tried by martial law or military tribunals, but only by the civil law and courts and juries, and according to the mode prescribed by the Constitution. The forms of trial and the kinds and amount of punishment are the same, whether the traitors acted with or without or even in defiance of State authority, and in each class of cases the crime is individual and personal, and so is the punishment. Every traitor is to be tried and punished for his own crime; the State is not to be tried and punished at all:

"No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

"The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted."

None but a person can commit or be convicted of treason. A State cannot, but a person may be brought into open court and make confession of treason. The blood of a person may be corrupted by attainder of treason, and he may be subjected to a forfeiture of his property and rights during life, and such other punishment as Congress may declare; but these ideas are not applicable to States.

But, Mr. President, the position of Senators who support the measure under consideration is still more extreme and absurd. It is that the United States, having by force of arms suppressed the rebellion, by the laws of nations has acquired over the States whose people, or, as gentlemen phrase it, the States that revolted and were subdued, the rights of a conqueror.

This question, and the whole subject, is not to be considered and decided by the principles of national law alone, but in connection with the Constitution of the United States. That is the supreme law of this land everywhere and at all times, in war and in peace. Any principle of national law or any other law that is in conflict with the Constitution has no authority whatever in the United States, and here is no more to be regarded than if it had never had effect or existence anywhere. That is the supremacy of the Constitution. Let us examine this claim made for the Government of the United States, for Congress, of the rights of a conqueror over the southern States by the Constitution, its principles, and provisions.

Section three, article one, reads:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years."

In second paragraph, section one of article two, is this provision:

"Each State shall appoint, in such manner as the Legislature may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."

Article five is in these words:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

The Federal Government was made by the States, and they become to be united by and according to the Constitution. It made them "The United States of America." One of the great purposes of the Federal Government is to preserve, defend, and perpetuate the States:

"The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened) against domestic violence."

The States were the primary and deep foundation stones upon which the new Government was reared. Their existence, perpetuity, and position in the Union are provided for all through the Constitution, and the Government clothed with the necessary civil and all the military power of the United States to give them that guarantee. In the House they were severally invested with a representation in proportion to their numbers; in that of the Senate they were made equal; and in the presidential election, each State was given the number of electors that she had Representatives and Senators. The Government of the United States had power by arms to enforce its laws, to suppress insurrections and rebellions against them, and to protect each State against invasion and domestic violence. It has ample power to defend, to preserve, to perpetuate the States; but not an iota to attack, to conquer, to obliterate a State. It is an innate principle of our system, that while it lives one of the States cannot die; yea, that it might perish and all the States yet survive. When the execution of the laws is resisted, or an insurrection or rebellion breaks out, the Government has one power, one duty: to enforce the execution of the laws, to put down the rebellion even by military force; these effected, the whole power for the occasion is exhausted, and the sword as against the people and the State is to be sheathed. The power is to conserve, not to destroy; to prevent revolution, not to make it; to uphold the States, not to obliterate them.

The Constitution not only founded the Federal Government upon the States, but it adopted them as part, an indispensable part, of its machinery. That Government could not be administered, could not exist without a Senate; and Senators can be chosen only by the State Legislatures. A President is one of its vital organs; and that officer is to be chosen by electors, and those electors can be appointed only in the manner directed by the Legislatures of the States, and there is no other authority to act in the premises.

In the fortieth number of the Federalist, Mr. Madison wrote:

"The State governments may be regarded as constituent and essential parts of the Federal Government; while the latter is in no wise essential to the operations or organization of the former. Without the intervention of the State Legislatures the President of the United States cannot be elected at all. The Senate will be elected absolutely and exclusively by the State Legislatures."

When the Legislatures of two thirds of the States make application to Congress to call a convention for proposing amendments to the Constitution, Congress is required by the Constitution to call such a convention; and when amendments are proposed in that mode, or by a two thirds vote of both Houses of Congress, they cannot become a part of the Constitution without, but do upon being ratified by the Legislatures or conventions of three fourths of the States. It is not only unsound, but it is preposterous to assume that the men who fill the offices of the State governments by committing treason, rebelling against the United States, can thereby destroy a part of the indispensable machinery of the Government, by which alone a Senate can be chosen, a President elected, and the Constitution amended. The men who work the machinery are criminal, but not the machinery; they incur forfeitures and punishment, but not it. This admirable constitutional mechanism survives in its legal existence to preserve the harmony and completeness of our complicated system; and when loyal men regain possession of it, or those who betrayed it return to their fidelity, it resumes its functions by the conserving, restoring principle of *post limine*, as though it had never been disturbed.

This position can be enforced by other arguments. A President of the United States may be a traitor and commit treason against them; but not the Presidency, the office. The incumbent may make war against them and be vanquished, impeached, and removed from office, be killed in battle, or hung as a traitor; but however he may be ousted from office or perish, the office still remains. He may hold possession of the capital, expel Congress and the courts from it, continue in the formal administration of the office, and direct the operations of the Army and Navy for the subversion of the Constitution and Government and the liberty of the people, and all this does not annihilate or forfeit or affect the constitutional and legal existence of the office of the Presidency; that still exists, though suspended in its legitimate operation by the criminal conduct and usurpations of the incumbent. But so soon as he is driven from it and another is properly chosen, he goes into the office with all its constitutional powers, no more, no less, by the effect of the principle of *post limine*. So a part or all the members of the two Houses of Congress may make war against the United States; and if all were to make such a war, even as Congress, that would not abolish or forfeit or affect the legal existence of Congress, or of either House, or the office which any Senator or Representative filled, although every incumbent would have forfeited his office and his life and should have lost both for their crimes. The offices would abide all the storms of treason and civil war as component parts of our system of Government, and be permanent as it to prevent the greater evils of anarchy and chaos, and would be ready, unshorn of a single power, to receive other incumbents regularly chosen.

When the insurgents or rebels, as in the late civil war, are so strong as to take possession by force of arms of one or many States, to expel the authority, laws, and officers of the United States from them, and set up hostile governments, their position as States of the Union and the citizenship of their people become suspended, and so continue until the hostile power in them is suppressed or voluntarily submits; and then by the principle of *post limine* the States and the people are remitted to their former position and relations with the United States. Until that is effected they occupy no other character than that of insurgents making war against the United States, and are to be suppressed by force of arms. The hostilities are to be conducted on both sides according to the humane usages of modern warfare. The parties are belligerents *sub modo*, and their belligerent rights are to be determined, not by the laws of nations, but by our laws, Constitution, and form of government. Beyond the modes in which the war is to be conducted the insurgents have no rights but what their success may wrest from the United States. The latter may press hostilities against them as against other enemies, but not for the ends of conquest and subjugation, of overthrow and reconstruction, but to reduce them to obedience to the Constitution, laws, and authority of the United States; to defeat their attempt to get away from their proper position and the

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performance of their duties in the Government, and if necessary by force of arms to compel their return. The whole power of the Government is to prevent destruction and revolution, both of the United States and the States; not to make or assist in making such destruction and revolution. When the war is over or during its pendency the United States may bring to trial and punishment, according to the forms of the common law, any insurgent for treason or other crimes committed by him.

This great healing and conserving principle of *post limine* is set forth in every treatise on national law, and is recognized, allowed, and enforced in all civilized nations. It is defined to be—

"The principle in the modern law of nations by virtue of which persons and things, taken by an enemy in war, are restored to their former state when coming again under the power of the nation to which they belonged."

This principle has been recognized and applied by our courts. In the war of 1812 a part of the district, now the State, of Maine, including Castine, was invaded and taken possession of by the military forces of Great Britain, and her authority and laws were made to supersede those of the United States and Massachusetts. A British collection port was established at Castine, within the conquered territory. A ship landed her cargo and paid duties upon it at Castine under the laws and regulations of England, and to her authorities. After peace was made, and the British forces had been withdrawn from the conquered country, the United States brought suit for the goods, because they had been imported into Castine, a port of the United States, in violation of their laws, and were thereby forfeited. Judge Story pronounced the opinion of the court, in which there are these passages:

"By the conquest and occupation of Castine, that territory passed under the allegiance and sovereignty of the British. The sovereignty of the United States over the territory was of course suspended, and the laws of the United States could no longer be rightfully enforced or be obligatory upon the inhabitants who remained and submitted to the conqueror. Castine could not therefore be deemed a port of the United States, for its sovereignty no longer extended over the place. Nor, on the other hand, could it be deemed a port within the dominions of Great Britain, for it had not permanently passed under her sovereignty.

"A territory conquered by an enemy is not to be considered as incorporated into the dominions of that enemy without a renunciation in a treaty of peace, or until a long and permanent possession. Until such incorporation it is entitled to the full benefit of the law of *post limine*."—*2 Gall., C. C. R.*, 485.

The United States and Great Britain being independent Powers, the laws of nations and the rights of conquest applied, without being restricted by the Constitution, in a war between them; and a portion of the territory of Maine, being conquered and taken possession of by the British forces, when that possession returned to the United States and Massachusetts, all men and things in the country that had been conquered, without any legislation of Congress or the State, but simply by effect of that law of *post limine*, were restored to their former state, and the rights of the people, civil and political, and the laws and jurisdiction of the United States and Massachusetts, were resumed and operated as though they had never been suspended or disturbed. The principles of the Constitution are not in conflict with this universal rule in the code of nations, and both operate for restoration in the same way. So soon as the rebellion was suppressed and the people and governments of the insurgent States in good faith submitted themselves to the authorities, Constitution, and laws of the United States, they were both by the Constitution and *post limine* law, as to all persons and things, restored to their former condition in the United States and governments of the States, and they to each other. These were the legal results, the status produced by the intrinsic force of the Constitution and the law of nations; and no other reconstruction was needful than for the Governments of the United States and the States, by all their departments and officers, to conform to the reconstruction which events and the operation of that Constitution and law had produced.

These principles and consequences were never controverted by any respectable intellect until after the war of the rebellion had terminated. Up to and after that time all the legislation of Congress was upon the recognition of the fact that the States in which the revolt had been made were, notwithstanding, States in the Union; and that the war waged against them by the United States was not for any purpose of conquest or subjugation, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and as soon as those ends were accomplished the war was to cease.

While the rebellion was raging, Congress passed acts to apportion representation among all the States by name, including those in revolt; to lay a direct tax upon each of the States, naming each one that was in rebellion as a State, and by its name; to admit West Virginia into the Union as a State, reciting—

"That the Legislature of Virginia, by an act passed on the 13th day of May, 1862, did give its consent to the formation of a new State within the jurisdiction of the State of Virginia, to be known by the name of West Virginia."

By the act establishing the Freedmen's Bureau, passed after the rebellion had been suppressed, the States engaged in it were divided into districts, and put under its authority; and the "civil rights" bill, passed by Congress 9th April, 1866, expressly authorized any person, sued in a State court for an act done under the Freedmen's Bureau law, to remove the case from the State court into the circuit or district courts of the United States for the State in which such suit may have been instituted; and also gave to the United States district courts in those States, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act.

Congress passed an act reorganizing the circuit courts of the United States, in which it embraced by name all the States which had been engaged in the recent rebellion; and in different sessions Congress passed two distinct propositions to amend the Constitution of the United States, and submitted them to all the States; and in the second one referred specially to those that had been in the rebellion.

When Tennessee passed her ordinance of secession she was represented in both Houses of Congress; and one of her Senators, Andrew Johnson, remained in his seat until he was appointed by President Lincoln provisional governor of Tennessee. Maynard and Clemens were elected Representatives from that State after it had seceded, and were permitted to take their seats. There was no objection then that Tennessee had ceased to be a State in the Union, and was therefore not entitled to be represented in the House and the Senate. On the contrary, this Senator and those Representatives of Tennessee received the "All hail" of every Republican and of every true friend of the Union and the Constitution. The Senator particularly for his immovable firmness in holding to his position of Senator from Tennessee, unawed by threats, unseduced by promises, became the civil hero of the Republicans, and their admiration and gratitude impelled them to nominate and elect him to the Vice Presidency, from which by the act of Providence and the operation of the Constitution he was transferred to the Presidency; and now the leaders of the party that gave him this great promotion say that he was not constitutionally eligible to either office.

After Virginia had seceded, less than one third of her counties and her people elected a Governor and a Legislature, who were inducted into office, and this Legislature proceeded to elect two Senators to Congress from that State. Messrs. Willey and Carlile presented themselves at the bar of the Senate in the extra session of July, 1861, with commissions as Senators from the State of Virginia, signed by the now Governor Peirpoint, and a motion was made that they be permitted to take their seats. Objection was made by Senator Bayard, on the grounds that they were not elected by the legitimate Legislature, nor commissioned by the legal Governor of Virginia. Those objections were overruled, and Messrs. Willey and Carlile admitted as Senators from the State of Virginia, every Republican present voting in the affirmative. Then there was no thought that Virginia was not entitled to have Senators because she had seceded and rebelled, and was not a State in the Union; or if there was such a thought no person gave it a voice.

At the ensuing session of Congress, December, 1861, Messrs. Willey and Carlile appeared and resumed their seats as Senators from the State of Virginia without any question, and Upton, Blair, Segar, Brown, and Whaley then took their seats in the House as Representatives from the State of Virginia, and not a doubt was uttered as to Virginia being a State and in the Union, and entitled to be represented in the House. Soon afterward West Virginia was admitted into the Union as a State; and Senator Willey living within and being a citizen of that State, and having been chosen one of its Senators, a senatorial vacancy was thereby created in Virginia. Her government had been continued by Governor Peirpoint remaining in the executive chair, and a portion of the people of about a dozen counties electing some ten members of the Senate and about twenty of the House of Representatives. These gentlemen convened as the Legislature of Virginia and chose Lemuel J. Bowden to be a Senator from that State as the successor of Senator Willey, and he took his seat without objection.

There is no message, proclamation, or authentic speech or conversation of President Lincoln or President Johnson, in which the question is touched, that does not declare the continued existence of the States in rebellion; and all of them admitted the competency of the people of those States to lay down their arms, to submit themselves to the Constitution and laws of the United States, and they and their States to resume their proper position and relations in the Union; and many of them earnestly importuned that course to be taken.

On the cessation of hostilities in the southern States, President Johnson proceeded to nominate from all over them judges, district attorneys, marshals, postmasters, assessors and collectors of internal revenue, and custom-house officers, in the aggregate amounting to hundreds and thousands, and many of them were confirmed by the Senate without any objection that they were for certain States when there were no such States in existence. The President conceded the great principle established by both the Constitution and national law, that the power in the rebel States which expelled the Constitution, laws, officers, and authority of the United States from them having been suppressed and no longer forming any obstruction, they all resumed legally their former state, and his duty was to acknowledge and act upon this restored condition of things. This has been called the President's policy. I have before shown what had been the policy of Congress up to the commencement of its last session. There is no discrepancy between those policies. Each department of the Government, in the performance of its official acts touching the revolted States, maintained these great truths springing from the whole Constitution, that though the people of one or more States, including those who held possession of their governments and offices, may be in

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active rebellion against the United States, they are nevertheless *de jure* States in the Union, and on the rebellion being suppressed they resume their former position, and are to be treated by the Government as all the other States as on proper and friendly relations with it.

This has been the policy of the judicial department of the Government also. The judges of the Supreme Court proceeded, after the termination of the war, to apportion among themselves the circuits as organized by Congress, including those that have rebeled; to set down for trial both the old and new cases from the States that had been in revolt, and to certify their judgments and orders to the inferior courts in those States, to admit attorneys from them previously practicing at its bar without requiring anew any oaths; to issue writs of *habeas corpus* and orders upon them running into those States; and as to all matters, making the same application of the laws and the powers and functions of the court and judges to the States and people that entered into the rebellion, as to the other States and their people.

Two of the judges of that court were citizens of and commissioned from States that were in the rebellion, and the circuit of one was wholly and of the other mostly within those States. According to this new-fangled theory of Congress, those two judges, on the secession and rebellion of their States, became alien enemies to the United States. If so, they then immediately ceased to be judges of the Supreme Court, and could not longer hold their offices; and yet they met and sat and deliberated and pronounced judgments as members of the court like the other judges, as they had done previously, without any question or doubt ever being suggested.

Mr. President, in this whole affair there has been no conqueror, no conquest, but a simple suppression of unlawful force, a suppression of an insurrection, a reduction of rebels arrayed in armed resistance to the law to obey it by force of arms. If there be a seeming conqueror it is the President, not Congress.

Congress raises and supports armies, provides and maintains a Navy, and provides for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion. But the President is a coördinate department of the Government, and in the performance of his constitutional and legal duties is as independent of Congress in the performance of its duties as it is of him. The executive power of the Government is vested in the President, and Congress shares no part of it. He is sworn to execute faithfully the office of President, and to the best of his ability to preserve, protect, and to defend the Constitution of the United States, and shall take care that the laws be faithfully executed. He is Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States when called into the service of the United States; and he has the sole and exclusive power, so long as they exist, to direct all their operations according to his own will, in furtherance of the ends pointed out by the Constitution and the laws.

By the Constitution and the laws he is the only authority to decide when and where the execution of the laws are resisted, when a State or the United States are invaded, when and where there is an insurrection or rebellion, and when there is such domestic violence in a State as to require the intervention of the military force of the United States for its protection. He is to judge according to his sole discretion when and where all or any of these conditions of things exist, to move and direct the necessary military forces to meet and correct them; and it is the duty of Congress and the courts and every officer of the Government to be informed and to be governed by the official information of the President upon these points.

Congress may make war, but cannot make peace; may raise and disband armies, and may provide for calling out the militia to enforce the execution of the laws and suppress insurrection; but the enforcement and the suppression is to be done by the President in virtue of his obligation, power, and duty faithfully to execute the office of President, to the best of his ability to preserve and defend the Constitution of the United States, to take care that the laws be faithfully executed, and as Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States when in their service.

All these points have been considered, adjudged, and sustained by the Supreme Court. In the case of Martin *vs.* Mott, before referred to, that court says, "if we look to the language of the act of 1795, every conclusion drawn from the nature of the power itself is strongly fortified." The words are whenever the United States shall be invaded, or in imminent danger of invasion, it shall be lawful for the President to call forth such number of the militia as he may judge necessary to repel such invasion, to suppress such insurrection, and suppress such unlawful combinations to obstruct the execution of the laws, when too powerful to be suppressed by the ordinary course of judicial proceedings or the powers vested in the marshals:

"The power itself is confided to the Executive of the Union, to him who is by the Constitution the Commander-in-Chief of the militia when called into the actual service of the United States, whose duty it is to take care that the laws be faithfully executed; and whose responsibility for an honest discharge of his official obligations is secured by the highest sanction. He is necessarily constituted the judge of the existence of the exigency in the first instance, and is bound to act according to his belief of the facts. If he does so act, and decides to call forth the militia, his orders are in strict conformity with the provisions of the law; and it would seem to follow, as a necessary consequence, that every act done by a subordinate officer, in obedience to such orders, is equally justifiable. The law contemplates that, under such circumstances, orders shall be given to carry the power into effect, and it cannot, therefore, be a correct inference that any other person has a just right to disobey them. The law does not provide for any appeal from the judgment of the President, or for any right in subordinate officers to review his decision and in effect defeat it. Whenever a statute gives a discretionary power to any person, to be exercised by his own opinion of certain facts, it is a sound rule of construction that the statute constitutes him the sole and exclusive judge of the existence of those facts. And in the present case we are all of opinion that such is the true construction of the act of 1795. It is no answer that such a power may be abused, for there is no power which is not susceptible of abuse."

In the case of Luther *vs.* Borden, the court sustained the principles stated in the preceding extract; in reference to the act of 1795, it says:

"By this act the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interpose is given to the President. He is to act upon the application of the Legislature, or of the Executive."

This referred to an application by the Governor of Rhode Island to the President to interpose with military force to protect the State against domestic violence. That opinion further says:

"In the case of foreign nations the Government acknowledged by the President is always recognized in the courts of justice. And this principle has been applied by the act of Congress to the sovereign States of the Union."

And again:

"It is a sound rule of construction that the statute constitutes him the sole and exclusive judge of those facts, (whether there be an insurrection.) The facts upon which he is to act by moving the armed forces of the United States."

This portion of the act of Congress of 1795 was reënacted in 1861.

The principles sustained in these decisions by the Supreme Court were recognized and relied upon by that distinguished jurist and statesman, the late Senator Collamer, in the argument he made in the Senate in favor of the admission of Senators Willey and Carlile from the State of Virginia. He says:

For instance, whether a foreign Government recently commenced has become an independent people, whether in court it is to be treated and considered as a nation, is not a point on which a court can decide. That is a political question, and if the executive head of the Government has received ministers from that Power, recognized it as a Power on earth, the courts cannot go into the question whether he did it right or did it wrong."

"In analogy to that, in this judicial proceeding must we be governed by the fact that the government of Virginia that has executed these papers and sent them to us is recognized by our Executive. They have called on him for militia. He recognizes them as the government of Virginia. It is a political question; it is settled."

Every Republican Senator assented to this proposition and sustained it by his vote.

Now, in the face of the Constitution, the laws of nations, of so many precedents made by Congress and both of its Houses, by Presidents Lincoln and Johnson, and the decisions of the Supreme Court, is it not passing strange that at this late day, after the war is all over, and the entire rebel host that was in arms has made the most complete and *bona fide* submission which the world ever saw, that Congress should set up the stupendously false and absurd pretension of being the conqueror of all the States and people that were engaged in the revolt; and that their country, governments, laws, men, women and children, liberties and property all lie prostrate at the feet of Congress, the conqueror. That as Cromwell held his iron heel upon the necks of the Irish when he decided by the councils of his own will to transport the whole of its Catholic people from the Green Isle, where they were born; as the tyrant of Austria shivered both the iron crown and the chartered liberties of the Hungarians; as the frozen Czar of the north, by his ponderous military power, crushed Poland to the earth and applied the dreaded knout, or banished so many of her heroic people to the snowy wilds of Siberia, and his military satrap proclaimed, "Order reigns in Warsaw;" so the conqueror, Congress, stands in terrible strength and majesty over the conquered, prostrate, and hapless States and people of the South. Was there ever so unfounded, so baseless, and yet so frightful a pretension? The people of the United States and of the world might deride and laugh to scorn this most extravagant, ridiculous, and grotesque claim but for the fearful energy with which it is sustained by those who make it, and the large masses of factious, debauched, and frenzied people who recklessly support them.

The power claimed by Congress not only to exclude ten States from representation in the Senate and the House, but to obliterate these States and their governments, to absorb them wholly; is it anything short of madness to claim such a power? The United States is an association, a bundle of thirty-five States. Twenty-five have assumed the power to blot out ten, and if they can do that they may continue the work among themselves, and where will it stop? The case most nearly parallel, that I remember, is that of a man who had a dozen ducks, one of which he cut up into small pieces and fed to the others; the next day he cut up another and fed it to the remainder, and so he proceeded until he had but one left, and that one in this mode had eaten up all the others.

The Radicals of Congress claim to have had thirty-five ducks. They have cut up and fed to the others for a single meal not one, but ten. Whether the process is to continue, or how, is to depend upon the exigencies of the party. One of the great purposes was to get a majority of two thirds in both Houses to pass constitutional amendments and bills over the veto of the President. This operation was made to subvert not only the executive department but the Constitution as the interests and will of the Radical leaders might require. Of one thing I feel assured: that if the sacrifice of Kentucky had been needed to have given the Radicals a majority of two thirds in both Houses that State would ere this have been absorbed, eaten up; but I think the political

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whale would have taken a Jonah into its belly. Such fantastic freaks of usurped power are performed by a party that arrogates to itself the name of the Union party.

The bill under consideration, and the kindred measures passed and pending, are charged with the insolence, oppressions, cruelty, and vengeful spirit of the fiercest conquerors, and such is the only legitimate affinity between its authors and conquest. To give over the constitutional and legal rights and liberties of any people into the protection of a standing army is to give the lamb into the keeping of the wolf. But this atrocious bill not only annihilates their State constitutions and laws, but also the Constitution and laws of the United States in the ten southern States, and imports a power in Congress to remodel their maps. It makes the entire population prisoners of war, and their country and everything in it captured property, and to belong to Congress, the conqueror. It sweeps away all law and courts, establishes five military satraps and satrapics, and makes their unwritten, unexpressed, unknown, and arbitrary will the substitute for all law, and these satraps to apply that will to the property, liberty, and lives, to the consciences and religion, of that whole people, as lawgivers, judges, and executioners. This diabolical bill disfranchises the white man and enfranchises the negro, creates an absolute and unmitigated military despotism, wholly in the interests of the negro, to effectually degrade and enslave the white population; and to transfer the country, its government, and political power over to the negro, under the trusteeship of some white northern adventurers and native white political vagabonds. The barbarism and cruelty of the whole scheme would not be unsuited to an Attila or Ghengis Khan, or a Timour Beg.

The honorable Senator from Missouri [Mr. HENDERSON] tells us that the disease of the country is aristocracy, engendered by slavery in the South. There is a more general, virulent, and fatal disease than that—faction, political debauchery. The demon of political faction now rules the Government and the country, and he ministers to and inflames every bad passion—religious fanaticism and hypocrisy, sectional interest and hate, ambition and love of place and power, vanity and false philanthropy, the lust of intermeddling with other people's business, avarice, envy, and revenge, a blind devotion to party, an utter abnegation of all scrutiny of its measures, ends, and morals, and of their consequences to the country, a senseless exultation for all its triumphs, a depraved sense of pleasure, a meretricious sentiment of personal glory in contemplating its power and domination, the usurpation by party of the place in mind and heart that ought to be held by country: these are the passions that can be ministered to only by holding on to power. They are the links that form the chain which binds the Radical party together. They are the combined forces that have so desperately hurled it against the Constitution and the liberties of the people, and brought it to the desperate purpose, "to rule or ruin." They feel that the vote of the southern States in the next presidential election might jeopardize their hold, if not displace them from power. The southern States can make no concessions, can make no self-abasement, that will purchase from the Radicals the exercise of their great constitutional right to vote in the next presidential election. The Radicals will hold them in vassalage, and prevent them from voting and as long afterward as they can.

Mr. President, I have acted an humble, but I believe a consistent, political part. The platform on which I have always stood was embodied in words of that peerless patriot and statesman, Mr. Clay: "The Union, the Constitution, and the enforcement of the laws;" and to that I will adhere while I have life. Any party, any leader that will strike, with a reasonable prospect of success, for the vindication of that wise and patriotic aphorism, whether Whig, Democrat, or Republican, I will become a follower, and be a true one.

Tariff.

SPEECH OF HON. M. C. KERR,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1867,

On the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

Mr. KERR. Mr. Speaker, in the zeal and real or fancied strength of triumphant majorities the arguments and appeals of minorities against their measures are seldom heeded. In the midst of the angry and bitter passions of the present hour they are sometimes received with derision. But, since the minority as well as the majority are the chosen guardians of the people's interests and liberties, their silence when they should proclaim the people's danger would make them parties to the crimes of the majority.

It is not without a consciousness of a great responsibility that I arise for the purpose of uttering my solemn protest against the infamous and irreparable crime which, without a due realization of its enormity, this House threatens to perpetrate against the liberties of the people of this country by the passage of this bill. I will not attempt to show that the country will not survive the enactment of such a law, because, thank Heaven, there are always unseen, but potent, agencies at work to counteract the effect of

"Man's inhumanity to man;"

to close up the gaping wounds of war; to heal the ravages of disease; to defeat the triumph of the cunning, and repair the misfortunes of the weak; to urge on wicked and selfish rulers to their own undoing; and, indeed, to fill up the breach of all catastrophes. For every action there is concomitant reaction; and we have only to wait and work long enough to see every social or political injustice set right.

But the generations of mankind have each but a few short years allotted to them, while the operation of natural remedies frequently extends over long periods of time. I shall prove, and I believe beyond the power of refutation, that if this bill becomes a law that link will have been riveted which, for at least a generation to come, will fetter the liberties, commercial and personal, of this people beyond unfastening, and reduce the people, still further than they are already reduced, from the proud positions of free and prosperous men to the abject one of cringing dependents, destined to pace the weary round of life within just such bounds as their masters may choose to prescribe for them.

Republics are never overthrown by tyranny, open and undisguised; they only succumb to fraud and cunning. In the scramble for individual wealth and power, in all ages and countries, a small part of mankind, by a system of delusion and false pretenses, have been trying to persuade the balance that they could best promote their own welfare by paying them tribute in some form. They have insisted that their cause, their interests, were in some mysterious way, more than other men's, identified with the interests and safety of the State. They have claimed that patriotism, and even religion, demanded that other people should pay them twice as much for a given article as the citizen of a neighboring nation would sell it for. They have appealed to all kinds of prejudices and national animosities in order to enlist the sympathies and passions and obscure the judgments of the people, the better to enable them to control their actions in their own interests. They have applied, and not in vain, to Government to compel the people to trade with them, and to pay them twice or thrice as much for their merchandise as it was intrinsically worth. The system which has developed so much delusion and fraud is fasely called the "tariff for protection." It is the offspring of selfishness and sectionalism. It is the most insidious and dangerous form ever assumed by cupidity and capital in their struggle against the people.

The real object of any tariff is to make the people who use the article upon which the duty is imposed pay more for it in the country than it can be purchased for out of the country; to make them pay more for it than it is really worth; and all that they pay for it over its cost without the duty is so much paid as a bounty or gratuity for the temporary advantage of the home producer or manufacturer of such articles. The tariff does not merely compel the people to pay the additional price for the imported article, for if that were the case the home manufacturer, the home monopolist would suddenly become the enemy of all tariffs; but the very purpose of the tariff is to raise the price of the article produced at home just as much as the duty raises the price of the imported article. If a coat manufactured in Canada costs there ten dollars, and its manufacturer is compelled to pay a duty of ten dollars on it before he is allowed to bring it over the line and sell it in the United States, then he will charge twenty dollars for the coat when sold in this country, and immediately the people in this country engaged in manufacturing the same kind of coats will discover that they cannot afford to sell them for less than the Canadian does, and they will demand the same price. So that while the wearers of coats made in Canada are paying a tax of ten dollars on each one to the Federal Government, the wearers of coats made in this country are paying a tax of ten dollars on each coat to the manufacturer instead of the Government. So that the people, the consumers, pay millions of dollars more to the monopolists than the Government collects on the imported goods as duties. The first effect of such a tariff is to impose an unjust and onerous tax upon the whole people for the benefit of the few, and for a time to stimulate excessively the production of the taxed articles in the country, and make the profits of their manufacturers enormous, and build up great monopolies to control the legislation of the country.

But the manfacturers of "protected" merchandise cannot perpetuate the enormous profits which they enjoy at first under any given tariff. It is a law of trade, of prices, of commerce, as it is of liquids, to seek a common level. The high prices created by the tariff soon attract capital and industry and competition to the production of the favored articles. The supply from abroad, which is excluded by the tariff, is at length in whole or in part made up by a premature and unnatural stimulant and effort at home. But if you increase in any way the cost of coals, flour, salt, or other necessaries of life, you increase in a greater proportion the cost of living. The increased cost of living compels the great mass of mankind who eat their bread in the sweat of their brows to increase also the price of labor or starve. Thus the benefit of a tariff, imposed at first in the interest of a few establishments or monopolists, are soon dissipated and turned into curses upon a whole people. Honest and needed pursuits and industries are discouraged, and feverish speculation and gambling are encouraged. Unjust and dishonest profits are realized for awhile; high prices and inflation follow, and the cost of production is so much increased that the profits fail. Then the favored manufacturers and monopolists cry aloud for higher duties, and protest that if they are not soon granted they will be ruined. And it is often true, and always the result of their own folly or dishonest cupidity. They crowd

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the lobbies of Congress with their hired agents and burden the desks of members with their multiform appeals for a higher tariff. They generally succeed. The same process of unhealthy stimulation and production is seen with the same ultimate increase of prices and of the cost of living and labor. Profits fail again, of course, and the protectionists and monopolists demand more tariff. Thus each attempt to build up the material interests of the country by such swindling systems of government-nursing and hot-house protection only prepares the way for another.

The overwhelming truth of this principle is demonstrated by the legislation of Congress on the tariff during the last six years. During that brief period there have been enacted ten tariff laws, and every one has given an increase of duties over its predecessor. Now, another advance is demanded, and if granted it will make a tariff so high, grinding, and prohibitory, as to impair the revenue from imposts, still further encourage reckless speculation, gambling, and stimulation of prices, and take millions out of the pockets of the consumers as the mere advance on the prices of merchandise now on the shelves of our manufacturers and importers. If this bill were passed, how long would it satisfy the protectionists and speculators? It imposes rates of duties that are high and extravagant beyond any precedent in the history of our country. On many articles it is absolutely prohibitory, and on others it is so high as to destroy entirely its value as a source of revenue. It embraces nearly or over three thousand dutiable or taxed articles. It affects directly almost every value and every material interest of the entire country, and cannot fail still further to inflate prices and to increase the cost of living, and hasten a crisis in our financial and commercial affairs which may prove disastrous to our prosperity for years.

I hold that the true principles of personal liberty entitle every man to purchase what he wants where he can do so on the best terms, and to sell where he can obtain the best prices. The conduct of men everywhere in the business of buying and selling is always most wisely regulated by the law of intelligent self-interest. They need no tariff laws nor tinkering aid of any kind from legislators to instruct them where or on what terms to buy or sell. The laws which control all intelligent trade and commerce must be free and unwritten. They are always best regulated when they are self-regulated.

But the support of civil government requires revenue; and the country is not yet prepared to assess and collect it directly from the people, according to their individual ability to pay it. It rather prefers to assess and collect it by processes of indirection and by rules of inequality. It therefore justifies tariffs for revenue, not for protection for protection's sake. Some degree of protection will result from any well-adjusted tariff for revenue. But the protection should be incidental; it should be the secondary, not the primary object of the tariff; its primary purpose should be revenue. It should be so arranged as to make its burdens rest as lightly as possible on and to trammel as little as possible the commerce, the labor, and the industry of the country. The greatest possible freedom consistent with the collection of sufficient revenue to support the Government, economically administered, should be accorded and guarantied to all the ordinary and honest pursuits and industries of the people.

Such a system of revenue and tax laws would vastly facilitate the collection of revenue and diminish the temptations to fraud. The country would not then have to make the humiliating confession that by reason of frauds invited and provoked by the very excess of its impositions, some of the best sources of revenue have produced the least results. For example: the present tax on spirits is two dollars per gallon; Mr. Wells estimates the annual consumption of domestic spirits at forty million gallons; the annual revenue arising from this, if honestly paid, would be $80,000,000; but in fact it is only about twenty-nine million dollars. It cannot be doubted that if the tax were reduced to fifty cents per gallon on domestic spirits, and the duty to fifty or seventy-five cents per gallon on foreign spirits, the aggregate revenue would be greatly increased. The high premium which excessive duties or taxes always offer to successful fraud or evasion would be thus removed. Honest men would be encouraged to embark in business with a fair prospect of being able to sustain themselves in competition with their less scrupulous neighbors engaged in the same business.

Our systems of import and excise duties are extremely vicious, expensive, and complicated by reason of their attempt to embrace every article of production, either domestic or foreign, which finds a market in our country. It is by such agencies, in connection with an irredeemable and redundant national currency, that all prices are inflated to the starving point, the industries of the country are made to tremble upon the verge of ruin, and agriculture, the greatest and most unfailing source of our national prosperity, is made to languish. It is thus that our commercial marine has been expelled from the ocean, our foreign trade destroyed, and our people compelled to pay tribute into the coffers of other nations.

In suggestive contrast with these systems is the policy of England. In 1865 her whole customs revenue was levied upon less than fifty articles, and of $115,000,000 from customs duties $112,000,000 were raised from twelve articles alone. Her internal revenue in the same year amounted to $289,000,000, and was levied upon a very small number of articles in comparison with ours. Thus most of her industries are left free, and even her manufactures are not depressed, but are still enabled to enter with vigor and success into competition with the whole world. Let us profit by her example. The volume of tax imposed upon our people is excessive and oppressive, and then it is made doubly so by the unwise and reckless manner in which it is distributed.

One of the results of this vicious policy is that there are now living in Europe one hundred thousand Americans, either with or without families to support. Their expenditures, even at the lowest estimate, cannot be less than $2,000 each per annum on an average, for many of them belong to "shoddy." They have grown rich by practicing on the credulity of the people and the weakness or wickedness of legislators, through protective tariff swindles and otherwise, and prefer, very naturally, too, to spend their money where they can get the most for it. Owing to our most unwise, dishonest, and vicious systems of tariffs and currency in this country, living in Europe costs less than half what it does here. Over two hundred million dollars, nearly one third of the entire earnings of our thirty-odd million people, are yearly sent to Europe for the support of an aristocracy of American absentees. Thus those who are fattened upon the advantages of our infamous system of "protection," and of other unjust and unequal laws, are enabled to fly from their evil results and enjoy life and ill-gotten wealth under the wiser and cheaper systems in other nations. These statements are not mere assumptions, but are suggested by a very able speech on the currency lately made by the gentleman from Vermont, [Mr. Morrill,] and were originally contained, as I am informed, in an official letter from one of our consuls abroad, who made the estimates with great care. Mr. Speaker, it is as clear as any truth in mathematics that no wise, just, and impartial domestic policy can lead to such injurious results.

There is a limit to the capacity of any people to pay taxes, and it seems to me to be very clear that we have passed that limit in this country now. The unequaled and wonderful ingenuity and skill and recuperative power of our people have carried them thus far without a great crisis. But the increasing burdens and gathering discontent of the people portend the approaching storm. I propose to consider somewhat in detail the extent of these burdens and the ability of the people to bear them.

An honorable Senator stated upon authority, in a speech in defense of this abominable tariff bill the other day, that in the year 1860 the entire yearly earnings of our people amounted in value to the sum of $755,000,000 in gold. I have taken the trouble to examine this important statement with the view of ascertaining its truth, and I believe it to be as nearly correct as so vast a calculation is capable of being made.

The market rate of interest in the largest commercial city of this country is usually about five per cent. per annum. This is the rate at which capital is loaned when the transaction is as far as possible free from risk—such transactions being known as "call loans." This rate indicates with unerring accuracy the average net profit which is capable of being made upon the investment of capital of every kind within the country: capital in money, in lands, in merchandise, in ships, in railroads, or other investments; and the reason why the rate of interest and the rate of net profit are necessarily the same, Mr. Speaker, is this: that in the long run, were it more profitable to lend or sell goods, lands, ships, or other like thing of value, than to lend or sell money, no person could be found to pursue the latter calling. Individual cases may occur, and do frequently occur, where a larger yearly profit is made on the capital employed in negotiating merchandize, land, or shipping transactions, than by negotiating transactions in money; but allowance must be made in such cases for the value of the personal services of the individual engaged in these transactions. Beyond this, such cases of larger percentage of profit than is indicated by the prevailing rate of interest are exceptions, resulting from peculiar circumstances, or unjust laws, and to counterbalance them many failures occur in all these dealings, which not only involve the loss of the profit, but of the principal besides. I venture to say that any large capitalists at our commercial centers, like Mr. Claflin, the great dry-goods merchant of New York, Mr. Astor, the great real estate owner, or Mr. Jay Cooke, the great banker, would be fully satisfied with a sure gain of five per cent. per annum on their capital. If more proof were needed, I would point you to the avidity with which the bonds of the Government, bearing interest at the rate of seven and three tenths per cent. are held at over par. For why would a man lend his capital to the Government at this rate amidst all the incertitude of lingering civil disorder if he could obtain with certainty an equal or greater return for it in banking, in commerce, or in real estate operations?

This fact being established, it follows that whatever the aggregate capital wealth of the entire people is, their aggregate yearly profits must be five per cent., or one twentieth part of that capital wealth, that being the rate at which individual wealth grows, and being, therefore, the rate at which our combined individual or national wealth grows also. Now, as the capital wealth of the people in 1860 was $16,000,000,000, valued in gold, the yearly increase amounted to $800,000,000, gold, or substantially about the same sum estimated by the authority quoted in the honorable Senator's speech. We shall presently see the significance of this result.

Were it necessary to still further vindicate these calculations, it might be done in several ways. They can be corroborated by calculating the productive power of the eight mil-

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lion people (including the late slaves) who, according to the census of 1860, formed the working portion of the entire thirty-one millions of population, and subtracting from it their necessary consumption. The same result might be shown from the statistics of the income tax, and it could be shown from the rate at which the entire capital wealth of the people increased from each decade to another.

Thus our entire capital wealth—

In 1850, omitting the valuation of the slaves, was about	$6,000,000,000
In 1860, omitting the slaves, it was about	16,000,000,000
Annual rate of increase	10.3 per cent.
Of this there was brought hither by immigrants and otherwise from other countries per annum, about	5.3 per cent.
Leaving the natural rate of increase of capital wealth about	5 per cent.

To the truth of this theory I might further quote the express indorsement of it by such political economists as Mill, Faucett, Tooke, McCollough, and others; but I will not consume time to do so now.

Taking all things into consideration, this annual amount of surplus earnings has not been greater than it was in 1860; and the sum then annually saved, therefore, substantially represents the sum now annually saved. Reduced to currency at the prevailing rate, say 140, this sum would amount to $1,120,000,000 in currency. Our increased individual capacity for production since 1860, has been fully counterbalanced, if not more than counterbalanced, by our diminished collective capacity. A man can produce more surplus from a day's work now than in 1860, by reason of the many mechanical improvements which have been adopted since that time; but many thousands, perhaps millions of persons, are now merely consumers who were then producers as well. Southern industry is almost annihilated, and northern industry is demoralized by speculation and gambling.

Assuming, therefore, that $1,120,000,000 currency represents the entire surplus product of American industry for the past year, and I think the substantial truth of this position cannot be gainsaid, let us see what becomes of this colossal sum. Six hundred and thirty-one millions of it last year found its way into the Government coffers in the shape of taxes, excise, and customs.

Statement of the revenue of the United States for the fiscal year ending June 30, 1866.

Customs, $179,046,651, gold, reduced to currency at 141, the average rate for the fiscal year	$252,515,777
Direct tax	1,974,754
Internal revenue	309,226,813
Miscellaneous sources	67,119,369
Total	$630,836,713

More than half of the entire earnings of a population of over thirty million people are thus seen to have been paid for the support of Government in one year. Were this sum entirely consumed for the purposes of Government I do not hesitate to say that the Government could not exist one year. The people would rise as with a single, resistless impulse, and by one convulsive wave of popular indignation destroy the whole fabric. What alone saves it from this fate is the fact that the most of this tribute is directly paid out again, not for full value received, for this would be consuming it for the purposes of Government, but it is paid out for debts owing, debts, for instance, to shoddy contractors, Government loan agents, and others, for which no adequate value was received by the people. A good deal of it also was paid out for interest on the public debt, and for current supplies and services at at enormous rates. So that what the Government really consumes in value for its support is but a part of what it collects in the form of taxes, and pays out again in the form of expenditures, most of which are conducted without the slightest regard to economy. If all that was overpaid for supplies and services to the Government found its way back to the same people who contributed it no loss would accrue. The greater part of the $631,000,000 contributed would be reimbursed to the original contributors, and only the actual cost of the Government would be missed, which would not exceed one half of the whole revenue. This the people might afford to pay for the luxury of being governed too much and yet prosper.

But this unhappily is not the case. And that it is not, but on the contrary, that through the agency of this accursed system of "protection" several hundred millions should be annually squeezed out of the earnings of the eight million working-men of this country, not in proportion as they are well to do and able to pay, but rather in proportion as they are poor and helpless, furnishes the ground of my hatred to the pernicious system in the interest of which this wholesale tariff robbery is being perpetrated. For while tariffs do not diminish the taxes paid by the people to support the Government by one dollar, they do take from the people's pockets tenfold more millions than the Government exacts, to support the special interests of the "protected" classes and build up monopolies, and make the rich richer and the poor poorer. This question is not so much one of sectional rivalry as it has been heretofore, but it is one of solemn import to the whole people, for upon it hangs, not the subordinate question of individual wealth or poverty, but the momentous one of the people's liberties, liberties which wealth, if forced into the hands of the few can buy, and which poverty, if forced upon the many, must surrender without complaint, or appeal to God and their strong right arms to maintain.

The following table shows the amount *per capita* of taxation and public debt respectively in various countries as furnished in Commissioner Wells's report, page 27:

	Debt per capita. Gold.	*Taxation per capita.* Gold.
United States	$74 28	$11 46
Great Britain	125 00	10 92
France	53 00	7 97
Belgium	26 00	5 59
Prussia	12 00	5 43
Austria	45 00	5 27
Holland	121 00	67

So that with a debt only about three fifths as much as that of Great Britain we are paying more taxes per head. Bad as this is, ruinous as it must prove to all permanent interests, were it not for protection we could stand it. But protection cramps and restrains or misdirects and demoralizes the energies of the people, and a day must come when, rendered desperate by oppression, they will rise up and put an end to it forever. I said that were it not for protection we could stand, perhaps with ease, even the inordinate taxes that oppress us. It is said that "for all social afflictions there are always restorative tendencies at work." Protection represses these tendencies as a dam keeps back the waters which otherwise would find their level, not effectually it is true, for it has not even that virtue, but until the rising mass attains such an artificial and unnatural level that it overleaps the highest barriers man can build, and then sweeps onward and destroys everything in its way.

Let it be remembered, also, that this mighty burden annually contributed out of the hard earnings of the people to support the General Government does not include the other vast amounts which are annually exacted by the States and local governments from their own people to support them. These exactions have been estimated at $200,000,000 more. These immense burdens are in great measure peculiar to our own country, because no other nation in the world possesses such an expensive system of local governments as our system of States, counties, and cities. In other countries the central power absorbs nearly all the functions of government and leaves very little to be done by the local communities. I assert, therefore, that the aggregate burdens of the people, the labor, the industry of this country, have no parallel among the nations of the earth. How long can it be endured without a reaction that shall overthrow our institutions? Economy and republican government should go hand in hand; in principle and practice they should be inseparable; because the slavery which results from oppressive taxes and burdens upon the industry of the people is the forerunner of despotism in laws and institutions. The latter result we are rapidly approaching.

If the people of our country were to-day free to trade with other countries, restrained only by a wisely-adjusted tariff for revenue, with incidental protection, the taxes imposed upon them, no matter what its amount may be, would be shared by the whole commercial world instead of by merely the eight million productive population residing in this country. This is the sound and rational policy which the narrow spirit of protection is either ignorant of or hypocritically and selfishly hides from public view. As it is, we are annually paying millions of tribute to other nations by reason of our restrictive and prohibitory policy, for which we receive no reciprocal return from them.

It is evident to whatever extent we trade with foreign nations that the products they buy of us carry with them the taxes they bear; therefore the more of our products we sell abroad the larger the number of persons to share our burden of taxation; and of course the freer our trade the more we sell, because the more we buy. And as we augment the volume of our trade and commerce, whether domestic or foreign, the more desires we gratify and the more profits we make; because trade and commerce, either at home or abroad, being always controlled by the law of intelligent self-interest, will inevitably cease the moment they cease to yield the desired results.

If the Emperor of China should double his demands for taxes from his subjects the tea grown in that country would bear a higher price than now, and we, and all the people on earth who drink tea, would to a certain extent, as we do now to a lesser extent, have to pay the tax. In this way our productions, which, with free trade only limited as I have stated, would be exported abroad in fourfold quantities, would bear with them, to distribute it upon the shoulders of all the world, that burden which, confined as it is now to our own backs, bears us down toward beggary and subserviency.

The beneficent results of the policy for which I plead are most favorably illustrated by the history of the Zollverein or customs-league between the different States of Germany. Previous to the establishment of this great free-trade policy, the various German States had independent protective systems, and, as a consequence, a multiplicity of custom-houses, customs officers, and very limited trade and production. But after its adoption all interior custom-houses and barriers were swept away within the territory embraced in the Zollverein, and a series of duties, not to exceed in any case ten per cent. *ad valorem*, were laid on foreign manufactures, but nothing was prohibited. The rate of import on foreign goods was often greatly below, but never above ten per cent. *ad valorem*. Under these very inconsiderable restrictions, which, as compared with our enormous and prohibitory duties, might justly be called absolute free trade, over thirty-four million people were allowed to trade with absolute freedom among

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themselves, and with all the world outside, at rates never exceeding ten per cent. Under this wise policy Germany became prosperous beyond all precedent. The stimulating influence of free exchange did not diminish, but at once, and from year to year, greatly increased the revenue of each State in the Zollverein, and the production of all their great staples of industry.

The following table well illustrates the effect of that freedom in trade which the Zollverein inaugurated:

Progress of the foreign commerce of the Zollverein; values in Prussian thalers.

Years.	Imports.	Exports.	Population in millions.	Value per head.
1834-38	127,232,226	157,655,610	24	11.5
1839-43	220,572,088	176,770,907	26	13.3
1844-46	216,925,154	174,719,912	29	13.5
1847-49	*	*	*	*
1850-52	187,888,506	178,808,445	30	12.1
1853	203,931,989	251,380,676	32	14.0
1854	269,119,053	334,159,735	32	20.4
1855	315,764,875	308,567,411	32	19.1
1856	350,105,738	318,807,951	33	20.3
1857	354,306,381	353,093,127	33	21.3
1858	321,528,183	350,830,702	33	20.1

* No official returns.

It is a significant fact, that among the articles whose production was greatly increased under the healthful influences of the Zollverein, iron was perhaps the most remarkable. Under protection it was a home monopoly, as it is now in great measure in the United States. Under the Zollverein's free trade it became a large item of export.

Through the policy of protection the garnerings of our people find their way into the pockets of a class; the poor are being impoverished and the rich made disproportionately richer. It is in the building up of this class at the expense of the whole, and in the injurious and artificial stimulation of prices and of the cost of living, without anything approaching an equivalent increase in the capacity for production, that protection is dealing deadly blows at the prosperity and liberties of our people. And the longer this corrupt and swindling system is continued the more difficult it will become to return to rational and honest policy, and, indeed, the time is rapidly passing away when any recovery from this state of affairs by the present generation will be practicable. Under the present and proposed system of tariffs every farmer who brawns his hands with honest toil, every mechanic who swells the industry of the country in his shop, every common carrier who contributes his efforts to the unwearying commerce which from evermore has formed the principal bond of sympathy between distant communities, must expend an extra quantity of the energies of his precious life with which to enrich the insatiable coffers of coddling and intriguing monopolists, and build up and support an aristocracy of American absentees who find cheaper living under the more rational systems of trade and commerce abroad than at home. By perpetuating such a system as this proposed bill will create Congress can effectually impoverish and enslave the people, and the country, and establish a universal monopoly; in the language of one of the greatest thinkers of this century—

"A monopoly which comes home to the business and bosoms of men, follows them in their daily avocations, troubles them with its petty, meddling spirit, and, what is worse than all, diminishes their responsibility to themselves, thus depriving them of what is the only real education that most minds receive—the constant necessity of providing for future contingencies, and the habit of grappling with the difficulties of life."—*Buckle's History of Civilization*, vol. i, p. 453.

Mr. Speaker, there can be no republicanism, no democracy, which has naught to live upon but the dead and despised letter of the organic law. It must be a Republic in spirit as well as in letter. It must have freedom, not alone on the written pages of its constitution, but real, living freedom—freedom for its people to go where they please and to do what they please, provided they do not infringe the like privilege in others; freedom to buy what they please and sell what they please, and where they think best, not compulsion to buy wood-screws at eight times their value, to pay fifty dollars for sewing-machines which the same manufacturers advertise for sale in Paris at nine dollars, to pay ten dollars a ton for coal when they can get it in Nova Scotia for three. The wise and always sagacious Dr. Franklin well said:

"It were to be wished that commerce were as free between all the nations of the world as it is between the several counties of England."

The practical results of the present and of the proposed tariff, as most oppressive burdens upon the industry of all consumers, may be best indicated by some comparative tables, embracing representative articles of general or universal consumption. Look at the following table showing the excessive duties now exacted and those proposed in the pending bill:

ARTICLES.	Width, inches.	Weight per yard, pounds.	Gold cost, per yard.	Present duty, per cent.	Proposed duty, per cent.
Italian cloths	27	-	16	50	72
Ladies' dress goods	28	-	29	51	57
Ladies' dress goods	28	-	20	45	67
Ladies' dress goods	22	-	11	52½	69
Woolen coatings	54	1½	$1 08	73	97
Woolen coatings	54	1½	1 44	65	82
Woolen doeskins	54	1.3	1 32.5	63	80
Woolen overcoatings	54	1½	2 40	56	65
Woolen overcoatings	54	2	1 08	85	120
Woolen overcoatings	54	1½	1 24	68	88
Woolen overcoatings	54	2.1	1 26	80	110
Woolen overcoatings	54	1½	1 43	72½	96
Woolen coatings	54	1.8	2 60	57	67
Woolen broadcloth	54	1½	1 80	62	78
Woolen broadcloth	54	½	1 23	58	70
Woolen Union broadcloth	54	½	80	67	86
Woolen Union broadcloth	54	1	1 03	63	79
Bunting	18	-	9.6	50	135
Union damasks	50	½	54	50	90
Worsted reps	50	1	88	50	90
Worsted damasks	51	½	68	50	78
Worsted plush	24	½	1 23	50	64
Worsted plush	24	½	64	50	90
Union damasks	48	½	41	50	88
Figured reps	48	½	87.5	50	66

Every intelligent man or woman in the country knows that there is no article known to commerce or used among men that assumes such an infinite variety of forms or answers such an innumerable diversity of uses as steel and iron. It would be very difficult to find a single industrial pursuit in the prosecution of which some of the products of steel or iron were not indispensable. They enter alike into the formation of the simplest utensil of husbandry and the mightiest engine of mechanical power. They are alike essential in the construction of a watch and of a railroad with its vast rolling stock. In one or another of their various forms of usefulness they greet the infant in its cradle and follow it at every step of its progress through life. They minister in numberless ways to the comfort, improvement, and civilization of mankind. But they are more important to and more used by the poor than the rich. They both diminish and mitigate the toil of the poor man and of the mechanic, and enable them to rescue a part of their time from the service of their physical wants to the needed improvement of their minds. Now, how are these articles taxed and proposed to be taxed? Remember that any tax on them is a direct tax on every industrial pursuit in the country.

It is the policy of most modern nations to leave the products of iron and steel as free as possible. It is the experience of all nations that when they are left most free the productive capacities and general earnings of the people are most rapidly augmented. Their ability to pay the necessary revenue for the support of Government, and to develop successfully all the material interests of the country are correspondingly increased. Now, Mr. Speaker, let us see how these principles are regarded in the adjustment of our tariff. The duties imposed by existing laws on the leading descriptions of iron and steel, such as pig iron, bar iron, small, round and square iron, hoop iron, refined iron, best Yorkshire iron, best English boiler-plates, steel tires for locomotives, and other descriptions average fully fifty cents per hundred weight.

Now, to make more clear the provisions and policy of the proposed tariff, and the extent to which it will increase the cost of all the products of steel and iron, and burden every industry in the country, except the monopolies, in whose interests all such laws are framed, I invite attention to the following table, which has been prepared with great care and is no doubt entirely correct:

Table comparing the cost per ton, on board, at the port of shipment, including sixty cents per ton shipping charges, of iron imported into the United States, with the duties proposed to be charged on the same in the bill reported by the Senate Committee on Finance, January 11, 1867—reduced to United States gold.

	Duties proposed by Senate bill.		Cost per ton at shipping port, on board, $4 84=£1.
	Per pound.	Per ton of 2,240 pounds.	
	Gold.	*Gold.*	*Gold.*
Bars, round or square,	1¼ cent.	$28 00	$38 11
Bars, round or square,	1¼ "	33 60	38 11
Bars, round or square,	1¼ "	39 20	38 11
Bars, round	1¼ "	39 20	42 95
Bars, round	1¼ "	39 20	47 89
Bars, round	1¼ "	39 20	52 63
Bars, round	1¼ "	39 20	57 47
Band iron — thinner than No. 8 wire gauge, and not thinner than No. 14.	2¼ "	50 40	44 16
Scroll iron	2¼ "	50 40	45 37
Scroll iron	2¼ "	50 40	46 58
Scroll iron	2¼ "	50 40	47 79
Hoop iron	2¼ "	61 60	45 37
Hoop iron	2¼ "	61 60	50 21
Hoop iron	2¼ "	61 60	55 05
Hoop iron	2¼ "	61 60	74 45
Rods	2¼ "	56 00	57 47
Rods	2¼ "	56 00	50 21
Rods	2 "	44 80	47 79
Rods	2 "	44 80	45 37
Rods	2 "	44 80	42 95
Rods	2 "	44 80	38 11
Horseshoe	1¼ "	33 60	45 37
Ovals	2¼ "	50 40	42 95
Ovals	2¼ "	50 40	45 37
Ovals	2¼ "	50 40	47 79
Ovals	2¼ "	50 40	50 21
Ovals	2¼ "	50 40	52 63

It will thus appear that the rates of duties under the new law would average over one hundred per cent. on the original cost of the iron on ship-board in the foreign port. Is it possible that the people of this country must pay such tribute to our domestic manufacturers of steel and iron to enable them to live and make reasonable profits? Do you reply that this enormous duty on the imported iron and steel will be paid into the public Treasury to reduce our taxes at home? I answer that these excessive duties will very greatly reduce, if they do not destroy, the importation of the foreign product. But the home manufacturers will increase their prices by adding the amount of the duty thereto, and the consumers will still have the same duty to pay, not into the Treasury to reduce our taxes, but into the private coffers of the manufacturers to swell

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their profits and power. Thus the very articles most needed to facilitate the development of all the industrial interests of the country and to increase the productiveness of all the people will be most heavily taxed. The extent of the robbery contemplated by the present tariff schemes may be further indicated by the following comparative table:

Table of costs based on the above, with actual duties before the war, present duties, and proposed duties, and advance on present duty per pound.

DESCRIPTION OF STEEL.	Cost per invoice per pound.	Duty before the war per pound.	Present per pound and 10 per cent. *ad valorem* on 3½ cent rate.	Proposed duty per pound and 10 per cent. *ad valorem* on 5 cent rate.	Advance on present duty per pound.	Increase of duty per pound, by Senate bill over duty per pound existing before war.	Percentage of increase of duty by present bill over rates existing before war.	Percentage of increase by present bill over existing rates.
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.		
Extra cast steel	11	1¼	3½	5	1½	3½	280	46
Best cast and double shear steel	10.72	1¼	3½	5	1½	3½	300	47
Second quality cast and single shear steel	9.24	1¼	3	5	2	3.09	397	97
Best blister steel	9.38	1¼	3	5	2	3	160	47
Second quality blister steel	5.06	¾	2½	3½	1	2½	375	55
Round machinery steel	6.76	1¼	2½	3½	1	2½	340	55
Best German steel	6.55	¾	2½	3½	1	2½	375	55
Eagle German steel	5.33	¾	2½	3½	1	2½	450	55
Third quality spring steel	3.24	¾	2½	3½	1	2½	475	55

But it is said that our manufacturers of iron and its various products cannot compete with the manufacturers of Europe, and must therefore be protected until they become so completely established that they can sustain themselves against foreign competition. In other words, it is claimed by the protectionists that certain manufacturing interests cannot at first compete in a new country like ours with the established interests of the same kind in the older countries of Europe, but that, by temporary protection, they would gain strength and foothold, so that after a while they would be able to stand alone. As a general proposition, the world at large and each particular nation will be most prosperous and happy when each nation and each part of any nation cultivates and produces those things for which it possesses the greatest natural facilities, and by commerce exchanges them for the products which can be best supplied by other nations. For example: if the States of Illinois and Louisiana were to each other foreign nations, it would be most unwise and suicidal policy for Louisiana, by imposing high duties on corn and wheat imported from Illinois, to attempt by such protection to establish their successful production at home. Yet the history of the world is full of examples of just such insane folly and stupid selfishness. But the only results ever attained by such policy are the vast increase of prices of the necessaries of life to the mass of the people, the diversion of capital and industry from their natural and to the people most profitable pursuits, and the building up of monopolists and speculators. In the example supposed it would be equally unwise for Illinois, by a similar system of protective legislation, to attempt to establish the cultivation of sugar and rice and oranges in that State.

I am not, however, prepared to contend that there may not be some industries in every country for the prosecution of which other countries do not possess a clear and decided preponderance of advantages, which it would be just and wise to foster by such incidental protection as may be given in the proper adjustment of a tariff for revenue. But wherever such industries do exist, moderate protection for a few years, with wise management on the part of the persons engaged in them, will secure their establishment with capacity to compete with the world; or if it fail to do so, it will demonstrate that they are industries that are not susceptible of such successful establishment at all, even by any degree of protection, and therefore ought not to be protected at all. It is neither rational nor honest to impose perpetual taxes on all the people for the benefit of a few persons. Let those persons, like their unprotected neighbors, invest their capital in some business that will pay them without the aid of the Government to tax everybody else for their benefit.

But the inherent viciousness of the principle of protection for the sake of protection is made manifest by the fact that in the whole history of our Government the few beneficiaries of protection have never been known to say "It is enough," but their perpetual cry is, "Give, give! We must have more protection or we will perish."

Take, for example, the history of protection on iron. At first, about eighty years ago, our iron-mongers were content with a duty of five per cent. But in a short time, instead of growing stronger by protection, they seem to have been getting weaker, for they demanded and obtained a tariff of seven and a half per cent. on foreign iron. Then they soon discovered that they needed ten per cent. protection, and it was given. But in 1794 that ceased to be sufficient, and they were granted fifteen per cent. Yet their zeal in the development of "home manufactures" seemed to increase every year, and in 1803 they must needs have seventeen and a half per cent., and got it. But their anxiety to get along in their laudable pursuit still grew more fervent, and in 1812 they demanded thirty per cent., and even that was given them. A person not engaged in the iron business might have supposed that such bounty would assure its complete and independent establishment. But their business seems still to have remained "an infant manufacture just struggling into existence," needing more Government nursing, for in 1827 they demanded and obtained an additional set of specific duties, raising the aggregate duty on imported iron to about fifty per cent. In 1828 and 1831 they obtained still further protection. Thus, taking their own professions for truth, it seems that their ability to compete with foreign manufacturers diminished as their "protection" was increased. And such is the truth. Government nursing of this kind never gives strength; but it does create feelings of dependence. Between 1833 and 1842, by a sliding scale of gradually diminishing duties, the tariff on iron was reduced to twenty per cent., and in the latter year was fixed at twenty-four per cent. During these years of lower tariffs the iron interests were prosperous in a very high degree, and continued so until the commencement of our civil troubles, when, taking advantage of them, the protectionists induced the country to enter upon our present infamous system of tariff robbery.

It should be remembered by us and by the people that, our country covering almost the entire face of a mighty continent, we are greatly isolated by nature from most of the commercial world; and the intervening obstacles, distances, and ocean, render the importation of the manufactures of foreign nations very expensive, and thus afford to our own manufactures, without the aid of tariffs, a very considerable degree of protection. The English or French manufacturer, before he can offer his goods in our markets, must pay the expense of their transportation from three to five thousand miles, and all that expense must be added to their cost here. But our own manufacturers avoid that expense. Yet, in addition to all these natural advantages, they are demanding most exorbitant bounties to be paid to them by our people to enable them to compete with foreign nations.

It is true that this dishonest system may build up a few factories, iron forges, and other industries, as long as the swindle is continued, for the benefit of a few monopolists, at the expense of millions of people and hundreds of millions of the public money, while it throttles other and far more important industries which would thrive without protective crutches; but the moment the tariff swindle is discontinued, as all our experience proves, they will raise a wail of distress, if they do not languish and die. The effect of this system on many of our most important pursuits is further illustrated by a comparison of our exports in 1862 with those of 1866, reducing all values to gold for the sake of a perfectly fair comparison.

Exports of Domestic Produce.

Articles.	*Fiscal Years.* 1862. *Yearly average price of gold, 1.01½.*	1866. *Yearly average price of gold, 1.41.*
Rye, oats, peas, beans, and ship-stuffs	$2,326,814	$677,152
Soap	625,878	469,710
Spirits	2,580,504	799,790
Staves and headings	2,549,224	1,608,238
Tallow	3,961,735	1,764,955
Wheat	41,892,541	5,562,233
Wheat flour	27,094,393	13,047,295
Wooden wares	1,727,718	511,082
Wool	291,488	187,516
Iron manufactures, unspecified	4,145,090	2,200,532
Lard	9,844,547	4,234,504
Leather	382,787	91,986
Manufactures of stone	192,317	80,021
Pianos, and other musical instruments	149,595	111,892
Whale and other fish oil	1,260,218	145,567
Lard and tallow oil	145,689	49,901
Manufactures of copper and brass	1,080,980	78,162
Cotton manufactures	2,899,350	1,262,536
Drugs and medicines	1,466,505	988,004
Hams and bacon	10,126,024	4,446,664
Indian corn	10,221,287	7,851,344
Butter	4,097,755	899,185

These tables certainly show very unfortunate results in the business of "building up American industry" by the aid of high tariffs. It may suit a few monopolists, but the farmers, distillers, pork operators, and even the makers of copper and brass goods, and others, will find it to be an incubus upon them. It would seem that even the iron manufacturers and hardware men, cut off from their export trade, ought to see the iniquity of the system. It makes prices too high, Mr. Speaker, to enable us to sell, and unless we can sell we must consume more than we need of our own surplus products, and go without what we could exchange that surplus for with other nations.

One of the most fatal objections to all systems of protective legislation is that they discourage the manly duty of self-reliance among the people in the prosecution of their merely individual pursuits; and constantly tempt them to an unmanly and enfeebling reliance upon the Gov-

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ernment. Hence results an eternal tampering with legislation and legislators to advance the purely selfish interests of individuals, to corrupt the most vital currents of national life and vigor. In no respect whatever is the truth so damning that "the world is governed too much" as in the incessant tinkering by lawmakers with the natural laws of trade and commerce.

Such mischievous legislation is never as wise as the simple common sense of the people. The intelligent self-interest and business instincts of the people constitute an infinitely safer code of laws for the management of all the industrial pursuits of life than ever was or ever will be formed by any Congress or Parliament on earth. Your tariffs are always exciting false hopes and falsely pretending to point out royal roads to success, which never fail to prove to be disastrous delusions sooner or later, except to the favored few to whom all pay tribute. All the great revulsions in the business, the trade, the finances of the country have been produced, directly or remotely, by the unwise and selfish meddling of legislators with the private affairs of men by tariffs and other like measures. The people have lost millions multiplied by millions of money as the price and penalty for such crotchety and impertinent legislation. Will it never cease? Will it never be admitted by lawmakers that the people have sense enough to manage their own business better than anybody can do it for them?

Our restless habits of yielding at short intervals to the ever-increasing importunities of protectionists, speculators, and monopolists to raise our rates of imports tends directly and most effectively to keep the business of the country forever unsettled and excited, and thus to invite periodical reactions and crises, and to sacrifice millions both to the people and to the Government. What the industry, enterprise, and intelligence of our people want is to be let alone as nearly as practicable, by Government; or, if they must be guided somewhat, then they demand settled and unchanging laws. They want rest, from all external inference, and security. Even a bad and cruelly unjust tariff will hurt the people less, infinitely less, if executed steadily and without change, than any system that is subject to frequent changes. The most the people ask of Government is ample security for life, liberty, and property, and they will take care of the balance themselves.

Now, the interests that "protection" is even designed to benefit, as compared with the interests and industries that are not benefited or are greatly injured by it, are really limited and inconsiderable. The whole iron and coal industry of Pennsylvania, in whose interest our tariffs are framed in great part, amounted in 1860 in value to less than the present yearly sales of a single dry goods house in New York. In 1860 the value of the pig iron produced in that State was $11,427,380, and of the coal $14,703,433, and added together they made an aggregate value of $26,130,813 gold, which at 140 would amount in currency to $36,583,138. It will be remembered that the conversion of this pig iron into its numberless products of bar and rolled iron, castings, watches, and so on, does not belong to the coal and iron business proper. The additional values thus conferred upon these products represent the mechanical labor and skill put upon them; and this would have been the same whether the iron was obtained in Pennsylvania or imported from abroad. I take the iron and coal as they are prepared for market, before commerce transports them or the arts and sciences prepare them for their final uses. Now, the sales of the house referred to were this year $56,000,000, as I am informed. In 1860 the products of the United States in pig iron, bar and rolled iron, iron castings, coal, salt, copper, and lead, were (I quote from the census) less than $100,000,000. And the sales of another house in New York in 1866 are reported to have been upward of $80,000,000.

I might extend these comparisons much further, but I have said enough to show how relatively small those interests are which direct and control the legislation which of right belongs to the greatest number, to the largest interests, to agriculture, to commerce, and to the multiform and innumerable products of the inventive genius and enterprise of our people. As a Representative of the people of Indiana I have a deep solicitude for the welfare of her agricultural interests, and by this I mean farming and all the manufacturing processes depending upon it. I am therefore unalterably opposed to any system of laws which shall stimulate other interests at the expense of them, as all high tariffs unquestionably do. It is no part of the policy of protectionists to foster agriculture.

There are thousands of occupations, not at all dependent upon protection, but, on the contrary, suffering from it, in which, with a decent and fair system of trade, the people would employ themselves profitably. There is an almost infinite variety of commodities which would be produced in this country cheaper than they could be brought from foreign countries, and a vast number of industries now stifled by protection would revive and flourish once more if this incubus were removed.

What has killed our ship-building? It was not the Alabamas or Floridas; it was protection; for it prohibits us from buying Canadian lumber, English tools, and hardware, cordage, and the thousand articles that enter into the construction and equipment of vessels for sea, except at such prices that the foreign-built vessel will not cost over half as much as the domestic one. We formerly built hundreds of ships a year, and at present there is scarcely one large vessel on our stocks. Yet our skill in ship-building is not equaled in the world.

What has robbed us of our carrying trade on the high seas? It was not the civil war, for that only destroyed it in small part and has long since ceased, but the trade does not revive. Protection is the thief; for it forbids our purchasing foreign-built vessels with our farm and dairy produce, and our factory textiles and other productions. We once had the carrying trade of the world; now our ports are filled with foreign flags. Twelve years ago our tonnage exceeded that of Great Britain; now it is not over a third as great. Even the little town of Bremen excels us, for it has two and a half tons of shipping to each inhabitant, while we have scarcely one tenth of a ton. Why, Mr. Speaker, this very day the cost of placing flour and breadstuffs in the markets of the sea-board States from the granaries of the mighty West is very largely enhanced by our being compelled to employ our own vessels on the lakes in their transportation, which cost twice as much as Canadian-built vessels, and are therefore compelled to charge much higher freights. The result is that for a bushel of grain or a barrel of flour we only obtain a little over half as much dry goods or other merchandise as we should and would under a system of freedom, by which I mean a tariff for revenue. Free trade does not mean no taxes at all. It simply means taxes for the sake of revenue to support the Government, not taxes for the sake of protection to support monopolists. Government is an economical institution, or at least should be, while monopoly is a wasteful one, and soon dries up the very sap of national life.

What has driven from the markets of the world American shirtings, drillings, and other cotton manufactures and American locomotives, steam-vessels, and other machinery? It was the same "friend of American industry." A few years ago these things were greatly sought after, but now it is not so, because they are made to cost so much under our rotten systems of tariffs and currency that every other nation can make them cheaper than they can purchase them of us. Why, sir, the price of American flour in Rio Janeiro is higher than the flour of France and Spain; and those countries, though twice as remote as ours, supply the South American markets with breadstuffs. When Commodore Perry first visited Japan he found the relation between gold and all other commodities so different from what it was in civilized countries that he could purchase nothing of them. Everything was excessively dear. This is just our own case, and the same insane policy produced the result in each country.

There is no enterprise known to the history of civilization that has required the investment of such vast capital or given employment to so many persons or contributed so much to develop the latent resources of our country, or to increase its intrinsic and permanent values, or to give abundant and healthful prosperity to all our people, or to overcome distance in favor of commerce, so as to secure to each section the peculiar advantages of all the others, as our wonderful system of railroads. Yet, perhaps, there never was so much capital invested that yielded so little in dividends or interest to the investors. There have been invested in railroads in this country over sixteen hundred million dollars. One half of this consists of share capital, which has never paid on an average two per cent. per annum. Of one hundred and forty lines of railroads in the ten northwestern States only twenty pay dividends, and some of them very trifling. In Indiana $72,377,489 have been invested in railroads, but moderate average dividends only are paid by lines that cost $17,897,706, and the balance pay nothing.

This is the very opposite of the tariff-fattened record of the manufacturing monopolies. Their dividends range from twenty to one hundred per cent. annually. But railroads are "protected" by requiring them to pay from seventy-five to one hundred dollars per ton for rails, which formerly cost them from forty to fifty dollars; and to pay $20,000 for locomotive engines instead of $8,500 before; and to pay twice the old prices for labor and for cars and supplies of all kinds. Yet, the railroads give employment to hundreds of thousands of men, and furnish the necessaries of life to millions of men, women, and children. By reason of the unwise legislation referred to, the cost of the construction and operation of railroads has been almost doubled. In order to pay expenses and keep up the roads the companies have been compelled to charge higher freights and fares. Thus everybody who travels or uses railroads is made to pay more therefor than he used to pay. Thus "protection," not of railroads, but of a few much less important interests, operates so as to take money out of the pockets of the people on every hand. Thus, our internal trade and commerce, whether carried on by the aid of the primitive wagon, or by steamboats or railroads, is taxed at every step of its way toward market. If the losses of the people occasioned by the swindling tariff systems of the last few years could be estimated the amount would inspire the people with astonishment and wrath against their deceivers.

Contrast this narrow policy of protection with the free-trade treaty between England and France, through which the trade of both countries has doubled in a short time; and with the recent proclamation of the Emperor of Brazil throwing open the coast and rivers of that vast country to vessels of all nations; and even with the late Portuguese order in council, admitting foreign-built vessels under the Portuguese flag upon payment of a small revenue duty. The great nations of the world are leading us on the road to commercial freedom.

It is one of the stale tricks of the protectionists to represent that our people are better off commercially than any others, and that the

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laborers of Europe are mere paupers, who, if we artificially keep up prices here, will be sure to desert their native countries and immigrate to ours. This is sufficiently refuted by the fact that parties of English workmen purposely imported for the iron-works of Pittsburg refused the high wages offered to them and returned to their native country, where the cost of living is so much less than here. I submit a table of wages in Liverpool, England, and Reading, Pennsylvania, reducing the English wages from sterling at $4 84 to the pound. The tables were furnished by the editors of the newspapers in the cities repectively.

Table of wages in England and the United States, January 1, 1867.

	Liverpool, Eng. Equal to U. S. currency at $1 40.		Reading, Pa.
Occupation.	*Gold.*		*U. S. currency.*
Bricklayers, per day,	$1 45	$2 03	$2 50@3 00
Brickmakers, "	2 30	3 22	3 00
Blacksmiths, "	1 58	2 21	2 50
Carpenters, "	1 36	1 90	2 75
Drivers, "	1 30	1 82	1 50
Molders, "	1 67	2 33	2 00
Miners, "	1 45	2 03	2 00
Plasterers, "	1 45	2 03	2 50
Painters, "	1 50	2 10	2 00@2 50
Plumbers, "	1 32	1 84	2 00@3 00
Aggregate.....	15 38	21 51	24 75
Average.....	$1 53	$2 15	$2 47

Why, sir, taking into consideration the very much cheaper rate of living in England it is our laborers who are getting to be the paupers and not theirs. A silk hat that costs in this country eight dollars can be bought in England for three dollars. A black coat that costs here thirty dollars can be bought there for seven dollars. A house that rents in Reading for $500 will only fetch in Liverpool $100. The hack which costs two dollars here costs but sixpence sterling or eleven cents gold there, equal to fifteen cents currency, for one or two passengers to go a mile. I have purposely selected Reading as the American town of comparison, because that is the heart of the region which is said to confer so many blessings upon its inhabitants through this monopoly policy.

Perhaps nothing more forcibly illustrates the folly of attempting to maintain an artificially high level of prices than does this very table of wages; for the remarkable rise in English wages of late years has doubtless been due in some degree to the efforts of the protectionists to attract them here by high wages. They professed a desire to encourage immigration by raising wages here; but they commenced by raising the prices of commodities and the cost of living. Now, the effect here and in England has been this: here it has raised commodities and the cost of living nearly two hundred per cent., and wages but about one hundred per cent. In England commodities have risen not over twenty-five per cent., but wages have gone up fifty per cent. So that the effect has been the very reverse of the one predicted.

I say the late advance in the rate of English wages is due in some degree to the delusive policy of our protectionists, but it is chiefly the result, alike natural and fortunate, of the rapid progress of England for many years past toward free trade; and it is a truth established by experience that, everything considered, labor is always best rewarded where all the industrial pursuits are least restricted and trade and commerce are most free.

Mr. Speaker, I venture to assert that the most effective and powerful bond of Union devised by the wisdom of our fathers to keep the States of this Union united, prosperous, and happy, was the provision in the Constitution by which it is declared that—

"No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another."

By this wise and beneficent guarantee absolute free trade was established forever between the States.

The vast extent of our territory, the very great diversity of our natural advantages of soil, climate, and production, and the different habits and pursuits of our people, have made our country by itself almost equivalent to a world in its facilities for internal commerce. The freedom of trade between the States has enabled the people to exchange western for eastern, and both for southern, productions, and the country has grown and prospered with a rapidity alike surprising to ourselves and to the other nations of the earth. But does any man suppose that, without this free-trade condition of union, our country would not have been broken into fragments long years ago? Any system of inter-State tariffs, under the control of the States or of Congress, would have certainly proven to be a very Pandora's box of national discord and misery. In my judgment, this inhibition against any discriminations by Congress against any of the States in the arrangement of taxes and tariffs of late has been in many instances very grossly violated. But it is not my purpose to discuss them now.

It is said by the protectionists that if we reduce our tariff the people will buy too much, and thus be ruined. They mean that the people would not then buy enough of them. Under any system approximating free trade the people certainly would buy more, and therefore be happier, because they would be able to buy much cheaper and would have more to buy with. But it is a mere assumption to say that they would buy more than they could pay for; because, first, it takes two to make a bargain, and the seller is not apt to sell more than he can get an equivalent for; and secondly, the buyer will be more or less careful of his good name and credit. But this is a very inconsistent argument against reasonable freedom of trade for gentlemen to make who are ready to put the ballot into the hands of millions of untutored negroes. It is consistent with their policy to hold that white men are not intelligent enough to drive their own bargains without the intervention of a protective law to stay and control them, to teach them how much to buy and of whom to buy it, how much to sell and to whom to sell it, and what particular companies or corporations they shall patronize.

If our country is ever to become prosperous and happy again it will be after a return to the sound currency and rational revenue systems of her better days. The present systems lead only to national distress and ruin.

Reconstruction.

REMARKS OF HON. J. W. LEFTWICH,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1867,

On the bill (H. R. No. 1143) to provide for the more efficient government of the lately rebellious States.

Mr. LEFTWICH. Mr. Speaker, in compliance with a settled purpose I determined not to trespass on the valuable time of this House, but when a proposition is presented so unnecessary and unwarrantable, and probably fraught with such damaging results as I consider this to be, I cannot, in justice to my sense of duty, refrain from uttering a few words of earnest protest against its adoption.

The constitutional and legal objections to this measure are so clearly written in letters of living, burning light in the Constitution itself that there has seemed to me no necessity for their presentation; but others more able and competent than myself have thought otherwise, and have accordingly given that branch of the subject due attention; hence my remarks shall be confined to a few practical suggestions; and coming as I do from what was once an insurrectionary district, yet allowing no one in this Hall or elsewhere to rank me in loyal devotion to the Government of our fathers, I feel that my remarks ought, and I hope they will receive, the attention of the House; and if so, I will promise that whether they are heeded now or not, some things I say *shall* be remembered hereafter.

I agree fully with those who say a crisis is upon us, and that what is done must be done speedily and effectively. I see as clearly as they do that indications of a satisfactory adjustment of our difficulties are so threatening as to excite the serious alarm of those whose occupations will be forever gone when peace and harmony are again restored. I believe that the American people are equal to all emergencies, and that the same moral courage and forbearance that sustained them through the ordeal of a protracted civil war will still sustain them through the triumphs of a permanent and enduring peace. It is true, no doubt to many sadly true, that parties might be made to crumble and pass away; but still the nation would survive, which after all would more than compensate the people and posterity for this wreck of parties. It produced evident consternation among those who love party more than country to hear the able and eloquent gentleman from New York [Mr. RAYMOND] say there was but a shade of difference between the proposition of adjustment as presented in the proposed constitutional amendment, and the proposition of later date that comes from representative men of the southern States. This slight difference I think can and will be satisfactorily adjusted by the erasure or modification of the disqualifying section of the proposed constitutional amendment, so as to enable the South to accept it without dishonor. And here I desire to say, in my conversations with those whom it would disqualify, I have found a greater willingness to accept it than among those whom it would not. The representative men of those who would not be affected by this disqualifying clause, and would virtually be left with no obstructions in their road to political preferment, prompted by an honorable feeling of regard for their misguided friends and neighbors, as well as due self-respect, will never approve such conditions; yet it can readily be perceived that this disqualifying section is the commending clause to that other class of southern aspirants who never can rise above their merited oblivion till all competing obstacles are removed.

I have no apologies to make for those who inaugurated or supported rebellion; but I have a right to demand, and I do demand, that the pledges that sustained my loyalty, and thousands of others similarly situated, shall be redeemed. The legislation proposed by this bill verifies every argument used in support of rebellion to induce the loyal to join them, and falsifies every argument the loyal made in reply.

Secessionists said: "When the dominant party in the North get into undisputed power they will deprive us of all our just rights, and placing the heel of oppression on our necks, will make of us literally 'hewers of wood and drawers of water.'"

The loyal said in reply: "You misunderstand or misrepresent them; they only desire to restore and preserve the Union;" and with pride quoted the concurrent resolutions declaring with only two dissenting voices in this House—

"That this war is not waged in any spirit of oppression, or for any purpose of conquest or subjugation, or for purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired."

Now, I assume the responsibility of saying that without these and similar pledges no loyalty could have been found in any of the slaveholding States; and further, that without this

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loyalty, the war would not have terminated as it has. This may, at first, seem a strong assertion to those far from the scenes of strife; but when it is remembered that these States furnished near three hundred thousand national soldiers, and that even with these there were long, weary years in which the destiny of the nation hung trembling in uncertain balance. Besides these three hundred thousand soldiers there was in all the southern country a dormant loyal element which added a powerful moral influence against the success of rebellion. At that dark period in our history, when gold was near two hundred per cent. premium, when the draft was being resisted and riots were raging in New York and threatened elsewhere, when the entire strength of the Army was necessary to drive the enemy from the soil of Maryland and Pennsylvania, any business mind will perceive what would have been the result of subtracting three hundred thousand soldiers, and the moral influence that sustained them, from one side and adding them to the other. Not only do I have the right, in vindication of the plighted honor of my Government, to demand that these pledges be redeemed, but it is my duty to warn the nation of the dangers of disregarding them. No great moral wrong was ever perpetrated by individuals or nations without sooner or later meeting with retributive punishment; and if it required four long and doubtful years of bloody war to conquer the South, when we were right and they were wrong, how long would it require if they were right and we were wrong? as we will be whenever in violation of our pledges made during the war, and in violation of the conditions of their surrender, we oppress them with this degrading legislation.

These remarks are intended for those in this House, and the masses of the North who, though misguided, really desire a restoration of peace and consequent prosperity, and not for those who, with fell purpose to keep up strife, first falsely charged that the South was still in rebellion, and in order to seemingly verify these charges offer insult and injury, as in this and similar enactments, with a hope to inaugurate the condition of affairs they had said already existed.

It has been truthfully said in the progress of this debate that the result of the past elections was brought about by the appeals of "southern loyalists" for protection against their enemies; and to those who know the hopes that inspired these men it is a source of wonder that the northern people, so deservedly proverbial for sagacity, should have been so easily duped as to credit such statements. Fortunately, there is nothing so bad that some good may not come of it, and so with this proposed law which has already unmasked the purposes of these super-loyalists; as it is becoming apparent to all that they have neither needed nor desired protection for themselves, but are extremely anxious to be clothed with authority to protect other imaginary sufferers. This putting the protection in the hands of the regular Army does not meet with their approval, because they see in that no rich pickings for themselves. These men, as a class, never liked regular Army officers, and now that they are about to be deprived through them of what they deemed a rich harvest of spoils they like them less than ever. It is this same class who have cried most loudly and persistently for protection for the poor freedmen; but is not it a little strange that no such appeals have come up from the freedmen themselves?

I can tell you, sir, and I know whereof I speak, the freedmen want no such protection as they would give, which is such as the lion gives the lamb. When they ask for bread they do not want to be given a stone, as is done by those who offer them suffrage instead of release from burdensome taxation on the products of their labor. I will venture the assertion that if a vote was taken among the freedmen in my district to determine whether they prefer the right of suffrage or the removal of the cotton tax, nine out of ten would vote for the latter. No respectable number of them have desired or asked to be allowed this privilege; and when it is, as it may be, thrust upon them, and they vote, as they are sure to do, with the conservatives, they will then be as bitterly abused as conservatives now are.

This appeal for protection for the freedmen is refuted by the simple business fact that there is a demand in the South for much more labor than the freedmen can supply. Our rich lands remain uncultivated for want of labor, and the rivalry in procuring and retaining it is not only between individuals and communities, but between States; hence, as a matter of policy, if from no higher motive, the freedmen in the South receive better treatment and higher wages than any similar number of laborers in the world. If they were abused, as we hear they are, is it reasonable to suppose they would remain away from their friends in the North while the Freedmen's Bureau can give them transportation?

The eloquent gentleman from Massachusetts [Mr. Banks] has truly said the fifteen southern States are a unit; and he might as truthfully have added, the course of the majority in this House has made them so. They were not a unit at any time prior to the war, when Whigs and Democrats contested with varying success every political battle-field in those States; and though the old Whig conservatism was borne under during the war, at its close such was the desire to place the men of that purely conservative party in positions of trust that Tennessee selected every member to this Congress from that party; Mississippi did the same, including her Senators; Arkansas I believe did likewise, and most of the other southern States I am told at least imitated these examples.

These representatives came here not to act as a unit with or against either party, but to coöperate with good men from the North of all parties for the purpose of repairing the damages of the war. Were they allowed to do so? The sad history of this hour answers sternly in the negative. One party met them on the threshold and with glad hearts and extended arms exclaimed: Welcome, brothers; the other, with cold, cruel, unforgiving, puritanical disdain, shut the door in their very faces. Hence, who is astonished that the fifteen southern States are a unit, and who dare say they ought not so to be? In this, too, I speak whereof I know. I and others came here expecting to coöperate with the Republican, which we believed was the Union party; but when we saw that it only aspired to be a sectional party, and learned the treatment that our constituents were to receive at their hands, our self-respect and love of country forced us to seek affiliation elsewhere.

To illustrate more clearly that the South sought in good faith to put forward her conservative men, and not those who had urged them into rebellion, I may also add this fact: the Mississippi convention that passed the ordinance of secession was composed of seventy-nine Democrats out of ninety members, while the convention called to reëstablish Federal relations had these numbers reversed.

Now, Mr. Speaker, I desire distinctly to repeat there is no necessity for this or any other protection for loyal white or black people in the southern States beyond the laws already in practical operation there. These raw-head-and-bloody-bone stories that have imposed on the credulity of northern minds till they have become ridiculous in the estimation of the unprejudiced are in the main false, made of whole-cloth, and are concocted and promulgated for base and designing purposes. There is not one of these self-exiled loyalists who professes to be afraid because of his loyalty to return to his home, who would not take the first train for home with the bare protection of a commission to collect the internal revenue in his district, or any other commission that would pay better than hanging round here and fabricating these stories.

True, there is more lawlessness there now than prior to the war, as there was when the comparatively few soldiers returned from Mexico, and as there is now in Maine, where the prison statistics show an increase in crime of one hundred per cent., and that three fourths of all the criminals are returned soldiers. Gentlemen should remember that war is not refining nor Christianizing in its influence; and the southern States are no exception to the rule. In my own loved State I regret that we are less contented and hopeful than elsewhere in the South, because there, as in 1861, a minority accidentally hold the reins of power, and are attempting to perpetuate their rule over the majority in violation of the fundamental principles of republican government. What was usurpation then is usurpation now, and the same disgraceful overthrow that overtook the usurpers in 1861 will overtake those of 1867.

Now, Mr. Speaker, even if protection was needed, this proposition does not and cannot afford it. And having protested in behalf of our national honor against this impolitic and impracticable course, I also desire to protest in behalf of the officers of the Army who would be designated to fill these positions, not that they would be uncourteously received and treated by the southern people, who have a high regard for the officers of the regular Army, much preferring them to the self-styled southern loyalists, but these officers would there make and cultivate acquaintances and probably form attachments which would soon result in the same disgraceful accusations being made against them as have on this floor been made against the Naval Academy at Annapolis. I hesitate not to say that the General of the Army is to-day more highly appreciated by the former soldiers of the South than he is by the politicians of the North.

These soldiers know the almost superhuman efforts that have been made to induce him to join the politicians in their utter disregard and violation of the conditions on which they surrendered, and they know that he has been supported in his refusal to join them by that highest of human attributes, a soldier's honor. With this knowledge of their regard for him I listened with peculiar interest to the gentleman from Massachusetts [Mr. Banks] while expressing the probability that he was the only man who could satisfactorily carry out the wishes of the nation. The world's history presents no spectacle so sublime as for these southern States to consent as a unit to place their destiny in the hands of this man, now called their conqueror. Nor is this among the impossibilities, as evidenced by their present respect for and confidence in the President, who two short years ago was more objectionable to them and more dreaded by them than any man in the northern States; but who, without undoing or unsaying one act or word, and only by evidencing a willingness to forgive and forget the past, with its errors and consequent sorrows, has made for himself an abiding place in their hearts that would cause them, if necessary, to lay down their lives in his support.

In behalf of the southern people I desire in conclusion to say: as a community, with rare exceptions, they entertain no feelings of animosity toward the officers or soldiers of the national Army, who, while the South was in armed rebellion, discharged their duty even to the laying waste of the land of their pride and affection; but toward those who did not have the courage to fight them while in arms, but who since their surrender continue to offer insult and injury, and who, judging from their own corrupt hearts, construe their demonstrations of present loyalty into perfidy, they do justly entertain the profoundest feelings of indignation and contempt.

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Reconstruction.

SPEECH OF HON. JEHU BAKER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States—

Mr. BAKER said:

Mr. SPEAKER: In our transition period from civil war to permanent peace, I think I perceive that American statesmanship has the following grand objects to accomplish, and that our future will be better or worse in proportion as all these objects are comprehended and realized, or misunderstood and ignored. Let us look at them, sir, and see what they are when reduced to the forms of exact statement:

1. The loyal people of the South should be protected;

2. After the terrible struggle for existence through which the nation has passed every truly reasonable man must admit that measures ought to be adopted which will make the Republic secure for the future;

3. Care should be taken that the late treason against our Government and against humanity should be stamped with the stigma of unmistakable dishonor;

4. The liberties of the people of the South should be provided for on the largest attainable scale, and established upon the firmest possible foundation—that of the ballot in the hands of the voter;

5. In so far as practicable the defeated population should be subjected to a course of treatment which will put them in a train toward ultimate harmony with the Republic;

6. All our measures should look to a time, the earliest time compatible with the public safety, when the revolted States may resume their full and equal participation in the government of the country.

Protection for the loyal, security for the Republic, dishonor to treason, revival of patriotism in the South, liberty in the largest democratic sense, guarded and made secure by the ballot, and after that, restoration of the revolted States to complete equality of political rights in the Union. Such, in my judgment, are the cardinal ends to which all our efforts should tend. Like the devotees of Cybele, who could hear nothing but her flutes, I am deaf to every voice which would seduce me from fidelity to any of these vitally important objects. So profoundly convinced am I that they should *all* be taken into the account, and none of them overlooked in the scheme we may adopt, that no excitement, no clamor, no authority here or elsewhere, no liability to temporary misinterpretation of my action, has weighed or shall weigh one feather in swerving me from my entire sense of duty in relation to the momentous matter we have in hand.

This bill, as amended by the Senate, incomplete as it may be, is yet incomparably superior to any measure which has heretofore been proposed. It is altogether broader, and better embraces all the great elements of the situation than any of its predecessors. It is a projection from the whole case, imperfect, doubtless, but yet having the indispensable merit of breadth of view. All other measures which have been presented have been signally defective in this essential quality. As a sound judgment in a cause at law must result from proper attention to all the material parts of the controversy, so a sound measure of legislation, especially one designed to remedy the mischief with which this nation is afflicted, must proceed from a due consideration of the entire complex of public affairs to which it is intended to apply.

Four leading ideas of procedure have heretofore been suggested or proposed, all utterly inadmissible in my opinion, because narrow, untenable, one-sided, and proceeding from special aspects of the situation.

1. The territorial plan; the theory which regards the ten rebel States simply as Territories of the Union. This plan, though suggested, has found very little favor, and calls for no comment.

2. The proposition to treat the defeated rebels as foreigners; become such by their own action. This was a favorite idea of the gentleman from Pennsylvania, [Mr. STEVENS,] and was made the pivotal center upon which his reconstruction bill turned. The one sufficiently fatal objection to this theory was, that it was impossible in law; inconsistent with the sovereignty of the Republic. It was also in palpable conflict with the civil rights bill and the proposed constitutional amendment. And, in addition to all this, its direct tendency was to reconstruct political order in the South upon a basis altogether too exclusively colored and too little republican. This scheme, wretchedly bad in law, would have been worse in practice; so I felt it my duty to do what I could to get it out of our way.

3. The plan of excluding on a large scale the whites from the ballot while giving it to the colored people. This idea was embodied in the Louisiana bill. I thought it inadmissible to exclude so many white people while voting all the blacks; I thought such a course would tend to still further inflame the hostility of race; to still further intensify, if possible, the hatred that is felt toward this Government; I thought it would be found impracticable in its execution; I doubted whether it would satisfy the great sense of liberty in the northern mind; and I was certain it was an invasion of that grand idea of republicanism which is the fountain-head of all our strength.

I voted against the Louisiana bill, and would have so voted had I stood alone upon this floor. The Senate have acted wisely, I think, in laying that bill aside. I wanted a principle more republican, a foundation broader and more truly radical than it supplied. The rebellion came of the fact that political polity in the southern States was too narrow in its foundation. In the work of reconstruction I did not wish to copy the exploded blunder. An oligarchy of white caste had corrupted southern society to its core. Then came the explosion—scourging the offending States with fire, sword, and famine, and carrying mourning to well-nigh every hearthstone of the North—all for want of breadth of base in the polity of the revolting States. In the presence of this awful experience, so recent and so terrible, I was appalled at the thought of building anew upon narrow foundations—of giving my support to a measure which tended to create an oligarchy of black caste in place of the overthrown one of white caste. It appeared to me, not like the steady, right-onward march of our great party of liberty and progress, but rather like a retrograde movement—like a return to the same lame and impotent conclusion against which we had so vehemently protested from the beginning.

4. The plan of governing the rebel States by the sword alone; of turning the whole subject over to the Army. This proposition came to us from the joint Committee on Reconstruction. The bill as originally presented placed the entire population of the revolted States under martial law, pure and simple; turned over the government of ten States to the regular Army; placing all their people, loyal and disloyal, white and black—all their rights of life, liberty and prosperity—under the control of military commissions which might be multiplied indefinitely over this vast area, *unaccompanied by any civil policy whatever*, or any provision looking to the termination of the system. At the head of this military government stood the President, notwithstanding any devices of the bill to the contrary. So that the upshot of the business was—military protection to the loyal people of the South, administered under the authority and control of Andrew Johnson as Commander-in-Chief of the Army! To my mind such legislation was glaringly inadequate and faulty. It is even questionable whether it added anything to the military protection already provided for by the Freedmen's Bureau bill; while it was, on the face of the bill, an open surrender of the civil to the military power, on the great subject of reconstruction in the rebel States. This I found it impossible to sanction, and I therefore voted against the bill so long as it tendered nothing but the naked sword, wielded by Andrew Johnson. It was easy to see that the great need of the case was to place the loyal people of the South in such a situation that they could *protect themselves* by the formation of loyal State governments on the basis of universal suffrage, meantime extending military protection while this process was going on, and withdrawing the military whenever it should be completed. Accordingly strenuous efforts, in which I assisted, were made in this House to amend the bill by attaching to it a civil policy—some provisions looking to the establishment of loyal State governments, contemplating the ultimate withdrawal of the military, and the ultimate resumption by such States of their normal relations with the Union.

All such efforts were defeated by a combination of a portion of the members on this side the Hall with the whole of the Democrats, and thus we were brought to a direct vote upon the unmixed military scheme presented by the bill. In that shape it passed in opposition to my vote; for I was satisfied it involved a profound and mischievous oversight, in the omission of all civil policy looking to universal suffrage or the nearest possible approach thereto; looking to the establishment of loyal republican governments; looking to the adoption of the constitutional amendment with its great and invaluable guarantees of security to the nation; and looking to a final restoration of the rebel States to their appropriate and equal place in the Union, on terms at once satisfactory to Congress and safe to the Republic. The entire omission of all these great matters in a bill which was to embody the final action of the Thirty-Ninth Congress in relation to the revolted States appeared to me too much like an outright confession of incompetence, or else of a purpose *to indefinitely postpone the work of reconstruction*. In either case, I greatly apprehended that a blunder scarcely less than fatal would be committed.

Thanks to the Senate it has relieved us from this peril also. It has not only laid aside the Louisiana bill, which smacked so strongly of an oligarchy of black caste, but it has taken up our military bill, improved it by sundry lesser amendments, and added to it the vitally important feature of a civil policy, much the same as that which a majority of the Republican members vainly struggled to attach to the bill in the House.

It was necessary, I suppose, that the crudities which I have now alluded to should be sloughed off, before a competent measure, commensurate with all the great parts of the case, could be agreed upon. I think we have the essential elements of such a measure in this bill, as it comes back to us from the Senate. Besides the declaration of the illegality of the Johnson governments, and the assumption of plenary control over them by Congress, the bill as it now stands, no longer limited to the one solitary idea of the sword wielded by a recusant President, stands forth in something like the large and symmetrical proportions of a policy worthy of this Congress, and appropriate to the very important subject to which it applies.

1. It provides for military protection of the loyal people of the South until proper civil governments shall be established.

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2. It makes secure the great guarantees of national safety which are contained in the proposed constitutional amendment, by providing that this amendment shall have become part of the Constitution and shall also have been adopted by each one of the rebel States before it shall be entitled to representation in Congress.

3. It fixes dishonor upon treason by saving as a condition-precedent the ratification of this amendment—which excludes the leading rebels from holding any office under the United States or any State.

4. It makes the largest and most stable provision for liberty, by asserting practically the principle of universal suffrage in the ten rebel States as a basis upon which constitutional, loyal governments shall be erected.

5. It places the great body of the disaffected people of the South in such a new position, and under the influence of such new ideas and motives, that the democratic feeling, as distinguished from the feeling of caste, will gradually resume control over popular thought, and thus progressively mold southern society into harmony with the General Government.

6. It presents an ultimatum, which, when complied with, will entitle these States to an equal participation in the Government, on terms safe to the nation, promotive of freedom, and merciful to the defeated insurgents.

It may turn out that the bill is defective in not providing a more direct machinery for its own execution. As it is, it must be put in operation either by the provisional governments which the President has set up in the rebel States, or else by spontaneous movements of the people under the protection of the military. I expect no action, and certainly no desirable results, from the first method. The other—spontaneous movements of the people—is in my judgment the very best way in which new and loyal State governments can be established out of the wreck of the rebellion—if, indeed, under the conditions of the case that process shall be found practicable. If not, then a supplemental act can hereafter be passed, providing a direct and specific machinery for the practical execution of the principles of the bill.

Sir, the great principles which belong essentially to the life of a nation *will* struggle unceasingly to get themselves more perfectly expressed as its history advances. Causes favoring and causes adverse alike unite to bring about their more complete development. Controlled by that infinite reason which shapes human history, "rough hew it how we will," Jefferson Davis and the stars and bars did as much for the destruction of slavery as Abraham Lincoln and the stars and stripes. Obstinate resolve on the part of slaveholders to overthrow the Government finally begot the resolve on the part of the Government to overthrow slavery—and down went the corrupt and iniquitous system before the sword of the Republic—not because it was corrupt and iniquitous, but because it was the feeding machine of the rebellion.

And now another chapter of our history is being unrolled in a similar sense. The obstinate determination of the defeated insurgents to control the destinies of ten States, to reject all guarantees of national safety, to select unrepentant rebels as their representative men, to crush out the lives, the sentiments, and the liberties of men loyal and true to the country, to make loyalty infamous and treason honorable all over the wide region swept by the rebellion, thus laying anew, broad and deep, the foundations of future and bloody discord in the Republic, has, in the march of time, and by the inexorable logic of necessity, made it the imperative duty of the Government to appeal to the great democratic principle of universal suffrage, by extending the ballot to every disfranchised loyalist in the rebel States. Other than this, there is now nothing for it but to govern by the sword, or to abandon these States to the control of the rebel class, in which event they would certainly become segregated and fixed as a foreign and hostile element in the bosom of the country. Woe to the Republic if we should be so blind, so foolish, so imbecile, as to accept a fate so certain and so destructive of the safety and happiness of the nation. The blood of the five hundred thousand who died that the nation might live was of more worth than this!

We are shut up unto the faith. Every door of escape is closed in our faces. The guarantees of the proposed constitutional amendment—so reasonable and so necessary to national safety—have been rejected with scorn and contempt. Union men and Union principles are being crushed out in the South. The illegal, usurped Johnson governments, controlled by rebels, and disfranchising the great body of Union citizens, are being wielded to the end of reinstating the defeated rebellion. Vote your friends! Vote the friends of your country! Vote every man whose ballot will neutralize the ballot of a rebel! This, sir, is the talisman which commands the situation; and I had a prescience of its impending necessity, and consequently of its coming practicability, when on the 18th of December, 1865, fourteen days after the meeting of this Congress, I vainly endeavored to get the following preamble and resolution adopted:

"Whereas class rule and aristocratic principles of government have burdened well nigh all Europe with enormous public debts and standing armies, which press as a grievous incubus on the people, absorbing their substance, impeding their culture, and impairing their happiness; and whereas the class rule and aristocratic principle of slaveholding, which found a place in our Republic, has proved itself in like manner hurtful to our people, by degrading labor and prohibiting popular education in a large section of the country, by striving to rend our Union in fragments, by causing the blood of hundreds of thousands of patriots to flow, and by compelling the people to impose on themselves a debt of European magnitude in defense of liberty, nationality, and civilization on this continent: Therefore,

"*Resolved*, (as the sense of this House,) That once for all we should have done with class rule and aristocracy, as a privileged power before the law in this nation, no matter where or in what form they may appear; and that in restoring the normal relations of the States lately in rebellion it is the high and sacred duty of the representatives of the people to proceed upon the true, as distinguished from the false, democratic principle, and to realize and secure the largest attainable liberty to the whole people of the Republic, irrespective of class or race."

There, sir, was a declaration which involved the true idea of the origin of the rebellion, and the true idea of the line of policy which would best eradicate its principles from the country and restore peace, harmony, and patriotism in all our borders. It came of slavery and class rule: it came of an immense departure from the true democratic principle. National health and national safety—to say nothing of what is incomparably higher, national glory and honor—are to be sought in a return to that principle. The larger your idea the nearer it is to the truth. The more completely you trust the true democratic principle, by giving every citizen an equal chance in the State and before the law, the more completely do you stimulate into active use the locked-up powers of every human heart and brain; the abler, richer, more intelligent and country-loving do you make your citizens; the larger is your stock of liberty in the aggregate; the more complete is its enjoyment by every individual; the firmer-grounded and more ideally perfect is your Government. To such ends Providence leads us whether we will or not. That which this Congress, on its first assembling, was not ready to adopt even as an abstract declaration of principle, it is now compelled by the march of events and the very necessity of the case to promulgate as a concrete statute of the Republic. And thus the moral of our whole enormous tragedy is to be, that they who have striven so madly to subvert this grand edifice of liberty have left it upon foundations more secure, more liberal, and made, not only others, but themselves more free.

Tariff.

SPEECH OF HON. JOHN WENTWORTH,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1867.

The House having resolved itself into the Committee of the Whole on the state of the Union—

Mr. WENTWORTH said: I and some of my colleagues on the Committee of Ways and Means have prepared some remarks with reference to this bill, but we cannot well make speeches ourselves and then ask the House to deny the privilege to others. And there is no time for discussion except under the five-minutes' rule; and when discussion is thus limited it is generally the case that members write out their remarks so as to include what they would have said in a single speech, and therefore I ask that members be allowed to publish their views in a single speech. [Leave was granted.]

Mr. Chairman, it is time the Government had a reliable financial policy. We ought to be able to make approximate calculations of our annual expenditures and our means of meeting them; we ought to be able to determine what amount of money we should raise from imposts and what from excises; we ought to determine what amount of our public debt we should liquidate annually; we ought to consolidate our indebtedness, now embracing near forty different forms of securities, and simplify our legislation touching it, now scattered through near thirty different laws. All admit this; but they raise the question, where shall we begin? I would begin with a fixed determination to add not another dollar to the already authorized public indebtedness. This would settle the amount of the public debt and the annual interest. I would return to specie payments as rapidly as the interests of the Government would permit, and then reduce all salaries and other expenses which have been increased in consequence of the currency expansion to what they were before the war. Having placed the ordinary expenses of the Government upon an economical basis and upon approximate stability, I would adjust our impost duties so as to meet them. Our system of excise duties is very unpopular, and should not be resorted to except to liquidate the expenses of the war. From the foundation of the Government the tariff, with its miscellaneous resources, embracing the proceeds of the sales of the public lands, has been relied upon to defray all the expenses in times of peace. Such should be the case now. Indeed, the most of the debts of our three foreign wars have been paid in the same way. Only during seven years prior to the rebellion had we raised over one hundred thousand dollars per annum by a direct tax, and only during four of these did it exceed one million. Only $12,700,000 had we raised in all in this way. The last general tariff bill, that known as the Morrill bill, was passed during the last session of President Buchanan's administration. The slight alterations of the tariff since that time may all be classed under the head of "war expedients." The changed condition of our country requires an entire revision of our tariff laws.

And those who were originally satisfied with the Morrill bill, so called, manifest great confidence in the ability of the same man to supervise the preparation of a substitute for it. The bill that passed the House at the last session was a great improvement upon the present tariff law. Yet it was not in all things as I would have had it. I voted against it with reluctance, after looking carefully at all its provisions, hoping that it might be reconsidered in the House or modified in the Senate. But, looking at the inadequacy of the present law, I regret that it did not pass, because we had no other pending, and because by this time all might have seen its practical workings and could have remedied any of its defects; and

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hereafter my vote will depend more upon my preference for any pending bill over the existing law than upon my opinion of its abstract merits. The duties of the pending bill are said to be very high; but we must remember that the duties under the present inadequate laws average forty-eight and fifty-eight hundredths per cent. upon all dutiable imports, and forty-three and nineteen hundredths per cent. upon our total imports. At the time the Morrill tariff bill, so called, was passed, much was said against it. Yet, from that day to this, its opponents have never offered a general substitute for it. The war being over, the condition of the country being changed, Mr. MORRILL, as chairman of the Committee of Ways and Means, assists in preparing another bill as a substitute for his own bill (so called) of 1861. His last bill is opposed by the same interest, and in many instances by the identical men and newspapers, that opposed his bill of 1861, and have ever since opposed it. What would these men and newspapers have? Where is their bill? Have they not a single friend on this floor to introduce it? I am committed to a tariff that will produce revenue enough to defray all the ordinary expenses of the Government. I want no internal revenue taxation except to pay our war debt, and I want to pay that debt as soon as practicable in order to get rid of that odious and oppressive taxation. I can disinterestedly examine the provisions of any tariff bill that will produce the requisite revenue. There is but one bill pending. Those opposing this bill dare not trust themselves to propose a substitute. We must enact the pending bill, drawn to meet present exigencies, or fall back upon the inadequate law of 1861 with its temporary amendments, which law has always been denounced, be it remembered, by the same interest that denounces the pending bill. The present laws being inadequate to the present condition of the country, I am for revising them. There is, I regret to say, but one pending substitute for them. I am narrowed down to a choice between MORRILL of 1861, before the war, and MORRILL of 1867, after the war; for he who opposes the pending bill must either defend the existing laws as adequate to present Government necessities, or propose a substitute, which no one has yet done. As a means of revenue it is pronounced greatly superior to the existing law; and if in the end its revenues do not prove adequate, we must revise it so that they will. It is possible that this House may so amend this bill as to improve it both for revenue and protection. But if it does not suit everybody, the course of Senator Wright, of New York, in 1842 furnishes a good example. He was decidedly opposed to the bill, and so were all his political friends. Yet he deemed the existing law entirely inadequate. His vote could pass or defeat the bill. And I commend his remarks, taken from the Globe of that day, upon giving his vote for it, to the members of this House:

"After the most mature and anxious reflection he had come to the conclusion that it was his duty to vote for this measure, because he assumed that this bill must pass in the form it now bears or that no revenue law can pass at the present session. If he was correct in this assumption, then he could not avoid the conclusion he had announced; and he did not suppose there was a single member of either House of Congress who supposed for a moment that if this bill be rejected upon this vote, any further attempt is to be made at this session to pass a revenue bill. The alternative presented, then, is this bill or none; and the deep and deliberate conviction of his mind was that this bill should pass, bad and loaded with defects as he believed it to be, rather than that none should pass."

Having determined to raise through the tariff and miscellaneous resources of the Government revenue enough to defray its ordinary expenses, there certainly can be no difference of opinion as to the manner of raising it upon articles that have no competition in this country. We must tax heavily luxuries, and lightly necessities. It is only upon articles competing with our domestic products upon which much difference can arise in apportioning our tariff duties. Now, it must be kept in mind that the contest is between the pending bill and a law enacted before the war, when we had no war taxes. Assuming that the discrimination between foreign and domestic labor was right in 1861, is it not right that that discrimination should now be increased by the amount of the war tax? If I live upon the Canadian frontier I cannot pay my war taxes and compete upon equal terms in the markets of the United States with a farmer who lives across the line and therefore pays no war taxes. The pending bill makes the foreigner dealing in the United States markets pay the war taxes of the citizen whose products he crowds out. You may call this home protection if you please, but it is really nothing more nor less than equalizing taxation upon all men sending their products to the United States markets. It is simply telling men residing abroad who manufacture for the United States markets that their goods cannot escape taxation by their own non-residence. Under the reciprocity treaty, for instance, the Canadians had all the advantages of our markets and escaped all our taxation. This held out inducements to our farmers to move across the line. Looking at the imports of last year our farmers will see that animals to the amount of $1,600,000 were imported. The owners of them may have been rebels, or rebel sympathizers, or fugitives from the draft. Yet they had our markets on more favorable terms than our own citizens, burdened with the war tax.

Much prejudice existed before the war with agriculturists, and with none more than myself, against the whole policy of discriminating in favor of resident manufacturers, because while all duties fall very disproportionately upon themselves they never realize any of that incidental protection which manufacturers labor to secure in every tariff bill. But agriculturists have no one so much as themselves to blame for this, since they were so zealous in opposition to all the discriminating tariff bills that they took no trouble to see that their own interests were as well protected as those of others in those that did pass. Thus, while the ever vigilant manufacturer did his best to keep foreign fabrics from our market, it was the wool-grower's fault that the manufacturer was allowed the whole world in which to purchase his wool. The manufacturer raised the cry that Americans must patronize American manufacturers; but it had never occurred to the wool-grower then to raise the cry that American manufacturers should only manufacture from American wool. It was the business of wool-manufacturers to take care that they had no foreign competition, while the wool-growers were writing, talking, and dreaming of the glories of free trade at the same time that they were paying highly-protective prices for their cloths and losing money from the competition of foreign wools. So the men who raised flaxseed were, in their indifference, encouraging free ports to the seed, while the manufacturers of the oil from the seed were closing our ports to the foreign oil.

The alternative of free trade is direct taxation; but it took the late war to make the agriculturists really feel the alternative. Our internal revenue system has learned them that free trade is one thing to the ear and another to the pocket. They now understand that the easiest way of raising a revenue is through the tariff; and they are organizing to take the same advantage of its incidents that the manufacturers have always done. The woolen manufacturers have an organization, every member of which pays twenty-five dollars for initiation and heavy contributions from time to time besides. They also pay an agent about five thousand dollars per annum to watch the legislation of the country and to gather up statistics to influence it. The wool-growers of Illinois, numbering thousands, have less than one hundred in their organization, and each member pays but one dollar. I presume they have been, perhaps are now, equally indifferent to organization in other States. To show the untiring vigilance of the manufacturing interest, it will be remembered that after this House had passed the general tariff bill, with both wool and woolens exactly as the manufacturers consented to have them, and after the bill had been postponed by the aid of Senators from manufacturing districts, this House, in sympathy with the wool-growers, passed a bill for the protection of wool alone. This bill the manufacturing interest in the Senate prevented from passing. This House, in despair of any tariff bill getting through the Senate, finally passed one giving American products the advantages of what is known as a home valuation. Here the wool manufacturer turned up again and took advantage of the greater proportion of Senators from manufacturing States to deprive the growers of the coarse wools of even this small advantage, as the third proviso of the ninth section of the act of last session will prove. The Senate amended the bill, and the manufacturers thus surrendered the coarse wool-growers in fear of losing it. This bill makes that matter all right, however. By making a discrimination in the classes of wool, manufacturers have a great advantage through the ignorance and venality of custom-house inspectors. For it is a general rule that where there are different duties upon different qualities of the same article the lowest duty is the one that is invariably collected. Thus, out of the $10,000,000 of wool importations last year $8,500,000 were valued at twelve cents or less; and over five and one half millions at twenty-four cents or less; while only $153,000 were valued at over twenty-four cents. I do not believe in the honesty of such a valuation. Farmers should imitate the persistent energy of the manufacturers, and allow but one duty upon all classes of wool. A uniform duty would not only break up the fraud at the custom-house, but is just in itself; for the very coarsest of carpet-wools abound in the regions of New Mexico, and need only the encouragement given to finer wools to come into general use. If we are to discriminate at all in our tariff, it should be to encourage infant and struggling industries and to develop dormant resources. It is agreed on all sides that this country raises only about half the wool used in it, and yet in New Mexico it is hardly worth saving, so great is the foreign competition. It is untrue that there is any kind of wool used in the United States that cannot, if properly protected, be profitably grown therein.

I have alluded to this matter of wool more particularly because the opponents of all discriminating tariffs argue that they invariably protect the manufacturer at the expense of the farmer. I want to satisfy the farmer that it has been his own fault that such has been the case. Instead of opposing all tariffs, he should help make them. The manufacturers are wealthier, more compact, and better organized, and employ the very shrewdest of lobby agents, who can in the social circle raise the most effective cry of distress, and in committee dictate a specific duty or an *ad valorem*, a classification, a proviso, an inclusion or exclusion of cost and charges, &c., as may best suit the interests of their employers. And this is the reason that in framing our tariffs the manufacturers have so often gained an undue advantage over the farmers. But the farmers are the most numerous and can always take care of themselves when they resolve upon it. Their hope is in educating themselves in the technical language of tariff laws, and in the efforts of their representatives to see that no one is protected at their expense. I repudiate the whole theory of protecting manufactures by furnishing cheaply the raw material, unless we mean to cheapen it by taking off all the Government taxes from our farmers. If the American farmer is to be taxed upon his crops of all kind, then the tax should be added to the price at which he sells.

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Foreign farmers have no such tax to add to their price, and consequently they can undersell the American farmer to the extent of the tax, and thereby furnish the raw material cheaper to the American manufacturer than the American citizen can. This policy, although adopted in some instances before the war without much complaint, because never seriously felt, can never be consented to so long as war taxes are levied. I believe in adjusting this tariff matter equitably between the manufacturing and agricultural interests upon the principle that the welfare of either is dependent upon the home market furnished by the other. A prosperous agriculture, furnishing a reliable home market, is a better encouragement to manufactures than cheap foreign raw material. And prosperous home manufactures are a better protection to agriculture than cheap foreign fabrics. Unless the protection is extended to agriculture, in the end it will have to be abandoned, and our tariff laws be made to consist of a single section, fixing but one rate of duty.

If we open a debt and credit system between our ordinary expenditures and our receipts from the tariff, the much-needed stability in our tariff laws will require us to scan well all our appropriations in order to render uniform our expenditures through a series of years; and when this uniformity is once attained we shall have nothing to quarrel about except the amount of discrimination inside the revenue point to be apportioned upon domestic articles coming in competition with foreign. If we provide for ordinary expenses through duties upon imports we shall require excise duties only for our extraordinary expenses. I refer to those growing out of the war. Now, our interest requires $183,000,000; and this sum for annual interest alone exceeds by $6,000,000 the whole amount of our public debt in 1816, when it was greater than at any time before the rebellion. It also exceeds by $48,000,000 the whole amount of the revenue raised in the highest year before the rebellion. To such an enormous amount, reduced only as we reduce our debt, is the industry of the country to be annually taxed for interest alone. But no one proposes to limit our annual payments to interest. Every one urges that we must pay something annually to the liquidation of our public debt; and no one has suggested less than $50,000,000. Even this slow process of liquidating our public debt would require an annual taxation of $183,000,000 even if the ordinary expenses were paid, as before suggested. I prefer an earlier liquidation of the public debt; but I do not see where the money is to come from. For the fiscal year ending the 30th of June last we raised $309,000,000 from excises alone. But there was great complaint of excessive taxation from all quarters. Petitions and delegations came for relief with the opening of Congress; and the Committee of Ways and Means were busy, not only mornings and evenings, but during the sessions of the House, as our absence when the ayes and noes were called will show, for six months in trying to make every reduction compatible with the necessities of the Government. But great as those reductions were they failed to satisfy the public, and we have had to travel the ground all over again at this session. The committee have had to listen to even louder complaints from unsuccessful industries than at the last session. While our people were very patient under all the burdens of the war, it is useless to try to disguise the fact that they are becoming very restive under their present excessive taxation.

Besides the reductions under new legislation, the fall in prices, decrease of business, and lessening of incomes since the war, will greatly reduce the internal revenue receipts. And our people will not consent in peace to an increase of a war tax that has once been lessened nor to its reënactment after it has once been repealed. The revised estimates of the Secretary of the Treasury give us but $240,000,000, where we got $309,000,000 last year. I have examined the official returns for seven months ending 1st February, and we get $184,000,000 against $200,000,000 last year; and the incomes are nearly all included, and embrace $47,700,000 of this sum. They were estimated at $50,500,000. And the people are still crying for reduction; and the difficulty consists not only in determining the amount of reduction, but also the articles upon which the reduction shall take place. We have had more speeches in the rooms of the Committee of Ways and Means than there have been made in this House; we have had earlier and later sessions; and we have labored under the disadvantage of having no hour rule and no previous question. And while this immense lobby have been urgent to take off taxation from their particular interest, not one of them, although frequently asked, has been able to name any articles upon which he could make good the amount of revenue from which they wished us to relieve them. Appearances indicate that the internal revenue will be nearer $233,000,000 than $240,000,000. This would pay our interest and leave $100,000,000 to apply upon our debt. Calling that debt $2,500,000,000, this would extinguish it in twenty-five years. If we reduce our internal revenue to $183,000,000, we shall have but $50,000,000 to apply upon our debt, and then it will take fifty years to extinguish it. Although I would prefer the shortest period, yet I would not be captious upon that point, as I do not regard the exact amount of so much importance as I do that a definite amount should be agreed upon. The Secretary of the Treasury says, in his last report, "With proper economy in all the Departments of the Government, the debt can be paid by the generation that created it." I believe this, and am for economy everywhere as the best means of bringing it about. But whether the debt is to be paid in this generation or the next, I deem of minor importance compared with having a fixed financial policy. Let us agree upon the amount we shall raise annually, and then let us only discuss the means of raising it in a way that will be the least oppressive to the people. We cannot do this understandingly until the amount has been agreed upon. Let the tariff revenues support the Government. Let the internal revenue pay the public interest and a fixed amount upon the public debt. This being done, we are confined in our discussion to the same thing in both cases, namely: what articles can best bear taxation, and what can best be exempted from it. I think in time we can settle upon some twenty or thirty articles that will give us all the internal revenue we want; for if we do not add to our debt, but go on extinguishing a definite amount of our onerous debt yearly, the falling off of our interest will be perceptibly felt. When we get our whisky laws so framed that the tax cannot be evaded, we shall nearly double our revenue from that source. If the bill of the present session will not do the work, we must make one still stronger. A nation that suffered so much to enforce its laws against the rebels cannot afford to have them defied by distillers. In this way, if you increased your ordinary expenses you would have to revise the tariff; and if you increased your debt you would have to revise your internal revenue system. Thus would our present obscure financial system be brought to the comprehension of the great mass of the tax-payers, and they could the better bring to deserved accountability every one of their servants for their votes upon bills increasing public expenditures.

On one account I should prefer $100,000,000 as the annual sinking fund to $50,000,000, and even a greater sum if our people could endure it. From the commencement of the public debt I have had great fears from the consequences of the constitutional inability of our State and municipal authorities to tax United States bonds. I cannot say how large a portion of our bonds are held abroad. The Secretary of the Treasury, however, estimates the amount at $350,000,000. I often hear complaints that this country is drained to so large an extent of its specie to pay its foreign interest. State and other bonds, however, to the amount of $250,000,000 have also to be paid in specie abroad. Yet when I reflect how much can so justly be said against a privileged class at home, I regret that our bonds cannot to better advantage all be held abroad. Already do the real-estate holders begin to feel the effects of increased taxation in consequence of the withdrawal of so large an amount of personal property from taxation by its investment in United States bonds. There are men and corporations that have United States bonds ranging all the way from one thousand to one million dollars, and perhaps more, who pay not one cent to the support of their State, county, or city government, whilst merchants, mechanics, operatives, and even decrepit soldiers are oppressively taxed for the same purpose. Productive property, more productive than the mass of real estate in the country, to the amount of over two billions thus escapes State and local taxation. During the war and since, taking advantage of times seemingly prosperous from the exuberance of our irredeemable currency, many of our States, counties, and cities have been extremely prodigal in their expenditures and have burdened their citizens with a taxation that is equaling that of the most oppressive of any portion of the Old World. Many of them now are paying no regard to the times, and are running in debt as recklessly as ever. People thus taxed see no just reason why their wealthier next-door neighbor should be exempted from taxation merely because he has converted his property into exempted United States bonds. For this creation of a privileged class in this country, neither our laws nor our courts furnish a remedy. And the people are already raising such a cry of indignation against it that I think nothing will appease them but the satisfaction that our debt is fast being extinguished. In view of this fact, I would favor the largest sum for annual payment that might be proposed if within reach of the ability of our people. But I should want it expressly understood that not another bond should be legalized. I would make the tariff pay for our entire Government expenses, and the internal revenues pay for our interest and sinking fund; and I would levy my imposts and excises in such a way as would best resuscitate the energies of the country and give all our industries a better home market.

This policy fairly discussed before the people would be almost unanimously approved. But from causes well known, it is difficult to turn the attention of the people in that direction except at that particular time when the tax-gatherer comes around; and then the advocates of an increased national debt, the profligates, the corruptionists, the claim agents, the lobbyists, the gamblers, the jobbers, the speculators, the advocates of high salaries, fees, and perquisites, the drones, &c., try to reconcile the tax-payer to his unnecessary oppression by recommending an expansion of the currency to the extent of his increased taxation.

So far as providing for the past is concerned, I can have no difficulty with any paper-money advocate; but I ask reliable guarantees for the future. Any way through our present volume of paper money to relieve our people from the burdens of their annual interest and their sinking fund would be gratifying to me. But I want a guarantee in advance from such men that not only shall our expenditures and our public debt not be increased, but that every laudable effort shall be made to decrease them. I want to get this subject before our people

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before they become as much oppressed by taxation as the negro ever was by servitude. And when I see some of my political friends so reckless in voting away public money, and thereby binding burdens grievous to be borne upon the backs of our tax-payers, I wonder if they can be honest in their pretensions concerning our colored brethren, and then I work the harder for the colored man's deliverance, so as to hasten the day when his wrongs shall not stand in the way of retributive justice to the promoters of governmental extravagance and corruption.

There are those who wish to arrest the profligate system of both public and private expenditures that has been engendered by the war; there are those opposed to a further increase of our public debt; there are those who favor the abolition of the whole system of excise duties at the earliest possible day, and who wish to pay the expenses of the Government through the tariff as in former times. With all such I wish to act; but some of them in voting for an expansion of the currency I fear are contributing to the defeat of these very objects. I never knew of any measure of retrenchment or reform to originate under the auspices of a redundant currency. In the world's history an irredeemable currency has left but one trail. Wherever the country, whatever the age, whoever the historian, the chapter is the same. It has warred alike upon labor and capital. It is alike the enemy of the poor and the rich; but it is the sport of the speculator and the desperado. The man with a falling stock on hand unpaid for, the man who has everything to gain and nothing to lose, is as much at home under a suspension of specie payments as a blackleg in a gambling-house. Suspension is sometimes unavoidable; but it is a disease that requires every one to take preventive medicine as soon as it gets into the neighborhood. The great Webster, who was never even supected of hostility to a sound paper currency, once declared that—

"Of all contrivances for cheating the laboring classes of mankind, none has been found more effectual than that which deludes them with an irredeemable paper currency."

If history and early parliamentary and congressional debates had taught me nothing, my own experience in what was once the frontier would have learned me a never-to-be-forgotten lesson. I arrived at the West when President Jackson's celebrated specie circular of the 11th of July, 1836, had just begun to be effective. A redundant circulation had seduced men into the wildest of land speculation, the inevitable consequences of which the keen foresight of Old Hickory penetrated. He pricked the bubble ere indefinite expansion had exploded it to indescribable ruin in wider fields. That circular recited that one of its objects was to discourage the ruinous extension of bank issues and bank credits. Those who denounced this act the loudest were afterward compelled to admit that its only fault was that it did not come soon enough; and one of the loudest of the loud, when taking the bankrupt act for $250,000, being asked what he thought would have been his situation if no such circular had been issued, replied that he thought he might have failed for double the amount. From that day to this every scheme that human ingenuity could devise has been resorted to for the purpose of discovering a reliable standard of values from paper money. Stocks of all kinds, and bonds of cities, counties, and States, have been tried in vain. Even the solid earth, underlined with granite ledges, has expanded with irredeemable paper stretched over it. If the evil effects of paper money expansions would only reach their originators and advocates I would say let retributive justice take its course. But such men invariably come out the wealthier, while those the least responsible for and the least able to bear the losses are the sufferers. Stability in prices is the most reliable guarantee of the fullest development of capital and labor; and this can never be had when the dollar, our adopted measure of all values, varies from day to day. See how it has varied in comparison with paper since the war begun. It was 103 January 15, 1862; it was 285 July 11, 1864, its highest point; it was 124⅞ March 24, 1866, its lowest point. During the past year it has ranged from 124⅞ March 24, to 167¾ June 18.* Who could safely give or take a contract for labor or material under such a fluctuation.

These remarks upon irredeemable paper I have deemed it necessary to make as a part of my argument to show that we can never hope to reduce our expenditures and our debt, and consequently our oppressive taxes, by increasing the volume of irredeemable paper. There are some who do not wish to reduce them. Besides men who have large stocks on hand, bought under inflated war prices, there are those who have schemes upon the public Treasury, national, State, and corporate. They have schemes against the tax-payers, and they want to hide them under the redundancy of the currency. Such are all true to their cause in advocating expansion; for we need only look back to the commencement of our speculative prices to learn their cause; as the very first year of our bank suspension the circulation in the loyal States jumped from one hundred and forty-four to two hundred millions. I need not go out of this very Congress to illustrate my position that expansion of the currency means an increase of Government expenditures and indebtedness, and consequently of our present taxation. I mean no personal reflection, and I acknowledge there are exceptions to all rules. But I make the assertion that if you would select those who have invariably voted for an increase of salaries and other expenditures, and who advocate schemes now pending that will involve an enormous increase of our public debt, you will find them mostly among those known as expansionists. And further, I say if you would select those who have opposed all increase of salaries and other expenditures, and oppose schemes now pending that will involve an enormous increase of our public debt, you will find them mostly among those known as contractionists. And further yet, I venture the assertion that you will find the same to be the case in all legislative bodies. There are schemes enough upon our Treasury being advocated to more than double our public debt, and consequently our taxation, not one of which can succeed if it is understood that we are not only not to expand our currency, but are to go on with our gradual contraction.

Under our present contraction system the indorsement of Mexican war bonds must fail. The bill now pending provides for the indorsement of $50,000,000. This, of course, means but one installment, which would be very seriously broken in upon by claims of the lobby. But little of it would ever see Mexico.

The enlargement of the jurisdiction of the Court of Claims must also fail. Claims to the amount of hundreds of millions are now awaiting the conferring of a sort of equity jurisdiction upon that body. Reckless men will swear to their justice and no attorney for the Government, nor hundreds of attorneys, will be sufficient to hunt up the adverse testimony. In my own city of Chicago I learn there are many persons interested in the "ring" to extend the jurisdiction of the court to certain claims of a very large amount which they have bought and are now buying for merely nominal sums. I hear of such transactions all over the country. As Congress will never directly pay such claims, the only hope of this formidable "ring" of corruptionists is to get their pay indirectly through the courts.

So must also fail the many schemes for additional appropriations for Pacific railroads. We have already granted land for the construction of a large number of Pacific railroads; but we have loaned our bonds and pay semi-annual interest only to the central route, with its four branches. We are thus aiding to build a road over a distance of two thousand three hundred and fifty-eight miles, at an expense of $60,670,000. I know that it is said that this money is to be refunded, but it will be remembered that after this financial aid was extended, a law was passed authorizing the issue of first-mortgage bonds equal in amount to that authorized to be issued by the Government to the companies building said road and branches, and the same law provided that "the lien of the United States bonds shall be subordinate to that of the bonds of any or either of said companies." It is generally understood that the most of the stockholders are the contractors, and that they also are and will be the largest bondholders. When the road is completed, or nearly so, a default in the payment of the interest of the first-mortgage bonds may arise; and if so, the road will, in all probability, be sold, and the lien of the Government be cut off, and the original companies will own the entire road and branches, built almost entirely with Government bonds. But there are those who will say that we must have a railroad to the Pacific, and that no price is too high to pay for it. I do not propose at this time to combat that idea. But I contend that one Pacific railroad is enough in our present Government financial embarrassments. There are several companies to whom Government has granted land, and all interested in them are now combining to get money, and they rely upon an expanded currency to add over three hundred million dollars to our national debt.

But it is needless to enumerate the many schemes tending to greatly increase our public debt, which can only be frustrated by bringing the people to a realizing sense of their actual situation through legislation looking to a return to specie payments. They have but to feel the magnitude of their present burdens to be protected against their increase.

While I believe that the main object of the mass of expansionists is the increase of governmental expenses, the disposal of stocks on hand and speculation in general, I must notice one of the plausible pretexts for their course with reference to expansion. They complain that the amount of bank circulation is not sufficient for the business necessities of the country. Before the war the largest amount of bank circulation was in 1857. It then reached $214,000,000. Now, when our business relations are interrupted with at least one quarter of the Union, we have $300,000,000 of bank issues. But this amount may be too small or it may be too large. There is but one general rule to apply in such cases and that may be said to be inappropriate at this time; and that rule is, where one has more paper out than he can redeem, he should contract rather than expand. If our banks were paying specie and could continue to pay upon a larger volume of circula-

* I have compiled the following statement showing the price of gold on the 1st and 15th of each month during the year 1866:

January	2	144¼ @ 144¾
	15	139¾ @ 139¾
February	1	139¼ @ 140⅝
	15	137⅛ @ 137⅞
March	1	135¼ @ 136¼
	15	130¾ @ 131⅛
April	2	127⅛ @ 128⅛
	16	125⅞ @ 126
May	1	125¼ @ 127
	15	129½ @ 130⅜
June	1	140⅛ @ 141
	15	147⅝ @ 149¼
July	2	153⅜ @ 155⅝
	16	148⅛ @ 149¼
August	1	148¼ @ 149
	15	150⅛ @ 152
September	1	145¼ @ 147¼
	15	144⅛ @ 144⅝
October	1	145⅞ @ 146⅞
	15	150⅛ @ 153⅜
November	1	146¼ @ 147¾
	15	143⅛ @ 145⅛
December	1	140⅜ @ 141¾
	15	137⅞ @ 137⅞

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tion without disturbing the stability of prices, no great evil could result from an increase. It is the redemption point that should limit our currency issues; and where there is no redemption you might as well undertake to limit the speculative propensities of "poor fallen man" as the amount of the currency inside universal bankruptcy.

When the Government fixed the amount of bank circulation at $300,000,000 the understanding was that there should be no other paper money; and there was a sort of moral understanding that if more currency was ever required it should be supplied by additional currency given to institutions in States that now have less than their share; for the amount was disproportionate in consequence of the Government's obligation to supply the banks then existing under State authority with national currency if they would take in their own circulation. Nothing was better understood than that there should be but one kind of paper currency, and that should be the currency of the banks. The Government had then outstanding a heterogeneous mass of indebtedness, some of which bore interest and some of which did not. This was used as a circulating medium, and when added to the bank circulation made near nine hundred million dollars, or three times the amount fixed upon as the amount necessary for the business wants of the country. The people were to look to the banks and not to the Government for circulation. The idea of a mixed circulation, part bank and part Government, was never dreamed of. This would not only be unfair, but unprofitable. It would be unfair, because some States have not got their share of circulation, which Government could not excuse itself for withholding if it intended to supply any of the circulation itself. It would be unprofitable, because if Government could rightfully supply any portion of the circulation it could as well supply it all, and thereby save $18,000,000 in gold interest which it pays to the banks for their bonds which secures their $300,000,000 of circulation. The editor of Littell's Living Age conclusively proves that our annual interest saved by substituting greenbacks for the bills of our banks, when reinvested and compounded, would pay our entire national debt in forty years. The people are already asking if that is not the best way in which to pay it. It would certainly be for the interest of the Government to get rid of the banks altogether, and cancel the gold interest-bearing bonds that they own with non-interest-bearing legal tenders. But the good faith of the Government is involved, and repudiation is a crime. The arrangement with the national banks was at one time a matter of vital importance to the Government, and should not be repudiated as long as they maintain their faith with the Government. They now have on deposit in the Treasury as security for circulation $340,000,000 and as security for deposits $39,000,000. I have not the amount of bonds owned by the banks at the close of the war, but it was somewhat less, of course.

It was of great advantage for the Government to thus find a market for its bonds and also to get rid of the State circulation. It was a great benefit to the people to get not only a uniform circulation, and that one secured against any possibility of loss. But three banks have failed to this date, and these failed from a willful violation of the law. There is money in the United States Treasury to redeem every one of their bills, and the most of them are yet in as good circulation as those of solvent banks. I am for but one kind of currency, and good faith requires that it should all be given to the banks; and when we return to specie, so that we can get a measure of our currency necessities, and we find that more circulation is needed, equal good faith requires that we should favor those States that have not their proportionate share, and this will popularize the system.

But it is contended that the banks have violated their faith, and that therefore the Government is under no obligation to support them in consequence of their universally acknowledged past services. I have not examined the subject sufficiently to make up my mind; but the charge looks unreasonable, from the fact that their officers are generally very shrewd men. And such men must know that when the Government can save $18,000,000 in gold per annum by substituting greenbacks which bear no interest, and also create a sinking fund by reinvesting the interest saved, there are men enough to find a pretext for a quarrel between them and the Government. There is no instance in which the politicians of any party have organized against any banking system that it has not been overthrown. Sometimes the contest has been a prolonged one, but it has always been expensive and eventually disastrous to the banks. Not only are newspapers and candidates for office declaring against the present system, but a bill has been introduced into this House against it, and has a support so formidable that a very large number of bankers have visited Congress to resist its passage; and it is asserted in the public prints that bankers are now opposing the very legislation they themselves once asked for, in fear of adverse instead of favorable legislation—in fear that the bill of Mr. Randall will be substituted for that of Mr. Hooper.

It is charged against the bankers that they are trying to control the legislation of the country and hold conventions for that purpose; that they are opposing in every possible way the return of the Government to a specie basis; that they owe for their capital in many cases, and therefore are obliged to accommodate themselves in their loans instead of business men who would establish banks of their own, were they not prevented by the limitations of the banking law; that they use their influence to elect their officers and retainers to Congress in order to manipulate its legislation; that they compel the Government to pay them its dues in specie, while they sell their coin at a premium and pay their dues to the Government in depreciated paper, &c. In substantiation of the last charge I am pointed to the last bank report sent to the House, in which they are reported as having but $8,000,000 of specie on hand. This would be eight dollars in specie for every three hundred in paper, or three and three quarters per cent., while Government pays them six per cent. in specie every year. The returns for the 7th of January last show $16,600,000 in specie. This merely adds, however, the January three per cent. interest from the Government, which perhaps they have sold by this time. If you tell these opponents of the banking system that the banks always have a sufficient supply of legal tenders, which under the governmental policy will soon be equal to specie, they have a ready answer. It is this: there are near four hundred million of greenbacks. Government is prevented from withdrawing but $4,000,000 per month, and there is no knowing that its necessities will allow it to do this, and hence it will be impossible under any circumstances to get rid of them so as to bring the banks to the payment of specie in this way in less than seven years. And then they say that every banker in Congress and every man in the bank interest wants to repeal the four million clause and thereby make Government keep out $400,000,000 to redeem their $300,000,000 with. My attention has been called to the fact that such is not the case with the New England bankers. I think the records will prove it true of most of the others.

I have said this much concerning the expansion of the currency out of deference to some who profess to favor a reduction of expenditures, and yet do not appreciate the fatality of an expansion of the currency to their object. I have shown that the volume of the currency was fixed at $300,000,000, and that the privilege of issuing it was given to the banks, now numbering sixteen hundred and sixty-six. I have shown that when this privilege was given to the banks to issue this currency it was with the understanding that all the floating indebtedness of the Government, which competed with the bank currency, should be removed at the convenience of the Government, and that the financial officer of the Government, the man responsible for its credit, should be the judge of such convenience, and that the national banks should labor to aid such officer. They are paid well to do this. They get all their exclusive privileges in consequence of the understanding that they will do this. For this they are allowed the exclusive right to duplicate their bonds. Government pays them six per cent. interest in gold on their original bonds, and then they are allowed to make what they can besides upon their duplicates, enabling them to declare dividends ranging from ten to twenty per cent. Of what use can these banks be to Government if it is compelled to furnish them more than greenbacks enough to redeem their bills with, and thereby make the volume of the currency $700,000,000 instead of $300,000,000, as fixed by law? It is but a pretext to cover up an unwarrantable expansion, and thereby encourage individual speculation and governmental profligacy.

But there are those who pretend to be opposed to an increase of our national debt and expenditures, who express fears that we may be precipitated into specie payments so soon that we may not be able to maintain them. But we do not propose to resume specie payments until we have so shaped our legislation that we can maintain them; and it is on shaping that legislation that the battle is to be fought. It will be very difficult to resume specie payments under the present tariff; and this is the opinion of the mass of expansionists, nearly all of whom are opposing its modification. Look at the Canadian and other foreign papers; look at our own that oppose a contraction of the currency, and you see articles often in the same column opposing contraction even at the moderate rate of $4,000,000 per month, and also opposing a change in the tariff. I know of no paper at the West that opposes the adoption of a tariff that will produce a greater revenue than the present one that does not favor an expansion of the currency. Look upon the other side! Take the New York Tribune for instance, a paper noted for its ultraism in favor of a revenue tariff that will discriminate in favor of American industry, and there you see a change in the tariff and a contraction of the currency advocated in the same column. When papers devoted to opposite views upon the tariff advocate opposite views in relation to the currency is there no meaning in it? Where is there a man better known as a high tariff man than the chairman of the Committee of Ways and Means, [Mr. Morrill,] and would he have made the speech in favor of contraction he did a few days ago unless he believed that a return to specie payments would favor American industry? The same question might be asked concerning Mr. Greeley, of the New York Tribune. The bearing of a change in the tariff upon specie payments seems to be correctly understood by both sides. No legislation can force banks to pay specie when it commands much more than five per cent. premium. Specie has become a commodity and is regulated by the great law of supply and demand. It is scarce in this country because of the necessity of sending it abroad. The Secretary of the Treasury estimates our indebtness to England as follows:

United States bonds	$350,000,000
State and municipal bonds	150,000,000
Railroad and other bonds	100,000,000
	$600,000,000

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Thus we send out of the country $18,000,000 every six months in specie to pay for interest alone.

Our imports for the year ending June 30, 1866, were by specie valuation $445,512,158. To this amount experts in such matters say we should add about one fifth or twenty per cent. for smuggling, frauds, and undervaluations, increasing the amount to say $534,000,000. Our exports in currency were $565,426 39. Deducting at least one third for specie, and we have about $377,000,000, leaving about $157,000,000 of balance of trade against us, besides the interest before alluded to. Take six months of the present fiscal year. Our imports are $191,416,181. Add for smuggling, frauds, and undervaluations one fifth, or twenty per cent., and we have about $230,000,000. Our exports for the same time were (reduced to specie by Mr. Delmar) $120,136,487, leaving a balance against us again of about $110,000,000, besides the six months interest of $9,000,000. This draft of specie is still further increased by the large amount expended by numerous Americans traveling abroad. In this matter of difference between reckoning the value of our imports and exports the expansionists again have a common interest with the opponents of American industry. Our exports being valued in paper, they always appear between thirty and forty per cent. greater than they really are, and thus irredeemable paper money repeats its history again by deluding the public with fictitious prosperity, oftentimes showing a balance of trade in favor of this country when it is largely against it. When specie is at five per cent. premium it is very difficult to pay specie, and when above ten per cent. it is absolutely impossible. Now, with such a foreign drain of specie to pay interest and trade balances, how can we ever hope to resume specie payments? The whole coinage at our Mint last year was but $31,000,000. Of what use to our national wealth are our inexhaustible mines if their products are exported from the country faster than we can dig them out? Only think what an enormous sum our gold fields have produced, and then answer the question, what has become of it? And yet men profess to fear that the Secretary of the Treasury, by paying off the floating debt of the country, may precipitate a crisis by bringing about a too sudden resumption of specie payments.

He has paid off $50,000,000 of the temporary loan, which could never be rightfully considered a part of the circulating medium of the country. From July 1 to date he has taken up $15,030,500 of compound-interest notes. These had too much interest due upon them to circulate. From April last to date, he has withdrawn only $22,000,000 of greenbacks, (so called,) leaving $378,000,000 still out to add to our $300,000,000 of bank bills, making a circulation of $678,000,000, against $184,000,000 in 1862, or over three and a half times the amount then existing. And be it remembered that the largest amount of circulation ever known before the war was $214,00,000. Besides, there are $143,000,000 of compound-interest notes still out. Those who contend that the currency was contracted by the withdrawal of the $15,030,500 of compound-interest notes before alluded to, must for the same reason admit that this $143,000,000 constitutes a part of the currency. Add this to the circulation before mentioned and we have $821,000,000 against $184,000,000 in 1862, or against $214,000,000 in 1857, when it was at its highest point ever known, and when there was a financial crash in consequence, as every one will remember; and against $16,600,000 of specie in our banks in January last.

The withdrawal of the miscellaneous indebtedness of the Government may prevent speculation and the better prepare the people and the banks for a resumption, but it can never bring about permanent specie payments until a new tariff shall stop the demand for gold abroad. And I contend that under the existing tariff it is not for the Government's interest to resume immediately if it had the power; and yet it should make every effort to turn the attention of the people in that direction in order to discourage speculative prices, which are so much disturbing our laboring classes. The Commissioner of the Revenue tells us in his report that skilled laborers, induced to emigrate here for the purpose of bringing some of our mechanical industries to the high development that they are in the Old World, have returned because of the higher price of living being more than commensurate with our higher wages. And it is the general complaint of our American wages-classes that present prices keep them at a greater distance from their actual necessities than the prices before the war.

Besides a debt now past due of over fifteen millions, the Secretary of the Treasury has $312,000,000 falling due this year, and so wants an easy market. Of this amount $204,000,000 are in notes bearing seven and three tenths per cent. interest, and he has no means of paying them except in six per cent gold-bearing bonds at par; and he has over twice as many to pay next year. Now, a six per cent. bond in gold at twenty and one half per cent., is equivalent to $7 30 in paper. At twenty-five per cent. six dollars in gold is equivalent to $7 50 in paper. Until all the seven-thirty notes, exceeding six millions, are converted, it is not for the interest of the Government to have specie below twenty-five per cent. And in view of this fact, Congress wisely refuses to put any additional restrictions upon the Secretary of the Treasury, although speculators would like to have him so restrained that they could always know his policy in advance and thereby take advantage of it. I wish I could be sure that specie would be as low as 125 for the next two years. I have but little expectation of its going below that sum until all our seven-thirty notes are converted.

There is a class of men who have been made to believe by speculators that there is danger, that the Secretary of the Treasury may stand in his own light by a too sudden contraction of the currency. Over a year ago this matter was fully discussed. One party contended that the Government was the largest party in interest and should not be limited in its power over the currency. The speculators, with headquarters in Wall street, New York, contended for complete restriction. They would leave nothing to the discretion of the Secretary of the Treasury, as they wanted to get their Government into a corner. They have unsuccessfully tried to regulate his sales of gold this winter. A compromise was finally effected by which the Secretary was restricted in his contraction of the $400,000,000 of greenbacks to $4,000,000 per month. He was not obliged to thus contract; he could do it or not, exactly as he thought the interests of the Government required. He has not been able to do it latterly. From April last to the present day he has taken up $22,000,000, which would never have been missed under ordinary circumstances. Had he quietly tied this sum up and laid it away, no one could have felt its effects upon the business transactions of the country. Oftentimes a much larger sum laid idle for a longer time and no notice was taken of the fact; it was never felt in the money market. And as an offset to this amount of contraction it should be remembered that the whole amount of the $300,000,000 of bank circulation was not issued when the contraction commenced. Since 1st of July last $17,000,000 in new bank notes have been issued, which, deducted from the $22,000,000 of contraction, leaves but $5,000,000 of contraction after all. Then we are to take into account the fact that all through the East we find many bills of the old State and local banks still in circulation. By the February report of the Secretary of the Treasury it appears that he has $45,000,000 in currency locked up in the Treasury. Now, supposing he keeps that sum there for six months, is it probable that legitimate business would be affected by it? It is Government money in the Government Treasury, where it ought to be. Yet unsuccessful speculators, wishing to hide the real cause of their failures, might say that if Government had not locked up its money they might have got some of it and so have been saved. Last fall the Merchant's Bank of the District of Columbia failed. It had Government funds on deposit to the amount of $763,000, and how much will be realized from it is yet doubtful. The result showed that the bank had been speculating in them; and an examination showed that other banks had been doing, and were doing, the same. This caused more stringent regulations to be adopted. It caused Government money to be put where it belonged, in the Treasury of the Government. It caused a large surplus to be invested in the extinguishment of the public debt. This was the real cause of the temporary panic last fall. Bankers had loaned out the people's money. They had placed the proceeds of our cruel taxation in the hands of the middle-men, unprincipled speculators, who combine to get the crops of the producers at a low rate, and then combine again to sell them to the consumers at a high rate. Thus were the people's hard-earned taxes used to their own injury.

The Washington bank failure called the attention of the Government to what was going on. The mischief was stopped. Men who were robbing both consumers and producers by their extensive combination in some instances failed, because the bankers no longer had the people's money to loan them. Not daring to assign the real cause of their further inability to accommodate such customers, they falsely charged it upon the Secretary of the Treasury's contraction of the currency. And so these men clubbed together and employed the subagency of one John Livingston, of New York city, to manufacture an erroneous public opinion upon the subject. He sent circulars all over the country urging people to write to their members of Congress, and also to circulate petitions which he sent them praying Congress to favor expansion. I sent one of his lithographic circulars to the Clerk's desk and had it read. I have one in my possession now. It is, however, in Mr. BUNDY'S speech in the Globe. And when a gentleman from Tennessee [Mr. MAYNARD] presented a petition in favor of expansion one day, myself and others from all parts of the Union took dozens from our desks that read in the same way and were printed in the same place. The effect of all this pressure was to force a bare majority of this House against its better sense to support an unmeaning resolution against the withdrawal of the $4,000,000 per month, which it is doubtful whether the Secretary of the Treasury can continue unless we provide him some assistance in taking care of the Government indebtedness maturing this year. Such a resolution, however, had the effect to raise the relative price of gold, or rather depreciate the value of currency about four per cent., thereby taking just so much from the laborer's wages and adding just so much to the price of his food and clothing. But gold will fall back and paper advance when it is ascertained that the resolution means nothing. Out of the nine members of the Committee of Ways and Means, but one, the gentleman of Iowa, voted for that resolution; and the Finance Committee of the Senate, which is the name of the committee in that body corresponding to the Ways and Means Committee of the House, with the late Secretary of the Treasury [Mr. FESSENDEN] at its head, appears unanimous with the great majority of the committee of the House upon the subject of gradual contraction.

There is not the least danger of a too precip-

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itate return of this nation to specie payments. But there is danger of our too long postponing legislation in that direction. We have no time to lose in legislating for the revival of our decrepit industries, for the development of our hidden resources, for the curtailment of personal and national extravagances, and for the lessening of our importations. We must all go to work. Production is the magic word. More production and less imports will put us on the direct road to specie payments, and legislation in favor of economy, with the $4,000,000 monthly withdrawal, will gradually and safely deliver us there. Less production and more imports, with their twin sisters, extravagance and paper expansion, will drive us to bankruptcy and ruin. Legislate for production, rely more upon ourselves, make the tariff, as in former times, support the Government, reduce the internal revenue tax as our interest and debt decrease, and we shall find that our present $300,000,000 of bank circulation will be ample for all business purposes, and that every dollar will be equivalent to specie. Such is the policy that I recommend, and I believe it will carry us safely through all our troubles; and if it does not extinguish our debt with the generation that created it, as the Secretary of the Treasury predicts, it will be because the credit of our Government will be so good that the holders of our forty-year five per cent. bonds will prefer holding them until they mature.

Reconstruction.

SPEECH OF HON. H. MAYNARD,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 12, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States, Mr. ALLISON, being entitled to the floor, gave way to—

Mr. MAYNARD, who said:

Mr. SPEAKER: My thanks are due to the gentleman from Iowa [Mr. ALLISON] for this brief opportunity of stating to the House that, in my opinion, the time requires positive affirmative action at our hands. In the ordinary course of affairs we might let things pass on until we could devise something better than the existing condition. The present time, however, will not permit us to do that. It requires us to move forward or to be thrust irrevocably and irretrievably backward.

The few minutes that I have will not permit me to array proofs. I but state proven facts when I assert that throughout the region of the unreconstructed States the animating, life-giving principle of the rebellion is as thoroughly in possession of the country and of all the political power there to-day as it ever has been since the first gun was fired upon Fort Sumter. Individual wrongs, enormities, and atrocities mark certain portions and make them blacker than the rest. There are still wide regions of country in which nowhere is loyalty to this Government, love to the old flag, the prevailing or even the tolerated sentiment. The rebellion is alive. It is strong—strong in the number of its votaries, strong in the wealth and culture of its leading and controlling spirits, strong in its social influences, strong in its political power, having in its ranks the leaders of political affairs in the South during the past few years, I might almost say without exception and on either side—strong in the belief that the minorities in the northern States are in sentiment with them; strong in the belief that the existing governments in all the southern States, except in Missouri and Tennessee, are in league with them; strong in the endeavor to secure the control of the governments in these two States, especially the latter; strong in the belief that the executive department of this Government is in sympathy and community of purpose with them; strong in the belief that the controlling majority of the supreme judiciary of the land is with them in legal opinion; strong in the belief that the controversy in this body between impracticable zeal and incorrigible timidity will prevent anything of importance being accomplished or any legislation matured. The vote that we gave the other day, sending a bill then under discussion to the Committee on Reconstruction—to the tomb of the Capulets, as it was fondly believed—was an incident that gave the rebel leaders infinite hope, animating their courage, and making them more confident than ever that their cause was in the ascendent and their ultimate triumph assured. The moral effect of what we have done to-day in the passage of the Louisiana bill, when it comes to be known through the country, as in a few hours it will be, will I trust neutralize the effect of that vote, at least prevent it from being misunderstood.

The present bill is opposed as inapplicable to the condition of restored peace. It is not quite accurate to say that we are at peace; that there is no war. What peace is it? The peace of Vesuvius at rest, the peace of the slumbering volcano; the fires banked up, not extinguished; the strength of the combatants exhausted, but their wrath unappeased; no longer able to continue the conflict, but awaiting a more favorable opportunity to renew it. It is the cessation of hostilities rather than peace. This condition of things surprises and disappoints many. Many are incredulous of it as an existing fact. It is frequently spoken of as indicating a spirit very much intensified in bitterness and far different from what prevailed at the close of the war, or rather at the close of active military operations.

Sir, that is a great misapprehension. The spirit there now is the spirit that was there then. It is not the rebellion that has changed; it is you who have changed in your estimate of it. We all of us hoped—it was, I suppose, the universal belief—that the war having been waged until the arms of the rebellion were actually wrested from the hands that held them, when it must have been seen, when it was seen that the physical power of this Union was irresistible, it was hoped and believed by everybody that the spirit of the rebellion would subside and the result be accepted as conclusive. The country largely acted in that belief; measures were suggested and adopted by the official authorities in that belief: with what result has been too often and too vividly portrayed in this House to need repetition.

I have no word of censure for any man or any community of men not personally conversant with the rebellion who failed to understand its deep, ineradicable wickedness. It was a manifestation of evil, an exemplification of depravity, which in its nature they could not have comprehended any more than an inhabitant of the tropics could comprehend the nature of snow or the solidity of ice. It was something of the like of which they had had no experience. Human nature attained here to a measure of perversity, new in kind as well as degree.

When the clash of arms ceased the whole country included within the limits of the ten now unrepresented States was supposed to be ripe for the immediate restoration of civil government, held as it then was by our armies under the sole authority of military commanders assigned to the several departments. There was great haste to supplant martial law by the civil law, and give back to the people republican self-government, which, according to our theory, the war had overthrown. The Government, represented by the Executive, went immediately to work for the purpose of reorganizing governments there. The various steps taken are familiar to us, and the result is unfortunately too patent and obvious. A generous confidence was extended to defeated rebels and shamefully betrayed, covering not only themselves with dishonor, but their benefactor with obloquy. The rebellion had cost one President his life; and it has cost another President, I am sorry to say, more than his life—his reputation. I say this not in reproach. I cannot believe, I will not believe, that he contemplated the results that have been reached. I do not believe, the country will not believe, that the gentlemen, the statesmen whom he selected, in some instances, at least, as his agents, Governor Holden of North Carolina, Governor Johnson of Georgia, and Governor Hamilton of Texas, would ever have consented for a single moment to be used as instrumentalities for the restoration in their respective States of the rebel power in its present hideous shape, defying the national authority, setting at naught the laws, and contemning the rights of all men but its own votaries. All that has been done by them under the Executive authority was done with far different wishes and purposes.

So far certainly as they are concerned, and I am content to accord the same liberal judgment to their principal, their whole provisional administration was a simple mistake and necessarily a failure. It was an attempt to provide civil government for a people not in a fit condition for civil government. They should have been kept under military rule until the passions excited by the war had time to subside and give place to a quiet submission to the national authority. How far this is from being the case now we can see by the official acts of their judiciary and Legislatures, by the language of their public men, especially by the tone of their press, (some passages from which, by permission of the House, I will append,) and negatively by the absence of every expression of fealty or true allegiance to the United States. We should address ourselves, then, seriously, earnestly, and without delay to the existing condition of things there. You proposed at the last session an amendment to our national Constitution as the basis upon which their governments should be reorganized and they should be restored to their previous relations with the Federal Government. But that has been unanimously, ostentatiously, contemptuously spurned and spit upon by them; rejected in every way by which a people without a recognized government could reject an offer of conciliation; rejected by them in private and in their public assemblages, representative and primary; in speech and by writing; by individual oaths of profanity and by solemn resolutions of congregated bodies. You have, therefore, no hope from that quarter. Something you are bound to do, bound by every consideration that can bind public men. Power undoubted and plenary is in your hands, I do not say against States as bodies-politic; I will not say against the South, whatever that may be; but power against the personal, individual, men, women, ay, and children if you will, who attempted the life of this nation and waged war to overthrow it; power that extends to the taking, if need be, of every life and every particle of their property; power constitutional, legal, just, possibly not unconnected with a duty; power as absolute and complete as the power to pass an ordinary appropriation bill for the payment of the salaries of the President or the supreme judges. When you declare war, you may do to your enemy all the things permissible by the bloody code of war. They who boastfully, defiantly, and with long prearrangement provoked the nation to a conflict of arms, empowered you to do your pleasure upon them and theirs to the extent of your physical force, restrained only by the precepts of Christian civilization. Conquered, there is no law for them, but the will of the conqueror. *Væ victis*, is the severe and compendious law of the sword.

I will not argue this proposition to show from what source the power, in my opinion, is

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derived; a proposition which has been studied carefully and long, and which I am willing, limited as is my ability, to maintain at all proper times against all comers. But in the few minutes now allotted to me of course I cannot do more than to state propositions of this kind, reserving their discussion for another time, possibly for another forum. Away with the cobwebs by which the schoolmen of the law, who lurk spider-wise among the husks of the letter without penetrating to the invigorating and germinating kernel; away with the film and gossamer by which sentimentalism, humanitarianism, and optimism would bind the giant arms and the stalwart limbs of this vigorous young nation. To understand the Constitution and our form of government we must read it in the light of those high principles which inspired the men who framed it—the giants of an earlier and altogether heroic age—Hamilton and Sherman and King and the Pinckneys and Madison and Franklin and Robert Morris, with Washington presiding over their grave deliberation, all of whose forms on canvass should like his be placed in these panels, and their statues of marble in the niches of these galleries, that by their symbolic presence they might remind us of those lofty sentiments of personal liberty and national grandeur by which they were inspired.

While I hold that we have the power, full, ample, unlimited, as I have already stated it, I would not use a particle of it beyond what was necessary to maintain the life of the nation and to put down and extinguish all hostility to it. I would do nothing in vengeance; nothing in hatred. My motto would be "Malice toward none, charity for all." But that is not charity which sheds tears over the fate of the guilty and leaves the innocent to suffer. That is not malice which restrains the enemies of the country, and by denying them the power removes from them the temptation to renew their hostilities. The safety of the nation and the protection of its friends I would make the measure of our action. I would attempt nothing more, I would rest satisfied with nothing less. While hitherto we have kept steadily before us the national safety, there has been manifested quite as much anxiety not to disturb our enemies as to protect from disturbance our friends.

The bill before us and now under consideration is simple in its character. Its simplicity consists in this: that it is merely retrograding a period of twenty months, turning back the finger upon the dial-plate to that extent and no more; placing that part of the country in the position it was in at the close of hostilities, disregarding the civil governments which they have attempted to set up, and placing them once more under military control, preliminary to reorganizing civil governments upon another and a different basis.

Gentleman say, and with a great deal of force, that a military government is not desirable or agreeable, hardly tolerable. Why, sir, we who have lived under military rule for years understand that perfectly well. But bad as it is, military government or any government that I can conceive of is better for loyal men, Union men, white or black, than rebel rule. Besides, we have allegations against our military commanders that they are liable to be seduced by rebel blandishments. That also is very true. The policy of the rebels during the war, and I suppose it will be the same again, seems to have been borrowed from the habits of the feline species, purring and rubbing gently and pleasantly while that would avail, and when that failed the sharp claws from behind the velvet.

[Here the hammer fell.]

Mr. ALLISON resumed the floor.

Mr. SHELLABARGER. I hope the gentleman from Iowa [Mr. ALLISON] will yield still further to the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. ALLISON. I will yield to the gentleman from Tennessee a few minutes longer of my time.

Mr. MAYNARD. I think that five or ten minutes will be all that I will require.

Mr. SHELLABARGER. With the permission of the gentleman from Iowa, I will ask unanimous consent that the time of the gentleman from Tennessee be extended, without taking any more from the time of the gentleman from Iowa.

Mr. STEVENS. I hope he will be allowed all the time he wants while he is speaking as he has been speaking.

No objection was made; and the time of Mr. MAYNARD was accordingly extended.

Mr. MAYNARD. I thank the House for this courtesy, and will endeavor not to trespass upon their good nature.

I understand very well the susceptibility of military commanders to rebel influence; too much of that has come under my own observation. Many a time have I seen the poor, humble Union man stand the livelong day at the headquarters of some petty military satrap, unable to obtain admittance to ask for the simplest favor, while rebel beauty would flaunt past him in and out, with silk and satin rustling and in bright array. That was a part of the annoyance attendant upon military rule. It was not always so, however; it is not necessarily so; it need not be so again. A neighbor of mine—I mean a neighbor in this House representing the metropolitan district of Indiana, [Mr. DUMONT]—while in command of the post at Nashville, never gave us any trouble in that way. Many other noble names, a great many others, might be specified against whom this charge never lay. Take the higher officers of the Army, the major generals, of whom is he who won imperishable renown in the capital of Tennessee, (General Thomas;) I have never heard that accusation against him; and I venture to say it never will be made against him.

But objections of this kind are no argument against a measure such as this, which looks to the general protection and the maintenance of the peace for the time in that whole country. If imperfect, even if not the best, yet it is a measure of protection. If not complete protection, it is at least a semblance of protection, which is more than some classes of the southern people now enjoy. If the military power of the Government cannot protect the citizen in the last resort, pray where shall he turn for protection? This is the last and highest expression of its guardian power: there is no security beyond. The citizen is unfortunate who requires such a safeguard; but when required it is a grave offense to withhold it.

I do not understand this measure to be permanent. I understand it to be temporary, merely proposing to hold the country by military authority and preserve the peace among the inhabitants until civil governments can be organized, such as will maintain the peace and protect the rights of all the people. We have already indicated by our action to-day on the Louisiana bill our views with reference to the establishment of civil governments in those States. If asked why not adopt the same course with reference to the remaining nine States, my answer is that our experience during the war shows us that we should make haste slowly; that we should be careful not to let the reins slip from our grasp. We can see by this time how important it may become to correct mistakes and to perfect our own work. Suppose the measure which was matured by the last Congress, but which was not approved at the other end of the avenue, had become a law, I ask where would we have been to-day? What would have been the condition of all that part of the country if they had been permitted to go on and reorganize under that bill? Committed, as we would have been, to accept the governments they might establish under it, our condition would have been worse, far worse, even than it is now. Because it is not a matter of details that we are discussing with these people. It is not a question of franchises white or black, rebel or loyal, or of courts, or of the rights of one or another class of men. The struggle goes deeper than that.

The more radical question to be considered, and the only one, in my judgment, worth considering, is, whether this Government in all its parts shall be carried on by the men who, by their blood and treasure, have preserved it, or by the men who in vain have tried to overthrow it. Shall the loyal men of the country administer the Government, or shall it be administered by the rebels who sought to destroy it? Until this point is definitely and finally settled all others must remain in abeyance. And it is one that from its very nature admits of no possible adjustment by compromise. One side or the other must go down. The loyal element of this country must completely triumph and have the control of the Government in its every department, or else it must stand aside and let it revert to the control of the element which sought its overthrow and destruction. There is no middle course; no half-way house. And furthermore, no concession will satisfy rebel demands if they are denied a renewal of their political power. Give them that and there is no concession they will not make to secure it and until it is secured.

It is unnecessary for me, perhaps, to state my own views on this subject. I hold that it is not only the duty, but it is the right of loyal men to take and retain control of this Government. By right, I do not mean right in the ordinary political sense of the term, that they happen to have the majority, always fluctuating, and which may or may not be a majority to-morrow; I mean the right growing out of the result of the conflict; the right by which General Grant commands the armies of the United States, and Robert E. Lee does not; the right by which a friend takes precedence over an enemy; right in the highest sense known to human affairs.

In that view of the case our duty in the reëstablishment of civil governments for the rebel States seems plain enough. It is, as I conceive, to provide by effective legislation that they shall be established upon the basis of loyalty alone. Men who have attempted the overthrow of the nation have no rights as citizens, no franchises whatever, until they are restored to them by the proper legislative authority. It is maintained by labored argument that they are not criminally liable as rebels for treason, that they might at pleasure renounce their allegiance; but neither on this nor any other principle could they retain the rights while they repudiate the duties of the citizen. It follows, then, that whether the loyal men in any State be in a majority or in a minority, great or small, it is our duty to empower them, and them alone, to reorganize the State government; and then let them enlarge its privileges and limit its franchises just as fast as, and to the extent which, in their judgment it is prudent and safe. In this way the men who have maintained their loyalty take precedence in the great work of reconstruction, and by being made respectable they will be respected. This they have a right to demand, and do demand, at our hands. Less than this will be such a dereliction as will work scandal to our Government, and be cited in all coming time as another and most signal instance of the alleged ingratitude of republics toward their defenders and friends.

APPENDIX.

A few months ago it was proposed to publish in the city of Richmond a periodical to be called The Southern Opinion. The editor, Mr. H. Rives Pollard, like Messrs. Fitzhugh, Spratt & De Bow, may be taken as a fair representative of the ideas rather than of the political or

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military power of the rebellion. The following is taken from the prospectus, as published in the Richmond Daily Examiner of November 30, 1866:

"Prompted by a love for a free and independent press—a press which shall fearlessly expose corruption wherever found, and characterize men and measures as they deserve—and encouraged by the earnest solicitations of many kind friends, I have concluded to establish at once, in Richmond, a southern paper. I propose to make this paper a true exponent of southern thought and sentiment, and shall give to it, as its most appropriate title, the name of The Southern Opinion. Committing it to the support of no particular set of men or measures, I pledge it unreservedly to the South, in all her manifold interests, traditions, customs, and affections. While The Southern Opinion shall advocate such obedience to the Constitution and the laws as has been promised by the people of the South, and shall support the reconstruction policy of President Johnson as the only means by which the country can be saved from the savage and bloody rule of radicalism, it will accept the Yankee as a fact, and logically and forever as a foe—whether in *war or peace*, or in the field or the forum, or the Legislature —*always an enemy*. There is a mutual and inextinguishable hate between the Yankee and the Southerner. Whenever and wherever they meet they will meet as foes at heart; and this feeling will live as long as there are two men on earth to bear it toward each other. Politicians and hypocrites and knaves for this or that temporary purpose may attempt to glaze and conceal this fact, but what stronger evidence does one want that this hatred of the South does exist in the North, and with increased intensity, than what is furnished in the spirit of the legislation and debates of the last Congress, in the temper and results of the recent political contests in the North, and still more so in the ruffianly assaults made upon the President of the United States in his late tour in the Northwest, only because he was suspected of a sympathy with the South, and of being in favor of giving to the people of the South their constitutional rights! This hatred between the North and South does exist and will exist for generations to come, despite all efforts at conciliation, all blandishments, mutations, and vicissitudes.

"I am for the South. I make no pretensions to an affection for a Union that is both false and hateful. The Union sought by our forefathers has perished, not only from reality, not only from hope, but from possibility. The South has submitted, without resistance or murmur, to military tyranny, outrage, robbery, and the emancipation of four millions of her slaves; she has accepted the new condition of affairs with a heroism and resignation unequaled in the history of the world; and yet the Yankee race, instead of exhibiting something of the generous spirit that should be born of victory, seek only fresh pretexts for the infliction of further injury and insult. The southern States are this day practically disfranchised, and deprived even of every political right and privilege won by our common ancestry. Yet this is not enough! We must hug the chains that bind us, and kiss the rod which smites us. We must complete our abasement by our own act. We must accept the negro as our equal and a brother; and to set us an example for imitation, Massachusetts has just elected two negroes to her Legislature! But rather than ever see this state of things in the South, rather than we should be degraded by such an abhorrent and unnatural equality with the negro, and have him admitted into our legislative halls and to our firesides, we would see our land again committed to the desolation and devastation of war, and our homes burned and ravaged by another Butler and Sheridan. The negro is free; I have no wish to see him reënslaved; his condition as a 'freedman' is a disagreeable reality that must be recognized by the South; but beyond his emancipation The Southern Opinion will not yield, and will resolutely resist all measures that pretend to the elevation of one whose status has been fixed by Heaven.

"The Southern Opinion shall be confederate in its devotion to the memory of our short-lived independence, and all who fought for it or sympathized with that proud though unsuccessful struggle, from Jefferson Davis to the humblest soldier, shall be cherished as a sacred memory. Biographies, narratives, descriptions, sketches, incidents and anecdotes illustrative of the late war shall form one of its most prominent features. A number of distinguished confederate officers have promised to contribute to its columns. The scenes consecrated by valor, the days hallowed by victory or by scarcely less glorious defeat, shall not be allowed to fall into oblivion. The holy ground which entombs our dead heroes shall often be revisited, and our readers shall accompany us in these sacred pilgrimages. A special reporter will be sent out immediately to visit the various cemeteries in Virginia and the South where our loved and lost are gathered, who will furnish graphic and interesting sketches of those sacred precincts. In the first number of the paper, in addition to other attractive original matter of the same character, there will be a full and accurate description of "Stonewall" Jackson's tomb and its surroundings, together with a prize poem commemorative of the valor, sufferings, and sacrifices of the confederate soldiers. The first number will also contain a true account of the health and general condition of our beloved ex-president, Jefferson Davis, whose wrongs but the more endear him to the hearts of his people, and whose greatness of soul seems to expand under the infliction of the torture and cruelty visited upon him, while ironed and in a dungeon, by his brutal Yankee jailors, and whose dignity of behavior as a prisoner has entitled him to the perpetual sympathy and affection of his countrymen and the admiration of the world."

The leading editorial article of the New Orleans Times of Sunday, February 10, 1867, is as follows:

"The Washington Doings.—We used to look with interest for the news from Washington. The best and most intellectual men used to be sent to Congress, and we were in the habit of reading their speeches with a kind of awe, and of regarding their acts with a species of veneration; indeed, with a homage which we shall never extend to mortal man again. Human nature we find is a mistake. It has grossly deceived us; at least the political branch of it in this country. We here and there see a man looming up on the arena who is governed not by passion, but by reason, and who performs his whole duty. Such a man is the present Executive of the United States, who has breasted the storm of political fanaticism and partisan fury without blenching, and who, though threatened with impeachment for defending the Constitution of his country, maintains his equanimity and is indifferent to the persevering and malignant attempts of his political foes to destroy him.

"We see that the Senate has passed the Nebraska bill over his veto, and we suppose the House will do so likewise. There is no order, no stability in the Government. Congress has evidently set itself to work to undermine and overthrow both the other coördinate branches of it. What with their reconstruction plans, their riot committee projects, their military Government bills, and their tariff abomination—none of which come within the legitimate sphere of congressional legislation—they keep up a constant alarm in the country, and involve all its interests in confusion and uncertainty.

"It is high time that Congress should, in the first place, be made a legal body, as it was before the war, by the admission of the southern Representatives. Its acts may pass muster for the present but their constitutionality are liable to be questioned. It is time that respectable men, who control their passions, who use decent speech in their intercourse, and who abstain from calling each other abusive names, like low ruffians, should be sent to the congressional Halls of the country. If there is any decorum left in northern regions it is time that the Representatives of the people there should abandon their present manners and begin to practice it. But above all things else, if we are to have a country that we can love, a Constitution that we can maintain, and laws that we can obey, it is absolutely necessary that the present Radical party, whose leaders and whose *posse comitatus* have been miserably wasting their time and the people's money, and making arrant fools of themselves before high Heaven and the face of the whole world for two full years, should be summarily, or as summarily as may be, thrust from the seats they now occupy and disgrace, and their places be occupied with decent, honorable, and respectable men.

"Their presence at Washington is no longer tolerable. Let them resign their seats, go home, repent, pray, and hope to be forgiven. If they will do this without an instant's delay, the South, much cause as she has to complain of them, will forgive their various sins of omission and commission, of bold aggression and subtle plotting, and will say no more about them. But if they will not vacate the premises of their own accord, and do it immediately, the people of this country, of all sections, will set themselves to work with a will in order to oust them effectually, and will accomplish the object before they begin to dream of such a result. We advise them to listen to counsel and depart from the congressional vicinage, horse, foot, and dragoons, before a worse thing happens to them."

Tariff.

REMARKS OF HON. H. WARD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1867,

The House being in Committee of the Whole on the tariff bill.

Mr. WARD, of New York. Mr. Chairman, I trust I may be indulged in a few remarks upon a subject of such vast importance to the country. We are in the last hours of the Thirty-Ninth Congress. That memorable body will soon cease to exist, and its acts for good or evil will go into history. Yet up to this time we have failed to do our duty in a very important respect, to wit, in so amending or revising our tariff system as to meet the exigencies caused by a protracted and exhaustive war, and to extend that protection to certain branches of our deranged and languishing industry which they so greatly need. I am free to say that unless this is done the people will have just cause to complain, and will hold to a strict accountability those who are instrumental in preventing it.

What is the situation? Our imports largely exceed our exports. Our markets are flooded with the pauper manufactures of the Old World; business is deranged, capital retiring and timid; thousands of honest laborers are out of employment in our cities and large towns; the currency is inflated and values are fluctuating. It would seem, in this condition of things, that it is the plainest duty of Congress to take such action as will remedy these evils, and secure the final return to a normal condition of financial affairs, and to specie payments.

This is not the ordinary question of tariff and free trade which we discussed, and concerning which we naturally differed in times gone by, when the nation was peaceful, prosperons, and free from debt; but the question is, what expedient, temporary or otherwise, must be resorted to now to turn the balance of trade, which is now against us, in our favor, to protect our industry and to furnish the Treasury with the $140,000,000 of gold that it needs to answer the yearly gold liabilities of the Government. The answer is plain: we must increase the duty on imports, such as will check importations, secure the needed supply in gold, revive the manufacturing interests of the country, and improve the markets for agricultural products.

But it is said that these high duties will increase the price of everything to the consumer; that may be in some instances true; but the interest of production and consumption are so intimately blended that whatever injures the producer affects the consumer, for each consumer is, or ought to be, a producer, and it is what the consumer produces that pays for that which he consumes. If industry does not find a ready market; if it is crippled or brings low wages; if the home markets are poor and glutted with the products of foreign climes, the consumer inevitably suffers.

We are also told that the farmer does not want the tariff, it is only the manufacturer and the iron and coal interests that demand it. I am surprised, Mr. Chairman, at this assumption; of what avail are the products of the farm unless a ready market is found for them at home? The agricultural interest of this country does not stand alone, it is only a part of the whole business system of the country, and enters into and sympathizes with all other branches of business. Its prosperity depends upon the prosperity of other branches of business.

All the various pursuits of industry in this land have an interest in common; each more or less depends upon the success of the other; strike down one interest and you injure the whole. But the farmer does need specific protection for many of his own products. Take, for examaple, wool: this production is not confined to any section of the country; it is produced by nearly every farmer in the land. The district I have the high honor to represent is largely engaged in wool growing. The production of this article has been greatly increased in the last few years, and it is now brought by want of sufficient protection in ruinous competition with all parts of the world.

The yearly clip in this country is now about one hundred million pounds, while the amount manufactured here under the impetus of low duties is about one hundred and eighty million pounds, so that we import yearly about eighty million pounds of wool. Much of this importation comes from South America, where perpetual summer reigns, where the flocks of sheep roam over vast tracts of fertile land, worth but little per acre, subsisting upon the natural products of the soil, and requiring no particular care, so that it does not cost one fourth as much to produce a pound of wool in South America as in New York. The wool thus easily and cheaply produced is thrown upon our market, and the price of the article is brought down so low that unless this interest can be protected in

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must certainly be crushed out, and we must surrender the business of sheep and wool growing to foreign nations.

What kind of a policy is this to adopt? Would this be taking care of the agricultural interests of the country? I tell gentlemen that they must look their honest and intelligent farmer constituency in the face and answer this question. Whatever else may be left undone in the jar of contending views and factions, I beseech the House not to neglect this vast interest longer. Let gentlemen come up squarely to work, and give us a vote upon this bill. Why try to kill the bill indirectly by talking away and otherwise consuming our precious time and resorting to dilatory motions and amendments? Let them meet the issue squarely.

Last session we passed a tariff bill giving fair protection to wool. It went to the Senate; that distinguished body refused to take any action upon the bill at all last session and only acted upon it this session a short time ago, so that we did not get the bill back to us until the 5th of the present month, twenty-seven days before the time for the final adjournment of this Congress. The Senate has amended our bill in many important particulars, rendering the action of the House upon the amendments necessary; but the Senate bill gives us substantially the protection on wool that the House bill did; and now I hope the House will concur at once in the Senate amendment and let the bill become a law. It is not in all respects what we desire, but it is the best we can obtain. It must be this or nothing. Unless we give this interest protection, some measure of justice, the glorious record of the Thirty-Ninth Congress will not be complete; it will be unfaithful to a large and patriotic portion of our people, who demand, and have the right to demand, this at our hands. If this is denied them, I say to gentlemen they who do it must take the responsibility: I will not share it with them.

Tariff.

SPEECH OF HON. J. B. GRINNELL,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1867,

The House being in the Committee of the Whole on the tariff bill.

Mr. GRINNELL. Mr. Speaker, we have again before us the bill which an eastern Senator has said originated with the western wool-growers. I think there is no proof of this statement. The close of the war and a change in our industries demanded a revision of the tariff, and the farmers, like others, sought to have their interests represented in this bill, and the cry of the "wool lobby" has been heard from one end of the country to the other for a few months past. But where is the lobby? Of whom is it composed? I have not made their acquaintance; they are not here, but giving attention to their flocks in this inclement season, and hoping for such legislation as Congress may justly afford to save this branch of industry from threatened destruction. An unfriendly press has facetiously asked the wool-grower to accept a bounty from the Government of a few millions after the manner of its acceptance by the producer of wolf scalps, and retire from the field, giving up his industry to the foreigner.

The special commissioner of internal revenue, by what I deem errors in statement of facts, not intentional, and most unwarranted conclusions, has brought out so intemperate a discussion by his followers that members of this House are charged with being parties to "bagging plunder," &c. I feel it my duty to counteract the evil produced by one branch of the commissioner's report, but may be pardoned if I first make a statement as to my relations to this tariff question. One year ago my matured convictions were given in this Chamber on the question. I had read that the first of economists and philosophers of Europe had regarded wool as "the flower, the revenue, and the blood of England," and that he was held as an enemy to his country who sought to degrade or debase it.

The past ten years of my life having been in association with the farmers of my State, and in efforts to elevate and enlarge this branch of industry, I desired it to be raised from a condition of depression to that of prosperity, if it might be by such appropriate legislation as was to be extended to other interests. The mass of the agriculturists in the prairie States of the Northwest were distant from cities and railroads and were exhausting themselves by monotonous toil and their lands by grain-raising, while expending from fifty to one hundred per cent. of the home price of their crops to find a market, the value of which was dependent upon the blighting of crops abroad, the vicissitudes of war, or unstable legislation. The production of a concentrated product, readily stored for years without waste, and costing less by a large per cent. than any other of our staples to be taken to market, seemed like sound economy for the western agriculturist. Yet from 1850 to 1860, while we imported an almost fabulous amount of wool and woolens, our flocks increased only about one per cent. per annum, not at all in economic ratio with other industries and our population.

On its revival our flocks were imported from the older States at great expense, and were decimated by acclimation, destruction by wolves and dogs, and the inexperience of their owners. The rebellion found us importing the equal of one hundred million pounds of wool in cloth and wool. The cotton crop was greatly lessened and our national cause imperiled by unfriendly Governments, on whom we were depending for supplies of clothing, which, though in part a fraud upon the soldier and the Government, might any day be cut off. Shoddy contracts became a by-word; and the Quartermaster General certified to the great superiority of American wool, and there was one voice by the people in encouragement of the wool-grower, declared to be rendering as important service to the nation as in enlisting soldiers or entering the ranks. The Department of Agriculture, State and local societies, political economists, and Governors of States took up the question as one of national importance. Governor Kirkwood, of the State of Iowa, now a Senator, said in his annual message in 1861—

> "Hitherto our great staples for export have been wheat, corn, cattle, and hogs. The prices paid for their transportation to New York form a large portion of their value to that point. The value of wool in proportion to its bulk and weight is much greater, and the price of its transportation to New York in proportion to its value much less, than that of our present staples. The great interest of agriculture may, in my judgment, be aided by legislation in a new direction. I would exempt from taxation for a period of five years all sheep, not exceeding fifty, owned by any resident of the State; and would also exempt from taxation for the same time all capital invested in the State in the manufacture of woolen goods."

With little more than the encouragement of words our flocks increased. The young men and those not able to endure camp life found employment. Our soldiers were better clothed, and the manufacturing interest was so far stimulated throughout the country that the capacity of the mills in our new States was doubled in six years, and the clip of wool in the Northwest increased near four hundred per cent. in that period; while in the State of Iowa the increase has annually since the war been one hundred per cent.

Not one acre in ten of our sheep-walks was occupied, and our annual importation of cloth and wool during the war was equal to two hundred million pounds, estimated in wool. The tariff was to be adjusted to raise a revenue and on the principle of protecting our various industries. It was not claimed that, with the great increase of the cost of labor and all that related to sheep husbandry, the shepherd was as well paid as before the war, while all other agricultural staples were relatively much higher than wool. Indeed, it was admitted that the local and national taxation borne by the wool-growers in the older States was more than the protection he received by the tariff by fifty per cent. This discrimination in favor of the producers of a poor and foreign article in South America and Africa was partially remedied in this House last June by a new classification and an increase of duty—no member opposing this provision, and the bill was adopted by a vote of two to one in this House. It was postponed in the Senate until this session, in the mean time being revised by Mr. Wells, the special commissioner of internal revenue, who made an elaborate argument against that feature of the bill which protected wool, and a commendation against an increase of duty, which has not been concurred in either by the Committee of Finance or the Senate. That feature which the commissioner condemned being regarded as still in peril, I feel it my duty to defend, without any general discussion of the tariff policy or the details of the bill.

The commissioner is the first officer of the Government during this century, so far as I know, who discourages sheep husbandry; who would have the older States regard "what can be obtained for wool as a mere make-weight in their calculation of profits." He invites the destruction of more than one hundred million dollars invested in the flocks which have hitherto by every civilized country been regarded of national importance, and leaves the intelligent flock-master of the West just returned from the Army, and the citizen who cheerfully meets his responsibilities under the Government, to give up a good staple for a poor one, surrender our market to the foreigner, and if wedded to the flock take the chances of life in Texas or New Mexico, or emigrate to South America or Africa.

Let me examine his statements and theories that we may learn the basis which they furnish for intelligent legislation. In the argument for a foreign product he says: "No one country produces all the varieties of wool." That is denied. We have imported every variety, and our climate, with the extremes of moist and dry, hot and cold, has an adaptation to all the known ovine races. I pause that any member of the House may show what varieties this country does not produce; since New Mexico has a staple as coarse as the Russian and both the fine wool which has every good quality of the Mestizo, and the domestic combing-wool is equal to the best imported.

The commissioner asks why the broadcloth manufacture has dwindled from fifty to sixty per cent. of our whole production to five per cent., and answers, "because American legislation has not permitted the importation of broadcloth wools, and American agriculturists have produced nothing to take their place." If the duty of five cents a pound is a prohibition, which can hardly be contended, a partial reason for this falling off is given; but no well-informed shepherd or manufacturer will concur in this statement that we have not produced broadcloth wools; and I submit the testimony of Mr. Slater, of Massachusetts, who annually manufactures two million pounds of wool, who declares that it was the tariff which overthrew our broadcloth manufacture, and not the want of wool which were of the fineness of German "picklock;" that he had fully tested these wools, and that they were as good in every particular, worked into as perfect and finished cloth as wools of the same fineness grown in any other country. The National Wool Manufacturers' Association, represented by Eras-

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tus B. Bigelow, J. Wyley Edmonds, and other well-known gentlemen, assert that "the peculiar excellencies of American wools have given origin to our flannels, our cassimeres, our shawls, and our delaines, and they give strength and soundness to all the fabrics into which they enter," a refutation of another position of the commissioner.

This is the advice. "If the older States are wise, they will seek to hold their own by raising choice sheep to recruit and revivify the flocks of the more favored States, and in turning their attention more fully to supplying the markets with mutton." Raise choice sheep for stock in Vermont or Ohio, for Iowa or Kansas, is your destiny, and they may want one per cent. of your "bloods" if not competent to raise their own, and able to pay from five dollars to twenty-five dollars for each animal, as is often done for express or freight charges. And then it seems to be forgotten that the mutton market is supplied and an increased demand could be met by five per cent. of the natural increase of the flock, and by a single county in each of the wool-growing States. The unfortunate suggestion implies a destruction of untold millions invested in sheep husbandry, and the surrender of an occupation hitherto highly regarded by all intelligent Governments in ancient or modern times.

Continues Mr. Wells: "Higher rates will seriously impair the gold revenue." How much? Annually $2,000,000. But what of the ability of the people to pay for the product and the duty a thousand miles from our sea-board and three thousand from the people whose labor we must reward by Government bonds at sixty-five cents on the dollar, or by the gross and heavy products, two and a half per cent. of which they have only found it for their interest to buy for a few years past? Western farmers who have heard of the troops of middle-men, and who know of waste, insurance, high freights, and commissions, will not be enamored with this philosophy.

But protection to wool "will tend to destroy a not inconsiderable part of the foreign commerce that yet remains to the United States." It is stated that "the South American trade, which before the war was maintained with that country, is nearly annihilated." This is not the fact. It has had more commerce with this country for three years past than for ten years previous. But the Cape of Good Hope trade is sustained by a return cargo of wool we are told, and a sample of the manufactured goods taken out is given to show of how much more value this foreign commerce is than our domestic trade and production. To sustain such a philosophy in trade you might suppose these vessels like Italian argosies; but near one half the amount is tobacco, and one fourth flour, not ten per cent. of its value being in the manufacturing. For a moment it cannot be contended that it is worth as much to the grower of wheat and tobacco to find a customer in Africa as in our own country.

The agriculturist is plainly told that he does not know his interest; that a high tariff makes low wool. What, then, becomes of the assertion that the consumer is to be burdened, which is the great argument against protection? Both assertions cannot be true, and neither may be independently; while temporary burdens will be distributed and the benefits of home production and fabrication will be felt under those economic methods which have given success in manufactures and commercial renown to those countries which now seek to destroy our infant manufactures and compel the producer of coarse and heavy products to be dependent upon a distant and uncertain market. And here I leave these fallacies to consider for the purposes of this argument what I fear the commissioner remembered to forget. The advance in prices, as given by the commissioner, of the great staple products from 1859 to 1862, compared to those of 1866, are thus stated: on breadstuffs, seventy per cent.; coal from sixty to seventy per cent.; salt fish from seventy to seventy-five per cent.; provisions, pork, and beef from one hundred and ten to one hundred and twenty per cent.; butter over one hundred per cent.; salt from one hundred and ten to one hundred and twenty per cent. On fifty articles, embracing those imported, the average advance is eighty-five per cent. in currency. Why was that product, wool, particularly marked for destruction, left out? Obviously for the reason that being no higher than before the war, and the cost of labor advanced sixty per cent., and that on which the shepherd subsisted advanced eighty-five per cent., he could reasonably ask for protection against a poor staple raised by barbarians abroad and not having the burden of our taxes.

Why was a just statement withheld as to the comparative value of our wools to the wearer and the imposition practiced upon the people by importations of extract, waste, shoddy, mungo, and flocks? Quartermasters, soldiers, and gentlemen testify as to this superiority, and a novice can with his fingers test our strong set fleeces, grown on animals well housed and fed, in contrast with the short staple grown in southern climes, which must be shorn semi-annually to be kept from falling off. It would have been an instructive announcement, securing a preference for our own fabrics, had the fact been given that one eminent manufacturer by a substitution of such foreign wool for domestic so far ruined his reputation as a manufacturer that it cost him on his own testimony $100,000 to regain it. And then the official statements are that the dirty shoddy and worthless flocks, though glued into cloth with about the consistency of ground tobacco, goes into garments which it costs as much to make as if good goods, and an amount equal to the wool product of two of our great States.

The most eminent breeders of the Old World are loud in the praise of our merinos, which are known to surpass those reared by nobles and princes in Europe, showing a marked advance in each decade in every valuable quality, and demonstrating that wool in our clime is no exotic. Was this withheld that the destruction of our flocks might seem sound political economy rather than vandalism? He is a bold destructionist who would run counter to the philosophy of England, France, and Germany. The former, while there was a necessity, forbidding the sale of sheep or wool for export, and cherishing the golden-hoofed animal on a territory of the size of three of our States which is now our equal in flocks.

It was proven by the Treasury statistics, and the commissioner did not approach the argument, that the present protection to competing wool was less than five cents per pound, and that the American shepherd in the great wool-growing States like Ohio and New York was taxed not less than nine cents on each pound, and further, that his protection was twenty per cent. less by frauds and false invoices than by the letter of the law; and though the older States must yield their occupation, Illinois, Iowa, Wisconsin, Minnesota, Missouri, and Kansas are not entitled to an impost duty which shall place the American citizen and tax-payer on terms of equality with the shepherd of Africa or South America. We accept neither his philosophy nor his figures, and I can fortunately refer to the statements of J. R. Dodge, Esq., the able statistician of the Department of the Interior, for a confirmation of my position, and a refutation of the position assumed by Mr. Wells, that the proposed increase of duty would impose an annual burden of $71,000,000 on the consumers. These are his errors: in assuming that it requires four pounds of wool for a yard of cloth, while of our own it requires but two and one sixteenth for a yard, which reduces his figures $12,000,000. And then the assumption that we produce but one fifth of the wool required, and a consequent blunder as to importation reduces his figures by $36,000,000. What can be done with the $24,000,000 remaining to destroy his whole argument?

Apply to it the philosophy of the commissioner sent to us last year for our guide, "that the payment at home in the products of domestic industry of $2,500,000,000 is far less difficult than the payment of $500,000,000 in foreign countries," and the whole sum is swept away to give room for that philosophy which asserts that the nearest road to good and cheap clothing for the masses is to stimulate competition, where we have room, rather than supplant or destroy a prime necessity and be left to the caprices of the foreigner, as has been done in three periods of our national history and in regard to many articles. Mr. Randall's book, the very highest authority, is quoted in proof that the wool-grower was amply remunerated, while the fact is withheld that this statement was made four years since, before we felt the great burden of taxes and when labor was lower by forty per cent. than now. The date was material, as also the fact suppressed that our wool has only a protection of twenty-six per cent., or less than half that which is accorded on an average to other articles on the tariff list.

Sir, it is not for me to answer the commissioner's question, what New England, New York, and Ohio expects to gain as against competing wools of other parts of the United States. They can defend their own interests. In their misfortunes we have good room for them all. But I answer, in my judgment, there is no class in the newer prairie States that will not be benefited by a protection of this interest. There is an actual investment greater than that represented in tobacco by $.0,000,0000, greater than that in manufactures of iron by $75,000,000, and surpassing the woolen manufacture by $100,000,000; all of which have their advocates. A change is proposed, and the practical question—shall that product, relatively lower than any other staple, be protected equally, or must the occupation be given up to foreigners, who produce an inferior article, and are our competitors, because freed from taxes and content to live on one half the compensation of the American laborer?

Thus abandoned, just began, how shall we pay for that which we do not produce for our clothing? The State of Iowa, for illustration, has reached the point of wool exportation, and by a surplus can pay for tea, coffee, and silks from abroad, cotton goods and farming tools from the eastern States, if not wise enough to manufacture her own, with a concentrated product which enriches the soil, gives an all the year round employment to the maimed soldier as well as to the young, and costs but four per cent. of its value for transportation. In want of this, if it be pork or beef, freight charges and commissions are from twenty to thirty per cent. of their value. If it be wheat, it is from eighty to one hundred per cent. of its usual value; an uncertain crop which wastes the land is attended with the severest toil, and of which by good farming methods not one bushel less need be raised on account of the flocks. If this industry declines, we shall import more and more of an inferior article from year to year, and give up our market to the foreigner, returning to the suicidal practice of paying our debts by raising heavy products, wasting to the soil.

If the growing flock of the Northwest is protected equally and no more than other industries, a territory as large as the original thirteen States, which is not now trod by a hoof, may have value. The straw of the wheat raiser will be consumed by the brute rather than by the fire. The corn raiser will have a better market; manufactures will spring up, and all clothes wearers will in the end have better and cheaper goods than if dependent on foreign goods, which seem to be cheap, but will

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be found to be dear when the means for payment are considered. If the employment is profitable no one set of men can reap the advantages, a monopoly being an impossibility, and it will only require two years according to the ratio of increase for a few years past to not only grow our own material, but to fabricate it. This reaches what the leading nations of Europe sought for a half century to attain, and what was the political philosophy of Benjamin Franklin, and has been down through the line of Presidents of whatever party including President Lincoln.

I will not be understood to say that it is either possible or profitable for the older middle States to maintain their sheep husbandry, and only assert that their flocks should be moved westward and spared rather than to give up wool-growing to foreigners; and that on a change of the tariff the just claims of the new States should not be overlooked. I want no law which will not encourage competition and give us early the best and cheapest clothing for the people. I advocate no policy but that which will save American labor from the low foreign standards, and bring from abroad consumers and artisans to make a permanent population, which in our new States is wealth; and if manufactures could be established in no other way would advocate as economy the necessary bounty to capital and the laborer, rather than lose the profits of fabrication and that independence which is within our reach.

Mr. Speaker, any measure involving so many interests and the supposed policies of sections, and the conflicting theories of economists, cannot be so perfect as to satisfy all; only time can secure a fairer adjustment; but even now we may test the fallacies of free traders, yet do not so regard all those who oppose provisions in this bill. It is their great cry that the tariff of 1864 was oppressive, that goods would go up beyond the reach of the farmer, who would not be benefited by it. What is the truth as to hardware, including horseshoes, shovels, cutlery, and twenty-eight articles tested by the commercial list of 1864 and 1867? Prices averaged forty per cent. higher before the tariff than now.

What is the condition of the producer? His staples, leaving out wool (relatively much lower) including breadstuffs, meat, butter, and cheese, are on an average thirty-five to forty per cent. higher. These facts dispose of the great perversions of the argument. What may we anticipate as to the future but this: that with the improved and greatly increased machinery our woolens will be lower by a healthy and brisk competition as with our flannels, which are not only the strongest, but are afforded at the cheapest rates, even when sent to foreign markets?

The fact that the wool-grower here has not a protection in his own market equal to the burdens imposed on him as a citizen is a denial of the right that the market of each nation belongs to its own laborers, and leaves us with an oppressive discrimination in favor of a poor article and him not of our household. Thus this industry declines, capital is sunk, labor is diverted from a chosen field to be employed in depressing the pork, beef, wheat, and corn production: the young men with æsthetic tastes will seek the factory, which has not now work for all the skillful because of foreign goods, or our towns and cities, to stand by the counter or enter the lists with buyers and sellers, a number now in most ruinous disproportion to the actual producers in the country. Nor is this all our incipient manufacturers would want for a home product, and be sure to decline. Transporters would have larger profits, producers less, because distant from a market regulated by the cheapest labor of the world, and consumers less ability to pay on account of wasted capital and competition in the fields of employment. More than all, we strike a blow at our financial independence, which Franklin early sought by counsel that we live independent of rivals, and the independence which Jackson urged that we might be more Americanized. Ours would be that of the late condition in the South, both a lesson and a warning. Remember, too, that to revive and restore flocks like ours is not the work of a year, scarcely of a decade; most unlike the production of a crop of wheat, corn, hemp, or flax, which is the work of a season. With the flock there is to be acclimation, and there are the risks by contagious diseases and the experience and skill of a shepherd to attain such excellence as ours, which has awakened the envy of the world.

I will be no party to the debasement of our great cloth staple, or to that political quackery or imposition which denies fair and equal protection to our flocks. I rather desire that these best scavengers of neglected fields and enrichers of wasted lands, animals that have stood in the foreground of the civilization of nations for thousands of years, shall be multiplied by millions to consume the verdure now swept by prairie fires, and give refined and rational employment to our people without commerce and distant from cities, diversifying industry and distributing the greatest benefits of toil to a people removed from the centers of trade—an interest now only asking the encouragement which is given by an impost duty to the glass and gunpowder maker, to the salt boiler, hemp and tobacco raiser, and kindred occupations.

To a people one thousand miles from the sea-board foreign commerce is of little concern compared to good wages for the masses and the prosperity of domestic trade, which is many times greater than the foreign. The healthy growth of our cities, now prospered because of the introduction of manufactures, is of greater concern than the profits of the importer and jobber, and the desire that enterprise and capital should be in proximity to cheap food, fuel, and motive power, and that hundreds of millions of rich acres should be reclaimed, is more rational than that our exchanges and customers should be in a country with no advantage over ours in climate, schools, and society, and which, like New England, raises just wheat enough for her people two weeks in a year and meat for ten weeks—a surer road to independence than to cultivate the foreign market for the two and a half per cent. of our staples. To do this is to destroy our infant industries and disperse our skilled labor, and repeat the exactions by a demand for high prices which it is not easy to resist.

I have purposely avoided a wide range of discussion in hope that one branch of this subject, treated I trust with candor, may secure a wide application. To enjoy prosperity we must have more producers and fewer to take toll on labor, and a lessening of the cost of marketing and the time required for making the exchanges. Chosen industries should have protection against foreign labor, which enjoy no better conditions for production than our own. Nor should one class be forced into a field not of their choice, which so often results in a glutting of the market. Let Congress discourage and not encourage importations, keep our people in work and cheer by fabricating our own wares and goods, and lightening internal taxation. Make it for the interest of foreign capital to be here employed in diversified industries, and our wasted lands will be occupied, trade will be healthy, and times thriving, taxes will be lightened by increase of population and wealth. The day for specie payments will not be then in the dim distance, and with slavery dead, our nation reconstructed on the eternal principles of justice, though the next generation should pay the last installments of the debt contracted in a holy cause, they might more highly prize institutions which cost uncounted millions and blood.

Indian Appropriations.

SPEECH OF HON. J. F. CHAVES,

OF NEW MEXICO,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1867,

On the bill making appropriations for the Indians for the fiscal year ending June 30, 1868.

Mr. CHAVES. Mr. Speaker, I hope the House will not commit such manifest injustice as to refuse to make the necessary appropriation for the clothing and subsistence of the Navajo Indians on the Bosque Redondo reservation. These Indians have been for nearly two centuries the scourge and curse of the people of New Mexico. The Spanish, the Mexican, and the American Governments have made successive campaigns against them; some of these were partially successful, and brought peace to the country for a series of years; such as the campaign of Bizcarra, a lieutenant colonel in the Spanish service, who made such a vigorous and successful campaign against them that the Indians, regardless of consequences, rushed unarmed into his line of soldiery, bearing small wooden crosses upon their breasts and in their hands, and prostrating themselves at the feet of Bizcarra implored his mercy and sued for peace. Others have been extremely disastrous in every way, producing no good results, costing the Governments which undertook them large expenditures, and bringing neither peace nor protection.

Of all the campaigns waged against this powerful tribe Bizcarra's was the most successful. The Navajoes kept perfectly peaceable for twelve years. They and the Mexicans herded their flocks together; and it was quite a common occurrence to see the poorer class of Navajoes hire their services to the Mexicans to herd their sheep. A very large portion of the tribe lived within the Mexican settlements. The flocks and herds of the country became so large and prosperous during the twelve years of peace that succeeded that twenty-five cents was considered a very fair price for sheep and five dollars for a cow.

Since the year 1846, when the American troops invaded the Territory of New Mexico, several campaigns have been made against the Navajoes by this Government; nearly all of them have resulted in treaties of peace, but the actual fact was the contrary. In 1851 Colonel Sumner, at that time commandant of the department, made a campaign into the Navajo country and got his troops into the Cañon de Chelle, (Tchay-Yay,) a very high, deep, and narrow gorge in the Mesas, with nearly perpendicular cliffs; the Navajoes occupied the cliffs above, and compelled him to abandon his intention of attacking them in their stronghold by rolling large rocks upon the troops. Colonel Sumner then retired to a place called Cañon Bonito, about fifty miles east of Cañon de Chelle, and established a military post, which was called Fort Defiance, (since then Fort Canby.) He again made a treaty of peace with the Navajoes, and they kept it tolerably well until the year 1858.

During these seven years, although the people lost some stock by these Indians, yet the country grew in wealth and prosperity, and over two hundred thousand sheep were sent into California from the Territory. Unfortunately, through the mismanagement of the commanding officer at that post, Major Brooks, who ordered the guard at the hay-camp to fire upon any Indian stock found grazing at that camp, a new war was inaugurated, and it has continued almost unintermittently from that time until the present. The Navajo's law is "an eye for an eye" and "a tooth for a tooth." After their stock had been fired upon and some of it killed, an Indian named Cayetanito proceeded to the fort, and knowing that a black boy at the post was the property of the com-

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manding officer he deliberately drew an arrow and shot him dead on the spot. Now, sir, this war could have been entirely prevented had Major Brooks only been willing to give the Indian who claimed to own the land on which the hay-camp was situated a few insignificant presents, and the large expenditures which the Government has been forced to make, the losses of all kinds of property to the Government and to the citizens, and the losses of many valuable lives both of citizens and soldiers, would have been thus prevented.

In the inauguration of this war, neither the citizens nor the Indian agent were at all to blame; this is a sin for which the military alone will have to answer for. In fact, the military in New Mexico have never been in the slightest degree restrained by the action of either the superintendent or any of the Indian agents. I have one particular instance in my recollection, when the Apache Indians (the Coyoteros) in 1864, desired to see Dr. Steck, the then superintendent, and who had been their former agent, and in whom they had entire confidence, in order to treat with him, he was officially notified by General Carleton that he should not go, and he (Carleton) sent down instead one or two officers; but the Indians said they wished to see their friend Steck and refused to have any talk with them.

Now, sir, through the representations of General Carleton to the War Department, and of him alone, have these Navajo Indians been brought four hundred miles from their country and established upon the reservation at the Bosque Redondo. I myself was in the military service at the time that active operations were commenced against them, in July, 1863, and was in command of Fort Wingate, in the Navajo country. The instructions which I received from General Carleton in person and by letter were to call in some of their principal men and notify them that a vigorous war would be waged against them for their many depredations against the citizens, and that all of those who claimed to be good Indians and who wished to save themselves, their families, and their property must come by a certain fixed day into Fort Wingate, and that they would be transported to the Bosque Redondo with all their property, and that at that place they would be taught to live like the whites, by cultivating the soil and raising stock, and that they would be fed, cared for, and protected by the Government until they should be capable of doing so themselves, and until they would prove by their actions that they would be like the Pueblos; that if they did not come in voluntarily by the 20th day of July, 1863, they would be attacked wherever found and killed or captured; that the soldiers would not be able to discriminate the good Indian from the ladrone, (thief;) that the whole matter rested with them entirely, and that if they failed to accept the terms made to them by the Government, they must take the consequences, and not complain hereafter that they had not been duly advised.

I know these facts myself, not only because I commanded at Fort Wingate, but also for the reason that I interpreted from Spanish to English to General Carleton himself what the Indians said to the Navajo interpreter. In proof of the above I beg leave to refer the House to page 116 of the report of the joint special committee, appointed under joint resolution approved March 3, 1865. In that page will be found a letter of General Carleton to me, dated headquarters department of New Mexico, Santa Fé, New Mexico, June 28, 1863:

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
SANTA FÉ, N. M., *June* 23, 1863.

COLONEL: I inclose herewith General Orders No. 15, current series from these headquarters, which organizes the expedition against the Navajo Indians. It is hoped now that the people of New Mexico will become more secure in their persons and property. As soon as the troops take the field the small bands of Navajo robbers now infesting the settlements will doubtless return to their country to look after the safety of their women and children, and as long as the troops are engaged in active operations against their tribe they will not have a disposition to come in on the river.

You remember what I told Barboncito and Delgadito about what would be required of all Navajoes who did not want to engage in war or be sufferers from it; that while hostilities were progressing against their tribe no peace party of Navajoes could remain in the country; that all those Navajoes who claimed not to have murdered and robbed the inhabitants must come in and go to the Bosque Redondo, where they would be fed and protected until the war was over; that unless they were willing to do this they would be considered hostile and would be proceeded against accordingly; that in this event, if they or their families suffered, these consequences would be the result of their refusing to accede to such a reasonable demand, and the responsibility would rest upon them, not upon me; that a time would be set for all those who desired to avail themselves of the offer to come in with their families to Fort Wingate; that they should be transported to Bosque Redondo in our trains, &c.

Send for Delgadito and Barboncito again and repeat what I before told them, and tell them that I shall feel very sorry if they refuse to come in; that we have no desire to make war upon them and other good Navajoes; but the troops cannot tell the good from the bad, and we neither can nor will tolerate their staying as a peace party among those against whom we intend to make war. Tell them they can have until the 20th day of July of this year to come in—they and all those who belong to what they call the peace party; that after that day every Navajo that is seen will be considered as hostile and treated accordingly; that after that day the door now open will be closed. Tell them to say all this to their people, and that as sure as that the sun shines all this will come true.

I am, colonel, respectfully, your obedient servant,
JAMES H. CARLETON,
Brigadier General Commanding.

Lieut. Col. J. FRANCISCO CHAVES, *First New Mexico Vols., commanding at Fort Wingate, New Mexico.*

[Copy of this letter furnished Colonel Carson, June 23, 1863.]

Official: ERASTUS W. WOOD
Captain First Veteran Infantry California Volunteers, Acting Assistant Adjutant General.

About the 20th day of July, or soon thereafter, active hostilities were commenced against the Navajoes from Forts Wingate and Canby, and a great deal of destruction of property ensued, such as their corn-fields and the capture of their sheep and horses; and some of the Navajoes who were more timid began gradually to surrender themselves, and by orders from headquarters of the department they were rationed at whatever post they surrendered until transportation could be furnished to conduct them to the Bosque Redondo.

By the month of May, 1864, about seven thousand Indians had surrendered themselves, and were either already at the reservation or *in transitu* thereto, and General Carleton prevailed upon Governor Connelly to issue a proclamation, to which I beg leave to refer the House; it is to be found on page 333 of the report already mentioned:

PROCLAMATION.—Whereas a suspension of arms in the prosecution of the war against the Navajo tribe of Indians exists, as the more hostile part of that tribe is now reduced to and located upon the reservation at the Bosque Redondo, and the remainder of the tribe coming in and surrendering themselves to the military authorities; and whereas any hostile demonstration upon the part of our citizens toward the said Indians during this suspension of hostilities would frustrate the intentions and efforts of the Government in the peaceable removal of the remainder of this tribe, now collecting around Forts Canby and Wingate, to whom has been granted safety to life and property while there and *in transitu* to the reservation: Therefore,

I, Henry Connelly, Governor of New Mexico, do issue this my proclamation, and ordain:

1. That hostilities on the part of the citizens with the remainder of the Navajo tribe of Indians, who have or have not presented themselves at the military posts for removal to the reservation, shall cease.

2. That all forays by our citizens of a hostile character into the country heretofore or now occupied by any part of the said Navajo tribe of Indians are hereby positively prohibited under the severest penalties.

3. That any parties of armed men, with hostile intentions, hereafter found in the Navajo country, will be immediately arrested by the United States troops and sent to the headquarters of the department of New Mexico, there to be dealt with according to law.

4. It is proper in this connection to warn the people against further traffic in captive Indians. The laws of the country, as well as those of justice and humanity, positively forbid such a traffic. Measures are now being taken by the Department of the Interior to have all Indians surrendered who have been sold into slavery, and the people therefore have this timely warning to refrain at once from any such traffic in Indian captives as has heretofore been practiced among them.

Done at Santa Fé this 4th day of May, 1864.
HENRY CONNELLY,
Governor and Commander-in-Chief of the Militia.

By the Governor:
JOHN WATTS, *Private Secretary, in absence of the secretary of the Territory.*

From that time until the present the military in New Mexico have been constantly pursuing a few scattered bands of the tribe that remained in the Navajo country, and whenever caught, if not killed in the act, were captured and sent to their reservation.

Now, sir, I submit that these Indians were brought to the reservation by compulsion and by promises that they should be fed, cared for, and protected from all their enemies in case they complied with the demands of the Government. Is it right, just, or humane that a great and powerful Government like this should fail to comply with its solemn promises to a poor, ignorant, degraded Indian? You may say the Government did not make these promises. But your authorized agent did; he was so recognized by every American and Mexican citizen and by every Indian that came in contact with him, and you yourselves recognized his authority when you established the reservation by law. You may say that it costs too much; then you should have made your estimates before you took upon yourselves to create this reservation and to transfer these Indians four hundred miles from their native homes. You may say that you were deceived by your agent, that he promised that the Indian should be self-supporting in one or two years. I answer that it is your fault if you appoint incompetent or dishonest officers to discharge your wishes.

Besides, these Indians have been lately transferred to the Interior Department. How is it possible for that Department to attempt to make them a self-supporting tribe if you do not furnish the means, for at least one year, to subsist them upon, so as to give the experiment of a reservation a fair trial? And what would be the result if you withheld the necessary means to carry it out? The Interior Department, in my judgment, cannot accept these Indians without the necessary appropriation being made for their subsistence; and the War Department will either continue to subsist them, as at present, or in case that Department is forbidden to do so, these Indians will, in common justice and humanity, be permitted to leave the reservation and to procure their food as best they may. The result of this latter course will be that these Indians will make their way as soon as possible to their old home in the Navajo country, and on their route will entirely desolate the richest portion of the Territory. Hardly a sheep, cow, horse, mule, or borough will escape them.

From their having been forced by the vigorous prosecution of the war against them to abandon their native country they have become impoverished, and they will most certainly continue their raids among the sparsely settled portion of the Territory. The course which you have pursued among them has embittered them. Your soldiery have diseased their women and they their husbands. Nearly one third of them sleep under the sods of the Bosque Redondo. They will think of these things by day and dream of them by night, and will ever remember, if such be your course, that the Great Father, as they are wont to style the Government, speaks with a forked tongue, and that his promises cannot be relied upon. They will brood upon eternal vengeance, and the blood of every white and Indian that is spilled through your neglect will be upon your heads.

On the other hand, what have the people of New Mexico done that you should forget your treaty stipulations and fail to accord to them the protection which they require? You may say that the country is so poor that it will never repay you for your outlay. Sir, sup-

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posing that this were true; did you not force them to come into your Government? They were living very happily under their own, and if you fail to make a good bargain are you going to play the child? But I deny such an assertion. What would you have done without the mines of California and Nevada during the late war? Where would you have procured your gold? Yet California and Nevada are only a small portion of the cession of the magnificent territory which Mexico made to you in 1848.

New Mexico and the country will yet see the day when she will fully repay for all its expenses in her behalf. When the Government found itself in need and the life of the nation imperiled she rushed to her assistance and at one time had as many as five regiments of her gallant volunteers in defense of her adopted mother. Her people have a love and affection for this Government. Do you propose to repay that devotion by forgetting your treaty stipulations, or do you propose to forget your solemn obligations by turning them over to the tender mercies of savages, goaded to desperation by the mismanagement of your authorized and recognized agents and by your failure to comply with your most solemn promises? God forbid that such a course should be pursued and that such counsels should prevail.

Reconstruction.

SPEECH OF HON. THOS. T. DAVIS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1867,

Upon the bill to provide for the more efficient government of the rebellious States.

Mr. DAVIS. Mr. Speaker, it is clearly the duty of Congress to do whatever it may for the restoration of harmony among the States of the Union and of prosperity to the whole Republic.

Ten States, once independent, once bound by the silken and beneficent ties of constitutional restraint to the Federal Union, no longer answer to the roll-call in the Halls of Congress; practically they are excluded from the enjoyment of those privileges which the Constitution was intended to secure.

The fact that these States, or their representatives, withdrew from Congress was no fault of the loyal States of the Union. The withdrawal left, of necessity, the administration of the Government and the conduct of the war that followed rebellion, in the hands of the loyal States and of the Union party, which alone sustained the administration of the Government; and when the rebellion was suppressed, the duty of restoring the insurrectionary States clearly belonged to the Union party of the country. The rebels could not claim a right at once, unrepentant and unforgiven, to aid in carrying on a Government which for four years they had in every mode of honorable and dishonorable warfare attempted to destroy; nor could the Democratic party, as such, having as a political organization pronounced the war a failure, and that peace ought to be attained by the sacrifice of all for which the war was prosecuted, solicit a a prominent place in the work of restoration or reconstruction.

But, Mr. Speaker, the Union party, in its work of reconstruction, is bound to regard the organic law of the Republic, and so far as possible to conform to those republican principles which alone, impressed upon the laws and institutions of the country, give value to its Government. Nothing can excuse the disregard of these duties save absolute necessity. The Constitution enjoins upon Congress the duty of guarantying a republican form of government to each State of the Union, and this means a representative government, based upon just and equal laws and conferring equal rights and protection before its laws upon all citizens. It means no government of pure military force, where the edicts of a military chief are substituted for the body of the civil law, and the will perhaps of a single man, responsible to no power and bound by no restraint save his own volition, is the government and law of nine million people. Yet, sir, this bill, as now introduced and advocated here, which proposes "to provide for the more efficient government of the insurrectionary States," divides ten States of this Union into five military districts and establishes martial law throughout them all, assigns a general of the Army to each district, and provides a military force sufficient to enable such officer to perform his duties and enforce his authority within his district. Those duties are prescribed by the third section of the bill in these words:

SEC. 3. *And be it further enacted*, That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, anything in the constitution and laws of the so-called States to the contrary notwithstanding; and all legislative or judicial proceedings, or processes to prevent or control the proceedings of said military tribunals, and all interference by said pretended State governments with the exercise of military authority under this act, shall be void and of no effect.

Here, Mr. Speaker, are the positive elements of an absolute government. The officer is to punish or cause to be punished all disturbers of the public peace and criminals. He may decree such punishment as he may deem best, and he may invoke the aid of such civil tribunals as shall exist by his permission, or he may institute military commissions at his pleasure. But these positive elements of despotic power are fortified by the inhibition of the fourth section upon the officers of the Federal courts:

SEC. 4. *And be it further enacted*, That courts and judicial officers of the United States shall not issue writs of *habeas corpus* in behalf of persons in military custody, unless some commissioned officer on duty in the district wherein the person is detained shall indorse upon said petition a statement certifying, upon honor, that he has knowledge or information as to the cause and circumstances of the alleged detention, and that he believes the same to be wrongful; and further, that he believes that the indorsed petition is preferred in good faith, and in furtherance of justice, and not to hinder or delay the punishment of crime. All persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted.

There, Mr. Speaker, are such powers as in no constitutional or representative Government have ever been lodged in the Chief Magistrate. They are such as relate only to despotism on the one hand, and a subject race on the other.

Sir, I have no available apology to offer for that blind fatuity of the people of the South which, in attempting the destruction of the Union to maintain slavery, destroyed absolutely and forever the very institution it sought to preserve. In fact, in the terse expression of another, "it essayed murder, but committed only suicide." The southern States waged war for more than four years against a Government that had never harmed them, to perpetuate a system which was a curse to them and to the country. Their armies were beaten and discomfited; their seaports were seized; their capital was beleaguered; and when the marshaled legions of Grant encircled Richmond and surrounded Lee there seemed no possible escape from absolute, unquestioning, and unconditional submission to our arms.

By a dire misfortune, through undeserved clemency, the terms of surrender permitted by Mr. Lincoln to the armies of Lee and his associate generals were such as yielded half of the advantages of victory to the vanquished. They condoned all treason and treasonable action on the part of every soldier of the confederacy coming within the list of the surrendered, and one hundred and twenty thousand missionaries of discord and dissatisfaction were let loose to roam over the southern States, amenable to no law for former crimes and punishable only for future offenses.

Again, when Mr. Johnson acceded to the duties of the presidency, with a magnanimity quite equal to that which inspired the policy of the lamented Lincoln, he pardoned in civil life many who had been prominent in rebellion, and who by that prominence had forfeited all claim to favor.

Now, Mr. Speaker, I submit that when the armies of rebellion laid down their arms and gave up the contest, it was with the confession and consciousness that full effect was to be given to the proclamation of emancipation, and that equality of right in the freedman before the law, was no more to be questioned or denied; for that equality was assured by the proclamation, and the faith of the Government plighted to its maintenance.

Again, I submit that the South, in surrendering to a power they could no longer resist, well understood that the Government were bound by every consideration to protect the loyal citizen, who, at the South during the war, proscribed, maligned, persecuted, and despoiled, had still been unfailing in his fidelity to his flag and his country.

I hold, therefore, that it was the duty of the southern people at the close of hostilities to accept the consequences involved, under the conditions stated, in their submission. These were: the entire and perpetual annihilation of slavery; the social changes resulting from the destruction of that institution; the concession of all the rights of the freedmen flowing from their emancipation; the claims to immunity of all citizens of the southern States who during the war had remained faithful to the Federal Government; and then such changes in State constitutions and laws as should be requisite to produce conformity with these altered conditions. These were clear and obvious duties, and their honest performance, I fully believe, would before this day have secured representation to these States with the cheerful assent of Congress. Unfortunately, the people of the South assumed a different attitude, and although defeated in battle and deserving of severe punishments, clothed themselves with the vestments of injured innocence, and asserted rights of citizens of the United States which they had forfeited by rebellion against the United States.

I do not propose, sir, at this time to detain the House by recitals of evidence existing on the files of the House in respect to the condition and action of the southern States since the war. This has been so frequently referred to, and so much other evidence is before the country, that I shall simply state as the conclusions to be derived from that evidence the following propositions:

1. That a state of insubordination and lawlessness prevails very generally in the States lately in rebellion, which is attributable in great degree to a determination not to regard in any wise the enactments of Congress for the preservation of order.

2. That the liberties and rights of the freedmen have been ignored and trampled on, and that they have often been foully abused, outraged, and murdered, without the arrest, trial, or conviction of the guilty parties, and even without inquiry into the circumstances by any civil magistrate or court.

3. That men of known loyalty have been proscribed, their property seized, their houses burned, their estates despoiled, and their lives

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destroyed by combinations of the sympathizers with rebellion, and that the local courts have neither instigated nor entertained complaints of such enormities, nor have any remedies been addressed to their correction or punishment.

4. That men prominent in rebellion can alone be elected to political offices throughout these States, where treason is rewarded and where loyalty is a crime.

5. That with singular unanimity these States have rejected the amendment of the Constitution, which became necessary by their rebellion, because a people whose history for four years was one consistent record of piracy and violence and murder, who tortured the prisoners taken from our Army by the fortunes of war, in the charnel houses of Richmond, Belle Isle, and Andersonville by slow starvation, who murdered them in cold blood, and who suffered them to be reduced to skeletons by privations and exposure that they might never again enter the Federal ranks as efficient soldiers, could not submit to the adoption of the amendment consistently with their honor!

6. That the belief in the heresy of State sovereignty, for the maintenance of which the South appealed to the arbitrament of arms, and which appeal was decided adversely to the appellants, is still the prevalent creed of the southern people, who would, if practicable, again assert it at any period when the reëstablishment of African slavery could be effected.

I concede, therefore, Mr. Speaker, that the present is no time to be over-scrupulous in the exercise of that power over the southern States to which I believe a nation may resort for the preservation of its own life and the discharge of its high duties to its own citizens.

But I am unwilling to forget justice and reason while inflicting punishment. The purpose of punishment is not to inflict torture on the victim, but to reform him, and to teach to the people that law must be obeyed. Justice delights not in the agonies of the prisoner whose nerves and muscles and limbs, writhing and contorted, as he hangs suspended from the gallows, waken sympathy even in the heart of his executioner. In the case of our erring countrymen the purpose of punishment is to reform, not to destroy them; and we ought, as wise legislators, to see that the punishments we inflict upon a whole people shall not render their reformation either more difficult or altogether impossible.

I believe, sir, in my conscience that the terms prescribed by the bill under consideration are unwise, inexpedient, and aggressive, and they cannot, without amendment, receive my approbation.

Within a few short days my responsibilities as a Representative will cease, and I shall go forth from this Hall with the consciousness that while I have ever been willing to assert the ultimate power of this Government, and to employ its entire Army and Navy in giving protection to those to whom we had pledged it, I have never been willing to inflict one unnecessary pang or to impose one avoidable hardship upon any portion of the American people.

I deem it a duty to look at the propositions before us in the light of philosophy and in the absence of prejudice, and ask here, in the name of reason, in the light of experience, and upon the basis of a philosophical inquiry into cause and consequence, as exhibited in the individual or the collective history of a people, whether we can expect reconstruction, harmony, loyalty, peace, or prosperity to flow from the establishment of a military despotism in the southern States as a process of reformation?

I believe, sir, that we must not forget in the legislation we propose to enact for the restoration of the peace of the Republic, that whatever differences may exist between the southern and the northern States, in soil, climate, social institutions, or political views, human nature is the same in both. Human nature, here or elsewhere, defies legislation. Education, experience, observation, often modify the natural disposition of the individual, but neither the decrees of despotic power nor inquisitorial tortures ever changed a religious conviction. No legislative act ever changed a political faith, nor will it ever. A sincere conviction in reference to a religious system or a political faith is utterly beyond the province of legislation, because legislation can act only through physical agencies, and physical agencies are powerless over intellectual organizations.

A thousand acts of Parliament could not have made Russell a monarchist nor Strafford a republican.

What we believe, Mr. Speaker, we believe from education, and education consists not only of what may be taught us in our youth by the schoolmaster, but of that which is impressed upon us by our own observations and experience in life, or that which we receive from intellects more powerful or more persuasive than our own.

If we look now at the relations existing between the northern and the southern States at the period of the Confederation, we shall observe that education was teaching to the respective parties theories which resulted in the clear and distinct issues between loyalty and rebellion in the great struggle which terminated on the soil of Virginia in 1865.

The southern States were largely slave-holding States; the northern but nominally such. To the northern States slavery was not felt as an evil *per se*, because the percentage of the black to the white race was so unimportant. But in the South slavery was the support of manual and menial labor, and to labor became a reproach to a white man.

Aristocrary grew up on slavery, and society consisted of three classes:

1. An aristocracy; rich, as owning both land and labor;

2. The common whites, who hired slave labor because labor was disgraceful in a white man; and

3. Of slaves, who, kept in abject ignorance, supported their masters by involuntary toil and submitted to a social system which made slavery an abomination.

This system of slavery, even then regarded by the northern States with aversion, was recognized in the Confederation and in the Constitution, because by its recognition alone could the Confederation be perfected, and by it alone, afterward, was the adoption of the Constitution secured.

We began existence as a Republic, with the concession that slavery was not inconsistent with republicanism as then defined, and the southern States have held that slavery and aristocracy both were proper appurtenances to a republican Government.

Moreover, it is true that from the organization of the Union southern statesmen have maintained the doctrine of independent sovereignty in the States, and asserted the heresy that each State might terminate its connection with the Federal Government at any time and for any reason it might deem proper. The ablest philosopher of this school of statesmen sedulously taught this doctrine to the South for a whole lifetime, and foresaw in the advancing wealth and power of the North the approach of that day when the southern States could maintain their political ascendency only by a separation from the New England and her northern associate States. The philosophy of Calhoun became the faith of many of the political leaders of the southern States, and through them took extensive though not entire possession of the public mind. This philosophy inaugurated and sustained the rebellion; and hecatombs of miserable victims were sacrificed in its honor.

I am not prepared, Mr. Speaker, to say that the masses of the southern people thus educated and thus controlled were not as sincere in the support of rebellion and in their maintenance of the right of secession as were loyal members of this House in putting down that rebellion. In truth, sir, I believe that many of those who endured and suffered most for the confederate cause were just as sincere in their sentiments as you, Mr. Speaker, in yours, or as I am in mine.

What follows? We have conquered and subdued them, and unless they will surrender their convictions and profess to be loyal citizens you propose to annihilate them. You subject them to military rule, unlimited as to the extent of power or the period of duration. Even the kind-hearted gentleman from Ohio [Mr. Garfield] proclaimed upon this floor that as the constitutional amendment had been rejected, the door of mercy should be closed forever; but it is due to say that on reflection he retracted the unworthy utterance, or thought perhaps that he uttered it in a sense slightly Pickwickian. I ask myself, if I had been a southern man, educated with southern views and surrounded by southern institutions, would I have been a secessionist? And I answer very likely I should have been; and I am satisfied that many on this floor who advocate the extremest radical doctrines would have been, in the same circumstances, active abettors of rebellion. St. Paul was sincere and conscientious when he persecuted the saints; and Lee, I doubt not, was sincere when he cast his lot with the confederacy and attempted the overthrow of the Government.

Now, I think that we are insane when we attempt to legislate the southern soldiers and supporters of rebellion into love of the Government. They revolted against the Government in great part because they believed in the right of revolution or secession as a principle of the Government, and that the cause assigned justified the revolution. Confine them in prison; will imprisonment change their convictions? Put them under martial law, and strike down commerce and production and industry and development; will that act make them loyal which deprives them of their means of livelihood, by taking away that protection without which industry dies, production ceases, and commerce suspends its beneficient influences? Put them under the restraint of military laws alone, close their courts, invoke courts-martial for the trial of civilians on promissory notes, for the smaller grades of criminal offenses, assault and battery, libel, slander, larceny, and the like, and how many courts-martial, how many soldiers would be required to make and to enforce the judgments of your commissions.

Sir, this bill proposes no remedy for the evils it inflicts, no term as a limit to the exercise of the power it confers, and offers no hope to those who become the victims of its enactments.

Reluctant as I am to adopt severe measures, as to the constitutionality of which serious doubts may arise, I am willing to yield much to the exigencies of the present, and to assent to the exercise of military power, provided the authority shall be preceded or accompanied by a provision authorizing the establishment of civil governments in those States, under loyal control, and the maintenance of the authority thereby granted by the military arm, if necessary, until through the humane influences of the civil law, respected and enforced, prosperity may be brought again to the desolated homes of the Carolinas, of Georgia, and Mississippi, and peace shall resume its sway over men who, disliking a Government which they have injured beyond forgiveness, are yet, either of their own will or by the power of the law or the force of arms, to be compelled to respect its authority and obey its laws. While I am not willing,

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sir, to impose unnecessary restrictions on the late confederates on the subject of representation, I must express my hearty contempt for the consummate folly exhibited by the southern States in refusing terms of reconciliation more generous than any which in the history of the world were ever before offered by a sovereign suppressing a revolt to subjects abetting a revolt. As they withdrew from us of their own volition, they must return to us only when they can return with our volition. In this matter Congress and Congress alone is absolute, and however much Congress might yield as a matter of generosity it can be asked to yield nothing as a matter of right. I believe, sir, it to be the interest of the South to return to the Union on any terms that Congress sees fit to impose, because with the present generation the hostilities of the present will pass away and be forgotten; but if they shall madly refuse to submit to the conditions heretofore imposed they may defer indefinitely their return to the Union, but they will not destroy the Federal Government. That like the sun in respect to the planets of our system, will still control the order and establish the relations in which they shall stand to each other.

In some unknown age of the past, in the vast interval which separates Mars from Jupiter, a planet held its course around the sun in silent homage to its power. The spirit of secession seized it, and with heat engendered by internal strife in its attempt at secession, it was rent into a thousand fragments, and these, broken, shattered, amorphous, and azoic, still bound by the law of their original constitution, roll on around the central sun in eternal silence and eternal desolation. Yet the solar system is not destroyed. Yet the sun, whose light was spurned and whose power was repudiated, is still to the loyal planets the source of light, the fountain of life, the center of attraction.

How long this anomaly in the harmonious relations of the solar system has existed God only knows, and how long the anomaly in the existing relations of the disloyal States to the Federal Government can continue I shall not attempt to predict; but so long as those States shall continue proudly to despise or deride the powers to which all they ever attained of greatness was due, so long, like the asteroids, will they remain devoid of beauty, desolate, and lifeless.

It has ever seemed to me, Mr. Speaker, that we should impose such and such restraints only upon these States as shall secure their due submission to the laws which may be properly enacted by Congress, having in view the speedy return of their people to the paths of industry and prosperity, and that so far as is consistent with the safety of the loyal citizen and freedmen the administration of justice should be left to the civil tribunals of the country.

If, as it seems, these courts will not redress the wrongs of loyal men, if they will not protect the rights of the emancipated slave, we must interfere by the strong arm until justice shall be meted out to all. But why close the door to deliverance from military domination, as this bill proposes to do; why set up a government as despotic as that which characterized the confederacy itself? Such a governernment can neither create nor maintain peace, neither the loyal nor the disloyal will prosper under it, and the sympathies of the world will be enlisted for those who, though erring and criminal, are made the helpless victims of military misrule.

Time and prosperity will bring their healing influences to wounds yet bleeding and painful. The sentiments of asperity which have grown upon northern soil will be mollified by years, and the bitterness of southern feeling, arising from war and the ruin it has wrought, will be forgotten when thrift shall crown industry with merited reward.

It is well known, Mr. Speaker, that I have never obeyed the dictation of the leading Radicals of the Thirty-Ninth Congress, and I have been the subject alike of criticism and ostracism because I have not.

I am content with either or with both. The love which I bear my country, from the source of the Mississippi to the hot waters of the tropic Gulf, from the bold headlands of New England to that shore where the Pacific waves break upon golden sands, is too deep to be affected by the considerations which are alone personal to myself.

I have opposed the policy of the extreme Radicals in Congress because I do not believe it to be founded either upon real unaffected patriotism, upon substantial justice, or upon sound statesmanship. Under that policy we have had forced upon our consideration schemes of confiscation at war with every sentiment of patriotism, philanthropy, or law. We have asserted that within the lines of the confederate States all citizens, loyal or disloyal, to the Federal Government were public and alien enemies; and yet that they were traitors whose property of every nature was confiscated by the act of 1862, and ought to be held for the payment of the war debt of the Government.

One of the grave charges against the President by way of impeachment is, that he has restored property thus confiscated by the act of 1862 to its former owners. This doctrine of universal confiscation, as asserted by our legislation, is a disgrace to any civilized nation under Heaven living under a Government of reason or constitutional law; and our advocacy of it has been one of the cardinal difficulties in the way of restoration or reconstruction.

If the rebellion resulted in a public war between North and South, and the citizens thus became public enemies, the private property of such citizens could not be confiscated for treason, although while the war was raging, "*dum bello flagrante,*" all property of an enemy might be seized within the lines of disputed possession, yet the property of a friend or ally occupying the same location was liable to the same seizure. The ground of seizure in either case rests upon the fact that property thus situated is liable to be taken by the enemy to support a hostile force.

No other ground was ever taken to justify the seizure of the property of a friend or an ally, until the venerable gentleman from Pennsylvania [Mr. STEVENS] proclaimed it in this Hall. I said then, as I say now, that the whole theory is an outrage upon reason, and as far removed from all true statesmanship as is Sirius from the sun. Statesmanship is passionless. Calm amid the tumults of war or the strife of parties it looks steadily at the permanent interests of a country committed to its care, and so far as possible holds in check every movement calculated to endanger and impair these interests.

And here, sir, statesmanship has its eye upon the unity of the Republic, upon the control on the one hand of the disloyal sentiment of the southern people and on the other of the vindictive sentiment of northern partisans, that by prudence, judgment, and reason, our country may safely pass the ordeal which now tests the strength and endurance of the Government, and come forth with true loyalty everywhere in ascendency over the spirit of disunion, with no principle of republicanism sacrificed to temporary expediency, and with the Constitution modified only in the interests of liberty, marred by no violence, and prostituted by no oppression.

Mr. Speaker, with such views I have never hesitated to sustain any measure that I deemed essential for the protection of the Republic in its unity and its sovereignty, although I have withheld my support from what I have considered schemes for the maintenance of party interests alone. I care not, sir, by what organization the safety of the Republic be assured, if only its safety be rendered certain. The interests of individuals and of parties sink into utter insignificance when compared with the interests of the Union. Individual life and party organizations are ephemeral, while forms of government, established upon the principles of justice and right, may survive from generation to generation, and become coeval with the compact of society.

Good government, Mr. Speaker, is not the creation of a moment; it is the growth of ages. And the idea of a Republic, the best form of government yet devised by man, springing into existence far away in the dark centuries of the past, has not yet put on the vestments of perfection. The philosophy of government may well assume, what the philosophy of natural forces is ready to concede, that in each department more remains to be learned than has yet been compassed. Progress and development are the ends of our existence here; and when research and inventive genius shall have extorted from nature the secrets of her alchemy and the mysteries of her power; when in the world of morals no new truth shall be revealed to the profound inquirer; when no new legislation can be enacted without impairing the value of existing statutes; when government shall be immutable because it is immaculate, then will the human race have performed its mission and have fulfilled its destiny.

He, sir, who expects by legislation to wring from the present year those moral, social, and political results which are due only to time and to those laws of development and progress which have never yet disregarded time as an essential element in their operation, is no wiser than he who expects by legislation to compel the fig tree of the spring to yield instantly the ripened fruit that belongs only to the autumn.

I am content with gradual development. I am satisfied with allowing nature to assert her authority alike over the physical and moral constitution of the world. The old clock, whose pendulum moved by a uniform force, swings backward and forward within prescribed limits and with regulated motion, indicates by the hand upon the dial, the true time, while if the swaying pendulum be struck by the hand of a madman with insane force and driven continuously far beyond its appropriate position, the index points out a false time and deceives all who trust it. Now, Mr. Speaker, I do not wish to be deceived. I would not deceive others, but I feel assured that we can commit no graver error than by attempting to restore this Union by a measure of legislation which arouses almost naturally the hostility of those whose friendship and submission it is our avowed purpose to secure. We are expecting to hasten the return of loyalty by measures which would strangle it at its birth.

Were I, as a southerner, to be subject to the operation of this bill without a limitation upon its term, without a provision by which the military government it sanctions might be abrogated, without the power of seeking any protection save at the hands of a military commission, I would either flee from the country or resist your law. And I submit that the enforcement of the provisions of this act will do as much to depopulate the South as did the ravages of the war itself.

But, sir, without saying much that I desired, I must draw my remarks to a close. In its present form I cannot sustain this measure, but if the amendment suggested by my friend from Maine [Mr. BLAINE] shall be incorporated in it, by which provision is made for the establishment of civil governments in these States, I shall feel constrained to support it, not because I shall approve it in all its features, but because I believe that the South are responsible in a great measure for the existing condition of public affairs, and that they should endure inconveniences and restraint and annoyance, rather than that power should be at once surrendered to the wicked men who struck at the life of the Republic, and still justify the attempted parricide.

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Reconstruction.

SPEECH OF HON. EDGAR COWAN,

OF PENNSYLVANIA,

IN THE UNITED STATES SENATE,

February 16, 1867,

The Senate having under consideration the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States.

Mr. COWAN. Mr. President, that we have no power to pass this or any similar measure is to me so plain as to defy argument. There is nothing more obvious than the statement of the question itself with which to compare or illustrate it. If I should discuss it, I should feel on meeting a lawyer as Cicero thought Roman augurs must feel when they met one another after consulting the auspices. He wondered how they could keep from laughing in one another's faces. We have a Constitution plainly written, easily understood, and which we have all, in the presence of God and in His great name, taken a solemn oath to support, an oath which the people we represent imposed upon us, that we, being stronger and wiser than they, might stand as guardians to preserve their covenants with one another, even though they themselves, or a majority of them, in the passionate excitement of some frenzied hour, should wish to overleap its sacred bounds and desire that to be done which it was made to prevent. It is their covenant that the powers of the Federal Government shall be limited—"thus far shalt thou go, and no farther"—that there shall be no wrong, no tyranny, nor any lawful power to commit the same upon even the poorest citizen of the land. That has been its pride and its boast; that has endeared it to all our people, and made it a beacon-light to nations struggling for national freedom.

It establishes a Republic; the measure before the Senate establishes a despotism. It secures the rights of States; this takes them away. It gives to all a fair trial by due process of law; this subjects the people to trial and punishment according to the will of irresponsible rulers, not even chosen by themselves. I say this measure establishes a despotism. I say more; it contemplates a despotism compared with which the worst despotisms in Europe are beneficent, and the worst in Asia a thousand times preferable. This enthrones a tyrant, unlearned in the law and unskilled to rule, in every town and hamlet in a country as large as Great Britain, France, Austria, and Prussia, and inhabited by ten million people. These tyrants are the creatures of Federal appointment, are to decide according to martial law, (which is no law,) and their decrees are to be executed by the Federal bayonets.

And what is the pretext for this sum of all the atrocities—what is the reason given for this monstrous measure, so repugnant to the religion and civilization of the age? Is it because the southern people have now no governments, that they have no laws, that they have no courts to administer them? Not at all. Even the diabolism of party strife cannot deny but that they have constitutions and laws hardly differing from our own; that they have Governors and Legislatures, courts and juries, all working in the most regular manner; and further, that the vast mass of their people, white and black, are perfectly satisfied with them as they are.

What, then, is the difficulty? There seems to be two, one real and one pretended, and this latter is paraded in front with great clamor and great ostentation in order to conceal from the eye of the spectator the former, which nevertheless irresistibly intrudes itself and shows to all that if it were out of the way as a cause, these measures would have never disgraced these Halls even as bare propositions.

I will first examine this show reason with which Senators are endeavoring to fright the country, and upon which all the falsehood and ingenuity of radicalism has been busily engaged for the last nine months. It is that loyal Union men in those States are not secure in their lives and property, but are butchered by wholesale in great numbers with as little concern as though they were dogs. And who, pray, are these loyal Union men who thus suffer? Listen, and be instructed. They are negroes, whom it is alleged the southern people kill and murder for pastime, just as a naughty boy would kill flies. The Senator from Massachusetts [Mr. WILSON] has in his possession a little book for you to look upon, in which there is catalogued all the enormities done and committed upon them with an exactitude worthy the most correct statist. He can give you the exact dimensions of crime in the southern States; can tell you how high it soars, how deep it dives, its superficial measure, or its cubic quantity to a hair's breadth; do anything in the world except to satisfy you that the whole is not cooked up and exaggerated expressly for the occasion. Testified to by nobody either, except agents of the Freedmen's Bureau, cotton thieves, and other individuals of an equally interested stripe, who, like the hair-worms, only wriggle in muddy water. These fellows, male and female, have found the woes of the negro such an easy and profitable way to fame and consideration that, like the dogs of Lazarus, they live by licking his sores; and to hear and see them we would think the world was exceedingly wicked, wholly on account of the negro and for no other reason.

Now, I aver that all this is sheer fabrication of the most flimsy character, and that not a single negro has been killed in the South because he was a Union man. If killed at all he has been killed for some sufficient reason, which that is not. I suppose no one will pretend that any respectable man, however much opposed to the Union cause, would care to commit murder upon a negro because the latter favored it. Emperors, kings, and Presidents have been assassinated at times to get rid of them in politics, but why any one would go to so much trouble, to so little purpose in the case of a negro, is beyond my comprehension. I am inclined, therefore, to think that in the first place these killings, if done at all, are not done by any but common offenders, and that the causes are to be found anywhere else than in the political sentiments of the parties. Everybody knows the tribal antipathy existing between the lower sort of white men and negroes, and no one expects that it will not be the source of frequent brawls and quarrels, especially since the blacks have now no masters either to advise or protect them. In these conflicts the weaker will go to the wall, not because he is loyal or disloyal, but because he is inferior in every way to his antagonists. And the false and foolish notion of equality which you have lately put into the head of the negro amounts only to a standing invitation to every white man to break that head as soon as it insults him.

These tales are too monstrous for belief, have no foundation upon which to rest, and the few cases which give rise to them would no doubt show as usual that neither of the parties was either wholly innocent or wholly guilty. In nine cases out of ten they would turn out mutual brawls, the consequence of which is often the most fitting punishment for those engaged in them. That they amount to an adequate cause for such extraordinary measures as those here proposed to remedy it no sane man can believe.

These measures are intended for a very different purpose than that of providing for a better administration of the civil and criminal laws in the South. They are not intended to make life and property more secure; but they are designed to overturn the State governments there, to substitute in their stead an irresponsible military despotism, and in the trouble and confusion which will follow their authors hope and expect that new governments may be formed upon the basis of political equality between the two different races which inhabit there, and that there may be a chance when all is finished that the political power of the South may be either paralysed or transferred to the radicals, and that in the mean time no representatives from there are to be allowed to enter either House of Congress or cast any vote at the next presidential election.

That both the bills before us are well calculated to bring about such a result I have no doubt the framers of them believe—some in the one and some in the other, and perhaps nothing but the actual experiment will undeceive them. History seems to have lost its virtue in furnishing lessons of warning and examples of madness, or one would think nobody at this day could look for any but the worst results from schemes like these.

In the first place the States are to be abolished, their governments to be destroyed, a great number of their leading people to be put under a perpetual ban of exclusion from political rights, and their recently emancipated slaves to enjoy them in their stead. One bill establishes a military government for them, pure and simple, till this is brought about, and the other a kind of mongrel tyranny of Governor and Council appointed by Federal authority, whose decrees are to be executed by a Federal soldiery if need be. Either plan treats the people as a conquered people, and at one fell swoop deprives them of all their dearest rights as American citizens, and denies to all, guilty and innocent, the right of trial by law. We are told, as I have already remarked, that some measures of this kind are called for and necessary to protect the negroes from the outrages continually committed upon them by the whites. Suppose I admit the story of these outrages is true, then let me try and show if I can what will be the effect of the proposed remedy.

I suppose if the whites kill the negroes now, they do so because they hate them. Will they love them any better when they find you have come to their rescue in such a terrible fashion? Will it incline their hearts tenderly toward the negro when they find in addition to the old grudge he is now the cause of the loss of their States as members of the Union—the loss of their State governments—that he has deposed their Governors, dispersed their Legislatures, shut up their courts, and put their magistracy out of commission? Nay, more; will they not visit upon him as far as they are able that vengeance which under other circumstances they would reserve for you? And what kind of fraternal brotherhood will exist between these two races after this fearful drama has been enacted for some years; and after you have consummated the indignities which mark it by conferring suffrage on the negro and taking it away from large numbers of the white men?

It seems to me that it would not be possible to invent any kind of scheme so well calculated to sow dissensions among neighbors as this, or one more dangerous to the peace and security of the weaker of the two parties, which in this case is the one you profess a desire to protect. Such an entire change in all the political relations of a free people as these new laws will work will create such a feeling of desperation, and furnish such ample apologies for even the most violent and bloody attempts to avenge the wrong it inflicts, that the number of those willing to adventure themselves for such a purpose would unquestionably be much increased. That crime upon which the community now looks with horror would then be perhaps considered meritorious; at any rate, the enormity of it would be lessened so much as not to interpose a very effectual barrier to its commission. During the late war it is well known that killing on the

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borders by partisans was not looked upon as murder; though certainly it was not honorable war in those who began it, still it became equally laudable as matter of necessity. I may be told, however, that the military rule here proposed will be the very best to prevent and keep down the tendency to such outrages. Let us see.

The territory you propose to occupy and govern has an area of about six hundred thousand square miles—equal to a dozen of Irelands, five Polands, sixty Candias, and one hundred La Vendres. This immense tract is not simply to be overrun by our armies; it is to be held by a military occupation, which is a very different thing. This, to be effective to carry out the objects of the bill, must be all-pervading, must be everywhere, in every city, town, hamlet, and neighborhood; wherever there is a loyal Union man to be protected, either in person or property, there must your military be also.

This country, too, is full of great forests, dense thickets, impassable swamps, tangled everglades, is divided by a chain of high mountains, and drained by immense rivers. It affords every facility to a desperate population to carry on clandestine war, parts of it as inaccessible and wild as the Highlands of Scotland or the rocks and crags which Schamyl so long defended against the Russians. We ourselves may well remember what it cost us some years ago to subdue a few naked Indians in the swamps and everglades of Florida; and we know, too, how another part of it furnished shelter in the days of the old Revolution to such heroes as Marion, Hugur, and others, while struggling with attempted British military occupation. This vast extent of defensible ground is inhabited by six million white people of unquestioned courage, spirit, and capacity, of such force, energy, and resolution that it took the nation long years of terrible war to put them down when they rebelled against us; this, too, in open war, with immense armies in the field, when we only tried to seize and hold a few strategic points. Such, Mr. President, is the people we sit here to-night to legislate into political slavery by means of a military despotism.

What are our means by which to carry out this gigantic undertaking? If we say we can put sixty thousand armed men to this work we shall have done well, but will that number suffice? That will put one soldier on every ten square miles, or ten soldiers on every ten miles square—a plot equal to the old District of Columbia—and it will not man it any stronger, But, again, we must remember that at many points, such as large cities, it will require considerable bodies of men, rising perhaps to thousands in a few cases, and this will materially diminish the force for the country.

Now, these sixty thousand must stand face to face with half a million of able-bodied fighting men, veterans of the rebellion, and in this duty of military occupation they will not enjoy the advantage of superior arms, higher discipline, &c., which give such power to concentrated armies; they will be scattered all over the country to watch over the rights of person and property among the freedmen.

How will our soldiers perform the duties devolving upon them by this act? They are not very fond of the freedman now as it is, and being white men themselves, and among white men of their own race—indeed, it may be said among their relations, for many of them will find relations there; they will in almost every case find people of the same name as themselves, or of their mothers or wives—how will they like this service? Especially after they have been stationed at one place long enough to fraternize with the people (the white people, mark) and to hob-nob a few times with rebel soldiers whom they are sure to meet, I should think they would not be a very effective police to protect the blacks; indeed, it is possible many of their officers might be of their way of thinking. So that whether we speculate upon the conduct of the people toward our soldiers as hostile or peaceful the prospect is not flattering; if hostile, we are not strong enough; if peaceful, there will not be much done to carry out the purpose proclaimed as the reason of the measure.

I have alluded to the moral effect it might have upon the southern people if they were to resent, as they would do most likely by resorting to every mode of annoyance short of actual war. It would give their wicked and desperate men a chance to exert themselves and ply their trade of death in a popular cause. The weapons of murder and assassination would then be consecrated to liberty; crimes will become virtues; every sword that gleams will be that of Wallace, and every arrow that whistles through the jacket of a brigadier will remind us of Tell; nor will the Gesslers and Hazleriggs of to-day have any more of the world's sympathy than in the olden time.

There is another view of this project which it might be well to consider. You offer to the southern people military government on the one hand, and a negro government at the same time on the other, cutting off all hope on the part of a great number of the best of them that you will ever allow them to enjoy their political rights. From these you surely have nothing to expect; you ostracise them and you arm them; they are your enemies henceforth and forever. They may deceive you in all your calculations and bring to a very different result the plans you are now devising to enslave them. But in this terrible alternative which you present to the rest of the southern people you may work your own and the country's ruin in another way. They may take you at your word, may receive your general and his soldiery kindly, may use them to keep in subjection your negro friends, and finally, as you have taken away all hope from them of political liberty, they may proffer the empire to your Army and its chieftain as a reward for his justice and clemency while governing them as your prætor. Why not? Those whom you still persistently continue to treat as conquered victims on the one hand and as unhanged traitors on the other, entitled to no protection as citizens and no quarter as belligerents, may prefer to establish a monarchy rather than to wait for a republic till you come to your senses. The crown will be the glittering prize to tempt the leader, a title and large grants of land to his captains will make an aristocracy to flank him, and the soldiery can be paid in the same way on a smaller scale. They can furnish him of the rank and file of the veterans of the rebellion as many as he wants, and his first care will be to see, as Cæsar did, as Cromwell did, as the Bonapartes did, that no such stupid, clumsy, and corrupt bodies as Senates or Parliaments will stand in the way of success. He will know how to purge bodies of that kind as well as you do, he can keep out his opponents and force in his friends upon your precedents as well as those of Cromwell and Bonaparte if he thinks it proper to delude with the pretense of a Congress at all, or he may dissolve you with equal propriety. When the dukes of Virginia, North Carolina, &c., come here into your House of Lords, they will not halt their legions and take your test oath; they will offer their credentials with a mailed hand, and you will be glad to receive them—to sit in good company. There are precedents for this, too, if we looked them up.

The people of the North, too, weary of the eternal struggle and turmoil of continued partisan strife, in which knavery, quackery, and demagogism are always successful, oppressed with the burden of enormous taxes and excises, with the whole of their ancient polity, State and Federal, torn to pieces, may look about them and come to the conclusion that the tyranny of a corrupt and vengeful majority is more terrible and all-pervading than that of a single despot; and what is worse still, a good deal more expensive. Powerful minorities may seek protection from the new Cæsar, and with the aid of his bayonets turn the tables on their oppressors.

It were well, too, if every legislative body would remember that the moment it begins to encroach either upon the Executive or the judiciary, and assume power and authority not properly belonging to it, that moment it begins to insure its own destruction. This is just as true as that so long as it stands up stoutly for its just rights and privileges it will be the most popular and powerful of the several branches of the Government. Having no actual power in itself to execute its decrees, it is of necessity obliged to employ some outside agency for this purpose, namely, the military, which in its turn becomes its most dangerous enemy. I believe there is no instance in history where an usurping Legislature has not been destroyed by the very force it had invoked for the destruction of its coördinate departments. This was notably the case of the Long Parliament of England, which was forcibly dissolved by the Lord General Cromwell in 1653; a power of its own creation, and one it had found very useful in fighting its battles, but like the horse in the fable who took the man on his back to aid in driving the stag from the pasture, they had put a rider in the saddle who refused to dismount when the work was done. So, too, in the French Revolution, whenever the Legislature overstepped its proper bounds it was obliged to obey the dictation of the clubs, the committees, and the Directory, until at length on the 18th Brumaire it was finally dissolved and driven out by Bonaparte, the Cromwell of the present century; not the only one, indeed, that has been or is likely to be from present indications. In fact, it cannot well be disputed but that to-day the United States are just as much in a state of revolution as was England in 1648 or France in 1791. We have not only all the ordinary symptoms, but we observe such a wonderful parallelism running all though these great national commotions that it seems to be possible to reduce them to general fixed laws even more readily than every-day social phenomena can be.

It is a distinguishing feature of all revolutions that at the outstart the first demands for change are right in themselves, and in the great majority of cases they consist in asking that ancient constitutions and laws may be restored, that the gradual and almost imperceptible encroachments made upon them during ages shall be disavowed and given up by the usurpers, whoever they may be. Thus the English patriots, led by Hampden, Ryan, and Holles, only required of Charles I to conform his administration of the kingdom according to the undoubted principles of the English constitution, settled hundreds of years before by the great charter, and confirmed in that interval thirty several times. They would have been perfectly satisfied had the King given up his claim to levy taxes without the consent of Parliament, to imprison arbitrarily, to try by military commissions according to martial law, to make forced loans, and to billet his soldiers in houses without consent of the owner. So, too, were Mirabeau, La Fayette, and Bailley willing to stop with the constitution of 1791, if the King had in good faith obeyed it; and so, too, in our case the Republicans proper would have been perfectly satisfied to have left the question of slavery in the Territories with Congress, as it had been left for seventy years.

A second feature to be noticed in revolutions is that as soon as the patriots have done, then the reformer, or rather innovator, makes his appearance, demanding not to secure that which has been approved good, but to experiment in order to find something better. The English had hardly made successful efforts to compel Charles again to confirm Magna Charta when the Scotch reformers developed themselves in

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the "Covenant," and then agitation spreading into England it became the second step in the progress of the revolution, and to secure the aid of the Scots the Parliament subscribed the "Solemn League and Covenant" which it was confidently expected would put an end "to Popery and prelacy, superstition, heresy, schism, and profaneness." The French, led by La Fayette, were superseded by the Girondins, who insisted on a republic and the total abolition of the monarchy, precisely as the Abolitionists a few years ago superseded the Republicans and demanded an entire remodeling of the Constitution to bring about negro equality.

After the reformers or innovators have in troubled times had success, it invites another and different class to enter the arena and struggle for the palm. This is the knave. Having seen the labors of the patriot crowned with success and glory, having seen the fool and fanatic attain to power by the advocacy of the impossible plausible, he comes to the conclusion to try the very worst which can be done to dupe the people—he becomes a Radical. In England he called himself a root-and-branch man, or independent. He was in himself equal to all things; kings, bishops, priests, every one and all vanished before him. Why not? Godliness was his specialty; he knew the mysteries of the Most High, spoke in scriptural phrase, sang through his nose, and on the whole was perhaps about the most dangerous sort of villain which has ever infested the planet. He stops at nothing, cares for nothing; having gone so far that he feels himself guilty, his very cowardice urges him on and prevents repentance. He has found the descent to avenues easy, but a return impossible. In England he beheaded the king, abolished the Parliament, and in the name of God and liberty and the most sickening cant established a military despotism which preyed and plundered with the same fury as long as it endured. In France the same character appeared, and was well personated in Robespierre, whose circumspect life and diabolical cruelty fitted him exactly to do and perform his part in the most terrible drama the world has ever witnessed. Here, too, a king was beheaded, all regular Government abolished, and a tyranny set up which exceeded in sanguinary ferocity any that had ever existed. To be suspected was to be convicted, and to be convicted was to be executed immediately. Imperial butchers—Nero, Caligula, and others—were all relieved, to some extent, as the eyes of the world took a new direction, and saw in republican France spectacles of wholesale murder equal to those furnished by old Rome in the palmiest holidays of her slaughters.

Shall we, too, come to this? We, too, are men, and men of like passions with those who have done these things. We, too, indulge in the most extreme partisan views and feelings, and we ought to be warned by such terrible examples of the dangers which result from it. Establish the tyranny contemplated here over the southern States, and you have done your share to consummate the revolution. From that moment you certainly cease to be its masters; it has become yours. The doors once opened, a thousand unforeseen enemies will enter, a thousand unforeseen accidents will occur, all calculation will be baffled, and at last when the nation, worn and weary, comes back to repose on old forms, those who disturbed them will have fared no better than the rest.

Another strange thing to be noticed in all these revolutions, is that they are started, carried through, and pushed to their termination by minorities. It cannot be well disputed that the Covenanters in England were at the time they covenanted but a mere handful, and if we add to them the Scotch and Irish Covenanters they were far from being a majority of the people of Great Britain. What shall I say, then, of the Independents, a still far smaller minority, as the Presbyterians much outnumbered them, and if both together were a minority it can be easily seen how the Independents stood when the Presbyterians were away. The strength, however, of the Independents lay first in the fact that they were the army, and second that they were headed by Cromwell. I am asked, however, in what manner this minority obtained power? I answer, just as it always does, by terror and purgation. At first, in 1647, the army frightened Parliament into submission, and in 1648, December 6, it was purged by main force, Colonel Pride, with two regiments, having arrested forty-one members and kept one hundred or more from entering, enabled the sixty who remained to have their own way. In the same way the Jacobins of France purged the convention of the Girondists. Henriot having surrounded it with an armed mob of twenty thousand men, compelled a surrender of the obnoxious members, Marat engineering the whole affair in his own peculiar manner.

Now, although we have had here no forcible purgation of Congress, yet we have what is equivalent to it: we have the resolution of those now in, that the representatives of ten States shall not come in. By this twenty Senators are kept out of this Hall and fifty members are kept out of the House of Representatives; and by this the dominant party are enabled, in spite of the veto of the President, to pass any measure they choose to pass. It is, in fact, by virtue of this unconstitutional and unlawful exclusion, that they are enabled to encroach and usurp, to be revolutionary and to be dangerous, whereas were it not for this they could do no possible harm, nor could any one else.

From this unlawful exclusion come nine tenths of the mischiefs which threaten the country to-day. If the South were here represented we would not be creating military despotisms to avenge murders which have never been committed, and to protect those who have never been assailed. The members from that region would soon silence the tongues of anonymous slanderers, as well as those of open traducers. They could procure the proofs and present them to us fairly; but as it is now, the evidence is all *ex parte*, and so very extravagant in its character that no one in his common senses could believe it, and I am inclined there are none who do believe it.

In order to offer something to the country to give color to this monstrous project, you affect great concern for the negro in another direction, namely, his political status for the future. You first assert his utter and entire helplessness in the presence of the whites; that he cannot defend himself against wholesale murder, even with the Freedmen's Bureau and its military force at his elbow; that he has not sense enough even to contract for himself without the guardianship of the Government officials; that, in short, he is unfit to cope in the battle of life as a freeman, that he must be coddled and nursed, educated and instructed for a year or so, until he bursts his savage cocoon, when it is supposed he will be able to soar away on painted pinion, a full-grown Radical bombyx. Only a year or so at farthest is allowed to convert these semi-barbarian slaves into honest and capable patriots, whose wisdom and virtue are to underlie the revised and improved governments of ten States of this Union. Yes, I say a year or so, if the South accept your proposition, is all you allow for this wonderful transformation. Then will the day of Pentecost be fully come, and three or four million negroes are to be changed, not by the apostolic teaching of divinely-inspired men, but by virtue of amended constitutions and the pedagogic efforts of strong-minded school-marms.

Was the world ever so mad as now? When heretofore has it sought relief in such shallow and transparent pretenses? You base your action upon the assumption: first, that six millions of your own race, kith, and kin, in the South are traitors and rebels, unfit to be trusted with political power, or heard in their own defense. Second, that the three or four million negroes there, civilized only by slavery, and with whom you can neither eat, drink, sleep, or marry without degradation, who have nothing in common with you in form, feature, history, tradition, or habits; that these, forsooth, are loyal to the Constitution and laws and devoted to the Union. In fact, you boast shamelessly that they protected the one and saved the other by the valor of their arms, and that therefore you have warrant to enslave the white and raise the black to political equality on the score of gratitude if no other.

Now, what are the real facts. We had an immense empire, a Union of thirty States or more; a quarrel arose, no matter how, and a terrible war ensues with ten or a dozen States on one side trying to get out of the Union, and the rest on the other trying to keep them in. The weaker are defeated and submit, and agree to stay in the Union. We refuse either to believe or trust them, and propose to hold them as serfs, while we give to their negro slaves political power and dominion over them.

Now, even if we did hold the whites as a conquered people, whoever before was guilty of such folly as to expect to rule them with negroes?

But you say the negro was loyal to the Constitution. I say no greater absurdity ever was uttered; not true, not even possible to be true. In the first place, he knew nothing about your Constitution, had no means of knowing, had no capacity to know, and has not to-day any more notion of it than he has of the theory of the fluxions or the precession of the equinoxes. But grant that he does know as much about it as you do. Pray what was there in it to make him love and desire it—to make him loyal to it? Was it because it reckoned him only a fractional man in the scale of representation—a little more than a half and a little less than three fourths of a man? Was it the nice adjustment of his comparative value that struck his fancy to it? Perhaps it was that clause commonly called the "fugitive slave" clause which attracted his attention and won his affection? But you say he was devoted to the Union—to-day he is the Union man *par excellence;* and if that be true there must have been some good reason for it. What, then, induced him to devote himself to the Union? Was it that it made us strong in foreign war, or that established uniform laws for naturalization and bankruptcy? Was it because of its convenience for post office purposes; or because it gave Congress the right to coin money and regulate commerce?

Now, in all seriousness, does any sane man believe such things? Not one. But everybody knows that if the negro was loyal to any one it was to his master. All over the South, from one end to the other, he remained with him or his family, serving just as before, and was only seduced away from his servitude when our Army with its banners approached, when he heard the rattle of its drums, the blare of its trumpets, and saw the pomp of its array; then, half invited and half forced, did he fall in as great boys or half-savages would do, to enjoy the excitement and indulge in the license it afforded. He was free, but his new liberty he found did not furnish either food or raiment, neither homes nor shelter gratis—he had to battle for them all just as before, except that now he had no certainty of winning; his master had ceased to be his insurer.

One of the schemes now before us contemplates arming him, I suppose, still further to enable him to protect himself. I predict for this the same result as giving him the ballot: the more of such favors he receives the sooner he will disappear from the face of the white man. It is strange that those who profess to be his friends cannot see that the more they

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multiply the points of antagonism between the two races the worse it will be for the weaker. If they were even legislating for a day their course would be of no value to the black, but when it is considered that they invite him to a struggle of generations it becomes cruel and pitiless in the extreme. It ought to have satisfied even the most rabid of demagogues to thrust him into the arena to get his food, raiment, and lodging in a contest with the sharpest and most rapacious traders in the world, but to ask him to enroll himself in the militia and take part in politics betokens an utter disregard of all the laws which govern the conditions of life.

Liberty is a glorious boon, it is true; but still there are many good people foolish enough to think it were better to be a well-fed slave than a famished freedman, better to wear a master's livery than vote naked and shivering at the polls. That liberty which renders subsistence precarious and deprives its votary of the necessaries of life, cannot for a great while be thought by the negroes preferable to servitude without the care of providing anything for sickness, winter, old age, or for children especially, if we remember that his value was always a sufficient guarantee to the slave against excessive cruelty on the part of his master. No future census will show the blacks increasing twenty-five per cent. in a decade; on the contrary, from this time they will be found to diminish and finally disappear forever. The turbulent and fanatical demagogues who fancy they are philanthropists will soon have an opportunity to discover the work Providence set them to perform, and for which they were admirably fitted by their blindness and folly, because they will soon see they were but instruments in His hands to remove an inferior race out of the way of a superior, and that while slavery multiplied the negroes more rapidly than any other people in the world, abolitionism insures their sure and rapid extinction. There is much work in the world wise men cannot do—fools are found to do it.

I come now to another phase of these schemes, and one which is by no means the least interesting, especially to the people of the North; that is, the question of the cost of the experiment. If the Freedmen's Bureau, which costs eleven or twelve millions annually, is of so little use that negroes are slaughtered by hecatombs right under the very noses of its agents, how much is this military or provisional government, which is intended to be efficient, to cost? Suppose we put sixty thousand men on duty there? What will they cost? Sixty, ninety, or one hundred and twenty millions? The history of the Florida war, the other Indian wars, and the great war ought to enable us to give a tolerable guess, and we may be sure we will not estimate it high enough. It matters little as to the figure at which we put it, if the lowest sum is likely to be intolerable when invested for such a purpose. And in order to show very briefly our situation, which does not seem to be well understood, I propose to go back to 1861 and see in what way we have managed our finances. There may be instruction in it. Our first folly was in the attempt to conduct the war and pay in gold. The banks loaned us $200,000,000, and wanted to cash our drafts for that amount in gold, if need be; but if the holder was willing to take their paper that was his affair, not ours. This was refused, and we made them pay us gold, which we distributed. This run on until we drew one hundred and seventy millions or thereabouts, when the golden stream was exhausted; and as a matter of necessity the banks were completely drained, suspended specie payments, and we had disabled the hand that first came to our rescue.

Our second error was, that instead of going into the market and borrowing money, as anybody else would have done, by giving our bonds at such discount as was possible, we concluded to coin our credit and make money ourselves. The consequences were that we were put in antagonism with everybody who received our money—and all soon discovered that the more they depreciated it the more they got of it, the more they received for their commodities, and the less taxes they had to pay—in short, everybody was interested to lower our credit as much as possible; whereas if we had borrowed on our bonds and let somebody else make the money, our bondholders would have been directly interested to sustain our credit rather than depreciate it.

The third error was in making this credit money of ours a legal tender in discharge of all indebtedness, the past as well as the future. This set on another set of vultures to tear our financial reputation, namely, the debtor class; inasmuch as the cheaper our paper dollar became the more easily they could get it; and when gotten, it was just as good as a real dollar to pay debts with, because the creditor must take it. Then came the legalized robbery of widows, orphans, old men, in short, everybody living on fixed incomes—ground rents and annuities dwindled, and the weak and helpless were fleeced to enrich the strong.

At least $100,000,000 annually were thus taken from one class of our people and put into the pockets of another class, without the slightest consideration or the least benefit to the Government, besides violating every principle of honor and good faith among men.

Another result followed, which the passionate stupidity of the times could not foresee; indeed, cannot see now, or will not see. The money which is made a legal tender by the Government becomes by that means the measure of values, the same as lawful weights are measures of gravity, and yard-sticks and foot-rules are measures of length. Now, any fool could see what a disturbance would be created in the business of any country if the Government were to throw away the yard-sticks and pound weights, and compel people to buy and sell with new standards which varied with every change of temperature or passing breeze; so that to-day the yard was thirty inches, yesterday it was thirty-three, and to-morrow it may be twenty-five; the pound is sometimes ten ounces, sometimes twelve or thirteen, but hardly ever sixteen, which it ought to be steadily at all times. I say anybody could foresee the consequences of such folly; and I think it a great blessing that Providence has put it out of the power of Congress now to affect the certainty of weights and measures, because if these could have been made to depend on uncertain contingencies some patriot would have tried the experiment as necessary to put down the rebellion.

At all events, we did with our United States notes or greenbacks an equally wicked and precisely as foolish a thing when we made them a legal tender, especially in a time of war, when all must know that the public credit would go up and down just as our arms were successful or unsuccessful; and that these notes, having no value in themselves, but resting on our credit, would go up and down in like manner, being one day eighty cents for a dollar, on another fifty, and at one time thirty-five cents; and at no time since has it been a real dollar or one hundred cents. Our wisdom, then, came to this: he who had commodities to sell rejoiced in our defeats because his prices rose; he who had debts to pay did the same, as he got the money which paid them the more easily. To all such our victories were ruin. No man could either buy or sell without looking these unknown, impossible-to-be-known, contingencies in the face, and like the gambler, the whole nation was set to betting upon chances. The risks multiplied as the war became more and more desperate, and prices rose in proportion to the uncertainty. Everything was at three or four times its actual value, and $200,000,000 a year were added to our losses from this cause alone.

To add still more to the disturbance, the Government was obliged to pour an immense stream of some three or four millions in upon the North for Army supplies, &c., necessary to the war. Everybody was stocked with its credit, and grew wildly extravagant and lavish in all kinds of expenditure. Fine houses, fine furniture, fine clothes, and fine equipages appeared everywhere, until even those who most clearly saw the delusion were seduced into silence for fear of dispelling it.

It is now over, however, and the little cloud no bigger than a man's hand already hangs out in the clear sky; soon it will bank up thicker and deeper on our financial horizon, and at last burst forth in such a storm as none will wish to see again. Men are beginning to realize that all that immense influx of wealth was really only one of the most gigantic losses of national wealth ever experienced in the world before; that it was only achieved by the Government through the medium of a loan from themselves, and which they will first have to repay to be repaid. Surely not less than $10,000,000,000 went down and was irrevocably lost in the vortex of the war, and naught remains of it but the paper evidences of that part of the bill which yet remains to foot, equivalent to a debt of more than three thousand millions to be paid as an actual debt, as pensions, bounties, &c.

And now, sir, what is the spectacle we present in the face of this undoubted condition of affairs? For what consideration did we throw away $10,000,000,000 of national wealth? What moved us to sacrifice half a million of citizens on the battle-field? What was it, I demand? Was it to preserve the Union or to destroy it? Was it to save the Republic or to render it impossible? Was it that the free governments of the States should be perpetuated, or that they should resolve themselves into a central despotism so enormous and unwieldy that its abuses might defy correction? Let the business we have on hand to-night be the answer. What is the proposition before us? Is it not to declare the annihilation of ten States of the Union? Is it not to reduce these people to the condition of conquered people? Is it not openly, avowedly, in spite of the Constitution and of all the principles of liberty, to establish a military despotism over one third of the American people?

And this Thirty-Ninth Congress, now about to report to the people the result of its efforts to reap the fruits of the war, what will you say to them on your return? When you are asked whether you maintained the Constitution, will you not be obliged to say, "We have broken it?" Are all offenders triable by due process of law? "No; by martial law." Have they trial by a jury? "No; by military commission." Have you restored the standard of value to the certainty of coined money? "No; it is measured by the ever-shifting value of greenbacks." Have you exercised none but delegated powers? "Yes, we usurped under the 'war power.'" Did you respect the rights reserved to the States? "No; we treated the reservation as void." Can you say aught else to these questions, if you vote for the bills we are considering, or any of them?

And when you are interrogated by one who lost a limb or an eye in suppressing the rebellion, how will you answer his question, Did you restore the Union? "No; ten States are yet out." Were they willing to submit and come back to duty? "Yes; but we were afraid if we let them in they would have sided with the President, so that we could not pass bills in spite of his veto." Have you restored peace and harmony to the theater of war, that its people may prosper and help us to pay the national debt? Here a bondholder awaits your answer with some solicitude. You give it: "No; we thought the hearts of the people were

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not right yet; and we have treated them as traitors and criminals in chronic rebellion; their industry still languishes, and their poverty remains unimproved."

Well, it seems, then, that you ought to have given us something for the sacrifice of blood and treasure we made during the war; and as you admit you have a violated Constitution and a broken Union, now pray tell us what you have done and what you have given us instead of these? "We have passed a reconstruction bill which subjects the southern States to military rule, and which will keep them in order until the few white friends we have down there, in conjunction with the freedmen, can have an opportunity to meet in convention and establish republican forms of government, which being entirely under our control, we can then restore the Union without endangering our party supremacy."

You offer them these, your alternative: negro suffrage or military despotism. That is the harvest of the war as gathered in by your sickle. These are the fruits of the great contest as brought home in your baskets. Negro suffrage or military despotism. Think of it. Oh, my countrymen, is it true that it has come to this: the rule of the servile barbarian, or the rule of the bayonet. How dare you go home to your war-worn soldiers and crippled veterans who fought your battles and tell of this most foul consummation? How dare you, in the face of the civilized world, announce this as the result of the great experiment? Thus far you have gone as a Congress; thus far did the Long Parliament go; thus far did the French Convention go; one of them had a Charles, the other had a Louis, you have a President; one of them had a Lord General, the other had a First Consul; what will you call your master when he comes?

At a subsequent period of the debate (between three and four o'clock on Sunday morning, February 17)—

Mr. COWAN. The only thing I wanted to say was this: after we had possession of a rebel State there was a question whether its government was annihilated by the rebellion or not. One said it was, another said it was not. I was of the opinion at the time, and I am of the opinion now, that General Sherman was right when he decided such governments still existing; but there was such a tremendous ado made about it that the Government decided otherwise, and I do not complain. But I would not have disturbed the government of one of the rebel States. If there had been a rebel Governor, a rebel legislator, or a rebel judge, I would have either let him alone or I would have indicted him for treason. In the latter case I would have arrested him and tried and punished him if he was guilty. Owing, however, to popular clamor and the course taken previously in the case of Louisiana, it was resolved to have new constitutions made and new governments organized in all the States where the rebellion had been, the same as though the old had been abrogated. This gave rise to the vexed question of reconstruction, of which so much has been said to such little purpose.

Now, pray, what had the President to do with reconstruction except as Commander-in-Chief of the Army? All he could do was to keep order in the meanwhile, and in doing this he was bound by no laws except those which bind the General to preserve the peace till the civil governments could take the matter off his hands. Nor had Congress anything to do with it, except in so far as to provide the means, such as men and money, to enable the General to do his duty.

Neither the President nor Congress have the slightest power or authority to interfere in the making of State constitutions or State governments, except that both are expressly bound by one of the guarantees of the Federal Constitution that they will allow nobody else to interfere. The States themselves must be allowed to perform that duty for themselves, free from outside force or outside dictation; and when they thus act of themselves freely, the constitution and governments they make will of necessity be republican in form; no matter what may be thought of them by people who do not live in the State and who cannot in any way be affected by them.

I do not know what people believe now, or what kind of notions they have about our Government; but at the time the question was started everybody believed that if a State was to have a government at all, that government must be made by the people of such State and by nobody else. Then came the difficulty. Who are the people? And what does the term include, and in what sense is it to be taken? Is it people in the popular sense; men, women, children, black people, white people, everybody? Or was it to be taken in its limited political sense, as when you submit a question to "the people," you submit it to the people who are entitled to vote? That is all clear; but another difficulty still followed. How are we "to tell" who are entitled to vote? The people designated by the law of the State is the only answer possible. The President is sworn to see that the laws are executed. What laws? The laws that he finds made, not the laws that somebody thinks ought to be made. He must take the laws as they exist. Then the President of the United States, Mr. Lincoln, in the first place, went to the laws of the State to ascertain who were the people entitled to vote, and he intrusted them with the making of the State governments. When the present President came into power he followed that example, and he intrusted the making of their State governments to the people of the States; that is the people who were entitled to vote by the laws of the several States. Who could complain of that?

I heard the other day, and I have frequently heard gentlemen make a great to do that both the Presidents in doing what I have just mentioned had usurped legislative powers; that they had authorized people to make governments, and so on. I deny it. In all this there is not assumed any legislative power whatever, but the very reverse, as it cannot be usurpation of law-making power to defer to laws already made. Now, when Mr. Lincoln and Mr. Johnson permitted the people of the several States to make governments for themselves they merely permitted what was lawful, but made no new law. And again, when the present President sent down to the people of the southern States and said: "You had better do this and you had better do that," that was not usurping legislative authority; that was not making law, it had no resemblance to making law; and any lawyer ought to know that it had not. Counsel is one thing and law is another; law must be obeyed, but counsel is advice which you may follow or not. Nor did the recommendations of the President bind the southern people. They were not bound on that account to repeal their secession ordinances, or to repudiate their rebel debts, or to do this, that, and the other thing.

The President of the United States cannot make law; could not if he were to try; and even if we grant he had no right to give advice or impose conditions, still it does not lie in your mouths to complain if the advice was good and the people took it. It is no business of yours if the conditions were wholesome and accepted by those to whom they were tendered. The southern people do not complain. Why should you? Is not your carping at this mere hypocrisy? And would you not have raised a much greater clamor if the President had not taken the course he did. The truth is that you who now profess to be shocked at this pretended usurpation were only sorry at the time that it had not been far greater. If Mr. Lincoln had let the negroes vote in violation of all State laws, or if Mr. Johnson had refused to let any white man vote in the South, you would have thrown up your caps and shouted your applause. Again, if you were allowed here in Congress to carry out the most stupendous of all usurpations, that is, the making of constitutions for the States and compelling these people to adopt them, then you would, in the same spirit of canting hypocrisy, proclaim to the world that you were guarantying to them republican forms of government, while you let alone your own States having the some provisions.

Mr. TRUMBULL. Did he not make a law in prescribing qualifications for the probate judge of Mobile?

Mr. COWAN. I do not know anything about that. That was not the question. Why do you not charge him with that? That is in your programme, not ours. If he refused to allow Semmes to be probate judge have you a right to complain of that?

Mr. TRUMBULL. Did you not say he did not make the law?

Mr. COWAN. I say in this particular case he did not. I say it now, and I say it all the time. There was no law about it. If he did radical things against the law you can attend to that. That is your business, not ours. In this business of reorganizing State governments, who was to make the State governments? Why, the people of the State, as I said. Who are the people of the State? The people of the State are designated by the law; and I say that if the President erred at all, he erred on your side. He restrained, he limited the people who were to make the governments. He required a new oath of allegiance.

Mr. TRUMBULL. Was not that making laws?

Mr. COWAN. Not at all, because nobody was bound to take the oath of allegiance. I wish the chairman of the Judiciary Committee of the Senate to know that when the law speaks it speaks to command, and it commands where it can compel obedience. Let the honorable chairman read the first chapter of Blackstone. Let him understand the difference between law and counsel or advice, particularly when the fate of an empire may depend upon the construction that he puts upon it. I say it is absurd and ridiculous to talk about the President of the United States making law or making anything that anybody is bound to obey as such.

Mr. TRUMBULL. Will the Senator from Pennsylvania answer me this question——

Mr. COWAN. Any question you choose to put.

Mr. TRUMBULL. Did not the President appoint a man provisional governor? Is there any law under Heaven for it? Did he not pay him a salary? Is there any law under Heaven for it, civil or military? Did he not say that certain persons should not take part, and did he not compel——

Mr. COWAN. I want to know whether you quarrel with him for that?

Mr. TRUMBULL. That is not the question.

Mr. COWAN. Yes, sir; it is the very question. I agree that the President did a great many things that I was not in favor of, but they were done under your influence, under your auspices; you encouraged them, and you cried *Io triumphe, io triumphe;* and now you ask me to explain them. I am not here to explain any of those things. Attend to your own side of the question. You have got enough to do there.

Mr. TRUMBULL. The Senator from Pennsylvania asserted that the President had usurped no authority; and when I ask him a question, if there was any authority for an act done, what does he say? "Oh, that was your business; you may find fault with him for that." That is the answer he gives.

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Mr. COWAN. I consider it the height of audacity—I do not put the Irish phrase exactly—to ask me whether that is usurpation or not; that any individual in the United States Senate who is in favor of a bill creating a military despotism all over the southern States should ask me, when I am in favor of that action of the President, which has been perfectly lawful, which has been perfectly free from any objection whatever, to explain this abnormal, eccentric action of the Executive. What right has a Radical to ask about the appointment of a provisional governor of a State when he proposes to destroy the free government of the States and establish a military despotism in their stead? I might ask his question, and I might get up a very handsome quarrel with the Executive upon that subject; but I do not know by what right gentlemen here, who take these excessive grounds, and who encouraged all these things and insisted that there were not half enough of them, come around now and say that this is an offense. Here is a Radical who wants military commissions and says the Supreme Court ought to be abolished because they have declared them unconstitutional. He comes to me and says, "Why, the present President authorized them to a certain extent." What have I got to do with that? That is your side of the question. And I have only to say to the honorable chairman of the Judiciary as to all these things that is his side of the question; not, indeed, as to military commissions, because I give him great credit for his opinions and his arguments and his efforts upon that question. We were together upon it; and I trust I shall never fail to award to all men their deserts in any particular department, no matter how much they may be lacking in others.

If I had been the President I am very free to say I would not have appointed provisional governors, although I heard no cry come up from the true and genuine radical patriot, the fellow who had the real ring, and nobody else had the ring, at the time when it was done. I do not believe we would have heard anything about it if the President had followed in the lead steadily and consistently in which it was supposed he started out. It was supposed that the assassination of Mr. Lincoln was a God-send, and that instead of having a King Log who would not hurt anybody and would allow everybody to set up and croak *ad libitum*, you had got a King Stork to devour the southern people wholesale. If President Johnson had gone on playing Stork, if he had really usurped, if he had really made laws, and really enforced them by executive power, he would have won your approbation and received your homage, and he only incurred your displeasure when he refused to break his oath of office and sanction the most monstrous and palpable violations of the Constitution. It is not that he has done that you complain of, but that he has not done enough of it that you quarrel with him.

I am sorry, Mr. President, that this digression has drawn me away from the point which first attracted my attention, and that was that the honorable Senator from Ohio says these are not governments; that they are mere pretended governments; that they have not been submitted to the people, &c. Suppose that is all true; suppose that the President made a great mistake; suppose that Mr. Lincoln made a great mistake in regard to the government of Louisiana; and suppose that Mr. Johnson made a great mistake with regard to North Carolina as to who should make the government; who complains of it? What is wrong about the government? I doubt very much whether the Senator from Massachusetts [Mr. WILSON] could pick out wherein the constitution of North Carolina differs from that of Massachusetts; and I am very certain that the honorable Senator from Illinois at this time could hardly tell wherein the difference between the constitution of Louisiana and that of Illinois consists. These constitutions that the people have made are all right enough. We have all read them. They are very good constitutions, quite an improvement, evidently a very great improvement upon American constitutions made in the early part of our career, if it be an improvement to make them more and more liberal.

Now, when a constitution is made, and when the people acquiesce in it, and when they are living peaceably under it, and do not agitate to be relieved from it in large numbers, why not let it alone? Why should people living under other constitutions and in other States busy themselves to overturn these governments and institute new ones in their stead? I do not know. That is the reason I ask the question. Are not these good constitutions? Are not the laws which are made under them good laws? Do they not, if executed, protect the people in their rights of person and property? I agree they do not allow negroes to vote, and they should not unless the people of the State choose to grant them the privilege, because that is a function which the people must eventually exercise and which they will exercise. It is essential to the very existence of a free State that it shall determine itself who shall wield its political power.

It is idle to say that a State can be free and that somebody outside of it shall dictate who shall cast its ballots. If that is the case, why may not somebody outside dictate who shall be its officers? Why not? Does not the ballot select the officers? If you give me leave to tell you who shall vote in your State, I will tell you who shall be your officers. In olden times, when liberty was understood and when freedom was a thing to be prized and esteemed as it ought to be, nobody dreamed that any power *dehors* the State should say who should vote; and for one of the best reasons in the world. Why should I say who should enjoy the right of suffrage in Illinois? Suppose I, a citizen of Pennsylvania, should undertake to dictate those who should vote in Illinois? The stupidest man in the State would tell me, "What have you to do with Illinois? The Governor of Illinois does not govern you; the Legislature of Illinois do not make laws for you; the courts of Illinois cannot draw you into their jurisdiction; what, then, have you to do with Illinois?" I should like to know how any Pennsylvanian would answer that question. And the fact that no one can interfere except citizens of the State in its governmental affairs constitutes the very essence of its freedom.

Now, however, all things are changed, and the Senator from Massachusetts, in the large, all-embracing philanthropy which distinguishes him, thinks that Mississippi or Alabama, or indeed any southern State, has no right to enjoy this privilege of a free State. Why? Why, says he, they will not let the negroes vote. Think of it! What an outrage on the part of Mississippi or Alabama! And he, forsooth, has a right to reach in, *dehors* the State from the outside, and regulate Alabama and Mississippi; and if Alabama and Mississippi do not be regulated he will make them regulate. Now, if an Alabama man were here, would he not have the right to say: "My dear sir from Massachusetts, you are a very clever fellow and I like you very well; but would it not be just as well for you to attend to your own business and regulate Massachusetts, especially as the laws of Alabama and the laws of Mississippi do not affect you in the slightest degree?" I remember the time when there was no answer to this.

As I said to-night before, if this is to be a consolidated Government, if all State lines and State distinctions are to be broken down, and we are to have a consolidated Government, a centralized empire, why not say so? I will tell you then what I think about it. I know a great many arguments that go to sustain that view as the proper one. But, sir, we went up to your desk and we took an oath to observe the Constitution. I do not profess to be a remarkably religious man, but I do not like to break my oath. I have that foolish kind of superstition that a man ought to keep his oath. Now, if the American people are willing to consolidate and have a new constitution; if they are willing to centralize all political power in the Federal Government, I shall yield myself to their will as gracefully as anybody; but I do say that I cannot abandon the old till I am liberated in some way from the obligation they have imposed upon me to sustain it as it is at present established.

Then, I ask again, what have we to do with these southern State governments? Nothing in the world. The State government is made by the people of the State. If the State of New York chooses to alter her constitution to-morrow, what have Congress to do with that? If the State of New York makes a constitution which my brother MORGAN thinks is not the right one, and which does not give him the rights, liberties, and privileges that he thinks are his due, he does not appeal to Congress; his remedy is that he can come over to Pennsylvania, and he can perhaps have them there. That is the only remedy that any of us have. I cannot in Pennsylvania get a constitution made there that exactly suits me. There are a great many things that I want put in the constitution that the people of Pennsylvania will not agree to, just because they do not see it precisely as I do. If I thought these things were insufferable, intolerable, not to be borne, I may go over to New York or Ohio or any other State in which I can be suited; but I could not expect aid from any of the people of other States to assist me in coercing Pennsylvania into a new constitution just fitted to my case.

The Senator from Massachusetts thinks, on the other hand, that we ought to supervise the State constitutions in order to see that they confer as many privileges on the negroes as they grant to white people. That seems to be his notion of what the United States ought to do—indeed, what it was created to do—but I have not heard him claim any such right for us on behalf of the whites whom the States disfranchise. He has not done it for foreigners who have to wait five years; he has not done it for women, for minors, or for the poor who cannot pay the qualification tax, or indeed for anybody but negroes. Why should he do it for them alone? His people whom he patronizes, and who are his *clientela*, and who follow him as they did the old Roman in ancient times, have the same power and remedy precisely that the classes named as disabled have. If they do not like a particular State they can go to some other one; but I do not know that they have any right to insist that the whole State shall be remodeled in order to suit their particular case; and I do not think they have any right to ask an outsider, who has nothing to do with it in the world, and who is not to be governed by these things, to come in and help them to coerce a majority of their fellow-citizens to make things to suit them.

Mr. President, this was all I had to say to the honorable Senator from Ohio at the time that I desired to interrupt him. I wanted to know by what authority, by what warrant, he undertakes to say that a State in this Union has not the government that it ought to have? By what warrant does he undertake to say that a southern State has not that government any more than a northern State? I know he would not dare to say that Pennsylvania had not that government, or that Massachusetts had not it, or that New York had not it. Then by what warrant does he say that Mississippi has not got it, that Alabama has not got it, or that Louisiana has not got it? By no warrant at all, except the warrant of the conqueror, the warrant of the man who cuts himself loose from all constitutions, all laws, all

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obligations, and who proceeds by virtue of sheer force only. What does sheer force amount to? I believe William of Normandy did whip Matilda, while he was courting her, with a bridle—it is so reported by historians—and a union resulted afterward; but that is the only union that I know of that resulted from such a flogging as that was.

Now, Mr. President, our Union is either a fact or it is a delusion; it is either something or it is nothing. If it be a fact, or a Union at all, then it is a Union made of States. If it is not such a Union, then it is only a name, without any of the attributes of a real Union. If it is of this last class of creation, what a terrible pack of fools we have been. Think of it! Have we been following such a will-o'-the-wisp, an *ignus fatuus*, or a jack o'lantern? Have we been carrying on a terrible war during five years last past—hundreds of thousands of men slain, thousands of millions expended—for a mere phantom which exists only in contemplation of law, but has no reality? If the Union is a reality, and we have been fighting, struggling, and expending the national blood and the national treasure for it as such, then the States which make the Union are realities. If that is not logical I must confess I do not know what is. If they are not, then the Union is gone; the Union is a failure; and we were fools to have relied on it. Then we should have taken the advice of some politicians who said to us at the outstart, "Do not make war; war will not make a Union; war will destroy the Union; war will not heal the breach, it will widen it; war will not bring people together, it will separate them further apart." No, no. We said that opinion was semi-treasonable. And after we had made a war for about four years, these same deluded people, who did not love the country of course, who could not love it, who could not have the same affection for it that we had, although they had in it wives and children and property as we had, met at Chicago and "resolved the war for the restoration of the Union had been a a failure." What then? What did we do? All over the country, everywhere, we shouted that this resolution was little better than treason! We did not treat it very fairly I agree. We pretended to say, in the first place, that they meant that this was not a good or a just war.

But they could not have meant it was not a war of great battles, with great glory and great destruction of men and money. Surely not; but as I said before——

Mr. SAULSBURY. I wish to correct my friend in one particular. The Republicans of the country have published it far and wide, their newspapers have so published it, their speakers have so published it, that the platform of the Democratic party at Chicago said that the war had been a failure. I suggest to my honorable friend that it said no such thing. It said this, and it said no more: that the war had failed to restore the Union. There is a very great difference between the two expressions.

Mr. COWAN. That is just what I was coming to exactly. I say that is what they did say exactly. I say they did not mean to say that the war was a failure. The war was a successful war. It killed great numbers of people; and we had the greatest battles, and more of them than in most wars. They were not such fools as to assert that, although they did say it failed to restore the Union. That is what they meant to say. They said, although it was a good war to cover the ground with dead and trench the earth with new-made graves, yet that it did not fulfill its purpose. I did not believe it at that time, and I was sorry that they said so, because when the war began I thought it would restore the Union if it was well managed and in prudent hands. I had no doubt of it; and even then I thought if we had a fair chance it would still save the Union, and therefore I did not like this Chicago utterance by any means. But I had no expectation that the Radical party here to-day would come and try to verify it. I never dreamed of such a thing. I never dreamed that I would have found Senators from Illinois and Senators from elsewhere, from patriotic, loyal States, coming here to prove that what the Democrats said in that resolution was true. I would have died first. I would have been torn to pieces by red-hot pincers before I would have done that, I would have said the war is no failure; and to prove my assertion I would have restored the Union on the spot, and made it a monument worthy of the struggle made to save it. But we had a parcel of timid people, who are afraid of twenty Senators here and fifty Representatives in the other House from the South, and they would not restore the Union. They were afraid "some dev'lish cantraip slight" might occur by which they would not get into office again; that their chances were better with it broken and disrupted than if it were to exist again in its old integrity.

Sir, I would have restored the Union at once. I would have done it if it had been for no other purpose than to show these fellows at Chicago that they did not know anything about it. And, Mr. President, to be serious about this subject, that was all along in my mind. I wanted to show, not only to those who doubted, but to the world, that the American people, democratic as they were, popular Government as theirs was, could put down a rebellion, rescue a people who were involved in it, and restore their Union. I wished to show to the world a Government intact, reproduced in this way out of the fiery flames of war. I would have done it if I had had my way, and I would not have been here to-day, as my Radical friends are, to indorse the Chicago convention. I would not have been here to-day to fulfill the prophecies of my Democratic opponents, which they made in 1864. I would have been ashamed of it.

And yet that is the position in which we are now placed. That is the position in which this bill places us. We admit by it that popular government is gone, gone over ten States; the Union is gone over ten States; the Constitution is gone, liberty is gone; everything for which men have struggled and toiled and bled and fought and pleaded for centuries upon centuries, Magna Charta, the petition of right, the bill of right, the writ of *habeas corpus*, everything is swept away. What for? To verify a resolution of the Democratic Chicago platform of 1864. If you had any respect for wise men, for prophetic men, for men of clear vision and insight into the future, you would call that convention to take the Government off your hands and conduct it. Why not? How did they discover this great fact that we did not discover? How did they foresee that if it was not a failure then, in 1864, we would make it one hereafter, in 1867?

Mr. President, there is but one safe course for this Congress and this people, and that is to stand upon the Constitution as it now exists and the laws made in pursuance of it, and the construction which the Supreme Court may put upon them. It may grate upon the feelings of some as the operation of all Governments must grate more or less, but that will be the wisest and the best course for the American people. Whenever they abandon that they are at sea. Cut loose from it and where are you? Rhode Island refused to accede to the Constitution of the United States for two years after it was enacted, and so did North Carolina. Was force used to bring them in? What hold had you on Rhode Island or North Carolina? What hold have you now on North Carolina? The hold you pretend to have is the hold of military despotism; because you can, you will, not because you have a right. How long will that hold remain? It will remain this session of Congress, and perhaps the next, and perhaps the next after that; but everybody knows the law by which these holds are retained. You hold these States just as long as you can and no longer. Is there any Senator to-night who supposes we can hold these southern States, if we undertake to govern them by military rule, any longer than we can maintain that rule? I think not. I never heard anybody pretend there was any other guide, any other law of it than that: "just as long as you can and no longer."

Mr. President, I have no words, I have no heart to express what I think of this bill. I had hoped all the time, and hoped even against hope, that this cup of humiliation would have passed from us, that returning sense, returning reason, returning humanity, Christianity, anything that is good and great and generous and noble, would have come to our rescue before this had come to pass. Do gentlemen suppose this is demanded on the part of the people? I can say to them that in a journey of three or four hundred miles in the country in the last four or five days I did not meet a man who did not hoot at the idea of this bill being passed, no matter to what party he belonged. That we, the descendants of revolutionary sires, we who had prided ourselves upon our Government, upon our institutions; we who had held ourselves up as a model for other nations, should in the short space of six years so far forget everything that had heretofore been deemed sacred, true, wise, and salutary in politics, as to attempt the establishment of a military despotism over any part of the American people! And particularly is it astonishing that this should be done in the light of such recent lessons of history. We ourselves are monuments to-day of the destructive character of such a policy. You have listened to speeches on this floor to-day deprecating it. Go to the debates of the British Parliament, and read Fox, Pitt, and Burke on that same subject, in that same strain, wherein they begged the English Government not to treat the Colonies in the way they were doing, and they did not pretend to treat them as this bill would treat the South. What was the consequence? The consequence was that they lost the Colonies; the brightest jewels in the Crown were torn from it by our forefathers, and this once great and glorious fabric established.

Is it not strange that in so short a time we should have forgotten all for which we struggled? What was the struggle for? No man is such a fool as to suppose that there ought not to be some good reason why New York wants a Union. Has New York any natural right to govern the people of Virginia? I do not think Pennsylvania claims any such right. We did not make this war because we insisted that we had a right to govern the southern people. Instead of making it for that purpose we proclaimed always to the world that all peoples had a right to govern themselves, that we governed ourselves upon that principle; and after the war commenced we declared that it was not to conquer the people. What, then, did we make war for? We made it for the Union. And I have sometimes been astonished to find after all the talk of Union how little the Union is understood. Because Russia governs Poland that is not a union. Because England governs Ireland that is not a union, except so far as it is voluntary on the part of Ireland. We prized the Union because the Union did certain things for us that we could not do very well as States. We did not want thirty-six different post office establishments, and therefore we agreed to give the General Government the right to have one Post Office establishment all over the Union. See how convenient it is! If we had thirty-six of them there would be a terrible time in getting a letter through eight or ten different States to go to eight or ten different post office departments to be checked and stamped, &c.

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Again, it was a great convenience to the people of this country to have uniform laws of bankruptcy. We have had that matter up. We established a Union for that purpose, so that what was a discharge in one State would be a discharge in another State.

But the great and paramount object of the Union, the one for which it was made and the one which, if you take away, Pennsylvania does not want a Union and New York does not want it, was that we might be strong from the Union; that instead of each State having an army and a navy of its own, there might be one Army and one Navy for all; that instead of settling their disputes by the arbitrament of the sword, they might be settled in the Federal courts and through the medium of the Federal Government. If it was not for that we should not have made war for the Union. If any man could have assured the Senate and House of Representatives in 1861 that there was no strength in the Union, that there was no convenience in the Union, we should not have gone to war. I would not give you anything to live under the same Government with a man in Florida if I was not to be the stronger for it or to save expense by it.

Now, for the corollary: I ask you, I ask all Senators, what will be the effect of this bill upon the strength of the Union? Is any man so mad as to believe that a Union will be strengthened by making one third of the people bitterly hostile and antagonistic to the remainder? If these ten States were put under military despotism by us, of course they will be hostile and inimical to us; and if we should come in contact with a foreign Power under such circumstances, they will diminish our power just in proportion to their weight in the scale in comparison with us. Instead of making the Union strong, a military despotism will make it weak. If we have twenty million inhabitants and these ten States have ten millions, and we hold them by a military despotism, then we have ten millions of our force checkmated by them in the event of a quarrel with a foreign Power. It would have been better if we had let them go entirely, as in that event we would had the force it takes to hold them free to be used in our defense when needed. Hence I venture the assertion that we lose every advantage which we derive from the establishment of the Constitution of the United States of America, and which we have been in the habit of expressing by the single term "Union," the instant this bill becomes a law and is carried into effect.

Then, Mr. President, what is the difficulty about restoring the Union? What is the difficulty of restoring it just as it was, and according to its original frame? The most that any human being can make of it, any unprejudiced individual, is this: that there will be twenty Senators coming into this Chamber from the South. Surely gentlemen are not afraid of them because they have been what they call rebels. At least I see people that were in the rebellion, and in it pretty strongly, circulating around among gentlemen here without any apprehension seemingly on their part; and I should think that if they had any apprehension, there is a remedy, but not such a one as they prefer. But suppose twenty southern Senators should come in here, what then? That would not change the Radical majority; they would have a majority still, and a good working majority, and I would say a far safer majority, a hundred times over, for a party, than the majority it has now; but you could not pass bills over the veto. Suppose you could not, what of it? That would be but a healthy, normal working of your institutions. Obstructions, and among them the veto, have been put up as barriers to prevent people, when they get crazy, from doing such extraordinary mad things as we saw done by these revolutionists.

Suppose you could not pass a law at all, have you not enough? We got along very well with what we had up to 1860 or 1861; and I think wisdom would have dictated that no new law should have been put upon the statute-book which excites these angry discussions, and which arouse these feelings of partisanship to such an extent as to endanger the very Government itself. Hence, when these difficulties occur, is it not of the greatest importance, of the most vital moment, that some hand shall stay faction till the time for the sober second thought of the people comes? You are not afraid that by the addition of twenty men to the minority here you would be beaten, that they would do any mischief. You do not fear that; you cannot fear it. All this hue and cry about restoring them to the rule of the country is mere badinage to catch the partisan ear of the stupid, who will not look further in to see whether it be true or not. Twenty Senators here might keep you from doing mischief; but twenty additional Senators here could not do mischief if you were true to your duty. Fifty members more in the other House might keep that House from doing mischief, in conjunction with the President; but they could not do mischief, and they could not, even joining themselves with the Democrats, be able to do any conceivable mischief. And yet you will not allow these States to be represented. Why not? You would take from men the highest and holiest of their rights, whether guilty or innocent, and say no matter. Sir, even the hand of the barbarian was stayed by, "Strike, but hear." You strike, but you will not hear.

Reconstruction.

SPEECH OF HON. G. F. MILLER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 13, 1867,

On the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States.

Mr. MILLER. Mr. Speaker, the bill under consideration is one of grave importance and has been attacked with great severity. It contains five sections. The first divides the ten late insurrectionary States, to wit, Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, into five military districts, to be subject to military authority—Virginia to constitute the first, North and South Carolina the second, Georgia, Alabama, and Florida the third, Mississippi and Arkansas the fourth, and Louisiana and Texas the fifth district. The second section designates what officers shall be assigned to the command of the districts. The third section provides:

That it shall be the duty of each officer assigned as aforesaid to protect all persons in the rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, anything in the constitution and laws of the so-called States to the contrary notwithstanding; and all legislative or judicial proceedings, or process to prevent or control the proceedings of said military tribunals, and all interference by said pretended State governments with the exercise of military authority under this act, shall be void and of no effect.

The fourth section provides when and in what manner writs of *habeas corpus* may issue, and the fifth and last section provides—

That no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and laws and regulations for the government of the Army shall not be affected by this act, except so far as they conflict with its provisions.

The main argument urged against the passage of this bill is that the proposed law is unconstitutional—that the said ten late rebellious States have organized governments, and therefore no power exists in Congress to extend over them martial law to take the place of the civil law. I admit, Mr. Speaker, that this extraordinary power should only be exercised in extreme cases. It is, however, a universal rule among all civilized nations that, when the civil law is not strong enough to afford ample protection, the more powerful, to wit, that of martial, must be resorted to, and it is evident that these ten States present a case demanding such extreme measures. The civil governments of which we hear so much were not established by the action of Congress, but under the auspices of Andrew Johnson, the present Executive, without any authority delegated to him for that purpose. These pretended governments do not afford adequate protection to the persons and property of the loyal people resident therein, hence the necessity of a more stringent procedure. Is there anything in the Constitution of the United States, adopted by the Convention on the 17th of September, 1787, and ratified in 1789, vesting in the Executive alone the establishment of governments in these States? In that instrument it is declared—

"That the Constitution and the laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land; and that the judges of every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

Who, then, can make the laws? Not the Executive, as he possesses only the power to give or withhold his assent when bills are presented to him. The answer is indicated by the Constitution, and that is, it rests with Congress to pass laws, and if the Executive interpose the veto power, such bills can, notwithstanding such veto, become laws if the same shall be passed by a two-third vote in each House; thus showing clearly that the Executive alone had no power under the Constitution to undertake to reconstruct these ten rebel States by establishing civil governments therein, and his acts in that matter were usurpation.

Then the question recurs, have Congress under the Constitution power to pass the bill under consideration? The fourth section of said Constitution provides that—

"The United States shall guaranty to every State in the Union a republican form of government."

This injunction vests in Congress plenary power to use all measures necessary to accomplish such a result. These ten States are in a peculiar position. Having rebelled against the Government of which they are a part and attempted to set up one independent to that of the United States, they by that act suspended their operation as State governments, and are amenable to the General Government, which they attempted to destroy, for their conduct; and it is incumbent upon the United States to secure to the citizens of those States a republican form of government. But as it is evident from the disposition manifested by the majority of those residing therein that they are not in a proper mood to be governed by the civil laws, hence the necessity of employing for the present more powerful means.

It is said, Mr. Speaker, that if they are to be considered as States then we have no power to extend over them in time of peace martial law. In answer to that I have to say that although the open rebellion in arms has been subdued, still the people therein who participated in the rebellion yet show in their actions a rebellious spirit, and it must be borne in mind that the Constitution expressly declares that to "every State" a republican form of government shall be guarantied, showing evidently that the patriots who framed that instrument contemplated that a contingency might arise that would require the exercise of extraordinary power. In order to sustain this bill on constitutional grounds it is not necessary to argue the doctrine promulgated by some, that in consequence of the rebellion these States must be considered as territories or

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conquered provinces. Sir, I hold to no such theory. They are States, and called such by the Constitution; but, as I have said, by rebelling they have suspended their governmental organization, and in order to enable them to stand in proper position with the States that remained loyal they must submit to such regulations as Congress may prescribe.

This bill is not intended as a permanent arrangement, but only to secure the rights of all persons residing in those States until a civil government can be organized upon the basis of a republican form, which will be as soon as a loyal spirit is manifested by those who were in rebellion. If, as contended for by some, Congress possessed no power to extend such laws over the late insurrectionary States, then the nation would be unable to maintain its nationality, or, as asserted by a high official under the administration of James Buchanan, though no authority exists in the Constitution for a State to secede, but in case an attempt was made there was no power to coerce. I am happy to say that such infamous doctrine is not taught by the Constitution nor sustained by any precedents, and no true loyal citizen ever did, and I trust never will, maintain such an absurd idea. Then, Mr. Speaker, as to the necessity and constitutionality of the bill under consideration I upon mature deliberation have no doubt; and its provisions, if faithfully carried out, will surely hasten the restoration of those States to full political rights, so as to give them a representation in Congress, and on this point I will add that this bill, or a similar one, is asked for by the loyal citizens resident therein.

I am somewhat surprised, Mr. Speaker, at the arguments of some of the gentlemen on this side of the House. The honorable gentleman from Massachusetts [Mr. Banks] finds fault because the bill does not provide a mode of restoration. Whether an amendment of that kind may be offered in the Senate I of course cannot say; that, however, is a subsequent consideration, but suffice it to say that stern justice demands speedy action in order to afford adequate protection, and there is no time to cavil; let us do one thing at a time. This bill has been agreed upon by the Reconstruction Committee, composed of members from each House. If, as the gentleman seems to fear, the President does not appoint competent officers and fully carry out the provisions of the bill, he will be amenable to the nation, and I have no doubt will be dealt with by Congress as justice may demand; nor do I see what the disposition made by Alexander the Great when he conquered a Province, of which the gentleman spoke, has to do with these rebellious States. The loyal people, I have no doubt, will take care of the Government. The honorable gentleman from New York [Mr. Davis] also interposes objections to the bill, and one remark made by him I must confess struck me with astonishment. After speaking of supposed sincerity of rebels, he said:

"St. Paul was sincere and conscientious when he persecuted the saints, and Lee I doubt not was sincere when he cast his lot with the confederacy and attempted the overthrow of the Government."

Though the Apostle Paul when he persecuted the saints, owing to his training in strict conformity to the sect to which he was attached prior to his conversion, may have thought he was doing God's service, is that any apology or palliation for Lee when he turned traitor against his country? He was educated in the military school of the United States and instructed in all the arts of war, and, being aid to General Scott, he became acquainted with all the plans of our Government to suppress rebellion, and being thus indebted to the United States for his education and information so as to give him superior military skill, he turned against his country, joined the rebellion, and used all the training and information imparted to him by the Government he had sworn to maintain, to destroy this Republic; and he caused to be slain thousands upon thousands of loyal soldiers, and the land to be filled with widows and orphans. Sir, ought a man of that kind be eulogized? No punishment is too severe for him, and it is a disgrace to the nation that he should escape condign punishment. There is no excuse or palliation for his conduct, and I look upon his crime as infamous, and such as ought not permit him to enjoy the blessings of this Republic; and it would have been a credit to the nation if such leading rebels had been disposed of by military commission.

It is useless, Mr. Speaker, to undertake to answer the arguments of the gentlemen on the Democratic side of this House, as they all oppose any reconstruction, but favor the admission of Representatives from those ten insurrectionary States without any guaranty whatever for their future conduct, and desire that they should retain their present pretended State governments, for which they claim to have the sanction of Andrew Johnson, the President of the United States. This, sir, never will be allowed as long as we have a loyal Congress who stand up for a safe and secure Government. I trust this bill will pass without any further delay, so that the people in those States may have adequate security for their persons and property, and the disloyal element be kept in subjection.

Reconstruction.

SPEECH OF HON. E. DUMONT,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 16, 1867.

The House having under consideration the President's annual message,

Mr. DUMONT said:

Mr. Speaker: I ask the Clerk to read the paragraph I have sent up to his desk.

The Clerk read as follows:

"A hotel keeper in Washington posted on his dining-room door the following notice: 'Members of Congress will go to the table first, and then the gentlemen. Rowdies and blackguards must not mix with the Congressmen, as it is hard to tell one from the other.'" [Laughter.]

Mr. DUMONT. Mr. Speaker, I do not think the paragraph just read has much application to the remarks I shall beg leave to submit, but seeing that some of the members are a little drowsy, and fearing that no remarks of mine would disturb their slumbers, I thought I might, perhaps, accomplish the object by bringing to their attention this brutal assault on their own reputations. I do not wish to move in the matter myself, being young and inexperienced, but would suggest the raising of a committee to find out the name of the assassin, and have him dealt with for his impertinence and vulgarity.

What I propose to speak about for a brief period is the decision of the Supreme Court recently made in the Garland case, to the effect that the act of Congress requiring attorneys-at-law to take what is familiarly called the iron-clad oath is unconstitutional and void, and cannot be enforced; and that the applicant Garland, an acknowledged traitor, cannot be required to take it nor excluded from the bar for refusing to do so.

The decision was not unanimous; it was made by a mere majority of one of the court, five on the one side and four on the other, and does not carry the moral force of a decision made with unanimity. If it is not so the decision of a mob might command respect, because a mob has heads enough, as Franklin said, but no brains.

It may be that what I may say may not have much influence with the court, and may not move those who hear me; but as has been well said by a sensible author, the true and philosophical speech-maker in Congress addresses a greater and a grander auditory than that which surrounds and hears him. He speaks to hearers in farm-houses, in hamlets, and in cities. He directs his voice to dwellers in granite hills, fertile plains, and golden valleys. He addresses an audience not so fixed in error nor so firmly grounded in the truth that they cannot be moved if sufficient motive is presented. He strives to move those by whose movements the earth is shaken, and before whose breath judges, rulers, and politicians fly as chaff before the wind.

As I shall want to introduce the oath required by act of Congress into my speech, this would seem to be an appropriate place to do so. It is set forth in the opinion of Judge Field, of the majority of the court. As I would do no injustice I prefer to use his own statement of the case. He states it thus:

"On the 2d of July, 1862, Congress passed an act prescribing an oath to be taken by every person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval departments of the public service, except the President of the United States, before entering upon the duties of his office, and before being entitled to its salary or other emoluments. On the 24th of January, 1865, Congress passed a supplementary act extending its provisions so as to embrace attorneys and counselors of the courts of the United States, which provides that after its passage no person shall be admitted as an attorney or counselor to the bar of the Supreme Court, and after the 4th of March, 1865, to the bar of any circuit or district court of the United States, or of the Court of Claims, or be allowed to appear and be heard by virtue of any previous admission or any special power of attorney, unless he shall have first taken and subscribed the oath prescribed in the act of July 2, 1862. The act also provides that the oath shall be preserved among the files of the court; and if any person take it falsely he shall be guilty of perjury, and upon conviction shall be subject to the pains and penalties of that offense.

"At the December term of 1860, the petitioner was admitted as an attorney and counselor of this court, and took and subscribed the oath then required. By the second rule, as it then existed, it was only requisite to the admission of attorneys and counselors of this court that they should have been such officers for the three previous years in the highest courts of the States to which they respectively belonged, and that their private and professional character should appear to be fair. In March, 1865, this rule was changed by the addition of a clause requiring the administration of the oath in conformity with the act of Congress.

"In May, 1861, the State of Arkansas, of which the petitioner was a citizen, passed an ordinance of secession which purported to withdraw the State from the Union, and afterward in the same year, by another ordinance, attached herself to the so-called confederate States, and by act of the congress of that confederacy she was received as one of its members. The petitioner followed the State and was one of her representatives, first in the lower house, and afterward in the senate of the congress of that confederacy, and was a member of the senate at the time of the surrender of the confederate forces to the Armies of the United States.

"In July, 1865, he received from the President of the United States a full pardon for all offenses committed by him by participation, direct or implied, in the rebellion. He now produces this pardon, and asks permission to continue to practice as an attorney and counselor of the court, without taking the oath required by the act of January 24, 1865, and the rule of this court, which he is unable to take by reason of the offices he held under the confederate government.

"He rests his application principally upon two grounds: first, that the act of January 24, 1865, so far as it affects his status in the court, is unconstitutional and void; secondly, that if the act be constitutional he is released from compliance with its provisions by the pardon of the President. The oath prescribed by the act is as follows: 1. That the deponent has never voluntarily borne arms against the United States since he has been a citizen thereof. 2. That he has not voluntarily given aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto. 3. That he has never sought, accepted, or attempted to exercise the functions of any office whatsoever under any authority or pretended authority in hostility to the United States. 4. That he has not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto. 5. That he will support and defend the Constitution of the United States against all enemies, foreign and domestic, and will bear true faith and allegiance to the same."

I listened the other day with a great deal of interest to the discussion that took place at the time the Louisiana reconstruction bill was brought up, although it was not entirely confined to the consideration of this bill. I noticed, for instance, the honorable gentleman from Kentucky, [Mr. Harding.] He had manifestly

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been reflecting more on another branch of the argument, and while considering the matter under consideration, spoke to that to some extent. I saw no impropriety in it; none, inasmuch as many measures may at the same time be pending before this House; and if a member speaks pertinently to any one of them he will do a great deal better than I fear I may be able to do to-night. I will simply do as well as I can, and trust to Providence for the rest.

Much interest is manifested now in the country in regard to the decisions of the Supreme Court, in the "iron-clad-oath" case, as it is called. The gentleman from Kentucky [Mr. HARDING] adverted to the fact that we had introduced a bill for the purpose of heading off the Supreme Court, as he seemed to fancy; and he appeared to be somewhat indignant, exceedingly hurt, in regard to it. We were treading upon forbidden ground; it was a sign of the degeneracy of the age; we had no longer any respect for our high judicial tribunals. I do not pretend to give his exact language, but that was the strain of his remarks. Now, if we are to believe it wicked to call in question the decision of a court, that wickedness is one of which very many are guilty. Lawyers are neither better nor worse than other men, and yet that is the stuff whereof judges that we may not criticise are made. Out of a fallible lawyer it were unreasonable to expect an infallible judge, since this is not the day of miracles. An old shop-keeper said that he might make a mistake on his blotter and charge a customer with an item not sold, but if it was on his "legister," as he called it, it was bound to be right and couldn't be up-tripped. So one may possess no very extraordinary qualities as a lawyer at the bar, but transfer him to the bench and he becomes at once an immaculate conception; then it is, so to speak that he is transferred from the blotter to the "legister," and it becomes blasphemous in the last degree to doubt his infallibility.

In this country, where we believe not in the divine right of kings any more than we do in the divine right of constables, nor in the ruling by the grace of God, and do not hold that one class is born booted and spurred, it is folly to talk of infallibility of courts or judges. By old Shylock's test, after all, they are but men:

"Hath not a Jew eyes? hath not a Jew hands, organs, dimensions, senses, affections, passions? fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer, as a Christian is? If you prick us, do we not bleed? if you tickle us, do we not laugh? if you poison us, do we not die? and if you wrong us shall we not revenge?"

We are told now to believe it treason to call in question the decision of a court, the opinion of a judge; that to do so is as blasphemous as to doubt the divinity of Christ or the truth of God's word. We must believe that a judge is shielded by something of that divinity which hedges in a king. Listen to the strains of the honorable gentleman from Kentucky, [Mr. HARDING,] always compact, pointed, vigorous, and perverse, as he reflects upon our doom, on account of this great wickedness. I read from his speech delivered upon this floor a few days ago:

"The other prediction I wish to recall is that of another great man, from a different section of the country, and, as I have said, great in a very different way—a man who loved his country above all things else, a man who looked into the future with almost the vision of a prophet—Daniel Webster. He is reported to have exclaimed on one occasion:

"'Let these infernal fanatics get control of the Government and they will treat the decisions of the Supreme Court with contempt; they will make laws to suit themselves; they will lay violent hands on all who oppose them; they will bankrupt the country, and finally deluge it with blood.'

"Now look at what has been done. That very party obtained control of the Government. There has been war; that war is over, but the Union is not restored; and at this very moment the public debt, mountain high, is casting its deadly and blighting shadow of bankruptcy over the whole country. We are literally bankrupts to-day; and generations to come must be ground to the earth under the crushing weight of this monstrous debt. Has not the land been deluged in blood, been literally reddened all over with the blood of half a million men?

"And last, has not the Supreme Court been treated with contempt here in this very Hall? Yes, sir, we have seen here the attempt to bring into ridicule and contempt the last refuge of liberty for the oppressed. The only hope that now lights up the darkness of the horizon is that court; and that court has been rudely assailed here in this Hall, and why? Because it proclaimed a truth known to every lawyer who has read at all. That truth was that a 'military commission taking charge of a citizen not connected with the Army or the Navy, and trying and executing him, is guilty of murder.' That is the whole of it. And I aver now that whenever a civilian not connected with the Army or the Navy is tried by a military commission, sentenced and executed, that is an act of cold-blooded murder; and there is not a lawyer in the United States who can frame even a plausible defense for such an act. And for declaring that truth the Supreme Court of the United States has been assailed and everywhere treated with contempt. And now, right in the face of that decision of the highest judicial tribunal of this country, it is proposed to re-enact and sanction these bloody military commissions." * * * * * * *

"How long do you suppose there will be any respect felt for republican government in any part of the country? When the Supreme Court of the United States and the Chief Executive of the nation are denounced, when both are ridiculed and brought into contempt, when one third of our whole territory is surrendered up and passes into the hands of a bloody despotism, how long will the people revere the Constitution? How long will these military men in the South be satisfied with this power, with absolute and supreme power over one third of the Union? Does any man suppose they will be content with that? How long will it be before that despotism will extend and enlarge itself until it covers the whole Union?"

"Mr. Speaker, those military men who receive these appointments, who are to be intrusted with this absolute power of life and death over loyal and disloyal, must of necessity have the spirit of tyrants. It is utterly impossible it can be otherwise. No matter what is intended, such is the result. You are going to place absolute power in the hands of the worst men to be found in the United States. There is no true patriot, no friend of his country, who will ever aid in subverting and destroying its liberty. In other words, there is no man who will consent to do the work of a tyrant who is not a traitor and a tyrant himself. I say it boldly, whenever you pass this bill, any man—I do not care what his fame may have been before—who accepts an office like this of absolute power of life and death over one third of the whole country, must necessarily be a tyrant and traitor."

Mr. GRINNELL. Will the gentleman from Indiana yield to me for a moment?

Mr. DUMONT. Yes.

Mr. GRINNELL. I would inquire of the gentleman if he is aware that this assertion, so often repeated upon this floor, that Daniel Webster predicted that the abolitionists would get possession of the Government, ruin it, &c., was one which he never made? It is not to be found in any authorized edition of his works and speeches. And I am ready to offer a large premium to any one who will find it in any authenticated edition of his works.

Mr. DUMONT. I do not say whether Daniel Webster uttered that sentiment or not; I am not sufficiently familiar with his writings, and I confess I have not made any investigation to assure myself. It occurred to me, however, when I heard it, although the gentleman from Kentucky [Mr. HARDING] would not have introduced the statement unless he believed it to be true and genuine, that it was in conflict with the whole tenor of the life of Daniel Webster, and a kind of libel upon his memory. That it is not found in any authorized editions of his works I do not think conclusive, because his friends, those who revere his memory, might have suppressed it as a blot upon his reputation, a spot upon the sun, a stain upon a stainless name. I thank the gentleman from Iowa for bringing the matter to public attention, for if it is not authentic, of which the gentleman is likely to be well informed, it is time it was known.

Now, the gentleman from Kentucky undertook to lecture the member from Ohio [Mr. GARFIELD] for some expressions made by him that he fancied did not comport with the forgiving precepts of the New Testament; and hearing him I was sure he himself would go through his own speech guiltless in that regard. One of the Apostles of our blessed Saviour said, "We know that we have passed from death unto life because we love the brethren." As I listened to the gentleman's scornful words—I mean the honorable gentleman from Kentucky—I was led to fear that he had not himself passed through any such blessed transition. He seemed to love the Supreme Court powerfully, but his love for the soldier was not boisterous, kind of latent, did not crop out much. I fancied that in his words there was more scorn than love, more venom than gratitude; still he seemed to be sincere in what he said and to speak in more sorrow than anger, and I am sure I would not wantonly add to his grief.

"Oh! who a bleeding heart would sting?
For sorrow is a sacred thing."

We must not fall out nor speak as though we had drank at the fountains of bitterness, lest we give color to what was once said—but that was in days of other years when plantation manners were the standard of excellence—that Congress was a collection of small men engaged in the business of shaking their fists in each other's faces.

But how long has it been since it came to pass that courts might not be criticised in just, temperate, truthful, and respectful language? It was not always so. On the contrary, Jefferson and Jackson and Benton and Wright and Douglas and a host of other honorable names who lived in the best days of the Republic, when Democrat meant democracy, did not lift up their hands in horror if that thing was done. Not a bit of it; but on the contrary, they put no padlock upon their mouths and submitted to no such slavish rule as the gentleman from Kentucky might seem to favor, when they deemed it proper and necessary to speak. There may be times when the very stones would speak if man became so base a slave as to fail to do it.

Why, Jefferson, the great Democratic apostle, not only deemed it right and proper to criticise, but went so far as to doubt the binding force of their adjudications, and to intimate that if their judicial legislation and usurpations were not checked they would sap the very foundations of civil liberty. His own golden utterances are better than my poor words. I ask gentlemen to hear the language of the departed sage; it may allay apprehensions and tend to soothe and tranquilize. He is the self-same Thomas Jefferson who said, referring to the villainy of slavery: "I tremble for my country when I reflect that God is just and that His justice will not sleep forever."

Jefferson to Mr. Jarves, September 28, 1820.

"You seem to consider the judges as the ultimate arbiters of all constitutional questions—a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privileges of their corps. Their maxim is *boni judicis est ampliare jurisdictionem*, and their power the more dangerous, as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The Constitution has elected no such single tribunal knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots."

Jefferson to Mr. Hammond, August, 1821.

"It has long been my opinion that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary—an irresponsible body, (for impeachment is scarcely a scarecrow,) working like gravity by night and by day, gaining a little to-day and a little more to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the Government consolidated into one."

Jefferson to Edward Livingston, March 25, 1823.

"One single object, if your provision attains it, will entitle you to the endless gratitude of society—that of restraining judges from usurping legislation; and with no body of men is this restraint more wanting than with the judges of what is commonly called our General Government, but what I call our foreign department. They are practicing on the Constitution by inferences, analogies, and sophisms, as they would an ordinary law. They imagine they can lead us to a consolidated Government, while their road leads directly to a dissolution. This member of the Government was at first considered as the most harmless and helpless of all its organs; but it has proved the power of declaring what the law is *ad libitum*; by sapping and mining, slyly and without alarm, the foundations of the Constitution, can do what open force would not dare to attempt."

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General Jackson, too, had the presumption to believe that there were some questions with the solution of which the Supreme Court have nothing to do, and upon which their adjudications have no binding force and entitled to no consideration. Pursuant to which infidel opinion the stalwart old soldier vetoed the bill rechartering the United States Bank on the ground that it was unconstitutional, though the contrary had been held repeatedly by that court, Chief Justice Marshall himself on the bench. And it is but recurring to history to say that on appeal to the people he was most triumphantly sustained. Referring to the allegation of the friends of the bill that the constitutionality had been settled by the court, he said:

"It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I cannot assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power except when the acquiescence of the people and the States can be considered as well settled. If the opinion of the Supreme Court covered the whole ground of this act it ought not to control the coördinate authority of this Government. The Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives and of the Senate and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress in their legislative capacities, but to have only such influence as the force of their reasoning may determine."—*Veto Message*, July 10, 1832.

The decision of the Supreme Court in what is called the Indiana case is, in my humble opinion, not so wrong as this, for I hold there may be degrees of error. And yet what does Mr. Stanton, the Secretary of War, say of that decision? Does he lay down in the dust simply because it was made, or say, like a man, "it is wrong?"

"My opinion of the law is that all such cases are properly cognizable by military tribunals. I believe that those persons were properly convicted, and that Milligan was also properly convicted. I think that the true exposition of the law of this country, and of every other civilized country of the globe, justifies me in saying that trials, convictions, and sentences by military tribunals were perfectly legal. I do not think that the decision of the Supreme Court in the case of Milligan was justified by any principle of law recognized by any civil Government on the earth. I think it is wholly inconsistent with the protection of persons in the military service, or with the preservation of peace and safety in any of the States in insurrection. Whether this view of the law be correct, or how it can be enforced, if correct, is properly a subject for legislative wisdom, and one on which I cannot make any suggestion."

There was a time when the name of Jackson would stand against the world. Whether he is in good standing in the present Democratic church, or whether there is any one so infernal mean as to do him reverence, I do not know. I rather think not. He, unlike poor, miserable, old Buchanan, had no difficulty in finding a law to put down treason and for hanging traitors, both of which are now counter to the Democratic gospel; and he was not ashamed to speak kindly of a downtrodden race, who had fought bravely at his side, and to call them "fellow-citizens," which no member in good standing in the Democratic church of the present day would dare to do. I simply introduce his testimony on a question of some interest for what it may be worth, and will say not a single word as to the credibility of the witness or the weight due to his evidence. God forbid! He needs not my poor indorsement. Enshrined as he is in the hearts of the nation, the American people would illy brook a word from me that would look like an attempt to corroborate; still I do not flatter myself that the testimony of Jefferson and Jackson will be regarded as respectable by gentlemen who were neutral when war was flagrant and the nation's life at stake, and who are now conservatives. I rather bring these things forward in their presence and hearing as the lawyer did Blackstone, who undertook to read a passage from that book to the court as applicable to the case under consideration. The court ruled the book out, assigning as a reason that it was a British book and not law in this country. The attorney, however, insisted on reading it, not as the law, but that the court might see what an old simpleton and blockhead Blackstone was.

The gentleman must bear in mind that this is a political question from which this court might have kept aloof, and left it where Congress had left it, but they preferred to enter the turbid pool of party strife, and it required no gift of divination to know that their opinion upon a purely political question would be subject to rigid scrutiny, and that it must stand, if stand at all, on its strength, and not on forbearance. The pitiful begging for quarter now is a confession that it cannot stand the test. How could the court have kept aloof? Simply by attending to its own business—I speak respectfully—and not seeking to invade the province of Congress. It was not for the Supreme Court to attempt to relieve by judicial legislation the rebels from the consequences of their rebellion, nor to construe men guiltless that the whole world knew to be guilty as sin; that was perverting the province of construing to purposes never intended by those who provided for the organization of the court.

It is absurd to think of a court undertaking to settle the status of the conquered. It belongs to the people of the nation who achieved the victory, and woe be to any court that shall attempt to wrench it out of their hands. It illy becomes those withdrawn by their duties from the field of strife to rush so frantically upon the field of battle after the victory is won and demand the right to settle the terms of surrender and construe "everything beautiful and lovely and nobody to blame." The nation will beg to be excused from accepting the proffer of such sublime benevolence, and the people will decide for themselves when the dread point of danger is passed; they, through their representatives in Congress, will decide when the war is over and when the rebellion is fully put down. In the second volume of Rutherford's Institutes it is said that when an effort is made to destroy a nation, and that effort has been overthrown, there is not necessarily a termination of the struggle, but that it then devolves upon society to ascertain what precautionary measures may be taken to guard the nation in the future, and to secure its tranquility, and that is the true theory of political science, of human government.

It is but due to courts and judges to say that these claims to infallibility are not made so much by courts and judges themselves as by partisans, who cry out as naturally as cream rises to the top of a bowl of milk, "a second Daniel come to judgment," whenever a decision happens to be made that seems to have a political aspect or capable of being perverted to party account—a trick of the trade, of which one party is guilty about as often as the other. The Democratic admiration for the Supreme Court is of comparative modern date. We heard not much of it until the Dred Scott decision, to cover the enormity of which were as easy as to kindle a conflagration in the bosom of the sea. It was not until this decision was manufactured to order that Democratic admiration culminated; not until it was thought that it could be made an engine of oppression, of grinding to powder a poor, helpless, imploring, downtrodden race, and cursing with the blight of slavery every foot of soil that before that day had been consecrated to freedom. And when in the recent Indiana case the court felt itself called upon to turn men loose who were worthy of a halter, and in the Garland application for admission to practice law, decided that perjury was no crime and did not affect or in the slightest degree soil a man's moral character—that is the decision, stripped of all circumlocution and redundant words—the deep notes of the Democratic slogan, reverberating as it did amid the Scottish hills, were again heard calling the faithful together to rejoice. Never, until it was feared by all good loyal men that there was about to be a general jail delivery of assassins and scoundrels, did the Democratic heart so overflow. Then, indeed, was their cup of bliss, like Tam O'Shanter's, full and sparkling to the brim:

"Kings may be blest, but Tam was glorious,
O'er a' the ills o' life victorious."

The Constitution will lose its power and cease to be venerated if it shall come to be understood (as it will be if these political judicial opinions continue to be made) that instead of being the palladium of liberty, the bulwark of freedom, and a terror to evil-doers, it is something behind which a criminal can skulk and hide. When in the history of this or any other land was crime held in such tender regard that a half dozen or more sections or clauses of the Constitution could be invoked to stand between the offender and the punishment due to the most flagrant crime? I know of but one parallel case of tenderness, and that is not of classic birth or historic renown, but of a domestic kind: it is the case of the kind and loving old matron who administered chloroform to her refractory son before applying the rod to his back, for fear it would hurt him; and that is the reason assigned why rebels must not be excluded from the bar, for fear it may hurt them; and that is the reason why rebels may not be required to take the oath that you and I and all of us had to take, nor excluded from the bar for refusing to take it, for fear it may hurt them. The Constitution stands between them and harm; but it did not stand between them and the soldiers of the Union, whose bones are now bleaching upon a hundred battle-fields, and who are now numbered with the sheeted nations of the dead.

The disloyal element is now loud in commendation; but this court may find out after it is everlastingly too late (everybody else knows it now) that this new-born and frantic Democratic love, like that of the bears, may squeeze its object to death. The caresses of the wicked are more to be dreaded than the serpent's deadly coil. If I should fail to cry aloud against such amazing lenity toward the bloody handed, I should not want to meet my people; I should feel like fleeing when they approached me as Adam fled when in the cool of the morning he heard the voice of the Lord God in the garden. Our people will not willingly see the fatted calf killed for the wicked men who have brought our beloved land to the verge of ruin until they bring forth fruit meet for repentance. The green graves of the heroic dead and the wail of the widow and orphan plead against it.

The American mind is athletic and inquiring, and thank God not in the slightest degree base or slavish. It will look at and inquire into the acts of all public servants, judges included, and it will not seem to be so wrong to do so, but on the contrary eminently right and proper when it is reflected that judges themselves are daily calling in question the opinions of other judges and reversing their decisions. That is their *business;* if it were not they would have none; Othello's occupation would be gone. More than one half perhaps I might say without being much wrong of all the decisions that go from one court to another are reversed. The reports of reversed cases are piled up mountain high, and with them the library of every lawyer groans. And if it be said that these reversed cases were but the rulings of inferior tribunals and not of courts of last resort, then I ask what becomes of that numerous class of cases overruled and doubted by the very court that decided them? We know that large vol-

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umes and tomes are crammed with such cases, and whoever will give himself the trouble to glance into such a volume will come to the conclusion that the only necessary difference between a court of last resort and one below it is not necessarily in wisdom nor learning nor independence nor integrity, but in having the last word, in the fact that the suitor is there at the end of his rope.

Two lawyers were arguing a case; one stated what he supposed to be a correct legal principle; the other replied, "That is not the law." The first rejoined, "The Supreme Court has so decided." "Then," says he of the negative, "it's the law whether it is or not."

Lawyers have their anecdotes, among them this one: that at one time there was pending before a State circuit judge sixty cases, all between the same parties and in all respects alike except in the amount of the judgments that had been rendered by the court below. They were all cases in *scire facias* upon judgments of an inferior court, not depending upon proof, but to be decided on demurrer upon the records. The judge was pressed with other cases and for time, and a decision was insisted on by both parties. So in his dilemma he divided the records into two piles, taking them just as they came, as you would deal a pack of cards, thirty in one pile and thirty in the other, and decided—one pile in favor of the plaintiff and the other pile in favor of the defendant. In all the cases an appeal was taken from the circuit to the supreme court of the State, and after mature consideration (of course the consideration was mature) the judgmentof the circuit court was affirmed in each and all the sixty cases, and the affirming opinions were pronounced by all who read them as the perfection of human reason.

The fact that one man occupies a higher official position than another may be due as much to mere fortuitous circumstances or his arrogance and assumption as to his wisdom and virtue. These remarks are general and not of personal application, as true, I fancy, in the abstract as concrete, applicable alike to the past, the present, and the future, and would be made by me if my delight in the decision under consideration were as great as my regret. They apply no more to Federal than to State courts, no more to courts in this than in any other country. They are spoken as good doctrine, to show that a fair examination is not forbidden ground. While I would not surrender the utmost freedom of fair discussion, I would not wish to speak harshly or indecorously of the venerable men comprising the court. It is the opinion and not the court that I combat. I know, too, that it is hard argument and not hard words that wins its way to the conscience and understanding. I know, too, that injustice rebounds upon him who employs it in argument or otherwise. I know, too, that any arrow from my poor quiver not barbed with truth and justice will fall harmless. I know, too, that my title to speak, if I speak with propriety, is the crowning glory of my country, which guaranties to the lowly and the humble that permission and hampers the privilege with no slavish restrictions. I desire to be moderate, temperate, and respectful, but it must be the moderation of truth and not of pusillanimity.

There is not the slightest danger to be apprehended from reasonable latitude in this respect, for though here and there there may be one who believes it dangerous to presume one possessed of wisdom or learning, religion, loyalty, or patriotism, simply because these qualities would adorn the station he occupies, yet we know that the inclination of the popular mind is the other way; they ascribe wisdom to one because he is judge, and are innocent of suspecting that he got to be judge on account of his wisdom; they suppose that the wisdom and the judgeship came together at the same instant, and are inseparable, a sort of Siamese twins. It is on account of this popular hallucination that we politicians are so prone to parade our official rosters and boast of the offices that have, from time to time, been bestowed upon us, as though that was any reason why a willing horse should be rode to death or why we should be permitted to continue to monopolize. The best minds in this or any other country belong not necessarily to politicians and pertain not necessarily to those who hold office. We have all known those who never held office, and who never dreamed themselves fit for any official station, and never held a place of honor, trust, or profit in their born days, who on comparison of attainments and cultivation and capacity would put many a windy Congressman to open shame.

In the annals of the hustings we find a good deal of Attic salt and racy passages, a good deal of rough wit, and the taking down of many an inflated boaster. In the vein to which I have alluded, one of these gentlemen was on an occasion giving free play to his rhetoric; he told his audience how much he had been honored by his fellow-citizens, enumerating the stations that had from time to time been bestowed, asserting that his highest ambition was fully satisfied, but that his heart was too full of gratitude to refuse any additional call. Among the auditors was a rough, sturdy, plain-spoken old farmer, who did not seem to be much impressed with the solemnity of the occasion nor overwhelmed with veneration for the speaker. He did not say so *p'intedly*, but I rather inferred it from what he did say; "You may," says he, "have held all these places; I do not doubt it; I myself know it to be true; but if you are not still an ignoramus and an ass, then God Almighty don't write a legible hand."

And yet mankind in general, and the human family in particular, are prone to ascribe to official station the qualities that adorn it. It is for this very reason that these inventories, catalogues, and schedules are so often paraded, because mankind is prone to ascribe to official station the qualities that adorn it. The individual comes under the influence of the delusion, no matter how well he may know the facts to the contrary. There is a case in point, and I will state it: out West the neighbors are friendly and aid each other all they can; they assist each other in raising their cabins, rolling their logs, &c. After the work is done they frequently kill two birds with one stone, as the phrase is, by holding an election while the voters are together. At one of these log-rolling elections an old farmer was elected a justice of the peace, and it is from him I have the story, to the effect that a number of voters, knowing that an election was to take place, brought their title-deeds along, tied up in red bandana handkerchiefs, and as soon as it was decided that he was elected he was taken out successively by these men to examine their deeds and pass his legal judgment on the goodness of their land titles. He had lived a neighbor to them for years; they had never before asked his opinion; they knew that he had never in his life-time looked within the lids of a law-book; but he was elected a justice of the peace, a judicial station, and they could not, to save the world and their own souls, resist the tendency of mankind to ascribe to official station the qualities that adorn it. Seated on a log in the wilderness, among howling wolves, he pronounced their titles good, without a flaw, and no babe ever reposed on the bosom of its mother more trustingly than they on the opinion thus pronounced. And yet the gentleman from Kentucky will talk of the danger to be apprehended from a little freedom in the examination of judicial opinions. He fears that the foundations of society are to be jarred and loosened, and that we are to drift about, without guide or compass, God knows whither; though you might as well attempt to change the laws of gravitation, or to dam up Niagara with bulrushes, as to eradicate the delusion to which I have alluded. There is another justice-of-the-peace story, if I may be pardoned for its reproduction and for the use of homely illustrations, showing that there is now and then one not laboring under the hallucination.

A constituent of my colleague, [Mr. FARQUHAR.] in whose district I once lived, was elected justice of the peace, and thereupon, believing that his was one of the few immortal names not born to die went to the clerk of the court to file his bond and be sworn into office. He exhibited his commission and said he had come to file his bond and be qualified. "Hold up your hand," responded the gruff old clerk, who, when enraged and indignant, was a little rough and profane; "I'll swear you in: all h—l can't qualify you."

Let all this stuff go; it is foreign to my purpose, and I beg pardon for being tempted into it. I must have done with it or some blockhead will accuse me of an effort at satire; some one with too little understanding to see my drift. In order to decide that the conditions of the iron-clad oath could not be required of an attorney, the court felt itself called upon to argue that the office of attorney-at-law was not an office. Perhaps not; it was a wholly immaterial argument, because we know that in all past time conditions and qualifications have been affixed by legislation to the privilege to hold office and practice law indiscriminately. The right to do so has not heretofore been doubted, because these things are not rights at all, but privileges to be granted and regulated by law. The statutes are innumerable and the conditions various; as for instance, a judge must have been a licensed lawyer; to entitle a lawyer to a license he must be a man of good moral character, and in some of the States have studied law a designated period of time and pass an examination; before a candidate shall be even examined touching his qualifications to practice he shall have procured it to be certified by a court of record that he is a man of good moral character; no one but a printer shall be eligible to the office of public printer; no defaulter shall be eligible to a seat in a legislative body; one who has given or accepted a challenge to fight a duel shall not be eligible to office; any one who has fled the State or the United States to avoid the draft shall be disqualified; no one not a freeholder shall be eligible to office, and ceasing to be a freeholder shall work a forfeiture; and those who may be adjudged guilty of certain infamous crimes shall be disfranchised; and a thousand more examples, found in our statute-books. Now, it will be observed that some of these statutes are prospective and some retrospective or retroactive. They are not uniform. Some apply to offices and some to attorneys. Does it not sound strange at this late day to say that all of this legislation was right, and yet that Congress cannot say that one guilty of treason and perjury shall not be permitted to practice law?

The opinion of a court deciding a statute of Congress unconstitutional ought to be quite plain and conclusive, because it is a rule well settled that a statute cannot be declared unconstitutional unless it is so beyond a peradventure. Deference to the deliberations of the law-making power not only recommends this rule, but makes it imperative; like one charged with the commission of crime, a statute, on trial, is entitled to the benefit of all reasonable doubts. It follows that where a decision is against the validity of a statute it ought to be arrived at by reasoning the most cogent, and logic the most inexorable. While I find the dissenting opinion, in the case under consideration, to be clear as the noon-day sun, wholly unanswerable, and an honor to the minority of the court, and especially to Judge Miller, the clear-headed and right-minded judge who pronounced it, I must say in all

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candor that I found the majority opinion obscure and confused. It is not as it should be, the king's highway along which all can travel and none get lost. It starts out bravely enough, it is true, but there is a flagging, a wonderful letting down before we progress far. The obscurity is such that we are bewildered to know what it really means. It is like a western road which a political orator said opened stately enough with planted trees on either hand to tempt the traveler, but soon became narrow and narrower, and finally dwindled into a squirrel track and run up a tree. A jury must agree unanimously or there is no verdict. It is not so with a court composed of a plurality of judges; but who can say that the reasoning is not as strong in the one case as in the other? Chief Justice Marshall would not hear a case at all touching the validity and constitutionality of a statute, because the bench was not full, from which it may be inferred that he would not have any great veneration for a decision made by a majority of one—five on the one hand and four on the other. Where a case seems to be trembling in the balance it would almost tempt one to wish to poll the court, hoping to lure one of its members over, and then the boot would be on the other foot, the decision the other way.

The reception that this decision is to meet with may be judged somewhat by what has already transpired. Before its echoes had died out the supreme court of the District of Columbia decided, the most unkindest cut of all, that it was of no binding force, and that they would not be governed by it; and that they would protect themselves against the contamination of perjured attorneys whether the Supreme Court of the United States would or not; and even before that this House had passed the bill, over which the gentleman from Kentucky [Mr. Harding] seems so distressed, by which it is enacted in substance that if the oath cannot be required of attorneys under the decision because it requires a man to accuse himself, or is expurgating, or *ex post facto*, or for any other reason or cause, still no one guilty of the crimes enumerated in the oath, or any of them, shall be by any court of the United States admitted to practice law. In the language of Monsieur d'Alembert's eulogy of Montesquieu, If we are beholden to an aggressor for the good which he has done us without wanting to do it, we owe this court eternal thanks for having aroused the country and superinduced the passage of this statute.

Now, let us see if the gordian knot is really untied, and how we may get along without the oath. The oath I consider a good thing, for it was well remarked by the able and fearless Judge Miller of the minority of the court, that if all the lawyers and ministers of the rebel States could have held up their hands in presence of God and truthfully taken that oath there would have been no rebellion. But how can we get along without it? The lowest qualification required in any civilized land for admission to the bar is a record certificate of good moral character. Now, Mr. Attorney, you may not be required to take any oath as to what you have or have not done, still you must come into court with clean hands, and the right to require this inheres in the court without any legislation at all. An application is made to a court for admission to the bar; I oppose it on the ground that the moral character of the applicant is not good, in support of which I prove that before the rebellion he had taken an oath as an attorney to support the Constitution of the United States; that he had afterward gone into the rebellion and committed treason. I thus fix on him two infamous crimes, both felonies at common law, one punishable with death, and the other with imprisonment in the penitentiary, and thereby succeed, I rather suspect, in showing that he is not a man of very extraordinarily good moral character.

Do not let any one be alarmed with fears that I surrender the oath. God forbid. We intend to continue to cram this iron-clad oath down the throats of rebels all over this broad land; or if they cannot truthfully take it make them and their attorneys stay out in the cold, notwithstanding this bull against the comet by the Supreme Court. But if we are blockaded in that respect, as we are not, the way, bless God, is perfectly clear and unobstructed in the other direction. It is not good treatment, I would say, by the way, to the soldier to attempt to make treason respectable, for it was to put down treason and make it odious that he fought. Out of respect for the holy cause for which he fought and bled and died, he would merit better treatment if his blood were ditch water and his body only fit food for the carrion kite.

And the court will find it an up-hill business to change the meaning of words and make retroactive and *ex post facto* mean the same thing. For ages it has been settled that they do not mean the same thing; that the one applies to civil and the other to criminal proceedings. The Supreme Court itself has repeatedly so decided, as any one can see who will glance into the reports and can understand English. (See Watson *vs.* Mercer, 8 Peters, 88; Calder *vs.* Bull, 3 Dallas, 386; Fletcher *vs.* Peek, 6 Cranch, 87; Ogden *vs.* Sanders, 12 Wheaton, 286; Satterlee *vs.* Matthewson, 2 Peters, 388.) But these distinctions are to be broken down for the benefit of treason, and hereafter we must consider them as synonymous terms, whether they are or not. On this point the remarks of Cook in the argument of the Magruder case are pertinent, and I beg leave to reproduce them:

"Now, I submit to your honors that this analysis of the decision constitutes a refutation of the decision itself; and without entering upon any special definition, with which your honors are perfectly familiar, allow me to inquire what is a bill of attainder, and what is *ex post facto* law? Let me, if possible, present the points with more pertinency. Is the rule of this court which you are asked to abrogate or modify in any respect a bill of attainder or an *ex post facto* law? Carrying with you, if your honors please, your own conceptions of a bill of attainder, allow me to inquire what there is in the act that has been declared unconstitutional that is of the nature of a bill of attainder or *ex post facto* law. Why, it has come traveling down the pages of legal lore that an *ex post facto* law is confined necessarily to laws affecting 'criminal proceedings.' I use the very terms of the Supreme Court of the United States; and if that be so, then this law is simply, in one of its features, a retrospective law, imposing conditions as qualifications for office, and not an *ex post facto* law. By what process of logic, by what intellectual ingenuity, can that law be brought within the fixed and circumscribed sphere of *ex post facto* law? It attaches itself to no criminal proceedings; connects itself with no penal offense; if it does, the matured lore of my learned brother can designate the particulars in which it does. It does declare as the edict of my country, of the nation, that he who has attempted to destroy the life of my country and my Government—it does declare that he who, whether influenced by State rights or other considerations, has dared to lift up his hand in wrath against the old stars and stripes shall not administer at the altar in the temple of justice. It does that, and it stops with that declaration. It is only an outgushing of patriotism that dared not slumber in the hearts of the legislators of the land, and that leaped forth and flung itself in the form of the law upon the statute-books; and it is of this that the complaint is made to-day. Is there any criminal proceeding against the gentleman who comes before your honors, and who asks for a modification of this rule? None whatever. No *ex post facto* law issues its thunders over him; but there is a law that I would throw around the temples of justice like flaming swords, so pure that no man who has dared disturb the tranquillity of the nation shall teach its laws. It cannot, then, be maintained, if your honors please, that it is in the nature of an *ex post facto* law."

And we must, forsooth, learn to forget all we ever read defining bills of attainder, and consider this act of Congress a bill of attainder, and prohibited by the clause of the Constitution forbidding such laws, though it contains not a single element of such a law. A statute which designates no criminal by name, which declares no guilt, pronounces no sentence, and inflicts no punishment can in no sense be considered a bill of attainder. A bill of attainder works corruption of blood and forfeiture of estate; so that the person attainted has no inheritable blood in him and cannot transmit property to his heirs nor inherit it himself. All know that this is the most prominent and obnoxious feature of such a bill, and the very one intended to be prohibited; but where do you find any corruption of blood in this oath or in the act of Congress? It is not there and cannot be found, and we do not propose at this late day to begin to learn new definitions that attempt to overturn what has been settled for more than two hundred years. When a decision is worked out of such materials, and made the base work of an opinion, no wonder the fabric crumbles.

It seems to me to be a solecism to say that a statute imposing upon an attorney an oath of a certain form as a condition to his right to practice law is unconstitutional, if it be admitted that it would be within the province of a court to prescribe the oath and require it to be taken without any statute at all, because that would be placing the creature above the creator, and asserting the legality of an act if performed by a court without law, and the illegality of a statute that would attempt to authorize it. It is a matter of local history that the supreme court of the District of Columbia, by a rule of the court, required this oath to be taken two years before Congress legislated on the subject at all, so far as attorneys-at-law are concerned, simply under the authority authorizing them to prescribe rules for the admission of attorneys.

That such a right inheres in a court, independent of all statute, would seem to be quite clear, provided a court has a right to protect itself against the infection of the corrupt and vicious, and provided morality is not an unreasonable requirement. "Returning justice lifts aloft her scale," not in a temple where corruption is rampant and the wicked hold sway. Does it not sound passing strange to say that an attorney-at-law may be guilty of a crime that will send him to the States prison, hang him, indeed—of the blackest crime in the dark catalogue of human guilt—but you cannot exclude him from the bar for it? If it be so, while all other departments may protect themselves, a court has no protection.

"It is true the Supreme Court has seen fit by a majority to declare that this oath is unconstitutional; but conceding to that court a purity of intention equal to that of an angel on his pathway of light and love, and an opulence of intellectuality surpassing that of Bacon and Lord Coke and Story and Marshall, it is a historic fact, however, that they stand on that decision almost alone."

And with these eloquent and impassioned words of another I close.

Reconstruction.

SPEECH OF HON. E. R. V. WRIGHT,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

February 19, 1867,

On House bill No. 1143, known as "Sherman's military bill," creating five military districts out of the States hitherto in rebellion.

Mr. WRIGHT. Mr. Speaker, it is with mingled feelings of surprise and regret that I have heard read from the Clerk's desk the bill under consideration. Up to the time of its presentation civil governments had been established in those States, and the process of reconstruction was in successful progress; and I indulged the hope that in a very short time all the stumbling-blocks in the way of a perfect Union would be removed, and that we might once again be a reunited and happy people. But this bill, if passed, will fall upon the land like the blight of the sirocco, and will cast terror and dismay into the heart of every patriot in the nation. This bill proposes to divide the States of Virginia, North and South Carolina, Georgia, Alabama, Florida, Mississippi, Arkansas, Louisiana, and Texas into five military districts, each district to be gov-

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erned by an officer of the Army not below the rank of a brigadier general, to be assigned to his command by the President, and calls for a detail of a sufficient military force to enable each commanding officer to perform his duties and enforce his authority within the district to which he is assigned. These officers are to have supreme control over the persons and property of all within their respective districts; they are to have power to try offenders and to sentence and imprison for an unlimited period of time; to make confiscations of property and exercise absolute and despotic power over the people who are subjected to their authority, people who have no right of appeal to any court or reviewing tribunal in any case save one—where a person shall have been condemned to suffer the death penalty, in which case the proceedings on the trial and the sentence must be forwarded to the President for his approval.

Mr. Speaker, I am so amazed by this extraordinary proposition as to be unable fully to express my sentiments in regard to it at this time. In those States which are to be made by it the victims of military government and military injustice the rebels had long ago laid down their arms, peace existed, provisional governors had been appointed, the civil powers of the different States were in full play, the courts were open and justice was peacefully administered, everything was working regularly and harmoniously toward complete reunion, when this bill comes before us, overthrowing all the work toward restoration done in nearly two years, and proposing the creation of a body of military governors, not only unknown to the Constitution of the United States, but in direct violation of its injunctions.

And now, sir, let me ask what necessity is there for the passage of this bill, which, if it shall pass, will change substantially the whole form of our Government and present to the world the strange spectacle of more than one half of our country governed by the civil power under the Constitution, and the remainder governed by a military despotism, in contravention of the provisions of that instrument? This proposition is not only inconsistent, ridiculous, and absurd, it threatens not only to destroy the rights, liberties, and privileges of the citizen, but it threatens also to overthrow our republican form of government, and to override the organic law of the nation. If the Congress of the United States can place military governors over ten States of this Union in the absence of any constitutional right to do so, why may they not place a military governor over every other State, until at last we shall be merged into an absolute monarchy or a military despotism? The Constitution tells us that the military must always be subordinate to the civil power in time of peace? This Congress, when it deemed it needful to urge that the Constitution was in existence and required amendment, as it did some time ago upon the first amendment, demanded and secured the assistance of three of those States which it is now proposed to place under military law before that constitutional amendment could be legally approved of. For that purpose Congress recognized those States as States in the Union under the Constitution; but when they desired to be represented their representatives were refused, and they were informed that they were not States, but merely Territories.

How often has our Constitution been violated within the last five years by the party in power? It would take up the balance of my time, Mr. Speaker, to enumerate the one twentieth part of the horrible violations of law committed by that party during the rebellion; but I will cite a few instances. The suspension of the writ of *habeas corpus*, for example, in States not in rebellion and where the civil courts were open; the forcible invasion of private houses by pretended officers without process of law; the incarceration of citizens for months without any intimation as to the cause of their being placed in confinement, and their release without any explanation of why they were arrested or why they were discharged; unlawful seizures of property; cruel and unusual punishments, &c.; all these and many other shameful acts of violence, in direct contravention of the organic law of the land, which law, if obeyed and regarded, would have been amply sufficient to protect the rights, liberties, and privileges of the citizen, and at the same time to enforce the authority of the Government. Before this bill passes I should like to hear the gentleman having it in charge—although it comes to us in the shape of an amendment adopted by the Senate upon the motion of Senator SHERMAN—I would like to ask the gentleman who has this bill in charge to explain to me the necessity for its passage. However, my time is limited, and he will be entitled to the closing argument.

I will pass by the incorrectness of the preamble, which denies the existence of any legal State governments or any adequate protection for life or property in the States named. If it be true that those State governments are not legal, why not? Several instances occur to my mind in which, when it was necessary to use them as States possessing legal State governments, Congress demanded concessions from them as States, and held the Constitution of the United States *in terrorem* over their heads until their demands were complied with. But we find now that no sooner do those States yield to these demands made upon them as States than Congress, throwing aside the Constitution, proposes to deny them any legal existence as States. This measure is in harmony with the inconsistent legislation that has characterized the greater portion of the existence of this Congress.

But we are told in the preamble that no adequate protection for life or property now exists in the hitherto rebel States. Now, sir, from the information which I have received from various quarters I am clearly of the opinion that that statement is not true in point of fact. But even if it were so the difficulty could be remedied, and life and property might receive adequate protection under existing laws. With the power of the President of the United States, having control of the Army and Navy, might he not have sent, and can he not now send, without the passage of any such bill as this, any portion or if necessary the whole of the Army of the United States for the purpose of securing adequate protection to life and property? It is not my design, Mr. Speaker, to contend that adequate protection shall not be given to life, liberty, and property in that portion of the Republic, and it is not because I do not wish to see such protection secured to the people there that I oppose the passage of this bill. But, sir, I oppose it because it is based upon a principle so contrary to my sense of right in such gross violation of the great principles upon which our Republic was founded, in such plain contravention of the organic law of the land under which we have lived and prospered and grown great for nearly three quarters of a century, that I feel impelled by a sense of duty to my constituents to rise upon the floor and protest in their behalf, in the name of the Republic, and in the name of the Constitution of the United States, against this invasion and violation of that instrument and of the rights of the people of America.

Are we drifting into a revolution? Pass this bill, and my word for it it will come at no distant day. We are tending, it appears, toward a monarchical government, and the first step toward that is to put the military power unlawfully above the civil power under pretense of preserving peace and maintaining justice and securing protection to a certain portion of the people of a certain section of the country. Without the passage of this bill, as the law now stands, it is the President's sworn duty to carry out all that is contemplated by this bill, if the intention of the bill is honestly expressed in the preamble. But, sir, in my judgment, the designs of this bill are not expressed; there is a cat under the meal. This is a mad attempt to make history repeat itself. Rome, when she was in the zenith of her power, contributed by her government to the happiness and greatness of her people; but the time came when bad men were chosen to direct the ship of state, and she at last fell a martyr to the cry of "justice, protection to the citizen;" and where is she now? Controlled by such laws as this which we are now asked to enact for the southern portion of our own country, all that remains of her might be summed up in her title, the Seven-Hilled City.

If Robespierre, when he made the guillotine wreak with the blood of innocent men, some of whom were sacrificed for differing in opinion from him and his colleagues, and others for refusing to be as "progressive" as he required, (and I do not wish to institute any invidious comparisons, or I might point out those in this country who are quite as progressive as were the men of that day.) Robespierre, I say, would have been delighted to have had such a semblance of authority for his actions as is now proposed to be given to these military officers by this bill. Robespierre had no sanction of law for his crimes; but under the name of suppressing insurrection and violence, these governors who are to be appointed under this bill, may do all that Robespierre did; may violate every command in the Decalogue and escape all punishment; for there is no right conferred upon any one to try or punish them for their misdeeds. No voice of complaint may come up from the prison house after condemnation by one of these military tribunals. The weeping and wailing of the unfortunates who may be stripped of their property and dragged from their homes under the provisions of this bill can never reach the Executive Mansion or this body. The commanding general interposes an impassable barrier in the way of an appeal for a review of his decision. However illegally these generals may conduct themselves there is no provision in the Constitution which recognizes them or holds them to any responsibility, nor is there one single word, a saving-clause, in the bill itself by which they may be tried or punished for their misconduct.

Can any man in this House tell me from whence the authority is derived to pass this bill? The powers of Congress are clearly defined by the Constitution. Each branch of the Government has its rights and powers defined and limited by the Constitution; and there is not one single line or word in that hitherto sacred instrument that can possibly be cited to justify the passage of this anomalous, this dangerous, this wicked bill. Has it come to this, that the Congress of the United States is ready to substitute its own will for the authority of the Constitution, and to weaken the force of the Government by attempting to withdraw from the President his constitutional powers, and to create illegal tribunals in violation of the organic law? I understand that the original bill for which this amendment has been substituted purposed to take away from the President the right to assign these officers to their respective commands; but a little reflection induced the Senate to see that there was a limit beyond which even that body could not go without outraging the public sense as well as the organic law, and in this amendment they have kindly consented to permit the President to assign those gentlemen to the command of their respective districts. Is not the Army of the United States as competent now, if ordered down into those hitherto rebel States, to secure adequate protection to the citizen as a portion of that same Army will be when sent down under the provisions of this bill. If the Army were sent there in the former way, an officer who misbehaved himself in any way

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in the discharge of the duties imposed on him could be held responsible and punished under the Articles of War. But look for one moment at the inconsistency of this proposition. If this bill pass the same officers and the same men may go down there for the purposes here indicated—the suppression of disorder and violence and the protection of the lives, liberties and property of the people—and may act just as their inclinations or their caprices may direct without any responsibility whatever to any power upon the face of the earth.

What was done by Congress before I came here may perhaps be properly referred to as showing this spirit of hostility on the part of one branch of the Government to all legal restrictions and control. In the midst of the rebellion and of the excitement caused by it Congress passed laws, perhaps with somewhat indecent haste, and excused its action on the plea of a military necessity. Well, we are told that "necessity knows no law;" but that saying can hardly be applicable as a justification for this kind of legislation. Wrongs innumerable, under color of law, but without any existing law, were practiced upon citizens; and then when they came to seek redress for the violation of their rights, Congress, instead of attempting to secure to them that redress—I speak now of the peaceable and law-abiding citizens of the North whose rights were outraged by the satraps of those in power—instead of securing them that adequate protection about which they are now so solicitous, Congress passed a law in the body of which was contained the admission that these wrongs had been inflicted upon citizens of the United States, but exempting every officer engaged in committing those outrages, from the President of the United States down, from any responsibility or punishment for their crimes. But now, when peace has come and prosperity again begins to dawn upon the people of the South, the party in power proposes to rally its forces and against the complaints, against the remonstrances, against the earnest appeals of those people, to force upon them a code of government totally at variance with the oft-repeated pledge of securing to each of those States a republican form of government, and plunging them at once into a military despotism.

But, again: if the Congress of the United States may assume the power to overturn existing State governments and establish a military despotism over ten of the States of this Union, is there anything in principle that would prevent them from adding another to the catalogue of those now swayed by a military despotism until, one by one, star after star in our brilliant constellation shall be blotted out, to end in the deep, dark midnight of wrong and oppression and tyranny. Judging from the experience of the past few years one would think that the Republic only existed in name. When was it ever known before that our organic law, to gratify the insatiable ambition and lust for power by the dominant party of to-day, that the Constitution of the United States might be trampled upon and disregarded, and step by step increasing in boldness we at last come to the melancholy spectacle of finding two of the departments of the Government attempted to be shorn of their prerogatives and the undue aggrandization of power by the legislative department. It seems to me that we are making retrograde movements and steps backward in civilization and justice. The most notable example that we have in history is that of the French Directory, where, under the malign influence of the consuls and under the government of the French Directory, because men did not move along rapidly enough to please that party of so-called progress that force was resorted to, and the guillotine reeked with the blood of those noble and patriotic men who had manliness enough to resist the tyranny that had been illegally foisted over them.

During the progress of the war outrages of every description were perpetrated upon unoffending citizens; blood was taken, lives were sacrificed by tribunals unknown to law by the satraps of the dominant party; and when upon the return of peace the unfortunate victims sought in our courts for some kind of redress, the Congress of the United States confessed the wrongs and passed a law to exonerate all who were concerned in the perpetration of these wrongs from the President to the humblest man in the land upon the simple but specious and false pretense and plea that it was done in the name of justice and on behalf of republican liberty. I have listened in vain to hear from the advocates of this bill some authority for its proposed enactment; and I cannot forbear to mention the glaring inconsistency that has marked the effort to pass this bill as well as that of much of the legislation of the same character during the Thirty-Ninth Congress. The President of the United States, the executive head of the Government, is restricted by the Constitution and the laws in the performance of his duties. His lamented predecessor had marked out a plan for the speedy restoration of the Union, and our present worthy Executive (doubtless consulted at the time) then agreed and has continued that policy up to the present time. He loves the Constitution of his country, desires to see the Union reëstablished in its integrity at the earliest moment, and, if I know him, he would not go wide of the organic law even to gratify his own personal feelings, much less to favor the whims and caprices of any one, whether in or out of this body.

When Abraham Lincoln was in office did the Congress think it necessary to pass that hateful measure called the "tenure-of-office bill?" And of it I would say that it is neither more nor less than an indirect method of avoiding the Constitution of the country; so it passed for no other reason than that Congress would insist upon doing by force what the existing law would not justify, except that the President of the United States was not in accord with them. By virtue of the force of numbers the President has been unable to stay this tide of fanaticism.

And now, a few words more in respect of the provisions of this bill. The third section comes to us "sugar coated." The intent of this section is to confer absolute power upon the general in command of the division. Fearing, however, that the bill might be defeated if presented in its naked deformity, its framers introduced a provision that his high mightiness, the general, might give his gracious consent to have some of the cases examined before the local civil tribunals, which of itself means nothing; for in the concluding part of the section, which is the gist of the whole thing, when in his judgment, and I quote the law—

"It may be necessary for the trial of offenders, he shall have power to organize a military commission, or tribunals for that purpose."

Is this absolutism or not? I aver that it is anti-republican, despotic, tyrannical, and the sufferer, the victim, denied the right of appeal, can no more pass an edict of the commanding general of the district by way of appeal to higher authority, and the order, direction, and decision of such general will be as imperative and binding upon every citizen within the district as would an ukase issued by the Czar of Russia.

My word for it, Mr. Speaker, the people of the United States are unprepared for such a spectacle as this. Their universal intelligence bears with them an undeniable sense of right and justice, and this cob-house of despotism enacted for temporary purposes will be shivered to atoms at the first shock of public opinion. Sir, will not the passage of this bill be the first step in the pathway of revolution? Resistance to tyranny is the will of God, and whenever the Congress of the United States shall have become so forgetful as to lay aside the obligations of our great national bond and guiding star, the Constitution of the United States, then we are all abroad, power assumes the place of right, and tyranny usurps the place of justice.

I pray that I am mistaken in my forebodings, but I will say this class of legislation, as disclosed by this bill, is mischievous and pernicious in the last degree.

We are approaching the close of the Thirty-Ninth Congress, and if time had been taken to pass over to those who are to succeed us a measure of this magnitude I am fain to believe that care, examination, and reflection would have brought them to some other conclusion than that which seems to be the disposition of the present Congress.

The great bulk of both sessions has been occupied by futile attempts at the so-called reconstruction, and on this floor, as the purposes and objects of the majority have varied, the States in rebellion have again and again been recognized as States in the Union, and excluded by this body as being territories.

Instead of the speedy return to that prosperity which is the hope of the civilized world, instead of reducing our national debt and providing such measures as would speedily secure its cancellation, we have taken up much of the time of this Congress in donating millions and millions of acres of the public domain to private corporations, and, permit me to say, in my judgment without adequate compensation and in the absence of all necessity.

Although the American people are unanimous upon this subject, we seem to be entirely insensible to the necessity of enforcing the Monroe doctrine in respect of the States that compose the southern portion of our continent; and while we have been permitting the Mexican people to work out their own salvation and drive away the foreign tyrant, with equal inconsistency we are slumbering and sleeping over the still more important fact that passive and unresistingly upon our borders we await the establishment of a kingdom.

I mention these matters incidentally, and hardly dare to insinuate that this condition of things may have been permitted as offering very little advantage to political demagogues.

I say, Mr. Speaker, that all this must soon change no matter how may be the power of that party which takes its will for law; it involves a class of legislation fleeting as a sunbeam.

I do not know that I can give you a better illustration of the estimate of the public in regard to this kind of legislation than by relating the anecdote of the Frenchman in the time of the first Napoleon. It is well known to you that the organic law of the land is the most solemn instrument that can be made and perfected by man. Napoleon sought, however, to overturn all existing laws by the creation and introduction of his code. It was given out in numbers, and to show at that moment the French people had a proper estimate of the value of such a fraud and of that description of legislation, I would say that a Frenchman called upon a bookseller to obtain the third part of the Code Napoleon. The bookseller replied indignantly, "No, sir; we do not deal in periodicals."

If this shall be the end of the unrighteous legislation of the last few years by the present party in power, the American people may be justified by the precedent in history that I have just illustrated.

The effort to put down the rebellion was no party question. The States and the people vied with each other in making that herculean and unparalleled effort that culminated in the complete overthrow of the rebellion and the consequent reintegration of the Federal Union. The vanquished fell beneath the saber stroke of patriotism, and our loved flag now floats peacefully, proudly, triumphantly over every broad acre of our loved Republic.

Since the rebellion, and upon the return of

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peace, it was to be hoped that all cause for strife would have ceased; the vanquished rebels readmitted to representation on just terms and conditions, and we would thus be enabled to have a speedy return to our former greatness and prosperity.

But it does seem that those hopes are destined to be disappointed. For us there is no prosperity; for the South there is to be no peace. What it will end in it does not become me to predict. I may be mistaken, but I do think when the people come to examine the various laws which have been enacted to oppress an already down-trodden, impoverished, starving, and repentant people, they will once more rally round our flag and Constitution and recover the land from misrule.

I appeal to the conservative men of this House to unite with us in averting the calamities that will befall the nation in the event of the passage of this bill. It is our bounden duty as conscientious men, both with our voices and votes, to unite in arresting any legislation that looks to the avoidance of constitutional obligations.

Pass this bill and from this day henceforward we introduce that very element that was used to crush out the patriotic efforts and smother the pleas for justice of the founders of this Republic. By united effort tyranny and oppression were banished from the land, and it was hoped forever. It is now reintroduced in the most insidious manner, and almost without a word of objection on the part of those in power. One third of this Union is henceforth to be governed by five petty military tyrants, who exercise all the power of absolute despots, and this I say without the slightest disrespect to the patriotism or ability and loyalty of the very distinguished officers who will be selected to perform so unwelcome a task.

Two forms of government—the one military and despotic and the other republican—cannot exist long without engendering a fearful antagonism, and sooner or later one or the other must go to the wall. This may not be prophecy, but if experience is to be our guide to proclaim our conviction is the dictate of wisdom.

When in a republican land like this, at a time of profound peace, you by a single act strike from the Constitution that provision of our safety which declares that the military shall be subordinate to the civil power, you sound the death-knell of the Republic. That far-seeing statesman, Daniel Webster, in language more expressive than any I can employ, gave one expression to his views upon this subject, and prophesied that whenever we undertook to invert the constitutional order of our Government and remove its safeguards by substitution, such acts would be attended with the most fatal consequences to the future existence of the Republic.

It is not my intention to occupy a moment more of the valuable time of this House than shall be necessary to put my constituents and myself right upon the record in regard to this important measure.

I had intended to discuss the fifth section of this bill, but I deem the effort futile, however iniquitous it may be, since *per fas aut per nefas* its arbitrary requirements are sure to be enforced either by the bayonet or the bullet.

I grieve to contemplate the anomalous character of our legislation should that bill unfortunately become a law. My prediction is that as this military juggernaut shall be set in motion and crush its helpless victims their blood will arise to Heaven to rebuke you for the wrong you will have committed. I implore you to stay your hand, to abandon this system of mischievous legislation, for although I may not live to see the end, as sure as the sun makes its diurnal round I honestly believe convulsions and turmoil and strife will pervade the land from the center to its extremest limits. Business will be destroyed, the prosperity of the country prostrated, our boasted superiority as a nation be scattered to the winds, freedom will no longer exist under the protection of law, licentiousness will assume its place, and our boasted republican liberty will become a by-word, a sneer, and a reproach.

Reconstruction.

SPEECH OF HON. N. G. TAYLOR,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 16, 1867.

The House being in Committee of the Whole on the President's annual message—

Mr. TAYLOR, of Tennessee, said:

Mr. CHAIRMAN: I believe that in Committee of the Whole House on the state of the Union—and the debate of this evening is as if in Committee of the Whole—the largest liberty of discussion is allowed; and I shall presume upon the indulgence of the House to-night perhaps to make the remarks I shall offer of a very discursive character. There are, Mr. Chairman, many points of interest to this House and to the country at large the consideration of any one of which might well consume an hour, and far more than an hour. There is some difficulty, therefore, in selecting the most prominent points of the most important questions and confining the discussion to them.

I would like, if time would permit, to glance over the entire political field and touch upon the prominent points in the history of the country for the last six or eight years. But the limited time allowed in debate requires that I shall touch only upon those matters deemed most important; and therefore upon this occasion I shall endeavor to circumscribe as far as possible the field of remark upon which I shall enter.

The great question of the day, it seems to me, Mr. Chairman, is, how are the States now severed in their practical relations to the Federal Government to be brought back into their normal relations to the Government, and when?

We have just ended a fearful war. That war grew out of an effort of a portion of the people of eleven States of this Union to throw off the authority of the Federal Government and to establish an independent government of their own. On their part it was begun and carried on to achieve a separation and an independent nationality. On our part it was prosecuted to prevent that result: to maintain the Constitution and to preserve the integrity of the Union. Well, sir, we succeeded in accomplishing the end we set out to achieve. They failed. Their armies were crushed; their navy destroyed; and their *quasi* governments, State and national, were annihilated utterly. We achieved the results we designed to achieve; we prevented separation and maintained the Union.

Now, sir, no one can deny that when the war began the Federal Government had the legal and constitutional right to jurisdiction over all the revolted States, and that that right continued unimpaired in every phase of the contest, and was never impaired, at all events never by our success. This right was perfect at the beginning, in the middle, and at the end of the struggle, and has remained perfect to this hour; and upon the sole ground that these States were States of the Union, subject to its jurisdiction, owing to it obligations, and entitled to its privileges.

Now, sir, the rebellion suspended the practical relations of those States with the Government; but as it did not destroy the rights of the nation or the obligations and privileges of these States, as soon as the rebellion closed all these in legal contemplation resume their "*statu quo ante bellum.*" And the question is now one of fact as to war or peace. As the distinguished gentleman from Ohio [Mr. SHELLABARGER] remarked in the course of his very ingenious argument the other day it is now a question of fact as to war or peace. What is the fact as to this matter? For the treatment of these States by the Federal Government must depend upon the relations they sustain to us in this respect. What is the real status, then, of these States? Are they at war with us? Where? In what manner? Is there any rebel army now existing? Is there any rebel navy floating upon the ocean and preying upon our commerce? Is there any armed organization of rebels anywhere within the territorial limits of these United States making war upon this Government? Is there any civil organization in this country holding itself in hostility to this Government? If so, where? As I glance over our territory I see the declaration officially made by the Secretary of State of the United States that peace is restored, verified. I ask you, sir, and I ask the country, whether we are not in relations of perfect and profound peace with every State and with every part of every State that was engaged in the rebellion. Our postal relations are resumed; our revenue is collected, and the governments of these several States have acknowledged and do acknowledge the acts of secession and rebellion which they perpetrated against this Government are null and void. They acknowledge allegiance to this Government. And they wait only the action of this Government as to the terms and conditions upon which they are to be permitted to enjoy the precious right of representation in Congress, the denial of which by the dominant majority is the only remaining obstacle to complete reunion.

Now, sir, I am one of those who believe our good and lamented former President had a just conception of the relation these States bore to the General Government during the war, and that he acted upon the right theory in reference to the proper mode of restoring them to the relations broken by the war. Did Mr. Lincoln ever propound the theory that these States had ceased to be States? Did he ever hold that they had been guilty of *felo de se* or suicide, or that the act of war had destroyed their condition as States? If so, when? In what terms did he express such an opinion? Whenever this great leader of the Union party wrote or spoke of the rebel sections he named them States although seceded and at war with the Government of the United States.

And, sir, this was also the theory recognized by every Congress that has assembled since the opening of the war. They have not only acknowledged it in words, but in numerous acts Congress has passed. Did Congress not provide for the apportionment of these States by name? Did you not receive into the Thirty-Seventh Congress members elected from the State of Tennessee after that State had passed into a hostile league with the confederacy, assuming to retire from the Union and allying herself to the southern cause? Was Tennessee as a State dead or annihilated and her Representatives still received on this floor after her death and burial? The league was consummated, I believe, in May, 1861. The election ratifying the separation of the State from the Union and its legislative transfer to rebel jurisdiction was had in June thereafter. Thus if secession and actual rebellion ever carried out of the Union or destroyed a State Tennessee was out or destroyed on the 8th of June, 1861, when, according to Governor Harris's official proclamation, the people voted for separation by fifty-six thousand majority.

Nevertheless, although confederate soldiers were stationed all through the State, although at some points they held the polls and our voters were compelled to march under confederate bayonets and banners to the ballot-box, on the 6th of August, 1861, under these circumstances, within the confederate lines, our mountain boys marched to the polls, "keep-

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ing step to the music of the Union," and deposited their ballots for T. A. R. Nelson, HORACE MAYNARD, and George Bridges as the Union candidates for the national Congress. What was the result? All three were elected. All these gentlemen tried to get to Washington. Mr. Nelson was captured on the way, so also was Mr. Bridges after he had crossed the Kentucky line; but Mr. MAYNARD was fortunate enough to escape through Kentucky, and came here, not with his credentials legally made out, signed by the Governor, and sealed with the great seal of the State; no, sir, but he came with only sheriff's certificates or his own statement, stating that he had been elected. What did this body do? Did they turn him away and say this was no longer a State or was outside of the Union? No, sir, but they accepted his credentials such as they were. He was sworn in at that desk as a member of the Thirty-Seventh Congress, and served his term out. Mr. Bridges, after having been captured, and after remaining under arrest in the hands of the rebels—I do not know how long—in 1863 came here, was accepted, and received pay as a member of the Thirty-Seventh Congress.

And again, sir, did you not receive members and Senators from the State of Virginia after that State had seceded, placed herself in hostile array against the Government of the United States, and had her armies spread broadcast throughout the southern confederacy and all along the borders? Did you not go further, sir? If secession or rebellion or both destroyed the State of Virginia, or placed her outside of the Union, how happens it that after her secession and actual armed rebellion and many acts of war you solemnly accepted at the hands of a Virginia Legislature the cession of forty-six counties of her territory, which were subsequently erected into the State of West Virginia, and have been ever since represented in this House and in the Senate as a State? These are hard questions, Mr. Chairman, and honest answers will start the blush of shame and conscious condemnation on the cheeks of those who seek to justify their patent violations of the Constitution and their flagrant usurpations of power upon the plea that the rebel States are dead or out of the Union. Now, if secession and rebellion did not destroy or put out of the Union Tennessee and Virginia in the judgment of Congress, it is clear that they did not destroy nor put out of the Union the other rebel States, in the opinion of Congress, but if the facts stated prove anything they demonstrate that Congress recognized both those States, long after their secession and rebellion, as States and as in the Union, therefore Congress regarded them all as States in the Union.

The following resolution introduced into the House on the 22d of July, 1861, by the venerable patriot and statesman, John J. Crittenden, of Kentucky, and adopted with almost entire unanimity, not only solemnly declares the purposes of the war but the perpetuity of "all the dignity, equality, and rights of the several States:"

"*Resolved*, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in arms against the constitutional Government, and in arms around the capital: that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

I might cite many other illustrations and examples to show that the Congress of the United States, upon many occasions and at sundry times, recognized them as States and so declared them. The most distinguished and able Radical members of this Congress acknowledge and proclaim in their speeches the existence and perpetuity of the lately rebel States. The executive branch and the judicial branch of the Government, all through the last and present Administrations, have sustained the same view. Many gentlemen on this floor and in the Senate have made themselves hoarse in denouncing the contumacy of the Legislatures of these States in failing to ratify the constitutional amendment proposed by this Congress, and yet maintain that the States are defunct and their Legislatures bogus.

But that is not all. When I come down here into this Congress I find, as I said, distinguished gentlemen, now not coöperating with me upon general questions, in their able arguments presenting the same fundamental idea that these southern States are and all the time have been States, and States in the Union. I was glad to hear the distinguished gentleman from Ohio [Mr. BINGHAM] the other day admit and defend that doctrine. It is one, sir, which he could not refuse to maintain without differing with Congress throughout the war, with the Supreme Court, and with the action of the executive and every department of the Government. He is perfectly consistent with all these when he assumes this position as he does. These States have never ceased to exist as States, and are such legally this day.

But there is a point in the gentleman's argument to which I wish to call the attention of the country. I would like to know how any gentleman can with sound logic assume these States of the southern confederacy are States in the Union under the Constitution, and yet in the next breath deny to them the equality of rights that belong to States legally in the Union. If you acknowledge that South Carolina, Virginia, North Carolina, and all the confederate States are States, and in the Union under the Constitution, then I maintain as the inevitable logical sequence that they are justly entitled to all the rights of all the other States in the Union, and you cannot successfully combat that conclusion without violation of the logic of the case.

Now, Mr. Chairman, is it any wonder that the present President of the United States, following in the track of his illustrious predecessor, with all these facts of history staring him in the face, himself a part of the history of Mr. Lincoln's policy, (having been appointed by him provisional and military governor of the State of Tennessee, then in rebellion, and snatching as it were that State from the very vortex of revolution itself, reducing it to order and bringing it back to its normal relations to the Government of the United States,) I say, is it any wonder, with these facts of history before him, so recent and so fresh, whereof he was himself a part, that he should endeavor to reconstruct or restore this Government according to the fixed policy which had controlled Congress, the Supreme Court of the United States, the former President, and all of the military authorities? I think there is no matter of astonishment in that. Let us glance at the

PRESIDENT'S POLICY.

Before the war the Federal Government, in the exercise of complete jurisdiction under the Constitution over all the States, performed faithfully toward them all the prescribed functions of national Government. The States on their part discharged duly their obligations self-imposed under the Constitution, and enjoyed all the privileges guarantied to them by that instrument. The Government secured life, liberty, and property, and all the machinery, civil and military, necessary to protect them. The States acknowledged allegiance, and gave dutiful and loyal obedience in return. Fealty of the States to the Government was the price of its protection. Peace, harmony, prosperity, and expanding civilization were the grand resultants of these reciprocal relations. The legal right of the Government was perfect, the exercise of that right unquestioned and unobstructed, and the resulting obligations and privileges of the States were equally perfect. Secession came and rebellion. War followed hard after. Now, let me ask what effect did war produce? Did it destroy the right of the Federal Government to constitutional jurisdiction over the seceded States? Undoubtedly not; it only suspended the exercise of that right. Did it weaken, impair, or destroy the obligations of those States to the Government or nullify their right to those privileges under the Constitution? It only hindered the faithful discharge of those obligations, and prevented for the time the enjoyment of those privileges. Did war destroy the Constitution or impair the rights it conferred or the obligations it imposed upon the respective belligerents? Clearly no; it only rendered perfect compliance with its stipulations and requirements temporarily impossible pending the contest. The States are bodies corporate and politic, created by the people and communities for their convenience, protection, and welfare. Their existence depends upon the will of the people, their creator; their form and powers are defined and prescribed and limited in the written constitutions of each and in the Constitution of the United States, all of which instruments are but the solemnly recorded expression of the sovereign will of the people of the several States and of the whole nation. But the Constitution of the United States nowhere declares that the rebellion of a portion of the people of any State or States works a forfeiture of the existence of such State or States, nor does it lay down any condition upon the happening of which such forfeiture can take place; nor does it recognize any possible contingency in which the Union of the States can be dissolved. Hence, therefore, rebellion and civil war can no more annihilate a State than secession can legally dissolve the bonds of the Union. Congress, indeed, may and is bound to provide for the common defense against invasion, rebellion, and insurrection, and to guaranty to each State a government republican in form; but Congress can find no constitutional authority to dissolve or destroy a State government republican in form, and giving allegiance, in fact, to the national Government, any more than it can find a constitutional authority to legalize secession.

A State cannot commit treason nor commit suicide, nor has Congress any more authority to punish a State than it has to destroy it. But if citizens are guilty of treason they incur the penalties of the law, and ought to be punished or pardoned as wise policy and the interest of the nation may dictate.

But, to resume, the war destroyed no States, nor did it confer on Congress any authority to destroy States. It temporarily alienated the governments of certain States from the Government of the United States, and severed the reciprocal relations of those States and the national Government. But victory came to our standard, and, with her, smiling peace returned to gladden the land. Now, what was the effect of victory to our arms and what the result of peace? Secession, pierced with countless mortal wounds, was slain; rebellion, encircled by lines of devouring fire, scathed and crushed by bolts of loyal wrath, its armies defeated and bleeding, its strongholds captured, its navy stranded and sunk, its commerce destroyed, its ports blockaded, its cities desolated with grass-grown streets, its industries paralyzed, its very vitals penetrated by the sword, and its wasted fields sprinkled all over with the blood of uncounted victims, now resting in red garments beneath their sod, deserted by friends, by its foes beset on every hand, with the brand of Cain blazing on its horrid front, and smothered in the blood of a million men, it died.

Our brave soldiers fought and bled, sacrificed and suffered, and thousands of them

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wrapped in garments dyed with blood fill heroes' graves—for what? To trample down the laws—to obliterate the Constitution—to dismember the Union? No, sir, believe me, no. To rescue, to maintain, to perpetuate these priceless blessings they toiled and suffered, they sacrificed and died. The perpetuation of liberty and constitutional Union was the prize for which they paid thousands of millions of treasure and poured out seas of blood. They grappled secession, and triumphed; they throttled rebellion and the prize was won. Lincoln saw the triumph and died by the hand of the assassin; and a nation's tears could not bring him back to life. Now, as secession, rebellion, and war, as we have shown, did not destroy the States nor impair their constitutional rights and obligations, so neither did victory and peace. On the contrary, the effect of peace was to afford an opportunity and occasion to the Commander-in-Chief of the Army and Navy, in discharge of his sworn duty, to restore, so far as he had constitutional authority, the normal relations between the national Government and the rebel States, in war suspended by the rude hand of rebellion. The plan foreshadowed by Mr. Lincoln in the case of Tennessee and of Louisiana was adopted and acted upon by the present President in its principles and leading features. The blockade was raised, the ports reopened to commerce; postal relations were gradually resumed; the courts were restored, and all the machinery of civil law reëstablished. President Johnson proceeded step by step, in accordance as he had a right to believe with the policy of the great Union party as inaugurated by his illustrious predecessor, to gather up and bind together these broken relations. But the Constitution had limited his power over the subject; and when he had gone as far in the work as he could go legitimately, he then stopped.

But he had an advisory power, and he exercised it by advertising Congress that in his opinion those States were now in a condition when Congress should consummate the policy on which he had acted, and reunite the last broken relation between them and the Federal Government by restoring to them their representation in that body. That work was one which Congress, and not the President, was authorized to perform. But Congress in its wisdom, willing to act upon its own responsibility, made a departure from the established policy of Mr. Lincoln and the Union party.

Now, it has been charged that the President has abandoned his party and turned traitor to those who elected him. If that be so, then I must confess that I am too blind to perceive a fact when it is before me. Is that charge in accordance with the truths of recent history, which we know right well? If so, then I have failed to comprehend the events of the last five years, upon which I have been intently gazing all the time. Sir, who inaugurated the policy which the present President of the United States has been endeavoring in good faith to carry out and consummate? Was it not Abraham Lincoln and the Congress that stood by him through the war and the great Union party of which he was the representative until the day of his death? That is according to my reading of history, and my understanding of what it teaches. The President of the United States has not deserted his former friends; they have turned away from him. He has abandoned no policy upon which he was elected; that policy has been discarded by those who elected him. And instead of pouring out the vials of their wrath upon his head they ought magnanimously to acknowledge that they have themselves come to the conclusion that some other policy might prove more profitable than the one with which they started out with him. They should blush now to cast blame upon the President, who is triumphantly vindicated by history, is consistent with his party and with himself from the beginning of his connection with this struggle down to the present day. So much for some things as we have seen them and as we now see them. Let us now turn our attention for a few moments to other facts.

I love theorizing as well as any man; I love to speculate and philosophize as much as any one. But when we are dealing with the destinies of a great nation, when we are endeavoring to ascertain the condition of the grand national vessel upon which are embarked the priceless treasures of this great country's liberty and prosperity and the hopes of the world, it becomes us to turn from theories and speculations to stern existing facts and grapple with them as statesmen. Let us endeavor to keep the ship of state in a safe channel, and see to it that while we try to avoid Scylla we do not fall upon Charybdis. We should keep her in her true course by the chart, so that we may pass through the narrow straits in which we are now floundering out upon the broad ocean of our true destiny.

But I am free to acknowledge here that, with no fault upon the part of the President, with no departure by him either from the theory of his former political friends, the President's policy so-called is to-day, in spite of its wisdom, justice, constitutionality, and patriotism, practically a failure before the country because Congress refuses to adopt it. Not because it is wrong in theory, not because had it been carried out it would not have accomplished fully and promptly and happily the restoration of this Union, not because of any fault in the plan or policy; but from the fact that the people of the States here represented have through their Representatives determined that it is and shall be a failure. Now, with this fact before us, what does it become us as wise legislators and statesmen to do? Shall we still cling to that theory and fasten our hopes and our destiny upon it, and wait to see what will turn up next? Or does it not become us rather, if we cannot accomplish what we desire in the particular manner in which we desire to accomplish it, to look about us and see if there is no other way by which we can come to the same result? That is the question for us to determine.

What is the grand result upon which the eye and heart of every patriot ought to be intently fixed? Unquestionably the integrity, the unity, and prosperity of this nation. Now, I believe that these States are to-day States in the Union; that is my theory. But what is the practical fact? They are unrepresented in this Legislature of the nation. I know they ought to be represented here; I know these wounds of the country should be healed; I know this country should be one grand united whole, having each of its parts in a condition of perfect equality with all its other parts. But when I come to face the facts I find nearly one third of the States of the Union practically disunited from the rest; one third nearly of the people of this nation unrepresented in the national Congress. They are prostrate in the dust, with their arms pinioned and powerless either for the development of their own physical, moral, and intellectual interests, or for the accomplishment of one single act calculated to advance the interests of the nation. Impoverished by war; dispirited by defeat and disaster; emasculated of all political power and denationalized; their trade ruined; their labor demoralized; their past unhappy; their present humiliating; their future rayless and dark, what stimulus is left to arouse the people of the ex-rebel States to activity and labor? Nature has given them a monopoly of cotton, rice, and sugar, and these constitute substantially the basis of our commerce and of our national credit. And just in proportion as the production of these staples is scanty or abundant so are all our industries, our commerce, and our credit damaged or prospered.

The thrift of the northwestern people greatly depends upon the production of these southern States. The profits of New England looms and New York and Philadelphia merchants depend upon the success of farmers and planters, and the revenues of the country to a large extent depend upon the manufacturer and the merchant, and the credit of the nation upon its revenues.

Who, then, aside from the other important bearings of this question, can exaggerate the immense importance of the speedy restoration of these States to their proper relations to the national Government?

The incalculable magnitude of the end to be attained sinks into comparative insignificance the question as to method or way of attainment.

Entertaining these views, it is my deliberate judgment that all parties in the South should yield quietly and in good faith to the pressure they cannot successfully resist, and hasten to *restore to their respective States the political power they have ceased to enjoy in the national Government by reconstructing upon such plan as is offered them by the dominant power in the Government.*

But, sir, where is your constitutional right to establish a military despotism over one third of this country? You cannot find it. The bill contemplating this purpose does not assume that the power is found in the Constitution, and it is not found there. Is there no remedy but that? Can you not under the Constitution strengthen the arm of the civil power and spread the protecting ægis of your banner everywhere over the Union men of the South? Then, sir, do it quickly if there is need, and save the Government. Cut it not down; leave it still to flourish for our children and their children and for the latest posterity.

Mr. Chairman, the nation looks to the majority of this Congress to save and restore the Government, not to destroy it. A fearful responsibility is upon you, and the American people will hold you to a strict account. I believe the plan of the President, had you adopted it, would long since have settled every difficulty, quieted every trouble, harmonized every interest, and brought unparalleled prosperity to the whole land. But you have rejected it and made it a failure. For Heaven's sake and the country's, then, offer us some reasonable, fair and magnanimous plan as a substitute, and make it a finality. I will support such a measure as a finality if consistent with my oath to support the Constitution; and if I cannot support I will not oppose it if it be a finality and the best you will offer. You have the power, exercise it, and upon some basis or other, even if it be a bad one, restore these States to their rights of representation, and let our reunited country once more press forward to the front of all nations in civilization, prosperity, and happiness.

Mr. Chairman, I find that I have been betrayed much further in this direction than I had intended, yet I have only just entered the threshold of the argument. But, sir, before I conclude my remarks there is another matter to which I desire to call the attention of this body and the country; and that is the just unsettled and unpaid claims which the loyal people of Tennessee have upon this Government. I hold, Mr. Chairman, that those claims are as sacred as any this Government ever contracted to its citizens. You know, sir, something of the history of Tennessee during the war. You know that when that dark period came upon the southern country, when the sun of liberty was for the time obscured, and when the Union people of that region could see no light, except by the eye of faith, under and beyond the clouds that enveloped them, there were true men all over the State of Tennessee who were not willing to bow down to the false idol, secessionism. You know, sir, that the stormy sea of insurrection rolled over the gallant, the brave, devoted, loyal men of that State; and though they bent to the waves and bowed to the storm that crushed them, yet they rose again and stood as they had been from the

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beginning, true to the Government of their fathers and the flag of their country.

The history of those loyal people of that State will never be fully written. It never can be written. The services of the loyal men of Tennessee will never be fully known. Their sacrifices are as little, perhaps less, known than their services; and their sufferings human tongue cannot tell, human pencil can never delineate. Sir, if I had time I would love to go into a narration of what I myself know of the services, sacrifices, and sufferings of that gallant people. I can only refer briefly to what I know of that particular section of the State I have the honor in part to represent. And when I speak of the services, sacrifices, and sufferings of the loyal citizens of East Tennessee I only reproduce the imperfect and partial history of every loyal neighborhood, of every loyal man and family in the State.

Sir, what are the facts. If you will look upon the map you will see that our section of the State was like a notch in the southern confederacy. But, although located within its borders, we were not willingly a part of the rebellion; in proof of which you need only look to the vote of February, 1861, when the State was not under the control of rebel bayonets, when the people were free to act without restraint or compulsion. What was that vote? About sixty-four thousand majority for the Union and against the rebellion. Is there a State north of the line that under similar circumstances could have brought out a larger Union vote in proportion to population? I think not, sir. It is true that subsequently, under the powerful pressure of military rule, which was shortly afterward extended over us, the public demonstration of Union sentiments was suppressed for a season. But it is equally true that in June, 1861, four months after the first vote East Tennessee, surrounded by enemies as she was, enemies hating her none the less because her people were their brethren by blood, schooled in the same political views, educated under the same social institutions, but now antipodal on vital questions, East Tennessee though thus surrounded and penetrated everywhere by rebel soldiers, gave in June, 1861, nearly thirty-five thousand votes for the Union to seven thousand against it.

Now, sir, they maintained that wonderful unanimity of sentiment throughout the subsequent history of the war. Our mountain boys, descended as they were from the hardy frontier patriots of the Revolution, who had snatched victory from the British standard at King's mountain—before Tennessee was born—grandsons as they were of the brave men who made ever memorable the names and deeds of the Horse-Shoe, of Talladega, and Emuckfau, and gave to immortality by their heroism at New Orleans the illustrious name of Jackson—participants, as many of them were, or sons of participants in the brilliant achievements of American arms in the Mexican war; receiving existence through patriot lineage, drawing infant nourishment from loyal breasts, and reared to manhood in the unfettered freedom of our grand old mountains, had ever associated the ideas of liberty of the grandest and most perfect Government, of security, happiness, and glory with the banner of the Union. The Decalogue graven in stone by the finger of God, and the Ark of the Covenant in the esteem of the ancient Jews were not more sacred than were the "Constitution and the Union" in the estimation of our East Tennessee population. Under the Constitution and within the Union they were born, and had enjoyed all the privileges, benefits, and blessings, all the security, liberty, and happiness any earth-born Government could confer, and knew the burdens of Government only in theory. The graves of their fathers, the homes of their childhood, their fertile fields and magnificent forests, their picturesque hills and nestling dells, their bubbling fountains whose laughing waters went dancing through green meadows, their rich broad valleys and towering mountains, sublimely majestic in their rugged vastness, among whose beetling crags the eagle builds her nest and rears her young ones, all the wild, ever-varying, and transcendently enchanting scenery on which they have gazed from childhood with an admiration and love too fond for utterance; their most cherished memories, their most joyous anticipations and hopes, all they ever had, and all they desired in the future, all were associated intimately and indissolubly with the Union. To "the Union" they were consecrated in infancy, to it they were betrothed in youth, in manhood wedded, and to it resolved to be religiously faithful unto death. To them secession was lunacy, rebellion an unpardonable sin, dismemberment impossible and absurd, whether peaceful or by force. Though surprised, they were not astonished at the war when it came, for no people were more thoroughly posted upon the issues that went before it.

They had sworn upon the altars of their sires they would die rather than strike at the bosom of their mother country, and right well they have kept their vows; for although many rugged, steep, and lofty mountains reared themselves like impassable barriers between their homes and the flag they loved, yet when the drum of the confederacy beat the alarm, when the shrill fife, calling the conscript to rebellion, echoed through their hills, everywhere the young men of East Tennessee sped from their once happy homes. Confederate cavalry and infantry already fill the land; guards are stationed; scouts are on the lookout; spies are prying and watching everywhere. The conscripts have all been enrolled. The day for the rendezvous is fixed when our boys must willingly or by force shoulder arms in the rebel cause and march. Night lets down her curtains of darkness once more before that fatal day. Ah! how many a scalding tear-drop, traced sorrows, pallid cheek, that night! How many a bitter curse was whispered out of young hearts, surcharged with righteous wrath, through parched lips! How many a prayer from breaking hearts was breathed in sighs into God's ear that awful night! Lift gently the latch and enter with me this rude dwelling here in the shadow of the hill. See! midnight has come. The hour of departure is here. That youthful conscript of twenty summers is taking his farewell—perhaps the last on earth—of the idols of his soul. About his neck are a sister's arms. He kneels to receive the benediction of his gray-haired sire, his mother's fond, fondest maternal kiss, her heart-breaking baptism of tears, the sobbing adieus of all: "Fly, my son," the old man cries; "seek the flag of your country, and if you must die, die in its defense and fill a Union soldier's grave. Your grandfather fell at King's mountain; your father heard Old Hickory at New Orleans, when he told us boys to take steady aim and hold our fire till we could see the whites of British eyes; then pull trigger and let fly the leaden storm. Be true to their memory, their country, and God. God bless you, my son. Away!" And away he breaks from all the sweetest endearments of life, through the darkness, to seek the pilot at his secret rendezvous.

Sir, could you have witnessed all the mournful scenes enacted in the humble homes of East Tennessee on that night of sad separations, and on many a similar night through that cruel war; could you have seen that knapsacked throng at their gathering place in the heart of that solemn forest at midnight, when each one entered with silent, stealthy tread, and reported to the guide in whispers; could you have read the history made that night by their bleeding hearts and the bleeding hearts they left at home trembling in the bosoms of grief-stricken, gray-haired parents, bereaved wives, and tender children, left unprovided and unprotected, you would comprehend the meaning of anguish, of sorrow, of agony, of heart-breaking; you could know something of the value of loyalty by estimating its price.

The next day came on rapid wings: But few Union boys were there to be mustered in! The undetailed conscripts have suddenly vanished! They answer not at roll-call, nor are they found at home. But where are they? Let me sketch you a picture, and you will see them in it starting from the canvas into life. The country is swarming with rebel soldiers, horse and foot. The towns, villages, and cross-roads, the fords and passes and paths are guarded. Troopers are scouring hill and valley, forest and field, searching attic and cellar, stable and out-house and barn. The sun is down; but the moon sends a subdued and uncertain light along the forest-crowned summit of yon tall mountain spur, which reaches northwestwardly far down into Powell's valley and breaks the darkness of the laurel chaparal by chance rays that penetrate the leafy gloom. Beyond the foot of the ridge is heard the ceaseless noise of the river, whose waters are thick with floating ice. Still beyond is the bold outline of the Cumberland mountain, whose summit is the Kentucky line. A public highway traverses the valley northeast to southwest. Along this road at narrow intervals are stationed rebel guards who have already been posted for the night, while mounted men are galloping everywhere on watchful patrol. Now, if you will look narrowly toward the laurel covert near the summit of the mountain spur, you will perceive moving out among the trees upon the pathless crest of the spur, with cautious steps which sink into the snow that lingers there, one, two, three, ten, twenty men, with staves and knapsacks, in Indian file, under the command of a watchful and sagacious guide. During the day, as they have done every day since they left their homes, they have rested and slept in some unvisited forest or mountain gorge, and awaking at night-fall, have started again with the thickening shadows of twilight upon their perilous pilgrimage. This is the same group you saw that sorrowful night leaving their rendezvous to escape conscription and to seek their country's flag. Since you saw them they have threaded many a forest maze, dodged many a rebel camp, escaped many a squad of rebel scouts, waded many a stream, and climbed many a precipitous mountain ridge. Now, they are worn, weary, shivering with cold, on half rations, with a doubly guarded line of hostile bayonets to pass and a mad river, white with floating ice, to ford. The danger must be bravely met, the gauntlet of the valley run, the icy river crossed, and the steep barrier of the Cumberland surmounted before another dawn, or woe betide that little band. "March!" the word passes from front to rear along the line in whispers. Forward, each with his eye on his file leader so silently, so cautiously, you may see them move along the declining ridge, but you may not hear their tread. Now and again the pilot pauses, leans forward, peers intently before and around, listens, with a hand as a sounding board behind each ear, to catch the sound or sight of lurking dangers. His pause signals each, and all obey, and every eye and ear is acting sentinel. Halt! The edge of the wood, the foot of the ridge is reached, the dim line of the road is visible, and lo! there is the watch-fire of the rebel guard, and sentinels' muskets are visible; their footsteps in the frozen road are distinctly audible.

The pilot motions silence and glides off in the shadows of the forest edge. In a brief space he resumes his post. A short whisper is breathed along the line. Diverging at right angles to their line of march, keeping in the shadow of the wood and nearly parallel to the road, half bent and in perfect silence they creep rather than walk, four hundred yards to a point where the road touches the wood on their side of it, and

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is flanked by a cornfield on the north. A rebel guard fire is visible along the road east of them and one west. At the point they have reached the sentinels meet. Within thirty paces of this point our pilgrims await the advance and departure of the guards. Bout face, tramp, tramp, tramp! they are gone. But the frozen road still gives back the sound of their retiring footsteps. "Now boys," whispers the pilot, "now is our time, follow me in silence and do as you see me do." Like specters, bending almost to the ground, they glide tiptoe nearly to the road. Down on his hands and knees goes the guide, on hands and knees all follow. The road is reached. Here the pilot stretches himself full length upon his face and crawls across the road, and twenty men as noiselessly follow in his track. The fence is passed, the cornfield entered, the forest regained north of the road, the river is safely forded. The first spur of the Cumberland is reached, and wearily our little squad, rejoicing over their success in passing the last guarded line is toiling toward its summit. 'But hark! what mean those sounds in the distant rear? The rebel bugle loud and clear calls to rendezvous. Listen! those were musket shots. Again, again! They are, they must be signal guns.

Now pilgrims of liberty, haste, haste for life, pause not nor rest ye till the tall Cumberland is safely passed. Fly or ye are lost.

In crawling across the road a part of the contents of a haversack was spilled, over which a rebel sentinel stumbled. He strikes a light and there he finds the well-defined track of our travelers. Hence the bugle call, hence the signal guns. But thanks to rugged mountains and pathless forests, and signal calls, pursuit was vain.

The Cumberland is passed. Kentucky gained, and at last footsore and worn down with travel, and privation, hunger, and cold, our little company of loyal mountain boys hail the starry flag at Camp Nelson with unspeakable joy, enter at once the national service, and give themselves to their country to the end of the war.

This little picture, sir, with a thousand variations of thrilling and romantic incident, illustrates the principal facts in the experience of the great mass of the volunteer Union soldiery of East Tennessee. But it does not present a faint idea of the hardships, privations, perils, and sufferings of many hundreds of them who were captured in attempting to elude the conscription, escaped from the rebel armies or from prisons afterward, joined the national forces and fought to the end of the war with ropes around their necks, regarded as they were by the rebel authorities as deserters from their army, and liable to be court-martialed and punished as deserters whenever captured, as indeed some of them were.

But, sir, did these mountain boys prove worthy of the glorious banner they upheld in the war? Were they worthy sons of noble sires? Did they honor the land that gave them birth and shed luster upon the arms of the great Republic? Go ask Burnside and Rosecrans, Sherman and Thomas, Carter and Gillem, and Grant. Let Mill Spring and Murfreesboro, let Bean's Station, Mossy Creek, Blue Spring, and the siege of Knoxville answer. Let Chicamauga, and Mission Ridge respond in the hour of disaster and amid the shouts of victory. Let the bloody triumph of Donelson and the pealing thunders of Shiloh reply. Let Sherman's blazing march to the sea give answer.

Why did they not remain in their own country? It was not because there were premiums and rich rewards awaiting them if they would take the arms of the Union and fight under its flag. It was not that there were hopes of future promotion held out as beacons in the distance to allure them from their obscurity into distinction. No, sir; they were impelled by the spirit of devotion that burned within them toward the country and the Government of their fathers, and by no other feeling. But how many men do you suppose the mountains of East Tennessee furnished to the armies of the United States, most of them escaping in the way I have related? Out of three hundred thousand inhabitants and forty thousand voters, out of a Union-voting population of thirty-five thousand or less, there were, according to the best estimate that can be made, thirty thousand who bore the arms and wore the uniform of the United States, and fought under its banner.

Sir, I can say for Tennessee generally, and for my own section especially, that I never heard during the whole war of a case of a drafted man nor a hired substitute for the Union Army. They fought under the banner of their country because they wanted to save the nation; and thousands of them bit the dust in battle, and thus sealed their patriotism by their death.

But, sir, the services that these people rendered during the war history will never record. In the history of this great war, with its multiplicity of general facts, the various heroic acts performed by individuals and by small bodies of men among those mountains can never find a place. But that section for generations yet to come, for ages far in the distance, will teem with the records, unwritten it may be, but not the less romantic, not the less honorable to them—traditionary legends, that will make classic the soil of that glorious Switzerland of America. Sir, every inch of it is classic ground already, for along its hillsides and its valleys the blood of patriots has sprinkled the dust, and the graves of heroes unknown to fame, with their bloody shrouds around their sleeping dust, sanctify the soil.

There the northern man and the Tennesseean side by side, under the same starry banner, met the foe, and there together their blood mingled upon the green sod it made rich as it flowed; and beneath it to-day in the embrace of death the Northman and the Southman, the Tennesseean and the New Englander, sleep side by side in the grave of glory where their patriotism and courage have laid them to rest. Go and gaze upon yonder tremendous scenes that greet the vision about the heights around Chattanooga. Rosecrans had met the foe and felt the power of his crushing steel, and disaster had come upon him, but the heroic Grant, whose name has ever been associated with success, followed close, and within three short months snatched from the jaws of defeat the shinning banner of victory, and on Mission Ridge and the heights of Lookout mountain the stars and stripes waved triumphantly and gloriously once more. Follow the dauntless Thomas along his bloody, blazing track into the midst of the enemy; watch the impetuous and fiery Sherman as he leads his fearless corps along the slippery steeps of Mission Ridge and there secures imperishable fame; See the victorious Hooker as he follows the American eagle up the rock-ribbed sides of Lookout mountain, wins a great battle on its summit, and responds in thunder tones from the field of his freshly-won glory above the clouds of heaven, to the triumphant shouts of victory from the echoing thunder of the conquering armies in the valleys below, and then tell me, sir, if every foot of ground in East Tennessee is not classic ground. She goes down to fame also as an illustration of the strength, the vigor, the endurance, the fortitude, the fidelity, the courage, and the unfaltering devotion of loyal hearts when thus left unprotected by the Government and without the banner and shield of the country over them.

But, sir, what have been the sufferings of these people? I have alluded to their services. They suffered the loss of all things but life and honor for the love of that flag and all that it represents. The richest in the progress of the war, because they loved their country, became as poor as the poorest. Rebels seized their property without paying for it, or paid with worthless paper, but when the Union forces came, of the remnant that was left, with cheerful spirit they divided with the Union soldier until their last spoonful of salt was gone, and until they had broken and divided their last biscuit, and they were left without food for their hungry children.

But if you would know something of the fortitude of the brave and the sufferings of the loyal for the cause they loved, I ask you to visit the dark and loathsome prisons of Madison, Macon, and Montgomery, Salisbury, Tuscaloosa, and Belle Isle, Knoxville, Nashville, and Andersonville, and ask the slumbering echoes to give back to your ear the sighs and groans and shrieks of despair and agony that once went up to the ear of God out of the bursting hearts and parching lips of Tennessee prisoners dying there by inches because they were loyal. Visit the silent, solemn burying grounds where the little white board with black letters tells the tale of woe and mortality, and in every one of them you will find the patriot Tennessean sleeping his last sleep. All those tell of the sufferings endured there by the old and middle-aged, snatched from home by the hand of ruthless power, taken from wives and little children and consigned to death through filth, vermin, and starvation. Methinks, sir, when you remember these you can form some idea of the sufferings of the loyal people of Tennessee. It is not fancy, sir, it is fact, and I dare not lift up the curtain to reveal it all; the picture is too dark for humanity to contemplate. I know, sir, these were the sad fruits of mania, the madness of secession and rebellion, and I recall them not now to stir up the indignation of any against the frantic perpetrators of such mad crimes; nor would I invoke upon the crushed and vanquished, ruined but repentant subjects of that lunacy, vindictive retaliation or revenge. Nor would I conceal my conviction that the fearful crimes resulting from rebellion were not approved nor justified nor even palliated by the great mass of our misguided citizens who were lead or driven to abandon their allegiance. They lie at the door and crimson the souls of that potent commanding few who intelligently and freely of their own accord conceived and instituted secession and willfully plunged the nation into rebellion. Such are amenable to the laws and, in the hand of Him who hath said, "Vengeance is mine: I will repay."

But, sir, my object is to enforce upon the public mind and heart the superlative claims of loyal Tennesseans and all other loyal claimants in the rebel States to prompt and complete justice at the hands of the Government. All these things, sir, and much more which I have not hinted at, were suffered and endured on account of the loyalty of this people; and besides, they were bereft of all or nearly all their substance and reduced as a people in large part to absolute penury and want. Little heritage have we of East Tennessee to-day but our poverty and our patriotism. We thank God for the one, and by His blessing, if our country will but be just to us, we can survive the other.

Sir, these people contributed all they had left to the cause. They not only divided, but they gave all up out of love for their country. I tell but the simple truth when I say at the end of the war it was a matter of profoundest astonishment to me when I returned to East Tennessee to see anything or anybody living in the land. The storm of war had swept back and again throughout its length and breadth, through its narrow valleys, and over its hill-sides, until there was left in many cases nothing but the ruins of once happy homes, the blackened chimneys of burned dwellings, or the wasted, thrown-out fenceless farms where families had once lived that were now scattered and gone.

Now, when the Army of the United States came into that portion of the county, as I have already remarked, our people met the troops

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with an open hand and a generous and liberal heart, and gave most of all they had to assist their country. They gave their property, their toil, their labor, their suffering, and in a thousand instances their lives to their country. And they are now in poverty; not only the men who entered the Army and fought, but those also who remained at home to take care of the women and children; the great mass of them are in poverty.

Now, I ask is it demanding too much of this great and magnanimous Government when we come here and ask, not for any gratuity, for we do not bend the supple hinges of the knee and get down before Congress and sue for a donation; but we come here to Congress and demand that the Government shall pay its just debts, what it honestly owes to the patriotic mountaineers of East Tennessee and to the loyal people of the whole State. We say, pay us for our property used, consumed, damaged, or destroyed in defense of our common country; that is all we ask.

And how are we met? Nearly every day millions are voted of the public money for this that and the other public work. And we are so liberal that we can expend from two to three hundred million dollars a year in the ordinary expenditures of the Government. But when we present the case of the poor suffering patriotic citizen of Tennessee, one of those who not only shed their blood, but gave all their substance to assist the Government, we are to be put off from month to month and session to session, until at last our claims will become like those for French spoliations, so old that no one will listen to them nor heed them.

We pay millions of dollars yearly for Indian annuities. You pay large sums to Missouri, allowed by military commissions; millions to West Virginia, Maryland, Pennsylvania, and why not adjust and pay the poor people of Tennessee, who have suffered all they could suffer but extinction, and lost all they could lose of estate except their land, and many even must lose that because this Government withholds justice.

Now, I ask, is that just, much less generous? I called at the beginning of this session upon the gentleman from Ohio, [Mr. Delano,] the chairman of the Committee of Claims, to which committee had been referred a resolution presented by the gentleman from Michigan [Mr. Trowbridge] during the last session, proposing the establishment of a commission to investigate the claims of the loyal people of Tennessee, and adjust and settle them, and put them in train for payment. But the chairman told me that the committee would not report that resolution. I then came to the House here and asked that the House should instruct the committee to report the resolution only that we might have an opportunity to act upon it. But the House would not even consider it. I have since urged, begged, and implored the chairman to report the proposition to the House, even if adversely, so that we might get it before the House and have an opportunity to present the facts, and let Congress determine whether or not these debts should be paid. But that was refused.

Now, I present this state of facts to the country, and I ask the American people if it is not an outrage that the patriotic people of Tennessee should be crushed by the injustice of the American Congress, and put off from month to month, and year to year, until they go to their graves with their just claims unpaid? The day has come when Congress should act justly toward the people.

I call upon this Congress to do so. Send out a commission, and let that commission upon the ground examine into the merits of all cases. Let them hear and determine upon the claim of this man who asks twenty-five dollars only for the property your soldiers took from him, with or without his consent; or the claim of that loyal man of fifty dollars for his last cow, or of the other man of $100 for the mule which the Union Army took and carried away; and the claims for corn, wheat, hay, oats, and everything by the Union Army used, injured, consumed, or destroyed, belonging to loyal persons, and even the garments and bedclothing which were taken from the women and children in order to cover shivering soldiers from the blasts of winter. I call upon Congress to send a commission out there to investigate, adjust, settle, and pay claims which this Government owes in honor and justice to the people of my State.

Asking pardon for having trespassed thus long upon the attention of the House at this hour of the night I will now close.

Reconstruction.

SPEECH OF HON. N. P. BANKS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

February 9, 1867.

The House having under consideration the bill (H. R. No. 1143) to provide for the more effectual government of the insurrectionary States—

Mr. BANKS said:

Mr. Speaker: Nothing was further from my purpose than to enter into a discussion of this question at this time. My first intention was, as it always has been my desire, to support all measures reported by the Committee on Reconstruction. On reflection and a more careful examination of the military bill for the government of the insurgent States, it seemed I am compelled to change my purpose; and I wish to state briefly my reasons for that conclusion. It is my belief that the States lately in rebellion are still States of the Union. They have not lost their legal character as States. They were made States by the action of the people and of the General Government, and they cannot change that condition except by the consent of the General Government. That consent has never been given. The general grounds for this opinion I shall not attempt to enter upon at this time, but I venture to say that there is nothing in theory of law or fact which deprives them of their legal existence as States of the Union. But Congress, by the votes of two Houses, with approval of the President, by many acts from 1861 to 1865, have deprived the people of these States of all right to coöperate in the government of this country. The loyal and disloyal alike are denied this privilege. The States as they stand are left with a legal recognized existence, but the people are without power, as a matter of right, to participate in the Government.

Now, I understand the position of these people to be this, according to received doctrines of international law: there are three conditions of a Government. It may be at peace, at war, or in an intermediate condition of suspended war, which is called a state of siege. The people are in exercise of political privileges, more or less extensive, according to the will of the governing power, but without any absolute right of their own to control affairs. That is the condition of the people of the insurgent States. It is not one of peace or war; it is a state of siege. We hold them in this condition until governments shall be established by the consent of Congress in which they shall participate. This is a military condition. The fundamental law of these States is martial law. Whatever is done or has been done by Congress, by the President, or by military officers, has been done and will be done in virtue of the military power and the right given in the Constitution to declare war. We may allow them to exercise such power as may not be inconsistent with public safety. The limit of our power in this regard is that which is necessary for the safety and welfare of the Union according to the theory of our Government. This is the theory of continental writers upon international law, and it has been adopted by the law officers of this Government.

It is not my purpose to complain of what has been done. I am willing to assume that it has been done in good faith and with a proper regard for the rights of the Government and of the people. But this much I will say: the result of what has been done in the insurgent States is to bring the enemies of this country foremost into power, and to place under their jurisdiction and control all the loyal and well-disposed citizens of those States. To that result I object; and I am in favor of any measure the most stringent and the most thorough that shall reverse that condition of things, repress the enemies of the country, and elevate the well-disposed and loyal portion of that population.

Now, sir, I regret to be compelled to speak of the bill which has been reported by the joint Committee on Reconstruction as I shall do. It seems to me that any bill which shall place these States under military or martial law is proper; and I do not object to any measure which shall propose to accomplish that purpose. But this bill proposes to do more, much more. It establishes what may be termed a complete frame of civil government, to be administered by the regular Army without restriction or limitation of power except the discretion of its officers. The regular Army administering this power is without responsibility to the Constitution, to Congress, or to the people. It is responsible only to the Commander-in-Chief of the Army and Navy and those charged with its administration. Whatever malfeasance may occur can be tried only by the officers, under its own rules and regulations of the Army.

Now, if I am mistaken in that interpretation of its terms, I shall willingly ask pardon of the committee. But if I am right, then I think that no member of this House will desire that this bill shall be a law without some modifications. I read from the third section of this bill, as follows:

Sec. 3. *And be it further enacted*, That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, anything in the constitution and laws of the so-called States to the contrary notwithstanding; and all legislative or judicial proceedings or processes to prevent or control the proceedings of said military tribunals, and all interference by said pretended State governments with the exercise of military authority under this act, shall be void and of no effect.

This gives them the control of all questions of persons and property. It enables them to recognize existing State governments just so far as they shall choose. It enables them to make such reports of the condition and character of these governments as they please, and the people, without means to obtain other information, will be compelled to receive such reports as official, and to a great extent to accept their conclusions. It authorizes them, if dissatisfied with the State tribunals, to establish military commissions and tribunals of their own, "and all legislative or judicial proceedings or processes to prevent or control the proceedings of said military tribunals" is declared to be "void and of no effect."

That power is not qualified in any respect. If it is intended to have reference only to the Legislatures and the judiciary of the insurgent States, it is unobjectionable. But it is not so limited and is liable at least to the interpretation I have given it by those who are to administer it. There is no positive limitation to these State tribunals and Legislatures. On the contrary, the fourth section provides that no court or judicial officers of the United States shall issue writs of *habeas corpus* in behalf of per-

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sons in military custody "unless some commissioned officers shall certify in advance that he believes the detention to be wrongful. Now that, with the paragraph immediately preceding it, which I have read, would imply that Congress will have as little right to proceed against them in a legislative as in a judicial capacity.

I do not think that the members of this House will be willing to pass an act which will bear that construction, and I trust that so much of this bill as implies, if it does not establish, a frame of civil government which embraces all the powers given by the Constitution of the United States, except perhaps the right to treat with foreign nations, to be administered by the officers of the regular Army without responsibility except to any officers under Army regulations, will be stricken from the bill, or so modified as to obviate that objection. I repeat that any power of a military character which may be demanded for the protection of the people of that part of the country I shall be entirely willing to concede.

Mr. Speaker, I have another objection. There is not a line or a letter in the body of this bill which limits the duration of its operation or looks to the establishment of any other government except this which is to be administered by the regular Army. I know that in the preamble it is stated that this bill is to be in force until loyal and republican State governments can be legally established. But the preamble is no part of the law; and my conviction, founded upon personal experience, compels me to say that I do not think the administration of the officers of the regular Army will tend to the reëstablishment of a loyal and republican government. History does not justify us in expecting the restoration of overthrown republican or democratic governments through the intervention of purely military governments or of standing armies. I have never known a tendency to such results, and I do not believe that if this bill shall be passed, with its unrestricted and unlimited power, it will have any other effect than to crush out the spirit of loyalty so far as that spirit has an existence in those States.

Mr. Speaker, it is my belief that the hope of this country for reconstruction of the Government is in the masses of the people, the uneducated, the poor, the powerless masses of the people of these States, whom we ought to educate and elevate. Whenever we shall have so far progressed in our work as to give them power and a comprehension of what they and their descendants are to gain from the Government of the United States, they will become the truest and best friends this Government has ever had. Against this democracy, this lower order of society in the insurgent States, there is the aristocracy, influential, educated, wealthy, powerful, and absolute in its control of public action beyond any aristocracy elsewhere existing. In the administration of purely military law I believe that the influence of the regular Army will fraternize with this aristocracy against this democracy; and so far as this occurs we shall be deprived of the only basis we can have for the restoration of a loyal or democratic Government in this country.

If there is any hope for the Government of the United States, (and, sir, I sometimes fear that we may be deprived of even that which was left to Alexander after he apportioned his estates to his favorites—hope,) if there be any hope, it is in the millions of the common people of the South; and if we have anything to fear from any portion of the population there, it is from those implacable public enemies who are wedded to the doctrines and the privileges of aristocracy, and to whom we owe exclusively all the sufferings and sorrows of the age in which we live.

Whatever measures, whatever form of government shall be adopted, I wish to place myself with the democracy and against the aristocracy of these States; and I fear that the machinery of this bill will not tend to that end.

I have another suggestion to make. The bill proposes to give to the General of the Army power to appoint these officers. I have no fear of General Grant. On the contrary, I am sorry to say that I believe he may be the only man to whom the country can turn in its present disturbed condition for safety. I say this with regret, not because I distrust him in the least degree, but because I am sorry it should even be said that there is but one man or that there are not multitudes of men to whom the people can turn for relief from our present trouble. It is easy for Governments to sacrifice public men. It is not impossible for the friends of General Grant to place him in such a position that he must either be sacrificed or be compelled to indorse conduct which no true friend of his could approve. If he acts with the President in the execution of this law we have not much to hope, unless the President's position be materially changed, the probability of which all gentlemen around me seem to doubt. He still retains the command of the Army. He can assign to such duties as he pleases all its officers. The superior and subordinate officers depend upon him for promotion, and covet his favor and patronage. If General Grant resists his views of public policy he will not unlikely find the superior and the subordinate officers in opposition. And with the higher officers against him and the lower officers against him, surrounded by hostile communities, if he is composed of mortal dust it is certain he will suffer, and with him the hopes of the country that rest upon him. Appeals from his decisions will be constantly made, his authority impaired, and his success defeated. There are men who have been in such machinery. It is an engine of destruction. Its power cannot be resisted or controlled. If the General of the Army, who is to be charged with the execution of this law, is required to run counter to the course of the Administration, and is undermined by the patronage and the promotions offered to the officers below him, he must submit to that power and be destroyed, or he must seize the military power of the Government and fight his way to a different result. Neither result, I am sure, can be desired for him or for the country if it can be avoided.

For these reasons I regret to say that I hesitate to give my vote for the bill; and I trust that it may be amended so as to relieve it from features to which I have referred, and to give to these States the protection of whatever military power is necessary for the protection of the people. But I desire that that military power shall be accompanied by a proposition to establish popular governments, based upon the loyal people in one or more of these States, as a condition-precedent to the exercise of this military power; so the idea that the first object of the act is to establish governments for the loyal people will be forced upon the attention of the Executive, of the people, and of the Army.

And this, sir, leads me to speak for a few moments of the various propositions which have been made upon the subject of reconstruction. Take, for instance, the proposition of universal amnesty and universal suffrage.

Mr. BROMWELL. I would inquire of the gentleman from Massachusetts if it will make any difference to General Grant whether the bill is amended in the respect he speaks of or not? It strikes me, if it is to grind General Grant between the upper and nether millstone, any amendment that may be made as to the character of powers conferred upon these military officers cannot relieve him.

Mr. BANKS. I propose one remedy for that difficulty, as for others. It is to separate the civil from the military government: to give the first to the loyal, the second to the Army, and to both the support and authority of the Government. I speak now of the question of universal amnesty and universal suffrage. Universal amnesty brings the rebels in power. If they have the control of those States no suffrage we can give to the lower classes will deprive them of that power. The South is not, and never has been, governed by public opinion. It is governed by force. All aristocracies govern by force. The South will never allow the colored people or the white people to take from their hands the power they have wielded so long, and to which they think they have indisputable right. We can never expect the colored vote of the southern States to take the power out of the hands of the ruling classes when they have been restored to full power by the Government of the United States.

I do not oppose suffrage for the colored people. What I say is, we ought under no circumstances restore the ruling class to political power until the sovereignty of the Government has been firmly and finally established. Universal amnesty and universal suffrage, in my opinion, will make the South a unit. It will be a unit now as when the institution of slavery existed. The North can never be united. The North is governed exclusively by public opinion; and there is not a State, a city, community, or family where there is not more or less of division. On the contrary, in the South there is no difference of opinion tolerated, and whenever the ruling class is threatened in the exercise of power they resort to their legitimate engines of force and fraud to maintain their position and to sustain their power.

The southern States—I do not speak of the ten insurgent States now out of the Union, but I speak of the former slave States—have a distinct interest, in which they are alone concerned, so powerful, so gigantic, that it is hardly possible they can ever divide if they are permitted a chance to regain control of public affairs. Their losses amount, according to their estimate, to $7,000,000,000. In the outset we require them to abandon all hope of recovering their losses. The debt of the United States is $3,000,000,000. While we refuse to recognize their debt or to pay for their loss in the emancipation of slaves or otherwise, we require them to pay their share of our public debt. Here is a gigantic financial interest of $10,000,000,000, at their estimate, made up of losses which they hope to recover, and public debts from which they hope to escape, and if they are permitted to consolidate the elements of political power with this object in view it is impossible to expect any one of the fifteen States shall resist any policy proposed for their advantage in this regard.

Take the case of Missouri; that is the strongest. Missouri is unquestionably a loyal State; yet if the rebels be restored to power, even with suffrage to the colored people, even proposing to the people of Missouri they are to recover their share of this loss of $7,000,000,000, and to escape the payment of taxes upon their share of a debt of $3,000,000,000, it is impossible any other party should maintain power except that identified with the southern interest. Hence you may expect to see every one of these States, Kentucky, Tennessee, Maryland, and Delaware ranged, as they were formerly, upon the side of the loyal States in support of different interests and results.

What is their power? They will have in the House of Representatives, if restored without restriction, ninety-eight votes. The ten insurgent States have fifty-eight and the border States now in the Union have twenty-eight votes; that does not include the three-fifths representation, which will give them twelve additional votes. They will have ninety-eight votes in favor of a policy which affects the condition of every individual and family of the South.

The number of members by statute is two hundred and forty-one; with the addition of two fifths of the colored people now unrepre-

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sented it will be two hundred and fifty-three. A majority will be one hundred and twenty-eight. They want but thirty votes from the North to give them that majority, and there can never be an election in the fifteen or twenty loyal States that will not give in the aggregate a minority of at least thirty votes, which, added to the united vote of the South, gives them the control of the Government of the United States.

What will they do? What would any party do with such interests and such united power? It will control the Electoral College, direct the choice of Cabinet officers, shape the decrees of the Supreme Court, and force the Chief Justice and the General of the Army from their positions or to do its will. They will have the power to do it.

Will they pay our debt? Many propositions have been made to secure its payment, but I think it is not in human power to put in language any statute or constitutional amendment which can compel to pay the debt. It may be repudiated in many ways: by increasing its volume to such extent as to make its liquidation impossible and absurd; as well as by a formal and authorized act of repudiation. Nothing can prevent this power, if installed in power here, from destroying in one session and at one blow all hope of the payment, either principal or interest, of the debt. The South is poor. It cannot pay. A Representative from the South, when asked whether he will or will not tax his constituents, will have indisputable power to say yes or no, as he or they may think just or expedient. If they are unwilling the debt shall be paid they will say no; and with a negative so powerful as that it is impossible to provide for the payment of the interest or the ultimate payment of the principal by any legislation or constitutional enactments.

But that is not the only difficulty. They have the power to increase the expenditures of the Government—possibly with the coöperation of the East or the West, perhaps the whole North—to such an extent as very soon to make it impossible to pay the debt. The remedy for this condition of things is the reorganization of political society in the insurgent States upon such a basis as to make it consistent with the interests of the people as well as with their wishes to maintain the credit, increase the prosperity, and perpetuate the power of the Government. It is to give power to its friends rather than its enemies. Upon this theory of universal amnesty and universal suffrage I see no hope of such reorganization, and nothing but disaster to the Government. I do not expect, I dare not hope, that if they have this power they will wield it for any other advantage than their own. And, sir, as a man representing a constituency, loyal, intelligent, and patriotic, I am obliged to say that if the tables were turned, if the rebel debt were to be fastened upon us and our own repudiated, and I, representing a portion of the people of Massachusetts, were permitted to say yes or no to the repudiation of our debt and the payment of the rebel debt incurred to destroy this country, in behalf of my constituents I should be obliged to say no. Nor do I expect that the rebels would do more or better; and therefore, and upon that ground, I impeach the right of the Representatives of the loyal people to restore them to power.

Gentlemen on the other side of the House have said, Why not admit the Representatives of the southern States upon condition that they take the oath prescribed by law—the test oath, as it is called? A political oath, Mr. Speaker, is no bar to political action. It necessarily depends upon the conscience of the person who takes it. It is a question between him and his God, and in this case we have been compelled to rest the conditions of the oath upon the will of the actor. That does not disqualify which is not voluntarily done. And when an agent is left at liberty to interpret his will for himself and say what has been and what has not been voluntarily done he is completely master of the situation. History does not exhibit many instances in which a Government has been served or a people saved by political oaths. In this view there is scarcely a man in the South who cannot take the test oath; and whenever this shall be required of them, either to retain property or to secure power, they will all, as one man, accept it. It is substantially to swear that they have not voluntarily entered into rebellion against the United States.

There are few persons in the South that will admit that they entered voluntarily into the war. Mr. Davis, the president of the confederacy, when he left the Senate of the United States, stated as the reason for his secession that he was "obliged" to take the course which he followed. It was a plea of compulsion. Taking the speech of Davis in the Senate and the language of the test oath, is it probable that the rebels would refuse it if made a condition of the restoration to power?

Mr. HISE. Will the gentleman allow me to ask him a question?

Mr. BANKS. Certainly, if for a question only; I cannot yield for general remarks.

Mr. HISE. It would be necessary for me to make some preliminary observations.

Mr. BANKS. I must decline to yield for any observations. The object of the southern leaders is to make the rebellion honorable. That is their object. They have no other purpose but to class the rebellion among the honorable events of our history. It is for this reason they refuse the oath and denounce those who accept it. The oath repudiates the rebellion as a dishonor. It is the purpose of the Government to stamp the rebellion as an ineffaceable disgrace upon those who led the country and its people to the brink of destruction. We therefore insist on the oath as a disclaimer, a badge of dishonor. We do not rely upon it for security. Whenever it becomes necessary for the insurgent States to accept the ecclesiastical authorities, an ecclesiastical convention will proclaim that what a man does in obedience to the command of his State is an involuntary act and is without sin. This is the established law of the church. Political conventions will declare that the allegiance of the citizen was to the State and not to the General Government, and that service which the State demanded he was compelled to render. The test oath is therefore no bar to political positions and no guarantee of safety as against public enemies.

Let me ask attention of the House for a single moment to a historical precedent. Mr. O'Connell, after a life of great experience and great trials, said, in a debate in Parliament, that that which shocked him most in public life was the fact that committees appointed by the House of Commons and sworn to do their duty were never regarded as men bound by an oath, but only as so many Tories and so many Whigs.

In 1772 the Jacobites were severely persecuted by the administration of that day. Nearly the whole nation were summoned to swear allegiance to the Government. Lord Mahon says it carried more disaffection to the king and his family than anything that happened during that reign. But men took the oath without any regard to the facts of the case, saying they had rather venture themselves in the hands of God than of such men as they had to do with. They all adhered to their principles, and the oath, however it might torture their consciences, did not control their conduct. The Jacobites applauded their leader, Mr. Shippen, because he had the courage to swear against his conscience on purpose to serve the good cause; and this was only to escape a tax. Such is the inevitable result of any oath imposed by any Government for its security. Swearing allegiance to King George did not shut the Jacobites out of Parliament; swearing allegiance to Louis Philippe did not shut out the Carlists from the French Chambers. The test oath will not exclude the rebels from the Halls of Congress. The Jacobites took the oath to escape a tax only; how can we expect more virtue in the rebels when it is the only bar to their restoration to power? "Although we might reasonably infer from theory," says Lord Mahon, "that men honorable and high-minded in private life would be scrupulously bound by the solemn and public obligation of an oath, experience will teach the reverse."

Gentlemen upon the other side have asked why not admit the Representatives from these States if they be loyal men? My answer to that question is this: the Representative is nothing; it is the people who speak here through us. If we disregard their wishes or interests they change their Representatives, as they ought to do. Now, a man from one of these southern States, though his personal career and character may have been spotless, must, if he represents his constituents, do what they desire, and I would just as leave that a rebel general or an ex-member of the rebel Congress, or even the president of the late rebel confederacy, should be here in person, as any man less conspicuous, who represents the same principles.

There is no course for us but to take the plain practical, simple method of reconstruction, which does not depend upon the leading men of the South or upon any arrangement of a temporary character. It is to reconstruct the political society of the insurgent States in such manner as to exclude every element of hostility to the existence of the Government. And such a measure is presented in the constitutional amendment adopted by this Congress at its last session. And in my opinion whenever three fourths of the States represented in this Congress shall have ratified it by their Legislatures, it will have become a part of the Constitution of the United States.

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LAWS OF THE UNITED STATES

PASSED AT THE

SECOND SESSION THIRTY-NINTH CONGRESS.

39TH CONG. 2D SESS.—No. 12.

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LAWS OF THE UNITED STATES.

PUBLIC ACTS OF THE THIRTY-NINTH CONGRESS

OF THE

UNITED STATES,

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the 3d day of December, A. D. 1866, *and ended on Monday, the 4th day of March, A. D.* 1867.

ANDREW JOHNSON, President. LA FAYETTE S. FOSTER, President of the Senate. BENJAMIN F. WADE was elected President of the Senate *pro tempore* on the 2d day of March. SCHUYLER COLFAX, Speaker of the House of Representatives.

[The Index to the Laws follows the Index to the Appendix.]

CHAP. IV.—An Act making Appropriations and to supply Deficiencies in the Appropriations for the Service of the Government for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated for the objects hereinafter expressed, for the fiscal year ending June thirtieth, eighteen hundred and sixty seven, viz:

Office of Superintendent of Public Printing.

For public printing, eighty thousand dollars.

For paper for public printing, four hundred and fifty thousand dollars.

Bureau of Statistics.

For contingent expenses, viz:

Laborers, office furniture, carpets, files, and miscellaneous items, six thousand dollars.

Southeast Executive Building, including the Extension.

For fuel, light, and labor, twenty-three thousand dollars.

Office of the Sixth Auditor.

To refund to the office of the Sixth Auditor so much of the appropriation of seventeen thousand dollars, under the act of May seventeenth, eighteen hundred and sixty-four, appertaining to the office of the Sixth Auditor, transferred to the general salary account of the Post Office Department, eight thousand eight hundred dollars.

For Special Objects, estimated for by the Supervising Architect of the Treasury.

For fencing the grounds south of the Treasury building, and the President's Mansion, fifteen thousand dollars.

For repairs and preservation of public buildings, twenty-five thousand dollars.

For furniture, and repairs of furniture for the same, ten thousand dollars.

For furniture, carpets, and repairs of Treasury buildings in Washington, District of Columbia, twenty thousand dollars.

For heating apparatus for public buildings, ten thousand dollars.

For salaries of ten supervising and fifty-nine local inspectors, appointed under the act of August thirtieth, eighteen hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them, seven thousand dollars.

For a deficiency in flagging the furnace-room and repairs about the stable at the Executive Mansion, one thousand five hundred dollars.

Metropolitan Police.

For salaries of increased force, under act of July twenty-third, eighteen hundred and sixty-six, from November first, eighteen hundred and sixty-six, to June thirtieth, eighteen hundred and sixty-seven, viz:

One captain and inspector, at one thousand two hundred dollars per annum, seven hundred and ninety-eight dollars and ninety-one cents.

One clerk to major of police, at one thousand dollars per annum, six hundred and sixty-five dollars and seventy-six cents.

Twenty sergeants of police, at sixty-five dollars a month, ten thousand four hundred dollars.

Fifty privates of police, at sixty dollars a month, twenty-four thousand dollars.

And the compensation of said increased force is hereby increased fifty per centum upon the amount hereby appropriated, commencing on the first day of November, eighteen hundred and sixty-six; said increase to be borne by the cities of Washington and Georgetown, and the county of Washington, in the proportion equal to the number of privates allotted severally to the cities of Washington and Georgetown, and the county beyond the limits of said cities; and the corporate authorities of said cities of Washington and Georgetown and the levy court of said county be, and they are hereby, authorized and required to levy a special tax, not exceeding one quarter of one per centum, for the purpose aforesaid.

Department of the Interior.

For commutation of quarters and fuel to officer of corps of engineers, United States Army, in charge of engineer office, Department of the Interior, for present fiscal year, agreeable to Army regulations, one thousand two hundred and one dollars and ninety-five cents.

For repairing the damage done to the Washington aqueduct by freshets in the year eighteen hundred and sixty-six, twelve thousand dollars.

To enable the Commissioner of Public Buildings to pay three watchmen employed in the Smithsonian grounds for the fiscal year ending June thirty, eighteen hundred and sixty-seven, the sum of twenty-four hundred and seventy-five dollars is hereby appropriated.

To enable the Commissioner of Public Buildings to pay to the watchmen mentioned in the fifth section of the act appropriating for sundry civil expenses for the fiscal year ending June thirty, eighteen hundred and sixty-seven, the difference between their pay as fixed prior to the passage of that act and the allowance made by said section, two thousand dollars is hereby appropriated.

Department of State.

To supply a deficiency in the appropriation for the contingent expenses of foreign intercourse, for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven, two hundred and fifty thousand dollars.

APPROVED, December 20, 1866.

CHAP. V.—An Act to amend an Act entitled "An Act granting Lands to the State of Oregon, to aid in the Construction of a Military Road from Eugene City to the eastern Boundary of said State."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State" be amended as follows: That there be, and is hereby, granted to said State, for the purposes aforesaid, such odd sections or parts of odd sections not reserved or otherwise legally appropriated, within six miles on each side of said road, to be selected by the surveyor general of said State, as shall be sufficient to supply any deficiency in the quantity of said grant as described, occasioned by any lands sold or reserved, or to which the rights of preëmption or homestead have attached, or which for any reason were not subject to said grant within the limits designated in said act.

APPROVED, December 26, 1866.

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CHAP. VI.—An Act to Regulate the Elective Franchise in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, each and every male person, excepting paupers and persons under guardianship, of the age of twenty-one years and upward, who has not been convicted of any infamous crime or offense, and excepting persons who may have voluntarily given aid and comfort to the rebels in the late rebellion, and who shall have been born or naturalized in the United States, and who shall have resided in the said District for the period of one year, and three months in the ward or election precinct in which he shall offer to vote, next preceding any election therein, shall be entitled to the elective franchise, and shall be deemed an elector and entitled to vote at any election in said District, without any distinction on account of color or race.

SEC. 2. *And be it further enacted*, That any person whose duty it shall be to receive votes at any election within the District of Columbia, who shall willfully refuse to receive, or who shall willfully reject, the vote of any person entitled to such right under this act, shall be liable to an action of tort by the person injured, and shall be liable, on indictment and conviction, if such act was done knowingly, to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year in the jail of said District, or to both.

SEC. 3. *And be it further enacted*, That if any person or persons shall willfully interrupt or disturb any such elector in the exercise of such franchise, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not to exceed one thousand dollars, or be imprisoned in the jail in said District for a period not to exceed thirty days, or both, at the discretion of the court.

SEC. 4. *And be it further enacted*, That it shall be the duty of the several courts having criminal jurisdiction in said District to give this act in special charge to the grand jury at the commencement of each term of the court next preceding the holding of any general or city election in said District.

SEC. 5. *And be it further enacted*, That the mayors and aldermen of the cities of Washington and Georgetown, respectively, on or before the first day of March, in each year, shall prepare a list of the persons they judge to be qualified to vote in the several wards of said cities in any election; and said mayors and aldermen shall be in open session to receive evidence of the qualification of persons claiming the right to vote in any election therein, and for correcting said list, on two days in each year, not exceeding five days prior to the annual election for the choice of city officers, giving previous notice of the time and place of each session in some newspaper printed in said District.

SEC. 6. *And be it further enacted*, That on or before the first day of March the mayors and aldermen of said cities shall post up a list of voters thus prepared in one or more public places in said cities, respectively, at least ten days prior to said annual election.

SEC. 7. *And be it further enacted*, That the officers presiding at any election shall keep and use the check-list herein required at the polls during the election of all officers, and no vote shall be received unless delivered by the voter in person, and not until the presiding officer has had opportunity to be satisfied of his identity, and shall find his name on the list and mark it, and ascertain that his vote is single.

SEC. 8. *And be it further enacted*, That it is hereby declared unlawful for any person, directly or indirectly, to promise, offer, or give, or procure or cause to be promised, offered, or given, any money, goods, right in action, bribe, present, or reward, or any promise, understanding, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to any person with intent to influence his vote to be given at any election hereafter to be held within the District of Columbia; and every person so offending shall, on conviction thereof, be fined in any sum not exceeding two thousand dollars, or imprisoned not exceeding two years, or both, at the discretion of the court.

SEC. 9. *And be it further enacted*, That any person who shall accept, directly or indirectly, any money, goods, right in action, bribe, present, or reward, or any promise, understanding, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to influence his vote at any election hereafter to be held in the District of Columbia, shall, on conviction, be imprisoned not less than one year and be forever disfranchised.

SEC. 10. *And be it further enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

IN SENATE OF THE UNITED STATES,
January 7, 1867.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act to regulate the elective franchise in the District of Columbia," with his objections thereto, the Senate proceeded in pursuance of the Constitution to reconsider the same, and

Resolved, That the said bill do pass, two thirds of the Senate agreeing to pass the same.

Attest: J. W. FORNEY,
Secretary of the Senate.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, *January* 8, 1867.

The House of Representatives having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act to regulate the elective franchise in the District of Columbia," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives, with the message of the President returning the bill:

Resolved, That the bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest:
EDWARD McPHERSON, *Clerk.*

CHAP. VII.—An Act suspending the Payment of Moneys from the Treasury as Compensation to Persons claiming the Service or Labor of Colored Volunteers or Drafted Men, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the final report of the commissioners provided for in the second section of the act of Congress entitled "An act making appropriation for sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes," approved July twenty-eight, eighteen hundred and sixty-six, shall be made, through the Secretary of War, to Congress; and no money shall be paid from the Treasury, or from any fund therein, upon the same, or otherwise, to any claimant under the provisions of section twenty-four of the act approved February twenty-fourth, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved March third, eighteen hundred and sixty-three, until such report shall be approved and confirmed by Congress.

APPROVED, January 14, 1867.

CHAP. VIII.—An Act to repeal section thirteen of "An Act to suppress Insurrection, to punish Treason and Rebellion, to seize and confiscate the Property of Rebels, and for other purposes," approved July seventeenth, eighteen hundred and sixty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the thirteenth section of an act entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," approved July seventeenth, eighteen hundred and sixty-two, be, and the same is hereby, repealed.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

Indorsed by the PRESIDENT: "Received Wednesday, January 9, 1867."

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. IX.—An Act setting aside certain Proceeds from Internal Revenue for the Erection of Penitentiaries in the Territories of Nebraska, Washington, Colorado, Idaho, Montana, Arizona, and Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the net proceeds of the internal revenue of the Territories of Nebraska, Washington, Colorado, Idaho, Montana, Arizona, and Dakota, for the fiscal years severally ending on the thirtieth day of June, eighteen hundred and sixty-six, the thirtieth day of June, eighteen hundred and sixty-seven, and the thirtieth day of June, eighteen hundred and sixty-eight, be, and the same hereby are, set aside and appropriated to and for the purpose of erecting, under the direction of the Secretary of the Interior, penitentiary buildings in said several Territories, at such places therein as have been or may be designated by the Legislatures thereof, and approved by the Secretary of the Interior: *Provided*, That the moneys so set aside and appropriated in each of said Territories shall be devoted exclusively to the erection of a penitentiary in the Territory in which the same has been and shall be collected, and not in any other, and that the same shall not exceed in amount the sum of twenty thousand dollars in said Territory of Washington, and forty thousand dollars in each of the said Territories of Nebraska, Colorado, Idaho, Montana, Arizona, and Dakota.

APPROVED, January 22, 1867.

CHAP. X.—An Act to fix the Times for the regular Meetings of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the present regular times of meeting of Congress, there shall be a meeting of the Fortieth Congress of the United States, and of each succeeding Congress thereafter, at twelve o'clock meridian, on the fourth day of March, the day on which the term begins for which the Congress is elected, except that when the fourth of March occurs on Sunday, then the meeting shall take place at the same hour on the next succeeding day.

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SEC. 2. *And be it further enacted*, That no person who was a member of the previous Congress shall receive any compensation as mileage for going to or returning from the additional session provided for by the foregoing section.

APPROVED, January 22, 1867.

CHAP. XI.—An Act in regard to the Compensation of Route Agents in the Post Office Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be authorized to pay route agents in the service of the Post Office Department any sum not less than nine hundred dollars nor more than twelve hundred dollars per annum.

APPROVED, January 22, 1867.

CHAP. XII.—An Act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That A. R. Shepherd, William S. Huntington, S. P. Brown, G. W. Riggs, Nathaniel Wilson, G. H. Plant, together with the subscribers to the stock of the association hereby created, and their successors and assigns, shall be, and they are hereby declared to be, a body politic and corporate, by the name and style of the National Safe Deposit Company of Washington, and by that name shall have succession, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity and elsewhere, to make and to use a common seal, and the same to alter or renew at pleasure, and generally to do and perform all things relative to the object of this institution, which is now or shall be lawful for any individual or body politic or corporate to do.

SEC. 2. *And be it further enacted*, That the capital stock of said company shall consist of a sum not exceeding two hundred thousand dollars, divided into two thousand shares, of one hundred dollars each, and that so soon as one fourth of the shares have been subscribed for, and twenty-five dollars per share paid at the time of subscribing, and the balance secured to be paid, then this company shall be competent to transact all kinds of business for which it is established.

SEC. 3. *And be it further enacted*, That the corporators heretofore named, or any three of them, shall open books of subscription for the capital stock of this company hereby incorporated, at such time and in such suitable place in the city of Washington as they may think proper, and shall receive the installments on the stock of said company provided for in section second, and shall deliver the money so paid to the board of directors so soon as they shall be appointed and prepared to receive the same.

SEC. 4. *And be it further enacted*, That the stockholders composing this company, or their representatives by proxy, shall, on such day as they or a majority of them shall determine, choose by ballot from among said stockholders seven directors to serve for one year, or until others are chosen, each stockholder to have one vote for every five shares of stock, and the directors so chosen shall, at their first meeting, choose by ballot a president and vice president from among their own body, and in case of death, resignation, or disqualification of the president or vice president, or a director or directors, shall proceed to elect another or anothers to fill the vacancy for the remainder of the year.

SEC. 5. *And be it further enacted*, That the president, vice president, and directors of said company shall be, and they are hereby, authorized and empowered to receive and keep on special deposit all such valuables, gold, silver, or paper money, bullion, precious metals, jewels, plate, certificates of stock, or evidence of indebtedness, deeds, or muniments of title, or other valuable papers of any kind, or any other article or thing whatsoever, which may be left or deposited for safe-keeping with said company, and shall be entitled to charge such commissions or compensation therefor as may be agreed upon; and for the complete preservation and safe-keeping thereof shall construct, erect, lease, or purchase, such fire-proof and burglar-proof building or buildings, vaults, iron, or composition safes or other means which may become necessary, and generally to transact and perform all the business relating to the safe-keeping or preservation of all such articles or valuables as may be deposited with said company, and also to invest the capital or other funds belonging to the said company, from time to time, in the public funds of the United States, or in any stock or property whatsoever, and to dispose of the said stocks, money, and property in such manner (not contrary to law) as to them shall appear most advantageous to said company.

SEC. 6. *And be it further enacted*, That the president, vice president, and directors, shall declare dividends of the profits of the corporation, annually or semi-annually, as they may deem best; and in case of any loss or losses, whereby the capital shall be diminished, no subsequent dividend shall be made until a sum equal to such diminution, arising from the profits of the corporation or contributions of stockholders, shall be added to the capital.

SEC. 7. *And be it further enacted*, That the president, vice president, and directors of the corporation hereby created, shall have power to enact and adopt such rules, regulations, and by-laws for the government and management of the affairs of said corporation as they may deem advantageous to the interest thereof.

SEC. 8. *And be it further enacted*, That nothing herein contained shall be taken or construed to give the corporation hereby created the power to issue or circulate as currency any bill, note, token, or evidence of indebtedness of its own creation; nor be deemed to authorize the said corporation to pay interest on deposits of money, securities, or any other property deposited with it; and the operations of this corporation shall be confined to the District of Columbia.

APPROVED, January 22, 1867.

CHAP. XV.—An Act to Regulate the Elective Franchise in the Territories of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act there shall be no denial of the elective franchise in any of the Territories of the United States, now, or hereafter to be organized, to any citizen thereof, on account of race, color, or previous condition of servitude; and all acts or parts of acts, either of Congress or the Legislative Assemblies of said Territories, inconsistent with the provisions of this act are hereby declared null and void.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

Indorsed by the PRESIDENT: "Received on the 14th January, 1867."

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. XVI.—An Act to incorporate the Washington County Horse Railroad Company in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Samuel P. Brown, Francis Mattingly, Noble D. Larner, Marshall Brown, and Joseph L. Pearson, and their associates and assigns, be, and they are hereby, created a body-corporate under the name of the "Washington County Horse Railroad Company," with authority to construct and lay down a double or single track railway, with the necessary switches and turn-outs, in the county of Washington, in the District of Columbia, as follows: Commencing at Boundary street, at its intersection with Fourteenth street, and along the Fourteenth street road in a northerly direction, to a point where said road intersects a new road recently opened by the levy court, and along said new road in an easterly direction, to the Seventh street turnpike, and along said turnpike in a southerly direction to Boundary street: *Provided*, That the consent of the board of directors of the Seventh Street Turnpike Company be first obtained for the use of their road, with the right to run public carriages thereon, and receiving therefor a rate of fare not exceeding ten cents a passenger for any distance on said road.

SEC. 2. *And be it further enacted*, That the said railroad shall be deemed real estate, and it, with the other real and personal property of said body-corporate, shall be liable to taxation as other real estate and personal property in the county aforesaid, except as hereinafter provided.

SEC. 3. *And be it further enacted*, That the said railway shall be laid in the most approved manner adapted for street railways. And the tracks shall not be more than six nor less than four feet apart, and the gauge the same as that of the street railways in the city of Washington.

SEC. 4. *And be it further enacted*, That the tracks of the said railway shall be laid in such a manner as will least interfere with the ordinary travel of the roads over which the said tracks shall be laid.

SEC. 5. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

SEC. 6. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body-corporate to issue any note, token, device, scrip, or other evidence of debt to be used as currency.

SEC. 7. *And be it further enacted*, That the capital stock of said company shall be not less than two nor more than five hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

SEC. 8. *And be it further enacted*, That the said company shall place first-class cars on said railway, with all the modern improvements for the convenience and comfort of passengers; and shall run cars thereon daily as often as the public convenience may require.

SEC. 9. *And be it further enacted*, That said company shall procure such passenger-rooms, ticket-offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And the said company is hereby authorized to lay such rails as may be necessary for the purpose of connecting the said stables and depots with main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for passenger-rooms, ticket-offices, stables, and depots above mentioned.

SEC. 10. *And be it further enacted*, That all articles of value that may be inadvertently left in the cars, or other vehicles of said company, shall be taken to their principal depot and entered in a book of record of unclaimed goods,

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which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 11. *And be it further enacted*, That said corporation shall, on demand of the President of the United States, Secretary of War, or Secretary of the Navy, cause to be transported over said railway any freight cars laden with freight for the use of the United States; the officers causing such service to be done shall pay a reasonable compensation therefor.

SEC. 12. *And be it further enacted*, That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause the books of subscription to the capital stock of said company to be opened and kept open in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon until three o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days, and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void. If a larger amount than the capital stock of said company shall have been subscribed, the books shall be closed, and the said corporators named in the first section shall forthwith proceed to apportion said capital stock among the subscribers *pro rata*, and make pub[l]ic proclamation of the number of shares allotted to each, which shall be done and completed on the same day that the books are closed: *Provided further*, That nothing shall be received in payment of the twenty-five per centum, at the time of subscribing, except money. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call a meeting for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 13. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and till others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors, by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 14. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States.

SEC. 15. *And be it further enacted*, That there shall be an annual meeting of the stockholders, for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as said company by their by-laws may prescribe, and said directors shall annually make a report to the stockholders and to Congress of their doings.

SEC. 16. *And be it further enacted*, That the said company shall have, at all times, the free and uninterrupted use of their roadway; and if any person or persons shall willfully and unnecessarily obstruct or impede the passage on or over said railway or any part thereof, or shall injure or destroy the cars, depot stations, or any property belonging to said railway company, the person or persons so offending shall forfeit and pay for every such offense the sum of twenty dollars to said company, and shall remain liable, in addition to the said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid, but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 17. *And be it further enacted*, That the said company shall make and complete said railway within one year after the organization of the same.

SEC. 18. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with any of the provisions for the purposes of this act are hereby repealed, so far as the same are inconsistent herewith.

SEC. 19. *And be it further enacted*, That the levy court of the county of Washington are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operation of said railroad as herein authorized, but Congress may, at any time, alter, amend, or repeal this act.

APPROVED, January 31, 1867.

CHAP. XVII.—An Act to incorporate the First Congregational Society of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Oliver O. Howard, Silas H. Hodges, Daniel L. Eaton, Henry A. Brewster, Charles H. Bliss, Ezra L. Stevens, Benjamin F. Morris, Daniel Tyler, Llewellyn Deane, and Calvin S. Mattoon, and their associates, are hereby created a body politic and corporate, by the name of "The First Congregational Society of Washington;" and as such may purchase, hold, and convey real and personal estate, make contracts, sue and be sued, plead and be impleaded, and may exercise all other powers incident to corporations, and usually enjoyed by them, and such as are requisite to enable them to sustain religious worship in Washington, in the District of Columbia, and to erect and maintain edifices for that purpose and parsonages; and said society shall be exempt from any taxes to be assessed upon their property, under the authority of Congress, or of the District of Columbia, or the city or county of Washington: *Provided*, That the amount of the value of the real estate shall not exceed one hundred thousand dollars.

SEC. 2. *And be it further enacted*, That the first meeting of said society shall be holden at the time and place at which a majority of the persons hereinabove named shall assemble for that purpose, and six days' notice shall be given each of said corporators; at which meeting, and at all annual meetings and at all meetings specially called for that object, said society may enact, amend, or repeal by-laws regulating the government of said society; prescribing the number, character, and duties of their officers, and the manner of their election; defining the terms on which members may be admitted to it, and shall cease to be such; and providing in all things for the management of the affairs of said society, or for securing its interests and welfare.

SEC. 3. *And be it further enacted*, That the powers of this corporation shall vest in a board of trustees, who shall be chosen as provided by the by-laws, and shall consist of five persons, and shall have perpetual succession, each one holding his office until his successor is chosen and qualified.

APPROVED, January 31, 1867.

CHAP. XXVI.—An Act to punish certain Crimes in relation to the Public Securities and Currency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall buy, sell, exchange, transfer, receive, or deliver, any false, forged, counterfeited, or altered bond, bill, certificate of indebtedness, certificate of deposit, coupon, draft, check, bill of exchange, money order, indorsement, United States note, Treasury note, circulating note, postage stamp, revenue stamp, postage-stamp note, fractional note, or other obligation or security of the United States, or circulating note of any banking association organized or acting under the laws of the United States, which has been issued or may hereafter be issued under any act of Congress heretofore passed, or which may hereafter be passed, with the intent, expectation, or belief, that the same shall or will be passed, altered, published, or used as true and genuine, such person or persons so offending shall be deemed guilty of felony, and on conviction thereof shall be imprisoned not more than ten years, or fined not exceeding five thousand dollars, or both, at the discretion of the court.

SEC. 2. *And be it further enacted*, That it shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude of any bond, certificate of indebtedness, certificate of deposit, coupon, United States note, Treasury note, circulating note, fractional note, postage-stamp note, or other obligation or security of the United States, or of any banking association organized or acting under the laws thereof, which has been or may be issued under or authorized by any act of Congress heretofore passed or which may hereafter be passed. And any person or persons offending against the provisions of this section shall be subject to a penalty of one hundred dollars, to be recovered by an action of debt, one half to the use of the informer.

SEC. 3. *And be it further enacted*, That it shall not be lawful to write, print, or otherwise impress upon any bond, certificate of indebtedness, or other instrument specified in the last preceding section, any business or professional card, notice, or advertisement, or any notice or advertisement of any goods, wares, or merchandise, or of any drug or medicine, or of any invention or patent, or of any other matter or thing whatsoever; and any person or persons offending against the provisions of this section shall be subject to a penalty of one hundred dollars, to be recovered by an action for debt, one half to the use of the informer.

SEC. 4. *And be it further enacted*, That if any person shall, without authority from the United States, take, procure, make, or cause to be taken, procured, or made, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of, any bed-plate, bed-piece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing, used, or fitted or intended to be used, in printing, stamping, or impressing, or in making other tools, implements, instruments, or things to be used, or fitted or intended to be used, in printing, stamping, or impressing any kind or description of bond, bill, note, certificate, coupon, or other paper, obligation, security, or

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instrument now authorized, or hereafter to be authorized, by law, to be executed, altered, delivered, given, issued, or put in circulation by, for, or in behalf of the United States, such person shall be deemed guilty of felony, and, on conviction, be punished by imprisonment not more than ten years, or by fine not exceeding five thousand dollars, or both, at the discretion of the court.

SEC. 5. *And be it further enacted*, That if any person shall, with intent to defraud, have in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing used or fitted, or intended to be used, for any or either of the purposes mentioned in the last foregoing section; or if any person shall, with intent to defraud, sell, give, or deliver any such imprint, stamp, or impression to any other person; such person so offending shall be deemed guilty of felony, and on conviction be punished by imprisonment not more than ten years, or by fine not exceeding five thousand dollars.

SEC. 6. *And be it further enacted*, That if any person, whether employed under the United States or not, shall, without authority from the United States, secrete within, embezzle, or take and carry away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States any bed-piece, bed-plate, roll, plate, die, seal, type, or other tool, implement, or thing used, or fitted to be used, in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, now authorized or hereafter to be authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation by or on behalf of the United States; or shall, without such authority, so secrete, embezzle, or take and carry away any paper, parchment, or other material prepared and intended to be used in the making of any or either of such papers, instruments, obligations, devices, or documents; or shall, without such authority, so secrete, embezzle, or take and carry away any paper, parchment, or other material printed or stamped, in whole or in part, and intended to be prepared, issued, or put in circulation, by or on behalf of the United States, as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or in part, in the similitude of any such paper, instrument, or obligation, whether it be intended to issue or put the same in circulation or not, such person or persons so offending shall, on conviction, be punished by imprisonment not exceeding ten years, or by fine not exceeding five thousand dollars, or both, at the discretion of the court.

SEC. 7. *And be it further enacted*, That if any person shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or if any person shall present or use, or attempt to use, any such document, record, file, or paper, so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, such person so offending shall be deemed guilty of felony, and on conviction be imprisoned not more than ten years, or fined not exceeding five thousand dollars, at the discretion of the court.

APPROVED, February 5, 1867.

CHAP. XXVII.—An Act amendatory of "An Act to amend an Act entitled 'An Act relating to Habeas Corpus, and regulating Judicial Proceedings in certain Cases,'" approved May eleventh, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in any suit or prosecution which has been or may be commenced in any State court, and which the defendant is authorized to have removed from said court to the circuit court of the United States, under and by virtue of the provisions of "An act relating to habeas corpus, and regulating judicial proceedings in certain cases," approved March third, eighteen hundred and sixty-three, or by virtue of an act amendatory thereof, approved May eleventh, eighteen hundred and sixty-six, and all the acts necessary for the removal of said cause to the circuit court shall have been performed, and the defendant in any suit shall be in actual custody on process issued by said State court, it shall be the duty of the clerk of the said circuit court of the United States to issue a writ of habeas corpus cum causa; and it shall be the duty of the marshal, by virtue of the said writ of habeas corpus, to take the body of the defendant into his custody to be dealt with in said circuit court according to rules of law, and the orders of the said court, or of any judge thereof in vacation; and he shall file a duplicate copy of said writ of habeas corpus with the clerk of the State court in which said suit was commenced, or deliver said duplicate to the clerk of said court; and all attachments made, and all bail and other security given in any suit or prosecution which has been or shall be removed from any State court to the circuit court of the United States, in pursuance of law, shall be and continue in like force and effect as if the same suit had proceeded to final judgment and execution in the State court.

APPROVED, February 5, 1867.

CHAP. XXVIII.—An Act to amend "An Act to establish the Judicial Courts of the United States," approved September twenty-fourth, seventeen hundred and eighty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several courts of the United States, and the several justices and judges of such courts, within their respective jurisdictions, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases where any person may be restrained of his or her liberty in violation of the Constitution, or of any treaty or law of the United States; and it shall be lawful for such person so restrained of his or her liberty to apply to either of said justices or judges for a writ of habeas corpus, which application shall be in writing and verified by affidavit, and shall set forth the facts concerning the detention of the party applying, in whose custody he or she is detained, and by virtue of what claim or authority, if known; and the said justice or judge to whom such application shall be made shall forthwith award a writ of habeas corpus, unless it shall appear from the petition itself that the party is not deprived of his or her liberty in contravention of the Constitution or laws of the United States. Said writ shall be directed to the person in whose custody the party is detained, who shall make return of said writ and bring the party before the judge who granted the writ, and certify the true cause of the detention of such person within three days thereafter, unless such person be detained beyond the distance of twenty miles; and if beyond the distance of twenty miles and not above one hundred miles, then within ten days; and if beyond the distance of one hundred miles, then within twenty days. And upon the return of the writ of habeas corpus a day shall be set for the hearing of the cause, not exceeding five days thereafter, unless the party petitioning shall request a longer time. The petitioner may deny any of the material facts set forth in the return, or may allege any fact to show that the detention is in contravention of the Constitution or laws of the United States, which allegations or denials shall be made on oath. The said return may be amended by leave of the court or judge before or after the same is filed, as also may all suggestions made against it, that thereby the material facts may be ascertained. The said court or judge shall proceed in a summary way to determine the facts of the case, by hearing testimony and the arguments of the parties interested, and if it shall appear that the petitioner is deprived of his or her liberty in contravention of the Constitution or laws of the United States, he or she shall forthwith be discharged and set at liberty. And if any person or persons to whom such writ of habeas corpus may be directed shall refuse to obey the same, or shall neglect or refuse to make return, or shall make a false return thereto, in addition to the remedies already given by law, he or they shall be deemed and taken to be guilty of a misdemeanor, and shall, on conviction before any court of competent jurisdiction, be punished by fine not exceeding one thousand dollars, and by imprisonment not exceeding one year, or by either, according to the nature and aggravation of the case. From the final decision of any judge, justice, or court, inferior to the circuit court, an appeal may be taken to the circuit court of the United States for the district in which said cause is heard, and from the judgment of said circuit court to the Supreme Court of the United States, on such terms and under such regulations and orders, as well for the custody and appearance of the person alleged to be restrained of his or her liberty, as for sending up to the appellate tribunal a transcript of the petition, writ of habeas corpus, return thereto, and other proceedings, as may be prescribed by the Supreme Court, or, in default of such, as the judge hearing said cause may prescribe; and pending such proceedings or appeal, and until final judgment be rendered therein, and after final judgment of discharge in the same, any proceeding against such person so alleged to be restrained of his or her liberty in any State court, or by or under the authority of any State, for any matter or thing so heard and determined, or in process of being heard and determined, under and by virtue of such writ of habeas corpus, shall be deemed null and void.

SEC. 2. *And be it further enacted*, That a final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity, or where is drawn in question the validity of a statute of or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of such their validity, or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of or commission held, or authority exercised under the United States, and the decision is against

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the title, right, privilege, or immunity specially set up or claimed by either party under such Constitution, treaty, statute, commission, or authority, may be reëxamined and reversed or affirmed in the Supreme Court of the United States, upon a writ of error, the citation being signed by the Chief Justice, or judge, or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner, and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a court of the United States; and the proceeding upon the reversal shall also be the same, except that the Supreme Court may, at their discretion, proceed to a final decision of the same, and award execution, or remand the same to an inferior court. This act shall not apply to the case of any person who is or may be held in the custody of the military authorities of the United States, charged with any military offense, or with having aided or abetted rebellion against the Government of the United States prior to the passage of this act.

APPROVED, February 5, 1867.

CHAP. XXIX.—An Act to authorize the Extension, Construction, and Use of a lateral branch of the Baltimore and Potomac Railroad into and within the District of Columbia.

Whereas it is represented to this present Congress that the Baltimore and Potomac Railroad Company, incorporated by an act of the General Assembly of Maryland, entitled "An act to incorporate the Baltimore and Potomac Railroad Company," passed the sixth day of May, eighteen hundred and fifty-three, are desirous, under the powers which they claim to be vested in them by the provisions of the before-recited act, to construct a lateral branch from the said Baltimore and Potomac Railroad to the District of Columbia: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Potomac Railroad Company, incorporated by the said act of the General Assembly of Maryland, shall be, and they are hereby, authorized to extend into and within the District of Columbia a lateral railroad, such as the said company shall construct or cause to be constructed in a direction toward the said District, in connection with the railroad which they are about to locate and construct from the city of Baltimore to the Potomac river, in pursuance of their said act of incorporation; and the said Baltimore and Potomac Railroad Company are hereby authorized to exercise the same powers, rights, and privileges, and shall be subject to the same restrictions, in the extension and construction of the said lateral railroad into and within the said District, as they may exercise or are subject to under and by intent of their said charter or act of incorporation, in the extension and construction of any railroad within the State of Maryland; and shall be entitled to the same rights, compensation, benefits, and immunities, in the use of the said road, and in regard thereto, as are provided in their said charter, except the right to construct any lateral road or roads within the said District from the said lateral branch or road hereby authorized; it being expressly understood that the said Baltimore and Potomac Railroad Company shall have power only to construct from the said Baltimore and Potomac Railroad one lateral road within the said District to some point or terminus within the city and county of Washington, to be determined in the manner hereinafter mentioned.

SEC. 2. *And be it further enacted*, That before the Baltimore and Potomac Railroad Company aforesaid shall proceed to construct any railroad which they may lay out or locate on, through, or over any land or improvements, or to use, take for use, any earth, stone, or other materials necessary for the construction of said road, on any land within the said District, they shall first obtain the assent of the owner of such land, improvements, or materials; or if such owner shall be absent from said District, or shall refuse to give such assent on such terms as the said company shall approve, or because of infancy, coverture, insanity, or any other cause, shall be legally incapable of giving such assent, then it shall be lawful for the said company to apply to a justice of the peace of the county of Washington, who shall thereupon issue his warrant, under his hand and seal, directed to the marshal of the said District, requiring him to summon a jury of twenty citizens of the said District, none of whom shall be interested or related to any person interested in the land or materials required for the construction of the said railroad, or a stockholder, or related to any stockholder in the said company, to meet on the land, or near to the other property or materials so required, on a day named in such warrant, not less than ten nor more than twenty days after issuing the same, to proceed to value the damages which the owner or owners of any such land or other property will sustain by the use or occupation of the same required by the said company, and the proceedings, duty, and authority of the said marshal in regard to such warrant and jury, and the oath or affirmation to be administered, and inquisition to be made and returned, shall be the same as are directed and authorized in regard to the sheriff by the thirteenth section of the said act of the General Assembly of the State of Maryland, incorporating the said Baltimore and Potomac Railroad Company; and all the other proceedings in regard to such jury, and the estimating and valuation of damages, and the payment or tender of payment of any damages ascertained by such valuation and effect thereof, and of the view of any lands or other property or materials, as to giving the said company a right to use the same for the use or construction of any railroad within the said District, as hereby authorized, shall in every case and in every respect be the same as is provided in and by the above-mentioned act of corporation, in regard to the railroad thereby authorized to be constructed by the said company: *Provided*, That whenever, by the said act, the inquisition of the jury is required to be returned to the clerk of the circuit court, to be confirmed by the said court at its next session, if not sufficient cause to the contrary be shown, the inquisitions under this act shall be returned by the marshal to the supreme court of the District of Columbia, which court shall have the same jurisdiction and powers over the subject-matter as the said circuit court have under the act aforesaid.

SEC. 3. *And be it further enacted*, That whenever the said company, in the construction of a railroad into or within the said District, as authorized by this act, shall find it necessary to cross or intersect any established road, street, or other way, it shall be the duty of the said company so to construct the said railroad across such established road, street, or other way, as not to impede the passage or transportation of persons or property along the same; and where it shall be necessary to pass the said railroad through the land of any individuals within the said District, it shall be the duty of the said company to provide for such individuals proper wagon ways across the said railroad, from one part of *his* [their] land to another; but nothing herein contained shall be so construed as to authorize the entry by said company upon any lot or square, or upon any part of any lot or square owned by the United States within the limits of the city of Washington, for the purposes of locating or constructing the said road, or of excavating the same, or for the purpose of taking therefrom any material, or for any other purpose or uses whatsoever; but the said company, in passing into the District aforesaid, and constructing the said road within the same, shall enter the city of Washington at such place, and shall pass along such public street or alley, to such point or terminus within the said city as may be allowed by Congress upon presentation of survey and map of proposed location of said road: *Provided*, That the level of said road within the said city shall conform to the present graduation of the streets, unless Congress shall authorize a different level.

SEC. 4. *And be it further enacted*, That the rate actually charged and received on all that part of said road within the District shall not exceed eight cents per ton per mile for both tolls and transportation, and shall be the same each way: *And provided also*, That the privileges granted by this act to the aforesaid railroad company shall be upon the condition that the said company shall charge the same rate of toll upon the same articles going either way between Baltimore and Washington.

SEC. 5. *And be it further enacted*, That the said company are also hereby empowered to make such special contract, with any duly authorized officer or agent of the United States, for the conveyance of the mail, or the transportation of persons or property for the use of the United States, on any railroad which has been or shall be constructed by the said Baltimore and Potomac Railroad Company, on such terms as shall be approved of by the competent officer or authority, and in all such instances to receive the compensation so agreed for, according to the terms of each contract.

SEC. 6. *And be it further enacted*, That the said railroad company may charge and receive for taking up and setting down any passenger or traveler within the District, conveyed a shorter distance than four miles, a sum not exceeding twelve cents.

SEC. 7. *And be it further enacted*, That unless the said company shall commence the said lateral road within two years, and complete the same with at least one set of tracks within four years from the passage of this act, then this act, and all rights and privileges thereby granted, shall cease and determine.

SEC. 8. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent the Congress of the United States from granting the same or similar privileges to those hereby granted to any other company or companies incorporated or to be incorporated by the State of Maryland, or by Congress, or from authorizing, by any future law, such additional railroads or roads, in connection with the said road, so as to extend the same road, or to construct others connected therewith, to such parts of the District as from time to time may be required by the convenience of those parts of the District into which the said company are now restrained from carrying said road, or from enacting such rules and regulations prescribing the speed of cars or carriages passing over said road, and any other matters relating thereto, necessary for the security of the persons and property of the inhabitants of the District, in such manner as to the present or any future Congress shall seem expedient: *And provided, nevertheless*, That nothing herein contained shall be construed to give any rights or privileges to the said company beyond the limits of the District of Columbia: *And provided further*, That Congress shall have power to alter, amend, or repeal this act.

APPROVED, February 5, 1867.

CHAP. XXX.—An Act exempting certain Property of Debtors in the District of Columbia from Levy, Attachment, or Sale on Execution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following prop-

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erty, being the property of a head of the family or householder, shall be exempt from distraint, attachment, levy, and sale on execution or decree of any court in the District of Columbia: *Provided, however*, That this exemption shall not interfere with the foreclosure of any mortgage or deed of trust executed before the passage of this act, to wit: All wearing apparel belonging to all persons, and to all heads of families, being householders; all beds, bedding, houschold furniture, stoves, cooking utensils, and so forth, not exceeding three hundred dollars in value; provisions for three months' support, whether provided or growing; fuel for three months; mechanics' tools and implements of the debtor's trade or business amounting to two hundred dollars in value, with two hundred dollars' worth of stock for carrying on the business of the debtor or his family; the library and implements of a professional man or artist to the value of three hundred dollars; one horso, mule, or yoke of oxen; one cart, wagon, or dray, and harness for such team; farming utensils, with food for such team for three months, and if the debtor be a farmer, any other farming tools of the value of one hundred dollars; all family pictures, and all the family library, not exceeding in value four hundred dollars; one cow, one swine, six sheep. And no deed of trust, bill of sale, or mortgage upon any of said exempted articles, shall be binding or valid unless signed by the wife of the debtor, if he be married and living with his wife; and these exemptions shall be valid when the said property is in transitu, the same as if the property were at rest: *Provided, however*, That no property named and exempted in this act shall be exempted from attachment or execution for any debt due for the wages of servants, common laborers, or clerks, except the wearing apparel, beds and bedding, and household furniture and provisions for the debtor and family.

APPROVED, February 5, 1867.

CHAP. XXXI.—An Act to punish Illegal Voting in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person not duly qualified to vote in the District of Columbia who, knowing that he is not so qualified, shall vote or offer to vote therein, or who shall procure or attempt to procure himself to be registered therein as a voter, shall be punished by imprisonment not exceeding six months and not less than two months.

SEC. 2. *And be it further enacted*, That if any person, being a qualified voter in said District, shall knowingly vote or attempt to vote in any other ward or election precinct than that in which he shall be lawfully entitled to vote, or shall unlawfully and knowingly vote or attempt to vote more than once, or in more than one ward or election precinct, or shall so vote double therein, he shall be punished by imprisonment not exceeding six months and not less than two months, and shall be disqualified from voting thereafter in said District.

SEC. 3. *And be it further enacted*, That there shall be five judges of elections within and for the city of Washington, and three within and for the city of Georgetown, the same to be appointed by the supreme court of the District of Columbia, who shall hold their offices for two years and until their successors shall be appointed and qualified, and whose duty it shall be, prior to each election, to prepare a list of the persons qualified to vote in the several wards of said cities in any election; and said judges shall be in open session in their respective cities, to receive evidence of the qualifications of persons claiming the right to vote in any election therein, and for correcting said lists, on two days, not exceeding five days prior to each election for the choice of city officers, giving prior notice of the time and place of each session in some newspaper.

SEC. 4. *And be it further enacted*, That prior to said election the said judges in the respective cities shall post up a list of voters thus prepared in one or more public places in said cities, and at least ten days prior thereto.

SEC. 5. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED, February 5, 1867.

CHAP. XXXII.—An Act to provide for the Payment of Pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby, authorized to establish agencies for the payment of pensions granted by the United States, wherever, in his judgment, the public interests and the convenience of the pensioners require, and, by and with the advice and consent of the Senate, to appoint all pension agents, who shall hold their offices for the term of four years and until their successors shall have been appointed and qualified, and who shall give bond, with good and sufficient sureties, for such amount and in such form as the Secretary of the Interior may approve: *Provided*, That the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and that no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall not have exceeded the sum of five hundred thousand dollars: *And provided further*, That the term of office of all pension agents appointed since the first day of July, A. D. eighteen hundred and sixty-six, shall expire at the end of thirty days from the passage of this act; and the commissions of all other pension agents now in office shall continue for four years from the passage of this act, unless such agents are sooner removed.

APPROVED, February 5, 1867.

CHAP. XXXIV.—An Act authorizing the Secretary of the Treasury to receive into the Treasury the residuary Legacy of James Smithson, to authorize the Regents of the Smithsonian Institution to apply the Income of the said Legacy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds, in the hands of said Secretary, namely: twenty-six thousand two hundred and ten dollars and sixty-three cents, together with such other sums as the regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of one million dollars.

SEC. 2. *And be it further enacted*, That the increase which has accrued, or which may hereafter accrue, from said residuary legacy, shall be applied by the Board of Regents of the Smithsonian Institution in the same manner as the interest on the original bequest, in accordance with the provisions of the act of August tenth, eighteen hundred and forty-six, establishing said Institution.

APPROVED, February 8, 1867.

CHAP. XXXVI.—An Act for the Admission of the State of Nebraska into the Union.

Whereas, on the *twenty-first* [nineteenth] day of *March*, [April,] Anno Domini eighteen hundred and sixty-four, Congress passed an act to enable the people of Nebraska to form a constitution and State government, and offered to admit said State, when so formed, into the Union, upon compliance with certain conditions therein specified; and whereas it appears that the said people have adopted a constitution which, upon due examination, is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask for admission into the Union: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the constitution and State government which the people of Nebraska have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed, and that the said State of Nebraska shall be, and is hereby declared to be, one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States in all respects whatsoever.

SEC. 2. *And be it further enacted*, That the said State of Nebraska shall be, and is hereby declared to be, entitled to all the rights, privileges, grants, and immunities, and to be subject to all the conditions and restrictions of an act entitled "An act to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved April nineteen, eighteen hundred and sixty-four.

SEC. 3. *And be it further enacted*, That this act shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person, by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the Legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act; upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete. Said State Legislature shall be convened by the territorial Governor within thirty days after the passage of this act, to act upon the condition submitted herein.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

IN SENATE OF THE UNITED STATES, *February* 8, 1867.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act for the admission of the State of Nebraska into the Union," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill do pass, two thirds of the Senate agreeing to pass the same.

Attest: J. W. FORNEY,
Secretary of the Senate,
by W. J. McDONALD,
Chief Clerk.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, *February* 9, 1867.

The House of Representatives having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act for the admission of the State of Nebraska into the Union," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Rep-

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resentatives, with the message of the President returning the bill—

Resolved, That the bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest:

EDWARD McPHERSON, *Clerk.*

CHAP. XXXVII.—An Act making Appropriations to supply Deficiencies in the Appropriations for Contingent Expenses of the House of Representatives of the United States for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated:

For miscellaneous items, forty thousand dollars.

For folding documents, twenty-seven thousand five hundred dollars.

For fuel and lights, including pay of engineers, firemen, and laborers, repairs and materials, seven thousand dollars.

APPROVED, February 12, 1867.

CHAP. XXXVIII.—An Act to fix the Pay of the Quartermaster Sergeant of the Battalion of Engineers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, the pay and allowances of the quartermaster sergeant of the battalion of Engineers of the Army of the United States shall be the same as those allowed by law to the sergeant-major of that battalion.

APPROVED, February 12, 1867.

CHAP. XLI.—An Act making Appropriations for the Service of the Post Office Department during the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the service of the Post Office Department for the year ending June thirtieth, eighteen hundred and sixty-eight, out of any moneys in the Treasury arising from the revenues of said Department, in conformity to the act of the second of July, eighteen hundred and sixty-six:

For transportation of the mails, (inland,) eight million six hundred thousand dollars.

For transportation of the mails, (foreign,) six hundred and twenty thousand dollars.

For ship, steamboat, and way letters, eight thousand dollars.

For compensation to postmasters, four million two hundred and fifty thousand dollars.

For clerks for post offices, two million dollars.

For payment to letter carriers, six hundred and forty thousand dollars.

For wrapping-paper, eighty thousand dollars.

For twine, twenty thousand dollars.

For letter balances, four thousand dollars.

For compensation to blank agents and assistants, eight thousand dollars.

For office furniture, three thousand dollars.

For advertising, eighty thousand dollars.

For postage stamps and stamped envelopes, two hundred and seventy-five thousand dollars.

For mail depredations and special agents, and expenses of negotiating postal conventions, one hundred and five thousand dollars.

For mail bags, and mail-bag catchers, one hundred thousand dollars.

For mail locks, keys, and stamps, thirty thousand dollars.

For payment of balances due to foreign countries, three hundred and sixty thousand dollars.

For miscellaneous payments, four hundred thousand dollars.

SEC. 2. *And be it further enacted*, That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated for the year ending June thirtieth, eighteen hundred and sixty-eight, out of any money in the Treasury not otherwise appropriated:

For the mail steamship service between the United States and Brazil, one hundred and fifty thousand dollars.

For the mail steamship service between San Francisco, Japan, and China, five hundred thousand dollars: *Provided*, That so much of the act of Congress, approved February seventeenth, eighteen hundred and sixty-five, authorizing said service, as requires the said steamship[s] to touch at Honolulu, in the Sandwich islands, shall be, and the same is hereby, repealed; upon the express condition, however, that the contractors for said steamship service shall enter into contract to the satisfaction of the Postmaster General, agreeing to establish, within five months from the passage of this act, in lieu of said service released, a branch line of steamship service, carrying the United States mails, between the port in Japan used by the main line of steamships and the port of Shanghae in China, making continuous regular trips, connecting with the main line, both on the outward and homeward voyages, under the direction of the Postmaster General; which service shall be performed by first-class American seagoing steamships, and without additional charge to the United States.

For the overland mail transportation between the Missouri river and Folsom, and for marine mail transportation between New York and California, nine hundred thousand dollars.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to transfer two clerks from the third class to class four in the office of the Auditor of the Treasury for the Post Office Department, and a sum sufficient to pay the increased compensation required by said transfer, for the remainder of the current year, and the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

APPROVED, February 18, 1867.

CHAP. XLII.—An Act supplementary to an Act to prevent Smuggling, and for other purposes, approved July eighteen, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of Congress approved July eighteen, eighteen hundred and sixty-six, entitled "An act to prevent smuggling, and for other purposes," shall be so construed as not to affect any right of suit or prosecution which may have accrued under any prior acts of Congress repealed or supplied by said act, previous to July eighteen, eighteen hundred and sixty-six; and all such suits or prosecutions as have been, or shall be, commenced under such prior acts, for acts committed previous to July eighteen, eighteen hundred and sixty-six, shall be tried and disposed of, and judgment or decree executed as if said act of July eighteen, eighteen hundred and sixty-six had not been passed, anything therein contained to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That section twenty-six of the act aforesaid be so amended that the Secretary of the Treasury be, and he is hereby, authorized in his discretion to make such regulations as shall enable vessels engaged in the coasting trade between ports and places upon Lake Michigan exclusively and laden with American productions and free merchandise only, to unlade their cargoes without previously obtaining a permit to unlade.

SEC. 8. *And be it further enacted*, That section twenty-five of said act be hereby amended by inserting the word "March" in the place of "July," in said section.

APPROVED, February 18, 1867.

CHAP. XLIII.—An Act amendatory of the several Acts respecting Copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every proprietor of a book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall have been secured, who shall fail to deliver to the Library of Congress at Washington, a printed copy of every such book, pamphlet, map, chart, musical composition, print, engraving, or photograph, within one month after publication thereof, shall, for every such default, be subject to a penalty of twenty-five dollars, to be collected, by the Librarian of Congress, in the name of the United States, in any district or circuit court of the United States within the jurisdiction of which the delinquent may reside or be found.

SEC. 2. *And be it further enacted*, That every such proprietor may transmit any book, pamp[h]let, map, chart, musical composition, print, engraving, or photograph, for which he may have secured a copyright, to the Librarian of Congress, by mail free of postage, provided the words "copyright matter" be plainly written or printed on the outside of the package containing the same; and it shall be the duty of the several postmasters and deputy postmasters, to give a receipt for the same, if requested, and when such package shall be delivered to them, or any of them, to see that the same is safely forwarded to its destination by mail, without cost or charge to said proprietor.

APPROVED, February 18, 1867.

CHAP. XLIV.—An Act to authorize the Payment of Prize Money to certain Officers and Enlisted Men of the Signal Corps of the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to pay to the officers and enlisted men of the Signal corps of the Army, who were assigned to and performed duty on the fleet under command of Admiral D. G. Farragut, while the said fleet was engaged in the action in Mobile Bay, on the fifth day of August, Anno Domini eighteen hundred and sixty-four, from any money not otherwise appropriated, such sum or sums as prize money, to each of them, respectively, as will be equal to what has been allowed in distribution to officers or sailors of the Navy of corresponding rank, the same as if their names had been, in any case, borne on the ship's books.

APPROVED, February 18, 1867.

CHAP. XLV.—An Act to authorize the Purchase of certain Lots of Ground adjoining the Allegheny Arsenal, at Pittsburg, Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to accept the offer of the St. Franciscus Hospital Society to sell to the United States certain lots of ground situate in the boro[ugh] of Lawrenceville, Pennsylvania, numbered one, two, three, and four, containing about nine thousand six hundred square feet, and upon which is a spring supplying said arsenal with water; and that the sum of three thousand eight hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay for said lots upon their conveyance to the United States, by good and sufficient title in fee simple.

APPROVED, February 18, 1867.

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CHAP. XLVI.—An Act to authorize the Secretary of the Navy to accept League Island, in the Delaware River, for Naval Purposes, and to Dispense with and Dispose of the Site of the existing Yard at Philadelphia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized to receive and accept from the city authorities of the city of Philadelphia the title to League Island, in the Delaware river, and adjacent marsh land, including the whole of the creek known as the Back channel, from the Schuilkill to the Delaware river, and all the riparian rights and privileges of said League Island, adjacent marsh, and Back channel, together with so much of the opposite shore of the Back channel from the League Island shore as shall, in the opinion of the Secretary of the Navy, be ample to enable the Government to have the sole and exclusive use of said Back channel and both shores thereof; the said island and appurtenances to be held for naval purposes by the Government of the United States: *Provided*, That the said League Island, marsh adjacent, and Back channel, with its shores as aforesaid, shall not be received or accepted until the title to the whole of the same, as herein described, is complete and indefeasible, nor unless the acceptance thereof shall be recommended by a board of officers, to be appointed by the President: *Provided further*, That if League Island be selected, the navy-yard at Philadelphia shall be dispensed with and disposed of by the United States as soon as the public convenience will admit.

APPROVED, February 18, 1867.

CHAP. XLVII.—An Act to authorize the Trustees of the Foundry (Methodist Episcopal) Church to sell and convey Square number two hundred and thirty-five in the City of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Presley Simpson, James W. Barker, Edward Owen, David A. Gardner, Nathaniel Mullikin, William J. Sibley, Daniel D. T. Leech, Edward F. Simpson, and Richard T. Morsell, trustees of the Foundry (Methodist Episcopal) Church, in the city of Washington, in the District of Columbia, and their successors in office, be, and they are hereby, authorized and empowered to sell and convey a certain square of ground in said city, known and distinguished on the ground plan thereof as square numbered two hundred and thirty-five, now held by said trustees in trust for said church, and lately used, in part, as a burial-ground, free and discharged of and from any trust, express or implied, now existing, or which may hereafter, before the execution of a conveyance of said square, exist, in said trustees, or their successors, whether by virtue of the deed originally conveying the same to the trustees of said church, or by virtue of any deed or deeds, certificate or certificates, or any writing or writings whatever, by said trustees or their predecessors, conveying any lot or lots, site or sites, in the part of said square used as a burial-ground as aforesaid, and free and discharged of and from any and every right, title, and interest, legal and equitable, now existing in any lot-holder in said burial-ground, under any contract with said trustees or their predecessors: *Provided, however*, That the said trustees or their successors shall, out of the proceeds of such sale, remove or cause to be removed the dead that are now interred in said ground, and give them decent sepulture in some public cemetery outside the corporate limits of the city of Washington.

APPROVED, February 18, 1867.

CHAP. XLVIII.—An Act concerning the Fire Department of Washington City.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right to have, use, and occupy all the several buildings, with their appurtenances, known as the Union, Franklin, Columbia, and Anacostia Engine-houses, be, and is hereby, granted to the city of Washington, in the District of Columbia, said possession and occupation to continue so long as used for the purposes of the fire department and the pleasure of the Congress of the United States: *Provided*, That said use and occupancy of the Columbia Engine-house shall not in any way interfere with the possession and occupancy by the Columbia Fire Company of the rooms now used as library rooms in said building.

APPROVED, February 18, 1867.

CHAP. LVI.—An Act to regulate the Duties of the Clerk of the House of Representatives in preparing for the Organization of the House, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That before the first meeting of the next Congress, and of every subsequent Congress, the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of all persons claiming seats as Representatives-elect from States which were represented in the next preceding Congress, and of such persons only, and whose credentials show that they were regularly elected in accordance with the laws of their States respectively, or the laws of the United States.

SEC. 2. *And be it further enacted*, That in case of a vacancy in the office of Clerk of the House of Representatives, or of absence or inability of said Clerk to discharge the duties imposed on him by law or custom relative to the preparation of the roll of Representatives or the organization of the House, the said duties shall devolve on the Sergeant-at-Arms of the next preceding House of Representatives; and in case of vacancies in both of the before-named offices, or of the absence or inability of both the Clerk and Sergeant-at-Arms to act, then the said duties shall be performed by the Doorkeeper of the next preceding House of Representatives.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

Indorsed by the President: "Received 9th of February, 1867."

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. LVII.—An Act to declare the Sense of an Act entitled "An Act to restrict the Jurisdiction of the Court of Claims, and to provide for the Payment of certain Demands for Quartermasters' Stores and Subsistence Supplies furnished to the Army of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of chapter two hundred and forty of the acts of the Thirty-Eighth Congress, first session, approved July fourth, eighteen hundred and sixty-four, shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of, or used by, the armies of the United States, nor for the occupation of, or injury to, real estate, nor for the consumption, appropriation, or destruction of, or damage to, personal property, by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the southern rebellion, in a State, or part of a State, declared in insurrection by the proclamation of the President of the United States, dated July first, eighteen hundred and sixty-two, or in a State which by an ordinance of secession attempted to withdraw from the United States Government: *Provided*, That nothing herein contained shall repeal or modify the effect of any act or joint resolution extending the provisions of the said act of July fourth, eighteen hundred and sixty-four, to the loyal citizens of the State of Tennessee, or of the State of West Virginia, or any county therein.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

Indorsed by the President: "Received February 9, 1867."

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. LVIII.—An Act making Appropriations for the Payment of Invalid and other Pensions of the United States for the year ending June thirtieth, eighteen hundred and sixty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the year ending the thirtieth of June, eighteen hundred and sixty-eight:

For invalid pensions under various acts, ten million dollars.

For pensions of widows, children, mothers, fathers, brothers, and sisters of soldiers, as provided for by acts of March eighteenth, eighteen hundred and eighteen; May fifteenth, eighteen hundred and twenty-eight; June seventh, eighteen hundred and thirty-two; July fourth, eighteen hundred and thirty-six; July seventh, eighteen hundred and thirty-eight; March third, eighteen hundred and forty-three; June seventeenth, eighteen hundred and forty-four; February second, July twenty-first, and July twenty-ninth, eighteen hundred and forty-eight; February third, eighteen hundred and fifty-three; June third, eighteen hundred and fifty-eight; and July fourteenth, eighteen hundred and sixty-two, with its supplementary acts, and for compensation to pension agents and expenses of agencies, twenty-three million dollars.

For Navy pensions to widows, children, mothers, fathers, brothers, and sisters, as provided for by acts of August *eighteenth*, [eleventh,] eighteen hundred and forty-eight, and July fourteenth, eighteen hundred and sixty-two, with its supplementary acts, two hundred and eighty thousand dollars, to be paid from the Navy pension fund.

APPROVED, February 22, 1867.

CHAP. LIX.—An Act providing for the Election of a Congressional Printer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Senate shall elect

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some competent person, who shall be a practical printer, to take charge of and manage the Government Printing Office.

SEC. 2. *And be it further enacted*, That the person so elected shall be deemed an officer of the Senate, and shall be designated "Congressional Printer." He shall superintend the printing and binding of the Journals and such other documents as shall be ordered by each House of Congress, and shall superintend the execution of all the printing and binding for the respective Departments of the Government now required by law to be executed at the Government Printing Office, and shall, in all respects, be governed by the laws in force in relation to the Superintendent of Public Printing and the execution of the printing and binding.

SEC. 3. *And be it further enacted*, That, from and after the passage of this act and the election of a Congressional Printer in pursuance thereof, the office of Superintendent of Public Printing shall be abolished, and the salary of the said officer shall be at the rate of four thousand dollars a year.

SEC. 4. *And be it further enacted*, That this act shall take effect from and after its passage, and all laws inconsistent with its provisions are hereby repealed.

APPROVED, February 22, 1867.

CHAP. LX.—An Act to Alter the Places of holding the Circuit Courts of the United States for the Rhode Island District.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of July, one thousand eight hundred and sixty-seven, the circuit courts of the United States for the district of Rhode Island shall commence and be held at the United States court-room in the city of Providence, on the fifteenth day of November, and on the fifth day of June, annually, instead of the places heretofore established by law: *Provided*, That when either of the days last named shall fall on Sunday the session of said court then next to be held shall commence on the Monday next following.

SEC. 2. *And be it further enacted*, That all indictments, informations, suits, or actions, and proceedings of every kind, whether of a civil or criminal nature, pending in the said circuit court on the first day of July, Anno Domini eighteen hundred and sixty-seven, shall thereafter have day in court, and be proceeded in, heard, tried, and determined, on the days and at the place herein appointed for holding the said court, in the same manner, and with the same effect, as if the said court had been holden on the days and at the places heretofore directed by law.

SEC. 3. *And be it further enacted*, That all writs, suits, actions, or recognizances, or other proceedings, which are or shall be instituted, served, commenced, or taken to the said court to have been holden as heretofore, directed by law, shall be returnable to, entered in, heard, tried, and have day in court, in said court, to be holden at the times and place by this act directed, in the same manner as might and ought to have been done had the said court been holden at the times and places heretofore directed by law.

APPROVED, February 22, 1867.

CHAP. LXI.—An Act to Establish and to Protect National Cemeteries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone, or block, with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party, in a Register of Burials to be kept at each cemetery and at the office of the Quartermaster General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or, if unknown, it shall be so recorded.

SEC. 2. *And be it further enacted*, That the Secretary of War is hereby directed to cause to be erected at the principal entrance of each of the national cemeteries aforesaid, a suitable building to be occupied as a porter's lodge; and it shall be his duty to appoint a meritorious and trustworthy superintendent, who shall be selected from enlisted men of the Army, disabled in service, and who shall have the pay and allowances of an ordnance sergeant, to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same. The Secretary of War shall detail some officer of the Army, not under the rank of major, to visit annually all of said cemeteries, and to inspect and report to him the condition of the same, and the amount of money necessary to protect them, to sod the graves, gravel and grade the walks and avenues, and to keep the grounds in complete order; and the said Secretary shall transmit the said report to Congress at the commencement of each session, together with an estimate of the appropriation necessary for that purpose.

SEC. 3. *And be it further enacted*, That any person who shall willfully destroy, mutilate, deface, injure, or remove any monument, gravestone, or other structure, or shall willfully destroy, cut, break, injure, or remove any tree, shrub, or plant within the limits of any of said national cemeteries, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any district or circuit court of the United States, within any State or district where any of said national cemeteries are situated, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment of not less than fifteen nor more than sixty days, according to the nature and aggravation of the offense. And the superintendent in charge of any national cemetery is hereby authorized to arrest forthwith any person engaged in committing any misdemeanor herein prohibited, and to bring such person before any United States commissioner or judge of any district or circuit court of the United States within any State or district where any of said cemeteries are situated, for the purpose of holding said person to answer for said misdemeanor, and then and there shall make complaint in due form.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Secretary of War to purchase from the owner or owners thereof, at such price as may be mutually agreed upon between the Secretary and such owner or owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions of this act, and to obtain from said owner or owners title in fee-simple for the same. And in case the Secretary of War shall not be able to agree with said owner or owners upon the price to be paid for any real estate needed for the purpose of this act, or to obtain from said owner or owners title in fee-simple for the same, the Secretary of War is hereby authorized to enter upon and appropriate any real estate, which, in his judgment, is suitable and necessary for the purposes of this act.

SEC. 5. *And be it further enacted*, That the Secretary of War, or the owner or owners of any real estate thus entered upon and appropriated, are hereby authorized to make application for an appraisement of said real estate thus entered upon and appropriated to any district or circuit court within any State or district where such real estate is situated; and any of said courts is hereby authorized and required upon such application, and in such mode and under such rules and regulations as it may adopt, to make a just and equitable appraisement of the cash value of the several interests of each and every owner of the real estate and improvements thereon entered upon and appropriated for the purposes of this act, and in accordance with its provisions.

SEC. 6. *And be it further enacted*, That the fee-simple of all real estate thus entered upon and appropriated for the purposes of this act, and of which appraisement shall have been made under the order and direction of any of said courts, shall, upon payment to the owner or owners, respectively, of the appraised value, or in case said owner or owners refuse or neglect for thirty days after the appraisement of the cash value of the said real estate or improvements by any of said courts to demand the same from the Secretary of War, upon depositing the said appraised value in the said court making such appraisement to the credit of said owner or owners, respectively, be vested in the United States, and its jurisdiction over said real estate shall be exclusive and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purposes of navy-yards, forts, and arsenals. And the Secretary of War is hereby authorized and required to pay to the several owner or owners, respectively, the appraised value of the several pieces or parcels of real estate, as specified in the appraisement of any of said courts, or to pay into any of said courts by deposit, as hereinbefore provided, the said appraised value; and the sum necessary for such purpose may be taken from any moneys appropriated for the purposes of this act.

SEC. 7. *And be it further enacted*, That the sum of seven hundred and fifty thousand dollars is hereby appropriated to carry out the purposes of this act out of any moneys in the Treasury not otherwise appropriated.

APPROVED, February 22, 1867.

CHAP. LXII.—An Act to amend an Act entitled "An Act to incorporate the National Soldiers' and Sailors' Orphan Home," approved July twenty-fifth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of trustees of the National Soldiers' and Sailors' Orphan Home shall hereafter consist of seven persons, a majority of whom shall constitute a quorum to do business; and D. K. Carter, Henry D. Cooke, Amos B. Eaton, J. W. Alvord, Horatio Bridge, Byron Sunderland, and Franklin A. Dick are hereby declared to be the trustees of said corporation, and they and their successors shall have the entire control and management of all property, moneys, and other securities now held or used for the benefit of said corporation, or which shall hereafter belong to it; and the said board of trustees shall have power to fill any vacancies occurring by death, resignation, or otherwise.

SEC. 2. *And be it further enacted*, That immediately upon their organization the trustees shall elect a board of lady managers, consisting of thirteen persons, who shall have power to superintend and manage the internal affairs of the asylum, and to fill vacancies in their own board, to make their own by-laws, rules, and regulations, to hold their offices till the second Wednesday in January, eighteen hundred and sixty-eight; their successors to be elected annually by the board of managers in the manner which their by-laws shall prescribe.

SEC. 3. *And be it further enacted*, That the surviving parent or legal guardian of any child placed under charge of said corporation may withdraw such child therefrom, and any minor over sixteen years of age, upon his or her request in writing, shall be discharged therefrom, at the discretion of the managers.

SEC. 4. *And be it further enacted*, That so

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much of the act to which this is amendatory as is inconsistent with this act be, and the same is hereby, repealed.

APPROVED, February 22, 1867.

CHAP. LXIII.—An Act to regulate Proceedings before Justices of the Peace in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That justices of the peace in the District of Columbia shall have jurisdiction in all cases where the amount claimed to be due for debt or damages arising out of contracts, express or implied, or damages for wrongs or injuries to persons or property, does not exceed one hundred dollars, except in cases involving the title to real estate, actions to recover damages for assault, or assault and battery, or for malicious prosecution, or actions against justices of the peace or other officers for misconduct in office, or in actions for slander, verbal or written.

SEC. 2. *And be it further enacted*, That the supreme court of said District shall make and establish rules of practice, and prepare and publish forms of pleadings for bringing all forms of actions and the trial thereof before said justices of the peace, and shall fix and determine a bill of fees and costs to be taxed and charged by the said justices, and by the constables of said District of Columbia in all civil suits in said District.

SEC. 3. *And be it further enacted*, That there shall be no stay of execution on any judgment obtained before any justice of the peace for the wages of any servant or common laborer, or upon any judgment for less than five dollars; but execution may issue for the collection thereof immediately, and judgments shall be entered within two days after the trial of the action. But on all judgments or fines, except as aforesaid, stay of execution shall be entered as follows: for the sum of five dollars and not exceeding twenty dollars, one month; for all sums over twenty dollars and not exceeding forty dollars, two months; for all sums over forty dollars and not exceeding seventy-five dollars, four months; for all sum exceeding seventy-five dollars, six months: *Provided*, good and sufficient security be entered by a person or persons who may be at the time the owner of sufficient property located in said District, above all liabilities and exemptions, to secure said debt, costs, and interest.

SEC. 4. *And be it further enacted*, That all justices of the peace may issue original writs, civil, and criminal, returnable before themselves; but any party or agent or attorney thereof may have the cause removed to the nearest justice upon filing an affidavit with said justice on the return day or day of trial of said action, that he or she does not believe said justice will give him or her a fair and impartial trial on account of prejudice or other reasonable cause.

SEC. 5. *And be it further enacted*, That no person in said District shall be fined or imprisoned for disorderly conduct, unless such person was personally and individually guilty of acts disorderly in themselves; and any officer in said District who uses unnecessary and wanton severity in arresting or imprisoning any person shall be deemed guilty of assault and battery, and upon conviction thereof punished therefor.

SEC. 6. *And be it further enacted*, That in all criminal cases or offences charged, the justice having jurisdiction thereof shall allow the defendant reasonable time to prepare for defense or obtain bail, and no exorbitant bail shall in any case be required.

SEC. 7. *And be it further enacted*, That non-residents of said District shall not commence suit before any justice of the peace therein without first giving sufficient security for costs.

SEC. 8. *And be it further enacted*, That when any person or persons shall be arrested on a warrant for committing an assault, or an assault and battery, or an affray, issued on the complaint of the party injured by any justice of the peace of said District, or in the case of an affray, on the complaint of any person who shall have seen the same, every such person or persons shall be taken before the justice who issued the warrant, or if he be absent or otherwise incapable of acting, then before the nearest other justice in said District; and he or they shall be admitted to plead guilty of the charge preferred, and the said justice before whom such plea may be pleaded shall have power, and he is hereby authorized, to assess such fine or penalty as is authorized by law, and enter judgment therefor against the person so pleading guilty and for cost, and issue execution thereon as in civil cases.

SEC. 9. *And be it further enacted*, That all acts or parts of acts of the Legislature of Maryland, or of Congress, now in force, inconsistent with the provisions of this act, are hereby repealed; and this act shall take effect and be in force from and after its passage.

APPROVED, February 22, 1867.

CHAP. LXIV.—An Act to amend the Law of the District of Columbia in Relation to Judicial Proceedings therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no appeal shall be allowed from a judgment of a justice of the peace, unless the appellant, with sufficient surety or sureties, approved by the justice, enter into an undertaking to satisfy and pay all intervening damages and costs arising on the appeal.

SEC. 2. *And be it further enacted*, That when such undertaking has been entered into, the justice shall immediately file the original papers, including a copy of his docket entries, in the office of the clerk of the supreme court of the District of Columbia; and thereupon, as soon as the appellant shall have made the deposit for costs required by law, or obtained leave from one of the justices or from the court, to prosecute his appeal without a deposit, the clerk shall docket the cause, and shall issue a summons for the appellee to appear at the next trial term of the court, and thereafter the cause shall be proceeded with in the manner prescribed by the act of March one, eighteen hundred and twenty-three, entitled "An act to extend the jurisdiction of justices of the peace in the recovery of debts in the District of Columbia," except that the appellant need not file a petition as directed by said act.

SEC. 3. *And be it further enacted*, That if the appellant fails to prosecute his appeal, the appellee may, upon making the aforesaid deposit for costs, have the cause docketed, and move for affirmance of the justice's judgment, or he may have a trial of the cause upon its merits.

SEC. 4. *And be it further enacted*, That there shall be no supersedeas or stay of execution of the judgments of the supreme court of the District of Columbia, otherwise than by injunction or upon proceedings in error to to the Supreme Court of the United States.

SEC. 5. *And be it further enacted*, That mutual debts between the parties to an action, or between the testator or intestate of both parties, or either party, may be set off against each other by plea in bar, whether the said debts be of the same or a different nature; and if either debt arose by reason of a penalty, the exact sum to be set off shall be stated in the plea.

SEC. 6. *And be it further enacted*, That the plea of set-off may be: "That the plaintiff, at the commencement of the suit, was, and still is, indebted to the defendant in the sum of —— dollars, for ——, as appears by the particulars of the said debt, hereunto annexed; and he is willing that the same may be set off against the plaintiff's demand." And upon the trial of an issue upon said plea, judgment shall be for the balance found due, whether to the plaintiff or defendant, with costs. Mutual judgments recovered in said *in said* court may be set off against each other on motion of either party; and the court shall award execution for the balance found due against the party chargeable therewith.

SEC. 7. *And be it further enacted*, That publication may be substituted for personal service of process upon any defendant who cannot be found, in suits for partition, divorce, by attachment, for the foreclosure of mortgages and deeds of trust, and for the enforcement of mechanics' liens and all other liens against real or personal property, and in all actions at law or in equity which have for their immediate object the enforcement or establishment of any lawful right, claim, or demand to or against any real or personal property within the jurisdiction of the court.

SEC. 8. *And be it further enacted*, That no order for the substitution of publication for personal service shall be made till a summons for the defendant shall have been issued and returned "not to be found." And when an order for publication shall be made, it shall be in the following or equivalent form:

"In the Supreme Court of the District of Columbia, the —— day of ——, 18—.

A. B., plaintiff, v. C. D., defendant. } (At law,) (In equity,) No.—.

On motion of the plaintiff, by Mr. ——, his attorney, it is ordered that the defendant cause his appearance to be entered herein on or before the first rule day occurring forty days after this day; otherwise the cause will be proceeded with as in case of default."

SEC. 9. *And be it further enacted*, That all sales duly made in cases in which publication is substituted for personal service of process shall be good and valid, and shall vest any purchaser with a perfect title.

SEC. 10. *And be it further enacted*, That the proceeding to enforce any lien shall be by bill or petition in equity, and the decree, besides subjecting the thing upon which the lien has attached to the satisfaction of the plaintiff's demand against the defendant, shall adjudge that the plaintiff recover his demand against the defendant, and that he may have execution thereof as at law.

SEC. 11. *And be it further enacted*, That in actions against foreign corporations doing business in the District of Columbia, all process may be served on the agent of such corporation or person conducting its business aforesaid, or in case he is absent and cannot be found, by leaving a copy thereof at the principal place of business in the District, and such service shall be effectual to bring the corporation before the court.

SEC. 12. *And be it further enacted*, That the power claimed and exercised as of common right by every landlord, of seizing, by his own authority, the personal chattels of his tenant for rent arrear, is hereby abolished, and, instead of it, the landlord shall have a tacit lien upon such of the tenant's personal chattels, upon the premises, as are subject to execution for debt, to commence with the tenancy and continue for three months after the rent is due, and until the termination of any action for such rent brought within said three months. And this lien may be enforced—

1. By attachment, to be issued upon affidavit that the rent is due and unpaid; or, if not due, that the defendant is about to remove or sell all or some of said chattels; or,

2. By judgment against the tenant and execution, to be levied on said chattels or any of them, in whosoever hands they may be found; or,

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3. By action against any purchaser of any of said chattels, with notice of the lien, in which action the plaintiff may have judgment for the value of the chattels purchased by the defendant, but not exceeding the rent arrear and damages.

SEC. 13. *And be it further enacted*, That the declaration in replevin shall be in the following or equivalent form: "The plaintiff sues the defendant for (wrongfully taking and detaining,) (unjustly detaining) his, said plaintiff's goods and chattels, to wit: (describe them) of the value of $——. And the plaintiff claims that the same be taken from the defendant and delivered to him; or if they are eloigned, that he may have judgment of their said value, and all mesne profits and damages, which he estimates at $——; besides costs." And at the time of filing the declaration the plaintiff, his agent or attorney, shall file an affidavit, sworn to before the clerk, stating—

1. That, according to affiant's information and belief, the plaintiff is entitled to recover possession of the chattels proposed to be replevied, being the same described in the declaration.

2. That the defendant has seized and detains, or detains the same.

3. That said chattels were not subject to such seizure or detention, and were not taken upon any writ of replevin. And he shall at the same time enter into an undertaking with surety, approved by the clerk, to abide by and perform the judgment of the court in the premises.

SEC. 14. *And be it further enacted*, That if the officer's return of the writ of replevin be that he has served the defendant with copies of the declaration, notice to plead and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the same and damages for detention; or he may renew the writ in order to get possession of the goods and chattels themselves. If the officer's return be that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the court may order that the defendant appear to the action by some fixed day; and of this order the plaintiff shall cause notice to be given by publication in some newspaper of the District at least three times, the first of which shall be at least twenty days before the day fixed for the defendant's appearance; and if the defendant fail to appear, the court may proceed as in case of default after personal service.

SEC. 15. *And be it further enacted*, That if the defendant appear, he may plead not guilty, in which case all special matters of defense may be given in evidence, or he may plead specially.

SEC. 16. *And be it further enacted*, That whether the defendant plead, and the issue thereon joined is found against him; or his plea is held bad on demurrer; or he make default after personal service or after publication, the plaintiff's damages shall be ascertained by the jury trying the issue, where one is joined, or by a jury of inquest, where there is no issue of fact; and those damages shall be the full value of the goods, if eloigned by the defendant, including in every case the loss sustained by the plaintiff by reason of the detention; and judgment shall pass for the plaintiff accordingly.

SEC. 17. *And be it further enacted*, That if the issue be found for the defendant, or the plaintiff dismiss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant with damages, or on failure, that the defendant recover against the plaintiff and his surety the damages by him sustained, to be assessed by the jury trying the issue; or, where the plaintiff dismisses or fails to prosecute his suit, by the jury of inquest.

SEC. 18. *And be it further enacted*, That if the defendant has eloigned the things sued for, the court may instruct the jury, if they find for the plaintiff, to assess such damages as may compel the defendant to return the things; and the judgment shall be that the plaintiff recover against the defendant the value of the goods as found, to be discharged by the return of the things, with damages for detention, which the jury shall also assess.

SEC. 19. *And be it further enacted*, That where a suit is brought upon an open account, verified by the plaintiff's or his agent's affidavit, that the amount claimed by the plaintiff is justly payable by the defendant to the plaintiff, and the defendant fails to defend the suit, the plaintiff may have judgment final by default for said amount, with interest from the day specified in the declaration, without an inquiry of damages. If the affidavit be made before an officer, of whose authority to administer oaths the court cannot take notice, his authority must be verified by the certificate under official seal, if he have one, of the officer having authority to give such certificate.

SEC. 20. *And be it further enacted*, That where money is payable by two or more persons jointly or severally, as by joint obligors, covenantors, makers, drawers, or indorsers, one action may be sustained and judgment recovered against all or any of said parties, by whom the money is payable, at the option of the plaintiff. But an action against one or some of the parties by whom the money is payable may, while the litigation therein continues, be pleaded in bar of another action against another or others of said parties.

SEC. 21. *And be it further enacted*, That in case of the sale of things, real or personal, under a decree in equity, the decree confirming the sale shall divest the right, title, or interest sold out of the former owner, party to the suit, and vest it in the purchaser, without any conveyance by the officer or agent of the court conducting the sale. And of this transfer of title the decree shall be notice to all the world, when a copy thereof shall be registered among the land records of the District. Nevertheless, the court may order its officer or agent aforesaid to make a conveyance, if that mode be deemed preferable, in particular cases.

SEC. 22. *And be it further enacted*, That if the declaration state a cause of action of which the court has jurisdiction, but the verdict finds the money payable by the defendant to the plaintiff to be less than the lowest sum of which the court has jurisdiction, the plaintiff shall have judgment for the amount found due to him from the defendant, but without costs.

SEC. 23. *And be it further enacted*, That all laws and parts of laws in conflict with these provisions are repealed.

APPROVED, February 22, 1867.

CHAP. LXV.—An Act providing for the Punishment of certain Crimes therein named in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall steal any money or other personal goods or chattels, the property of another, of the value of thirty-five dollars or upward, the person so offending shall be deemed guilty of larceny, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor not more than three years nor less than one year.

SEC. 2. *And be it further enacted*, That if any person shall steal or maliciously and feloniously destroy any bank bill, promissory note or notes, bill of exchange, order, receipt, warrant, draft, check, or bond, given for the payment of money, or receipt acknowledging the receipt of money or other property, or any Government bonds or other securities, or stamps, United States Treasury notes, or any public stocks, of the value of thirty-five dollars or upward, knowing the same to be such, any such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor not more than three years nor less than one year.

SEC. 3. *And be it further enacted*, That if any person shall receive or buy any goods, or chattels, or bank bill or bills, or promissory note or notes, bill of exchange, order, receipt, draft, warrant, check, or bond, given for the payment of money, or any Government bond, United States Treasury note or notes, or other securities, or Government stamps, or stocks, of the value of thirty-five dollars or upward, which have been stolen, knowing the same to be stolen, with intent to defraud the owners thereof, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor not more than three [years,] nor less than one year.

SEC. 4. *And be it further enacted*, That if any person shall steal any money, or other goods and chattels of any kind whatever, of less value than thirty-five dollars, the property of another, or shall steal or maliciously destroy any bank bill, promissory note, bill of exchange, order, warrant, draft, check, or bond, or any accountable receipt for money, given for the payment or acknowledgment of any sum under thirty-five dollars, or any United States Treasury note, or Government stamps of less value than thirty-five dollars, the property of another, or shall receive or buy the same, knowing the same to be stolen, for the purpose of defrauding the owner thereof, every such person so offending, on conviction thereof, shall make restitution to the party injured in twofold the value of the property stolen or destroyed, and be fined in any sum not exceeding two hundred dollars, or shall be imprisoned in the jail of said District for any time not exceeding six months, or both, at the discretion of the court.

SEC. 5. *And be it further enacted*, That if any clerk, or servant of any private person, or any copartnership, (except persons within the age of sixteen years,) or any officer, agent, clerk, or servant of any corporated company, shall embezzle or convert to his own use, or fraudulently take, make way with, or secrete with intent to embezzle or fraudulently convert to his own use, without the assent of his master or employers, any money, goods, rights of action, Government bonds, United States Treasury notes, or Government stamps, or other valuable security or effects whatever, belonging to any other person, which shall come into his possession, or under his care by virtue of such employment or office, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article or property so embezzled, taken, or secreted, or of the value of any sum of money payable or due upon any right in action so embezzled.

SEC. 6. *And be it further enacted*, That every embezzlement of any evidence of debt, negotiable by delivery only, and actually executed by the master or employer of any such clerk, agent, officer, or servant, but not delivered or issued as a valid instrument, shall be deemed an offense within the meaning of the last preceding section.

SEC. 7. *And be it further enacted*, That every person who shall buy, or in any way receive any money, goods, rights in action, Government bonds, United States Treasury notes, or other valuable security or effects whatever, or Government stamps, knowing the same to have been embezzled, taken, or secreted, contrary to the provisions of the two last sections, shall, upon conviction, be punished in the same manner, and to the same extent as therein prescribed upon a conviction of a servant, clerk, or agent for such embezzlement.

SEC. 8. *And be it further enacted*, That if any carrier or other person, to whom any goods, money, right in action, or any valuable personal property or effects shall have been

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delivered to be transported or carried for hire, or any person employed in such transportation or carrying, shall, without the assent of his employer, take, embezzle, or convert to his own use such goods, money, right in action, property, or effects, or any part of them, and before delivery of such article at the place or to the person entitled to receive them, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article so taken, embezzled, converted, or secreted.

SEC. 9. *And be it further enacted*, That all persons sentenced to imprisonment in the jail of said District may be employed at such labor, and under such regulations, as may be prescribed by the supreme court of said District, and the proceeds thereof applied to defray the expenses of the trial and conviction of any such person.

SEC. 10. *And be it further enacted*, That it shall be the duty of the supreme court of said District to make such rules for the government and discipline of the prisoners confined in said jail as shall be deemed necessary for the health, security, and the protection of said prisoners from cruel treatment by any person in charge thereof.

SEC. 11. *And be it further enacted*, That on the trial of any person charged with a crime, the punishment whereof may be confinement in the penitentiary or District jail, the defendant shall be entitled to four peremptory challenges of jurors.

SEC. 12. *And be it further enacted*, That in all criminal trials the said supreme court, or the judge trying the case, may allow such number of witnesses on behalf of the defendant as may appear necessary, and the fees thereof, with the costs of service, to be paid in the same manner as Government witnesses are now paid.

SEC. 13. *And be it further enacted*, That all laws of said District inconsistent with the provisions of this act be, and the same are hereby, repealed; and that this act shall take effect from and after its passage.

APPROVED, February 22, 1867.

CHAP. LXVI.—An Act to restore Lieutenant Joseph P. Fyffe to his Grade in Active Service of the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized to nominate, and with the advice and consent of the Senate to appoint, Lieutenant Joseph P. Fyffe to the active list of the Navy, and to restore him to the rank to which he may be entitled thereon.

APPROVED, February 22, 1867.

CHAP. LXVII.—An Act fixing the Compensation for the Bailiffs and Criers of the Courts of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bailiffs and criers, who are required by the marshal or courts of the District of Columbia to attend upon the district, circuit, or criminal court of said District, shall be paid by said marshal three dollars and fifty cents per day for each day's attendance, (instead of two dollars, as now provided by law,) commencing with the first of January, eighteen hundred and sixty-six.

APPROVED, February 22, 1867.

CHAP. LXXVI.—An Act to authorize the Construction of a Submerged Tubular Bridge across the Mississippi River at the City of Saint Louis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the "Mississippi Submerged Tubular Bridge Company," a corporation organized under the laws of the State of Missouri, be, and the same is hereby, empowered to construct, maintain, and operate a submerged iron tubular bridge across the Mississippi river, between the city of Saint Louis, in the State of Missouri, and the city of East Saint Louis, in the State of Illinois, subject to all the conditions contained in said act of incorporation and not inconsistent with the provisions of this act. And in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said waters, the cause may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 2. *And be it further enacted*, That any bridge built under the provisions of this act shall be tubular in construction, and sunk below the bed of said river, so that the top of said structure shall be below the bed of the channel of the Mississippi river, and so that the same shall in nowise interfere with or obstruct navigation when completed, or prevent a safe and expeditious transit for all classes of vessels upon said river during construction.

SEC. 3. *And be it further enacted*, That any bridge erected under the provisions of this act shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, the munitions of war of the United States, than the rate per mile which the railroad companies terminating at either end receive for such services.

SEC. 4. *And be it further enacted*, That no exclusive right or privilege shall ever be granted to any of the steam railroads now concentrating at Saint Louis or East Saint Louis by the said bridge company to use the same, but it shall be equally open to all, under such regulations and at such charges as may be fixed, not to exceed those now charged by the Wiggins Ferry Company.

APPROVED, February 25, 1867.

CHAP. LXXVII.—An Act granting Lands to the State of Oregon to aid in the Construction of a Military Wagon-Road from Dalles City, on the Columbia river, to Fort Boisé, on the Snake river.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Dalles City, on the Columbia river, by way of Camp Watson, Cañon City, and Mormon or Humboldt Basin, to a point on Snake river opposite Fort Boisé, in Idaho Territory, alternate sections of public Lands, designated by odd numbers, to the extent of three sections in width on each side of said road: *Provided*, That the lands hereby granted shall be exclusively applied to the construction of said road, and to no other purpose; and shall be disposed of only as the work progresses: *And provided further*, That any and all lands heretofore reserved to the United States, or otherwise appropriated by act of Congress or other competent authority, be, and the same are hereby, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way to the width of one hundred feet is granted: *And provided further*, That the grant hereby made shall not embrace any mineral lands of the United States.

SEC. 2. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by the Legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls and other charges upon the transportation of any property, troops, or mails of the United States.

SEC. 3. *And be it further enacted*, That said road shall be constructed with such width, gradation, and bridges as to permit of its regular use as a wagon-road, and in such other special manner as the State of Oregon may prescribe.

SEC. 4. *And be it further enacted*, That the State of Oregon is authorized to locate and use in the construction of said road an additional amount of public lands, not previously reserved to the United States nor otherwise disposed of, and not exceeding ten miles in distance from it, equal to the amount reserved from the operation of this act in the first section of the same, to be selected in alternate odd sections as provided in section first of this act.

SEC. 5. *And be it further enacted*, That lands hereby granted to said State shall be disposed of only in the following manner, that is to say: when the Governor of said State shall certify to the Secretary of the Interior that ten continuous miles of said road are completed, then a quantity of the land hereby granted, not to exceed thirty sections, may be sold, and so on from time to time until said road shall be completed; and if said road is not completed within five years no further sales shall be made, and the lands remaining unsold shall revert to the United States.

SEC. 6. *And be it further enacted*, That the United States surveyor general for the district of Oregon shall cause said lands so granted to be surveyed at the earliest practicable period after said State shall have enacted the necessary legislation to carry this act into effect.

APPROVED, February 25, 1867.

CHAP. LXXVIII.—An Act to amend the twenty-first section of an Act entitled "An Act further to prevent smuggling, and for other purposes," approved July eighteenth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-one of an act entitled "An act to prevent smuggling, and for other purposes," approved July eighteenth, eighteen hundred and sixty-six, be amended by adding to said section twenty-one the following proviso: "*Provided*, That this section shall not apply, or be held to apply, to any case where the said towing in whole or in part is within or upon foreign waters: *And provided*, That any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tug-boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States."

APPROVED, February 25, 1867.

CHAP. LXXIX.—An Act to amend section twelve, chapter two hundred and ninety-nine, of the Laws of the First Session of the Thirty-Ninth Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last clause of section twelve, of chapter two hundred and ninety-nine, of the laws of first session Thirty-Ninth Congress, approved July twenty-eighth, eighteen hundred and sixty-six, is hereby amended by repealing all after and including the words "until otherwise provided by law," so as to place the judge advocates thereby authorized to be retained in service upon the same footing in respect to tenure of office and otherwise as other officers of the Army of the United States.

APPROVED, February 25, 1867.

CHAP. LXXX.—An Act to amend an Act granting the Right of Way over the Military Reserve at Fort Gratiot, Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An

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act granting the right of way over, and depot grounds upon, the military reserve at Fort Gratiot, in the State of Michigan," passed February the eighth, eighteen hundred and fifty-nine, be, and the same is hereby, amended by inserting in the last proviso, after the word "wood," the words "or fire-proof," so that the same shall read, "that all buildings to be erected upon said reservation shall be of wood or fire-proof."

APPROVED, February 25, 1867.

CHAP. LXXXI.—An Act to change certain Collection Districts in Maryland and Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the districts of Oxford and Vienna, in the State of Maryland, be, and the same are hereby, abolished, and the office of collector of both said districts is hereby discontinued.

SEC. 2. *And be it further enacted*, That the district of Oxford, in said State, shall be annexed to the district of Baltimore; and all that part of the district of Vienna, in said State, bordering on the sea-coast, and all the waters which flow into the sea or bays on the east side of said district of Vienna, be, and the same are hereby, annexed to the district of Cherrystone, in the State of Virginia, and that all the residue of said district of Vienna be, and the same is hereby, made a new district, to be called the eastern district, and that the collector of said eastern district shall receive an annual salary of twelve hundred dollars, and shall reside at Crisfield, which shall be the port of entry for said new district.

SEC. 3. *And be it further enacted*, That the offices of surveyor at Snow Hill, and of deputy collector at Annamasset and Deal's Island be, and the same are hereby, discontinued.

SEC. 4. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED, February 25, 1867.

CHAP. LXXXII.—An Act relative to Collection Districts in North Carolina.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of October, Anno Domini eighteen hundred and sixty-six, there shall be in the State of North Carolina four collection districts, to wit: one, to be called the district of Albemarle, which shall include Albemarle, Currituck, and Croatan sounds, and all the waters, shores, harbors, rivers, creeks, bays, and inlets adjacent to and flowing into the said sounds, together with that part of Pamlico sound north of and including Loggerhead inlet, and all waters and shores appertaining thereto. And the port of entry for said district shall be at Plymouth. Another to be called the district of Pamlico, which shall include Pamlico sound, and all the waters, shores, harbors, rivers, creeks, bays, and inlets adjacent to and flowing into said sound, exclusive of the district of Albemarle, and including the south line of Neuse river to the northern entrance of Core sound, and the port of entry for said district of Pamlico shall be at Newbern. Another to be called the district of Beaufort, which shall include all the waters, shores, harbors, creeks, bays, and inlets south of the district of Pamlico, and north of and including New river and inlet; and the port of entry for said district of Beaufort shall be at Beaufort. And another to be called the district of Wilmington, which shall include all waters, shores, harbors, creeks, bays, and inlets south of the district of Beaufort to the southern boundary of the said State, and the port of entry for said district of Wilmington shall be at Wilmington. And the collector of each of said districts shall reside at the port of entry thereof, and shall be appointed by the President by and with the advice and consent of the Senate, and receive a salary at the rate of one thousand dollars per annum in addition to the fees of office: *Provided*, That such compensation shall in no case exceed the sum of twenty-five hundred dollars per annum in the aggregate.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury, should it at any time hereafter seem to him necessary, may change the port of entry in the district of Beaufort from Beaufort to Morehead city; and that all acts and parts of acts conflicting with the provisions of this act be, and the same are hereby, repealed.

APPROVED, February 25, 1867.

CHAP. LXXXIII.—An Act to amend the Act entitled "An Act further to provide for the Safety of the Lives of Passengers on board of Vessels propelled in whole or in part by Steam, to regulate the Salaries of Steamboat Inspectors, and for other purposes," approved July 25, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine of the act entitled "An act to amend the act entitled 'An act further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes,'" approved July twenty-five, eighteen hundred and sixty-six, be, and the same is hereby, amended so as to read as follows:

SEC. 9. *And be it further enacted*, That all vessels navigating the *bays*, [bays,] inlets, rivers, harbors, and other waters of the United States, except vessels subject to the jurisdiction of a foreign Power, and engaged in foreign trade, and not owned in whole or in part by a citizen of the United States, shall be subject to the navigation laws of the United States; and all vessels propelled in whole or in part by steam, and navigating as aforesaid, shall also be subject to all rules and regulations consistent therewith, established for the government of steam vessels in passing, as provided in the twenty-ninth section of an act relating to steam vessels, approved the thirtieth day of August, eighteen hundred and fifty-two. And every sea-going steam vessel now subject or hereby made subject to the navigation laws of the United States, and to the rules and regulations aforesaid, shall, when under way, except upon the high seas, be under the control and direction of pilots licensed by the inspectors of steam vessels; vessels of other countries and public vessels of the United States only excepted: *Provided, however*, That nothing in this act, or in the act of which it is amendatory, shall be construed to annul or affect any regulation established by the existing law of any State requiring vessels entering or leaving a port in such State to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of the same port.

APPROVED, February 25, 1867.

CHAP. XCVIII.—An Act declaring Clinton Bridge, across the Mississippi River, at Clinton, in the State of Iowa, a Post Route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge across the Mississippi river, erected by the Albany Bridge Company and the Chicago, Iowa, and Nebraska Railroad Company, under the authority of the State[s] of Iowa and Illinois, between the towns of Clinton, Iowa, and Albany, Illinois, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, than the rate per mile paid for their transportation over the railroads or public highways leading to the said bridge.

SEC. 2. *And be it further enacted*, That the draw of said bridge shall be opened promptly upon reasonable signal for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains.

SEC. 3. *And be it further enacted*, That in case of any litigation hereafter arising from any alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 4. *And be it further enacted*, That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river, by the construction of said bridge, is hereby expressly reserved.

APPROVED, February 27, 1867.

CHAP. XCIX.—An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the year ending thirtieth June, eighteen hundred and sixty-eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-eight, namely:

For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, republic of Mexico, China, Italy, Chili, Peru, Portugal, Switzerland, Belgium, Holland, Denmark, Sweden, Turkey, New Grenada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, Paraguay, Japan, and Salvador, three hundred and one thousand dollars: *Provided*, That no money shall be paid to the present minister resident at Portugal out of any fund whatever; and this provision shall continue in force until repealed by Congress. And no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome from and after the thirtieth day of June, eighteen hundred and sixty-seven.

For salaries of secretaries of legation, thirty thousand dollars.

For salaries of assistant secretaries of legation at London and Paris, three thousand dollars.

For salary of the interpreter to the legation to China, five thousand dollars.

For salary of the secretary of legation to Turkey, acting as interpreter, three thousand dollars.

For salary of the interpreter to the legation to Japan, two thousand five hundred dollars.

For contingent expenses of all the missions abroad, fifty thousand dollars.

For contingent expenses of foreign intercourse, sixty-five thousand dollars.

For expenses of intercourse with the Barbary Powers, three thousand dollars.

For expenses of the consulates in the Turkish dominions, namely: interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, Candia, Alexandria, and Beirut, two thousand five hundred dollars.

For the relief and protection of American

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seamen in foreign countries, per acts of February eighteen, eighteen hundred and sixty-three, and February twenty-eight, eighteen hundred and eleven, two hundred thousand dollars.

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens of the United States from shipwreck, ten thousand dollars.

For the purchase of blank books, stationery, book-cases, arms of the United States, seals, presses, and flags, and for the payment of postages, and miscellaneous expenses of the consuls of the United States, including loss by exchange, fifty thousand dollars.

For office rent for those consuls general, consuls, and commercial agents who are not allowed to trade, including loss by exchange thereon, forty-five thousand dollars.

For salaries of consuls general, consuls, commercial agents, and thirteen consular clerks, namely:

I. CONSULATES GENERAL.

Schedule B.

Alexandria, Calcutta, Constantinople, Frankfort-on-the-Main, Havana, Montreal, Shanghai.

II. CONSULATES.

Schedule B.

Acapulco, Aix-la-Chapelle, Algiers, Amoy, Amsterdam, Antwerp, Aspinwall, Bankok, Basle, Belfast, Beirut, Buenos Ayres, Bordeaux, Bremen, Brindisi, Boulogne, Barcelona, Cadiz, Callao, Candia, Canton, Chemnitz in Saxony, Chin-Kiang, Clifton, Coaticook, Cork, Demarara, Dundee, Elsinore, Erie, Foo-choo, Funchal, Geneva, Genoa, Gibraltar, Glasgow, Goderich, Guaymas, Halifax, Hamburg, Havre, Honolulu, Hong-Kong, Hankow, Jerusalem, Kanagawa, Kingston, Jamaica, Kingston in Canada, La Rochelle, Laguayra, Lahaina, Leeds, Leghorn, Leipsic, Lisbon, Liverpool, London, Lyons, Malaga, Malta, Manchester, Matanzas, Marseilles, Mauritius, Melbourne, Messina, Moscow, Munich, Nagasaki, Naples, Nassau, (West Indies,) Newcastle, Nice, Nantes, Odessa, Oporto, Palermo, Panama, Paris, Pernambuco, Pictou, Ponce, Port Mahon, Prescott, Prince Edward Island, Quebec, Revel, Rio de Janeiro, Rome, Rotterdam, San Juan del Sur, San Juan, (Porto Rico,) Saint John, (Canada East,) Santiago de Cuba, Port Sarnia, Singapore, Smyrna, Spezzia, Southampton, Saint John, (Newfoundland,) Saint Petersburg, Saint Pierre, (Martinique,) Saint Thomas, Stuttgardt, Swatow, Saint Helena, Tampico, Tangier, Toronto, Trieste, Trinidad de Cuba, Tripoli, Tunis, Turk's Island, Valparaiso, Vera Cruz, Vienna, Windsor, Zurich. And the salary of the consul at Chemnitz shall be two thousand dollars per annum. And the salaries of the consuls at Rome, Quebec, Munich, and Spezzia, respectively, shall be fifteen hundred dollars, and the salary at Spezzia shall take effect from the beginning of the present fiscal year.

III. COMMERCIAL AGENCIES.

Schedule B.

Balize, (Honduras,) Madagascar, San Juan del Norte, Saint Domingo.

IV. CONSULATES.

Schedule C.

Aux Cayes, Bahia, Batavia, Bay of Islands, Cape Haytien, Cape Town, Carthagena, Ceylon, Cobija, Cyprus, Falkland Islands, Fayal, Guayaquil, Lanthala, Maranham, Matamoras, Mexico, Montevideo, Omoa, Payta, Para, Paso del Norte, Piræus, Rio Grande, Sabanilla, Saint Catharine, Santa Cruz, (West Indies,) Santiago, (Cape Verde,) Stettin, Tabasco, Tahita, Talcahuano, Tumbez, Venice, Zanzibar.

V. COMMERCIAL AGENCIES.

Schedule C.

Amoor River, Apia, Gaboon, Saint Paul de *Loando*, [Loanda,] including loss by exchange thereon, four hundred and thirty-one thousand five hundred dollars. No money appropriated by this act shall be applied to the payment of salary or compensation to any diplomatic representative of any grade, or to any consul or commercial agent of the United States, who is not a citizen of the United States, native, or duly naturalized.

For interpreters to the consulates in China, including loss by exchange thereon, five thousand eight hundred dollars.

For expenses incurred under instructions from the Secretary of State, in bringing home from foreign countries persons charged with crime, and expenses incident thereto, fifteen thousand dollars.

For salaries of the marshals for the consular courts in Japan, including that at Nagasaki, and in China, Siam, and Turkey, including loss by exchange thereon, nine thousand dollars.

For the salary of consul at Mahe, Seychelle Islands, and at San Domingo, which consulates are hereby established and added to schedule B, fifteen hundred dollars each, three thousand dollars.

For rent of prisons for American convicts in Japan, China, Siam, and Turkey, and for wages of the keepers of the same, nine thousand dollars.

For salaries of ministers-resident and consuls general to Hayti and Liberia, eleven thousand five hundred dollars.

For expenses under the act of Congress, to carry into effect the treaty between the United States and her Britannic Majesty for the suppression of the African slave trade, seventeen thousand dollars.

For expenses under the act to encourage immigration, twenty thousand dollars.

For expenses under the neutrality act, twenty thousand dollars.

For expenses of the commission to run and mark the boundary line between the United States and the British Possessions bounding on Washington Territory, twenty-eight thousand and seventy dollars.

For defraying the expenses which may be incurred by dispatches over the Atlantic cable, thirty thousand dollars.

For the payment of the second annual installment of the proportion contributed by the United States toward the capitalization of the Scheldt dues, to fulfill the stipulations contained in the fourth article of the convention between the United States and Belgium, of the twentieth of May, eighteen hundred and sixty-three, the sum of fifty-five thousand five hundred and eighty-four dollars in coin, and such further sum as may be necessary to carry out the stipulation of the convention providing for payment of interest on the said sum and on the portion of the principal remaining unpaid.

APPROVED, February 28, 1867.

CHAP. C.—An Act making Appropriations for the Support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and sixty-eight:

For pay of officers, instructors, cadets, and musicians, one hundred and fifty-four thousand eight hundred and forty dollars.

For commutation of subsistence, five thousand and fifty dollars.

For pay in lieu of clothing to officers' servants, one hundred and fifty-six dollars.

For current and ordinary expenses, sixty-six thousand four hundred and sixty-seven dollars.

For increase and expense of library, three thousand dollars.

For expenses of Board of Visitors, five thousand dollars.

For forage for artillery and cavalry horses, nine thousand dollars.

For horses for artillery and cavalry practice, one thousand dollars.

For repairs of officers' quarters, five thousand dollars.

For targets and batteries for artillery practice, five hundred dollars.

For furniture for cadets' hospital, two hundred dollars.

For gas pipes, gasometers, and retorts, six hundred dollars.

For materials for quarters for subaltern officers, five thousand dollars.

For ventilating and heating the barracks and other academic buildings; improving the apparatus for cooking for the cadets; repairing the hospital buildings, including the introduction of baths for the sick, the construction of water-closets in the library building, and new furniture for the recitation-rooms, forty thousand dollars.

For purchase of fuel for cadets' mess-hall, three thousand dollars.

For the removal and enlargement of the gas works, twenty thousand dollars.

For additional appropriations, for which estimates were not made last year:

For enlarging cadet laundry, five thousand dollars.

For furniture for soldiers' hospital, one hundred dollars.

For increasing the supply of water, replacing mains, and so forth, fifteen thousand dollars.

For ice-house and additional store and servants' rooms, seven thousand five hundred dollars.

For fire-proof building for public offices, fifteen thousand dollars.

For breast-high wall of water battery, five thousand dollars.

For permanent derrick on the wharf, two thousand five hundred dollars.

SEC. 2. *And be it further enacted*, That the cadets of the Military Academy be entitled to the ration now received by the acting midshipmen at the Naval Academy, commencing at the date of the approval of the law authorizing the same.

SEC. 3. *And be it further enacted*, That hereafter the assistant professor of Spanish shall receive the same pay and emoluments allowed to other assistant professors of the Academy.

SEC. 4. *And be it further enacted*, That no part of the moneys appropriated by this or any other act shall be applied to the pay or subsistence of any cadet from any State declared to be in rebellion against the Government of the United States, appointed after the first day of January, eighteen hundred and sixty-seven, until such State shall have been restored to its original relations to the Union.

APPROVED, February 28, 1867.

CHAP. CI.—An Act to fix the Compensation of the Officers of the Revenue-Cutter Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, eighteen hundred and sixty-six, the compensation of the officers of the revenue-cutter service shall be at the following rates, viz:

Duty Pay.

Captains, twenty-five hundred dollars per annum.

First lieutenants and chief engineers, eighteen hundred dollars per annum.

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Second lieutenants and first assistant engineers, fifteen hundred dollars per annum.

Third lieutenants and second assistant engineers, twelve hundred dollars per annum.

Pay on Leave of Absence or while Waiting Orders.

Captains, eight hundred dollars per annum.

First lieutenants and chief engineers, fifteen hundred dollars per annum.

Second lieutenants and first assistant engineers, twelve hundred dollars per annum.

Third lieutenants and second assistant engineers, nine hundred dollars per annum.

SEC. 2. *And be it further enacted*, That from and after the thirty-first day of December, eighteen hundred and sixty-six, each officer of the revenue-cutter service, while on duty, shall be entitled to one Navy ration per day.

SEC. 3. *And be it further enacted*, That to enable the Secretary of the Treasury to carry out the provisions of this act during the last half of the current fiscal year and during the fiscal year ending June thirty, eighteen hundred and sixty-eight, the sum of one hundred and thirty-three thousand four hundred dollars is hereby appropriated for the expenses of the revenue-cutter service, out of any money in the Treasury not otherwise appropriated.

APPROVED, February 28, 1867.

CHAP. CII.—An Act for the Relief of certain Drafted Men.

Whereas certain persons, drafted into the military service under the calls of the President of the United States, made February first, eighteen hundred and sixty-four, and March fourteenth, eighteen hundred and sixty-four, paid the sum of three hundred dollars each, being the amount of commutation fixed for such service under the fifth section of the amendatory enrollment act of February twenty-fourth, eighteen hundred and sixty-four, and the same persons were afterward again drafted, under the call of December nineteenth, eighteen hundred and sixty-four, (being within one year of the previous draft, and before the filling of the quotas assigned under the two calls first named above,) and were then required to enter the service or furnish substitutes; and whereas the true intent and meaning of the fifth section of the amendatory act aforesaid was to exempt persons thus paying commutation from further draft until that quota should be filled, and not exceeding one year: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to refund to each person drafted as aforesaid, who paid commutation and was also required to enter the service or furnish a substitute as aforesaid, the sum of three hundred dollars, being the sum of money so as aforesaid paid by him; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to make such payments.

SEC. 2. *And be it further enacted*, That the Secretary of War is authorized and required to refund from the commutation money the amount (not exceeding three hundred dollars in any one case) paid by any person drafted during the late war who furnished a substitute or paid commutation money, wherever it shall appear that, under the decisions and rules of the War Department governing at the time, the said person was entitled to discharge from the obligation to render personal service under the draft for which he paid money or furnished a substitute, and to refund, in like manner, in all cases wherein it shall appear that a person so having paid commutation money or furnished a substitute was not legally liable to draft: *Provided*, That this section shall apply only to claims received at the War Department prior to its passage.

APPROVED, February 28, 1867.

CHAP. CIII.—An Act relative to the Port of Camden, New Jersey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the port of Camden, in the State of New Jersey, be, and the same is hereby, annexed to the collection district of Philadelphia, and that an assistant collector, to be appointed in accordance with the laws of the United States, shall reside at Camden, who shall have power to enter and clear vessels in like manner as the collector of Philadelphia is authorized to do, but such assistant collector shall nevertheless act in conformity to such instructions and regulations as he shall from time to time receive from the collector of Philadelphia; and that the said assistant collector shall receive for his annual salary fifteen hundred dollars in full for all services to be by him performed, and in lieu of commissions and fees.

SEC. 2. *And be it further enacted*, That the assistant collector, appointed under this act, be, and he hereby is, authorized to enroll and license, according to the laws of the United States, all vessels engaged in the coasting trade and fisheries, owned in whole or in part by residents of that portion of the Bridgeton district lying north of Alloway's creek, in the county of Salem, in the State of New Jersey. And all such enrollments and licenses shall be as valid and effectual as if they had been effected in any other port of the United States; and the said assistant collector, in the enrollment and licensing of vessels, shall be subject to the laws of the United States, and liable to all the penalties and responsibilities imposed upon collectors in like cases.

APPROVED, February 28, 1867.

CHAP. CXLIII.—An Act to quiet Title to Land in the Towns of Santa Clara and Petaluma, in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right and title of the United States to the land situated within the corporate limits of the towns of Santa Clara and Petaluma, in the State of California, as defined in the acts of the Legislature of that State incorporating said towns, be, and the same are hereby, relinquished and granted to the corporate authorities of said towns and their successors, in trust, for and with authority to convey so much of said land as is in the bona fide occupancy of parties upon the passage of this act, by themselves or tenants, to such parties: *Provided*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, nor preclude a judicial examination and adjustment thereof.

APPROVED, March 1, 1867.

CHAP. CXLIV.—An Act making Appropriation for the Repair, Preservation, and Completion of certain Public Works heretofore commenced under the authority of law, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended under the direction and superintendence of the Secretary of War, for the repair, preservation, and completion of the following works heretofore commenced under the authority of law, and for the other purposes hereinafter named, that is to say:

For examination and survey of works of improvement for which appropriations have been heretofore made, and concerning which no sufficient information is now in possession of the Department, and for examination and survey at other points in the fourth and fifth sections of this act specified, that is to say: on the Atlantic coast, thirty thousand dollars; on the Pacific coast, twenty-five thousand dollars; on the northwestern lakes, seventy-five thousand dollars; on the western and northwestern rivers, one hundred and twenty-five thousand dollars. And the Secretary of War, when the public interests require it, shall cause examinations or reëxaminations to be made, with suitable surveys, of the works aforesaid and all other works provided for by this act, and shall make such changes or modifications of the plans heretofore adopted for their improvement as shall be necessary and proper. And he shall cause such needful examination of other harbors and places in the fourth and fifth sections of this act specified, upon the sea and lake coasts and on western rivers, to be made as will enable him to determine what improvements thereof are required to render them safe and convenient for the navigation of the naval and commercial vessels of the United States, and the costs of such improvements; and he shall make full report thereof, and of the plans deemed advisable therefor, to Congress on the first Monday of December next, for such action as may be judged expedient and right. And if, upon such examination and survey of works first herein named, being works now existing or in process of completion, and concerning which no information is now in the possession of the Department, there shall remain an unexpended balance of appropriation, properly applicable thereto, from the sums herein appropriated, which may, in the judgment of the Secretary of War, be judiciously applied toward the economical and needful continuation or completion of such works, the Secretary of War shall direct such balance to be applied and used accordingly; but no moneys shall be used for such purposes, excepting from the balances remaining from appropriations herein made for the specific examination and survey of such works.

For extending the pier at Erie harbor, Pennsylvania, and dredging channel through to outer bar, twenty-five thousand dollars.

For improvement at mouth of Conneaut river, Ohio, ten thousand dollars.

For improvement at Ashtabula harbor, Ohio, fifty-four thousand dollars.

For improvement of works at Grand river harbor, Ohio, sixty thousand dollars.

For improvement of Sandusky river, from Fremont to Lake Erie, in Ohio, twenty thousand dollars.

For improvement of Maumee bay, Ohio, twenty thousand dollars.

For improvement of St. Clair flats, in Michigan, one hundred and fifty thousand dollars, to be expended in accordance with the plans and specifications of Colonel T. J. Cram, in his report of December tenth, eighteen hundred and sixty-six.

For improvement at mouth of Saginaw river, Michigan, twenty-eight thousand dollars.

For improvement of St. Mary's river, Michigan, fifty thousand dollars.

For improving mouth of Au Sable river, Lake Huron, fifty thousand dollars.

For improving Marquette harbor, Lake Superior, eighty-five thousand dollars.

For improving Eagle harbor, Lake Superior, sixty-five thousand dollars.

For improving harbor at Superior City, Wisconsin, sixty-three thousand dollars.

For improving harbor of Aux Becs Scies, Michigan, ten thousand dollars.

For improvement of Grand river harbor, Michigan, forty thousand dollars.

For improvement of Black lake harbor, Michigan, fifty-one thousand dollars.

For improving harbor of St. Joseph, Michigan, twenty-three thousand dollars.

For improving harbor at Racine, Wisconsin, forty-five thousand dollars.

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For improving harbor of Sheboygan, Wisconsin, eight thousand dollars.

For improving harbor of Manitowoc, Wisconsin, forty-five thousand dollars.

For improving harbor of Green Bay, Wisconsin, forty-five thousand dollars.

For improving harbor of Manistee, Michigan, sixty thousand dollars.

For improvement of White river harbor, Michigan, fifty-seven thousand dollars.

For improvement of Muskegon harbor, Lake Michigan, fifty-nine thousand dollars.

For improving harbor of South Haven, Michigan, forty-three thousand dollars.

For improving harbor of New Buffalo, Michigan, sixty thousand dollars.

For improving harbor of Dunkirk, New York, one hundred thousand dollars.

For improving harbor of Buffalo, New York, one hundred thousand dollars.

For improving harbor at Olcott, New York, at mouth of Eighteen-mile creek, sixty thousand dollars.

For improvement at harbor of Oak Orchard, New York, eighty-seven thousand dollars.

For improving harbor of Big Sodus bay, New York, eighty thousand dollars.

For improving harbor of Little Sodus bay, New York, fifty thousand dollars.

For improving harbor at Oswego, New York, sixty thousand dollars.

For improving harbor of Plattsburg, New York, twenty-six thousand dollars.

For completing the improvement of the navigation of the Kennebec river, Maine, between Shepard's Point and Augusta, thirty thousand dollars.

For improving harbor of Ogdensburg, New York, forty thousand dollars.

For improving the harbor of Burlington, Vermont, eighty thousand dollars.

For improvement of Thames river, Connecticut, thirty-six thousand dollars.

For the purpose of improving the navigation of the St. Croix river, Maine, above the ledge, fifteen thousand dollars: *Provided*, The Province of New Brunswick shall contribute and pay to the proper disbursing officer a like sum for said purpose, said payment being made on condition that in no event shall the Province of New Brunswick be called upon for more than half the sum actually expended for said purpose.

For improvement of Hudson river, New York, from Troy to Baltimore, three hundred and five thousand one hundred and eighty-eight dollars.

For improving harbor of Marcus Hook, Pennsylvania, ninety-four thousand dollars.

For improvement of Chester harbor, Pennsylvania, eleven thousand dollars.

For improvement of Delaware breakwater, Delaware bay, one hundred and nine thousand four hundred and ninety-three dollars and seventy cents.

For improvement of Patapsco river, Maryland, seventy-five thousand dollars.

For improvement of mouth of Mississippi river, two hundred thousand dollars.

For improvement of Ohio river, one hundred thousand dollars.

For improvement of Saco river, Maine, forty thousand dollars.

For preservation and improvement of Boston harbor, Massachusetts, three hundred and seventy-five thousand dollars.

For improving navigation on the Mississippi river at Des Moines or Lower rapids, according to such plan as the Secretary of War shall on the report of a board of engineers approve, five hundred thousand dollars: *Provided, however*, That any canal that may be constructed around said Des Moines or Lower rapids of the Mississippi river shall be and forever remain free to the navigation and commerce of said river; and no tolls shall ever be collected thereon.

For improving navigation of Mississippi river at Rock Island rapids, two hundred thousand dollars.

For improving harbor of Ontonagon, Michigan, ninety-seven thousand six hundred dollars.

For building and operating two dredges and snag-boats, to be used on the Mississippi river between Fort Snelling and Rock Island rapids, ninety-six thousand dollars.

For building and operating one dredge or snag-boat on the Wisconsin river, forty thousand dollars.

For improving harbor of Pentwater, Lake Michigan, fifty-five thousand dollars.

For improving harbor of Pere Marquette, Lake Michigan, fifty thousand dollars.

To improve the navigation of the Willamette river, Oregon, below the city of Portland, thirty thousand dollars.

For removing snags and boulders throughout the Minnesota river, thirty-seven thousand five hundred dollars.

For improvement of Providence river, Rhode Island, off Pawtuxet bar, and at the Crook, twenty-five thousand dollars.

For improvement of the Pawtucket river, Rhode Island, seventeen thousand dollars.

SEC. 2. *And be it further enacted*, That the appropriation of seventy-five thousand dollars for constructing works, and improving the entrance into the harbor of Michigan City, Indiana, made in and by the act, approved June twenty-third, eighteen hundred and sixty-six, shall be expended for the purposes aforesaid, upon the terms, and in the manner hereinafter provided for other appropriations under this act: *Provided*, That it shall be first shown to the satisfaction of the Secretary of War that the sum of one hundred thousand dollars has been expended by the Michigan City Harbor Company in the construction of a safe and convenient harbor at that place: *And provided*, That the passage of vessels to and from said harbor shall be free, and not subject to toll or charge, and the money appropriated by this act shall be so applied as to complete or make the nearest approximation to completing the work for which each specific appropriation is made; and it shall be the duty of the Secretary of War to apply the sums herein appropriated for other purposes than for examinations and surveys by contract: *Provided, however*, That when, from the nature of the work to be done, the same cannot, in the judgment of the Secretary, be made the subject of contract, the necessary expenditure may be otherwise ordered: *Provided*, That no contract shall be made except after public advertisement for proposals, in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest responsible bidder therefor, upon security deemed sufficient in the judgment of the Secretary. And it shall be the duty of the said Secretary, at the earliest practicable time, to report to Congress the result of any survey or resurvey, with the plan adopted and the items of expenditure under said plan; and he shall make report of all action taken under the provisions of this act, and he shall accompany said report with a statement of the amount and date of all former appropriations for each work, and a full estimate for its entire and permanent completion, with the amount that can be profitably expended in the next fiscal year; and he shall also state in what collection district each work is located, and at or near what port of entry, light-house, or port, what amount of revenue was collected at the nearest port of entry for the last fiscal year, and, as far as practicable, what amount of commerce and navigation would be benefited by the completion of each particular work: *Provided*, That he shall continue to make such a report the first Monday of December, annually, until the works herein provided for shall be completed.

SEC. 3. *And be it further enacted*, That whenever the Secretary of War shall invite proposals for any works, or for any material or labor for any works, there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work, and he shall report to Congress, on the first Monday of December next, all the bids with the names of the bidders. All persons not holding commissions in the regular Army of the United States, who shall be intrusted with the disbursement of the funds appropriated for the works named in this act, shall be required to give bond and ample security for the faithful application of the same, and no such disbursing officer in the Army of the United States shall receive any commission or compensation for making such disbursements. And the moneys hereinbefore appropriated shall remain and be at the disposal of the Secretary of War, and subject to his control for the purposes named in this act, until the several works and improvements herein provided for are completed, any law or regulation to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That the Secretary of War is hereby directed to cause examinations or surveys, or both, as aforesaid, to be made at the following points, namely: at the harbor of San Francisco, California, with a view to the removal of "Blossom Rock," if the same should be found necessary and essential to commerce; at Crescent City harbor, California; at Duxbury beach, Massachusetts; at mouth of Menomonee river, Green bay; at Saugatuck harbor, mouth of Kal[a]mazoo river, in Michigan; at Port Clinton, in Ohio; at Pultneyville, Lake Ontario, New York; and of the Tennessee river from Chattanooga to its mouth; at Reedy Island and Liston (tree) point, in the Delaware river and bay; at Richmond's Island, Cape Elizabeth, the Union river, and the Gut opposite the city of Bath, Maine; the Connecticut river, between Hartford and its mouth; at Block Island, in the State of Rhode Island; the reefs in Lake Michigan, near the harbor of Racine, in Wisconsin, with a view to a light-house and breakwater thereon; and the Potomac river, in the District of Columbia.

SEC. 5. *And be it further enacted*, That the Secretary of War is hereby directed to cause a continuance of examinations or surveys, or both, at the following points, namely: of the Mississippi river, above the falls of Saint Anthony and between the falls of Saint Anthony and Rock Island rapids; of the Wisconsin river, and to continue the survey of the Illinois river, in accordance with the recommendation of General J. H. Wilson, in his report of January twelve, eighteen hundred and sixty-seven. And he is also directed to cause plans and estimates to be made of the most practicable and effective mode of improving the harbor at Galveston, Texas, and of erecting suitable breakwater at that point.

APPROVED, March 2, 1867.

CHAP. CXLV.—An Act to provide for a temporary Increase of the Pay of Officers in the Army of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for two years from the first day of July, eighteen hundred and sixty-six, all officers of the Army below the rank of major general, including the professors at West Point, shall be paid an addition of thirty-three and one third per centum to their present pay proper; and the pay and emoluments of all field and other mounted officers shall hereafter be the same as is now provided by law for cavalry officers of like grades.

SEC. 2. *And be it further enacted*, That section one of the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June twenty, eighteen hundred and sixty-four, be,

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and the same is hereby, continued in full force and effect for three years from and after the close of the rebellion, as announced by the President of the United States by proclamation, bearing date the twentieth day of August, eighteen hundred and sixty-six.

SEC. 3. *And be it further enacted*, That the provisions of the joint resolution approved July twenty-fifth, eighteen hundred and sixty-six, entitled "A joint resolution in regard to rations of Union soldiers held as prisoners of war," shall be extended so as to allow commutation of rations at cost prices in the settlement of the accounts of all enlisted men of the Army, Navy, and Marine corps, who died while held as prisoners of war in the rebel States, or who, having been so held as prisoners of war, have died or may die subsequent to release; to be paid, however, only to the widow of such deceased person, if such widow remain unmarried, or in case there be no such widow, then to the surviving children of the deceased; or if there be no such widow or children, then to the parent or parents of the deceased; or if there be no such widow, children, parent, or parents, then to the brothers and sisters of the deceased.

SEC. 4. *And be it further enacted*, That section one of the "act providing for the better organization of the military establishment," approved August third, eighteen hundred and sixty-one, authorizing the President to appoint an Assistant Secretary of War, be, and the same is hereby, repealed.

SEC. 5. *And be it further enacted*, That so much of the act entitled "An act to increase and fix the military peace establishment of the United States, approved July twenty-eight, eighteen hundred and sixty-six, as relates to the promotion of assistant surgeons after three years' service, shall be amended so as to read "and persons who have served as surgeons or assistant surgeons three years in the volunteer force shall be eligible for promotion to the grade of captain."

SEC. 6. *And be it further enacted*, That the act entitled "An act more effectually to provide for the national defense by establishing an uniform militia throughout the United States," approved May eight, seventeen hundred and ninety-two, and the several acts amendatory thereof, be, and they are hereby, amended by striking out the word "white."

SEC. 7. *And be it further enacted*, That (excepting the ordnance storekeeper and paymaster at the Springfield armory, who has the rank, pay, and allowances of a major of cavalry) all storekeepers of the Army shall hereafter have the rank, pay, and allowances of captains of cavalry, and the post chaplains now in service, or hereafter to be appointed, shall be commissioned by the President, and all vacancies occurring in the grade of chaplain, which is hereby established to rank as captain of infantry, shall be filled by the President, by and with the advice and consent of the Senate; and all Army chaplains shall hereafter be on the same footing as to tenure of office, retirement, allowances for service and pensions, as now provided by law for other officers of the Army.

SEC. 8. *And be it further enacted*, That in any case where a person entitled to receive payment of bounty, under the provisions of any law, shall make application therefor, or where such application shall be made by the proper representatives of such person, being deceased, and the discharge of such person has been lost, it shall be competent for the accounting officers to receive, in lieu of the actual production of such discharge, proof of the actual loss of the same, and secondary proof of its issue and contents, together with proof of the identity of the claimant or person deceased, under such rules defining the character and form of the evidence as the Paymaster General shall prescribe.

SEC. 9. *And be it further enacted*, That section fifteen of the "act to increase the present military establishment of the United States, and for other purposes," approved July fifth, eighteen hundred and thirty-eight, be amended so that general officers shall not hereafter be excluded from receiving the additional ration for every five years' service; and it is hereby further provided that officers on the retired list of the Army shall have the same allowance of additional rations for every five years' service as officers in active service.

APPROVED, March 2, 1867.

CHAP. CXLVI.—An Act in relation to Persons Imprisoned under Sentence for Offenses against the Laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all prisoners who have been, or shall hereafter be, convicted of any offense against the laws of the United States, and confined in any State prison or penitentiary in execution of the judgment or sentence upon such conviction, who so conduct themselves that no charge for misconduct shall be sustained against them, shall have a deduction of one month in each year made from the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden or keeper of such prison or penitentiary, with the approval of the Secretary of the Interior.

APPROVED, March 2, 1867.

CHAP. CXLVII.—An Act for the Relief of certain Contractors for the Construction of Vessels-of-War and Steam Machinery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels-of-war and steam machinery for the same under contracts made after the first day of May, eighteen hundred and sixty-one, and prior to the first day of January, eighteen hundred and sixty-four, and said investigation to be made upon the following basis: he shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor, and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price, and shall report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price: *Provided*, That the Secretary of the Navy, under the resolution, shall investigate the claim of W. H. Webb for constructing the steamer Dunderberg, applying the provisions of this resolution in such investigation, except that proper consideration shall be given to the increased cost incurred by said Webb by reason of any alteration in the plans and specifications for the Dunderberg made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price.

APPROVED, March 2, 1867.

CHAP. CXLVIII.—An Act to amend an Act entitled "An Act to extend the Time for the Reversion to the United States of the Lands granted by Congress to aid in the Construction of a Railroad from Amboy, by Hillsdale and Lansing, to some Point on or near Traverse Bay, in the State of Michigan, and for the Completion of said Road," approved July three, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the act entitled "An act to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road," approved July three, eighteen hundred and sixty-six, be, and the same is hereby, amended by striking out the word "February," where it occurs in said section, and inserting the word "July" in lieu thereof.

APPROVED, March 2, 1867.

CHAP. CXLIX.—An Act to authorize the Building of Light-Houses therein mentioned, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to provide, by contract, for building light-houses at the following points, to wit:

For building a light-house on a proper site at Trowbridge Point, in Thunder bay, in the State of Michigan, at a cost not exceeding ten thousand dollars.

For building a light-house on a proper site at Mendota, on Lake Superior, in the State of Michigan, at a cost not exceeding fourteen thousand dollars.

For building a light-house on a proper site at Santa Cruz, in the State of California, at a cost not exceeding ten thousand dollars.

For building a light-house at Pigeon river, or vicinity, Lake Superior, Minnesota, fifteen thousand dollars.

For building a light-house on a proper site at or near Braddock's Point, Georgia, at a cost not exceeding fifteen thousand dollars.

For building a light-house to mark Tybee Island Knoll, Georgia, at a cost not exceeding fifteen thousand dollars.

For building range-lights on Morris Island, as guides in crossing Charleston bar, South Carolina, at a cost not exceeding fifteen thousand dollars.

For rebuilding the light-house on a proper site at Deepwater shoals, in James river, Virginia, at a cost not exceeding sixteen thousand dollars.

For rebuilding light-house tower and keeper's dwelling on a proper site at Saint Simon's, Georgia, at a cost not exceeding forty-five thousand dollars.

SEC. 2. *And be it further enacted*, That the Light-House Board is hereby directed to make a survey, if no survey has been made, at Crossledge shoal, or at some other point in the Delaware bay, in the neighborhood of said shoal, and report on the survey to be made, or which has already been made, to the next Congress as to the feasibility of erecting thereon a permanent light-house, and an estimate of the amount necessary to be appropriated therefor.

SEC. 3. *And be it further enacted*, That no contract shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the

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lowest bidder therefor, upon security deemed sufficient in the judgment of the Secretary.

SEC. 4. *And be it further enacted*, That, from and after the passage of this act, the Secretary of the Treasury be, and he is hereby, authorized and empowered to regulate and fix the salaries of the respective keepers of lighthouses in such manner as he shall deem just and proper: *Provided*, That the whole sum allowed shall not exceed an average of six hundred dollars to each keeper.

APPROVED, March 2, 1867.

CHAP. CL.—An Act amendatory of "An Act to provide a Temporary Government for the Territory of Montana," approved May twenty-six, eighteen hundred and sixty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislative Assemblies of the several Territories of the United States shall not, after the passage of this act, grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits.

SEC. 2. *And be it further enacted*, That the probate courts of the Territory of Montana, in their respective counties, in addition to their probate jurisdiction, are hereby authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed five hundred dollars, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury: *Provided*, That they shall not have jurisdiction in any matter in controversy when the title or right to the peaceable possession of land may be in dispute, or chancery or divorce causes: *And provided further*, That in all cases an appeal may be taken from any order, judgment, or decree of said probate court to the district court.

SEC. 3. *And be it further enacted*, That the chief justice and associate justices of said Territory and the Territory of Idaho shall each receive an annual salary of thirty-five hundred dollars.

SEC. 4. *And be it further enacted*, That the judges of the supreme court of said Territory, or a majority of them, shall, when assembled at the seat of government of said Territory, define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and shall also fix and appoint the times and places for holding the courts in the several counties or subdivisions in each of said judicial districts, and alter the times and places of holding the courts as to them shall seem proper and convenient, but not less than two terms shall be held at each place of holding court each year.

SEC. 5. *And be it further enacted*, That for the purpose of reviving the legislative functions of the Territory of Montana, which have been adjudged therein to have lapsed, the Governor of said Territory be, and he is hereby, authorized, on or before the first day of July, eighteen hundred and sixty-seven, to divide said Territory into legislative districts for the election of members of the Council and House of Representatives, and to apportion among said districts the number of members of the Legislative Assembly provided for in the organic act of said Territory, and the election of said members of the Legislative Assembly shall be held at such time and shall be conducted in the manner prescribed by the Legislative Assembly of said Territory at the session thereof, begun and holden at the city of Bannack, in eighteen hundred and sixty-four and eighteen hundred and sixty-five, and the qualifications of voters shall be the same as that prescribed by said organic act, saving and excepting the distinction therein made on account of race or color, and the Legislative Assembly, so elected, shall convene at the time prescribed by said Legislative Assembly at the session last aforesaid. The apportionment provided for in this section shall be based upon such an enumeration of the qualified electors of the several legislative districts as shall appear from the election returns in the office of the secretary of said Territory, and from such other sources of information as will enable the Governor, without taking a new census, to make an apportionment which shall fairly represent the people of the several districts in both Houses of the Legislative Assembly, but the Legislature may at any time change the legislative districts of the Territory as fixed by the Governor.

SEC. 6. *And be it further enacted*, That all acts passed at the two sessions of the so-called Legislative Assembly of the Territory of Montana, held in eighteen hundred and sixty-six, are hereby disapproved and declared null and void, except such acts as the Legislative Assembly herein authorized to be elected shall by special act in each case reënact: *Provided, however*, That in all claims of vested rights thereunder, the party claiming the same shall not, by reason of anything in this section contained, be precluded from making and testing said claim in the courts of said Territory: *And provided further*, That no legislation or pretended legislation in said Territory since the adjournment of the first Legislative Assembly shall be deemed valid until the election of the Legislative Assembly herein provided for shall take place.

SEC. 7. *And be it further enacted*, That from and after the first day of April next the salary of each of the judges of the several supreme courts in each of the organized Territories (except Montana and Idaho) shall be two thousand five hundred dollars.

SEC. 8. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED, March 2, 1867.

CHAP. CLI.—An Act to amend an Act entitled "An Act to provide a Temporary Government for the Territory of Idaho," approved March three, eighteen hundred and sixty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judges of the supreme court of said Territory, or a majority of them, shall, when assembled at the seat of government of said Territory, define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and shall also fix and appoint the times and places for holding court in the several counties or sub-divisions in each of said judicial districts, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 2. *And be it further enacted*, That the next session of the Legislative Assembly of the Territory of Idaho shall be held commencing on the first Monday in December, A. D. eighteen hundred and sixty-eight, and thereafter the Legislative Assembly of said Territory shall be held biennially. And the next election for members of the Legislative Assembly of said Territory shall be held on the second Monday in August, A. D. eighteen hundred and sixty-eight, and thereafter said election shall be held biennially.

SEC. 3. *And be it further enacted*, That the members of the House of Representatives of said Legislative Assembly shall be elected for the term of two years; and the members of the Council of said Legislative Assembly shall be elected for the term of four years: *Provided*, That at the first election hereafter one half of the members of said Council shall be elected for the term of two years, and the remaining half for the term of four years; and the districts wherein members of the Council are to be elected for the term of two years and the districts wherein members of the Council are to be elected for the term of four years at the next election shall be determined by proclamation of the Governor of said Territory: *Provided*, That in all counties and election districts which shall be entitled to elect two members of the Council, one of said members shall be elected for two years and the other for four years.

SEC. 4. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED, March 2, 1867.

CHAP. CLII.—An Act to amend an Act entitled "An Act authorizing the Construction of a Jail in and for the District of Columbia," approved June [July] twenty-five, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the sixth section of the act entitled "An act authorizing the construction of a jail in and for the District of Columbia," approved *June* [July] twenty-five, eighteen hundred and sixty-six, as specifies the amounts to be raised and paid into the Treasury of the United States by the cities of Washington and Georgetown, respectively, before the completion of said jail, is hereby repealed.

SEC. 2. *And be it further enacted*, That it shall be the duty of the proper authorities of the city of Washington, and they are hereby required, to raise, by tax or otherwise, and pay into the Treasury of the United States, at or before the time of the completion of said jail, the sum of seventy-eight thousand dollars; and it shall be the like duty of the proper authorities of the city of Georgetown, and they are hereby required, to raise, by tax or otherwise, and pay into the Treasury of the United States, at or before the time of the completion of said jail, the sum of twelve thousand dollars.

APPROVED, March 2, 1867.

CHAP. CLIII.—An Act to provide for the more efficient Government of the Rebel States.

Whereas no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said rebel States shall be divided into military districts and made subject to the military authority of the United States as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

SEC. 2. *And be it further enacted*, That it shall be the duty of the President to assign to the command of each of said districts an officer of the Army, not below the rank of brigadier general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

SEC. 3. *And be it further enacted*, That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals; and to this end he may allow local civil tribunals to take jurisdiction

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of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, and all interference under color of State authority with the exercise of military authority under this act shall be null and void.

SEC. 4. *And be it further enacted*, That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted, and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the Army shall not be affected by this act, except in so far as they conflict with its provisions: *Provided*, That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

SEC. 5. *And be it further enacted*, That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State, twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its Legislature, elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-Ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

SEC. 6. *And be it further enacted*, That, until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote, under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES,
March 2, 1867.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act to provide for the more efficient government of the rebel States," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest: EDWD. McPHERSON,
Clerk of H. of R. U. S.

IN SENATE OF THE UNITED STATES,
March 2, 1867.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act to provide for the more efficient government of the rebel States," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill:

Resolved, That the bill do pass, two thirds of the Senate agreeing to pass the same.

Attest: J. W. FORNEY,
Secretary of the Senate.

CHAP. CLIV.—An Act regulating the Tenure of certain Civil Offices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

SEC. 2. *And be it further enacted*, That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized, at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

SEC. 3. *And be it further enacted*, That the President shall have power to fill all vacancies which may happen during the recess of the Senate, by reason of death or resignation, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, shall be made to such office so vacant or temporarily filled as aforesaid during such next session of the Senate, such office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until the same shall be filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

SEC. 4. *And be it further enacted*, That nothing in this act contained shall be construed to extend the term of any office the duration of which is limited by law.

SEC. 5. *And be it further enacted*, That if any person shall, contrary to the provisions of this act, accept any appointment to or employment in any office, or shall hold or exercise or attempt to hold or exercise, any such office or employment, he shall be deemed, and is hereby declared to be, guilty of a high misdemeanor, and, upon trial and conviction thereof, he shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court.

SEC. 6. *And be it further enacted*, That every removal, appointment, or employment, made, had, or exercised, contrary to the provisions of this act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed, and are hereby declared to be, high misdemeanors, and, upon trial and conviction thereof, every person guilty thereof shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court: *Provided*, That the President shall have power to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointment shall have been advised and consented to by the Senate.

SEC. 7. *And be it further enacted*, That it shall be the duty of the Secretary of the Senate, at the close of each session thereof, to deliver to the Secretary of the Treasury, and to each of his assistants, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all the persons who shall have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations shall have been made and not confirmed and filled at such session.

SEC. 8. *And be it further enacted*, That whenever the President shall, without the advice and consent of the Senate, designate, authorize, or employ any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof; and it shall be the duty of the Secretary of the Treasury thereupon to communicate such notice to all the

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proper accounting and disbursing officers of his Department.

SEC. 9. *And be it further enacted*, That no money shall be paid or received from the Treasury, or paid or received from or retained out of any public moneys or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to the provisions of this act; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer of the United States, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions or duties thereof; and every person who shall violate any of the provisions of this section shall be deemed guilty of a high misdemeanor, and, upon trial and conviction thereof, shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding ten years, or both said punishments, in the discretion of the court.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

IN THE SENATE OF THE UNITED STATES, *March* 2, 1867.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act regulating the tenure of certain civil offices," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill do pass, two thirds of the Senate agreeing to pass the same.

Attest: J. W. FORNEY,
Secretary of the Senate.

IN THE HOUSE OF REPRESENTATIVES U. S., *March* 2, 1867.

The House of Representatives having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act regulating the tenure of certain civil offices," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives, with the message of the President returning the bill—

Resolved, That the bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest:
EDWD. McPHERSON, *Clerk.*

CHAP. CLV.—An Act to declare valid and conclusive certain Proclamations of the President, and acts done in pursuance thereof, or of his Orders, in the Suppression of the late Rebellion against the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all acts, proclamations, and orders of the President of the United States, or acts done by his authority or approval after the fourth of March, Anno Domini eighteen hundred and sixty-one, and before the first day of July, Anno Domini eighteen hundred and sixty-six, respecting martial law, military trials by courts-martial or military commissions, or the arrest, imprisonment and trial of persons charged with participation in the late rebellion against the United States, or as aiders or abettors thereof, or as guilty of any disloyal practice in aid thereof, or of any violation of the laws or usages of war, or of affording aid and comfort to rebels against the authority of the United States, and all proceedings and acts done or had by courts-martial or military commissions, or arrests and imprisonments made in the premises by any person by the authority of the orders or proclamations of the President, made as aforesaid, or in aid thereof, are hereby approved in all respects, legalized, and made valid, to the same extent and with the same effect as if said orders and proclamations had been issued and made, and said arrests, imprisonments, proceedings, and acts had been done under the previous express authority and direction of the Congress of the United States, and in pursuance of a law thereof previously enacted and expressly authorizing and directing the same to be done. And no civil court of the United States, or of any State, or of the District of Columbia, or of any district or Territory of the United States, shall have or take jurisdiction of, or in any manner reverse any of the proceedings had or acts done as aforesaid, nor shall any person be held to answer in any of said courts for any act done or omitted to be done in pursuance or in aid of any of said proclamations or orders, or by authority or with the approval of the President within the period aforesaid, and respecting any of the matters aforesaid; and all officers and other persons in the service of the United States, or who acted in aid thereof, acting in the premises shall be held prima facie to have been authorized by the President; and all acts and parts of acts heretofore passed, inconsistent with the provisions of this act, are hereby repealed.

APPROVED, March 2, 1867.

CHAP. CLVI.—An Act to provide for the Allotment of the Members of the Supreme Court among the Circuits, and for the Appointment of a Marshal for the Supreme Court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief Justice of the United States and the associate justices of the Supreme Court shall be allotted among the circuits now existing by order of the court; and whenever a new allotment shall be required or found expedient by reason of alteration of one or more circuits, or of the new appointment of a Chief Justice or associate justice, or otherwise, it shall the duty of the court to make the same; and if a new allotment shall become necessary at any other time than during the term, such allotment shall be made by the Chief Justice, and shall be binding until the next term, and until a new allotment by the court.

SEC. 2. *And be it further enacted*, That the Supreme Court may appoint a marshal for said court, whose compensation shall be three thousand five hundred dollars per annum; and said marshal shall take charge of all property of the United States used by said court or its members, and shall serve and execute all processes and orders issuing out of said court, or made by the Chief Justice or an associate justice, in pursuance of law; and shall pay into the Treasury of the United States all fees and compensation allowed by law, and render a true account thereof, at the close of each term, to the Secretary of the Interior; and the said marshal, with the approval of the Chief Justice, may appoint assistants and messengers in place of the crier and messengers now employed, with such compensation as is or may be allowed to officers of the House of Representatives of similar grade; and all acts and parts of acts now in force relating to the marshal of the District of Columbia, shall apply to the said marshal of the Supreme Court, except so far as in this act otherwise provided.

APPROVED, March 2, 1867.

CHAP. CLVII.—An Act to amend an Act entitled "An Act to continue, alter, and amend the Charter of the City of Washington," approved May seventeen, eighteen hundred and forty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act entitled "An act to continue, alter, and amend the charter of the city of Washington," approved May seventeen, eighteen hundred and forty-eight, shall be so amended as to read, "To license, tax, and regulate agencies of all kinds of insurance companies: *Provided*, That the tax or license shall not exceed one per centum upon the cash premiums received."

SEC. 2. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED, March 2, 1867.

CHAP. CLVIII.—An Act to establish a Department of Education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established, at the city of Washington, a Department of Education, for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

SEC. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a Commissioner of Education, who shall be intrusted with the management of the Department herein established, and who shall receive a salary of four thousand dollars per annum, and who shall have authority to appoint one chief clerk of his Department, who shall receive a salary of two thousand dollars per annum, one clerk who shall receive a salary of eighteen hundred dollars per annum, and one clerk who shall receive a salary of sixteen hundred dollars per annum, which said clerks shall be subject to the appointing and removing power of the Commissioner of Education.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Commissioner of Education to present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this Department is established. In the first report made by the Commissioner of Education under this act, there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds of the same, as far as the same can be determined.

SEC. 4. *And be it further enacted*, That the Commissioner of Public Buildings is hereby authorized and directed to furnish proper offices for the use of the Department herein established.

APPROVED, March 2, 1867.

CHAP. CLIX.—An Act declaring and fixing the Rights of Volunteers as a part of the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in computing the length of service of any officer of the Army, in order to determine what allowance and pay-

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ment of additional or longevity rations he is entitled to, and also in fixing the relative rank to be given to an officer as between himself and others having the same grade and date of appointment and commission, there shall be taken into account and credited to such officer whatever time he may have actually served, whether continuously or at different periods, as a commissioned officer of the United States, either in the regular Army, or, since the nineteenth day of April, eighteen hundred and sixty-one, in the volunteer service, either under appointment or commission from the Governor of a State, or from the President of the United States; and the provision herein contained as to relative rank shall apply to all appointments that have already been made under the "Act to fix the military peace establishment of the United States," approved July twenty-eight, eighteen hundred and sixty-six.

SEC. 2. *And be it further enacted*, That in all matters relating to pay, allowances, rank, duties, privileges, and rights of officers and soldiers of the Army of the United States, the same rules and regulations shall apply without distinction for such time as they may be or have been in the service, alike to those who belong permanently to that service and to those who, as volunteers, may be or have been commissioned or mustered into the military service under the laws of the United States for a limited period. But nothing in this act shall be construed as affecting or in any way relating to the militia of the several States when called into the service of the United States.

SEC. 3. *And be it further enacted*, That the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June twentieth, eighteen hundred and sixty-four, shall not be so construed as to increase the emoluments of the commissioned officers of the Army at the date of its passage, and the first section of the act entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-five, was not intended to be retrospective or retroactive in its operation, and shall not be so construed.

APPROVED, March 2, 1867.

CHAP. CLX.—An Act to grant certain Privileges to the Alexandria, Washington, and Georgetown Railroad Company, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and the same is hereby, granted to the Alexandria, Washington, and Georgetown Railroad Company to use steam power in drawing the cars of said company on the structure across the Potomac river erected by said company, under the provisions of the act entitled "An act to extend the charter of the Alexandria and Washington Railroad Company, and for other purposes," approved March three, eighteen hundred and sixty-three, and along the railway now laid by said company, or which may be hereafter laid, under the provisions of the said act, along Maryland avenue, in the city of Washington, to the present depot of the Washington branch of the Baltimore and Ohio railroad, subject always, and in all particulars, to such restrictions and regulations concerning the use of such steam power as the corporation of Washington may, by its ordinances, at any time impose upon, or at any time require of, the said railroad company.

APPROVED, March 2, 1867.

CHAP. CLXI.—An Act authorizing Limited Partnerships in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business within the District of Columbia may be formed by two or more persons upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed.

SEC. 2. *And be it further enacted*, That such partnership may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners are by law, and of one or more persons, who shall contribute in actual cash payments a specific sum as capital to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership beyond the fund so contributed by him or them to the capital; but the number of special partners shall in no partnership exceed six.

SEC. 3. *And be it further enacted*, That persons desirous of forming such partnerships shall make and severally sign a certificate, which shall contain the name or firm under which such partnership is to be conducted; the general nature of the business intended to be transacted; the names of all the general and special partners intended therein, distinguishing which are general and which are special partners, and their respective places of residence; the amount of capital which each special partner shall have contributed to the common stock; the period at which the partnership is to commence, and the period at which it is to terminate.

SEC. 4. *And be it further enacted*, That the certificate shall be acknowledged by the several persons signing the same before a notary public or a judge of any court in the District of Columbia, and such acknowledgments shall be made and certified in the same manner as the acknowledgments of deeds of land, and when so acknowledged and certified shall be filed in the office of the clerk of the supreme court of the District of Columbia, and shall be recorded by him at large in a book kept for that purpose open to public inspection.

SEC. 5. *And be it further enacted*, That at the time of filing the original certificate, with the evedence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed therewith in the same office, stating that the sums specified in the certificate to have been contributed by each of the special partners to the common stock have been actually and in good faith paid in cash.

SEC. 6. *And be it further enacted*, That no such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been made and filed as above directed; and if any false statement (not the result of accident or mistake) shall be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof as general partners.

SEC. 7. *And be it further enacted*, That the partners shall publish the terms of the partnership, when registered, three times a week for at least four weeks, immediately after such registry, in two newspapers to be designated by the clerk of the court in which such registry shall be made, the first publication to appear within one week after the registry, and if such publication be not made, the partnership shall be deemed general. The affidavits of the publication of such notice by the editors or publishers of the newspapers in which the same shall have been published shall be filed with the clerk directing the same, and shall be prima facie evidence of the facts therein contained; the affidavit of any one editor or publisher of each newspaper being sufficient.

SEC. 8. *And be it further enacted*, That every renewal or continuance of such partnership beyond the time originally fixed for its duration shall be certified, acknowledged, and recorded, and an affidavit of a general partner be made and filed, and notice be given in the manner herein required for its original formation; and every such partnership which shall be otherwise renewed and continued shall be deemed a general partnership.

SEC. 9. *And be it further enacted*, That every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership which shall in any manner be carried on after any such alteration shall have been made shall be deemed a general partnership, unless renewed as a special partnership, under the provisions of the last preceding section.

SEC. 10. *And be it further enacted*, That the business of the partnership may be conducted under the name of any one or more of the general partners, and with or without the addition of the word Co. or company, as the parties may determine; and in any action or suit to be brought on any contract or engagement of the partnership, or to enforce any liability of the same, the general partner or partners whose name or names shall be used in said firm or business shall be the only necessary defendants; and any judgment or decree recovered against said defendant or defendants shall have the same legal effect and operation, and execution thereon shall be enforced and have like effect against the partnership assets as if the judgment or decree had been recovered against the general partners.

SEC. 11. *And be it further enacted*, That if the name of any special partner shall be used in the firm with his privity, he shall be deemed a general partner, and the general partners only shall transact the business; and if a special partner shall interfere, contrary to this provision, he shall be deemed a general partner, but he may from time to time examine into the state and progress of the partnership concerns and advise as to their management.

SEC. 12. *And be it further enacted*, That no part of the sum which any special partner shall have contributed to the capital stock shall be withdrawn by him or paid or transferred to him in the shape of dividends, profits, or otherwise, during the continuance of the partnership, but any partner may annually receive lawful interest on the sum so contributed by him if the payment of such interest shall not reduce the original amount of such capital; and if, after payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

SEC. 13. *And be it further enacted*, That if it shall appear that, by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest, on being notified thereof.

SEC. 14. *And be it further enacted*, That every sale, assignment, or transfer of any property or effects of such partnership, or of any general partner, made by such partnership or general partner when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of any general partner, with the intent of giving a preference to any creditor of such partnership or insolvent partner, and every judgment confessed, lien created, or security given by such partnership or general partner under the like circumstances and with the like intent, shall be void as against the creditors of such partnership.

SEC. 15. *And be it further enacted*, That every special partner who shall violate any of the provisions of the last two sections, or who shall concur in or assent to any such violation by the partnership or by any individual partner, shall be liable as a general partner.

SEC. 16. *And be it further enacted*, That in case of the insolvency or bankruptcy of the

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partnership no special partner shall, under any circumstances, be allowed to claim as a creditor until the claims of all the other creditors of the partnership shall be satisfied.

SEC. 17. *And be it further enacted*, That all suits respecting the business of the partnership shall be brought by and against the general partners only, except in those cases in which provision is hereinbefore made that special partners shall be deemed general partners and special partnerships general partnerships, when all persons so becoming general partners may be joined with those originally general partners in any suit brought against such partnerships, and except, also, the case provided for in section number ten.

SEC. 18. *And be it further enacted*, That if, in any case or suit brought against general and special partners, and at the trial of the cause, it shall appear that the special partners or any of them are not liable to the writ of the plaintiff, the court may proceed to judgment or decree against the partners who may appear to be liable, in the same manner as if such partners were the only parties defendant to the writ, excepting that the partners who may be deemed not liable shall recover their legal costs against the plaintiffs; and if creditors shall have recovered a judgment or obtained a decree against general partners only, and shall afterward discover that special partners or some one or more of them have become liable as general partners, he may bring a new suit against such special partner or partners; and in such suit the judgment recovered as aforesaid shall be prima facie evidence of the amount due by the partnership, and the partnership debt shall not be merged in any judgment or decree recovered or obtained against any partner or partners, as against any other partner or partners.

SEC. 19. *And be it further enacted*, That no dissolution of such partnership by act of the partners shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, unless in consequence of the death of one of the partners, or insolvency of the partnership, or of one of the general partners, nor until a notice of such dissolution shall have been filed and recorded in the clerk's office in which the original certificate was recorded, and published once a week for four weeks in two newspapers, to be designated by the clerk of the supreme court of the District of Columbia, which publication may be proved by affidavit and recorded as hereinbefore prescribed for the publication of the certificate for the formation of such partnership.

SEC. 20. *And be it further enacted*, That the general partners shall be liable to account to each other and to the special partners for the management of the concern, both in law and equity.

APPROVED, March 2, 1867.

CHAP. CLXII.—An Act to Incorporate the Howard University in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be established, and is hereby established, in the District of Columbia, a university for the education of youth in the liberal arts and sciences, under the name, style, and title of "The Howard University."

SEC. 2. *And be it further enacted*, That Samuel C. Pomeroy, Charles B. Boynton, Oliver O. Howard, Burton C. Cook, Charles H. Howard, James B. Hutchinson, Henry A. Brewster, Benjamin F. Morris, Danforth B. Nichols, William G. Finney, Roswell H. Stevens, E. M. Cushman, Hiram Barbour, E. W. Robinson, W. F. Bascom, J. B. Johnson, and Silas L. Loomis, be, and they are hereby declared to be, a body politic and corporate, with perpetual succession in deed or in law to all intents and purposes whatsoever, by the name, style, and title of "The Howard University," by which name and title they and their successors shall be competent, at law and in equity, to take to themselves and their successors, for the use of said university, any estate whatsoever in any messuage, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, devise, grant, donation, bargain, sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare, to use and farm let, and to place out on interest, for the use of said university, in such manner as to them, or a majority of them, shall be deemed most beneficial to said institution; and to receive the same, their rents, issues, and profits, income and interest, and to apply the same for the proper use and benefit of said university; and by the same name to sue and be sued, to implead and be imple[a]ded, in any courts of law and equity, in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises: *Provided*, That the same do not exceed the value of fifty thousand dollars net annual income, over and above and exclusive of the receipts for the education and support of the students of said university.

SEC. 3. *And be it further enacted*, That the first meeting of said corporators shall be holden at the time and place at which a majority of the persons herein above named shall assemble for that purpose; and six days' notice shall be given each of said corporators, at which meeting said corporators may enact by-laws not inconsistent with the laws of the United States regulating the government of the corporation.

SEC. 4. *And be it further enacted*, That the government of the university shall be vested in a board of trustees, of not less than thirteen members, who shall be elected by the corporators at their first meeting. Said board of trustees shall have perpetual succession in deed or in law, and in them shall be vested the power hereinbefore granted to the corporation. They shall adopt a common seal, which they may alter at pleasure, under and by which all deeds, diplomas, and acts of the university shall pass and be authenticated. They shall elect a president, a secretary, and a treasurer. The treasurer shall give such bonds as the board of trustees may direct. The said board shall also appoint the professors and tutors, prescribing the number, and determining the amount of their respective salaries. They shall also appoint such other officers, agents, or employés as the wants of the university may from time to time demand, in all cases fixing their compensation. All meetings of said board may be called in such manner as the trustees shall prescribe, and nine of them so assembled shall constitute a quorum to do business, and a less number may adjourn from time to time.

SEC. 5. *And be it further enacted*, That the university shall consist of the following departments, and such others as the board of trustees may establish: first, normal; second, collegiate; third, theological; fourth, law; fifth, medicine; sixth, agriculture.

SEC. 6. *And be it further enacted*, That the immediate government of the several departments, subject to the control of the trustees, shall be intrusted to their respective faculties, but the trustees shall regulate the course of instruction, prescribe, with the advice of the professors, the necessary text-books, confer such degrees, and grant such diplomas as are usually conferred and granted in other universities.

SEC. 7. *And be it further enacted*, That the board of trustees shall have power to remove any professor or tutor or other officers connected with the institution, when, in their judgment, the interest of the university shall require it.

SEC. 8. *And be it further enacted*, That the board of trustees shall publish an annual report, making an exhibit of the affairs of the university.

SEC. 9. *And be it further enacted*, That no misnomer of the said corporation shall defeat or annul any donation, gift, grant, devise, or bequest to or from the said corporation.

SEC. 10. *And be it further enacted*, That the said corporation shall not employ its funds or income, or any part thereof, in banking operations or for any purpose or object other than those expressed in the first section of this act; and that nothing in this act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

APPROVED, March 2, 1867.

CHAP. CLXIII.—An Act supplemental to "An Act to establish the Treasury Department," approved the second of September, seventeen hundred and eighty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall have power, by an appointment under his hand and official seal, to delegate to one of the Assistant Secretaries of the Treasury authority to sign in his stead all warrants for the payment of money into the public Treasury, and all warrants for the disbursement from the public Treasury of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them; and such warrants so signed shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself.

APPROVED, March 2, 1867.

CHAP. CLXIV.—An Act to amend an Act entitled "An Act to incorporate the National Theological Institute," and to define and extend the Powers of the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to incorporate the National Theological Institute," approved May tenth, one thousand eight hundred and sixty-six, be, and the same is hereby, amended as follows:

SEC. 1. That the name of the aforesaid corporation shall be, and hereby is, changed to that of "The National Theological Institute and University."

SEC. 2. That the said corporation may hold property in real estate in value not exceeding two hundred and fifty thousand dollars at any one time.

SEC. 3. That the said corporation shall be authorized to extend its privileges and facilities of instruction to others than those connected with the Christian ministry, confer degrees and do all other acts and things which usually pertain to universities in the United States, the terms of admission to such privileges being the same as those usual in said universities.

APPROVED, March 2, 1867.

CHAP. CLXV.—An Act extending the Time for the Completion of certain Street Railways.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seventeen of the "Act to incorporate the Metropolitan Railroad Company, in the District of Columbia," approved July first, eighteen hundred and sixty-four, be, and the same is hereby, still further amended, so as to extend the time for the completion of their railroad line, except that part thereof between Seventeenth street and the Capitol, for three years from the first day of January, eighteen hundred and sixty-six.

APPROVED, March 2, 1867.

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CHAP. CLXVI.—An Act making Appropriations for the Legislative, Executive, and Judicial Expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-eight, namely:

LEGISLATIVE.

For compensation and mileage of Senators, four hundred and fourteen thousand dollars.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, viz: Secretary of the Senate, four thousand three hundred and twenty dollars; officer charged with disbursements of the Senate, five hundred and seventy-six dollars; chief clerk, three thousand dollars; principal clerk and principal executive clerk in the office of the Secretary of the Senate, at two thousand five hundred and ninety-two dollars each; eight clerks in office of the Secretary of the Senate, at two thousand two hundred and twenty dollars each; keeper of the stationery, two thousand one hundred and two dollars and forty cents; two messengers, at one thousand two hundred and ninety-six dollars each; one page, at seven hundred and twenty dollars; Sergeant-at-Arms and Doorkeeper, two thousand four hundred dollars; assistant doorkeeper, two thousand and forty dollars; Postmaster to the Senate, two thousand one hundred dollars; assistant postmaster and mail-carrier, one thousand seven hundred and twenty-eight dollars; two mail boys, at one thousand two hundred dollars each; superintendent of the document-room, one thousand eight hundred dollars; two assistants in document-room, at one thousand four hundred and forty dollars each; superintendent of the folding-room, one thousand eight hundred dollars; three messengers, acting as assistant doorkeepers, at one thousand eight hundred dollars each; seventeen messengers, at one thousand four hundred and forty dollars each; clerk or secretary to the President of the Senate, two thousand one hundred and two dollars and forty cents; clerk to the Committee on Finance, two thousand two hundred and twenty dollars; clerk to the Committee on Claims, two thousand two hundred and twenty dollars; clerk to the Committee on Printing records, two thousand two hundred and twenty dollars; superintendent in charge of the furnaces, one thousand four hundred and forty dollars; assistant in charge of furnaces, eight hundred and sixty-four dollars; laborer in charge of private passages, eight hundred and sixty-four dollars; two laborers, at eight hundred and sixty-four dollars each; Chaplain to the Senate, nine hundred dollars; one special policeman, eight hundred and sixty-four dollars; making ninety-eight thousand seven hundred and four dollars and eighty cents.

For contingent expenses of the Senate, viz:

For stationery, twenty-five thousand dollars.

For newspapers, five thousand dollars.

For Congressional Globe, thirty-five thousand five hundred and thirty-two dollars.

For reporting and printing the proceedings in the Daily Globe for the first session of the Fortieth Congress, twenty-one thousand two hundred and fifty dollars.

For the usual additional compensation to the reporters of the Senate for the Congressional Globe for reporting the proceedings of the Senate for the first session of the Fortieth Congress, eight hundred dollars each, four thousand dollars.

For one complete set of the Congressional Globe and Appendix for each Senator in the Fortieth Congress, who has not already received them: *Provided, however,* That any Senator who has already, as a member of the House of Representatives, received a portion of a set of the Congressional Globe shall only be entitled to receive, as such Senator, the additional volumes required to complete one full set, nine thousand three hundred and seventy-five dollars.

For paying the publishers of the Congressional Globe and Appendix, according to the number of copies taken, one cent for every five pages exceeding three thousand, including the indexes and laws of the United States, fifteen thousand dollars.

For clerks to committees, pages, horses, and carryalls, fifty-five thousand seven hundred and fifty dollars.

For Capitol police, twenty-five thousand five hundred dollars.

For expenses of heating and ventilating apparatus, twenty-five thousand dollars.

For miscellaneous items, thirty thousand dollars.

For compensation and mileage of members of the House of Representatives and Delegates from Territories, one million one hundred thousand dollars.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, viz: Clerk of the House of Representatives, four thousand three hundred and twenty dollars; chief clerk and one assistant clerk, two thousand five hundred and ninety-two dollars each, five thousand one hundred and eight-four dollars; twelve assistant clerks, (including the Librarian,) at two thousand one hundred and sixty dollars each, twenty-five thousand nine hundred and twenty dollars; one chief messenger, and messenger to the Speaker, at five dollars and seventy-six cents per day each, four thousand two hundred and four dollars and eighty cents; for three messengers, at one thousand four hundred and forty dollars each, four thousand three hundred and twenty dollars; one engineer, eighteen hundred dollars; three assistant engineers, at one thousand four hundred and forty dollars each, four thousand three hundred and twenty dollars; six firemen, at two dollars and forty cents each per day, five thousand two hundred and fifty-six dollars; for clerk to Committee of Ways and Means, two thousand five hundred and ninety-two dollars; clerk to Committee on Appropriations, two thousand five hundred and ninety-two dollars; clerk to Committee on Public Lands, two thousand one hundred and sixty dollars; clerk to Committee on Claims, two thousand one hundred and sixty dollars; Sergeant-at-Arms, two thousand five hundred and ninety-two dollars; clerk to the Sergeant-at-Arms, two thousand one hundred and sixty dollars; messenger to the Sergeant-at-Arms, one thousand four hundred and forty dollars; Doorkeeper, two thousand five hundred and ninety-two dollars; first assistant doorkeeper, two thousand five hundred and ninety-two dollars; Postmaster, two thousand five hundred and ninety-two dollars; first assistant postmaster, two thousand and eighty-eight dollars; five messengers, at one thousand seven hundred and twenty-eight dollars each; two mail boys, at one thousand and eighty dollars each; Chaplain of the House, nine hundred dollars; stenographers, four thousand three hundred and eighty dollars; superintendent of folding-room, two thousand one hundred and sixty dollars; superintendent and assistant of the document-room, at five dollars and seventy-six cents per day each, four thousand two hundred and five dollars and eighty cents; eleven messengers, five at eighteen hundred dollars and six at fourteen hundred and forty dollars; twelve messengers during the session, at the rate of fourteen hundred and forty dollars per annum, eleven thousand five hundred and twenty dollars.

For captain of Capitol police, two thousand and eighty-eight dollars; lieutenant, eighteen hundred dollars; twenty-nine policemen, each at one thousand five hundred and eighty-four dollars per annum, and one watchmen, at eleven hundred and fifty-two dollars, twenty-five thousand four hundred and eighty-eight dollars; making one hundred and fifty-five thousand two hundred and forty-nine dollars.

For contingent expenses of the House of Representatives, viz:

For cartage, three thousand eight hundred dollars.

For clerks to committees and temporary clerks of the House of Representatives, thirty-four thousand dollars.

For twenty-four copies of the Congressional Globe and Appendix for each member and Delegate of the Fortieth Congress, and one hundred copies of the same for the House library, thirty-five thousand five hundred and ninety-two dollars, or so much thereof as may be necessary.

For paying the publishers of the Congressional Globe and Appendix, according to the number of copies taken, one cent for every five pages exceeding three thousand, including the indexes and laws of the United States, fifteen thousand dollars.

For one complete set of the Congressional Globe and Appendix for each Representative in the Fortieth Congress, and each Delegate, who has not received the same heretofore, thirty-seven thousand five hundred dollars: *Provided,* That notice is hereby given that at the close of the Fortieth Congress the United States will terminate the purchase of one complete set of the Congressional Globe and Appendix for each Senator, Representative, and Delegate provided for by the act approved July fourth, eighteen hundred and sixty-four.

For folding documents, including materials, forty-two thousand dollars.

For fuel and lights, including plumbing, gas fitting, repairs, and materials, fifteen thousand dollars.

For furniture, repairs, and packing-boxes for members, forty thousand dollars.

For horses, carriages, and saddle horses, ten thousand two hundred and thirty dollars.

For laborers, twelve thousand eight hundred and ninety-three dollars.

For additional annual compensation to Louis Saunders, in charge of House water-closets, one hundred dollars, and for deficiency due him for the current fiscal year, one hundred dollars.

For miscellaneous items, fifty-three thousand six hundred and fifty dollars.

For newspapers, twelve thousand five hundred dollars.

For pages and temporary mail boys, sixteen thousand two hundred dollars.

For reporting and publishing proceedings in the Daily Globe, twenty-eight thousand dollars.

For stationery, twenty-seven thousand dollars.

For the usual additional compensation to the reporters of the House for the Congressional Globe for reporting the proceeding of the House, eight hundred dollars each, four thousand eight hundred dollars.

PUBLIC PRINTING.

For compensation of the Superintendent of the Public Printing, and the clerks and messengers in his office, eleven thousand five hundred and seventeen dollars.

For contingent expenses of his office, viz: for stationery, postage, advertising, furniture, traveling expenses, horses and wagons, and miscellaneous items, two thousand dollars.

For the public printing, four hundred and forty-three thousand eight hundred and sixty dollars.

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For paper for the public printing, seven hundred and sixty-five thousand nine hundred and seventy-two dollars.

For the public binding, three hundred and fifty-one thousand three hundred and sixty-six dollars.

For mapping in cases pending in the Supreme Court of the United States, three thousand dollars.

For lithographing and engraving for the Senate and House of Representatives, seventy-five thousand dollars.

LIBRARY OF CONGRESS.

For compensation of Librarian, five assistant librarians, messenger, and laborers, thirteen thousand six hundred and eighty dollars.

For twenty per centum additional on the above, twenty-seven hundred and thirty-six dollars.

For contingent expenses of said Library, two thousand dollars.

For purchase of books for said Library, eight thousand dollars.

For purchase of law books for said Library, two thousand dollars.

For Botanic Garden, grading, draining, procuring manure, tools, fuel, and repairs, and purchasing trees and shrubs, under the direction of the Library Committee of Congress, three thousand three hundred dollars.

For pay of superintendent and assistants, and assistants in Botanic Garden and greenhouses, under direction of the Library Committee of Congress, six thousand one hundred and forty-five dollars and eighty cents.

For twenty per centum additional allowance on pay of the above, twelve hundred and twenty-nine dollars and sixteen cents.

For purchasing files of the leading periodicals and newspapers for said Library, one thousand five hundred dollars.

COURT OF CLAIMS.

For salaries of five judges of the Court of Claims, the solicitor, assistant solicitor, deputy solicitor, chief clerk and assistant clerk, bailiff and messenger thereof, thirty-seven thousand three hundred dollars.

For stationery, books, fuel, labor, and other contingent and miscellaneous expenses, three thousand dollars.

For compensation of attorneys to attend to taking testimony, witnesses, and commissioners, two thousand dollars.

For payment of judgments which may be rendered by the court in favor of claimants, ten hundred thousand dollars.

EXECUTIVE.

For compensation of the President of the United States, twenty-five thousand dollars.

For compensation of secretary to sign patents for public lands, one thousand five hundred dollars.

For compensation to the Private Secretary, assistant secretary, short-hand writer, clerk of pardons, three clerks of fourth class, steward, and messenger of the President of the United States, eighteen thousand eight hundred dollars.

For contingent expenses of the Executive office, including stationery thereof, five thousand dollars.

DEPARTMENT OF STATE.

For compensation of the Secretary of State, and Assistant Secretary of State, Second Assistant Secretary of State, examiner of claims, chief clerk, superintendent of statistics, clerks, messenger, assistant messenger, and laborers in his office, sixty-five thousand eight hundred and eighty dollars.

For the Incidental and Contingent Expenses of the Department of State.

For publishing the laws in pamphlet form and in newspapers of the States and Territories, and in the city of Washington, twenty-five thousand dollars.

For proof-reading, and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same, four thousand dollars.

For stationery, blank books, furniture, fixtures, and repairs, five thousand dollars.

For miscellaneous items, two thousand five hundred dollars.

For copper-plate printing, books, and maps, five thousand dollars.

For extra clerk hire and copying, fifteen thousand dollars.

For the general purposes of the Building occupied by the State Department.

For rent of said building, fifteen thousand dollars.

For alterations and improvements of the building, and for means of protection against its destruction by fire, fifteen thousand dollars.

For compensation of four watchmen and two laborers of the Northeast Executive Building, four thousand three hundred and twenty dollars.

For contingent expenses of said building, viz: for fuel, lights, repairs, and miscellaneous expenses, ten thousand dollars.

TREASURY DEPARTMENT.

For compensation of the Secretary of the Treasury, two Assistant Secretaries of the Treasury, chief clerk, supervising architect, and assistant architect, clerks, messengers, assistant messenger, and laborers, one hundred and eighteen thousand nine hundred and twenty dollars.

For compensation of the First Comptroller, chief clerk, and the clerks, messengers, and laborers in his office, forty-eight thousand three hundred and forty dollars.

For compensation of the Second Comptroller, chief clerk, and the clerks, messenger, assistant messenger, and laborers in his office, one hundred and thirty-seven thousand and eighty dollars.

For compensation of the First Auditor, chief clerk, and the clerks, messenger, assistant messenger, and laborer in his office, sixty thousand three hundred and sixty dollars.

For compensation of the Second Auditor, chief clerk, and the clerks, messenger, assistant messengers, and laborers in his office, five hundred and twenty-one thousand eight hundred and forty dollars.

For compensation of the Third Auditor, chief clerk, and the clerks, messengers, assistant messengers, and laborers in his office, three hundred and eighty-nine thousand and eighty dollars.

For compensation of the Fourth Auditor, chief clerk, and the clerks, messenger, and assistant messenger, and laborer in his office, one hundred and ten thousand nine hundred and sixty dollars.

For compensation of the Fifth Auditor, chief clerk, and the clerks, messenger, and laborer in his office, forty-nine thousand nine hundred and twenty dollars.

For compensation of the Auditor of the Treasury for the Post Office Department, chief clerk, and the clerks, messenger, assistant messenger, and the laborers in his office, one hundred and ninety-three *three* thousand one hundred and sixty dollars.

For compensation of the Treasurer of the United States, Assistant Treasurer, cashier, assistant cashier, chiefs of division, book-keepers, tellers, assistant tellers, chief clerk, and the clerks, messengers, assistant messengers, and laborers in his office, one hundred and eighty-eight thousand eight hundred and eighty dollars.

For compensation of the Register of the Treasury, Assistant Register, chief clerk, and the clerks, messengers, assistant messenger, and laborers in his office, ninety-one thousand five hundred and twenty dollars.

For compensation of the Solicitor of the Treasury, Assistant Solicitor, chief clerk, and the clerks, laborer, and messenger in his office, twenty-two thousand one hundred dollars.

For compensation of the Commissioner of Customs, chief clerk, and the clerks, messenger, and laborer in his office, forty thousand nine hundred and twenty dollars.

For compensation of the chief clerk, clerks, messenger, and laborer of the Light-House Board, nine thousand five hundred and twenty dollars.

For compensation of the Comptroller of the Currency, Deputy Comptroller, clerks, messengers, and laborers, one hundred and twenty thousand dollars.

For paper, special dies, and printing of circulating notes, and expenses necessarily incurred (including express charges) in procuring the same, in the office of the Comptroller of the Currency, two hundred thousand dollars.

For salaries of Commissioner, deputy commissioners, Solicitor, heads of divisions, and clerks of Internal Revenue Office, three hundred and forty-nine thousand four hundred and fifty dollars.

For rent, dies, paper, and so forth, for stamps and incidental expenses, including the cost of subscription of such numbers of copies of the Internal Revenue Records and Customs Journals as the Secretary of the Treasury may deem necessary to supply the revenue offices, two hundred and fifty thousand dollars.

For salaries and expenses of collectors, assessors, assistant assessors, revenue agents, inspectors, and superintendents of exports and drawback, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, excepting items otherwise estimated for, six million dollars: *Provided*, That no assessor or collector shall be entitled to any portion of the salary pertaining to the office unless such assessor shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which may have happened by death or resignation during the recess of the Senate.

Contingent Expenses of the Treasury Department.

In the office of the Secretary of the Treasury:

For copying, labor, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress, and for miscellaneous items, ten thousand dollars.

For compensation of additional clerks who may be employed by the Secretary according to the exigencies of the public service, and additional compensation for extra labor of clerks in his office, five thousand dollars.

For janitors for the Treasury Department, fifteen thousand dollars.

In the office of the First Comptroller:

For furniture, public documents, State and territorial statutes, and miscellaneous items, one thousand dollars.

In the office of the Second Comptroller:

For contingent expenses of the office, one thousand dollars.

In the office of the First Auditor:

For stationery, office furniture, and miscellaneous items, one thousand five hundred dollars.

In the office of the Second Auditor:

For stationery, office furniture, and miscellaneous items, including two newspapers to be filed and preserved for the use of the office, twenty-five thousand dollars.

In the office of the Fourth Auditor:

For contingent expenses of the office, three thousand dollars.

In the office of the Fifth Auditor:

For stationery, postage, furniture, and miscellaneous expenses, in which are included two daily newspapers, two thousand dollars.

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In the office of the Auditor for the Post Office Department:

For contingent expenses of the office, ten thousand dollars.

In the office of the Treasurer:

For contingent expenses of the office, seven thousand dollars.

In the office of the Register:

For miscellaneous items, including office furniture, six thousand dollars.

Office of the Solicitor of the Treasury:

For blank books, binding, stationery, labor, and miscellaneous items, and for statutes and reports, and for care of library, four thousand two hundred dollars.

Office of the Commissioner of Customs:

For stationery, miscellaneous items, and office furniture, fitting up files, and safe for depositing official bonds, five thousand dollars.

Light-House Board, viz:

For miscellaneous expenses and postage, one thousand five hundred dollars.

Office of the Comptroller of the Currency:

For contingent expenses of the office, five thousand dollars.

Office of the Commissioner of Internal Revenue:

For office furniture, maps, labor, miscellaneous items, and other contingent expenses, fifty thousand dollars.

Bureau of Statistics.

For contingent expenses, namely, laborers, office furniture, carpets, fitting up files, and miscellaneous items, four thousand dollars.

For the collection of statistics of mines and minings, fifteen thousand dollars.

For stationery for the Treasury Department and the several bureaus, one hundred thousand dollars.

For the general purposes of the Southeast Executive Building, including the Extension.

For compensation of twelve watchmen and eleven laborers of the Southeast Executive Building, sixteen thousand five hundred and sixty dollars.

For contingent expenses of said building, viz: for fuel, light, labor, and miscellaneous items, one hundred thousand dollars.

For rent of buildings for the accommodation of clerks who cannot be accommodated in the Treasury building, two thousand dollars.

DEPARTMENT OF THE INTERIOR.

For compensation of the Secretary of the Interior, Assistant Secretary, chief clerk, and the clerks, messenger, assistant messengers, watchmen, and laborers in his office, forty-eight thousand seven hundred dollars.

For compensation of the Commissioner of the General Land Office, chief clerk, recorder, draughtsman, assistant draughtsmen, clerks, messengers, assistant messengers, packers, watchmen, and laborers in his office, one hundred and seventy-eight thousand two hundred dollars.

For compensation of additional clerks in the General Land Office, under the act of third March, one thousand eight hundred and fifty-five, granting bounty land, and for laborers employed therein, fifty-eight thousand six hundred and forty dollars: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of twelve hundred dollars per annum: *And provided further*, That such work shall be given only to persons in indigent circumstances, and to the soldiers and to the widows of soldiers who served in the Union Army during the late rebellion, and to be done only by the employé in person.

For compensation of the Commissioner of Indian Affairs, chief clerk, and the clerks, messenger, assistant messenger, watchmen, and laborer in his office, thirty-two thousand six hundred dollars.

For compensation of the Commissioner of Pensions, chief clerk, and the clerks, messengers, assistant messengers, watchmen, and laborers in his office, two hundred and sixteen thousand nine hundred and twenty dollars.

For additional clerks in the Pension Office, forty-one thousand dollars: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of twelve hundred dollars per annum.

Contingent Expenses — Department of the Interior.

Office of the Secretary of the Interior:

For stationery, furniture, and other contingencies, and for books and maps for the library, ten thousand dollars.

For casual repairs of the Patent Office building, including the laying of a pavement on the old wing, twenty thousand dollars.

For expenses of packing and distributing congressional journals and documents, in pursuance of the provisions contained in the joint resolution of Congress approved twenty-eighth January, eighteen hundred and fifty-seven, and act fifth February, eighteen hundred and fifty-nine, six thousand dollars.

For fuel and lights for the Patent Office building, including the salaries of engineer and assistant engineer of the furnaces and repairs of the heating apparatus, eighteen thousand dollars.

Office of the Commissioner of Indian Affairs:

For blank books, binding, stationery, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, five thousand dollars.

Office of the Commissioner of Pensions:

For stationery, engraving, and retouching plates for bounty land warrants, printing and binding the same, office furniture, and repairing the same, and miscellaneous items, including two daily newspapers, to be filed, bound, and preserved for the use of the office, and for detection and investigation of fraud, twenty-two thousand dollars.

Office of the Commissioner of Public Buildings:

For compensation of the Commissioner of Public Buildings, and the clerk and messenger in his office, four thousand seven hundred dollars.

For stationery, blank books, plans, drawings, and other contingent expenses of his office, five hundred dollars.

Surveyors General and their Clerks.

For compensation of the surveyor general of Minnesota, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of the Territories of Dakota and Montana, and the clerks in his office, six thousand three hundred dollars.

For compensation of the surveyor general of Kansas, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor general of Iowa and Nebraska, declared a surveying district by the act of Congress entitled "An act to remove the office of surveyor general of the States of Iowa and Wisconsin to Plattsmouth, Nebraska," approved July twenty-eight, eighteen hundred and sixty-six, which is fixed at two thousand dollars per annum, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor general of the Territories of Colorado and Utah, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor general of New Mexico and Arizona, three thousand dollars.

For compensation of the surveyor general of California and the clerks in his office, fourteen thousand dollars.

For compensation of the surveyor general of Idaho Territory and the clerks in his office, five thousand dollars.

For compensation of the surveyor general of Nevada and the clerks in his office, seven thousand dollars.

For compensation of the surveyor general of Oregon, and the clerks in his office, six thousand five hundred dollars.

For compensation of the surveyor general of Washington Territory, and the clerks in his office, four thousand six hundred and nine dollars.

For compensation of recorder of land titles in Missouri, five hundred dollars.

Rent of Surveyors General's Offices.

For rent of surveyor general's office in Oregon, fuel, books, stationery, and other incidental expenses, including pay of messenger, fifteen hundred dollars.

For rent of surveyor general's office of California, fuel, books, stationery, and other incidental expenses, including pay of messenger, five thousand dollars.

For office rent for the surveyor general of Washington Territory, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For office rent of the surveyor general of Kansas, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For office rent of the surveyor general of Iowa and Nebraska, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For rent of surveyor general's office in the Territories of Dakota and Montana, fuel, books, stationery, and other incidental expenses, one thousand one hundred dollars.

For rent of office for the surveyor general of Colorado and Utah Territories, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For rent of office of the surveyor general of Idaho, two thousand dollars.

For rent of office for the surveyor general of Nevada, two thousand dollars.

For defraying the expenses of the Supreme Court and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, in aid of funds arising from fines, penalties, and forfeitures, in the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, including legal assistance to the Attorney General, and other special and extraordinary expenditures in cases in the Supreme Court of the United States in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe keeping of prisoners, one million three hundred thousand dollars.

WAR DEPARTMENT.

For compensation of the Secretary of War, Assistant Secretary of War, chief clerk, and the clerks, messenger, assistant messengers, and laborer in his office, sixty-one thousand three hundred and eighty dollars.

For compensation of the clerks and messengers in the office of the Adjutant General, two hundred and sixteen thousand seven hundred dollars.

For compensation of the clerks, messengers, assistant messengers, and laborers, in the office of the Quartermaster General, three hundred and ninety-nine thousand three hundred and sixty dollars.

For compensation of the chief clerk, clerks, messengers, assistant messengers, and laborers in the office of the Paymaster General, two

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hundred and nine thousand two hundred dollars.

For compensation of the clerks, messenger, and laborers in the office of the Commissary General, fifty-four thousand four hundred and forty dollars.

For compensation of the clerks, messenger, and laborer in the office of the Surgeon General, forty-three thousand eight hundred and forty dollars.

For compensation of the clerks, messengers, and laborers in the office of the Chief Engineer, twenty-eight thousand eight hundred and eighty dollars.

For compensation of the clerks and messenger in the office of the Colonel of Ordnance, sixty thousand and forty dollars.

For additional compensation to employés in the offices of the Secretary of War, Adjutant General, Quartermaster General, Paymaster General, Commissary General, Surgeon General, Chief Engineer, and Chief of Ordnance, under provisions of act of July twenty-third, eighteen hundred and sixty-six, six thousand six hundred and forty dollars.

For compensation of two clerks of class two in the Signal office, two thousand eight hundred dollars.

For compensation of one clerk of class four in the office of inspector of Military Academy, one thousand eight hundred dollars.

For compensation of the clerks in the office of Military Justice, seven thousand two hundred dollars.

Contingent Expenses of the War Department.

Office of the Secretary of War:

For blank books, stationery, labor, books, maps, extra clerk hire, and miscellaneous items, twenty thousand dollars.

Office of the Adjutant General:

For blank books, stationery, binding, and miscellaneous items, twenty-five thousand dollars.

Office of the Quartermaster General:

For blank books, stationery, binding, and miscellaneous items, thirty-five thousand dollars.

Office of the Paymaster General:

For blank books, stationery, binding, and miscellaneous items, ten thousand dollars.

Office of the Commissary General:

For blank books, stationery, and binding, including rent of office and hire of watchmen, fourteen thousand dollars.

Office of the Chief Engineer:

For blank books, stationery, binding, and miscellaneous items, three thousand five hundred dollars.

Office of the Surgeon General:

For blank books, stationery, binding, and miscellaneous items, including ren of office, fifteen thousand dollars.

Office of the Chief of Ordnance:

For blank books, stationery, binding, and miscellaneous items, five thousand dollars.

Office of Military Justice:

For blank books, stationery, binding, and miscellaneous items, one thousand two hundred dollars.

For the general purposes of the Northwest Executive Building.

For compensation of superintendent, four watchmen, and two laborers of the Northwest Executive Building, three thousand eight hundred and fifty dollars.

For labor, fuel, light, and miscellaneous items, twenty thousand dollars.

For additional compensation to subordinate employés, under provisions of act of July twenty-third, eighteen hundred and sixty-six, seven hundred and twenty dollars.

For the general purposes of the Building corner of F and Seventee[n]th streets.

For compensation of superintendent, four watchmen, and two laborers for said building, three thousand eight hundred and fifty dollars.

For fuel, compensation of firemen, and miscellaneous items, ten thousand dollars.

For additional compensation to subordinate employés, under provisions of act of July twenty-third, eighteen hundred and sixty-six, seven hundred and twenty dollars.

For the general purposes of the Building corner of F and Fifteenth streets.

For superintendent, watchmen, rent, fuel, lights, and miscellaneous items, fifteen thousand dollars.

NAVY DEPARTMENT.

For compensation of the Secretary of the Navy, Assistant Secretary of the Navy, Solicitor and Naval Judge Advocate General, chief clerk, and the clerks, messenger, assistant messenger, and laborers in his office, fifty-eight thousand eight hundred dollars.

For compensation of the chief of the Bureau of Yards and Docks, the civil engineer, chief clerk, messenger, laborers, and the following clerks and draughtsmen, which are hereafter authorized, viz: one clerk of class four, two clerks of class three, one clerk of class two, one clerk of class one, and one draughtsman, at a salary of eighteen hundred dollars per annum, sixteen thousand six hundred and forty dollars.

For compensation of the chief of the Bureau of Equipment and Recruiting, chief clerk, and the clerks, messenger, and laborer in his office, fourteen thousand nine hundred and twenty dollars.

For compensation of the chief of the Bureau of Navigation, chief clerk, and the clerks, messenger, and laborer in his office, ten thousand two hundred and twenty dollars.

For compensation of the chief of the Bureau of Ordnance, and chief clerk, clerks, draughtsman, whose salary is hereby established at eighteen hundred dollars per annum, messenger, and laborers in his office, sixteen thousand six hundred and twenty dollars.

For compensation of the chief of the Bureau of Construction and Repair, chief clerk, and the clerks, draughtsman, whose salary is hereby established at eighteen hundred dollars per annum, messenger and laborer in his office, eighteen thousand two hundred and twenty dollars.

For compensation of the chief of the Bureau of Steam Engineering, chief clerk, and the clerks, draughtsman, whose salary is hereby established at eighteen hundred dollars per annum, messenger, and laborer in his office, twelve thousand two hundred and twenty dollars; and of one clerk of class two, which is hereby authorized, one thousand four hundred dollars.

For compensation of the chief of the Bureau of Provisions and Clothing, chief clerk, and the clerks, messenger, and laborer, twenty-two thousand one hundred and twenty dollars.

For compensation of the chief of the Bureau of Medicine and Surgery, assistant, and the clerks, messenger, and laborer in his office, eleven thousand four hundred and twenty dollars.

Incidental and Contingent Expenses of the Navy Department.

Office of the Secretary of the Navy:

For stationery, labor, newspapers, periodicals, and miscellaneous items, five thousand dollars.

Bureau of Yards and Docks:

For stationery, books, plans, drawings, and incidental labor, one thousand eight hundred dollars.

Bureau of Equipment and Recruiting:

For stationery, books, and miscellaneous items, seven hundred and fifty dollars.

Bureau of Navigation:

For stationery, blank books, binding, and miscellaneous items, two thousand four hundred dollars.

Bureau of Ordnance:

For stationery and miscellaneous items, including three hundred dollars for photographer, one thousand three hundred dollars.

Bureau of Construction and Repair:

For stationery and miscellaneous items, one thousand dollars.

Bureau of Steam Engineering:

For blank books, binding, stationery, and miscellaneous items, two thousand five hundred dollars.

Bureau of Provisions and Clothing:

For blank books, stationery, and miscellaneous items, one thousand five hundred dollars.

Bureau of Medicine and Surgery:

For blank books, stationery, and miscellaneous items, eight hundred dollars.

For the general purposes of the Southwest Executive Building.

For compensation of nine watchmen and two laborers of the Southwest Executive Building, seven thousand six hundred and thirty-two dollars.

For contingent expenses of said building, viz:

For labor, fuel, lights, and miscellaneous items, seven thousand five hundred dollars.

POST OFFICE DEPARTMENT.

For compensation of the Postmaster General, three Assistant Postmasters General, chief clerk, superintendent of money-order system, topographer, three chief clerks, and the clerks, (including forty-three female clerks, at nine hundred dollars each,) messenger, assistant messengers, watchmen and laborers of said Department, two hundred and seventy-three thousand one hundred and sixty dollars.

For additional compensation to subordinate employés, under the provisions of act of July twenty-three, eighteen hundred and sixty-six, two thousand one hundred and forty dollars.

For additional and temporary clerks, forty thousand dollars.

Contingent Expenses of the Post Office Department.

For blank books, binding, and stationery, fuel for the General Post Office Building, including the Auditor's office, oil, gas, and candles, printing, repair of the General Post Office Building, office furniture, glazing, painting, whitewashing, and for keeping the fire-places and furnaces in order, for engineer for steam engine, laborers, watchmen, repairs of furniture, and for miscellaneous items, fifty-six thousand dollars.

DEPARTMENT OF AGRICULTURE.

For compensation of Commissioner of Agriculture, chief clerk, entomologist, chemist, and the clerks and employés in his office, thirty-eight thousand and twenty dollars.

For contingencies, viz: For stationery, freight, purchase of library, laboratory, fuel, light, rent, and miscellaneous items, thirteen thousand dollars.

For collecting agricultural statistics for annual and monthly reports, ten thousand dollars.

For purchase and distribution of new and valuable seeds, viz:

For purchase of cereal, vegetable, and flower seeds, and for labor in putting up seeds, seed-bags, and miscellaneous items, eighty thousand dollars: *Provided*, That the Commissioner of Agriculture shall only purchase and distribute with the fund herein appropriated for that purpose such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another: *Provided*, That the Commissioner shall, on or before the fifteenth day of December in each year here-

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after, make a report, in detail, to Congress, of all moneys expended by him.

For the purchase of the Grover Museum, ten thousand dollars.

For employés in seed-room, five thousand two hundred dollars.

For propagation and distribution of plants, cuttings, and shrubs, fourteen thousand dollars: *Provided*, That the propagation of plants, cuttings, and shrubs shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

For experimental garden in reservation number two, eight thousand eight hundred dollars.

MINT AT PHILADELPHIA.

For salaries of the Director, treasurer, assayer, melter and refiner, chief coiner and engraver, assistant assayer and seven clerks, thirty-six thousand five hundred dollars.

For wages of workmen and adjusters, one hundred and twenty-five thousand dollars.

For incidental and contingent expenses, ten thousand dollars.

For specimens of ores and coins to be preserved in the cabinet of the Mint, six hundred dollars.

For freight on bullion and coin, five thousand dollars.

BRANCH MINT AT SAN FRANCISCO, CALIFORNIA.

For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and six clerks, thirty thousand five hundred dollars.

For wages of workmen and adjusters, two hundred and five thousand four hundred and fifty dollars.

For incidental and contingent expenses, repairs, and wastage, in addition to available profits, fifty-seven thousand and forty-seven dollars and seventy-three cents.

For specimens of ores, three hundred dollars.

ASSAY OFFICE AT NEW YORK.

For salaries of superintendent, assayer, and melter and refiner, assistant assayer, officers, and clerks, twenty-five thousand seven hundred dollars.

For wages of workmen, in addition to unexpended balances of former appropriations, forty thousand dollars.

For incidental and contingent expenses, seventy thousand dollars.

BRANCH MINT AT DENVER.

For superintendent, assayer, melter and refiner, coiner, and clerks, thirteen thousand dollars.

For wages of workmen, twenty-two thousand seven hundred and seventy dollars.

For incidental and contingent expenses, fifteen thousand five hundred dollars.

INDEPENDENT TREASURY.

For salaries of the Assistant Treasurers of the United States at New York, Boston, Charleston, and St. Louis, viz: for the Assistant Treasurer at New York, eight thousand dollars; those at Boston and St. Louis, each, five thousand dollars; and the one at Charleston, two thousand five hundred dollars; twenty thousand five hundred dollars.

For additional salary of the treasurer of the Mint at Philadelphia, one thousand five hundred dollars.

For additional salary of the treasurer of the branch mint at New Orleans, five hundred dollars.

For additional salary of the treasurer of the branch mint at Denver, five hundred dollars.

For additional salary of the treasurer of the branch mint at San Francisco, California, fifteen hundred dollars: *Provided*, That there shall be no increase of salary in the foregoing paragraphs relating to the independent treasury over that allowed by existing laws.

For salaries of the clerks and messengers in the office of Assistant Treasurer at Boston, twenty-five thousand two hundred dollars.

For salaries of clerks, messengers, and watchmen in the office of the Assistant Treasurer at Philadelphia, eighteen thousand three hundred dollars.

For salaries of additional clerks in the office of the Assistant Treasurer at Philadelphia, six thousand five hundred and eighty-five dollars.

For salaries of clerks, messengers, and watchmen in the office of the Assistant Treasurer at New York, one hundred and twenty-six thousand one hundred and twenty dollars.

For salaries of clerks, messenger, and watchmen in the office of the Assistant Treasurer at St. Louis, nine thousand seven hundred and sixty dollars.

For additional salaries to the messenger, at four hundred dollars per annum, and to the four wacthmen, at one hundred dollars per annum each, in the office of the Assistant Treasurer at St. Louis, eight hundred dollars.

For salaries of clerks, porter, and watchmen in the office of the Assistant Treasurer at New Orleans, nine thousand six hundred dollars.

For compensation to stamp clerk in the office of the Assistant Treasurer at San Francisco, two thousand four hundred dollars.

For compensation of the depositary at Santa Fé, and the clerk, watchman, and porter in his office, four thousand eight hundred dollars.

For salary of the clerk to the acting Assistant Treasurer at Denver, one thousand eight hundred dollars.

For salaries of clerks in the office of the depositary at Louisville, five thousand nine hundred and forty dollars.

For salaries of clerks in the office of the depositary at Chicago, two thousand six hundred dollars.

For salaries of clerks and watchmen in the office of the depositary at Pittsburg, three thousand four hundred dollars.

For salaries of clerks and messengers in the office of the depositary at Baltimore, seven thousand six hundred dollars.

For salaries of clerks in the office of the Assistant Treasurer at San Francisco, four thousand five hundred dollars.

For salaries of clerks in the office of the depositary at Cincinnati, ten thousand two hundred dollars.

For salaries of additional clerks, and additional compensation of officers and clerks, under act of August sixth, eighteen hundred and forty-six, for the better organization of the Treasury, at existing rates, sixty thousand dollars.

For compensation to designated depositaries, under fourth section of the act of August sixth, eighteen hundred and forty-six, for the collection, safe keeping, transfer, and disbursement of the public revenue, eight thousand dollars.

For compensation to special agents to examine the books, accounts, and money on hand at the several depositories, under act of the sixth of August, eighteen hundred and forty-six, eight thousand dollars.

For salaries of ten supervising and fifty-nine local inspectors, appointed under act of the thirtieth August, eighteen hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them, including the expenses of their annual meeting, and for a more thorough investigation of the causes of disaster to vessels propelled in whole or in part by steam, and for prosecutions for violations of the said act and the acts amendatory thereto, one hundred and ten thousand dollars.

For contingent expenses under the act of the sixth of August, eighteen hundred and forty-six, for the collection, safe keeping, transfer, and disbursement of the public revenue, in addition to the premium which may be received on transfer drafts: *Provided*, That no part of said sum shall be expended for clerical services, two hundred and fifty thousand dollars.

For checks and certificates of deposit for office of Assistant Treasurer at New York, and other offices, eighteen thousand dollars.

GOVERNMENTS IN THE TERRITORIES.

Territory of New Mexico.

For salaries of Governor, chief justice, and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For interpreter and translator in the executive office, five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Utah.

For salaries of Governor, chief justice, two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Washington.

For salaries of Governor, chief justice, two associate judges, and secretary, twelve thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerk, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Nebraska.

For salaries of Governor, chief justice, two associate judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Colorado.

For salaries of Governor and superintendent of Indian affairs, chief justice and two associate judges, each twenty-five hundred dollars, which is hereby authorized, and secretary, eleven thousand eight hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Dakota.

For salaries of Governor and superintendent of Indian affairs, chief justice and two associate judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of the Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, fifteen thousand dollars.

Territory of Arizona.

For salaries of Governor, chief justice, and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the Territory, one thousand dollars.

For interpreter and translator in the executive office, five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Idaho.

For salaries of Governor and superintendent of Indian affairs, chief justice, and two asso-

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ciate judges, and secretary, twelve thousand dollars.

For contingent expenses of the Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Montana.

For compensation of Governor and superintendent of Indian affairs, chief justice, and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses, twenty thousand dollars.

JUDICIARY.

Office of the Attorney General.

For salaries of the Attorney General, Assistant Attorney General, law clerk, and chief clerk, and the clerks and messenger in his office, twenty-seven thousand five hundred dollars.

For additional compensation to one messenger, under provisions of act of July twenty-three, eighteen hundred and sixty-six, one hundred dollars.

Contingent expenses of the office of the Attorney General, namely:

For fuel, labor, furniture, stationery, and miscellaneous items, seven thousand dollars.

For purchase of law and necessary books for the office of the Attorney General, one thousand dollars.

For the purchase of reports of the Supreme Court of the United States, for the use of the Department of State, one thousand dollars.

Justices of the Supreme Court of the United States.

For salaries of the Chief Justice and seven associate justices, forty-eight thousand five hundred dollars.

For one associate justice, six thousand dollars.

For traveling expenses of the judge assigned to the ninth circuit for attending session of the Supreme Court of the United States, one thousand dollars.

For salaries of the district judges of the United States, one hundred and twenty-one thousand five hundred dollars.

For salaries of the chief justice of the supreme court of the District of Columbia, the associate judges, and judge of the orphans' court, nineteen thousand dollars.

For salary of the reporter of the decisions of the Supreme Court of the United States, two thousand five hundred dollars.

For the purchase of reports of the Supreme Court of the United States for the use of the Department of State, one thousand dollars.

For compensation of the district attorneys, eighteen thousand five hundred and fifty dollars.

For compensation of the district marshals, eleven thousand three hundred dollars.

For necessary expenses in carrying into effect the several acts of Congress authorizing loans and the issue of Treasury notes, two million dollars.

For facilitating communication between the Atlantic and Pacific States by electrical telegraph, forty thousand dollars.

For expenses in detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, and other securities of the United States, as well as the coins of the United States, one hundred and fifty thousand dollars.

For supplying deficiency in the fund for the relief of sick and disabled seamen, two hundred and fifty thousand dollars.

For salaries of commissioners under "An act to provide for the revision and consolidation of the statute laws of the United States," approved June twenty-seventh, eighteen hundred and sixty-six, and for clerical services and other incidental expenses, the printing to be done by the Government Printing Office, seventeen thousand dollars.

For compensation to the laborer in charge of the water-closets in the Capitol, five hundred and thirty-eight dollars.

For compensation of four laborers in the Capitol, two thousand four hundred dollars.

For compensation to the public gardener, one thousand four hundred and forty dollars.

For compensation of a foreman and twenty-one laborers employed in the public grounds, thirteen thousand four hundred dollars.

For compensation of the keeper of the western gate, Capitol square, eight hundred and seventy-six dollars.

For compensation of two day watchmen employed in the Capitol square, one thousand eight hundred dollars.

To enable the Commissioner of Public Buildings to pay two policemen at the President's House, twenty-six hundred and forty dollars.

For compensation of the doorkeeper at the President's House, one thousand dollars.

For compensation of two watchmen at the President's House, eighteen hundred dollars.

For compensation of three watchmen on the Dome, two thousand seven hundred dollars.

For compensation of a person to take care of the heating apparatus of the Library of Congress, one thousand dollars.

For compensation of assistant doorkeeper at the President's House, six hundred dollars.

For compensation of one night watchman at the public stables and carpenters' shops south of the Capitol, one thousand dollars.

For compensation of five watchmen in reservation number two, four thousand five hundred dollars.

For compensation of eight draw-keepers at the Potomac bridge, and for fuel, oil, and lamps, seven thousand five hundred and fifty-three dollars and sixty cents.

For compensation of two draw-keepers at the two draw-bridges across the eastern branch of the Potomac, and for fuel, oil, and lamps, one thousand three hundred and ninety-six dollars.

For compensation of furnace-keeper under the old Hall of the House of Representatives, six hundred dollars.

For compensation of watchman in Franklin square, nine hundred dollars.

For compensation of furnace-keeper at the President's House, six hundred dollars.

For additional compensation of one hundred dollars each to six watchmen, at nine hundred dollars; and of twenty per centum of five laborers in the Capitol, one foreman and twenty-one laborers on public grounds, one gate-keeper, two day and two night watchmen, and two furnace-keepers, four thousand seven hundred and sixty-two dollars and eighty cents.

METROPOLITAN POLICE.

For salaries and other necessary expenses of the Metropolitan police for the District of Columbia, two hundred and eight thousand eight hundred and fifty dollars. And the compensation of said Metropolitan police force, officers, and clerks, be, and the same is hereby, increased fifty per centum upon the amount hereby appropriated, commencing on the first day of July, eighteen hundred and sixty-seven, said increase to be borne by the cities of Washington and Georgetown, and the county of Washington, in the District of Columbia, in the proportion equal to the number of patrolmen allotted severally to the city of Washington, to the city of Georgetown, and the county of Washington, beyond the limits of the said city, and the levy court of said county be, and they are hereby, authorized and required to levy a special tax, not exceeding one quarter of one per centum, for the purpose aforesaid: *Provided*, That hereafter no person shall be appointed as policeman or watchman who has not served in the Army or Navy of the United States, and received an honorable discharge.

SEC. 2. *And be it further enacted*, That the proviso contained in the third section of chapter two hundred and ten of the act of July second, eighteen hundred and sixty-four, shall be construed to embrace all suits to which the United States shall be a party in the Court of Claims, either plaintiff or defendant.

SEC. 3. *And be it further enacted*, That the Secretary of War is hereby authorized to direct a geological and topographical exploration of the territory between the Rocky mountains and the Sierra Nevada mountains including the route or routes of the Pacific railroad: *Provided*, That the same can be done out of existing appropriations.

APPROVED, March 2, 1867.

CHAP. CLXVII.—An Act making Appropriations for sundry Civil Expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth June, eighteen hundred and sixty-eight, viz:

SURVEY OF THE COAST.

For the survey of the Atlantic and Gulf coasts of the United States, including compensation of civilians engaged in the work, and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed in the work, two hundred and fifty thousand dollars.

For continuing the survey of the western coast of the United States, including compensation of civilians engaged in the work, one hundred and thirty thousand dollars.

For continuing the survey of the South Florida reefs, shoals, keys, and coast, including compensation of civilians engaged in the work, and excluding pay and emoluments of the officers of the Army and Navy, and petty officers and men of the Navy employed in the work, twenty-five thousand dollars.

For publishing the observations made in the progress of the coast survey of the United States, including compensation of civilians employed in the work, five thousand dollars.

For repairs and maintenance of the complement of vessels used in the coast survey, thirty thousand dollars.

For pay and rations of engineers for four steamers used in the hydrography of the coast survey, no longer supplied by the Navy Department, ten thousand dollars.

LIGHT-HOUSE ESTABLISHMENT,

For the Atlantic, Gulf, Lake, and Pacific coasts, viz:

For supplying the light-houses and beacon-lights with oil, wicks, glass chimneys, chamois skins, whiting, spirits of wine, polishing powder, cleaning towels, brushes, and other necessary expenses of the same, and repairing and keeping in repair the lighting apparatus, two hundred and forty-six thousand seven hundred and seventeen dollars.

For repairs and incidental expenses, improving and refitting light-houses and buildings connected therewith, two hundred and five thousand dollars.

For salaries of five hundred and eighty-nine keepers of light-houses and lighted beacons, and their assistants, two hundred and fifty-four thousand dollars.

For salaries of forty-three keepers of light-

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vessels, twenty-three thousand nine hundred dollars.

For seamen's wages, repairs, supplies, and incidental expenses of forty-three light-vessels, two hundred and seventy-one thousand seven hundred and thirty-nine dollars and fifty cents.

For expenses of raising, cleaning, painting, repairing, remooring, and supplying losses of beacons and buoys, and for chains and sinkers for the same, two hundred and twenty-two thousand three hundred and fifty dollars.

For repairs and incidental expenses of refitting and improving fog-signals and buildings connected therewith, twenty thousand dollars.

For expenses of visiting and inspecting lights and other aids to navigation, two thousand dollars.

For commissions at two and one half per centum to such superintendents as are entitled to the same under the provisions of the acts of March third, eighteen hundred and fifty-*four*, [one,] on the amount that may be disbursed by them, twelve thousand dollars.

For repairs to the wharf and buildings at the buoy depot, Wood's Hole, Massachusetts, twelve thousand dollars.

For enabling the Light-House Board to make such alterations in the day-beacon at Connimicut Point, Providence river, as to fit it for the exhibition of a light, fifteen thousand dollars.

For repairs and renovations at the following stations, viz: Point aux Roches, Black Rock, Plum Island, Burlington Beacons, Princess Bay, and Point Judith, twenty-four thousand two hundred dollars.

For rebuilding Cumberland Head light-house upon a more eligible site, eighteen thousand dollars.

For rebuilding the light-house at Saugerties, New York, and suitably protecting it, twenty-five thousand dollars.

For rebuilding Stuyvesant light-house, New York, and suitably protecting it, twenty-five thousand dollars.

For repairs and renovations at Sands's Point light-station, New York, nine thousand four hundred dollars.

For repairs and renovations at Execution Rocks light-station, including a fog-signal, nineteen thousand dollars.

For repairs and renovations at Great Captain's Island light-station, twelve thousand dollars.

For repairs and renovations at Norwalk Island light-station, twelve thousand dollars.

For repairs and renovations at Old Field Point light-station, twelve thousand dollars.

For repairs and renovations at Eaton's Neck light-station, eleven thousand eight hundred dollars.

For repairs and renovations at Little Gull Island light-station; including a fog-signal, fourteen thousand five hundred dollars.

For rebuilding Cedar Island light-station, and suitably protecting it, twenty-five thousand dollars.

For additional appropriation for a new light-house on North Brother Island or vicinity, East river, New York, seven thousand five hundred dollars.

For construction of a vault for the storage of oil at the light-house depot, Staten Island, New York, twenty thousand eight hundred and sixty-one dollars.

For repairs and renovations at the breakwater which protects the light-house establishment property at Staten Island, New York, twenty-seven thousand dollars.

For repairs and renovations to the sea-wall at light-house depot, Staten Island, New York, eighteen thousand dollars.

For landing wharf, roadway, and coal-shed, at the Staten Island depot, fifteen thousand dollars.

For workshops for lampists, blacksmiths, coopers, at Staten Island depot, fifteen thousand dollars.

For repairs and renovations at Morgan's Point light-station, twelve thousand dollars.

For tramways, grading, and fences and dredging at the Staten Island depot, eight thousand dollars.

For protection of the light-house site at Absecom, New Jersey, five thousand dollars.

For rebuilding the light-house at Egg Island, New Jersey, fifteen thousand dollars.

For constructing a buoy-shed at the light-house depot, Staten Island, New York, three thousand seven hundred and eighty-eight dollars.

For a beacon-light at Somers's Cove, Maryland, ten thousand dollars.

For rebuilding the first-class light-house at Cape Hatteras, North Carolina, seventy-five thousand dollars.

For repairs and renovations at Tybee Island light-station, in addition to former appropriations, thirty-four thousand four hundred and forty-three dollars.

For rebuilding the light-house at Cape Canaveral, Florida, and fitting it up with a first order catadioptric illuminating apparatus, in addition to former appropriations, twenty-one thousand four hundred and seventy dollars.

For repairs and renovations at Pensacola light-station, twenty thousand dollars.

For rebuiling Sand Island light-station, eighty thousand dollars.

For rebuilding Mobile Point light-house, which the Light-House Board are hereby authorized to do upon a more eligible site, if such can be found, twenty thousand dollars.

For repairs and renovations of the following light-stations, viz: East Pascagoula, Tchefuncti, Pass Manchac, Bayou Saint John, and Choctaw Point, fifty-three thousand five hundred dollars.

For beacon-light on Sister Island, Saint Lawrence river, ten thousand dollars.

For repairs and renovations at the light-station on West Sister Island, Lake Erie, twelve thousand dollars.

For additional appropriation for range-lights at Maumee bay, Ohio, five thousand dollars.

For repairs and renovations at Bayley's Harbor light-station, Michigan, fifteen thousand dollars.

For repairs and renovations at Bois Blanc Island light-station, Michigan, fourteen thousand dollars.

For new light-house on the South Fox Island, Lake Michigan, eighteen thousand dollars.

For a new light-house and fog-signal on Granite Island, Lake Superior, twenty thousand dollars.

For rebuilding and improving the light-house at Skillagalee, (Isle aux Galets,) Lake Michigan, forty thousand dollars.

For day-beacon to mark Stanard's Rock, Lake Superior, ten thousand dollars.

For new light-house Sturgeon Point, Lake Huron, fifteen thousand dollars.

For new lanterns at the light-stations at Grand river and Milwaukee, (North Point,) three thousand dollars.

For rebuilding the keeper's dwelling at Presque Isle light-station, Lake Huron, seven thousand five hundred dollars.

For rebuilding the keeper's dwelling at Thunder Bay Island light-station, Lake Huron, eight thousand dollars.

For rebuilding the keeper's dwelling at Muskegon light-station, Lake Michigan, eight thousand dollars.

For additional appropriation for a beacon-light on Sand Point, west side of Little Bay de Noquet, Michigan, nine thousand dollars.

For an efficient fog-signal at Point Conception, California, six thousand dollars.

To enable the Light-House Board to reëstablish lights and other aids to navigation on the southern coast, one hundred thousand dollars.

For compensation of two superintendents for the life-saving stations on the coasts of Long Island and New Jersey, three thousand dollars.

For compensation of fifty-four keepers of stations, at two hundred dollars each, ten thousand eight hundred dollars.

For contingencies of life-saving stations on the coast of the United States, ten thousand dollars.

For the establishment of a light-house at Santa Cruz, California, ten thousand dollars; Point Reyes, fifteen thousand dollars.

For a light-house at Trowbridge Point, in Thunder Bay, Michigan, ten thousand dollars.

For a light-house at Mendota, on Lake Superior, Michigan, fourteen thousand dollars.

For a light-house at or near Braddock's Point, Georgia, in place of Caliboque light-vessel, fifteen thousand dollars.

For a light-house to mark Tybee Island Knoll, Georgia, in place of light-vessel, fifteen thousand dollars.

For range-lights on Morris Island, as guides in crossing Charleston Bar, South Carolina, fifteen thousand dollars.

For rebuilding light-house on Deep Water Shoals, in James river, Virginia, sixteen thousand dollars.

For rebuilding light-house tower and keeper's dwelling at Saint Simon's, Georgia, forty-five thousand dollars.

For a reappropriation of the amount heretofore appropriated for an iron light-house at Southwest Pass. but which has been carried to the surplus fund, one hundred and eight thousand six hundred dollars.

For a new light-house at Punta Arenas, California, sixty-five thousand dollars.

For a new light-house at Cape Blanco, Oregon, seventy-five thousand dollars.

MISCELLANEOUS.

To enable the Secretary of the Treasury to pay to the estate of Charles H. Peaslee, deceased, late collector of customs at Boston, a balance remaining due him upon settlement of his accounts, seven thousand five hundred and nineteen dollars and twenty-four cents.

For erecting a barge office at New York, fifty thousand dollars.

For the purchase of the stone building and lot at Suspension Bridge, New York, now used for Government purposes, six thousand dollars.

For rebuilding the custom-house at Wiscasset, Maine, with authority to the Secretary of the Treasury to sell the present site and purchase a new one, if deemed for the public interest, twenty-five thousand dollars.

For fitting up certain rooms in the unfinished portion of the custom-house building in New Orleans, Louisiana, ten thousand dollars.

To reconstruct chimneys and flues in the Patent Office Building, eight thousand dollars.

For continuing the work on the north portico of the Patent Office Building, seventy-five thousand dollars.

For continuing the work on the Capitol extension, two hundred and fifty thousand dollars.

For the Dome of the Capitol, fifteen thousand dollars.

For the purpose of paying the total liabilities of the Census Office, exclusive of the amount claimed to be due to the United States marshals and their assistants, eight hundred and ninety dollars and sixty-four cents.

For repairs to marine hospital at Louisville, Kentucky, ten thousand dollars.

For a custom-house in Newport, Vermont, ten thousand dollars.

For purchase of a site and the erection of a building for a custom-house and post office at Machias, Maine, twenty thousand dollars.

For custom-house and post office at Astoria, Oregon, twenty-five thousand dollars: *Provided*, That vessels may load and unload at the city of Portland, in said State, under such regulations as may be prescribed by the Secretary of the Treasury.

For constructing fire-proof appraisers' stores on the property known as the Pennsylvania Bank Building, and belonging to the Gov-

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ernment, Philadelphia, Pennsylvania, fifty thousand dollars.

For repairs and preservation of custom-houses and other public buildings, twenty-five thousand dollars.

For repairs of the building used as the custom-house and post office at Middletown, Connecticut, six thousand dollars; and for the erection, under the direction of the Light-House Board, of an iron spindle on Success Rock, Long Island sound, five hundred dollars, or so much thereof as shall be necessary.

For the payment of fixtures and furniture furnished to said office, six hundred dollars.

For furniture and repairs of furniture of custom-houses and other public buildings, twenty-five thousand dollars.

For burglar and fire-proof vaults and safes for depositories, twenty thousand dollars.

For replacing galvanized iron roofs with copper or slate roofs, twenty-five thousand dollars.

For furniture, carpets, and miscellaneous expenses of Treasury buildings, thirty-five thousand dollars.

To defray the expenses of a survey of a tract of land for a park and site for a Presidential Mansion, made under the resolution of the Senate requesting the same, two thousand five hundred dollars.

For heating apparatus for public buildings, twenty-five thousand dollars.

For United States court-house and post office at Des Moines, Iowa, eighty-five thousand dollars.

For the completion of the approaches and fencing to the Treasury building, fifty thousand dollars.

For continuation of the Treasury extension, fifty thousand dollars.

For repairs and alterations in the New York custom-house, thirty thousand dollars.

For furniture and repairs of the same, seven thousand dollars.

To enable the Secretary of the Interior to purchase thirty copies of the first nine volumes of the United States Statutes-at-Large, nine hundred and forty-five dollars.

To enable the Secretary of the Interior to adjust and settle the accounts of James Tufts for enumerating the inhabitants of the Territory of Montana, under the direction of the Governor of said Territory, as authorized by the act of May twenty-sixth, eighteen hundred and sixty-four, entitled "An act to provide a temporary government for the Territory of Montana," the sum of six thousand nine hundred and ninety-six dollars, or so much thereof as may be necessary.

For heating with steam the Supreme Court room, law library, and the passages and stairways adjacent [to] the court-room, and for other improvements and repairs of said court-room, fifteen thousand dollars.

For the compensation of eight extra clerks of class two in the office of the Commissioner of Indian Affairs, eleven thousand two hundred dollars.

To enable the Secretary of the Treasury to pay to Lewis Heyl for compiling statutes prescribing the rates of duties on imports, and making index to the tariff bill now pending, one thousand dollars.

PUBLIC BUILDINGS AND GROUNDS.

For care, support, and medical treatment of sixty transient paupers, medical and surgical patients, in some proper medical institution in the city of Washington, under a contract to be formed with such institution by the Commissioner of Public Buildings, twelve thousand dollars, or so much thereof as may be necessary.

For hire of carts on the public grounds, two thousand dollars.

For purchase and repair of tools used in the public grounds, four hundred dollars.

For the purchase of trees and tree-boxes, to replace, when necessary, such as have been planted by the United States, to whitewash tree-boxes and fences, and to repair pavements in front of the public grounds, three thousand dollars.

For annual repairs of the Capitol water-closets, public stables, water-pipes, pavements, and other walks within the Capitol square, broken glass, and locks, and for the protection of the building, and keeping the main approaches to it unencumbered, twelve thousand dollars, in addition to the sale of old material.

For lighting the Capitol and President's House and public grounds around them, around the executive offices and Pennsylvania avenue, fifty-five thousand dollars.

For lighting Four-and-a-half street, across the Mall, and Maryland avenue west, and Sixth street south, fifteen thousand dollars: *Provided*, That the corporation of Washington city shall light their lamps with seven feet burner[s] twenty-one nights in each month, from dark until daylight, and that no part of this appropriation shall be disbursed until it is proved to the satisfaction of the Commissioner of Public Buildings that said corporation have so lighted their street lamps.

For pay of lamp-lighters, gas-fitting, plumbing, lamp-posts, lanterns, glass, paints, matches, materials and repairs of all sorts, twenty-five thousand dollars.

For casual repairs of the navy-yard and upper bridges, six thousand dollars.

For fuel for the President's House, five thousand dollars.

For repairs of Pennsylvania avenue, and sprinkling the same, and keeping it clean and free from dirt, two thousand dollars.

For improvement and taking care of public reservation number two and La Fayette square, in addition to the sale of hay which may be raised on the former, three thousand dollars.

For taking care of the grounds south of the President's House, continuing the improvement of the same, and repairing fences, three thousand dollars.

For repairs of water-pipes, five hundred dollars.

For cleaning and repairing sewer traps on Pennsylvania avenue, eight hundred dollars.

For casual repairs of all the furnaces under the Capitol, five hundred dollars.

For hauling manure for top-dressing the public grounds, five hundred dollars.

For purchase of fuel for the center building of the Capitol, fifteen hundred dollars.

For taking care of the Circle on Pennsylvania avenue, one thousand dollars.

For continuing the grading and repairing of Virginia avenue, ten thousand dollars.

For the necessary expenses to be incurred in consequence of opening Sixth street west across the Mall, and in making fences, two thousand dollars.

For renewing the heating apparatus at the President's House, eight thousand dollars.

For laying a new pipe from the K street main to the Capitol, in order to supply the building at all times with a full flow of water, five thousand dollars.

To enable the Commissioner of Public Buildings to put in thorough repair the conservatory recently injured by fire at the President's Mansion, ten thousand dollars.

For the construction of a new greenhouse, with central dome and a wing, to correspond in size with the present greenhouse in the Botanic Garden, to be built of iron and glass, according to a plan prepared by the architect of the Capitol extension, and approved by the joint Committee on the Library, thirty-five thousand dollars; the same to be expended under direction of the joint Committee on the Library of Congress.

For enabling the Commissioner to cause the old and useless lightning-rods on the President's House to be removed, and Hawley's improved patent conductors substituted for them, two hundred and fifty dollars.

For enabling the Commissioner to employ a suitable electrician to take care of and operate the lighting apparatus of the Dome of the Capitol, twelve hundred dollars.

For repairing in front of the War Department on Pennsylvania avenue and on Seventeenth street with stone flagging, sixteen thousand dollars.

For annual repairs of the President's House, six thousand dollars.

For top-dressing for public grounds and cartage for same, one thousand five hundred dollars.

For purchase of tools for public grounds, five hundred dollars.

For purchase of flower-pots, mats, glasses, putty, wire, twine, and so forth, for use on the greenhouse, one hundred dollars.

For the removal of the foot-bridge on Maine avenue, now of no further use at that point, to Third street west, which the Commissioner of Public Buildings is hereby directed to have done, three hundred dollars.

To complete the culvert through the Botanic Garden, fifteen thousand dollars.

For removing snow and ice from pavements and public walks, three hundred dollars.

For manure and cartage of the same for Smithsonian grounds and public reservations, one thousand dollars.

For completing the improvement of Franklin square, graveling walks, and deepening the same, and purchasing and planting trees and shrubbery, five thousand dollars.

For improvements on reservations on New York, Massachusetts, Vermont, and Maryland avenues, the same being now inclosed, manure, trenching, the purchase of trees and shrubbery, four thousand dollars.

For further improvement of the Circle on Pennsylvania avenue, six hundred dollars.

For purchase and planting of trees and boxes for the same, replacing those that have been destroyed on the streets, heretofore planted by the Government, two thousand dollars.

For painting the iron fences around La Fayette square, in front of the War and Navy Departments, in front of the Executive Mansion, and the Government portion of the fence around Judiciary square, five thousand dollars.

For new crossings on Pennsylvania avenue, five thousand dollars.

For annual repairs of fences around the public reservations, one thousand dollars.

For lighting the Rotunda of the Capitol with gas, by a branch from the electric battery which lights the Dome, three thousand dollars.

To enable the joint Committee on the Library of Congress to purchase the historical library of Peter Force for the Library, one hundred thousand dollars.

To enable the joint Committee on the Library of Congress to purchase the bust of Pulaski, now in the old Hall of the House of Representatives, executed by the late Henry D. Saunders, one thousand dollars.

To enable the Secretary of the Interior to pay for books of record heretofore furnished in the office of the register of deeds of the District of Columbia, and fitting necessary shelving in said office, six hundred dollars.

For salary of warden of the jail in the District of Columbia, two thousand dollars.

To enable the Commissioner of Agriculture to erect a Department of Agriculture on reservation number two, in the city of Washington, according to the plan proposed by him, to be constructed under the general provisions of laws relating to the construction of public buildings, one hundred thousand dollars.

SMITHSONIAN INSTITUTION.

For the preservation of the collections of the exploring and surveying expeditions of the Government, ten thousand dollars.

GOVERNMENT HOSPITAL FOR THE INSANE.

For the support, clothing, and medical treatment of the insane of the Army and Navy and of the revenue-cutter service, and of the indi-

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gent insane of the District of Columbia, at the Government hospital for the insane, in said District, including five hundred dollars for books, stationery, and incidental expenses, ninety thousand five hundred dollars; and the salary of the superintendent of the said hospital is hereby fixed at four thousand dollars per annum.

For finishing, furnishing, lighting, and heating additional accommodations in the east wing of the hospital edifice, occupied as a general Army hospital during the war, and still in part unfinished, seven thousand dollars.

For continuing the wall inclosing the grounds of the hospital, ten thousand dollars.

For building a coal-house near the wharf, two thousand dollars.

WASHINGTON AQUEDUCT.

For the payment of the employés in the management, engineering, and repairs of the Washington aqueduct, twenty thousand dollars.

PATENT OFFICE.

For expenses of receiving, arranging, and taking care of copyright books, charts, and other copyright matter, one thousand eight hundred dollars, to be paid out of the Patent Office fund.

For preparing illustrations and descriptions for the report of the Commissioner of Patents, ten thousand dollars, to be paid out of the Patent Office fund.

COLUMBIAN INSTITUTION FOR THE DEAF AND DUMB.

For the support of the institution, including one thousand dollars for books and illustrative apparatus, twenty-five thousand dollars: *Provided*, That deaf mutes, not exceeding ten in number, residing in the several States and Territories of the United States, applying for admission to the collegiate department of the institution, shall be received on the same terms and conditions as those prescribed by law for residents of the District of Columbia, at the discretion of the president of the institution.

For the erection, furnishing, and fitting up of additions to the buildings of the institution, to provide enlarged accommodations for the male and female pupils and the resident officers of the institution, fifty-four thousand six hundred and seventy-five dollars.

For the enlargement and further improvement of the grounds of the institution, including under-drainage, seven thousand five hundred dollars.

To furnish an increased supply of Potomac water and for the erection of tanks to regulate the distribution thereof, five thousand dollars, to be expended under the direction of the president of the institution.

COLUMBIA HOSPITAL.

To aid in the support of the Columbia Hospital for Women and Lying-in Asylum, in the District of Columbia, ten thousand dollars.

EXPENSES OF COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

For salaries and commissions of registers of land offices and receivers of public money, two hundred and six thousand one hundred dollars.

For incidental expenses of the several land offices, nineteen thousand four hundred dollars.

SURVEYING THE PUBLIC LANDS.

For surveying the public lands in Minnesota, at rates not exceeding ten dollars per lineal mile for standard lines, seven dollars for township, and six dollars for section lines, fifteen thousand dollars.

For surveying the public lands in Dakota Territory, including the lands along the Red River of the North, at rates not exceeding ten dollars per lineal mile for standard lines, seven dollars for township, and six dollars for section lines, fifteen thousand dollars.

For surveying the public lands in Nebraska, at rates not exceeding ten dollars per lineal mile for standard lines, six dollars for township, and five dollars for section lines, fifteen thousand dollars.

For surveying the public lands in Kansas, at rates not exceeding ten dollars per lineal mile for standard lines, six dollars for township, and five dollars for section lines, fifteen thousand dollars.

For surveying the public lands in Idaho, at rates not exceeding fifteen dollars per mile for standard lines, twelve dollars for township, and ten for section lines, fifteen thousand dollars.

For surveying the public lands in Colorado, at rates not exceeding fifteen dollars per lineal mile for standard lines, eight dollars for township, and seven dollars for section lines, fifteen thousand dollars.

For surveying the public lands in Nevada, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, twenty thousand dollars.

For surveying the public lands in Arizona, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, ten thousand dollars.

For surveying the public lands in California, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, thirty thousand dollars.

For surveying the public lands in Oregon, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, twenty thousand dollars.

For surveying the public lands in Washington Territory, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, ten thousand dollars.

For the survey of the forty-second parallel of north latitude, so far as it constitutes the common boundary between the States of California and Oregon, estimated two hundred and twenty miles, at not exceeding sixty dollars per mile, thirteen thousand eight hundred and forty-seven dollars.

For survey of boundary line between the State of Oregon and the Territory of Idaho, commencing at the northern boundary of the State of Nevada, and running north to its intersection with Snake river, estimated one hundred and sixty miles, at not exceeding sixty dollars per mile, nine thousand six hundred dollars.

For the survey of the thirty-seventh parallel of north latitude, so far as it constitutes the northern boundary of the Territory of New Mexico, estimated three hundred and twenty miles, at not exceeding sixty dollars per mile, nineteen thousand dollars.

SEC. 2. *And be it further enacted*, That the office of Commissioner of Public Buildings is hereby abolished; and the chief Engineer of the Army shall perform all the duties now required by law of said Commissioner, and shall also have the superintendence of the Washington aqueduct and all the public works and improvements of the Government of the United States in the District of Columbia, unless otherwise provided by law; and the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives shall hereafter appoint the members of the Capitol police.

SEC. 3. *And be it further enacted*, That the Light-House Board be authorized to apply any unexpended balance which may remain after the completion of a light-house work on the Pacific coast to the construction of any other similar work upon the same coast, which may have been authorized by Congress, but for which the amount appropriated may prove insufficient.

SEC. 4. *And be it further enacted*, That the Light-House Board is authorized, whenever an appropriation has been or may be made by Congress for a new light-house, the proper site for which does not belong to the United States, to purchase the necessary land, provided the purchase money be paid from the amount appropriated for such light-house: *Provided*, That no superintendent of lights, whose compensation as collector of customs exceeds three thousand dollars per annum, shall receive any compensation as disbursing agent for the Light-House Establishment, whether the sums disbursed by him be for articles to be used or services rendered within or without the limits of his superintendency or collection district.

SEC. 5. *And be it further enacted*, That the salary of the general appraiser in the city of New York shall be three thousand dollars. And the salaries of the assistant appraisers at Boston, Philadelphia, Baltimore, New Orleans, Portland, and San Francisco shall be twenty-five hundred dollars per annum.

SEC. 6. *And be it further enacted*, That the clerk of pardons in the Department of State be placed upon the same footing in regard to compensation for extraordinary services under the amnesty proclamation of the twenty-ninth May, eighteen hundred and sixty-five, as the principal clerk of pardons in the Attorney General's Office; and any money in the Treasury not otherwise appropriated is hereby appropriated for this purpose.

SEC. 7. *And be it further enacted*, That it shall be the duty of the Clerk of the House of Representatives to select in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, one or more newspapers, not exceeding the number now allowed by law, in which such treaties and laws of the United States as may be ordered for publication in newspapers according to law shall be published, and in some one or more of which so selected all such advertisements as may be ordered for publication of said districts, by any United States court or judge thereof, or by any officer of such courts, or by any executive officer of the United States, shall be published, the compensation for which, and other terms of publication, shall be fixed by said clerk at a rate not exceeding two dollars per page for the publication of treaties and laws, and not exceeding one dollar per square of eight lines of space for the publication of advertisements, the accounts for which shall be adjusted by the proper accounting officers and paid in the manner now authorized by law in the like cases; and said clerk shall, as soon as practicable after the passage of this act, notify each head of the several Executive Departments, and each judge of the United States courts therein, of the papers selected by him in accordance with the foregoing provisions; and thereupon and thereafter it shall be the duty of the several executive officers charged therewith to furnish to such selected papers only an authentic copy of the publications to be made as aforesaid; and no money hereby or otherwise appropriated shall be paid for any publications or advertisements hereafter to be made in said districts, nor shall any such publication or advertisement be ordered by any Department or public officer otherwise than as herein provided: *Provided*, That the rates fixed in this section to be paid for the publication of the treaties and laws of the United States in the States therein designated shall also be paid for the same publications in all the States not designated in this section.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to sell, at public auction, the following property belonging to the United States, namely: the buildings and grounds, known as the old custom-house, at Alexandria, Virginia; the building

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and grounds, known as the old custom-house, at New Haven Connecticut; the building and grounds, known as the old custom-house, at Portsmouth, New Hampshire; the parcel of ground, known as the old custom-house lot, at Norfolk, Virginia; the parcel or lot of ground purchased, in the city of Perth Amboy, New Jersey, for the erection of a custom-house; and the custom-house and grounds at Sackett's Harbor, New York; and he is hereby authorized to make, execute, and deliver all needful conveyances to the purchaser or purchasers thereof.

SEC. 9. *And be it further enacted*, That the Secretary of the Interior be directed to procure an examination to be made of the condition of the public buildings in the Territory of New Mexico, and report to the next Congress an estimate of what amount is necessary to complete the same.

SEC. 10. *And be it further enacted*, That all advertisements, notices, and proposals for contracts for all the Executive Departments of the Government, and the laws passed by Congress and executive proclamations and treaties, shall hereafter be advertised by publication in the two daily papers published in the District of Columbia, now selected under the act of the first session of the Thirty-Ninth Congress making appropriations for the service of the Post Office Department, during the fiscal year ending the thirtieth of June, eighteen hundred and sixty-seven, and for other purposes, until otherwise ordered by Congress, and in no other District of Columbia papers: *Provided*, That the charges for such publication shall not be higher than such as are paid by individuals for advertising in said papers: *And provided also*, That the same publications shall be made in each of said papers equally as to frequency: *Provided further*, That all printing of any kind ordered by the Executive Departments shall be executed by the Government Printer when practicable, and if not, at such office as may be designated by the Clerk of the House of Representatives, at rates not exceeding the current rates for such printing.

SEC. 11. *And be it further enacted*, That all laws and parts of laws conflicting with the above provisions with respect to the official advertising in the District of Columbia be, and are hereby, repealed.

SEC. 12. *And be it further enacted*, That the Secretary of War is hereby authorized, at his discretion, to increase the pay of the clerks of the United States armory at Springfield, Massachusetts, to twelve hundred dollars per annum, instead of eight hundred dollars, as now fixed by law.

SEC. 13. *And be it further enacted*, That the laws relating to the Army, Navy, militia, and the Marine corps of the United States be published officially in the United States Army and Navy Journal, at such rates as are fixed by the Secretary of State for the publication of the laws of the United States.

APPROVED, March 2, 1867.

CHAP. CLXVIII.—An Act making Appropriations and to supply Deficiencies in the Appropriations for the Service of the Government for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated for the objects hereinafter expressed, for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven, namely:

DEPARTMENT OF THE INTERIOR.

Pension Bureau.

To meet deficiencies of the present fiscal year on account of pensions for Army widows and others under various acts, ten million dollars.

For contingent expenses, ten thousand dollars.

For Navy widows and orphans, seventy thousand dollars: *Provided*, That said sum be transferred from the Navy pension fund.

Engineers' Office.

To meet deficiencies of the present fiscal year on account of engineer officer having the supervision of the Union Pacific railroad and branches, land-grant railroads, and wagon-roads, namely:

For compensation of clerks, three thousand eight hundred dollars.

For contingencies, five hundred dollars.

Capitol Extension.

For eight additional monolithic columns, eleven thousand two hundred dollars.

For ventilating, nine thousand dollars.

For supplying deficiency in appropriation for work on the Capitol extension, twenty-nine thousand eight hundred dollars.

Census Office.

For the purpose of paying the amount due to certain United States marshals and their assistants for services rendered in taking the eighth census, in the year eighteen hundred and sixty, in the following States, viz: in the State of California, nine thousand four hundred and sixty dollars and forty-eight cents; in the State of Maine, thirty-three dollars and six cents; in the State of Ohio, forty-nine dollars and sixty-nine cents; in the State of Oregon, three thousand one hundred and sixty dollars and twenty cents; in the State of Kansas, sixty-eight dollars and forty cents; in the State of Kentucky, nine thousand three hundred and eleven dollars and fifty cents; in the State of Maryland, four thousand seven hundred and eighty-one dollars and forty cents; in the State of Missouri, eight thousand three hundred and forty-three dollars; in the State of Tennessee, twenty thousand eight hundred and forty-two dollars and eighteen cents; in the Territory of New Mexico, seven hundred and eighty-four dollars and sixty-nine cents; in the Territory of Washington, ninety-nine dollars and nine cents; being in the aggregate fifty-six thousand nine hundred and thirty-three dollars and sixty-nine cents: *Provided*, That no part of the sum hereby appropriated shall be paid to or on account of any claimant who participated in the late rebellion, or gave to it aid and comfort.

Indian Bureau.

For this amount, or so much thereof as may be necessary, to pay the indebtedness incurred for the Indian service in the State of Oregon and Territory of Washington, in the years eighteen hundred and sixty, eighteen hundred and sixty-one, and eighteen hundred and sixty-two, forty thousand dollars: *Provided*, That such payments shall be made only to the original owner of the claims, and upon satisfactory proof furnished the accounting officer.

To enable the Secretary of the Treasury to pay Isaac Strohm for additional services as a clerk in the Treasury Department from January first, eighteen hundred and fifty-four, to March first, eighteen hundred and fifty-five, at the same rate paid for similar additional services prior to that date, four hundred and sixty-six dollars and sixty-seven cents.

LIBRARY OF CONGRESS.

To enable the Librarian of Congress to employ two additional assistants, commencing April first, eighteen hundred and sixty-seven, two thousand four hundred dollars; and there is hereby added to the contingent fund of said Library the sum of one thousand dollars, to be expended for temporary help.

For six iron stairways, repairs and repainting in the Library of Congress, and for a new skylight in the central Library, five thousand two hundred and sixty dollars.

PUBLIC BUILDINGS AND GROUNDS.

To pay for completing the repairs and furnishing the Executive Mansion, thirty-five thousand dollars: *Provided*, That no further payments shall be made on any accounts for repairs and furnishing the Executive Mansion until such accounts shall have been submitted to a joint committee of Congress, and approved by such committee.

To replace the bruised and worn copper water-pipes or roof gutters of the Capitol building with iron pipes, three thousand dollars.

To supply a deficiency in fuel for the President's House and for the Capitol, two thousand dollars.

To pay for a poudrette pit at the President's stable, five hundred and sixteen dollars and nineteen cents.

To pay for repairing streets passing along Government reservations where they were washed away by the great freshet in October last, one thousand five hundred dollars.

To pay for sewer in the rear of H street, between Sixteenth and Seventeenth streets west, to abate a public nuisance, two thousand five hundred dollars.

To thoroughly repair the roof of the Executive Mansion, two thousand five hundred dollars.

To pay deficiency and keep in repair the bridge at or near Little Falls, Potomac river, three thousand three hundred and fifty dollars.

To pay deficiencies in the contingent expenses of the Senate as follows:

For additional messengers, seven thousand dollars.

For additional labor in the folding-room and material, ten thousand dollars.

For stationery, ten thousand dollars.

MISCELLANEOUS.

For deepening and improving Westport harbor, Connecticut, twenty-five hundred dollars.

For dredging and maintaining the channel of the river Thames near Norwich, in the State of Connecticut, to complete the work, thirty-six thousand dollars.

For services rendered by the late F. M. Rotch in furnishing an original article "on cattle" for the Agricultural Report of eighteen hundred and sixty-one, two hundred and twelve dollars and fifty cents, to be paid to the widow.

For temporary clerks in the Treasury Department for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, fifty thousand dollars: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to classify the clerks authorized according to the character of their services.

For the purpose of enabling the Director of the Mint to purchase publications relating to metals and the manipulations thereof for the Library of the Mint, one thousand dollars.

For defraying the expenses incurred by the Department of State by sending telegraphic dispatches over the Atlantic cable, thirty thousand dollars for the current year.

For preservation and care of the unfinished custom-house building at Charleston, South Carolina, and fitting up the interior to provide suitable offices for the use of the United States, including court-rooms, twenty-five thousand dollars.

To enable the Light-House Board to erect in the lower bay of New York one or more permanent beacons, forty-five thousand dollars.

To enable the Secretary of the Treasury to purchase the stereotype plates and copyright of the American Coast Pilot, twenty thousand dollars.

To enable the Secretary of the Interior to

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carry into effect the provision of the seventh section of the act of Congress entitled "An act granting the right of way to ditch and canal owners over public lands, and for other purposes," approved July twenty-six, eighteen hundred and sixty-six, thirty-six thousand dollars.

SEC. 2. *And be it further enacted*, That the unexpended balance of the appropriations heretofore made for defraying the expenses of the Legislative Assembly of the Territory of Nebraska is hereby diverted and set aside for the purpose of procuring a geological survey of Nebraska, said survey to be prosecuted under the direction of the Commissioner of the General Land Office.

SEC. 3. *And be it further enacted*, That upon all merchandise gaugeable by law hereafter exported upon which drawback or return duty is allowed, and upon all goods gaugeable by law withdrawn from bonded warehouses for export, there shall be levied and collected by the collectors of the several ports ten cents per cask.

SEC. 4. *And be it further enacted*, That the gaugers at the port of New York shall receive, from and after the first day of April, eighteen hundred and sixty-seven, an annual salary of two thousand dollars: *Provided*, That the amount of compensation of said officers as hereby established shall not exceed in any fiscal year the amount of fees earned by them.

SEC. 5. *And be it further enacted*, That the second section of an act making appropriations for sundry civil expenses of the Government, approved April seventh, eighteen hundred and sixty-six, is hereby so amended as to authorize and require the Secretary of the Treasury to pay the contractors, Butler and Carpenter, the sum of twenty thousand dollars in full of all their claims for indemnity therein referred to.

SEC. 6. *And be it further enacted*, That the surplus sum of two thousand dollars, now standing on the books of the Treasury to the credit of a fund to enable the joint Committee on the Library to carry out a contract with William H. Powell, authorized by a joint resolution approved March second, eighteen hundred and sixty-five, for a picture illustrative of some naval victory, (said sum being in excess of the amount required to carry out said contract,) is hereby transferred to the fund for the purchase of books for the Library of Congress.

SEC. 7. *And be it further enacted*, That the deputy surveyor at the port of San Francisco be paid the same compensation annually that is now paid to the deputy collector at said port.

SEC. 8. *And be it further enacted*, That the temporary clerks in the Quartermaster General's office shall receive the same compensation as is paid to first-class clerks, to take effect from and after the first day of January, eighteen hundred and sixty-seven, and a sum sufficient to pay the same is hereby appropriated.

SEC. 9. *And be it further enacted*, That the salary of the district judge of the district of California shall be five thousand dollars. The salary of the district judge of the district of Louisiana shall be four thousand five hundred dollars. The salary of the district judge of the district of Massachusetts, northern, southern, and eastern districts of New York, eastern and western districts of Pennsylvania, the district of Maryland, northern district of Illinois, southern district of Ohio, and the district of New Jersey, shall be four thousand dollars each; and the salaries of the district judges of every other district shall be three thousand five hundred dollars each; and said salaries shall be in full compensation for all official services performed by such judges, and shall take effect at the commencement of the next fiscal year, and no other allowance or payment shall be made to them for travel, expenses, or otherwise; and the amount necessary to pay the increased compensation herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 10. *And be it further enacted*, That if the Supreme Court shall in any one year direct its reporter to publish a second volume, for such year, of its decisions, and if such second volume shall be published accordingly, an additional sum of fifteen hundred dollars shall be paid said reporter therefor on the delivery by said reporter to the Secretary of the Interior for distribution, according to existing laws, of three hundred copies of such second volume of said reports; and the amount necessary to pay the same is hereby appropriated.

SEC. 11. *And be it further enacted*, That the notice required by the fourth section of the act entitled "An act to pay in part for publishing the debates in Congress, and for other purposes," approved July fourth, eighteen hundred and sixty-four, is hereby given that Congress will, in two years from the close of the present Congress, abrogate the provisions of the first and second sections of said act.

SEC. 12. *And be it further enacted*, That the Secretary of the Interior is hereby authorized to appoint in the office of the Commissioner of Pensions, in addition to the clerks now authorized in said office, twenty-eight clerks of class one; twenty-four of class two; eighteen of class three; and ten of class four; said clerkships to expire at the end of two years, and a sum sufficient to pay the salaries of said clerks from the date of their appointment to the thirtieth of June, eighteen hundred and sixty-seven, and for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-eight, be, and the same is hereby, appropriated.

APPROVED, March 2, 1867.

CHAP. CLXIX.—An Act to amend existing Laws relating to Internal Revenue, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all acts in relation to the assessment, return, collection, and payment of the income tax, special tax, and other annual taxes now by law required to be performed in the month of May, shall hereafter be performed on the corresponding days in the month of March in each year; all acts required to be performed in the month of June, in relation to the collection, return, and payment of said taxes, shall hereafter be performed on the corresponding days of the month of April of each year: *Provided*, That on and after the first day of September, eighteen hundred and sixty-seven, a tax of two and one half cents per pound only shall be levied, collected, and paid on any cotton produced within the United States.

SEC. 2. *And be it further enacted*, That apothecaries, butchers, confectioners, and plumbers, and gas-fitters, whose annual sales exceed twenty-five thousand dollars, shall pay, in addition to the special tax now required by law, one dollar for every thousand dollars in excess of said twenty-five thousand dollars; and the taxes on such excess shall be assessed and paid in the manner provided in the case of wholesale dealers.

SEC. 3. *And be it further enacted*, That in all suits or proceedings arising under the internal revenue laws, to which the United States is party, and in all suits or proceedings against a collector or other officer of the internal revenue, wherein a district attorney shall appear for the purpose of prosecuting or defending, it shall be the duty of said attorney, instead of reporting to the Solicitor of the Treasury, immediately at the end of every term of the court in which said suit or proceeding is or shall be instituted, to forward to the Commissioner of Internal Revenue a full and particular statement of the condition of all such suits or proceedings appearing upon the docket of said court: *Provided*, That upon the institution of any such suit or proceeding it shall be the duty of said attorney to report to said Commissioner the full particulars relating to such suit or proceeding; and it shall be the duty of the Commissioner of Internal Revenue, (with the approval of the Secretary of the Treasury,) to establish such rules and regulations, not inconsistent with law, for the observance of revenue officers, district attorneys, and marshals, respecting suits arising under the internal revenue laws, in which the United States is a party, as may be deemed necessary for the just responsibility of those officers and the prompt collection of all revenues and debts due and accruing to the United States under such laws.

SEC. 4. *And be it further enacted*, That the Commissioner of Internal Revenue shall have charge of all real estate which has been or shall be assigned, set off, or conveyed, by purchase or otherwise, to the United States, in payment of debts arising under the laws relating to internal revenue, and of all trusts created for the use of the United States, in payment of such debts due them; and, with the approval of the Secretary of the Treasury, may sell and dispose of, at public vendue, upon not less than twenty days' notice, lands assigned or set off to the United States in payment of such debts, or vested in them by mortgage or other security, for the payment of such debts; and in cases where real estate has already become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon, at the rate of one per centum per month, to the United States, within two years from the date of the acquisition of such real estate, it shall be lawful for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to release by deed, or otherwise convey, such real estate to the debtor from whom it was taken, or to his heirs or other legal representatives.

SEC. 5. *And be it further enacted*, That if the manufacturer of any article upon which a tax is required to be paid by means of a stamp shall have sold or removed for sale any such articles without the use of the proper stamp, in addition to the penalties now imposed by law for such sale or removal, it shall be the duty of the proper assessor or assistant assessor, within a period of not more than two years after such removal or sale, upon such information as he can obtain, to estimate the amount of the tax which has been omitted to be paid, and to make an assessment therefor, and certify the same to the collector; and the subsequent proceedings for collection shall be in all respects like those for the collection of taxes upon manufactures and productions.

SEC. 6. *And be it further enacted*, That it shall be lawful for the Commissioner of Internal Revenue, whenever he shall deem it expedient, to designate one or more of the assistant assessors in any collection district to make assessments in any part of such collection district for all such taxes as may be due upon any specified objects of taxation, and in such case it shall be the duty of the other assistant assessors of such collection district to report to the assistant assessor thus specially designated all matters which may come to their knowledge relative to any assessments to be made by him: *Provided*, That whenever two or more districts or parts of districts are embraced within one county it may be lawful for such assistant assessor or assessors to make assessment anywhere within such county upon such specified objects of taxation as he may be by said Commissioner required: *Provided further*, That such assessment shall be returned to the assessor of the district in which such taxes are payable.

SEC. 7. *And be it further enacted*, That the Commissioner of Internal Revenue, with the

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approval of the Secretary of the Treasury, is hereby authorized to pay such sums, not exceeding in the aggregate the amount appropriated therefor, as may in his judgment be deemed necessary for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or conniving at the same in cases where such expenses are not otherwise provided for by law. And for this purpose there is hereby appropriated one hundred thousand dollars, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

SEC. 8. *And be it further enacted*, That hereafter for any failure to pay any internal revenue tax at the time and in the manner required by law, where such failure creates a liability to pay a penalty of ten per centum additional upon the amount of tax so due and unpaid, the person or persons so failing or neglecting to pay said tax, instead of ten per centum as aforesaid, shall pay a penalty of five per centum, together with interest at the rate of one per centum per month upon said tax from the time the same became due, but no interest for any fraction of a month shall be demanded.

SEC. 9. *And be it further enacted*, That the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June thirty, eighteen hundred and sixty-four, as subsequently amended, be, and the same is hereby, amended as follows, viz:

That section twenty-two be amended by striking out after the words "assistant assessor," and before the word "actually," the words "four dollars for every day," and inserting in lieu thereof the words "five dollars for every day;" and further by striking out the following words: "And assistant assessors may be allowed, in the settlement of their accounts, such sum as the Commissioner of Internal Revenue shall approve, not exceeding three hundred dollars per annum, for office rent; but no account for such office rent shall be allowed or paid until it shall have been verified in such manner as the Commissioner of Internal Revenue may require, and shall have been audited and approved by the proper officers of the Treasury Department; and assistant assessors, when employed outside of the town in which they reside, in addition to the compensation which they are now allowed by law, shall, during such time so employed, receive one dollar per day." This amendment shall take effect upon compensation for the month of March, eighteen hundred and sixty-seven, and thereafter.

That section twenty-four be amended by inserting in the proviso to said section, after the word "spirits," wherever it occurs, the words "or other articles."

That section forty be amended by striking out the following words: "That in case a collector shall die, resign, or be removed," and inserting in lieu the following: "That in case of a vacancy occurring in the office of collector by reason of death, or any other cause."

That section seventy-three be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any person who shall exercise or carry on any trade, business, or profession, or do any act hereinafter mentioned, for the exercising, carrying on, or doing of which a special tax is imposed by law, without payment thereof, as in that behalf required, shall, for every such offense, besides being liable to the payment of the tax, be subject to a fine or penalty of not less than ten nor more than five hundred dollars. And if such person shall be a manufacturer of tobacco, snuff, or cigars, or a wholesale or retail dealer in liquor, he shall be further liable to imprisonment for a term not less than sixty days and not exceeding two years.

That section seventy-nine be amended as follows: in paragraph four, by striking out the following words: "In quantities of more than three gallons at one and the same time to the same purchaser, or." In paragraph five, by striking out the following words: "In quantities of three gallons or less." In paragraph thirty-one by adding thereto the following: "*Provided*, That no special tax shall be required of any person for the manufacture of butter or cheese." In paragraph thirty-two, by inserting after the words "garden" and before the word "who" the words "or traveling on foot and peddling fruits, vegetables, pies, cakes, and confectionery."

That section ninety be amended by inserting after the word "cigars," and before the first proviso in said section, the words "and all proceedings relating to forfeiture and sale of distilled spirits shall apply to tobacco, snuff, and cigars."

That section ninety-four be amended as follows:

By striking out in the paragraph relating to gas, the words "and until the thirtieth day of April, eighteen hundred and sixty-seven."

[By striking out] the paragraphs relating to "sugar and sugar refiners," and inserting in lieu thereof the words:

"On all sugars produced from the sugar-cane, and not from sorghum or imphee, other than those produced by the refiner, a tax of one cent per pound."

"On refined sugars, and on the products of sugar refineries, not including sirup or molasses, a tax of two per centum ad valorem: *Provided*, That every person shall be regarded as a sugar refiner, and pay the taxes required by law, whose business it is to advance the quality and value of sugar by melting and recrystallization, or by liquoring, claying, or other washing process, or by any other chemical or mechanical means, or who shall by boiling or other process extract sugar from or advance the quality or value of molasses, concentrated molasses, or melado."

Also, in the paragraph relating to wood screws, by striking out the word "ten" and inserting "five;"

Also, by striking out the paragraph relating to "gunpowder," and inserting in lieu thereof the following:

"On gunpowder, canister powder, five cents per pound; sporting powder in kegs, one cent per pound; blasting powder in kegs or casks, one half cent per pound."

Also, by striking out all from the words "cigarettes or small cigars," in the first paragraph relating to cigars, down to and including the words "twenty per centum ad valorem on the market value thereof," in the last paragraph relating to cigars, and inserting in lieu thereof the following:

"On cigarettes, cigars, and cheroots of all descriptions, made of tobacco or any substitute therefor, five dollars per thousand."

That section ninety-four be further amended so that in lieu of the taxes now provided by law upon the goods, wares, and merchandise hereinafter mentioned, which shall be produced and sold, or be manufactured or made and sold, or be consumed or used by the manufacturer or producer thereof, or removed for consumption or use, or for delivery for others than agents of the manufacturer or producer within the United States or Territories thereof, there shall be assessed, collected, and paid the following taxes, to be paid by the producer or manufacturer thereof, that is to say:

On boots and shoes, made wholly or in part of India-rubber, two per centum ad valorem.

On hats, caps, bonnets, and hoods of all descriptions, two per centum ad valorem.

On hoop-skirts, two per centum ad valorem.

On leather of all descriptions, and goat, deer, calf, kid, sheep, horse, hog, and dog skins, tanned or partially tanned, curried, finished, or in the rough, two and one half per centum ad valorem.

On manufactures exclusively of glass, other than window glass, three per centum ad valorem.

On manufactures of wool, or of which wool is the chief component material, or the component material of chief value, two and a half per centum ad valorem.

That section ninety-four be amended by adding to the end of said section the following words: "But no tax shall be imposed upon the redy[e]ing or reprinting of cloths or other articles."

That section ninety-six be amended by inserting after the words "and also all goods, wares, and merchandise, and articles," and before the words "made or manufactured from materials," the words "not specially named and taxed, and which are."

That section one hundred and three be amended by striking out the word "three" where it occurs in the second proviso, and inserting the words "two and a half," and by striking out the words "until the thirtieth day of April, eighteen hundred and sixty-seven."

That schedule B, in relation to stamp duties, named in section one hundred and fifty-one, be amended by striking out of said schedule the words "legal documents," and all thereafter, and inserting in lieu thereof the following: "*Provided*, That the stamp duties imposed by the foregoing schedule (B) on manifests, bills of lading, and passage tickets, shall not apply to steamboats or vessels plying between ports of the United States and ports of British North America: *And provided further*, That all affidavits shall be exempt from stamp duty."

Also by inserting at the end of the last paragraph relating to "probate of will" the following words: "*Provided*, That no stamp either for probate of wills, or letters testamentary, or of administration, or on administrator or guardian bond, shall be required when the value of the estate and effects, real and personal, does not exceed one thousand dollars: *Provided further*, That no stamp tax shall be required upon any papers necessary to be used for the collection from the Government of claims by soldiers or their legal representatives of the United States for pensions, back pay, bounty, or for property lost in the service. The reduction of taxes provided in this section shall take effect on and after March one, eighteen hundred and sixty-seven."

SEC. 10. *And be it further enacted*, That the act amendatory to the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June thirty, eighteen hundred and sixty-four, approved July thirteen, eighteen hundred and sixty-six, be amended as follows, viz:

That section ten be amended by adding after the word "pupils," in the sixth paragraph of said section, the words "but not including distilled spirits, mineral oil, tobacco, snuff, and cigars."

Also, by striking out in the paragraph relating to monuments, after the word "monuments," where it first occurs, the words "of stone."

That section eighteen be amended by adding thereto the following: "*Provided*, That the exemption herein shall not apply to tobacco, snuff, and cigars manufactured, or spirits distilled, or petroleum refined, either in or for such schools and colleges."

That section nineteen is hereby amended by adding the following thereto: "And no suit for the purpose of restraining the assessment or collection of tax shall be maintained in any court."

That section forty-three be amended by striking out the last two sentences.

Amend section forty-eight of the act relating to internal revenue, approved July thirteenth, eighteen hundred and sixty-six, so as to insert in the proviso the word "thirds" after [the] word "halves," and before the word "quar-

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ter[s]," and also amend it by striking out the words "more than one quarter and not more than one half shall be accounted one half," and insert "more than one quarter and not more than one third shall be accounted one third, and more than one third and less than one half shall be accounted one half:" *Provided*, That fractional parts of barrels containing more than one quart[er] and not more than one half shall be accounted one half, and pay tax as such until June first, eighteen hundred and sixty-seven.

SEC. 11. *And be it further enacted*, That on and after March first, eighteen hundred and sixty-seven, in addition to the articles now exempt by law, the articles and products hereinafter enumerated shall be exempt from internal tax, namely:

Alcoholic and ethereal vegetable extracts, when solid and used solely for medicinal purposes;

Bale rope, seines, and netting for seines, twine, and lines of all kinds;

Bar, rod, hoop, band, sheet, and plate iron of all descriptions, and iron prepared for the manufacture of steel: *Provided*, That the exemption aforesaid shall be confined exclusively to said articles in the state and condition specified in the foregoing enumeration, and shall not be construed as exempting spikes, nails, or any other manufactures of iron from the taxes now imposed by law;

Brush blocks;

Canned and preserved meats, and shell-fish;

Carbolic acid and carbolate of lime, used solely for disinfectants;

Carpet-bag and cabar frames;

Canned and preserved vegetables and fruits;

Casks, churns, barrels, wooden brushes and broom-handles, tanks and kits made of wood, including cooperage of all kinds, bungs and plugs, packing-boxes, nest-boxes, and match-boxes, whether made of wood or other materials; wooden hames, plow-beams, split-bottom chairs, and turned materials for the same unmanufactured, and saddle-trees made of wood, and match-boxes heretofore made on which a tax has not been paid;

Castings of iron, copper, or brass made for machinery, cars, or scales, and castings made to form a part of any article upon which, in a finished state, a tax is assessed and paid;

Cast-iron hollow-ware, and cast-iron hollow-ware tinned, enameled, japanned, or galvanized;

Clock trimmings, namely: clock work, clock pillars, sash fastenings for clocks, winding keys, verges, and pendulum rods;

Clothing or articles of dress not specially enumerated, made by sewing, for the wear of men, women, or children, from cloths or fabrics on which a tax or duty has been paid;

Coffee-mills, coffee-grinders and roasters, and apple-paring machines;

Copper bottoms for articles used for domestic and culinary purposes;

Doors, window-sash, blinds, frames, and sills of whatever material;

Drain, gas, and water pipe made of wood or cement;

Frames and handles for saws and buck-saws;

Glue and gelatine, of all descriptions, in the solid state;

Glue and cement made wholly or in part of glue in the liquid state;

Horse-rakes, horse-powers, tedders, hames, scythe-snaths, hay-forks, hoes, and portable grinding-mills;

Horse blankets, made from cloth on which a tax or duty has been paid;

Licorice and licorice paste;

Magnesium lamps;

Manufactures of jute;

Molasses, concentrated molasses or melado, sirup of molasses or sugar-cane juice, and cistern bottoms;

Oil, naphtha, benzine, benzole, or gasoline, marking more than seventy degrees Baumé's hydrometer, the product of the distillation, or redistillation, or refining, of crude petroleum, or of crude oil produced by a single distillation of coal, shale, peat, asphaltum, or other bituminous substances;

Palm-leaf and straw, bleached, split, prepared, or advanced by being braided or woven, but not made up into hats, bonnets, or hoods;

Potato-hooks, pitchforks, manure and spading forks;

Pottery-ware of all descriptions, including stone, earthen, brown and yellow earthen, and common or gray stone ware;

Rock and root diggers or excavators;

Root-beer and other small beer;

Salt;

Soap, common brown, in bars, sold for less than seven cents per pound;

Saws for cotton gins, when used by the maker, in the manufacture of gins;

Pumps, garden engines, and hydraulic rams;

School-room seats and desks, blackboards, and globes of all kinds;

Sleds, wheelbarrows, and handcarts, and fence made of wood;

Soles and heel taps made of India-rubber or of India-rubber and other materials;

Shirt fronts or bosoms, wristbands or cuffs for shirts, except those made of paper;

Spiral springs used in the manufacture of furniture;

Stove polish or other manufacture exclusively of plumbago, buck-saws, stump-machines, potato-diggers;

Steel of all descriptions, whether made from muck-bar, blooms, slabs, loops, or otherwise;

Scythes;

Straw or binder's board and binder's cloth, and straw wrapping-paper;

Tags for merchandise and direction of cloth, paper, or metal, whether blank or printed; thimble skeins and pipe-boxes, made of iron;

Tinware for domestic and culinary purposes;

Ultramarine blue;

Varnish;

Wagons, carts, and drays, made to be used for farming, freighting, or lumber purposes;

Washing, mangling, and clothes-wringing machines, zinc washboards, spinning and flax wheels, hand-reels, hand-looms, wooden knobs and beehives;

Provided, That the exemptions aforesaid shall, in all cases, be confined exclusively to said articles in the state and condition specified in the foregoing enumeration, and shall not extend to articles in any other form, nor to manufactures from said articles.

SEC. 12. *And be it further enacted*, That there shall be levied, collected, and paid on brandy made from grapes, one dollar per gallon; and if any person shall knowingly manufacture, compound, put up, sell, or dispose of, or cause to be manufactured, compounded, put up, sold, or disposed of, or aid or assist therein, any fluid as or for or under or with the name of brandy made from grapes which shall not be really such, he shall, on conviction thereof, be punished for each offense by a fine not exceeding one thousand dollars, and by imprisonment not exceeding one year, or both said punishments, in the discretion of the court, and any such simulated or compounded fluid as aforesaid shall be forfeited to the United States.

SEC. 13. *And be it further enacted*, That the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June thirty, eighteen hundred and sixty-four, and as subsequently amended, be further amended as follows, namely:

Income.—That section one hundred and sixteen be amended by striking out all after the enacting clause and inserting, in lieu thereof, as follows: that there shall be levied, collected, and paid annually upon the gains, profits, and income of every person residing in the United States, or of any citizen of the United States residing abroad, whether derived from any kind of property, rents, interest, dividends, or salaries, or from any profession, trade, employment, or vocation, carried on in the United States, or elsewhere, or from any other source whatever, a tax of five per centum on the amount so derived over one thousand dollars, and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income of every business, trade, or profession carried on in the United States by persons residing without the United States, and not citizens thereof. And the tax herein provided for shall be assessed, collected, and paid upon the gains, profits, and income for the year ending the thirty-first day of December next preceding the time for levying, collecting, and paying said tax.

That section one hundred and seventeen be amended by striking out all after the enacting clause and inserting, in lieu thereof, the following: that, in estimating the gains, profits, and income of any person, there shall be included all income derived from interest upon notes, bonds, and other securities of the United States; profits realized within the year from sales of real estate purchased within the year or within two years previous to the year for which income *was* [is] estimated; interest received or accrued upon *old* [all] notes, bonds, and mortgages, or other forms of indebtedness bearing interest, whether paid or not, if good and collectable, less the interest which has become due from said person during the year; the amount of all premium on gold and coupons; the amount of sales of live stock, sugar, wool, butter, che[e]se, pork, beef, mutton, or other meats, hay and grain, or other vegetable or other productions, being the growth or produce of the estate of such person, not including any part thereof consumed directly by the family; all other gains, profits, and income derived from any source whatever, except the rental value of any homestead used or occupied by any person or by his family in his own right or in the right of his wife; and the share of any person of the gains and profits of all companies, whether incorporated or partnership, who would be entitled to the same, if divided, whether divided or otherwise, except the amount of income received from institutions or corporations whose officers, as required by law, withhold a per centum of the dividends made by such institutions, and pay the same to the officer authorized to receive the same; and except that portion of the salary or pay received for services in the civil, military, naval, or other service of the United States, including Senators, Representatives, and Delegates in Congress, from which the tax has been deducted. And in addition to one thousand dollars exempt from income tax, as hereinbefore provided, all national, State, county, and municipal taxes paid within the year shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether such person be owner, tenant, or mortgagor; losses actually sustained during the year arising from fires, shipwreck, or incurred in trade, and debts ascertained to be worthless, but excluding all estimated depreciation of values and losses within the year on sales of real estate purchased two years previous to the year for which income is estimated; the amount actually paid for labor or interest by any person who rents lands or hires labor to cultivate land, or who conducts any other business from which income is actually derived; the amount actually paid by any person for the rent of the house or premises occupied as a residence for himself or his family; the amount paid out for usual or ordinary repairs: *Provided*, That no deduction shall be made for any amount paid out for new buildings, permanent improvements or betterments, made to increase the value of any property or estate: *And provided, further*, That only one deduction of one thousand dollars shall be

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made from the aggregate income of all the members of any family, composed of one or both parents, and one or more minor children, or husband and wife; that guardians shall be allowed to make such deduction in favor of each and every ward, except that in case where two or more wards are comprised in one family, and have joint property interest, only one deduction shall be made in their favor: *And provided, further*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States shall not exceed the rate of one thousand dollars per annum, or shall be by fees, or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid.

That section one hundred and eighteen be amended by striking out all after the enacting clause and inserting, in lieu thereof, the following: that it shall be the duty of all persons of lawful age to make and render a list or return, on or before the day prescribed by law, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, to the assistant assessor of the district in which they reside, of the amount of their income, gains, and profits, as aforesaid; and all guardians and trustees, executors and administrators, or any person acting in any other fiduciary capacity, shall make and render a list or return, as aforesaid, to the assistant assessor of the district in which such person acting in a fiduciary capacity resides, of the amount of income, gains, and profits of any minor or person for whom they act; and the assistant assessor shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return, if he has reason to believe that the same is understated; and in case any such person shall neglect or refuse to make and render such list or return, or shall render a false or fraudulent list or return, it shall be the duty of the assessor or the assistant assessor to make such list, according to the best information he can obtain, by the examination of such person, or his books or accounts, or any other evidence, and to add fifty per centum as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and, in all cases of a false or fraudulent list or return having been rendered, to add one hundred per centum, as a penalty, to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false and fraudulent return: *Provided*, That any party, in his or her own behalf, or as such fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, that he or she, or his or her ward or beneficiary was not possessed of an income of one thousand dollars, liable to be assessed according to the provisions of this act; or may declare that he or she has been assessed and paid an income tax elsewhere in the same year, under authority of the United States, upon his or her income, gains, and profits, as prescribed by law; and if the assistant assessor shall be satisfied of the truth of the declaration, shall thereupon be exempt from income tax in the said district; or if the list or return of any party shall have been increased by the assistant assessor, such party may exhibit his books and accounts, and be permitted to prove and declare, under oath or affirmation, the amount of income liable to be assessed; but such oaths and evidence shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the assistant assessor. Any person feeling aggrieved by the decision of the assistant assessor in such cases may appeal to the assessor of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final, and the form, time, and manner of proceedings shall be subject to rules and regulations to be prescribed by the Commissioner of Internal Revenue: *Provided further*, That no penalty shall be assessed upon any person for such neglect or refusal, or for making or rendering a false or fraudulent return, except after reasonable notice of the time and place of hearing, to be regulated by the Commissioner of Internal Revenue, so as to give the person charged an opportunity to be heard.

That section one hundred and nineteen be amended by striking out all after the enacting clause and inserting, in lieu thereof, the following: that the taxes on incomes herein imposed shall be levied on the first day of March, and be due and payable on or before the thirtieth day of April, in each year, until and including the year eighteen hundred and seventy, and no longer; and to any sum or sums annually due and unpaid after the t[h]irtieth of April, as aforesaid, and for ten days after notice and demand thereof by the collector, there shall be levied in addition thereto the sum of five per centum on the amount of taxes unpaid and interest at the rate of one per centum per month upon said tax from the time the same became due, as a penalty, except from the estates of deceased, insane, or insolvent persons: *Provided*, That the tax on incomes for the year eighteen hundred and sixty-six shall be levied on the day this takes effect.

That section one hundred and twenty-three be amended by striking out all after the enacting clause and inserting, in lieu thereof, the following: that there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of one thousand dollars per annum, a tax of five per centum on the excess above the said one thousand dollars; and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary, or upon settling or adjusting the accounts of such officers or persons to deduct and withhold the aforesaid tax of five per centum; and the pay-roll, receipts, or account of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment. And it shall be the duty of the accounting officers of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from moneys received by him, or when settling or adjusting the accounts of any such officer, to require evidence that the taxes mentioned in this section have been deducted and paid over to the Treasurer of the United States, or other officer authorized the receive the same: *Provided*, That payments of prize money shall be regarded as income from salaries, and the tax thereon shall be adjusted and collected in like manner: *Provided further*, That this section shall not apply to payments made to mechanics or laborers employed upon public works: *And provided further*, That in case it should become necessary for showing the true receipts of the Government under the operations of this section upon the books of the Treasury Department, the requisite amount may be carried from unappropriated moneys in the Treasury to the credit of said account; and this section shall take effect upon salary and compensation for the month of March, eighteen hundred and sixty-seven.

SEC. 14. *And be it further enacted*, That there shall be levied, collected, and paid on all distilled spirits, upon which no tax has been paid according to law, a tax of two dollars upon each and every proof gallon, to be paid by the distiller, owner, or any person having possession thereof, and every proprietor and possessor of a still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law upon the spirits distilled therein; and the tax shall be a lien upon the spirits distilled, on the distillery used for distilling the same, with the stills, vessels, fixtures, and tools therein, and on the lot or tract of land whereon the said distillery is situated, together with any building thereon, from the time said spirits are distilled until the said tax shall be paid: *Provided*, That the tax upon any spirits distilled and removed from the place where the same were distilled, and not deposited in bonded warehouse as required by law, shall, at any time, upon knowledge of such fact obtained by the assessor or assistant assessor of the district where such spirits were distilled, be assessed by him upon the distiller of the same, and certified or returned to the collector, who shall immediately demand payment of such tax, and upon the neglect or refusal of payment by the distiller, shall proceed to collect the same by distraint. But this provision shall not exclude any other remedy or proceeding provided by law: *Provided further*, That the tax on all spirits shall be collected at no lower rate than the basis of first proof, and shall be increased in proportion for any greater strength than the strength of first proof.

SEC. 15. *And be it further enacted*, That proof spirit shall be held and taken to be that alcoholic liquor which contains one half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine (7939) ten thousandths at sixty degrees Fahrenheit; and the Secretary of the Treasury is hereby authorized to adopt, procure, and prescribe for use such hydrometers, weighing and gauging instruments, meters, or other means for ascertaining the strength and quality of spirits subject to tax, or for the prevention or detection of frauds by distillers of spirits, and to prescribe such rules and regulations as he may deem necessary to insure a uniform and correct system of inspection, weighing, and gauging of spirits subject to tax throughout the United States. And whenever the Secretary of the Treasury shall adopt and prescribe for use any meter or meters, it shall be the duty of every owner, agent, or superintendent of a distillery, to make application to the collector of his district for such meter or meters, to be used in his distillery, and the same shall be furnished and attached to the distillery at the expense of the distiller, whose duty it shall be to furnish all the pipes, materials, labor, and facilities necessary to complete such attachment in accordance with the regulations of the Commissioner of Internal Revenue, who is hereby further authorized to order and require such changes of or additions to distilling apparatus, connecting pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals as he may deem necessary. And in all sales of spirits hereafter made, where not otherwise specially agreed, a gallon shall be taken to be a gallon of first proof, according to the foregoing standard set forth and declared for the inspection and gauging of spirits throughout the United States.

SEC. 16. *And be it further enacted*, That every person, firm, or corporation who distills or manufactures spirits or alcohol, or who brews or makes mash, wort, or wash, for distillation or the production of spirits, shall be deemed a distiller. And the making or keeping by any person of grain, mash, wash, wort, or beer, prepared or fit for distillation, together

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with the possession by such person of a still or other apparatus capable of use for distilling upon the same premises, shall be deemed and taken as presumptive evidence that such person is a distiller.

SEC. 17. *And be it further enacted*, That hereafter all distilled spirits, before being removed from the distillery, shall be inspected and gauged by a general inspector of spirits, who shall mark the barrels or packages in the manner required by law; and so much of the act approved July thirteen, eighteen hundred and sixty-six, as requires the appointment of an inspector for each distillery established according to law is hereby repealed: *Provided*, That such other duties as have heretofore been imposed upon inspectors of distilleries may be performed by such other duly appointed officers as may be designated by the Commissioner of Internal Revenue.

SEC. 18. *And be it further enacted*, That whenever, in the judgment of the collector, there shall be a general bonded warehouse so located as to be conveniently accessible to a distillery, and in the same collection district, the said collector shall direct all spirits which may be stored in the bonded warehouse attached to such distillery to be transferred directly to a general bonded warehouse; and all spirits thereafter produced in such distillery shall be removed to a general bonded warehouse within the time and in the manner heretofore required for the removal to the bonded warehouse attached to the distillery.

SEC. 19. *And be it further enacted*, That no spirits shall be removed in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, or manufactured, nor from any place of storage at any other times than after sun-rising and before sun-setting, on pain of forfeiture of such spirits, and every person who shall violate this provision shall be liable to a penalty of one hundred dollars for each cask, barrel, or package of spirits removed. Any officer of internal revenue may be specially authorized by the Commissioner of Internal Revenue to seize any property which may by law be subject to seizure, and for that purpose such officer shall have all the power conferred by law upon collectors of internal revenue, and such special authority shall be limited in respect of time, place, and kind or class of property as the said Commissioner may specify.

SEC. 20. *And be it further enacted*, That it shall be lawful for any internal revenue officer to seize and detain any barrels, casks, or packages containing, or supposed to contain, distilled spirits, when such officer has reason to believe the tax imposed by law upon the same has not been paid, or that they are being removed in violation of law, and such packages may be detained by such officer in a safe place until it can be satisfactorily ascertained by the proper officers whether the articles so seized are liable to be proceeded against for violations of the internal revenue laws.

SEC. 21. *And be it further enacted*, That whenever any distilled spirits so found elsewhere than in a bonded warehouse shall be sold or offered for sale at a less price than the tax imposed by law thereon, such selling or offering for sale as aforesaid shall be taken and deemed as prima facie evidence that said spirits have not been removed from a bonded warehouse according to law, and that the tax imposed by law on the same has not been paid, and the same shall without further evidence be liable to seizure and forfeiture: *Provided*, That this section shall not apply to spirits sold at public sale by an auctioneer who has paid the special tax as such under such rules and regulations, and upon such public notice as may be prescribed by the Commissioner of Internal Revenue, nor to sales made by judicial or executive officers under the order or decree of any court.

SEC. 22. *And be it further enacted*, That it shall be the duty of every person who empties or draws off, or causes to be emptied or drawn off, distilled spirits or other article subject by law to tax, from a cask, barrel, or package, bearing any of the marks or brands required by law, or marks intended for or purporting to be, or designed to have the effect of, such marks, immediately upon such cask, barrel, or package being emptied, to efface and obliterate said marks or brands; and any person who shall violate this provision shall be liable to a penalty of ten dollars for each offense; and any such cask, barrel, or package, from which said marks are not so effaced and obliterated as herein required, shall be liable to forfeiture, and may be seized by any officer of internal revenue wherever found.

SEC. 23. *And be it further enacted*, That in case any bond under which any distilled spirits shall have been withdrawn from a bonded warehouse is forfeited by failure to furnish or produce at the proper time the evidence required by law or regulation that the articles named in the bond were duly received and actually stored in the warehouse or district to which they were shipped, or by other breach of the obligation, the obligors in the bond shall pay the total amount of duties upon the articles removed under the bond, together with fifty per centum upon that amount, and the collector of the district in which such bond is or may be given may forthwith distrain upon any property, real or personal, subject to distraint or seizure, belonging to said obligors; and in case no such property can be found, the collector shall immediately forward the bond to the United States district attorney for the proper district for suit, and notice of the breach of the obligation of any such bond shall be forthwith forwarded by the collector of the district to the Commissioner of Internal Revenue.

SEC. 24. *And be it further enacted*, That the forty-fourth section of the act of July thirteen, eighteen hundred and sixty-six, aforesaid, be amended by adding thereto as follows: *Provided*, That when any still used or fit for use in the production of distilled spirits, the same not exceeding one thousand dollars in value, has been or shall be seized for any violation of the laws relating to internal revenue, the same shall not be released by the court to the claimant, or any other intervening party, before judgment; and if declared forfeited, such still shall be so destroyed as to prevent its use for the purpose aforesaid, and the materials thereof shall be sold as other forfeited property. In case of seizure, as above, of a still exceeding in value the sum of one thousand dollars, its release to the claimant or any other intervening party, before judgment, shall be at the discretion of the court.

SEC. 25. *And be it further enacted*, That the owner, agent, or superintendent of any still, boiler, or other vessel used in the distillation of spirits, who shall neglect or refuse to make true and exact entry and report of the same, or to do or cause to be done any of the things by law required to be done concerning distilled spirits, shall, in addition to other fines and penalties now by law provided, forfeit for every such neglect or refusal all the spirits made by or for him, and all the vessels used in making the same, and the stills, boilers, and other vessels used in distillation, and all materials fit for use in distillation found on the premises, together with the sum of five hundred dollars for each offense, to be recovered with costs of suit, and shall be deemed guilty of a misdemeanor, and be subject to imprisonment for a term not exceeding one year; which said spirits, with the vessels containing the same, with all the vessels used in making the same, and all said materials, may be seized by the collector and held by him until a decision shall be had thereon according to law: *Provided*, That proceedings to enforce said forfeiture shall be commenced by such collector within twenty days after the seizure thereof. And the proceedings to enforce said forfeiture of said property shall be in the nature of a proceeding in rem, in the circuit or district [court] of the United States for the district where such seizure is made, or in any other court of competent jurisdiction.

SEC. 26. *And be it further enacted*, That if any collector, deputy collector, assessor, assistant assessor, inspector, district attorney, marshal, or other officer, agent, or person charged with the execution or supervision of the execution, *or supervision of the execution* of any of the provisions of this act, or of the act to which this is amendatory, shall demand, or accept, or attempt to collect, directly or indirectly, as payment or gift, or otherwise, any sum of money or other property of value for the compromise, adjustment, or settlement of any charge or complaint for any violation, or alleged violation, of any of the said provisions, except as expressly authorized by law so to do, he shall be held to be guilty of a misdemeanor, and shall for every such offense be liable to indictment and trial in any court of the United States having competent jurisdiction, and on conviction thereof shall be fined in double the sum or value of the money or property received or demanded, and be imprisoned for a period of not less than one year nor more than ten years.

SEC. 27. *And be it further enacted*, That no distilled spirits which have been forfeited to the Government in accordance with law shall be sold for a price less than the amount of the tax required thereon by law at the time of such sale. And if the officer having such spirits in charge shall have been unable, for a period of ninety days, to [sell] the same for a price equal to the tax, such spirits shall be destroyed, under such rules and regulations as the Commissioner of Internal Revenue may prescribe.

SEC. 28. *And be it further enacted*, That if any person shall falsely represent himself to be a revenue officer of the United States, and shall in such assumed character demand or receive any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any revenue law of the United States, such person shall be deemed guilty of a felony, and on conviction thereof shall be liable to a fine of five hundred dollars, and to imprisonment not less than six months and not exceeding two years, at the discretion of the court.

SEC. 29. *And be it further enacted*, That no person shall mix for sale naphtha and illuminating oils, or shall knowingly sell or keep for sale or offer for sale such mixture, or shall sell or offer for sale oil made from petroleum for illuminating purposes, inflam[m]able at less temperature or fire test than one hundred and ten degrees Fa[h]renheit, and any person so doing shall be held to be guilty of [a] misdemeanor, and on conviction thereof by indictment or presentment in any court of the United [States] having competent jurisdiction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by imprisonment for a term of not less than six months nor more than three years.

SEC. 30. *And be it further enacted*, That if two or more persons conspire either to commit any offense against the laws of the United States, or to defraud the United States in any manner whatever, and one or more of said parties to said conspiracy shall do any act to effect the object thereof, the parties to said conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a penalty of not less than one thousand dollars and not more than ten thousand dollars, and to impriso[n]ment not exceeding two years. And when any offense shall be begun in one judicial district of the United

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States and completed in another, every such offense shall be deemed to have been committed in either of the said districts, and may be dealt with, inquired of, tried, determined, and punished in either of the said districts, in the same manner as if it had been actually and wholly committed therein.

SEC. 31. *And be it further enacted*, That all inspectors appointed under the provisions of the act or acts of which this is amendatory shall be required to give bonds, with security, approved by the Secretary of the Treasury or assessor of the district, in a sum not less than five thousand dollars, conditioned for the faithful discharge of the duties of such inspector.

SEC. 32. *And be it further enacted*, That any person who shall sell, give away, or otherwise dispose of, any empty cigar box or boxes which have been stamped, without first defacing or destroying such stamps, or shall refill any cigar box without first defacing or destroying such stamp, shall, on conviction of either offense, be liable to a penalty of one hundred dollars or to imprisonment not exceeding sixty days, or both, in the discretion of the court, with the costs of the trial; and it shall be lawful for any cigar inspector or revenue officer to destroy any empty cigar box upon which a cigar stamp shall be found.

SEC. 33. *And be it further enacted*, That the tonnage duty now imposed on all ships, vessels, or steamers engaged in foreign or domestic commerce, shall be levied but once within one year, and when paid by such ship, vessel, or steamer, no further tonnage tax shall be collected within one year from the date of such payment.

SEC. 34. *And be it further enacted*, That all acts or parts of acts inconsistent with this act, and all acts and parts of acts imposing any tax upon advertisements, or the gross receipts of toll-roads, are hereby repealed: *Provided*, That this act shall not be construed to affect any act done, right accrued, or penalty incurred, under former acts, but every such right is hereby saved; and all suits and prosecutions for acts already done in violation of any former act or acts of Congress relating to the subjects embraced in this act may be commenced or proceeded with in like manner as if this act had not been passed; and all penal clauses and provisions in existing laws relating to the subjects embraced in this act shall be deemed applicable thereto.

APPROVED, March 2, 1867.

CHAP. CLXX.—An Act making Appropriations for the Support of the Army for the year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending the thirtieth of June, eighteen hundred and sixty-eight:

For expenses of recruiting, transportation of recruits, and compensation to citizen surgeons for medical attendance, three hundred thousand dollars.

For pay of the Army, fourteen million seven hundred and fifty-seven thousand nine hundred and fifty-two dollars.

For commutation of officers' subsistence, two million two hundred and twenty-eight thousand nine hundred and eighty-two dollars.

For commutation of forage for officers' horses, one hundred and four thousand six hundred dollars.

For payments in lieu of clothing for officers' servants, two hundred and seventy-six thousand nine hundred and seventy-eight dollars.

For payments to discharged soldiers for clothing not drawn, two hundred thousand dollars.

For contingencies of the Army, one hundred thousand dollars.

For artificial limbs for soldiers and seamen, seventy thousand dollars.

For Army medical museum, ten thousand dollars.

For medical works for library of Surgeon General's office, ten thousand dollars.

For expenses of Commanding General's office, ten thousand dollars.

For Repairs and Improvements of Armories and Arsenals.

For arsenal and armory at Rock Island, Illinois, six hundred and eighty-six thousand five hundred dollars.

For the erection of a bridge at Rock Island, Illinois, as recommended by the chief of Ordnance, two hundred thousand dollars: *Provided*, That the ownership of said bridge shall be and remain in the United States, and the Rock Island and Pacific Railroad Company shall have the right of way over said bridge for all purposes of transit across the island and river, upon the condition that the said company shall, before any money is expended by the Government, agree to pay and shall secure to the United States, first, half the cost of said bridge; and second, half the expenses of keeping said bridge in repair; and upon guarantying said conditions to the satisfaction of the Secretary of War, by contract or otherwise, the said company shall have the free use of said bridge for purposes of transit, but without any claim to ownership thereof.

For Watervliet arsenal, West Troy, New York, thirty-eight thousand two hundred dollars.

For current expenses of the ordnance service, three hundred thousand dollars.

For Allegheny arsenal, Pittsburg, Pennsylvania, thirty-four thousand dollars.

For Champlain arsenal at Vergennes, Vermont, eight hundred dollars.

For Columbus arsenal, Columbus, Ohio, one hundred and thirty-nine thousand six hundred and twenty-five dollars.

For Fort Monroe arsenal, Old Point Comfort, Virginia, six thousand dollars.

For Fort Union arsenal, Fort Union, New Mexico, ten thousand dollars.

For Frankford arsenal, Bridesburg, Pennsylvania, thirty thousand dollars.

For Kennebec arsenal, Augusta, Maine, one thousand five hundred and twenty-five dollars.

For Indianapolis arsenal, Indianapolis, Indiana, one hundred and sixty-nine thousand six hundred and twenty-five dollars.

For Leavenworth arsenal, Leavenworth, Kansas, fifteen thousand dollars.

For New York arsenal, Governor's Island, New York, one thousand two hundred dollars.

For Pikesville arsenal, Pikesville, Maryland, eight hundred dollars.

For Saint Louis arsenal, Saint Louis, Missouri, sixty-five thousand dollars.

For Washington arsenal, Washington, District of Columbia, fifty thousand dollars.

For Watertown arsenal, Watertown, Massachusetts, twenty-one thousand six hundred and sixty-seven dollars.

For the purchase of the Willard Sears estate, adjoining the Watertown arsenal grounds, forty-nine thousand and seven hundred dollars, or so much thereof as may be necessary; and the Secretary of War is hereby authorized to sell at public auction a lot of land belonging to the United States situated in South Boston, if, in his opinion, the same is not needed, for the public service, and pay the proceeds thereof into the Treasury.

Bureau of Refugees, Freedmen, and Abandoned Lands.

For salaries of assistant commissioners, sub-assistant commissioners, and agents, one hundred and forty-seven thousand five hundred dollars.

For salaries of clerks, eighty-two thousand eight hundred dollars.

For stationery and printing, sixty-three thousand dollars.

For quarters and fuel, two hundred thousand dollars.

For commissary stores, one million five hundred thousand dollars.

For medical department, five hundred thousand dollars.

For transportation, eight hundred thousand dollars.

For school superintendents, twenty-five thousand dollars.

For buildings for schools and asylums, including construction, rental, and repairs, five hundred thousand dollars.

For telegraphing and postage, eighteen thousand dollars: *Provided*, That the Commissioner be hereby authorized to apply any balance on hand, at this date, of the refugees and freedmen's fund, accounted for in his last annual report, to aid educational institutions actually incorporated for loyal refugees and freedmen: *And provided further*, That no agent or clerk not heretofore authorized by law shall receive a monthly allowance exceeding the sum of two hundred dollars.

SEC. 2. *And be it further enacted*, That the headquarters of the General of the Army of the United States shall be at the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and, in case of his inability, through the next in rank. The General of the Army shall not be removed, suspended, or relieved from command, or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years, upon conviction thereof in any court of competent jurisdiction.

SEC. 3. *And be it further enacted*, That section three of the joint resolution relative to appointments to the Military Academy, approved June sixteen, eighteen hundred and sixty-six, be, and the same is hereby, repealed.

SEC. 4. *And be it further enacted*, That the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be disbursed by the Secretary of War, in the erection of fire-proof buildings at or near the city of Jeffersonville, in the State of Indiana, to be used as storehouses for Government property.

SEC. 5. *And be it further enacted*, That it shall be the duty of the officers of the Army and Navy, and of the Freedmen's Bureau, to prohibit and prevent whipping or maiming of the person, as a punishment for any crime, misdemeanor, or offense, by any pretended civil or military authority in any State lately in rebellion until the civil government of such State shall have been restored, and shall have been recognized by the Congress of the United States.

SEC. 6. *And be it further enacted*, That all militia forces now organized or in service in either of the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas, be forthwith disbanded, and that the further organization, arming, or calling into service of the said militia forces, or any part thereof, is hereby prohibited under any circumstances

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whatever, until the same shall be authorized by Congress.

SEC. 7. *And be it further enacted*, That the Paymaster-General be authorized to pay under such regulations as the Secretary of War shall prescribe in addition to the amount received by them, for the traveling expenses of such California and Nevada volunteers as were discharged in New Mexico, Arizona, or Utah, and at points distant from the place or places of enlistment, such proportionate sum according to the distance traveled as have been paid to the troops of other States similarly situated; and such amount as shall be necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

APPROVED, March 2, 1867.

CHAP. CLXXI.—An Act making Appropriation for the Construction, Preservation, and Repairs of certain Fortifications and other Works of Defense for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction, preservation, and repair of certain fortifications and other works of defense for the year ending the thirtieth of June, eighteen hundred and sixty-eight:

For Fort Scammel, Portland, Maine, fifty thousand dollars.

For Fort Georges, on Hog Island ledge, Portland, Maine, fifty thousand dollars.

For Fort Winthrop, Boston, Massachusetts, fifty thousand dollars.

For Fort Warren, Boston, Massachusetts, fifty thousand dollars.

For fort at entrance of New Bedford harbor, Massachusetts, thirty thousand dollars.

For Fort Schuyler, East River, New York, fifty thousand dollars.

For fort at Willett's Point, opposite Fort Schuyler, New York, fifty thousand dollars.

For fort on site of Fort Tompkins, Staten Island, New York, fifty thousand dollars.

For fort at Sandy Hook, New Jersey, fifty thousand dollars.

For repairs of Fort Washington, on the Potomac river, twenty-five thousand dollars.

For Fort Monroe, Hampton Roads, Virginia, fifty thousand dollars.

For Fort Taylor, Key West, Florida, fifty thousand dollars.

For Fort Jefferson, Garden Key, Tortugas, fifty thousand dollars.

For Fort Clinch, Amelia Island, Florida, twenty-five thousand dollars.

For fort at Fort Point, San Francisco bay, California, fifty thousand dollars.

For fort at Lime Point, California, fifty thousand dollars.

For fort at Alcatraz Island, San Francisco bay, California, one hundred thousand dollars.

For Fort Preble, Portland harbor, Maine, fifty thousand dollars.

For Fort McClary, Portsmouth harbor, New Hampshire, fifty thousand dollars.

For Fort Independence, Boston harbor, Massachusetts, fifty thousand dollars.

For survey of northern and northwestern lakes, one hundred and fifty thousand dollars.

For Fort Montgomery, at the outlet of Lake Champlain, twenty-five thousand dollars.

For purchase and repair of instruments, ten thousand dollars.

For purchase of sites now occupied and lands proposed to be occupied for permanent sea-coast defenses: *Provided*, That no such purchase shall be made except upon the approval of its expediency by the Secretary of War and of the validity of the title by the Attorney General, fifty thousand dollars.

For purchase of sites now occupied by temporary sea-coast defenses: *Provided*, That no such purchase shall be made except upon the approval of its expediency by the Secretary of War and of the validity of the title by the Attorney General, twenty-five thousand dollars.

For construction and repair of barracks and quarters for engineer troops at the depot of engineer supplies near St. Louis, Missouri, twenty thousand dollars.

For construction and repairs of bar[r]acks for engineer troops at the depot of engineer supplies at Willett's Point, New York, twenty-five thousand dollars.

SEC. 2. *And be it further enacted*, That there shall not be over fifty per cent. of the foregoing appropriations expended during the fiscal year ending thirtieth June, eighteen hundred and sixty-eight, and the residue thereof shall not be expended till otherwise ordered.

SEC. 3. *And be it further enacted*, That in order to determine the relative powers of resistance of the turret and the broadside systems of iron-clad vessels-of-war, and whether or not our present heaviest guns are adequate to the rapid destruction of the heaviest plated ships now built, or deemed practicable on either system, and whether or not our best stone forts will resist our heaviest guns, and if not, what increase in strength by adding either stone or iron or variation in form is necessary to that end, the Secretary of War and the Secretary of the Navy are hereby authorized to detail a joint board of not less than six competent officers, three from the Army and three from the Navy, whose duty it shall be to construct, and test by firing upon them, such targets as they may deem necessary for the purposes above named. And the Secretary of War and the Secretary of the Navy are hereby authorized and directed to supply the board with such facilities for this purpose as they may require: *Provided*, It can be done from the unexpended funds and materials now at their disposal, the expenses to be borne equally by the War and Navy Departments, and from such funds at their disposal as the Secretary of War and the Secretary of the Navy may designate respectively.

APPROVED, March 2, 1867.

CHAP. CLXXII.—An Act making Appropriations for the Naval Service for the year ending thirtieth June, eighteen hundred and sixty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, eighteen hundred and sixty-eight.

For pay of commission, warrant, and petty officers and seamen, ten millions eight hundred and twenty-six thousand two hundred and eighty dollars.

BUREAU OF YARDS AND DOCKS.

For contingent expenses that may accrue for the following purposes, viz: for freight and transportation; for printing, advertising, and stationery; for books, models, and drawings; for the purchase and repair of fire-engines; for machinery of every description, and patent right to use the same; for purchase and maintenance of oxen and horses, and driving teams; for carts, timber-wheels, and workmen's tools; for telegrams and postage of letters on public service; for furniture for Government offices and houses; for coals and other fuel; for candles, oil, and gas; for cleaning and clearing up yards; for flags, awnings, and packing-boxes; for pay of watchmen; for incidental labor at navy-yards not applicable to any other appropriation; for rent of landings; for tolls and ferriages; for water tax; and for rent of stores, one million and sixty-seven thousand dollars.

Navy-Yard at Portsmouth, New Hampshire.

For completing reservoirs and gutters, two thousand five hundred dollars.

For repairs of all kinds, sixty-four thousand five hundred dollars.

Navy-Yard at Boston.

For repairs of all kinds, one hundred and twenty-seven thousand dollars.

Navy-Yard at New York.

For repairs of all kinds, one hundred and sixty-three thousand six hundred dollars.

Naval Laboratory, New York.

For repairs of apparatus, machinery, fixtures, painting, glazing, wagons, furniture, and so forth, thirty-five hundred dollars.

Navy-Yard at Philadelphia.

For repairs of all kinds, fifty-one thousand and sixteen dollars.

Navy-Yard at Washington.

For repairs of all kinds, eighty thousand dollars; and the Secretary of the Navy is hereby authorized and directed to receive and accept a deed of gift, when offered by the State of Connecticut, of a tract of land situated in the Thames river, near New London, Connecticut, with a water front of not less than one mile, to be held by the United States for naval purposes.

Navy-Yard at Pensacola.

For repairs of all kinds, eighty thousand four hundred and sixty dollars.

Navy-Yard at Mare Island.

For gas-house, four thousand and seven dollars.

For cisterns for building number forty-one and officers' houses, seven thousand two hundred and fifty dollars.

For repairs of all kinds, sixty thousand dollars.

Naval Station at Sackett's Harbor.

For repairs and general care of public property, two thousand dollars.

Naval Station at Mound City, Illinois.

For repairs and general care of public property, ten thousand dollars.

Naval Asylum at Philadelphia.

For furniture and repairs of same, one thousand dollars.

For the purchase of books under the direction of the governor of the asylum, for the increase of the sailors' library in that institution, one thousand dollars.

For house-cleaning and whitewashing, eight hundred dollars.

For furnaces, grates, and ranges, seven hundred dollars.

For gas and water rent, one thousand five hundred dollars.

For improvement of grounds, five hundred dollars.

For wharves and lots, eight hundred dollars.

For painting houses and walls, two thousand dollars.

For repairs of all kinds, three thousand dollars.

For improvement of cemetery, three thousand dollars.

For support of beneficiaries, fifty-two thousand dollars.

For pay of superintendents and the civil establishment at the several navy-yards and stations under the control of the Bureau of Yards and Docks and at the Naval Asylum, one hundred and fifty-eight thousand nine hundred and sixty-seven dollars: *Provided*, That the civil engineer and naval storekeeper, when required at any of the navy-yards, shall be appointed by the President, by and with the advice and consent of the Senate, and the persons employed at the several navy-yards as master

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machinists, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sailmakers, master plumbers, and master painters and master caulkers shall be men skilled in their several duties and appointed from civil life.

For pay of some suitable person appointed by the Secretary of the Navy to examine the archives of the Department and other sources of information, and collect and collate the facts which may illustrate the history of the United States Navy, fifteen hundred dollars.

BUREAU OF NAVIGATION.

For navigation apparatus and supplies, and for purposes incidental to navigation, two hundred and eighty-five thousand six hundred and twenty-six dollars.

For expenses of Naval Academy, viz.: for pay of civil officers, professors, watchmen, and others, contingent expenses, improvements and repairs, two hundred and eighty-three thousand nine hundred and thirteen dollars.

For expenses of Naval Observatory, viz.: [for] pay of assistant astronomer, three aids, and clerk; for wages of instrument maker, two watchmen, porter, and messenger; for keeping grounds in order, and repairs to buildings and inclosures; for fuel, light, office furniture, and stationery, and for freight, transportation, postage, and incidental expenses, twenty-one thousand five hundred dollars.

For preparing for publication the American Nautical Almanac, twenty-one thousand dollars.

For payment of expenses of visitors to the Naval Academy, two thousand dollars.

BUREAU OF EQUIPMENT AND RECRUITING.

For the payment of bounties to discharged seamen, five hundred thousand dollars.

For expenses that may accrue for the following purposes, namely: expenses of recruiting, transportation of men, printing, and stationery, advertising in public newspapers, postage on public letters, wharfage, and demurrage, apprehension of deserters, assistance to vessels in distress, &c., five hundred thousand dollars.

BUREAU OF CONSTRUCTION AND REPAIR.

For pay of superintendents and the civil establishment at the several navy-yards under this bureau, sixty-three thousand dollars.

BUREAU OF STEAM ENGINEERING.

For pay of superintendents and the civil establishments at the several navy-yards under this bureau, twenty-four thousand dollars.

BUREAU OF PROVISIONS AND CLOTHING.

For pay of the civil establishments at the several navy-yards and at the Naval Asylum, eighteen thousand one hundred and fifty dollars.

BUREAU OF MEDICINE AND SURGERY.

For surgeons' necessaries and appliances for the sick and wounded of the Navy, Marine corps, and Coast Survey, fifty thousand dollars.

For contingent expenses of the Bureau of Medicine and Surgery, twenty-five thousand dollars.

For pay of the civil establishment under the Bureau of Medicine and Surgery at the several naval hospitals and navy-yards, sixty thousand seven hundred and sixty-three dollars.

Naval Hospital, Boston.

For repairs and improvements of all kinds, including roads, buildings, fences, walls, farm, garden, painting, glazing, blacksmiths', plumbers', and masons' work, furniture, and so forth, seven thousand two hundred dollars.

Naval Hospital, New York.

For repairs and improvements of all kinds, including the buildings, out-houses, walls, fences, cemetery, furniture, and so forth, twelve thousand five hundred dollars.

Naval Hospital, Philadelphia.

For furniture and general outfit of the establishment, ten thousand dollars.

Naval Hospital, Washington, D. C.

For repairs of building and appendages, fences, sidewalk, furniture, painting, glazing, and so forth, five thousand dollars.

Naval Hospital, Norfolk.

For repairs of buildings, appendages, wharves, roads, fences, painting, glazing, furniture, and so forth, seven thousand five hundred dollars.

Naval Hospital, Mare Island, California.

For building naval hospital and appendages, twenty thousand dollars.

MARINE CORPS.

For pay of officers, non-commissioned officers, musicians, privates, clerks, messengers, steward and nurse, and servants; for rations and clothing for officers' servants; additional rations to officers for five years' service; for undrawn clothing, nine hundred and sixty-seven thousand dollars and sixty-seven cents.

For provisions, one hundred and sixty-nine thousand nine hundred and seven dollars and fifty cents.

For clothing, two hundred and ninety-two thousand one hundred and eighty-six dollars and eighty-four cents.

For fuel, thirty thousand one hundred and seventeen dollars.

For military stores, viz: pay of mechanics, repair of arms, purchase of accouterments, ordnance stores, flags, drums, fifes, and other instruments, sixteen thousand dollars.

For transportation of officers, their servants, troops, and expenses of recruiting, twenty-five thousand dollars.

For repairs of barracks, and rent of offices where there are no public buildings, fifteen thousand dollars.

For contingencies, viz: freight; ferriage; toll; cartage; wharfage; purchase and repair of boats; compensation to judge advocates; per diem for attending courts-martial, courts of inquiry, and for constant labor; house rent in lieu of quarters; burial of deceased marines; printing, stationery, postage, telegraphing; apprehension of deserters; oil, candles, gas; repairs of gas and water fixtures; water rent, forage, straw, barrack furniture; furniture for officers' quarters; bed-sacks, wrapping-paper, oil-cloth, crash, rope, twine, spades, shovels, axes, picks, carpenters' tools; keep of a horse for the messenger; pay of matron, washerwoman, and porter at the hospital headquarters; repair to fire-engine; purchase and repair of engine hose; purchase of lumber for benches, mess-tables, and bunks; repairs to public carryall; purchase and repair of harness; purchase and repair of handcarts and wheelbarrows; scavengering; purchase and repair of galleys, cooking-stoves, ranges; stoves where there are no grates; gravel for parade grounds; repair of pumps; furniture for staff and commanding officers' offices; brushes, brooms, buckets, paving, and for other purposes, eighty thousand dollars.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized and empowered to negotiate with the city of Brooklyn, in the State of New York, and to effect a further exchange of lands in Wallabout Bay, between the United States and the said city, and thereupon to make, execute, and deliver good and sufficient deeds and releases therefor: *Provided*, That the title acquired shall be approved by the Attorney General and the exchange shall be effected without expenditure from the Treasury of the United States.

SEC. 3. *And be it further enacted*, That no officer or employé of the Government shall require or request any working man in any navy-yard to contribute or pay any money for political purposes, nor shall any working man be removed or discharged for political opinions; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed the service of the United States.

APPROVED, March 2, 1867.

CHAP. CLXXIII.—An Act making Appropriations for the Current and Contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes for the year ending June thirty, eighteen hundred and sixty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with the various Indian tribes—

For the current and contingent expenses of the Indian Department, namely:

For the pay of superintendents of Indian affairs and of Indian agents, one hundred and ten thousand five hundred and fifty dollars.

For pay of sub-agents, six thousand dollars.

For pay of clerk to superintendent at St. Louis, Missouri, one thousand two hundred dollars.

For pay of temporary clerks by superintendents of Indian affairs, five thousand dollars.

For pay of clerk to superintendent of Indian affairs in California, one thousand eight hundred dollars.

For pay of interpreters, twenty-eight thousand four hundred dollars.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

For buildings at agencies and repairs thereof, ten thousand dollars.

For contingencies of the Indian department, thirty-six thousand five hundred dollars.

For fulfilling treaty stipulations with the various Indian tribes:

Apaches.

For second of forty installments, to be expended under the direction of the Secretary of the Interior, according to the terms of the second article treaty October seventeenth, eighteen hundred and sixty-five, sixteen thousand dollars.

For this amount, or so much thereof as may be necessary, for the transportation of goods, provisions, and so forth, purchased for the Apache Indians, according to the terms of the same article of same treaty, three thousand five hundred dollars.

Arapaho and Cheyenne Indians of the Upper Arkansas River.

For second of forty installments, to be expended under the direction of the Secretary of the Interior, according to the terms of the seventh article treaty of October fourteenth, eighteen hundred and sixty-five, for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, fifty-six thousand dollars.

For transportation of goods, provisions, and so forth, purchased for the Arapaho and Cheyenne Indians of the Upper Arkansas river, for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, twenty thousand dollars.

Assinaboines.

For first of payments to be made during the pleasure of Congress, to be expended at the discretion of the President in such articles, goods, and provisions as he may from time to time determine; ten thousand dollars of which may be expended in the purchase of stock animals, agricultural implements; in instructing in agricultural and mechanical pursuits;

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in employing mechanics; in educating their children; providing necessary and proper medicines and medical attendance; care for and support of their aged, infirm, and sick; for their helpless orphans, and in any other respect to promote their civilization, comfort, and improvement; and also for pay of head chief, thirty thousand dollars.

Arickarees, Gross Ventres, and Mandams.

For first of payments to be made during the pleasure of Congress, to be expended in such goods, provisions, and other articles as the President may from time to time determine; five thousand dollars of which may be expended in the purchase of stock animals, agricultural implements; in instructing in agricultural and mechanical pursuits; in employing mechanics, educating their children, providing medicines and medical attendance; care for and support of the aged, sick, and infirm; for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, and also for pay of head chief, soldier chiefs, second chiefs, and Pierre Gavreau for his services to the Arickarees, forty thousand dollars.

Cheyennes of the Upper Platte River.

For this amount, the Cheyennes near Fort Laramie, to be placed at the disposal of the President, to be expended by him or under his direction in such manner as will best tend to sustain peaceable relations with said Indians, ten thousand dollars.

Camanches and Kioways.

For second of forty installments, to be expended under the direction of the Secretary of the Interior, according to the terms of the fifth article treaty of October eighteenth, eighteen hundred and sixty-five, for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, forty thousand dollars.

For transportation of goods, provisions, and so forth, purchased for the Camanche and Kioway Indians, for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, or so much thereof as may be necessary, eight thousand dollars.

Camanches, Kiowas, and Apaches, of Arkansas River.

For the fourth of five installments, being the second series for the purchase of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, eighteen thousand dollars.

For expenses of transportation of the fourth of five installments of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, seven thousand dollars.

Calapooias, Molalla, and Clackamas Indians, of Willamette Valley.

For third of five installments of the third series of annuity for beneficial objects, per second article treaty twenty-second January, eighteen hundred and fifty-five, six thousand five hundred dollars.

Chasta, Scoton, and Umpqua Indians.

For thirteenth of fifteen installments of annuity, to be expended as directed by the President, per third article treaty eighteenth November, eighteen hundred and fifty-four, two thousand dollars.

For thirteenth of fifteen installments for the pay of a farmer, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand dollars.

For thirteenth of fifteen installments for pay of physician, medicines, and expense of care of the sick, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand five hundred dollars.

For thirteenth of fifteen installments for pay of teachers and purchase of books and stationery, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas, Menomones, Winnebagos, and New York Indians.

For educational purposes during the pleasure of Congress, per fifth article treaty eleventh August, eighteen hundred and twenty-seven, one thousand five hundred dollars.

Chippewas of Saginaw, Swan Creek, and Black River.

For last of two equal installments in coin, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of August second, eighteen hundred and fifty-five, eighteen thousand eight hundred dollars.

Chippewas of Lake Superior.

For thirteenth of twenty installments in coin, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, five thousand dollars.

For thirteenth of twenty installments in goods, household furniture, [and] cooking utensils, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, eight thousand dollars.

For thirteenth of twenty installments for agricultural implements, and cattle, carpenters' and other tools, and building materials, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, three thousand dollars.

For thirteenth of twenty installments for moral and educational purposes, three hundred dollars of which to be paid to the Grand Portage band yearly to enable them to maintain a school at their village, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, three thousand dollars.

For thirteenth of twenty installments for six smiths and assistants, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, five thousand and forty dollars.

For thirteenth of twenty installments for the support of six smiths' shops, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and twenty dollars.

For eleventh of twenty installments for the seventh smith and assistant, and support of shops, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of a smith, assistant, and shop for the Bois Fort band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, and third article treaty of April seventh, eighteen hundred and sixty-six, one thousand and sixty dollars.

For support of two farmers for the Bois Fort band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, and third article treaty of April seventh, eighteen hundred and sixty-six, one thousand two hundred dollars.

For insurance, transportation, and necessary cost of delivery of annuities and provisions for Chippewas of Lake Superior, five thousand seven hundred and sixty-two dollars and sixty-three cents.

Bois Fort Band of Chippewas.

For second of twenty installments, for the support of one blacksmith and assistant, and for tools, iron and steel, and other articles necessary for the blacksmith shop, as per third article treaty of April seventh, eighteen hundred and sixty-six, one thousand five hundred dollars.

For second of twenty installments, for the support of one school-teacher, and for necessary books and stationery, as per third article treaty of April seventh, eighteen hundred and sixty-eight, eight hundred dollars.

For second of twenty installments for the instruction of the Indians in farming, and purchase of seeds, tools, and so forth, as per third article treaty of April seventh, eighteen hundred and sixty-six, eight hundred dollars.

For second of twenty installments of annuity in money, to be paid per capita, as per third article treaty of April seventh, eighteen hundred and sixty-six, three thousand five hundred dollars.

For second of twenty installments of annuity in provisions, ammunition, and tobacco, as per third article treaty of April seventh, eighteen hundred and sixty-six, one thousand dollars.

For second of twenty installments of annuity in goods and other articles, as per third article treaty of April seventh, eighteen hundred and sixty-six, six thousand five hundred dollars.

For transportation and necessary cost of delivery of annuity goods and provisions to the Bois Fort band of Chippewa Indians, as per sixth article treaty of April seventh, eighteen hundred and sixty-six, one thousand five hundred dollars.

Chippewas of the Mississippi.

For first of ten installments of the second series in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, and third article treaty seventh May, eighteen hundred and sixty-four, four thousand one hundred and sixty-six dollars and sixty-seven cents.

For first of ten intallments of the second series for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, and third article treaty seventh May, eighteen hundred and sixty-four, four hundred dollars.

For first of ten installments of the second series, in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, and third article treaty seventh May, eighteen hundred and sixty-four, three thousand five hundred dollars.

For first of ten installments of the second series for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, and third article of treaty seventh May, eighteen hundred and sixty-four, six hundred and sixty-six dollars and sixty-seven cents.

For first of ten installments of second series, for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, and third article of treaty seventh May, eighteen hundred and sixty-four, six hundred and sixty-six dollars and sixty-seven cents.

For first of ten installments of the second series for the support of two smiths' shops, including the pay of two smiths and assistants, and furnishing iron and steel, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, and third article of treaty seventh May, eighteen hundred and sixty-four, six hundred and sixty-six dollars and sixty-seven cents.

For first of ten installments of the second series, for pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, and third article treaty May seventh, eighteen hundred and sixty-four, three hundred and thirty-three dollars and thirty-three cents.

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For thirteenth of twenty installments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, twenty thousand dollars.

For the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first of twenty-six installments, to be paid the Chippewas of the Mississippi, as per third article treaty of August second, eighteen hundred and forty-seven, eleven thousand dollars.

For insurance, transportation, and necessary cost of delivery of annuities and provisions for Chippewas of Mississippi, three thousand eight hundred and sixty-six dollars and seventy-five cents.

Chippewas, Pillager, and Lake Winnebagoshish Bands.

For thirteenth of thirty installments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, ten thousand six hundred and sixty-six dollars and sixty-six cents.

For thirteenth of thirty installments of annuity in goods, per third article treaty twenty-second February, eighteen hundred and fifty-five, eight thousand dollars.

For thirteenth of thirty installments for purposes of utility, per third article treaty twenty-second February, eighteen hundred and fifty-five, four thousand dollars.

For thirteenth of twenty installments for purposes of education, per third article treaty twenty-second February, eighteen hundred and fifty-five, three thousand dollars.

For thirteenth of fifteen installments for support of two smiths and smiths' shops, per third article treaty twenty-second February, eighteen hundred and fifty-five, two thousand one hundred and twenty dollars.

For pay of an engineer to grist and saw mill at Leech Lake, six hundred dollars.

Chippewas of the Mississippi, Pillagers, and Lake Winnebagoshish Bands of Chippewa Indians in Minnesota.

For fourth of ten installments, to furnish said Indians with ten yoke of good work oxen, twenty log-chains, two hundred grubbing hoes, ten plows, ten grindstones, one hundred axes (handled), twenty spades, and other farming implements, per fifth article treaty May seven, eighteen hundred and sixty-four, one thousand five hundred dollars.

For the employment of two carpenters, one thousand eight hundred dollars, and two blacksmiths, one thousand eight hundred dollars; four farm laborers, two thousand four hundred dollars; one physician, one thousand two hundred dollars, and medicine for the sick, five hundred dollars, per fifth article treaty May seven, eighteen hundred and sixty-four, seven thousand seven hundred dollars.

For this amount, to be applied toward the support of a saw-mill to be built for the common use of the Chippewas of Mississippi and the Red Lake and Pembina bands of Chippewas, so long as the President may deem it necessary, per sixth article treaty May seven, eighteen hundred and sixty-four, one thousand dollars.

For pay of services and traveling expenses of a board of visitors, to consist of not more than five persons, to attend the annuity payments to the Indians, and to inspect the fields, buildings, mills, and other improvements, as stipulated in the seventh article treaty May seven, eighteen hundred and sixty-four, not exceeding any one year more than twenty days' service, at five dollars per day, or more than three hundred miles' travel, at ten cents per mile, six hundred and fifty dollars.

For pay of female teachers employed on the reservation to instruct Indian girls in domestic economy, one thousand dollars, as per thirteenth article treaty May seventh, eighteen hundred and sixty-four.

Chippewas of Red Lake and Pembina Tribe of Chippewas.

For this amount as annuity to be paid per capita to the Red Lake band of Chippewas, during the pleasure of the President, per third article treaty second October, eighteen hundred and sixty-three, and second article supplementary to treaty twelfth April, eighteen hundred and sixty-four, ten thousand dollars.

For this amount to the Pembina band of Chippewas, during the pleasure of the President, per same treaty, five thousand dollars.

For the fourth of fifteen installments for the purpose of supplying the Red Lake band of Chippewas with gilling twine, cotton matter, calico, linsey, blankets, sheeting, flannels, provisions, farming tools, and for such other useful articles, and for such other useful purposes as may be deemed for their best interests, per third article supplementary treaty of twelfth April, eighteen hundred and sixty-four, eight thousand dollars.

For the fourth of fifteen installments for same objects for the Pembina band of Chippewas, per same treaty, four thousand dollars.

For fourth of fifteen installments for pay of one blacksmith, one physician, who shall furnish medicine for the sick, one miller, and one farmer, per fourth article of same treaty, three thousand nine hundred dollars.

For fourth of fifteen installments for the purchase of iron and steel and other articles for blacksmithing purposes, per same treaty as above, one thousand five hundred dollars.

For fourth of fifteen installments, to be expended for carpentering and other purposes, per same treaty, one thousand dollars.

For fourth of fifteen installments, to defray the expenses of a board of visitors, to consist of not more than three persons, to attend upon the annuity payments of the said Chippewa Indians, whose pay shall not exceed five dollars per day each, and for not more than twenty days, and ten cents per mile for traveling expenses, and not to exceed three hundred miles, per sixth article treaty October second, eighteen hundred and sixty-three, three hundred and ninety dollars.

For insurance and transportation of annuity goods and provisions, and iron and steel for blacksmiths, for the Chippewas of Red Lake and Pembina tribe, five thousand dollars.

Chickasaws.

For permanent annuity in goods, per act of twenty-fifth February, seventeen hundred and ninety-nine, three thousand dollars.

For this amount, to pay the interest on certain non-paying stock, held in trust by the Secretary of the Treasury for the Chickasaw Indians, for the two fiscal years ending June thirty, eighteen hundred and sixty-eight, per tenth article treaty of April twenty-eighth, eighteen hundred and sixty-six, one hundred and nineteen thousand eight hundred and fifty-nine dollars and ninety-eight cents: *Provided*, That the Attorney General of the United States shall be, and he is hereby, instructed to inquire into the condition of all funds held in trust by the United States for said tribe, and for all other tribes of Indians, and what remedy exists for the security of the United States in respect to the non-paying stocks so held, and the value thereof, what stocks are non-paying, and what proceedings should be taken for the security of the United States in respect to the same, and report thereon to Congress on the first Monday of December next.

Choctaws.

For permanent annuity, per second article treaty sixteenth November, eighteen hundred and five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, three thousand dollars.

For permanent annuity for support of light-horsemen, per thirteenth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

For permanent annuity for education, per second article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six thousand dollars.

For permanent annuity for support of blacksmith, per sixth article treaty eighteenth October, eighteen hundred and twenty, ninth article treaty January twenty, eighteen hundred and twenty-five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

For permanent annuity for iron and steel, per ninth article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article of treaty twenty-second June, eighteen hundred and fifty-five, three hundred and twenty dollars.

For interest on five hundred thousand dollars, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the tenth and thirteenth articles of the treaty of twenty-second June, eighteen hundred and fifty-five, twenty-five thousand dollars.

Confederated Tribes and Bands of Indians in Middle Oregon.

For third of five installments, second series, for beneficial objects, at the discretion of the President, per second article treaty twenty-fifth June, eighteen hundred and fifty-five, six thousand dollars.

For eighth of fifteen installments for pay and subsistence of one farmer, one blacksmith, and one wagon and plow maker, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, three thousand five hundred dollars.

For eighth of twenty installments for pay and subsistence of one physician, one sawyer, one miller, one superintendent of farming operations, and one school-teacher, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, five thousand six hundred dollars.

For eighth of twenty installments for salary of the head chief of said confederated bands, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, five hundred dollars.

Creeks.

For permanent annuity in money, per fourth article treaty seventh August, seventeen hundred and ninety, and fifth article treaty seventh August, eighteen hundred and *fifty-fix*, [fifty-six,] one thousand five hundred dollars.

For permanent annuity in money, per second article treaty sixteenth June, eighteen hundred and two, and fifth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

For permanent annuity in money, per fourth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, twenty thousand dollars.

For permanent annuity for blacksmith and assistant, and for shop and tools, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars.

For permanent annuity for iron and steel for shop, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For permanent annuity for the pay of a wheelwright, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars

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For blacksmith and assistant and shop and tools, during the pleasure of *of* the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars.

For iron and steel for shop, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For wagon-maker, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred fifty-six, six hundred dollars.

For assistance in agricultural operations, during the pleasure of the President, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two thousand dollars.

For education, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand dollars.

For five per centum interest on two hundred thousand dollars for purposes of education, per sixth article treaty seventh August, eighteen hundred and fifty-six, ten thousand dollars.

For interest on seven hundred and seventy-five thousand one hundred and sixty-eight dollars, at the rate of five per centum per annum, to be expended under the direction of the Secretary of the Interior, thirty-eight thousand seven hundred and fifty-eight dollars and forty cents, under provisions of third article treaty June fourteenth, eighteen hundred and sixty-six.

For transportation of such articles as may be purchased for the Creek nation under treaty of June fourteenth, eighteen hundred sixty-six, five thousand dollars.

Cherokees.

For this amount, or so much thereof as may be necessary to enable the Secretary of the Interior to cause a census of each tribe to be taken, under provisions of the twelfth article of the treaty of July nineteenth, eighteen hundred and sixty-six, twenty-five hundred dollars.

For provisions and clothing furnished the Army under Ap-potho-le-ha-le in the winter of eighteen hundred and sixty-one-two, per twenty-eighth article treaty of July nineteenth, eighteen hundred and sixty-six, ten thousand dollars.

For pay of losses of property by missionaries, or missionary societies, on account of the troops and agents of the United States, treaty July nineteenth, eighteen hundred and sixty-six, thirtieth article, twenty thousand dollars.

Crows.

For first of payments to be made during the pleasure of Congress, to be expended for such useful goods, provisions, and other articles as the President from time to time may determine; eight thousand dollars of which installment may be expended in the purchase of stock animals, agricultural implements; in the employment of mechanics; in educating their children; in providing necessary medicines and medical attendance; care for and support of the aged, infirm, or sick, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, and also for pay of head chief, twenty-five thousand dollars.

For this amount for pay of sixteen half-breeds, in goods or money, at the discretion of the President—fifty dollars each—eight hundred dollars.

For this amount to be paid Pierre Chien, in consideration of the friendship and services rendered by him to the Crow Indians, two hundred dollars.

Delawares.

For life annuity to chief, per private article to supplemental treaty twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen, one hundred dollars.

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine for education, two thousand three hundred and four dollars, per Senate resolution January nineteenth, eighteen hundred and thirty-eight, and fifth article treaty of May sixth, eighteen hundred and fifty-six.

For this amount, to be placed to the credit of the Delawares in the purchase of their new reservation in the Indian country, by provisions of treaty of July fourth, eighteen hundred and sixty-six, fourteenth article, thirty thousand dollars.

D' Wamish and other allied Tribes in Washington Territory.

For eighth installment on one hundred and fifty thousand dollars, under the direction of the President, per sixth article treaty twenty-second January, eighteen hundred and fifty-five, seven thousand five hundred dollars.

For eighth of twenty installments for the establishment and support of an agricultural and industrial school, and to provide said school with a suitable instructor or instructors, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, three thousand dollars.

For eighth of twenty installments for the establishment and support of a smith and carpenter shop, and to furnish them with the necessary tools, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the employment of a blacksmith, carpenter, farmer, and physician, who shall furnish medicines for the sick, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Flatheads and other Confederated Tribes.

For the fourth of five installments on one hundred and twenty thousand dollars, being the second series, for beneficial objects, at the discretion of the President, per fourth article treaty sixteenth July, eighteen hundred and fifty-five, five thousand dollars.

For eighth of twenty installments for the support of an agricultural and industrial school, keeping in repair the buildings, and providing suitable furniture, books, and stationery, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For eighth of twenty installments for providing suitable instructors therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, one thousand eight hundred dollars.

For eighth of twenty installments for keeping in repair blacksmiths', tin and gunsmiths', carpenters', and wagon and plow makers' shops, and providing necessary tools therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the employment of two farmers, two millers, one blacksmith, one tinner, one gunsmith, one carpenter, and one wagon and plow maker, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, seven thousand four hundred dollars.

For eighth of twenty installments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For eighth of twenty installments for pay of a physician, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, one thousand four hundred dollars.

For eighth of twenty installments for keeping in repair the buildings required for the various employés, and furnishing necessary furniture therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For eighth of twenty installments for the pay of each of the head chiefs of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, fifteen hundred dollars.

For insurance and transportation of annuity goods and provisions, per fifth article of treaty of July sixteenth, eighteen hundred and sixty-five, eleven thousand nine hundred and twenty dollars and forty-one cents.

Iowas.

For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to the first of July, eighteen hundred and sixty-seven, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May seventeenth, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars.

Kansas.

For interest in lieu of investment on two hundred thousand dollars, at five per centum per annum, ten thousand dollars, per second article treaty of January fourteenth, eighteen hundred and forty-six.

Kickapoos.

For fourteenth installment of interest, at five per centum, on one hundred thousand dollars, for education and other beneficial purposes, as per second article treaty May eighteenth, eighteen hundred and fifty-four, five thousand dollars.

For fourteenth installment on two hundred thousand dollars, to be paid in eighteen hundred and sixty-eight, per second article treaty eighteenth May, eighteen hundred and fifty-four, seven thousand dollars.

Klamath and Modoc Indians.

For second of five installments, to be applied under direction of the President, as per second article treaty of October fourteenth, eighteen hundred and sixty-four, eight thousand dollars.

For first of twenty installments for keeping in repair one saw-mill, one flouring-mill, buildings for the blacksmith, carpenter, and wagon and plow maker, the manual-labor school, and hospital, as per fourth article treaty of October fourteenth, eighteen hundred and sixty-four, one thousand dollars.

For second of twenty installments for the purchase of tools and material for saw and flour mills, carpenter, blacksmith, wagon and plow maker's shops, and books and stationery for the manual-labor school, as per fourth article treaty of October fourteenth, eighteen hundred and sixty-four, one thousand five hundred dollars.

For second of fifteen installments for pay and subsistence of one superintendent of farming, one farmer, one blacksmith, one sawyer, one carpenter, and one wagon and plow maker, as per fifth article treaty of October fourteenth, eighteen hundred and sixty-four, six thousand dollars.

For second of twenty installments to pay salary and subsistence of one physician, one miller, and two school-teachers, as per fifth

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article treaty of October fourteenth, eighteen hundred and sixty-four, three thousand six hundred dollars.

Makah Tribe.

For second of four installments of thirty thousand dollars, (being the fourth series,) under direction of the President, as per fifth article of treaty of January thirty-first, eighteen hundred and fifty-five, one thousand five hundred dollars.

For eighth of twenty installments for the support of an agricultural and industrial school, and for pay of teachers, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, two thousand five hundred dollars.

For eighth of twenty installments for support of a smith and carpenter's shop, and to provide the necessary tools therefor, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the employment of a blacksmith, carpenter, farmer, and physician, who shall furnish medicines for the sick, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Menomonees.

For last of twelve installments for continuing and keeping up a blacksmith-shop, and providing the usual quantity of iron and steel, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, nine hundred and sixteen dollars and sixty-six cents.

For second of fifteen installments of annuity upon two hundred and forty-two thousand six hundred and eighty-six dollars, for cession of lands, per fourth article treaty May twelfth, eighteen hundred and fifty-four, and Senate amendment thereto, sixteen thousand one hundred and seventy-nine dollars and six cents.

For twelfth of fifteen installments for pay of miller, per third article treaty twelfth May, eighteen hundred and fifty-four, six hundred dollars.

Miamies of Kansas.

For permanent provision for blacksmith and assistant, and iron and steel for shop, per fifth article treaty sixth October, eighteen hundred and eighteen, and fourth article treaty June fifth, eighteen hundred and fifty-four, nine hundred and forty dollars.

For permanent provision for miller, in lieu of gunsmith, per fifth article treaty sixth October, eighteen hundred and eighteen, fifth article treaty twenty-third October, eighteen hundred and thirty-four, and fourth article treaty fifth June, eighteen hundred and fifty-four, six hundred dollars.

For interest on fifty thousand dollars, at five per centum, for educational purposes, per third article treaty fifth June, eighteen hundred and fifty-four, two thousand five hundred dollars.

For eighth of twenty installments upon two hundred thousand dollars, per third article treaty fifth June, eighteen hundred and fifty-four, seven thousand five hundred dollars.

Miamies of Indiana.

For interest on two hundred and twenty-one thousand two hundred and fifty-seven dollars and eighty-six cents, uninvested, at five per centum, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four, eleven thousand and sixty-two dollars and eighty-nine cents.

Miamies—Eel River.

For permanent annuity in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five, five hundred dollars.

For permanent annuity in goods or otherwise, per third article treaty twenty-first August, eighteen hundred and five, two hundred and fifty dollars.

For permanent annuity in goods or otherwise, per third and separate article to treaty thirtieth September, eighteen hundred and nine, three hundred and fifty dollars.

Molel Indians.

For eighth of ten installments for keeping in repair saw and flouring mills, and for the pay of necessary employés, the benefits of which to be shared alike by all the confederated bands, per second article treaty twenty-first December, eighteen hundred and fifty-five, one thousand five hundred dollars.

For eighth of ten installments for the pay of a carpenter and joiner to aid in erecting buildings and making furniture for said Indians, and to furnish tools in said service, per second article treaty twenty-first December, eighteen hundred and fifty-five, two thousand dollars.

For pay of teachers to manual-labor school, for all necessary materials therefor, and for the subsistence of the pupils, per second article treaty twenty-first December, eighteen hundred and fifty-five, three thousand dollars.

Nisqually, Puyallup, and other Tribes and Bands of Indians.

For thirteenth installment, in part payment for relinquishment of title to lands, to be applied to beneficial objects, per fourth article treaty twenty-sixth December, eighteen hundred and fifty-four, twelve hundred dollars.

For thirteenth of twenty installments for pay of instructor, smith, physician, who shall furnish medicine to the sick, carpenter, and farmer, per tenth article treaty twenty-sixth December, eighteen hundred and fifty-four, six thousand seven hundred dollars.

Nez Perce Indians.

For third of five installments of second series for beneficial objects, at the discretion of the President, per fourth article treaty of June eleventh, eighteen hundred and fifty-five, eight thousand dollars.

For eighth of twenty installments for the support of two schools, one of which to be an agricultural and industrial school; keeping in repair school buildings, and for providing suitable furniture, books, and stationery, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the employment of one superintendent of teaching and two teachers, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three thousand two hundred dollars.

For eighth of twenty installments for keeping in repair blacksmiths', tinsmiths', gunsmiths', carpenters', and wagon and plow-makers' shops, and for providing necessary tools therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the employment of one superintendent of farming, and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plow-maker, per fifth article treaty eleventh June, eighteen hundred and fifty-five, nine thousand four hundred dollars.

For eighth of twenty installments for keeping in repair saw and flouring mill, and for furnishing the necessary tools and fixtures therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three hundred dollars.

For eighth of twenty installments for pay of a physician, per fifth article treaty eleventh June, eighteen hundred and fifty-five, one thousand four hundred dollars.

For eighth of twenty installments for keeping in repair the buildings for the various employés, and for providing the necessary furniture therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three hundred dollars.

For eighth of twenty installments for the salary of such person as the tribe may select to be their head chief, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For second of four installments to enable the Indians to remove and locate upon the reservation, to be expended in plowing land and fencing lots, as per first clause fourth article treaty of June ninth, eighteen hundred and sixty-three, for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, forty thousand dollars.

For second of the sixteen installments for boarding and clothing the children who shall attend the schools, providing the schools and boarding-houses with necessary furniture, the purchase of necessary wagons, teams, agricultural implements, tools, and so forth, and for fencing of such lands as may be needed for gardening and farming purposes for the schools, as per fourth clause fourth article treaty of June nine, eighteen hundred and sixty-three, three thousand dollars.

For salary of two subordinate chiefs, as per fifth article treaty of June nine, eighteen hundred and sixty-three, one thousand dollars.

For first of fifteen installments to keep the blacksmiths' shops in repair and stocked with the necessary tools and materials, per fifth article treaty June ninth, eighteen hundred and sixty-three, five hundred dollars.

For first of fifteen installments for repairs of houses, mills, shops, and so forth, and providing the necessary furniture, tools, and materials, as per article fifth treaty June ninth, eighteen hundred and sixty-three, two thousand dollars.

For salary of two matrons to take charge of the boarding-schools, two assistant teachers, one farmer, one carpenter, and two millers, as per fifth article treaty of June ninth, eighteen hundred and sixty-three, seven thousand six hundred dollars.

Omahas.

For the last of ten installments of this amount, being second of series, in money or otherwise, per fourth article treaty sixteenth March, eighteen hundred and fifty-four, thirty thousand dollars.

For second of ten installments for keeping in repair a grist and saw mill, as per eighth article of treaty of March sixteenth, eighteen hundred and fifty-four, and third article of treaty of March sixth, eighteen hundred and sixty-five, three hundred dollars.

For second of ten installments for pay of one engineer and assistant, as per eighth article of treaty of March sixteenth, eighteen hundred and fifty-four, and third article of treaty of March sixth, eighteen hundred and sixty-five, one thousand eight hundred dollars.

For second of ten installments for pay of one miller and assistant, as per eighth article of treaty of March sixteenth, eighteen hundred and fifty-four, and third article of treaty of March sixth, eighteen hundred and sixty-five, one thousand two hundred dollars.

For second of ten installments for pay of farmer, as per eighth article of treaty of March sixteenth, eighteen hundred and fifty-four, and third article of treaty of March sixth, eighteen hundred and sixty-five, nine hundred dollars.

For second of ten installments for pay of blacksmith and assistants, as per eighth article of treaty of March sixteenth, eighteen hundred and fifty-four, and third article of treaty of March sixth, eighteen hundred and sixty-five, one thousand two hundred dollars.

For second of ten installments for support of blacksmith-shop and supplying tools for the same, as per eighth article of treaty of March sixteenth, eighteen hundred and fifty-four, and

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third article of treaty of March sixth, eighteen hundred and sixty-five, three hundred dollars.

Osages.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the value of fifty-four sections of land, set apart for educational purposes, per sixth article treaty June second, eighteen hundred and twenty-five, and Senate resolution nineteenth January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

For interest on three hundred thousand dollars, at five per centum per annum, to be paid semi-annually in money or such articles as the Secretary of the Interior may direct, as per first article treaty of September. twenty-nine, eighteen hundred and sixty-five, fifteen thousand dollars.

For transportation of goods, provisions, and so forth, purchased for the Great and Little Osage Indians, or so much thereof as [may] be necessary, three thousand five hundred dollars.

Ottawas and Chippewas of Michigan.

For interest on two hundred and six thousand dollars, unpaid part of the principal sum of three hundred and six thousand dollars, for one year, at five per centum per annum, to be distributed per capita, in the usual manner of paying annuities, per third article of the treaty of thirty-first July, eighteen hundred and fifty-five, ten thousand three hundred dollars.

Ottoes and Missourias.

For last of ten installments, being the second series, in money or otherwise, per fourth article treaty fifteenth March, eighteen hundred and fifty-four, thirteen thousand dollars.

Pawnees.

For annuity perpetual, at least one half of which to be paid in goods and such articles as may be deemed necessary for them, per second article treaty twenty-fourth September, eighteen hundred and fifty-seven, thirty thousand dollars.

For support of two manual-labor schools, annually, during the pleasure of the President, per third article treaty twenty-fourth September, eighteen hundred and fifty-seven, ten thousand dollars.

For pay of two teachers, under the direction of the President, per third article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For purchase of iron and steel and other necessities for the shop, during the pleasure of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, five hundred dollars.

For pay of two blacksmiths, one of whom to be a gunsmith and tinsmith, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For compensation of two strikers or apprentices in shop, per fourth article of treaty twenty-fourth September, eighteen hundred and fifty-seven, four hundred and eighty dollars.

For last of ten installments for farming utensils and stock, during the pleasure of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For pay of farmer, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, six hundred dollars.

For ninth of ten installments for pay of miller, at the discretion of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, six hundred dollars.

For ninth of ten installments for pay of an engineer, at the discretion of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For compensation to apprentices, to assist in working the mill, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, five hundred dollars.

For keeping in repair the grist and saw mill, three hundred dollars.

Poncas.

For the fourth of ten installments of the second series, "to be paid to them or expended for their benefit," per second article treaty twelfth March, eighteen hundred and fifty-eight, ten thousand dollars.

For ninth of ten installments for the establishment and maintenance of one or more manual-labor schools, under the direction of the President, per second article treaty twelfth March, eighteen hundred and fifty-eight, five thousand dollars.

For ninth of ten installments, or during the pleasure of the President, to be expended in furnishing said Indians with such aid and assistance in agricultural and mechanical pursuits, including the working of the mill provided for in the first part of this article, as the Secretary of the Interior may consider advantageous and necessary for them, per second article treaty twelfth March, eighteen hundred and fifty-eight, seven thousand five hundred dollars.

Pottawatomics.

For permanent annuity in silver, per fourth article treaty third August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity in silver, per third article treaty thirtieth September, eighteen hundred and nine, five hundred dollars.

For permanent annuity in silver, per third article treaty second October, eighteen hundred and eighteen, two thousand five hundred dollars.

For permanent annuity in money, per second article treaty twentieth September, eighteen hundred and twenty-eight, two thousand dollars.

For permanent annuity in specie, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, sixteen thousand dollars.

For life annuity to chief, per third article treaty twentieth October, eighteen hundred and thirty-two, two hundred dollars.

For life annuity to chiefs, per third article treaty twenty-sixth September, eighteen hundred and thirty-three, seven thousand dollars.

For education during the pleasure of Congress, per third article treaty, sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and fourth article treaty twenty-seventh October, eighteen hundred and thirty-two, five thousand dollars.

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article treaty twentieth September, eighteen hundred and twenty-eight, and tenth article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, three hundred dollars.

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and second article treaty twenty-ninth July, eighteen hundred and twenty-nine, two thousand eight hundred and twenty dollars.

For permanent provision for fifty barrels of salt, per second article of treaty twenty-ninth July, eighteen hundred and twenty-nine, four hundred and thirty-seven dollars and fifty cents.

For interest on six hundred and forty-three thousand dollars, at five per centum, per seventh article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

Pottawatomics of Huron.

For permanent annuity in money or otherwise, per second article treaty of seventeenth November, eighteen hundred and seven, four hundred dollars.

Quapaws.

For education during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, and tools and iron and steel for shop, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand and sixty dollars.

For farmer, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, six hundred dollars.

Qui-nai-elt and Quil-leh-ute Indians.

For the second of four installments on twenty-five thousand dollars, (being the fourth series,) for beneficial objects, under the direction of the President, per fourth article treaty first July, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the support of an agricultural and industrial school, and for pay of suitable instructors, per tenth article [treaty] first July, eighteen hundred and fifty-five, two thousand five hundred dollars.

For eighth of twenty installments for support of smith and carpenter shop, and to provide the necessary tools therefor, per tenth article treaty first July, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the employment of a blacksmith, carpenter, and farmer, and a physician who shall furnish medicines for the sick, per tenth article treaty first July, eighteen hundred and fifty-five, four thousand six hundred dollars.

Rogue Rivers.

For fourteenth of sixteen installments in blankets, clothing, farming utensils, and stock, per third article treaty tenth September, eighteen hundred and fifty-three, two thousand five hundred dollars.

Sacs and Foxes of Mississippi.

For permanent annuity in goods or otherwise, per third article treaty third November, eighteen hundred and four, one thousand dollars.

For interest on two hundred thousand dollars, at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven, ten thousand dollars.

For interest on eight hundred thousand dollars, at five per centum, per second article treaty eleventh October, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the band of Sacs and Foxes of the Mississippi now in Tamar county, Iowa, shall be paid pro rata, according to their numbers, of the annuities, so long as they are peaceful and have the assent of the government of Iowa to reside in that State.

Sacs and Foxes of Missouri.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article treaty twenty-first October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars.

Seminoles.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article treaty seventh August, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

For interest on two hundred and fifty thousand dollars, at five per centum, to be paid as annuity, (they having joined their brethren West,) per eighth article treaty seventh August,

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eighteen hundred and fifty-six, twelve thousand five hundred dollars.

For interest on fifty thousand dollars, at the rate of five per centum per annum, "to be paid annually for the support of schools," as per third article treaty of March twenty-first, eighteen hundred and sixty-six, twenty-five hundred dollars.

For interest on twenty thousand dollars, at the rate of five per centum per annum, "to be paid annually," for the support of the Seminole government, as per third article treaty of March twenty-first, eighteen hundred and sixty-six, one thousand dollars.

Senecas.

For permanent annuity in specie, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, five hundred dollars.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, five hundred dollars.

For blacksmith and assistant, shop and tools, and iron and steel, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, one thousand and sixty dollars.

For miller, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, six hundred dollars.

Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty-one, six thousand dollars.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars.

For interest, at five per centum, on forty-three thousand and fifty dollars, transferred from Ontario Bank to the United States Treasury, per act of twenty-seventh June, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents.

Senecas and Shawnees.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, one thousand dollars.

For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per fourth article treaty twentieth July, eighteen hundred and thirty-one, one thousand and sixty dollars.

Shawnees.

For permanent annuity for educational purposes, per fourth article treaty third August, seventeen hundred and ninety-five, and third article treaty tenth May, eighteen hundred and fifty-four, one thousand dollars.

For fourteenth installment of interest, at five per centum, on forty thousand dollars for education, per third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

For permanent annuity in specie, for educational purposes, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, and third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

Shoshones—Western Bands.

For fourth of twenty installments, to be expended under the direction of the President, in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per seventh article treaty October first, eighteen hundred and sixty-three, five thousand dollars.

Eastern Bands.

For fourth of twenty installments, to be expended, under the direction of the President, in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per fifth article treaty July second, eighteen hundred and sixty-three, ten thousand dollars.

Northwestern Bands.

For fourth of twenty installments, to be expended, under the direction of the President, in the purchase of such article[s] as he may deem suitable to their wants, either as hunters or herdsmen, per third article treaty July thirty, eighteen hundred and sixty-three, five thousand dollars.

Goship Bands.

For fourth of twenty installments, to be expended, under the direction of the President, in the purchase of such articles, including cattle for herding or other purposes, as he shall deem suitable for their wants and condition, either as huntsmen or herdsmen, per seventh article treaty October seven, eighteen hundred and sixty-three, one thousand dollars.

Sioux of Dakota—Blackfeet Band.

For second of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty October nineteenth, eighteen hundred and sixty-five, seven thousand dollars.

Lower Brule Band.

For second of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October fourteenth, eighteen hundred and sixty-five, six thousand dollars.

Minneconjon Band.

For second of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October tenth, eighteen hundred and sixty-five, ten thousand dollars.

Onk-pah-pah.

For second of twenty installments, being thirty dollars for each lodge or family, (three hundred lodges,) to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October twentieth, eighteen hundred and sixty-five, nine thousand dollars.

Ogallala Band.

For second of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October twenty-eighth, eighteen hundred and sixty-five, ten thousand dollars.

For this amount, for the Brule and Ogallala bands of Sioux, to be placed at the disposal of the President, to be expended by him or under his direction, in such manner as will best tend to sustain peaceable relations with said Indians, thirty-five thousand dollars.

Sans Arcs Band.

For second of twenty installments, being thirty dollars to each lodge or family, (two hundred and eighty lodges,) to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October twentieth, eighteen hundred and sixty-five, eight thousand four hundred dollars.

Two Kettles Band.

For second of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October nineteenth, eighteen hundred and sixty-five, for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, six thousand dollars.

Upper Yanktonais Band.

For second of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October twenty-eighth, eighteen hundred and sixty-five, ten thousand dollars.

Yanktonais Band.

For second of twenty installments, being thirty dollars for each lodge or family, (three hundred and fifty lodges,) to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October twentieth, eighteen hundred and sixty-five, ten thousand five hundred dollars.

Sioux or Dakota.

For expense of transporting and delivering articles furnished for the nine bands of Sioux aforesaid, as required by treaties made at Fort Sully, in October, eighteen hundred and sixty-five, twenty thousand dollars.

Lower Brules.

For first of five installments, being twenty-five dollars for each lodge or family engaged in agricultural pursuits on their reservation, (one hundred lodges,) to be expended in stock, agricultural and other implements, and improvements, under the direction of the Secretary of the Interior, the said stock, and so forth, to remain the property of the United States, to be used for the benefit of said lodges or families, and in no case to be sold or alienated by said band, per sixth article treaty of October fourteen, eighteen hundred and sixty-five, for the fiscal year ending June thirty, eighteen hundred and sixty-eight, two thousand five hundred dollars.

For pay of farmer, per sixth article treaty of October fourteen, eighteen hundred and sixty-five, for the fiscal year ending June thirty, eighteen hundred and sixty-eight, nine hundred dollars.

For the erection of a blacksmith-shop, per sixth article treaty of October fourteen, eighteen hundred and sixty-five, five hundred dollars.

For the support of one blacksmith, and for tools, iron, and steel, and other articles necessary for the blacksmith shop, per sixth article treaty of October fourteen, eighteen hundred and sixty-five, for the fiscal year ending June thirty, eighteen hundred and sixty-eight, one thousand five hundred dollars.

Two Kettles.

For first of five installments, being twenty-five dollars for each lodge or family located on lands for agricultural purposes, (one hundred and thirteen lodges,) to be expended in agricultural implements and improvements, per fifth article treaty of October nineteen, eighteen hundred and sixty-five, for the fiscal year ending June thirty, eighteen hundred and sixty-eight, two thousand eight hundred and twenty-five dollars.

Yanktonais.

For first of five installments, being twenty-five dollars for each lodge or family located on lands for agricultural purposes, (one hundred and fifteen lodges,) to be expended in agricultural implements and for improvements, per fifth article treaty of October twenty, eighteen hundred and sixty-five, for the fiscal year ending June thirty, eighteen hundred and sixty-eight, two thousand eight hundred and seventy-five dollars.

Sans Arcs.

For first of five installments, being twenty-five dollars for each lodge or family located on lands for agricultural purposes, (thirty-eight lodges,) to be expended in agricultural implements and improvements, per fifth article treaty of October twenty, eighteen hundred and sixty-five, for the fiscal year ending June thirty, eighteen hundred and sixty-eight, nine hundred and fifty dollars.

Six Nations of New York.

For permanent annuity in c[l]othing and other useful articles, per sixth article treaty eleventh November, seventeen hundred and ninety-four, four thousand five hundred dollars.

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S'Klallams.

For second of four installments on sixty thousand dollars, (being the fourth series,) under the direction of the President, per fifth article treaty twenty-sixth January, eighteen hundred and fifty-five, three thousand dollars.

For eighth of twenty installments for the support of an agricultural and industrial school, and for pay for suitable teachers, per eleventh article treaty twenty-sixth January, eighteen hundred and fifty-five, two thousand five hundred dollars.

For eighth of twenty installments for the employment of a blacksmith, carpenter, farmer, and a physician who shall furnish medicines for the sick, per eleventh article treaty twenty-sixth January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Tabeguache Band of Utah Indians.

For the fourth of ten installments for the purchase of goods, under the direction of the Secretary of the Interior, per eighth article treaty of October seventh, eighteen hundred and sixty-three, and Senate amendment of March twenty-fifth, eighteen hundred and sixty-four, ten thousand dollars.

For the fourth of five installments, per tenth article of same treaty and Senate amendment thereto, to be applied for the purposes of agriculture, and for the purchase of farming utensils and stock animals, ten thousand dollars.

For the fourth of ten installments, per eighth article of said treaty, for the purchase of provisions, under the direction of the Secretary of the Interior, ten thousand dollars.

For the purchase of iron, steel, and necessary tools for blacksmith's shop, as per tenth article of said treaty, two hundred and twenty dollars.

For pay of blacksmith and assistant, as per same article, one thousand one hundred dollars.

For insurance, transportation, and general incidental expenses of the delivery of goods, provisions, and stock, five thousand dollars.

Umpquas, (Cow Creek Band.)

For fourteenth of twenty installments in blankets, clothing, provisions and stock, per third article treaty nineteenth September, eighteen hundred and fifty-three, five hundred and fifty dollars.

Umpquas and Calapooias, of Umpqua Valley, Oregon.

For third of five installments of the third series of annuity for beneficial objects, to be expended as directed by the President, per third article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand seven hundred dollars.

For thirteenth of fifteen installments for the pay of a physician and purchase of medicines, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, two thousand dollars.

For thirteenth of twenty installments for the pay of a teacher and purchase of books and stationery, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand four hundred and fifty dollars.

Walla-Walla, Cayuse, and Umatilla Tribes.

For third of five installments of second series, to be expended under the direction of the President, per second article treaty ninth June, eighteen hundred and fifty-five, six thousand dollars.

For eighth of twenty installments for the purchase of all necessary mill fixtures and mechanical tools, medicines and hospital stores, books, and stationery for schools, and furniture for the employés, per fourth article treaty ninth June, eighteen hundred and fifty-five, three thousand dollars.

For eighth of twenty installments for the pay and subsistence of one superintendent of farming operations, one farmer, two millers, one blacksmith, one wagon and plow maker, one carpenter and joiner, one physician, and two teachers, per fourth article treaty ninth June, eighteen hundred and fifty-five, eleven thousand two hundred dollars.

For eighth of twenty installments for the pay of each of the head chiefs of the Walla-Walla, Cayuse, and Umatilla bands, the sum of five hundred dollars per annum, per fifth article treaty ninth June, eighteen hundred and fifty-five, one thousand five hundred dollars.

For eighth of twenty installments for salary for the son of Pio-pio-mox-mox, per fifth article treaty ninth June, eighteen hundred and fifty-five, one hundred dollars.

Winnebagoes.

For interest on one million dollars, at five per centum, per fourth article treaty first November, eighteen hundred and thirty-seven, and joint resolution July seventeen, eighteen hundred and sixty-two, fifty thousand dollars.

For twenty-first of thirty installments of interest on eighty-five thousand dollars, at five per centum, per fourth article treaty thirteenth October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

Wall Pah-Pe Tribe of Snake Indians.

For breaking and fencing a sufficient quantity of land for the use of said Indians, and for seeds, farming utensils, domestic animals, and such subsistence as may be necessary during the first year of their residence upon their reservation, per sixth article treaty of August twelfth, eighteen hundred and sixty-five, five thousand dollars.

For first of five installments, to be expended under the direction of the President, as per seventh article treaty of August twelfth, eighteen hundred and sixty-five, two thousand dollars.

Yakama Nation.

For third of five installments of second series for beneficial objects, at the discretion of the President, per fourth article treaty ninth June, eighteen hundred and fifty-five, eight thousand dollars.

For eighth of twenty installments for the support of two schools, one of which is to be an agricultural and industrial school; keeping in repair school buildings, and for providing suitable furniture, books, and stationery, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the employment of one superintendent of teaching and two teachers, per fifth article treaty ninth June, eighteen hundred and fifty-five, three thousand two hundred dollars.

For eighth of twenty installments for the employment of one superintendent of farming and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plow maker, per fifth article treaty ninth June, eighteen hundred and fifty-five, nine thousand four hundred dollars.

For eighth of twenty installments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for keeping in repair the hospital, and providing the necessary medicines and fixtures therefor, per fifth article treaty ninth June, eighteen hundred and fifty-five, three hundred dollars.

For eighth of twenty installments for keeping in repair blacksmith's, tinsmith's, gunsmith's, carpenter's, and wagon and plow maker's shops, and for providing necessary tools therefor, per fifth article treaty June ninth, eighteen hundred and fifty-five, five hundred dollars.

For eighth of twenty installments for the pay of a physician, per fifth article treaty ninth June, eighteen hundred and fifty-five, one thousand four hundred dollars.

For eighth of twenty installments for keeping in repair the buildings required for the various employés, and for providing the necessary furniture therefor, per fifth article treaty ninth June, eighteen hundred and fifty-five, three hundred dollars.

For eighth of twenty installments for the salary of such person as the said confederated tribes and band of Indians may select to be their head chief, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

Yancton Tribe of Sioux.

For ninth of ten installments, to be paid to them or expended for their benefit, commencing with the year in which they shall remove to and settle and reside upon their reservation, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, sixty-five thousand dollars.

General Incidental Expenses of the Indian Service—Arizona.

For the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, seventy thousand dollars.

California.

For the general incidental expenses of the Indian service in California, including traveling expenses of the superintending agents, seven thousand five hundred dollars.

Colorado Territory.

For the general incidental expenses of the Indian service in Colorado Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

Dakota Territory.

For the general incidental expenses of the Indian service in Dakota Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

Idaho Territory.

For the general incidental expenses of the Indian service in Idaho Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

Montana Territory.

For the general incidental expenses of the Indian service in Montana Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

Nevada.

For the general incidental expenses of the Indian service in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

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New Mexico.

For general incidental expenses of the Indian service in New Mexico, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, fifty thousand dollars.

Oregon and Washington Territory.

For the general incidental expenses of the Indian service in Oregon and Washington Territory, including insurance and transportation of annuity goods and presents, (where no special provision therefor is made by treaties,) and office and traveling expenses of the superintendent, agents, and sub-agents, thirty-five thousand five hundred dollars.

Utah Territory.

For the general incidental expenses of the Indian service in Utah Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

For the transportation and necessary expenses of delivery of provisions to the Indians within the Utah superintendency, twenty thousand dollars.

For this amount, to carry out the action contemplated by the act of Congress, approved May fifth, eighteen hundred and sixty-four, entitled "An act to vacate and sell the present Indian reservations in Utah Territory, and to *settle* [settle] the Indians of said Territory in Uintah valley," to be expended in removing and settling the Indians in said valley, fifteen thousand dollars.

For this amount, to supply a deficiency in the appropriation for "incidental expenses of the Indian service in Utah," for the fiscal year ending June thirtieth, eighteen hundred and sixty-six, twelve thousand dollars.

MISCELLANEOUS.

For the expenses of colonizing, supporting, and furnishing agricultural implements and stock, pay of necessary employés, purchasing clothing, medicine, iron and steel, maintenance of schools for Indians lately residing in Texas, but now residing on the Choctaw leasehold, to be expended under direction of the Secretary of the Interior, twenty-two thousand eight hundred and twenty-five dollars.

For the reappropriation of the sum carried to the surplus fund for warrant numbered one hundred and seventy-two, dated June thirty, eighteen hundred and sixty-five, under the head "For surveying and allotting to the proper persons the reserved tracts, per ninth and tenth articles treaty with Sacs and Foxes and other tribes of Indians, July fifteenth, eighteen hundred and thirty," one thousand two hundred and nine dollars and ninety-seven cents.

For this amount, being the balance due on the award of the Secretary of the Interior to the delegates of the Southern Cherokees for costs and expenses incurred by them in negotiating the recent treaty with the United States and the Cherokee Indians, to be reimbursed to the Government of the United States out of the proceeds of the sale of the Cherokee lands, eighteen thousand eight hundred and twenty-five dollars.

For the Wichitas and other Affiliated Bands.

For the expenses of colonizing, supporting, and furnishing said bands with agricultural implements and stock, pay of necessary employés, purchase of clothing, medicines, iron and steel, and maintenance of schools, to be expended under the direction of the Secretary of the Interior, thirty-seven thousand eight hundred dollars.

California.

For pay of one physician, one blacksmith, one assistant blacksmith, one farmer, one carpenter, upon each of the four reservations of California, at the rate of fifty dollars per month, twelve thousand dollars.

For the purchase of cattle for beef and milk, together with clothing and food, teams and farming tools for Indians in California, fifty-five thousand dollars.

For additional pay of four physicians, four blacksmiths and assistants, four carpenters, and four farmers, on the four reservations in California, for the fiscal year ending June thirty, eighteen hundred and sixty-eight, three thousand six hundred dollars.

For this amount, or so much thereof as may be necessary, to purchase a saw and grist mill for the Round Valley reservation, five thousand dollars.

For defraying the expenses of the removal and subsistence of Indians in Oregon and Washington Territory, (not parties to any treaty,) and for pay of necessary employés, fifty thousand dollars.

Navajo Indians in New Mexico.

For subsistence for the Navajo Indians, and for the purchase of sheep, seeds, agricultural implements, and other articles necessary for breaking the ground on the reservation upon the Pecos river, one hundred thousand dollars.

For the relief of the Navajo Indians now at or near Fort Sumner, to be expended under the direction of the Secretary of the Interior, one hundred thousand dollars: *Provided*, That no rations or supplies shall be furnished to said Indians by the War Department after the first day of July next, except in case of extreme necessity, the facts of which shall be certified to the Secretary of War by the officer commanding that military district.

To enable the Secretary of the Interior to take charge of certain stray bands of Pottawatomie and Winnebago Indians, in the State of Wisconsin, five thousand dollars.

For salary of a special agent to take charge of Winnebago and Pottowatomie Indians now in the State of Wisconsin, one thousand five hundred dollars.

For subsistence, clothing, and general incidental expenses of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians at their new homes, one hundred thousand dollars.

For payment of interest on one million six hundred and ninety thousand three hundred dollars, non-paying stock, held by the Secretary of the Interior in trust for various Indian tribes, up to and including the interest payable July first, eighteen hundred and sixty-seven, one hundred thousand one hundred and fifty-three dollars.

For payment of interest on fifteen thousand dollars, abstracted bonds, for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven, for the Cherokee school fund, nine hundred dollars.

For payment of interest on sixty-eight thousand dollars, abstracted bonds, for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven, of the Cherokee national fund, four thousand and eighty dollars.

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions to the Indian tribes in Minnesota and Michigan, twenty thousand three hundred and fifty dollars and sixty-two cents.

For insurance, transportation, and necessary expenses of the delivery to the Pawnee, Ponca, and Yancton Sioux Indians of annuity goods and provisions, ten thousand dollars.

To supply a deficiency in the appropriation for transporting goods purchased for the Sioux of Dakota Indians, under treaty made at Fort Sully in October, eighteen hundred and sixty-five, for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven, four thousand nine hundred and one dollars and eighty-two cents.

Flatheads.

For this amount, to supply a deficiency in the appropriation for the Flatheads and other confederated tribes for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, being the fifth installment for beneficial objects, under treaty of July sixteenth, eighteen hundred and fifty-five, one thousand dollars.

Qui-nai-elts and Qui-leh-utes.

For this amount, to supply a deficiency in the appropriation for the fiscal year ending June thirtieth, eighteen hundred and sixty-seven, of the first of four installments on twenty-five thousand dollars, stipulated to be paid the Qui-nai-elts and Qui-leh-utes, as per fourth article treaty of July first, eighteen hundred and fifty-five, three hundred dollars.

For expenses attending the vaccination of Indians, two thousand five hundred dollars.

For expense of collecting and locating the Colorado River Indians in Arizona on a reservation set apart for them by section first, act of March third, eighteen hundred and sixty-five, including the expense of constructing a canal for irrigating said reservation, fifty thousand dollars.

For actual necessary expenses incurred, and that may hereafter be incurred, by officers of the Indian department in the rescue of prisoners from Indian tribes and returning them to their homes, and for expenses incident to the arrest and confinement within the territory of the United States, by order of such officers, of persons charged with crimes against the Indians, five thousand dollars.

SEC. 2. *And be it further enacted*, That no moneys or annuities stipulated by any treaty with an Indian tribe, for which appropriations are herein made, or for which appropriations shall hereafter be made, shall be expended for or paid or delivered to any tribe which, since the next preceding payment under such treaty, shall have engaged in hostilities against the United States, or against its citizens peacefully and lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress; and it shall be the duty of the Commissioner of Indian Affairs to report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which shall have occurred since his next preceding report.

SEC. 3. *And be it further enacted*, That it shall hereafter be the duty of the officer in charge of the Indian Bureau to report separately to Congress, at the commencement of each December session, a tabular statement showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object, describing the articles and the quantity of each, and giving the name of each person to whom any part was paid, and how much paid to him, and for what objects, so far as they relate to the disbursement of the funds hereinbefore, or which shall be hereafter, appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service, during the fiscal year next preceding each report.

SEC. 4. *And be it further enacted*, That hereafter, whenever a vacancy shall occur in the office of any sub-Indian agent whose salary or compensation exceeds one thousand dollars per annum, the same shall only be filled by some person to be appointed by the President, by and with the advice and consent of the Senate, except, if such vacancy shall occur in the recess of the Senate, the same may be temporarily filled by some person to be commissioned by the President, and who shall hold his office until the end of the next session.

SEC. 5. *And be it further enacted*, That the

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sum hereinbefore appropriated to the Miamies of Indiana, or which shall hereafter be appropriated to them, shall only be paid to such persons as may be, upon the opinion of the Attorney General, legally entitled to the same under the provisions of the treaty with said Indians of June fifth, eighteen hundred and fifty-four, and Senate amendments thereto, regardless of any subsequent legislation.

APPROVED, March 2, 1867.

CHAP. CLXXIV.—An Act to amend certain Acts in Relation to the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the "Act to establish the grade of vice admiral in the United States Navy," approved December twenty-one, eighteen hundred and sixty-four, as provides that the vice admiral shall be the ranking officer in the Navy of the United States, shall be considered as having been repealed by the act approved July twenty-five, eighteen hundred and sixty-six, establishing the grade of admiral, who shall be the ranking officer of the Navy; and the sixth section of the act last named is hereby so amended that the secretary of the admiral shall be entitled to the rank, sea pay, and allowances of a lieutenant in the Navy, such pay and allowances to date from the acceptance of his appointment, deducting any pay already received by him under said appointment.

SEC. 2. *And be it further enacted*, That so much of the "Act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes," approved July four, eighteen hundred and sixty-four, as provides that cadet engineers, when appointed, shall be under eighteen years of age, and shall have been employed at least two years in the actual fabrication of steam machinery, is hereby repealed.

SEC. 3. *And be it further enacted*, That the officers of the volunteer naval service who are, or may be, transferred to the regular Navy, or Marine corps, shall be credited with the sea service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been during such service in the regular Navy or Marine corps; and all marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States.

SEC. 4. *And be it further enacted*, That the storekeeper at the Naval Academy shall hereafter be detailed from the paymasters' corps of the Navy, and he shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen, in the same manner as supplies are now furnished the Navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy.

SEC. 5. *And be it further enacted*, That the fourth section of the "Act to provide a more efficient discipline for the Navy," approved March second, eighteen hundred and fifty-five, be, and hereby is, so amended that the authority therein given to the commander of any vessel in the Navy to convene summary courts-martial, shall require the approval of the proceedings by the commander-in-chief, when present in port, and, in his absence, that of the senior officer present, in all cases before carrying the sentence into execution; and in all cases where the sentence involves loss of pay, that part of such sentence shall be subject to the approval or disapproval of the Secretary of the Navy.

SEC. 6. *And be it further enacted*, That to carry out the provisions of the eleventh section of the "Act for the better government of the Navy of the United States," approved July seventeen, eighteen hundred and sixty-two, directing the surplus income from the naval pension fund to "be applied to the making of further provision for the comfort of disabled officers, seamen, and marines," there shall be paid out of said fund to every person who, from age or infirmity, is disabled from sea service, but who has served as an enlisted person in the Navy or Marine corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the Naval Asylum, Philadelphia, if he shall so elect, a sum equal to one half the pay of his rating at the time he was discharged, to be paid to him quarterly, under the direction of the Commissioner of Pensions; and application for such pension shall be made to the Secretary of the Navy, who, upon being satisfied that the applicant comes within the provisions of this act, shall certify the same to the Commissioner of Pensions, and said certificate shall be his warrant for making payment as herein authorized: *And provided further*, That any disabled person who has served in the Navy or Marine corps as an enlisted man for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval officers, one of whom shall be a surgeon, to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy, and certificate thereof to the Commissioner of Pensions, the amount shall be paid in the same manner as is provided in this section for the payment to persons disabled by long service in the Navy; but no allowance so made shall exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one fourth the rate of such pension.

SEC. 7. *And be it further enacted*, That the commandant of the Marine corps shall have the rank and pay of a brigadier general of the Army.

SEC. 8. *And be it further enacted*, That the number of midshipmen allowed at the Naval Academy shall be one for every Member and Delegate of the House of Representatives, one for the District of Columbia, ten appointed annually at large, and ten to be selected annually from boys enlisted in the Navy, and who have been one year in the service on board a naval vessel, should so many be found qualified: *Provided, however*, That the reduction in the number of midshipmen herein provided for shall not affect any already appointed, nor any vacancy alre[a]dy existing: *And provided further*, That so much of the act of July fourteen, eighteen hundred and sixty-two, and of July sixteen, eighteen hundred and sixty-two, as provides for the number of midshipmen that may be appointed to the Naval Academy be, and the same is hereby, repealed.

SEC. 9. *And be it further enacted*, That officers on the retired and reserved lists of the Navy shall be entitled to promotion as their several dates upon the active list are promoted; but such promotion shall not entitle them to any pay beyond that to which they were entitled when retired, unless upon active duty, when they shall receive the full pay of their respective grades: *Provided*, That no promotion shall be made to the grade of rear admiral upon the retired list while there shall be in that grade the full number allowed by law.

APPROVED, March 2, 1867.

CHAP. CLXXV.—An Act relating to Brevets in the Army of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized, with the advice and consent of the Senate, to confer brevet rank on officers in the Army of the United States, on account of gallant, meritorious, or faithful conduct in the volunteer service, prior to appointment in said Army of the United States.

APPROVED, March 2, 1867.

CHAP. CLXXVI.—An Act to establish a Uniform System of Bankruptcy throughout the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several district courts of the United States be, and they hereby are, constituted courts of bankruptcy, and they shall have original jurisdiction in their respective districts in all matters and proceedings in bankruptcy, and they are hereby authorized to hear and adjudicate upon the same according to the provisions of this act. The said courts shall be always open for the transaction of business under this act, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time, and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court. And the jurisdiction hereby conferred shall extend to all cases and controversies arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy; to the collection of all the assets of the bankrupt; to the ascertainment and liquidation of the liens and other specific claims thereon; to the adjustment of the various priorities and conflicting interests of all parties; and to the marshaling and disposition of the different funds and assets, so as to secure the rights of all parties and due distribution of the assets among all the creditors; and to all acts, matters, and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt, and the close of the proceedings in bankruptcy. The said courts shall have full authority to compel obedience to all orders and decrees passed by them in bankruptcy, by process of contempt and other remedial process, to the same extent that the circuit courts now have in any suit pending therein in equity. Said courts may sit, for the transaction of business in bankruptcy, at any place in the district, of which place and the time of holding court they shall have given notice, as well as at the places designated by law for holding such courts.

SEC. 2. *And be it further enacted*, That the several circuit courts of the United States, within and for the districts where the proceedings in bankruptcy shall be pending, shall have a general superintendence and jurisdiction of all cases and questions arising under this act; and, except when special provision is otherwise made, may, upon bill, petition, or other proper process, of any party aggrieved, hear and determine the case in a court of equity. The powers and jurisdiction hereby granted may be exercised either by said court or by any justice thereof in term time or vacation. Said circuit courts shall also have concurrent jurisdiction with the district courts of the same district of all suits at law or in equity which may or shall be brought by the assignee in bankruptcy against any person claiming an adverse interest, or by such person against such assignee, touching any property or rights of property of said bankrupt transferable to or vested in such assignee; but no suit at law or in equity shall in any case be maintainable by or against such assignee, or by or against any person claiming an adverse interest, touching the property and rights of property aforesaid, in any court whatsoever, unless the same shall be brought within two

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years from the time the cause of action accrued, for or against such assignee: *Provided*, That nothing herein contained shall revive a right of action barred at the time such assignee is appointed.

Of the Administration of the Law in Courts of Bankruptcy.

SEC. 3. *And be it further enacted*, That it shall be the duty of the judges of the district courts of the United States, within and for the several districts, to appoint in each congressional district in said districts, upon the nomination and recommendation of the Chief Justice of the Supreme Court of the United States, one or more registers in bankruptcy, to assist the judge of the district court in the performance of his duties under this act. No person shall be eligible to such appointment unless he be a counselor of said court, or of some one of the courts of record of the State in which he resides. Before entering upon the duties of his office, every person so appointed a register in bankruptcy shall give a bond to the United States, with condition that he will faithfully discharge the duties of his office, in a sum not less than one thousand dollars, to be fixed by said court, with sureties satisfactory to said court, or to either of the said justices thereof; and he shall, in open court, take and subscribe the oath prescribed in the act entitled "An act to prescribe an oath of office, and for other purposes," approved July second, eighteen hundred and sixty-two, and also that he will not, during his continuance in office, be, directly or indirectly, interested in or benefited by the fees or emoluments arising from any suit or matter pending in bankruptcy, in either the district or circuit court in his district.

SEC. 4. *And be it further enacted*, That every register in bankruptcy, so appointed and qualified, shall have power, and it shall be his duty, to make adjudication of bankruptcy, to receive the surrender of any bankrupt, to administer oaths in all proceedings before him, to hold and preside at meetings of creditors, to take proof of debts, to make all computations of dividends, and all orders of distribution, and to furnish the assignee with a certified copy of such orders, and of the schedules of creditors and assets filed in each case, to audit and pass accounts of assignees, to grant protection, to pass the last examination of any bankrupt in cases whenever the assignee or a creditor do not oppose, and to sit in chambers and dispatch there such part of the administrative business of the court and such uncontested matters as shall be defined in general rules and orders, or as the district judge shall in any particular matter direct; and he shall also make short memoranda of his proceedings in each case in which he shall act, in a docket to be kept by him for that purpose, and he shall forthwith, as the proceedings are taken, forward to the clerk of the district court a certified copy of said memoranda, which shall be entered by said clerk in the proper minute-book to be kept in his office, and any register of the court may act for any other register thereof: *Provided, however*, That nothing in this section contained shall empower a register to commit for contempt, or to hear a disputed adjudication, or any question of the allowance or suspension of an order of discharge; but in all matters where an issue of fact or of law is raised and contested by any party to the proceedings before him, it shall be his duty to cause the question or issue to be stated by the opposing parties in writing, and he shall adjourn the same into court for decision by the judge. No register shall be of counsel or attorney, either in or out of court, in any suit or matter pending in bankruptcy in either the circuit or district court of his district, nor in an appeal therefrom; nor shall he be executor, administrator, guardian, commissioner, appraiser, divider, or assignee of or upon any estate within the jurisdiction of either of said courts of bankruptcy, nor be interested in the fees or emoluments arising from either of said trusts. The fees of said registers, as established by this act, and by the general rules and orders required to be framed under it, shall be paid to them by the parties for whom the services may be rendered in the course of proceedings authorized by this act.

SEC. 5. *And be it further enacted*, That the judge of the district court may direct a register to attend at any place within the district for the purpose of hearing such voluntary applications under this act as may not be opposed, of attending any meeting of creditors, or receiving any proof of debts, and, generally, for the prosecution of any bankruptcy or other proceedings under this act; and the traveling and incidental expenses of such register, and of any clerk or other officer attending him, incurred in so acting, shall be set[tled] by said court in accordance with the rules prescribed under the tenth section of this act, and paid out of the assets of the estate in respect of which such register has so acted; or if there be no such assets, or if the assets shall be insufficient, then such expenses shall form a part of the costs in the case or cases in which the register shall have acted in such journey, to be apportioned by the judge, and such register, so acting, shall have and exercise all powers, except the power of commitment, vested in the district court for the summoning and examination of persons or witnesses, and for requiring the production of books, papers, and documents: *Provided, always*, That all depositions of persons and witnesses taken before said register, and all acts done by him, shall be reduced to writing, and be signed by him, and shall be filed in the clerk's office as part of the proceedings. Such register shall be subject to removal by the judge of the district court, and all vacancies occurring by such removal, or by resignation, change of residence, death, or disability, shall be promptly filled by other fit persons, unless said court shall deem the continuance of the particular office unnecessary.

SEC. 6. *And be it further enacted*, That any party shall, during the proceedings before a register, be at liberty to take the opinion of the district judge upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the register in the shape of a short certificate to the judge, who shall sign the same if he approve thereof; and such certificate, so signed, shall be binding on all the parties to the proceeding; but every such certificate may be discharged or varied by the judge at chambers or in open court. In any bankruptcy, or in any other proceedings within the jurisdiction of the court, under this act, the parties concerned, or submitting to such jurisdiction, may at any stage of the proceedings, by consent, state any question or questions in a special case for the opinion of the court, and the judgment of the court shall be final unless it be agreed and stated in such special case that either party may appeal, if, in such case, an appeal is allowed by this act. The parties may also, if they think fit, agree, that upon the question or questions raised by such special case being finally decided, a sum of money, fixed by the parties, or to be ascertained by the court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them either with or without costs.

SEC. 7. *And be it further enacted*, That parties and witnesses summoned before a register shall be bound to attend in pursuance of such summons at the place and time designated therein, and shall be entitled to protection, and be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpœna, and all persons willfully and corruptly swearing or affirming falsely before a register shall be liable to all the penalties, punishments, and consequences of perjury. If any person examined before a register shall refuse or decline to answer, or to swear to or sign his examination when taken, the register shall refer the matter to the judge, who shall have power to order the person so acting to pay the costs thereby occasioned, if such person be compellable by law to answer such question or to sign such examination, and such person shall also be liable to be punished for contempt.

Of Appeals and Practice.

SEC. 8. *And be it further enacted*, That appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error may be allowed to said circuit courts from said district courts in cases at law under the jurisdiction created by this act, when the debt or damages claimed amount to more than five hundred dollars, and any supposed creditor, whose claim is wholly or in part rejected, or an assignee who is dissatisfied with the allowance of a claim may appeal from the decision of the district court to the circuit court from the same district; but no appeal shall be allowed in any case from the district to the circuit court unless it is claimed, and notice given thereof to the clerk of the district court, to be entered with the record of the proceedings, and also to the assignee or creditor, as the case may be, or to the defeated party in equity, within ten days after the entry of the decree or decision appealed from. The appeal shall be entered at the term of the circuit court which shall be first held within and for the district next after the expiration of ten days from the time of claiming the same. But if the appellant in writing waives his appeal before any decision thereon, proceedings may be had in the district court as if no appeal had been taken; and no appeal shall be allowed unless the appellant at the time of claiming the same shall give bond in man[ner] now required by law in cases of such appeals. No writ of error shall be allowed unless the party claiming it shall comply with the statutes regulating the granting of such writs.

SEC. 9. *And be it further enacted*, That in cases arising under this act no appeal or writ of error shall be allowed in any case from the circuit courts to the Supreme Court of the United States, unless the matter in dispute in such case shall exceed two thousand dollars.

SEC. 10. *And be it further enacted*, That the justices of the Supreme Court of the United States, subject to the provisions of this act, shall frame general orders for the following purposes:

For regulating the practice and procedure of the district courts in bankruptcy, and the several forms of petitions, orders, and other proceedings to be used in said courts in all matters under this act;

For regulating the duties of the various officers of said courts;

For regulating the fees payable and the charges and costs to be allowed, except such as are established by this act or by law, with respect to all proceedings in bankruptcy before said courts, not exceeding the rate of fees now allowed by law for similar services in other proceedings;

For regulating the practice and procedure upon appeals;

For regulating the filing, custody, and inspection of records;

And generally for carrying the provisions of this act into effect.

After such general orders shall have been so framed, they or any of them may be rescinded or varied, and other general orders may be framed in manner aforesaid; and all such general orders so framed shall from time to time be reported to Congress, with such suggestions as said justices may think proper.

Voluntary Bankruptcy—Commencement of Proceedings.

SEC. 11. *And be it further enacted*, That if

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any person residing within the jurisdiction of the United States, owing debts provable under this act exceeding the amount of three hundred dollars, shall apply by petition addressed to the judge of the judicial district in which such debtor has resided or carried on business for the six months next immediately preceding the time of filing such petition, or for the longest period during such six months, setting forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain the benefit of this act, and shall annex to his petition a schedule, verified by oath before the court or before a register in bankruptcy, or before one of the commissioners of the circuit court of the United States, containing a full and true statement of all his debts, and, as far as possible, to whom due, with the place of residence of each creditor, if known to the debtor, and if not known the fact to be so stated, and the sum due to each creditor; also, the nature of each debt or demand, whether founded on written security, obligation, contract, or otherwise, and also the true cause and consideration of such indebtedness in each case, and the place where such indebtedness accrued, and a statement of any existing mortgage, pledge, lien, judgment, or collateral or other security given for the payment of the same; and shall also annex to his petition an accurate inventory, verified in like manner, of all his estate, both real and personal, assignable under this act, describing the same and stating where it is situated, and whether there are any, and if so, what encumbrances thereon, the filing of such petition shall be an act of bankruptcy, and such petitioner shall be adjudged a bankrupt: *Provided*, That all citizens of the United States petitioning to be declared bankrupt shall on filing such petition, and before any proceedings thereon, take and subscribe an oath of allegiance and fidelity to the United States, which oath shall be filed and recorded with the proceedings in bankruptcy. And the judge of the district court, or, if there be no opposing party, any register of said court, to be designated by the judge, shall forthwith, if he be satisfied that the debts due from the petitioner exceed three hundred dollars, issue a warrant, to be signed by such judge or register, directed to the marshal of said district, authorizing him forthwith, as messenger, to publish notices in such newspapers as the warrant specifies; to serve written or printed notice, by mail or personally, on all creditors upon the schedule filed with the debtor's petition, or whose names may be given to him in addition by the debtor, and to give such personal or other notice to any persons concerned as the warrant specifies, which notice shall state:

First. That a warrant in bankruptcy has been issued against the estate of the debtor.

Second. That the payment of any debts and the delivery of any property belonging to such debtor to him or for his use, and the transfer of any property by him, are forbidden by law.

Third. That a meeting of the creditors of the debtor, giving the names, residences, and amounts, so far as known, to prove their debts and choose one or more assignees of his estate, will be held at a court of bankruptcy, to be holden at a time and place designated in the warrant, not less than ten nor more than ninety days after the issuing of the same.

Of Assignments and Assignees.

SEC. 12. *And be it further enacted*, That at the meeting held in pursuance of the notice one of the registers of the court shall preside, and the messenger shall make return of the warrant and of his doings thereon; and if it appears that the notice to the creditors has not been given as required in the warrant the meeting shall forthwith be adjourned, and a new notice given as required. If the debtor dies after the issuing of the warrant, the proceedings may be continued and concluded in like manner as if he had lived.

SEC. 13. *And be it further enacted*, That the creditors shall, at the first meeting held after due notice from the messenger, in presence of a register designated by the court, choose one or more assignees of the estate of the debtor; the choice to be made by the greater part in value and in number of the creditors who have proved their debts. If no choice is made by the creditors at said meeting the judge, or if there be no opposing interest the register, shall appoint one or more assignees. If an assignee, so chosen or appointed, fails within five days to express in writing his acceptance of the trust, the judge or register may fill the vacancy. All elections or appointments of assignees shall be subject to the approval of the judge; and when in his judgment it is for any cause needful or expedient he may appoint additional assignees or order a new election. The judge at any time may, and upon the request in writing of any creditor who has proved his claim shall, require the assignee to give good and sufficient bond to the United States, with a condition for the faithful performance and discharge of his duties; the bond shall be approved by the judge or register by his indorsement thereon, shall be filed with the record of the case, and inure to the benefit of all creditors proving their claims, and may be prosecuted in the name and for the benefit of any injured party. If the assignee fails to give the bond within such time as the judge orders, not exceeding ten days after notice to him of such order, the judge shall remove him and appoint another in his place.

SEC. 14. *And be it further enacted*, That as soon as said assignee is appointed and qualified the judge, or, where there is no opposing interest, the register, shall, by an instrument under his hand, assign and convey to the assignee all the estate, real and personal, of the bankrupt, with all his deeds, books, and papers relating thereto, and such assignment shall relate back to the commencement of said proceedings in bankruptcy, and thereupon, by operation of law, the title to all such property and estate, both real and personal, shall vest in said assignee, although the same is then attached on mesne process as the property of the debtor, and shall dissolve any such attachment made within four months next preceding the commencement of said proceedings: *Provided, however*, That there shall be excepted from the operation of the provisions of this section the necessary household and kitchen furniture, and such other articles and necessaries of such bankrupt as the said assignee shall designate and set apart, having reference in the amount to the family, condition, and circumstances of the bankrupt, but altogether not to exceed in value, in any case, the sum of five hundred dollars; and also the wearing apparel of such bankrupt, and that of his wife and children, and the uniform, arms, and equipments of any person who is or has been a soldier in the militia, or in the service of the United States; and such other property as now is, or hereafter shall be, exempted from attachment or seizure, or levy on execution by the laws of the United States, and such other property not included in the foregoing exceptions as is exempted from levy and sale upon execution or other process or order of any court by the laws of the State in which the bankrupt has his domicile at the time of the commencement of the proceedings in bankruptcy, to an amount not exceeding that allowed by such State exemption laws in force in the year eighteen hundred and sixty-four: *Provided*, That the foregoing exception shall operate as a limitation upon the conveyance of the property of the bankrupt to his assignees; and in no case shall the property hereby excepted pass to the assignees, or the title of the bankrupt thereto be impaired or affected by any of the provisions of this act; and the determination of the assignee in the matter shall, on exception taken, be subject to the final decision of the said court: *And provided further*, That no mortgage of any vessel or of any other goods or chattels, made as security for any debt or debts, in good faith and for present considerations and otherwise valid, and duly recorded, pursuant to any statute of the United States or of any State, shall be invalidated or affected hereby; and all the property conveyed by the bankrupt in fraud of his creditors; all rights in equity, choses in action, patents and patent rights and copyrights; all debts due him, or any person for his use, and all liens and securities therefor; and all his rights of action for property or estate, real or personal, and for any cause of action which the bankrupt had against any person arising from contract or from the unlawful taking or detention, or of injury to the property of the bankrupt, and all his rights of redeeming such property or estate, with the like right, title, power, and authority to sell, manage, dispose of, sue for, and recover or defend the same, as the bankrupt might or could have had if no assignment had been made, shall, in virtue of the adjudication of bankruptcy and the appointment of his assignee, be at once vested in such assignee; and he may sue for and recover the said estate debts and effects, and may prosecute and defend all suits at law or in equity, pending at the time of the adjudication of bankruptcy, in which such bankrupt is a party in his own name, in the same manner and with the like effect as they might have been presented or defended by such bankrupt; and a copy, duly certified by the clerk of the court, under the seal thereof, of the assignment made by the judge or register, as the case may be, to him as assignee, shall be conclusive evidence of his title as such assignee to take, hold, sue for, and recover the property of the bankrupt, as hereinbefore mentioned; but no property held by the bankrupt in trust shall pass by such assignment. No person shall be entitled to maintain an action against an assignee in bankruptcy for anything done by him as such assignee, without previously giving him twenty days' notice of such action, specifying the cause thereof, to the end that such assignee may have an opportunity of tendering amends, should he see fit to do so. No person shall be entitled, as against the assignee, to withhold from him possession of any books of account of the bankrupt, or claim any lien thereon; and no suit in which the assignee is a party shall be abated by his death or removal from office; but the same may be prosecuted and defended by his successor, or by the surviving or remaining assignee, as the case may be. The assignee shall have authority, under the order and direction of the court, to redeem or discharge any mortgage or conditional contract, or pledge or deposit, or lien upon any property, real or personal, whenever payable, and to tender due performance of the condition thereof, or to sell the same subject to such mortgage, lien, or other encumbrances. The debtor shall also, at the request of the assignee and at the expense of the estate, make and execute any instruments, deeds, and writings which may be proper to enable the assignee to possess himself fully of all the assets of the bankrupt. The assignee shall immediately give notice of his appointment, by publication at least once a week for three successive weeks in such newspapers as shall for that purpose be designated by the court, due regard being had to their general circulation in the district or in that portion of the district in which the bankrupt and his creditors shall reside, and shall, within six months, cause the assignment to him to be recorded in every registry of deeds or other office within the United States where a conveyance of any lands owned by the bankrupt ought by law to be recorded; and

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the record of such assignment, or a duly certified copy thereof, shall be evidence thereof in all courts.

SEC. 15. *And be it further enacted*, That the assignee shall demand and receive, from any and all persons holding the same, all the estate assigned, or intended to be assigned, under the provisions of this act; and he shall sell all such unencumbered estate, real and personal, which comes to his hands, on such terms as he thinks most for the interest of the creditors; but upon petition of any person interested, and for cause shown, the court may make such order concerning the time, place, and manner of sale as will, in its opinion, prove to the interest of the creditors; and the assignee shall keep a regular account of all money received by him as assignee, to which every creditor shall, at reasonable times, have free resort.

SEC. 16. *And be it further enacted*, That the assignee shall have the like remedy to recover all said estate, debts, and effects in his own name, as the debtor might have had if the decree in bankruptcy had not been rendered and no assignment had been made. If, at the time of the commencement of proceedings in bankruptcy, an action is pending in the name of the debtor for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall, if he requires it, be admitted to prosecute the action in his own name, in like manner and with like effect as if it had been originally commenced by him. No suit pending in the name of the assignee shall be abated by his death or removal; but upon the motion of the surviving or remaining or new assignee, as the case may be, he shall be admitted to prosecute the suit in like manner and with like effect as if it had been originally commenced by him. In suits prosecuted by the assignee a certified copy of the assignment made to him by the judge or register shall be conclusive evidence of his authority to sue.

SEC. 17. *And be it further enacted*, That the assignee shall, as soon as may be after receiving any money belonging to the estate, deposit the same in some bank in his name as assignee, or otherwise keep it distinct and apart from all other money in his possession; and shall, as far as practicable, keep all goods and effects belonging to the estate separate and apart from all other goods in his possession, or designated by appropriate marks, so that they may be easily and clearly distinguished, and may not be exposed or liable to be taken as his property or for the payment of his debts. When it appears that the distribution of the estate may be delayed by litigation or other cause, the court may direct the temporary investment of the money belonging to such estate in securities to be approved by the judge or a register of said court, or may authorize the same to be deposited in any convenient bank upon such interest, not exceeding the legal rate, as the bank may contract with the assignee to pay thereon. He shall give written notice to all known creditors, by mail or otherwise, of all dividends, and such notice of meetings, after the first, as may be ordered by the court. He shall be allowed, and may retain out of money in his hands, all the necessary disbursements made by him in the discharge of his duty, and a reasonable compensation for his services, in the discretion of the court. He may, under the direction of the court, submit any controversy arising in the settlement of demands against the estate, or of debts due to it, to the determination of arbitrators, to be chosen by him and the other party to the controversy, and may, under such direction, compound and settle any such controversy, by agreement with the other party, as he thinks proper and most for the interest of the creditors.

SEC. 18. *And be it further enacted*, That the court, after due notice and hearing, may remove an assignee for any cause which, in the judgment of the court, renders such removal necessary or expedient. At a meeting called by order of the court in its discretion for the purpose, or which shall be called upon the application of a majority of the creditors in number and value, the creditors may, with consent of [the] court, remove any assignee by such a vote as is hereinbefore provided for the choice of assignee. An assignee may, with the consent of the judge, resign his trust and be discharged therefrom. Vacancies caused by death or otherwise in the office of assignee may be filled by appointment of the court, or at its discretion by an election by the creditors, in the manner hereinbefore provided, at a regular meeting, or at a meeting called for the purpose, with such notice thereof in writing to all known creditors, and by such person as the court shall direct. The resignation or removal of an assignee shall in no way release him from performing all things requisite on his part for the proper closing up of his trust and the transmission thereof to his successors, nor shall it affect the liability of the principal or surety on the bond given by the assignee. When, by death or otherwise, the number of assignees is reduced, the estate of the debtor not lawfully disposed of shall vest in the remaining assignee or assignees, and the persons selected to fill vacancies, if any, with the same powers and duties relative thereto as if they were originally chosen. Any former assignee, his executors or administrators, upon request, and at the expense of the estate, shall make and execute to the new assignee all deeds, conveyances, and assurances, and do all other lawful acts requisite to enable him to recover and receive all the estate. And the court may make all orders which it may deem expedient to secure the proper fulfillment of the duties of any former assignee, and the rights and interests of all persons interested in the estate. No person who has received any preference contrary to the provisions of this act shall vote for or be eligible as assignee; but no title to property, real or personal, sold, transferred, or conveyed by an assignee, shall be affected or impaired by reason of his ineligibility. An assignee refusing or unreasonably neglecting to execute an instrument when lawfully required by the court, or disobeying a lawful order or decree of the court in the premises, may be punished as for a contempt of court.

Of Debts and Proof of Claims.

SEC. 19. *And be it further enacted*, That all debts due and payable from the bankrupt at the time of the adjudication of bankruptcy, and all debts then existing but not payable until a future day, a rebate of interest being made when no interest is payable by the terms of the contract, may be proved against the estate of the bankrupt. All demands against the bankrupt for or on account of any goods or chattels wrongfully taken, converted, or withheld by him may be proved and allowed as debts to the amount of the value of the property so taken or withheld, with interest. If the bankrupt shall be bound as drawer, indorser, surety, bail, or guarantor upon any bill, bond, note, or any other specialty or contract, or for any debt of another person, and his liability shall not have become absolute until after the adjudication of bankruptcy, the creditor may prove the same after such liability shall have become fixed, and before the final dividend shall have been declared. In all cases of contingent debts and contingent liabilities contracted by the bankrupt, and not herein otherwise provided for, the creditor may make claim therefor, and have his claim allowed, with the right to share in the dividends, if the contingency shall happen before the order for the final dividend; or he may at any time apply to the court to have the present value of the debt or liability ascertained and liquidated, which shall then be done in such manner as the court shall order, and he shall be allowed to prove for the amount so ascertained. Any person liable as bail, surety, guarantor, or otherwise for the bankrupt, who shall have paid the debt, or any part thereof, in discharge of the whole, shall be entitled to prove such debt or to stand in the place of the creditor if he shall have proved the same, although such payments shall have been made after the proceedings in bankruptcy were commenced. And any person so liable for the bankrupt, and who has not paid the whole of said debt, but is still liable for the same or any part thereof, may, if the creditor shall fail or omit to prove such debt, prove the same either in the name of the creditor or otherwise, as may be provided by the rules, and subject to such regulations and limitations as may be established by such rules. Where the bankrupt is liable to pay rent or other debt falling due at fixed and stated periods, the creditor may prove for a proportionate part thereof up to the time of the bankruptcy, as if the same grew due from day to day, and not at such fixed and stated periods. If any bankrupt shall be liable for unliquidated damages arising out of any contract or promise, or on account of any goods or chattels wrongfully taken, converted, or withheld, the court may cause such damages to be assessed in such mode as it may deem best, and the sum so assessed may be proved against the estate. No debts other than those above specified shall be proved or allowed against the estate.

SEC. 20. *And be it further enacted*, That, in all cases of mutual debts or mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed or paid, but no set-off shall be allowed of a claim in its nature not provable against the estate: *Provided*, That no set-off shall be allowed in favor of any debtor to the bankrupt of a claim purchased by or transferred to him after the filing of the petition. When a creditor has a mortgage or pledge of real or personal property of the bankrupt, or a lien thereon for securing the payment of a debt owing to him from the bankrupt, he shall be admitted as a creditor only for the balance of the debt after deducting the value of such property, to be ascertained by agreement between him and the assignee, or by a sale thereof, to be made in such manner as the court shall direct; or the creditor may release or convey his claim to the assignee upon such property, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the bankrupt's right of redemption therein on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not so sold or released and delivered up the creditor shall not be allowed to prove any part of his debt.

SEC. 21. *And be it further enacted*, That no creditor proving his debt or claim shall be allowed to maintain any suit at law or in equity therefor against the bankrupt, but shall be deemed to have waived all right of action and suit against the bankrupt, and all proceedings already commenced, or unsatisfied judgments already obtained thereon, shall be deemed to be discharged and surrendered thereby; and no creditor whose debt is provable under this act shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt until the question of the debtor's discharge shall have been determined; and any such suit or proceedings shall, upon the application of the bankrupt, be stayed to await the determination of the court in bankruptcy on the question of the discharge, provided there be no unreasonable delay on the part of the bankrupt in endeavoring to obtain his discharge, and

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provided, also, that if the amount due the creditor is in dispute, the suit, by leave of the court in bankruptcy, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proved in bankruptcy, but execution shall be stayed as aforesaid. If any bankrupt shall, at the time of adjudication, be liable upon any bill of exchange, promissory note, or other obligation in respect of distinct contracts as a member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader and also [as] a member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

SEC. 22. *And be it further enacted*, That all proofs of debts against the estate of the bankrupt, by or in behalf of creditors residing within the judicial district where the proceedings in bankruptcy are pending, shall be made before one of the registers of the court in said district, and by or in behalf of non-resident debtors before any register in bankruptcy in the judicial district where such creditors or either of them reside, or before any commissioner of the circuit court authorized to administer oaths in any district. To entitle a claimant against the estate of a bankrupt to have his demand allowed, it must be verified by a deposition in writing on oath or solemn affirmation before the proper register or commissioner setting forth the demand, the consideration thereof, whether any and what securities are held therefor, and whether any and what payments have been made thereon; that the sum claimed is justly due from the bankrupt to the claimant; that the claimant has not, nor has any other person, for his use, received any security or satisfaction whatever other than that by him set forth, that the claim was not procured for the purpose of influencing the proceedings under this act, and that no bargain or agreement, express or implied, has been made or entered into, by or on behalf of such creditor, to sell, transfer, or dispose of the said claim, or any part thereof, against such bankrupt, or take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of such creditor for assignee, or any action on the part of such creditor, or any other person in the proceedings under this act, is or shall be in any way affected, influenced, or controlled, and no claim shall be allowed unless all the statements set forth in such deposition shall appear to be true. Such oath or solemn affirmation shall be made by the claimant, testifying of his own knowledge, unless he is absent from the United States or prevented by some other good cause from testifying, in which cases the demand may be verified in like manner by the attorney or authorized agent of the claimant testifying to the best of his knowledge, information, and belief, and setting forth his means of knowledge; or if in a foreign country, the oath of the creditor may be taken before any minister, consul, or vice consul of the United States; and the court may, if it shall see fit, require or receive further pertinent evidence either for or against the admission of the claim. Corporations may verify their claims by the oath or solemn affirmation of their president, cashier, or treasurer. If the proof is satisfactory to the register or commissioner, it shall be signed by the deponent, and delivered or sent by mail to the assignee, who shall examine the same and compare it with the books and accounts of the bankrupt, and shall register, in a book to be kept by him for that purpose, the names of creditors who have proved their claims, in the order in which such proof is received, stating the time of receipt of such proof, and the amount and nature of the debts, which books shall be open to the inspection of all the creditors. The court may, on the application of the assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath the bankrupt, or any person tendering or who has made proof of claims, and may summon any person capable of giving evidence concerning such proof, or concerning the debt sought to be proved, and shall reject all claims not duly proved, or where the proof shows the claim to be founded in fraud, illegality, or mistake.

SEC. 23. *And be it further enacted*, That when a claim is presented for proof before the election of the assignee, and the judge entertains doubts of its validity or of the right of the creditor to prove it, and is of opinion that such validity or right ought to be investigated by the assignee, he may postpone the proof of the claim until the assignee is chosen. Any person who, after the approval of this act, shall have accepted any preference, having reasonable caused to believe that the same was made or given by the debtor, contrary to any provision of this act, shall not prove the debt or claim on account of which the preference was made or given, nor shall he receive any dividend therefrom until he shall first have surrendered to the assignee all property, money, benefit, or advantage received by him under such preference. The court shall allow all debts duly proved, and shall cause a list thereof to be made and certified by one of the registers; and any creditor may act at all meetings by his duly constituted attorney the same as though personally present.

SEC. 24. *And be it further enacted*, That a supposed creditor who takes an appeal to the circuit court from the decision of the district court, rejecting his claim in whole or in part, shall, upon entering his appeal in the circuit court, file in the clerk's office thereof a statement in writing of his claim, setting forth the same, substantially, as in a declaration for the same cause of action at law, and the assignee shall plead or answer thereto in like manner, and like proceedings shall thereupon be had in the pleadings, trial, and determination of the cause, as in action at law commenced and prosecuted, in the usual manner, in the courts of the United States, except that no execution shall be awarded against the assignee for the amount of a debt found due to the creditor. The final judgment of the court shall be conclusive, and the list of debts shall, if necessary, be altered to conform thereto. The party prevailing in the suit shall be entitled to costs against the adverse party, to be taxed and recovered as in suits at law; if recovered against the assignee, they shall be allowed out of the estate. A bill of exchange, promissory note, or other instrument, used in evidence upon the proof of a claim, and left in court or deposited in the clerk's office, may be delivered, by the register or clerk having the custody thereof, to the person who used it, upon his filing a copy thereof, attested by the clerk of the court, who shall indorse upon it the name of the party against whose estate it has been proved, and the date and amount of any dividend declared thereon.

Of Property Perishable and in Dispute.

SEC. 25. *And be it further enacted*, That when it appears to the satisfaction of the court that the estate of the debtor, or any part thereof, is of a perishable nature, or liable to deteriorate in value, the court may order the same to be sold, in such manner as may be deemed most expedient, under the direction of the messenger or assignee, as the case may be, who shall hold the funds received in place of the estate disposed of: and whenever it appears to the satisfaction of the court that the title to any portion of an estate, real or personal, which has come into possession of the assignee, or which is claimed by him, is in dispute, the court may, upon the petition of the assignee, and after such notice to the claimant, his agent or attorney, as the court shall deem reasonable, order it to be sold, under the direction of the assignee, who shall hold the funds received in place of the estate disposed of; and the proceeds of the sale shall be considered the measure of the value of the property in any suit or controversy between the parties in any courts. But this provision shall not prevent the recovery of the property from the possession of the assignee by any proper action commenced at any time before the court orders the sale.

Examination of Bankrupts.

SEC. 26. *And be it further enacted*, That the court may, on the application of the assignee in bankruptcy, or of any creditor, or without any application, at all times require the bankrupt, upon reasonable notice, to attend and submit to an examination, on oath, upon all matters relating to the disposal or condition of his property, to his trade and dealings with others, and his accounts concerning the same, to all debts due to or claimed from him, and to all other matters concerning his property and estate and the due settlement thereof according to law, which examination shall be in writing, and shall be signed by the bankrupt and filed with the other proceedings; and the court may, in like manner, require the attendance of any other person as a witness, and if such person shall fail to attend, on being summoned thereto, the court may compel his attendance by warrant directed to the marshal, commanding him to arrest such person and bring him forthwith before the court, or before a register in bankruptcy, for examination as such witness. If the bankrupt is imprisoned, absent, or disabled from attendance, the court may order him to be produced by the jailor, or any officer in whose custody he may be, or may direct the examination to be had, taken, and certified at such time and place and in such manner as the court may deem proper, and with like effect as if such examination had been had in court. The bankrupt shall at all times, until his discharge, be subject to the order of the court, and shall, at the expense of the estate, execute all proper writings and instruments, and do and perform all acts required by the court touching the assigned property or estate, and to enable the assignee to demand, recover, and receive all the property and estate assigned, wherever situated; and for neglect or refusal to obey any order of the court, such bankrupt may be committed and punished as for a contempt of court. If the bankrupt is without the district, and unable to return and personally attend at any of the times or do any of the acts which may be specified or required pursuant to this section, and if it appears that such absence was not caused by willful default, and if, as soon as may be after the removal of such impediment, he offers to attend and submit to the order of the court in all respects, he shall be permitted so to do, with like effect as if he had not been in default. He shall also be at liberty, from time to time, upon oath to amend and correct his schedule of creditors and property, so that the same shall conform to the facts. For good cause shown the wife of any bankrupt may be required to attend before the court, to the end that she may be examined as a witness; and if such wife do not attend at the time and place specified in the order, the bankrupt shall not be entitled to a discharge unless he shall prove to the satisfaction of the court that he was unable to procure the attendance of his wife. No bankrupt shall be liable to arrest during the pendency of the proceedings in bankruptcy in any civil action, unless the same is founded on some debt or claim from which his discharge in bankruptcy would not release him.

Of the Distribution of the Bankrupt's Estate.

SEC. 27. *And be it further enacted*, That all creditors whose debts are duly proved and allowed shall be entitled to share in the bank-

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rupt's property and estate pro rata, without any priority or preference whatever, except that wages due from him to any operative, or clerk, or house servant, to an amount not exceeding fifty dollars, for labor performed within six months next preceding the adjudication of bankruptcy, shall be entitled to priority, and shall be first paid in full: *Provided*, That any debt proved by any person liable, as bail, surety, guarantor, or otherwise, for the bankrupt, shall not be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such person so liable, and the share to which such debt would be entitled may be paid into court, or otherwise held for the benefit of the party entitled thereto, as the court may direct. At the expiration of three months from the date of the adjudication of bankruptcy in any case, or as much earlier as the court may direct, the court, upon request of the assignee, shall call a general meeting of the creditors, of which due notice shall be given, and the assignee shall then report, and exhibit to the court and to the creditors just and true accounts of all his receipts and payments, verified by his oath, and he shall also produce and file vouchers for all payments for which vouchers shall be required by any rule of the court; he shall also submit the schedule of the bankrupt's creditors and property as amended, duly verified by the bankrupt, and a statement of the whole estate of the bankrupt as then ascertained, of the property recovered and of the property outstanding, specifying the cause of its being outstanding, also what debts or claims are yet undetermined, and stating what sum remains in his hands. At such meeting the majority in value of the creditors present shall determine whether any and what part of the net proceeds of the estate, after deducting and retaining a sum sufficient to provide for all undetermined claims which, by reason of the distant residence of the creditor, or for other sufficient reason, have not been proved, and for other expenses and contingencies, shall be divided among the creditors; but unless at least one half in value of the creditors shall attend such meeting, either in person or by attorney, it shall be the duty of the assignee so to determine. In case a dividend is ordered, the register shall, within ten days after such meeting, prepare a list of creditors entitled to dividend, and shall calculate and set opposite to the name of each creditor who has proved his claim the dividend to which he is entitled out of the net proceeds of the estate set apart for dividend, and shall forward by mail to every creditor a statement of the dividend to which he is entitled, and such creditor shall be paid by the assignee in such manner as the court may direct.

SEC. 28. *And be it further enacted*, That the like proceedings shall be had at the expiration of the next three months, or earlier, if practicable, and a third meeting of creditors shall then be called by the court, and a final dividend then declared, unless any action at law or suit in equity be pending, or unless some other estate or effects of the debtor afterwards come to the hands of the assignee, in which case the assignee shall, as soon as may be, convert such estate or effects into money, and within two months after the same shall be so converted the same shall be divided in manner aforesaid. Further dividends shall be made in like manner as often as occasion requires; and after the third meeting of creditors no further meeting shall be called, unless ordered by the court. If at any time there shall be in the hands of the assignee any outstanding debts or other property, due or belonging to the estate, which cannot be collected and received by the assignee without unreasonable or inconvenient delay or expense, the assignee may, under the direction of the court, sell and assign such debts or other property in such manner as the court shall order. No dividend already declared shall be disturbed by reason of debts being subsequently proved, but the creditors proving such debts shall be entitled to a dividend equal to those already received by the other creditors before any further payment is made to the latter. Preparatory to the final dividend, the assignee shall submit his account to the court and file the same, and give notice to the creditors of such filing, and shall also give notice that he will apply for a settlement of his account, and for a discharge from all liability as assignee, at a time to be specified in such notice, and at such time the court shall audit and pass the accounts of the assignee, and such assignee shall, if required by the court, be examined as to the truth of such account, and if found correct he shall thereby be discharged from all liability as assignee to any creditor of the bankrupt. The court shall thereupon order a dividend of the estate and effects, or of such part thereof as it sees fit, among such of the creditors as have proved their claims, in proportion to the respective amount of their said debts. In addition to all expenses necessarily incurred by him in the execution of his trust, in any case, the assignee shall be entitled to an allowance for his services in such case on all moneys received and paid out by him therein, for any sum not exceeding one thousand dollars, five per centum thereon; for any larger sum, not exceeding five thousand dollars, two and a half per centum on the excess over one thousand dollars; and for any larger sum, one per centum on the excess over five thousand dollars, and if, at any time, there shall not be in his hands a sufficient amount of money to defray the necessary expenses required for the further execution of his trust, he shall not be obliged to proceed therein until the necessary funds are advanced or satisfactorily secured to him. If by accident, mistake, or other cause, without fault of the assignee, either or both of the said second and third meetings should not be held within the times limited, the court may, upon motion of an interested party, order such meetings, with like effect as to the validity of the proceedings as if the meeting had been duly held. In the order for a dividend, under this section, the following claims shall be entitled to priority or preference, and to be first paid in full in the following order:

First. The fees, costs, and expenses of suits, and the several proceedings in bankruptcy under this act, and for the custody of property, as herein provided.

Second. All debts due to the United States, and all taxes and assessments under the laws thereof.

Third. All debts due to the State in which the proceedings in bankruptcy are pending, and all taxes and assessments made under the laws of such State.

Fourth. Wages due to any operative, clerk, or house servant, to an amount not exceeding fifty dollars, for labor performed within six months next preceding the first publication of the notice of proceedings in bankruptcy.

Fifth. All debts due to any persons who, by the laws of the United States, are or may be entitled to a priority or preference, in like manner as if this act had not been passed: *Always provided*, That nothing contained in this act shall interfere with the assessment and collection of taxes by the authority of the United States or any State.

Of the Bankrupt's Discharge and its Effect.

SEC. 29. *And be it further enacted*, That at any time after the expiration of six months from the adjudication of bankruptcy, or if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee, at any time after the expiration of sixty days, and within one year from the adjudication of bankruptcy, the bankrupt may apply to the court for a discharge from his debts, and the court shall thereupon order notice to be given by mail to all creditors who have proved their debts, and by publication at least once a week in such newspapers as the court shall designate, due regard being had to the general circulation of the same in the district, or in that portion of the district, in which the bankrupt and his creditors shall reside, to appear on a day appointed for that purpose, and show cause why a discharge should not be granted to the bankrupt. No discharge shall be granted, or, if granted, be valid, if the bankrupt has willfully sworn falsely in his affidavit annexed to his petition, schedule, or inventory, or upon any examination in the course of the proceedings in bankruptcy, in relation to any material fact concerning his estate or his debts, or to any other material fact; or if he has concealed any part of his estate or effects, or any books or writings relating thereto, or if he has been guilty of any fraud or negligence in the care, custody, or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this act, or if he has caused, permitted, or suffered any loss, waste, or destruction thereof; or if, within four months before the commencement of such proceedings, he has procured his lands, goods, money, or chattels to be attached, sequestered, or seized on execution; or if, since the passage of this act, he has destroyed, mutilated, altered, or falsified any of his books, documents, papers, writings, or securities, or has made or been privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors; or has removed or caused to be removed any part of his property from the district, with intent to defraud his creditors; or if he has given any fraudulent preference contrary to the provisions of this act, or made any fraudulent payment, gift, transfer, conveyance, or assignment of any part of his property, or has lost any part thereof in gaming, or has admitted a false or fictitious debt against his estate; or if, having knowledge that any person has proved such false or fictitious debt, he has not disclosed the same to his assignee within one month after such knowledge; or if, being a merchant or tradesman, he has not, subsequently to the passage of this act, kept proper books of account; or if he, or any person in his behalf, has procured the assent of any creditor to the discharge, or influenced the action of any creditor at any stage of the proceedings, by any pecuniary consideration or obligation; or if he has, in contemplation of becoming bankrupt, made any pledge, payment, transfer, assignment, or conveyance of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is or may be under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed under this act in satisfaction of his debts; or if he has been convicted of any misdemeanor under this act, or has been guilty of any fraud whatever contrary to the true intent of this act; and before any discharge is granted, the bankrupt shall take and subscribe an oath to the effect that he has not done, suffered, or been privy to any act, matter, or thing specified in this act as a ground for withholding such discharge, or as invalidating such discharge if granted.

SEC. 30. *And be it further enacted*, That no person who shall have been discharged under this act, and shall afterwards become bankrupt, on his own application shall be again entitled to a discharge whose estate is insufficient to pay seventy per centum of the debts proved against it, unless the assent in writing of three fourths in value of his creditors who have proved their claims is filed at or before the time of application for discharge; but a bank-

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rupt who shall prove to the satisfaction of the court that he has paid all the debts owing by him at the time of any previous bankruptcy, or who has been voluntarily released therefrom by his creditors, shall be entitled to a discharge in the same manner and with the same effect as if he had not previously been bankrupt.

SEC. 31. *And be it further enacted*, That any creditor opposing the discharge of any bankrupt may file a specification in writing of the grounds of his opposition, and the court may in its discretion order any question of fact so presented to be tried at a stated session of the district court.

SEC. 32. *And be it further enacted*, That if it shall appear to the court that the bankrupt has in all things conformed to his duty under this act, and that he is entitled, under the provisions thereof, to receive a discharge, the court shall grant him a discharge from all his debts except as hereinafter provided, and shall give him a certificate thereof under the seal of the court, in substance as follows:

District Court of the United States, District of ——. Whereas —— —— has been duly adjudged a bankrupt under the act of Congress establishing a uniform system of bankruptcy throughout the United States, and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the court that said —— be forever discharged from all debts and claims which by said act are made provable against his estate, and which existed on the — day of ——, on which day the petition for adjudication was filed by (or against) him; excepting such debts, if any, as are by said act excepted from the operation of a discharge in bankruptcy. Given under my hand and the seal of the court at ——, in the said district, this — day of ——, A. D. ——.

(Seal) —— ——, Judge.

SEC. 33. *And be it further enacted*, That no debt created by the fraud or embezzlement of the bankrupt, or by his defalcation as a public officer, or while acting in any fiduciary character, shall be discharged under this act; but the debt may be proved, and the dividend thereon shall be a payment on account of said debt; and no discharge granted under this act shall release, discharge, or affect any person liable for the same debt for or with the bankrupt, either as partner, joint contractor, indorser, surety, or otherwise. And in all proceedings in bankruptcy commenced after one year from the time this act shall go into operation, no discharge shall be granted to a debtor whose assets do not pay fifty per centum of the claims against his estate, unless the assent in writing of a majority in number and value of his creditors who have proved their claims is filed in the case at or before the time of application for discharge.

SEC. 34. *And be it further enacted*, That a discharge duly granted under this act shall, with the exceptions aforesaid, release the bankrupt from all debts, claims, liabilities, and demands which were or might have been proved against his estate in bankruptcy, and may be pleaded, by a simple averment that on the day of its date such discharge was granted to him, setting the same forth in hæc verba, as a full and complete bar to all suits brought on any such debts, claims, liabilities, or demands, and the certificate shall be conclusive evidence in favor of such bankrupt of the fact and [the] regularity of such discharge: *Always provided*, That any creditor or creditors of said bankrupt, whose debt was proved or provable against the estate in bankruptcy, who shall see fit to contest the validity of said discharge on the ground that it was fraudulently obtained, may, at any time within two years after the date thereof, apply to the court which granted it to set aside and annul the same. Said application shall be in writing, shall specify which, in particular, of the several acts mentioned in section twenty-nine it is intended to give evidence of against the bankrupt, setting forth the grounds of avoidance, and no evidence shall be admitted as to any other of the said acts; but said application shall be subject to amendment at the discretion of the court. The court shall cause reasonable notice of said application to be given to said bankrupt, and order him to appear and answer the same, within such time as to the court shall seem fit and proper. If, upon the hearing of said parties, the court shall find that the fraudulent acts, or any of them, set forth as aforesaid by said creditor or creditors against the bankrupt, are proved, and that said creditor or creditors had no knowledge of the same until after the granting of said discharge, judgment shall be given in favor of said creditor or creditors, and the discharge of said bankrupt shall be set aside and annulled. But if said court shall find that said fraudulent acts and all of them, set forth as aforesaid, are not proved, or that they were known to said creditor or creditors before the granting of said discharge, then judgment shall be rendered in favor of the bankrupt, and the validity of his discharge shall not be affected by said proceedings.

Preferences and Fraudulent Conveyances declared Void.

SEC. 35. *And be it further enacted*, That if any person, being insolvent, or in contemplation of insolvency, within four months before the filing of the petition by or against him, with a view to give a preference to any creditor or person having a claim against him, or who is under any liability for him, procures any part of his property to be attached, sequestered, or seized on execution, or makes any payment, pledge, assignment, transfer, or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer, or conveyance, or to be benefited thereby, or by such attachment, having reasonable cause to believe such person is insolvent, and that such attachment, payment, pledge, assignment, or conveyance is made in fraud of the provisions of this act, the same shall be void, and the assignee may recover the property, or the value of it, from the person so receiving it, or so to be benefited; and if any person, being insolvent, or in contemplation of insolvency or bankruptcy, within six months before the filing of the petition by or against him, makes any payment, sale, assignment, transfer, conveyance, or other disposition of any part of his property to any person who then has reasonable cause to believe him to be insolvent, or to be acting in contemplation of insolvency, and that such payment, sale, assignment, transfer, or other conveyance is made with a view to prevent his property from coming to his assignee in bankruptcy, or to prevent the same from being distributed under this act, or to defeat the object of, or in any way impair, hinder, impede, or delay the operation and effect of, or to evade any of the provisions of this act, the sale, assignment, transfer, or conveyance shall be void, and the assignee may recover the property, or the value thereof, as assets of the bankrupt. And if such sale, assignment, transfer, or conveyance is not made in the usual and ordinary course of business of the debtor, the fact shall be prima facie evidence of fraud. Any contract, covenant, or security made or given by a bankrupt or other person with, or in trust for, any creditor, for securing the payment of any money as a consideration for or with intent to induce the creditor to forbear opposing the application for discharge of the bankrupt, shall be void; and if any creditor shall obtain any sum of money or other goods, chattels, or security from any person as an inducement for forbearing to oppose, or consenting to, such application for discharge, every creditor so offending shall forfeit all right to any share or dividend in the estate of the bankrupt, and shall also forfeit double the value or amount of such money, goods, chattels, or security so obtained to be recovered by the assignee for the benefit of the estate.

Bankruptcy of Partnerships and of Corporations.

SEC. 36. *And be it further enacted*, That where two or more persons who are partners in trade shall be adjudged bankrupt, either on the petition of such partners or any one of them, or on the petition of any creditor of the partners, a warrant shall issue in the manner provided by this act, upon which all the joint stock and property of the copartnership, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are hereinbefore excepted; and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignee shall be chosen by the creditors of the company, and shall also keep separate accounts of the joint stock or property of the copartnership and of the separate estate of each member thereof; and after deducting out of the whole amount received by such assignee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and if there shall be any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there shall be any balance of the joint stock after payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners according to their respective right and interest therein, and as it would have been if the partnership had been dissolved without any bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts; and the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone under this act; and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone. If such copartners reside in different districts, that court in which the petition is first filed shall retain exclusive jurisdiction over the case.

SEC. 37. *And be it further enacted*, That the provisions of this act shall apply to all moneyed business or commercial corporations and joint stock companies, and that upon the petition of any officer of any such corporation or company, duly authorized by a vote of a majority of the corporators at any legal meeting called for the purpose, or upon the petition of any creditor or creditors of such corporation or company, made and presented in the manner hereinafter provided in respect to debtors, the like proceedings shall be had and taken as are hereinafter provided in the case of debtors; and all the provisions of this act which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning, or paying away his money or property, shall in like manner, and with like force, effect, and penalties, apply to each and every officer of such corporation or company in relation to the same matters concerning the corporation or company, and the money and property thereof. All payments, conveyances, and assignments declared fraudulent and void by this act when made by a debtor, shall in like manner, and to the like extent, and with like remedies, be fraudulent and void when made by a corporation or company. No allowance or discharge shall be granted to any cor-

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poration or joint stock company, or to any person or officer or member thereof: *Provided*, That whenever any corporation by proceedings under this act shall be declared bankrupt, all its property and assets shall be distributed to the creditors of such corporations in the manner provided in this act in respect to natural persons.

Of Dates and Depositions.

SEC. 38. *And be it further enacted*, That the filing of a petition for adjudication in bankruptcy, either by a debtor in his own behalf, or by any creditor against a debtor; upon which an order may be issued by the court, or by a register in the manner provided in section four, shall be deemed and taken to be the commencement of proceedings in bankruptcy under this act; the proceedings in all cases of bankruptcy shall be deemed matters of record, but the same shall not be required to be recorded at large, but shall be carefully filed, kept, and numbered in the office of the clerk of the court, and a docket only, or short memorandum thereof, kept in books to be provided for that purpose, which shall be open to public inspection. Copies of such records, duly certified under the seal of the court, shall in all cases be prima facie evidence of the facts therein stated. Evidence or examination in any of the proceedings under this act may be taken before the court, or a register in bankruptcy, viva voce or in writing, before a commissioner of the circuit court, or by affidavit, or on commission, and the court may direct a reference to a register in bankruptcy, or other suitable person, to take and certify such examination, and may compel the attendance of witnesses, the production of books and papers, and the giving of testimony in the same manner as in suits in equity in the circuit court.

Involuntary Bankruptcy.

SEC. 39. *And be it further enacted*, That any person residing and owing debts as aforesaid, who, after the passage of this act, shall depart from the State, district, or Territory of which he is an inhabitant, with intent to defraud his creditors, or, being absent, shall, with such intent, remain absent; or shall conceal himself to avoid the service of legal process in any action for the recovery of a debt or demand provable under this act; or shall conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process; or shall make any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors; or who has been arrested and held in custody under or by virtue of mesne process of execution, issued out of any court of any State, district, or Territory, within which such debtor resides or has property founded upon a demand in its nature provable against a bankrupt's estate under this act, and for a sum exceeding one hundred dollars, and such process is remaining in force and not discharged by payment, or in any other manner provided by the law of such State, district, or Territory applicable thereto, for a period of seven days; or has been actually imprisoned for more than seven days in a civil action, founded on contract, for the sum of one hundred dollars or upward; or who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, shall make any payment, gift, grant, sale, conveyance, or transfer of money or other property, estate, rights, or credits, or give any warrant to confess judgment; or procure or suffer his property to be taken on legal process, with intent to give a preference to one or more of his creditors, or to any person or persons who are or may be liable for him as indorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act; or who, being a banker, merchant, or trader, has fraudulently stopped or suspended and not resumed payment of his commercial paper, within a period of fourteen days, shall be deemed to have committed an act of bankruptcy, and, subject to the conditions hereinafter prescribed, shall be adjudged a bankrupt, on the petition of one or more of his creditors, the aggregate of whose debts provable under this act amount to at least two hundred and fifty dollars, provided such petition is brought within six months after the act of bankruptcy shall have been committed. And if such person shall be adjudged a bankrupt, the assignee may recover back the money or other property so paid, conveyed, sold, assigned, or transferred contrary to this act, provided the person receiving such payment or conveyance had reasonable cause to believe that a fraud on this act was intended, or that the debtor was insolvent, and such creditor shall not be allowed to prove his debt in bankruptcy.

SEC. 40. *And be it further enacted*, That upon the filing of the petition authorized by the next preceding section, if it shall appear that sufficient grounds exist therefor, the court shall direct the entry of an order requiring the debtor to appear and show cause, at a court of bankruptcy to be holden at a time to be specified in the order, not less than five days from the service thereof, why the prayer of the petition should not be granted; and may also, by its injunctions, restrain the debtor, and any other person, in the mean time, from making any transfer or disposition of any part of the debtor's property not excepted by this act from the operation thereof and from any interference therewith; and if it shall appear that there is probable cause for believing that the debtor is about to leave the district, or to remove or conceal his goods and chattels or his evidence of property, or make any fraudulent conveyance or disposition thereof, the court may issue a warrant to the marshal of the district, commanding him to arrest the alleged [bankrupt] and him safely keep, unless he shall give bail to the satisfaction of the court for his appearance from time to time, as required by the court, until the decision of the court upon the petition or the further order of the court, and forthwith to take possession provisionally of all the property and effects of the debtor, and safely keep the same until the further order of the court. A copy of the petition and of such order to show cause shall be served on such debtor by delivering the same to him personally, or leaving the same at his last or usual place of abode; or, if such debtor cannot be found, or his place of residence ascertained, service shall be made by publication in such manner as the judge may direct. No further proceedings, unless the debtor appear and consent thereto, shall be had until proof shall have been given, to the satisfaction of the court, of such service or publication; and if such proof be not given on the return day of such order, the proceedings shall be adjourned and an order made that the notice be forthwith so served or published.

SEC. 41. *And be it further enacted*, That on such return day or adjourned day, if the notice has been duly served or published, or shall be waived by the appearance and consent of the debtor, the court shall proceed summarily to hear the allegations of the petitioner and debtor, and may adjourn the proceedings from time to time, on good cause shown, and shall, if the debtor on the same day so demand in writing, order a trial by jury at the first term of the court at which a jury shall be in attendance, to ascertain the fact of such alleged bankruptcy; and if upon such hearing or trial, the debtor proves to the satisfaction of the court or of the jury, as the case may be, that the facts set forth in the petition are not true, or that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens were the sole ground of the proceeding, the proceedings shall be dismissed and the respondent shall recover costs.

SEC. 42. *And be it further enacted*, That if the facts set forth in the petition are found to be true, or if default be made by the debtor to appear pursuant to the order, upon due proof of service thereof being made, the court shall adjudge the debtor to be a bankrupt, and, as such, subject to the provisions of this act, and shall forthwith issue a warrant to take possession of the estate of the debtor. The warrant shall be directed, and the property of the debtor shall be taken thereon, and shall be assigned and distributed in the same manner and with similar proceedings to those hereinbefore provided for the taking possession, assignment, and distribution of the property of the debtor upon his own petition. The order of adjudication of bankruptcy shall require the bankrupt forthwith, or within such number of days, not exceeding five after the date of the order or notice thereof, as shall by the order be prescribed, to make and deliver, or transmit by mail, post-paid, to the messenger, a schedule of the creditors and an inventory of his estate in the form and verified in the manner required of a petitioning debtor by section thirteen. If the debtor has failed to appear in person, or by attorney, a certified copy of the adjudication shall be forthwith served on him by delivery or publication in the manner hereinbefore provided for the service of the order to show cause; and if the bankrupt is absent or cannot be found, such schedule and inventory shall be prepared by the messenger and the assignee from the best information they can obtain. If the petitioning creditor shall not appear and proceed on the return day, or adjourned day, the court may, upon the petition of any other creditor, to the required amount, proceed to adjudicate on such petition, without requiring a new service or publication of notice to the debtor.

Of Superseding the Bankrupt Proceedings by Arrangement.

SEC. 43. *And be it further enacted*, That if at the first meeting of creditors, or at any meeting of creditors to be specially called for that purpose, and of which previous notice shall have been given for such length of time and in such manner as the court may direct, three fourths in value of the creditors whose claims have been proved shall determine and resolve that it is for the interest of the general body of the creditors that the estate of the bankrupt should be wound up and settled, and distribution made among the creditors by trustees, under the inspection and direction of a committee of the creditors, it shall be lawful for the creditors to certify and report such resolution to the court, and to nominate one or more trustees to take and hold and distribute the estate, under the direction of such committee. If it shall appear to the court, after hearing the bankrupt and such creditors as may desire to be heard, that the resolution was duly passed, and that the interests of the creditors will be promoted thereby, it shall confirm the same; and upon the execution and filing, by or on behalf of three fourths in value of all the creditors whose claims have been proved, of a consent that the estate of the bankrupt be wound up and settled by said trustees according to the terms of such resolution, the bankrupt, or his assignee in bankruptcy, if appointed, as the case may be, shall, under the direction of the court, and under oath, convey, transfer, and deliver all the property and estate of the bankrupt to the said trustee or trustees, who shall, upon such conveyance and transfer, have and hold the same in the same manner, and with the same powers and rights, in all respects, as the bankrupt would have had or held the same if no proceedings in bankruptcy had been taken, or as the assignee in bankruptcy would have done had such resolution not been passed; and such consent and the proceedings thereunder shall be as binding in all respects on

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any creditor whose debt is provable, who has not signed the same, as if he had signed it, and on any creditor whose debt, if provable, is not proved, as if he had proved it; and the court, by order, shall direct all acts and things needful to be done to carry into effect such resolution of the creditors, and the said trustees shall proceed to wind up and settle the estate under the direction and inspection of such committee of the creditors, for the equal benefit of all such creditors, and the winding up and settlement of any estate under the provisions of this section shall be deemed to be proceedings in bankruptcy under this act; and the said trustees shall have all the rights and powers of assignees in bankruptcy. The court, on the application of such trustees, shall have power to summon and examine, *or* [on] oath or otherwise, the bankrupt and any creditor, and any person indebted to the estate, or known or suspected of having any of the estate in his possession, or any other person whose examination may be material or necessary to aid the trustees in the execution of their trust, and to compel the attendance of such persons and the production of books and papers in the same manner as in other proceedings in bankruptcy under this act; and the bankrupt shall have the like right to apply for and obtain a discharge after the passage of such resolution and the appointment of such trustees as if such resolution had not been passed, and as if all the proceedings had continued in the manner provided in the preceding sections of this act. If the resolution shall not be duly reported, or the consent of the creditors shall not be duly filed, or if, upon its filing, the court shall not think fit to approve thereof, the bankruptcy shall proceed as though no resolution had been passed, and the court may make all necessary orders for resuming the proceedings. And the period of time which shall have elapsed between the date of the resolution and the date of the order for assuming proceedings shall not be reckoned in calculating periods of time prescribed by this act.

Penalties against Bankrupts.

SEC. 44. *And be it further enacted*, That from and after the passage of this act if any debtor or bankrupt shall, after the commencement of proceedings in bankruptcy, secrete or conceal any property belonging to his estate, or part with, conceal, or destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto, or remove, or cause to be removed, the same or any part thereof out of the district, or otherwise dispose of any part thereof, with intent to prevent it from coming into the possession of the assignee in bankruptcy, or to hinder, impede, or delay either of them in recovering or receiving the same, or make any payment, gift, sale, assignment, transfer, or conveyance of any property belonging to his estate with the like intent, or spends any part thereof in gaming; or shall, with intent to defraud, willfully and fraudulently conceal from his assignee or omit from his schedule any property or effects whatsoever; or if, in case of any person having, to his knowledge or belief, proved a false or fictitious debt against his estate, he shall fail to disclose the same to his assignee within one month after coming to the knowledge or belief thereof; or shall attempt to account for any of his property by fictitious losses or expenses; or shall, within three months before the commencement of proceedings in bankruptcy, under the false color and pretense of carrying on business and dealing in the ordinary course of trade, obtain on credit from any person any goods or chattels with intent to defraud; or shall, with intent to defraud his creditors, within three months next before the commencement of proceedings in bankruptcy, pawn, pledge, or dispose of, otherwise than by bona fide transactions in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit and remain unpaid for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States, shall be punished by imprisonment, with or without hard labor, for a term not exceeding three years.

Penalties against Officers.

SEC. 45. *And be it further enacted*, That if any judge, register, clerk, marshal, messenger, assignee, or any other officer of the several courts of bankruptcy shall, for anything done or pretended to be done under this act, or under color of doing anything thereunder, willfully demand or take, or appoint or allow any person whatever to take for him or on his account, or for or on account of any other person, or in trust for him or for any other person, any fee, emolument, gratuity, sum of money, or anything of value whatever, other than is allowed by this act, or which shall be allowed under the authority thereof, such person, when convicted thereof, shall forfeit and pay the sum of not less than three hundred dollars and not exceeding five hundred dollars, and be imprisoned not exceeding three years.

SEC. 46. *And be it further enacted*, That if any person shall forge the signature of a judge, register, or other officer of the court, or shall forge or counterfeit the seal of the courts, or knowingly concur in using any such forged or counterfeit signature or seal for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, any such person shall be guilty of felony, and upon conviction thereof shall be liable to a fine of not less than five hundred dollars and not more than five thousand dollars, and to be imprisoned not exceeding five years, at the discretion of the court.

Fees and Costs.

SEC. 47. *And be it further enacted*, That in each case there shall be allowed and paid, in addition to the fees of the clerk of the court as now established by law, or as may be established by general order, under the provisions of this act, for fees in bankruptcy, the following fees, which shall be applied to the payment for the services of the registers:

For issuing every warrant, two dollars.

For each day in which a meeting is held, three dollars.

For each order for a dividend, three dollars.

For every order substituting an arrangement by trust deed for bankruptcy, two dollars.

For every bond with sureties, two dollars.

For every application for any meeting in any matter under this act, one dollar.

For every day's service while actually employed under a special order of the court, a sum not exceeding five dollars, to be allowed by the court.

For taking depositions, the fees now allowed by law.

For every discharge when there is no opposition, two dollars.

Such fees shall have priority of payment over all other claims out of the estate, and, before a warrant issues, the petitioner shall deposit with the senior register of the court, or with the clerk, to be delivered to the register, fifty dollars as security for the payment thereof; and if there are not sufficient assets for the payment of the fees, the person upon whose petition the warrant is issued, shall pay the same, and the court may issue an execution against him to compel payment to the register.

Before any dividend is ordered, the assignee shall pay out of the estate to the messenger the following fees, and no more:

First. For service of warrant, two dollars.

Second. For all necessary travel, at the rate of five cents a mile, each way.

Third. For each written note to creditor named in the schedule, ten cents.

Fourth. For custody of property, publication of notices, and other services, his actual and necessary expenses upon returning the same in specific items, and making oath that they have been actually incurred and paid by him, and are just and reasonable, the same to be taxed or adjusted by the court, and the oath of the messenger shall not be conclusive as to the necessity of said expenses.

For cause shown, and upon hearing thereon, such further allowance may be made as the court, in its discretion, may determine.

The enumeration of the foregoing fees shall not prevent the judges, who shall frame general rules and orders, in accordance with the provisions of section ten, from prescribing a tariff of fees for all other services of the officers of courts of bankruptcy, or from reducing the fees prescribed in this section in classes of cases to be named in their rules and orders.

Of Meaning of Terms and Computation of Time.

SEC. 48. *And be it further enacted*, That the word "assignee," and the word "creditor" shall include the plural also; and the word "messenger" shall include his assistant or assistants, except in the provision for the fees of that officer. The word "marshal" shall include the marshal's deputies; the word "person" shall also include "corporation;" and the word "oath" shall include "affirmation." And in all cases in which any particular number of days is prescribed by this act, or shall be mentioned in any rule or order of court or general order which shall at any time be made under this act, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first, and inclusive of the last day, unless the last day shall fall on a Sunday, Christmas day, or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, in which case the time shall be reckoned exclusive of that day also.

SEC. 49. *And be it further enacted*, That all the jurisdiction, power, and authority conferred upon and vested in the district court of the United States by this act in cases in bankruptcy are hereby conferred upon and vested in the supreme court of the District of Columbia, and in and upon the supreme courts of the several Territories of the United States, when the bankrupt resides in the said District of Columbia or in either of the said Territories. And in those judicial districts which are not within any organized circuit of the United States, the power and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

SEC. 50. *And be it further enacted*, That this act shall commence and take effect as to the appointment of the officers created hereby, and the promulgation of rules and general orders, from and after the date of its approval: *Provided*, That no petition or other proceeding under this act shall be filed, received, or commenced before the first day of June, anno Domini eighteen hundred and sixty-seven.

APPROVED, March 2, 1867.

CHAP. CLXXVII.—An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any portion of the public lands of the United States have been or shall be settled upon and occu-

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pied as a town site, and therefore not subject to entry under the agricultural preëmption laws, it shall be lawful, in case such town shall be incorporated, for the corporate authorities thereof, and if not incorporated for the judge of the county court for the county in which such town may be situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such rules and regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated: *Provided*, That the entry of the land intended by this act to be made shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town site under this act shall be filed with the register of the proper land office, prior to the commencement of the public sale of the body of land in which it is included, and that the entry or declaratory statement shall include only such lands as is actually occupied by the town and the title to which is in the United States. If upon surveyed lands the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by the act of twenty-fourth April, one thousand eight hundred and twenty; and where the inhabitants are in number one hundred and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres: *Provided*, That for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed: *And provided further*, That in any Territory in which a land office may not have been established, declaratory statements as hereinbefore provided may be filed with the surveyor general of the surveying district in which the lands are situate, who shall transmit said declaratory statement to the General Land Office: *And provided further*, That any act of said trustees not made in conformity to the rules and regulations herein alluded to shall be void; effect to be given to the foregoing provisions according to such regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That the provisions of this act shall not apply to military or other reservations heretofore made by the United States, nor to reservations for lighthouses, custom-houses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the land office by title derived from the Crown of Spain, or otherwise: *And provided further*, That no title shall be acquired under the provisions of this act to any mine of gold, silver, cinnabar, or copper.

APPROVED, March 2, 1867.

CHAP. CLXXVIII.—An Act allowing the Duties on Foreign Merchandise imported into the Port of Albany to be secured and paid at that place.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Albany, in the State of New York, and within the collection district of New York, be, and is hereby, declared to be a port of delivery within the aforesaid district, and there shall be appointed a surveyor of customs, to reside at said port, who shall, in addition to the customary duties performed by that officer in other places, perform the duties prescribed in an act entitled "An act allowing the foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez to be secured and paid at those places," approved March two, eighteen hundred and thirty-one. The said surveyor, before taking the oath of office, shall give security to the United States for the faithful performance of his duties in the sum of ten thousand dollars, and shall receive, in addition to the customary fees and emoluments of his office, an annual salary of six hundred dollars.

SEC. 2. *And be it further enacted*, That the same privileges granted to the ports of delivery mentioned in the first section of this act, and the restrictions created by the said act, are hereby extended and made applicable to all goods, wares, and merchandise imported into the United States at any port of entry and destined to said port of Albany.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to extend the privileges of the warehouse acts of August six, eighteen hundred and forty-six, and March twenty-eight, eighteen hundred and fifty-four, and the regulations of the Treasury Department relating thereto, to the said port of Albany.

APPROVED, March 2, 1867.

CHAP. CLXXIX.—An Act to create the Office of Surveyor General in the Territory of Montana, and establish a Land Office in the Territories of Montana and Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, by the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for Montana, whose annual salary shall be three thousand dollars, and whose power, authority, and duties shall be the same as those provided by law for the surveyor general of Oregon. He shall have proper allowances for clerk hire, office rent, and fuel, what is now allowed by law to the surveyor general of Oregon.

SEC. 2. *And be it further enacted*, That the public lands within the Territories of Montana and Arizona, to which the Indian title is or shall be extinguished, shall each respectively constitute a new land district, to be called the Montana district and the Arizona district respectively, and the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for each of said districts respectively, who shall be required to reside at the places at which said offices shall be located, and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to land offices of the United States in other Territories.

SEC. 3. *And be it further enacted*, That the Secretary of the Interior is hereby authorized to locate said offices of surveyor general and registers and receivers of public moneys.

SEC. 4. *And be it further enacted*, That the Territory of Arizona is hereby attached to the surveying district of California.

APPROVED, March 2, 1867.

CHAP. CLXXX.—An Act supplementary to the several Acts of Congress abolishing Imprisonment for Debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, upon mesne process or execution issuing out of any of the courts of the United States, any defendant therein is arrested or imprisoned, he shall be entitled to discharge from such arrest or imprisonment in the same manner as if he was so arrested or imprisoned on like process of the State courts in the same district. And the same oath may be taken, and the same length of notice thereof shall be required, as is provided by such State laws; and all modifications, conditions, and restrictions upon imprisonment for debt, now existing by the laws of any State, shall be applicable to process issuing out of the courts of the United States therein, and the same course of proceedings shall be adopted as now are or may be in the courts of such States. But all such proceedings shall be had before some one of the commissioners appointed by the United States circuit court to take bail and affidavits.

APPROVED, March 2, 1867.

CHAP. CLXXXI.—An Act authorizing the Secretary of the Navy to transfer the United States iron-clad "Onondaga," to George Quintard, of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to George Quintard, of New York, for his own use and behoof, the United States iron-clad Onondaga, upon payment by said Quintard, his heirs and assigns, to the Treasury of the United States, the sum of seven hundred and fifty-nine thousand six hundred and seventy-three dollars.

APPROVED, March 2, 1867.

CHAP. CLXXXII.—An Act to authorize the Establishment of Ocean Mail Steamship Service between the United States and the Hawaiian Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized to invite proposals, by public advertisement, for the period of sixty days, in one or more newspapers published in the cities of Washington, New York, Boston, and San Francisco, respectively, for mail steamship service between the port of San Francisco, in the United States, and the port of Honolulu, in the Hawaiian islands, by means of a monthly line of first-class American sea-going steamships, to be of not less than one thousand tons, Government measurement, each, and of sufficient number to perform twelve round trips per annum, between said ports; and to contract with the lowest responsible bidder for said service, for a term of not more than ten years, to begin from the day the first steamship of the said line shall depart from the port of San Francisco with the mails for the Hawaiian islands: *Provided*, That no bids shall be considered which shall amount to more than seventy-five thousand dollars for the twelve round trips per annum, nor unless the same be from a citizen or citizens of the United States, and accompanied by an offer of good and sufficient sureties (also citizens of the United States) for the faithful performance of such contract: *And provided further*, That before the acceptance of the said steamships by the Postmaster General, for the said service, they shall be subject to inspection *any* [and] survey by an experienced naval constructor, to be detailed for that purpose by the Secretary of the Navy, whose report shall be made to the Postmaster General.

SEC. 2. *And be it further enacted*, That any contract which the Postmaster General may execute under the authority of this act shall go into effect on or before the first day of January, eighteen hundred and sixty-eight, and shall, in addition to the usual stipulations of ocean mail steamship contracts, provide that the Government of the United States shall be entitled to have transported, free of expense, on each and every steamer, a mail agent to take charge of and arrange the mail matter, to whom suitable accommodations for that purpose shall be assigned; that in case of failure,

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from any cause, to perform any of the monthly voyages stipulated for in this contract, a pro rata deduction may be made from the compensation on account of such omitted voyage or voyages; that suitable fines and penalties may be imposed for delays and irregularities in the performance of the service; and that the Postmaster General shall have the power, at any time, to determine the contract in case of its being underlet or assigned to any other party.

APPROVED, March 2, 1867.

CHAP. CLXXXIII.—An Act to amend an Act entitled "An Act concerning the Fire Department of Washington City," approved February eighteen, eighteen hundred and sixty-seven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An act concerning the fire department of Washington city," approved February eighteen, eighteen hundred and sixty-seven, as provides for the use and occupation of the Union engine-house by the city of Washington, is hereby repealed.

APPROVED, March 2, 1867.

CHAP. CLXXXIV.—An Act to extend the provisions of an Act entitled "An Act for the final Adjustment of Private Land Claims in the States of Florida, Louisiana, and Missouri, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved June twenty-second, eighteen hundred and sixty, be, and the same are hereby, extended, and the same shall continue in force for a period of three years from and after the passage of this act.

APPROVED, March 2, 1867.

CHAP. CLXXXV.—An Act relating to Appeals and Writs of Error to the Supreme Court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any appeal or writ of error has been brought to the Supreme Court from any final judgment or decree of an inferior court of the United States for any judicial district in which, subsequently to the rendition of such judgment or decree, the regular sessions of such court have been suspended or interrupted by insurrection or rebellion, such appeal or writ of error shall be valid and effectual, notwithstanding the time limited by law for bringing the same may have previously expired; and in cases where no appeal or writ of error has been brought from any such judgment or decree, such appeal or writ of error may be brought within one year from the passage of this act. The provisions of this act shall not apply to any case in which the right to bring an appeal or writ of error had expired before such suspension or interruption of the regular sessions of the court.

SEC. 2. *And be it further enacted*, That where an appeal has been or may be taken from any final judgment, decree, or order of the district court of the United States for any district to a circuit court, the cause appealed by consent of parties may be heard and disposed of by the circuit court held by the district judge at any time after the appeal, in case of the absence at such term of the Chief Justice of the United States or the associate justice allotted to those circuit courts for such district.

APPROVED, March 2, 1867.

CHAP. CLXXXVI.—An Act to regulate the Disposition of an Irregular Fund in the Custody of the Freedmen's Bureau.

Whereas the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands reports a retained bounty fund, derived from a portion of the State bounties of certain colored soldiers enlisted in Virginia and North Carolina during the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, and by virtue of general order number ninety, department of Virginia and North Carolina, series of eighteen hundred and sixty-four, holden by the superintendent of freedmen's affairs, but turned over to the said Freedmen's Bureau upon its organization; and whereas the said Commissioner has in possession the names of those soldiers from whom the said money was taken; and whereas he has uniformly returned the same upon the application or discovery of legal representatives, but retains a considerable portion thereof belonging to soldiers who are either deceased or who cannot be found: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, or his successor in office, be, and he is hereby, constituted the lawful custodian of said retained bounty fund, and appointed trustee of the same for the benefit of said colored soldiers or their lawful representatives.

SEC. 2. *And be it further enacted*, That the said Commissioner be, and he is hereby, specially authorized and empowered to invest the said fund, or any portion thereof, in bonds of the United States, for the exclusive benefit of the said colored soldiers or their legal representatives: *Provided, however*, That a sufficient amount of the same in cash be retained uninvested to meet all lawful claims thereupon that will probably be presented for payment: *And provided further*, That any portion of the said fund which may remain unexpended when the said bureau shall cease to exist shall be accounted for by said Commissioner to the Treasury of the United States.

APPROVED, March 2, 1867.

CHAP. CLXXXVII.—An Act to Abolish and forever Prohibit the System of Peonage in the Territory of New Mexico and other parts of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the holding of any person to service or labor under the system known as peonage is hereby declared to be unlawful, and the same is hereby abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State of the United States, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, be, and the same are hereby, declared null and void; and any person or persons who shall hold, arrest, or return, or cause to be held, arrested, or returned, or in any manner aid in the arrest or return of any person or persons to a condition of peonage, shall, upon conviction, be punished by fine not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one nor more than five years, or both, at the discretion of the court.

SEC. 2. *And be it further enacted*, That it shall be the duty of all persons in the military or civil service in the Territory of New Mexico to aid in the enforcement of the foregoing section of this act; and any person or persons who shall obstruct or attempt to obstruct, or in any way interfere with or prevent the enforcement of this act, shall be liable to the pains and penalties hereby provided; and any officer or other person in the military service of the United States who shall so offend, directly or indirectly, shall, on conviction before a court-martial, be dishonorably dismissed the service of the United States, and shall thereafter be ineligible to reappointment to any office of trust, honor, or profit under the Government.

APPROVED, March 2, 1867.

CHAP. CLXXXVIII.—An Act to regulate the Disposition of the Proceeds of Fines, Penalties, and Forfeitures incurred under the Laws relating to the Customs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from the proceeds of fines, penalties, and forfeitures incurred under the provisions of the laws relating to the customs, there shall be deducted such charges and expenses as are by law in each case authorized to be deducted; and in addition, in case of the forfeiture of imported merchandise of a greater value than five hundred dollars on which duties have not been paid, or in case of a release thereof, upon payment of its appraised value, or of any fine or composition in money, there shall also be deducted an amount equivalent to the duties in coin upon such merchandise, (including the additional duties, if any,) which shall be credited in the accounts of the collector as duties received, and the residue of the proceeds aforesaid shall be paid into the Treasury of the United States, and distributed, under the direction of the Secretary of the Treasury, in the manner following, to wit: one half to the United States; one fourth to the person giving the information which has led to the seizure, or to the recovery of the fine or penalty, and if there be no informer other than the collector, naval officer, or surveyor, then to the officer making the seizure; and the remaining one fourth to be equally divided between the collector, naval officer, and surveyor, or such of them as are appointed for the district in which the seizure has been made, or the fine or penalty incurred, or, if there be only a collector, then to such collector. But where any fine, penalty, or forfeiture, incurred by virtue of the laws relating to customs, shall be recovered in consequence of any information given by an officer of a revenue-cutter, the proceeds thereof shall, after the legal deductions, including the deductions herein authorized, have been made, be disposed of as follows: one fourth to the United States, one fourth to the officers of the customs, as hereinbefore provided; and the remainder to the officers of such revenue-cutter, to be divided among them in proportion to their pay.

SEC. 2. *And be it further enacted*, That whenever it shall be made to appear to the satisfaction of the judge of the district court for any district in the United States, by complaint and affidavit, that any fraud on the revenue has been committed by any person or persons interested, or in any way engaged, in the importation or entry of merchandise at any port within such district, said judge shall forthwith issue his warrant directed to the marshal of the district, requiring said marshal, by himself or deputy, to enter any place or premises where any invoices, books, or papers are deposited relating to the merchandise in respect to which such fraud is alleged to have been committed, and to take possession of such books or papers and produce them before the said judge; and any invoices, books, or papers

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so seized shall be subject to the order of said judge, who shall allow the examination of the same by the collector of customs of the port into which the alleged fraudulent importation shall have been made, or by any officer duly authorized by said collector. And such invoices, books, or papers may be retained by said judge as long as in his opinion the retention thereof may be necessary; but no warrant for such seizure shall be issued, unless the complainant shall set forth the character of the fraud alleged, the nature of the same, and the importations in respect to which it was committed, and the papers to be seized. And the warrant issued on such complaint, with report of service and proceedings thereon, shall be returned as other warrants to the court of the district within which such judge presides.

SEC. 3. *And be it further enacted*, That whenever the collector or other chief officer of the customs of any port shall be notified in writing by the owner or consignee of any vessel or vehicle, arriving from any foreign port or place, of a lien for freight on any merchandise imported in such vessel or vehicle, and remaining in his custody, such collector or other officer is hereby authorized and empowered to refuse the delivery of such merchandise from any public or bonded warehouse, or other place in which the same shall be deposited, until proof to his satisfaction shall be produced that the freight due thereon has been paid or secured; but the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver; and if merchandise so subject to a lien, regarding which notice has been filed as aforesaid, shall be forfeited to the United States and sold, the freight due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses now authorized by law to be paid therefrom.

SEC. 4. *And be it further enacted*, That the *the* seventh section of "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March three, eighteen hundred and sixty-three; the seventeenth section of the "Act further to prevent smuggling, and for other purposes," approved July eighteen, eighteen hundred and sixty-six, and all other laws or parts of laws inconsistent with, or supplied by the provisions of this act, be, and they are hereby, repealed. And the Secretary of the Treasury shall prescribe all needful regulations to carry out and enforce the provisions of this act.

APPROVED, March 2, 1867.

CHAP. CLXXXIX.—An Act granting Lands to aid in the Construction of a Railroad from the City of Stockton to the Town of Copperopolis, in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way through the public lands be, and the same is hereby, granted to the Stockton and Copperopolis Railroad Company, a corporation organized under the laws of the State of California, its successors and assigns, for the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, by the most feasible route, to be selected by said company; and the right is hereby given to said company to take from the public lands adjacent to the line of said road material for the construction thereof. Said right of way is granted to said company to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station buildings, work-shops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations: *Provided*, That all the rights conferred upon said railroad company by this act are made upon the express condition that said company shall first be designated by the Legislature of the State of California as the company to be vested with the rights, privileges, franchises, and grants created or conferred by this act.

SEC. 2. *And be it further enacted*, That there be, and is hereby, granted to the State of California, for the construction of the said Stockton and Copperopolis railroad, its successors and assigns, for the purpose of aiding in the construction of the said railroad, upon the condition prescribed in section one of this act, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway, every alternate section of public land designated by odd numbers to the extent of five alternate sections on each side of said railroad line as said company may adopt, whenever on the line thereof the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from preëmption or other claims or rights at the time the line of said road is definitely fixed and a plot thereof filed in the office of the Commissioner of the General Land Office. And whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, or covered by private land grants, or occupied by homestead settlers, or preëmpted or otherwise disposed of, other lands shall be selected by said company, in lieu thereof, on the line of said road, within twenty miles of the same, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers: *Provided*, That all lands containing gold or silver, or copper, be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unappropriated lands, in odd-numbered sections, within the said twenty miles of the line of said road, may be selected as above provided: *And provided further*, That the word "mineral," when it occurs in this act, shall not be held to include iron or coal.

SEC. 3. *And be it further enacted*, That whenever said railroad company shall have ten consecutive miles of any portion of said railroad ready for the service contemplated, the Pacific railroad commissioners shall examine the same; and if it shall appear that ten miles of said road have been completed in a good and substantial manner, and in all respects as required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands hereinbefore granted, situated opposite to and conterminous with said completed section of said road, within twenty miles thereof. And from time to time, whenever ten additional miles shall have been constructed, completed, and in readiness as aforesaid, and verified by the commissioners to the President of the United States, then patents shall be issued to said company, conveying the additional sections of land as aforesaid, and so on as fast as every ten miles of said road is completed. The services of said commissioners under this act shall be paid by said company.

SEC. 4. *And be it further enacted*, That said railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including furniture and rolling stock, equal in all respects to railroads of the first class when prepared for business, with rails of the best quality; and a uniform gauge with the Pacific railroad shall be established the entire length of the road.

SEC. 5. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for twenty miles in width on both sides of the entire line of the said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; and the odd sections of land hereby granted shall not be liable to sale or entry or preëmption, before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting preëmption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty two, shall be, and the same are hereby, extended to all other lands on the line of said road when surveyed, excepting those hereby granted to said company; and the sections and parts of sections which shall remain in the United States within ten miles of said railroad on each side thereof shall not be sold for less than two dollars and fifty cents per acre.

SEC. 6. *And be it further enacted*, That each and every grant, right, and privilege are so made and given to and accepted by said Stockton and Copperopolis Railroad Company upon and subject to the following conditions, namely: that the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than ten miles per year after the second year, and shall construct, furnish, equip, and complete the whole road by the fourth day of July, eighteen hundred and seventy-two; and upon a failure of said company to comply with either of said conditions, the lands then unpatented to said company shall revert to the United States.

SEC. 7. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Stockton and Copperopolis Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions thereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of said road.

SEC. 8. *And be it further enacted*, That said Stockton and Copperopolis railroad, or any part thereof, shall be a post route and military railroad, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, and all troops and munitions of war of the United States shall be transported over the said railroad free of all expense or charge to the Government therefor, whenever the same shall be required by the Government of the United States.

SEC. 9. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Stockton and Copperopolis Railroad Company, shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within two years after the passage of this act, and not afterward, and shall be served on the President of the United States, and filed in the office of the Secretary of the Interior.

SEC. 10. *And be it further enacted*, That unless the said Stockton and Copperopolis Railroad Company shall obtain bona fide subscription to the stock of said company to the amount of two hundred thousand dollars, with five per centum paid within two years after the passage and approval of this act, it shall be null and void.

SEC. 11. *And be it further enacted*, That Congress may, at any time, having due regard for the rights of said railroad company, add to, alter, amend, or repeal this act.

SEC. 12. *And be it further enacted*, That lots in towns and villages shall be exempt from the provisions of this act.

APPROVED, March 2, 1867.

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CHAP. CXC.—An Act to incorporate the Joint Stock Company of the Young Men's Christian Association of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That S. P. Chase, O. O. Howard, John R. Elvans, S. L. Brown, H. D. Cooke, James Harlan, George P. Fisher, O. H. Browning, James A. Ekin, A. R. Shepherd, B. H. Stinemetz, William Ballantyne, A. C. Richards, F. A. Lutz, L. Clephane, and Samuel Norment, all of the District of Columbia, and their associates and successors, are hereby erected into a body-corporate in deed and in law, by the name, style, and title of the Joint Stock Company of the Young Men's Christian Association, for the purpose of erecting a suitable building for the meetings of the association, with a hall, free reading-rooms, and library for the employés of the public Departments and the citizens of the District of Columbia.

SEC. 2. *And be it further enacted*, That the said corporation, by the same name and title, shall have a capital stock of two hundred thousand dollars ($200,000) in shares of twenty-five dollars ($25) each, and be able to sue and be sued, plead and be impleaded, in all courts of law, and elsewhere, and shall be capable and able, in law and equity, to take, purchase, hold, and receive to them and their successors, for the use of said company, lands, tenements, choses in action, goods and chattels of whatever kind, nature, or quality, real, personal, or mixed, which now are or hereafter may become the property of said corporation or be held for their use, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise from any person whomsoever capable of making the same: *Provided*, [That] the value of the real and personal estate held by this corporation shall never exceed the said sum of two hundred thousand dollars. The said corporation may have a common seal, and at pleasure alter, change, or renew the same, and in general do all things which may be necessary for the well-being and due management of said corporation.

SEC. 3. *And be it further enacted*, That the corporation hereby erected shall have power to elect a board of directors and such officers for its government, the management of its property, and the superintendence of its affairs, and make such by-laws as they may deem proper, not inconsistent with the Constitution and laws of the United States, and to change or modify them at pleasure.

SEC. 4. *And be it further enacted*, That the board of directors shall receive all rents and revenues arising from the building, and shall from the rents and revenues received by them declare and pay an annual interest of not exceeding six per cent. upon the capital stock of said corporation.

SEC. 5. *And be it further enacted*, That when the rents and revenues of the building shall exceed the amount necessary to pay the interest upon the capital stock, the board of directors shall pay over to the Young Men's Christian Association the surplus of rents and revenues, which surplus shall be used by the association to purchase the stock hereby authorized at rates not exceeding its par value, and for no other purpose.

SEC. 6. *And be it further enacted*, That when the Young Men's Christian Association shall have purchased and absorbed all the stock issued by the joint stock company, the board of directors shall transfer to the association the real and personal estate held by it, and all books and papers relating to its transactions; after which transfer the full title and interest in such building and property shall vest and be in the Young Men's Christian Association of Washington; and the corporation hereby created shall then be dissolved; and the rents and revenues of the building shall thereafter be used exclusively to sustain, improve, and enlarge the public hall, library, parlors, and gymnasium, and for the moral and intellectual improvement of young men.

SEC. 7. *And be it further enacted*, That the building and grounds, the rents and revenues of the same, and the stock issued to erect such building shall be forever exempt from taxation.

SEC. 8. *And be it further enacted*, That Congress may alter, amend, or repeal this act at will.

APPROVED, March 2, 1867.

CHAP. CXCI.—An Act to establish certain Post Roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post routes:

ARIZONA.

From Prescott to Lynx Creek, Bigbug, and Woolsey Ranch to Turkey Creek.

CALIFORNIA.

From Benton, via Bridgeport and Antelope Valley, to Mammoth Ledge, in Nevada.
From Drytown to Fiddletown.
From Havilah, via Rio Bravo Ranche, to Bakerfield.

COLORADO.

From Badito to Spanish Peaks.
From Pueblo to Homosilla.
From Pueblo, via Rock Carson Ridge and Frazier Settlements, to Carson City.
From Boulder to Jamestown.
From Erupea City, via Argentine and Pera, Munchy district, to Breckenridge.

ILLINOIS.

From Oneida to Woodhull.
From Albion to Buxton.
From Frederick, via Browning, Sheldon's Grove, Bluff City, Marbletown, and Bendtown, to Lewistown.
From Marietta to Cuba.
From Rock Island to Centre Ridge.
From Traverse City, via Monroe and Wexford, to Sherman's, in Michigan.
From Shelbyville, via Todd's Point, to Wanoborne.
From Decatur to Newburg.
From Marrisa to Erie.
From Seneca, via Scott, to Sunbury.
From Danville, via Rossville and Blue Grass, to Paxton.
From Oakland, via Greasy Point and Rural Retreat, to Arcola.
From Monticello to Centreville.
From Bloomington to Paxton.
From Casey, via Greenup, to Effingham.
From Hutton to Union Centre.
From Westfield to Casey.
From Rock Island, via Coaltown, Zuma, and Carver Creek, to Sterling.

INDIANA.

From Memphis to Jasper.
From Jasper to Lynnville.
From Glen Hall, via West Point, Shawnee Mound, and Sugar Grove, to Farmer's Institute.
From Glen Hall to Farmer's Institute.
From Perrysville to Danville.
From Rockville, via Bruin's Cross Roads, Weaveland, and Brown's Valley, to Crawfordsville.
From Seymour to Nashville, via Waymansville and Pike's Peak.
From Shelbyville to Winterrowd.

IOWA.

From Homer City to Grant.
From Webster City to Grant.
From Lakin's Grove to Hawley.
From Central City to Monticello.
From Iowa Falls to Algona.
From Homer to Webster City.
From Sioux Rapids, via Douglas and Lincoln, to Spencer.
From Chariton, via Freedom, Bixler's Grove, and Lancaster's Mills, to Corydon.

KANSAS.

From Osage Mission, via Sherman City and Hamlin, to Petersville.
From Marinaton, via Cato, Owego, Logansport, Lafayette, and Wheaton, to Cherokee City.
From Fort Scott, via Allington, Reno, Worcester, Pleasant View, and Clarksville, to Petersville.
From Troy, via Doniphan and Atchison, to Leavenworth.

KENTUCKY.

From Brownville to Rocky Hill.
From Falmouth to Milford.

MARYLAND.

From Middleville, via Leighton, to Wayland.
From Leonardtown to Hollywood.

MICHIGAN.

From Galesburg, via Pavillion and Brady, to Menden.
From Climax Prairie, via Leonidas and Colon, to Burr Oak.
From Pierson to Wright's.
From Traverse City, via Monroe Centre and Wexford, to Sherman's.
From Big Rapids, via Paris, to Manistee.

MINNESOTA.

From Sunrise City to Fish Lake.
From Forest City, via Mananah, Ewing, and Nichols, to New London.
From Winnebago City to Jackson.
From Richmond to Chippewa Station.
From Redwood Falls to Yellow Medicine.
From St. Charles, via Worth and Arago, to Rushford.
From Paynesville, via Georgesville, Lake Johanna, Iola, and Glenwood, to Alexandria.
From Richmond, via Glenwood, Reno City, Holmes City, and Pomme-de-Terre, to Fort Abercrombie, in Dakota.
From Clearfield to Marion.
From Jackson, Minnesota, and Spirit Lake, in Iowa, to Sioux City, Iowa.
From Fairmount, Fox Lake, Wooster, and Graham Lake, in Minnesota, to Yancton, in *Dakato* [Dakota] Territory.
From Fort Ridgeley, via Birch Cooley, Sacred Harp Creek, Hawk Creek, and Palmer's Creek, to Chippewa City.
From Rushford, via Brossburg, Highland, Lenora, in Minnesota, and Burr Oak, to Decorah, in Iowa.
From Shakopee to Excelsior.
From Owatouna to Albert Lea.
From Mankato to Minnesota Lake.
From Paynesville, via James Tuttle's, Burbank City, Norway Lake, Limberg's Town, Glenwood, and Big Stone Lake, Minnesota, to Fort Wadsworth, Dakota Territory.
From Richmond, via Lake George, Big Grove, Grove Lake, White Bear Lake, Reno City, and Holmes City, to Chippewa.
From Geneva to Freeborn.
From Buffalo, via Frankfort, Hassan, Battineau Prairie, to Minneapolis.
From Paynesville, via Burbank and Norway Lake, to School Lake.
From Crow Wing to Fort Clark.
From Saint Charles, via Quincy and Little Valley, to Plainview.
From Paynesville to Alexandria.
From Swan River, via Martin's, Long Prairie, and Hoadley, to Long Prairie River.
From Sauk Centre, via Scott, Long Prairie, and Lanthear, to Basset.
From West Union to Long Prairie.
From Minneapolis, via Richfield, Bloomington, Bloomington Ferry, and Eden Prairie, to Shakopee.

MISSOURI.

From Sedalia, via Osceola, Virgil City, Lamar, Carthage, and Granby, to Neosho.
From Osage, via Last Creek and Walton's Mill, to Potosi.
From Brunos, via Cold Water and Mosier's Hill, to Green.

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From New London, via Madisonville, to Wellsville.

From Danville, via Big Spring, Dry Fork Mills, Rhineland, Loutre Island, to Herman.

NEB[R]ASKA.

From Plattsmouth, via Weeping Water, Stoor Creek, Shirley Station, Lancaster, Saline City, and Middle Creek, to Blue River.

From Beatrice, via Snow City, to Big Sandy.

NEW MEXICO.

From Fort Cummings, via Fort Bayard, to Penos Altos.

NEVADA.

From Dayton, via Hot Springs, to Pine Grove.

NEW YORK.

From South Petersburg to Berlin.

From Monticello, via Bushville, Stevensville, Briscoe, Jeffersonville, Falls Mill, and Calicoon, to Calicoon Station.

From Oswego City, via Oswego Centre and North Hannibal, to Hannibalville.

NORTH CAROLINA.

From Hillsdale to Greensboro'.

OHIO.

From Columbus to Beckett's Store.

From Young Hickory, via Sand Hollow, to Bristol.

From Caledonia to Delaware.

OREGON.

From Salem, via Howell Prairie, to Silverton.

PENNSYLVANIA.

From Roxbury, via Amberson's Valley, to Dry Run.

From Sugar Grove, in Pennsylvania, to Watts's Station, in New York.

From Mahoutongo to Sweet Home.

From Warfordsburg, via Emmasville, to Ray's Hill.

From Dayton to Kerr's Store.

From Reading, via Angelica, Hammel's Store, California, and Welsh Mountain, to Waynesburgh.

From Birdsboro, via White Bear Town, Beckersville, Hammel's Store, to Adamstown.

From Kasson, via Kane, to Marion.

From Chatham Valley, via Darius Syke's and Roswell Achley's, to Westfield.

From Kinneysville, via Treat's Corners, to Knoxville.

From Auburn Four Corners, via West Auburn and East Springhill, to Wyalusing.

From Rowe, via Joseph Seeley's and Kenyon Corners, to Nichols.

From Blossburgh, via Ogdensburgh, to mouth of Roaring Branch.

From Hollidaysburgh, via L. Bennett's Mills, to Whitney's Corners.

From Karthon's to Round Island.

From Tioga, via Farmington Hill and Farmington Centre, to Osceola.

From Montoursville, via Loyal Sock, Fairfield Centre, and Wolf Run, to Munchy Borough.

From H. Vermillyer's, via Long Run and Sabinsville, to Westfield.

From Ulysses, via Harrison Valley, to Westfield.

From Tarentum to Saxonburgh.

From Kittanning to Plumville.

From Mohrsville to Bernville.

From Dundaff to Uniondale.

From Salona to Lamar Mills.

TENNESSEE.

From Due West, via Level Land, to Temple of Health.

UTAH.

From Beaver, in Utah, via Minersville and Meddowsith, to Paranagat, in Nevada.

VIRGINIA.

From Trevilian's Depot to Green Springs.

WEST VIRGINIA.

From New Port, via Salt Pond, Weisiger's and Brown's, to Salt Sulphur Springs.

From Cabell Court House, via Tudge's Creek and Porter's Mill, to Hamlin.

From Petroleum, via California House and Oil Rock, to Rathbone.

From Perrysville, via Clear Fork, to Tug River Post Office.

From Petroleum Station, via California House and Oil Rock, to Running Springs.

WISCONSIN.

From Milwaukee, via New Koelu, to Paynesville.

From Rural, via Waupaca, Ogdensburg, Little Wolf, North Royalton, and Northport, to New London.

KANSAS.

From Salina, Salina county, via Ottawa county, up the Saline river valley, to the mouth of Spillman's creek.

From Saline, via the Kansas Salt Company's Works, Oakland, Minneapolis, thence up the Solomon river valley, via Usher's creek, to the mouth of Oak creek.

From Emporia, Lyon county, via Madison, Janeville, and Noonday, to Eureka, Greenwood county.

From Humboldt, Allen county, via south branch of Bull creek, thence down the east branch of Buffalo creek to its mouth, in Wilson county, thence to Coyville.

From Topeka, via Indianola, in Shawnee county, and Mitchell's Mills, to Holton, in Jackson county.

From Wamego, Pattawatomie county, by way of Allen, Wabaunsie county, to Council Grove.

From Burlington, Coffey county, to Belmont, Woodson county.

From Hiawatha, Brown county, via Muscatah, to Grasshopper Falls, Jefferson county.

From Osage Mission, Neasho county, via Sherman, Salamanca, Petersville, Cherokee county, to Neosho, Newton county, Missouri.

From Lawrence, via Oskaloosa, to Grasshopper Falls.

From Desota, Johnson county, via Gardner, to Ossawatomie.

From Topeka, by way of Holton and Sebatha, to Nebraska City.

From Mound City, Linn county, Kansas, by way of Trading Post, Linn county, to Pleasant Hill, Missouri.

From Manhattan, Riley county, by way of Clay county, to Lake Sibley, in Shirley county.

From Manhattan, by way of Westmoreland and Savannah, Pattawatomie county, to Council Grove.

From Paola to Rockville, by way of Miami Village, to New Lancaster, Miami county.

From Fort Scott, via Cato, to Monmouth; and a tri-weekly mail from Prairie City, via Centropolis, to Burlingame; also tri-weekly from Council Grove to intersect Santa Fe mail near Fort Larned.

From Topeka to Holton, Jackson county, Kennekuk, Atchison county, and Troy, Doniphan county.

Missouri river railroad from Wyandotte to Le[a]venwerth.

From Mound City, Linn county, to Cherokee City, Cherokee county, via Mannaton county, Monmouth, Crawford county.

From Fort Scott to Baxter's Springs, via Pleasant View and Petersville, Cherokee county.

From Council Grove, via Cottonwood Falls, Eldorado, Fort Arbuckle, to Sherman, Texas.

From Topeka, Shawnee county, to Burlington, Coffey county.

From Perryville, Jefferson county, to Oskaloosa, Jefferson county.

A route from Carlyle, Allen county, to Geneva, Allen county.

A route from Fort Scott, Kansas, via Mapleton, Xenia, in Bourbon county, to Garrett, Anderson county.

From Cottonwood Falls to Junction City.

APPROVED, March 2, 1867.

CHAP. CXCII.—An Act to Incorporate the National Capital Insurance Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Green Adams, Erastus Poulson, Joseph J. Coombs, Robert Leech, John B. Clark, jr., J. P. Reznor, Fergus M. Blair, Robert L. Owen, and Joseph W. Parish, and others who may become members, are hereby created a body politic and corporate, by the name and style of the "National Capital Insurance Company," for the purpose of carrying on the business of insurance at the city of Washington, in the District of Columbia, and elsewhere, subject to the laws of the several States, and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and of suing and being sued, pleading and being impleaded, in all courts of competent jurisdiction, either in law or equity, in this District or elsewhere, subject to the laws of the States as aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure; and may also, from time to time, at any meeting of their directors, by a majority of votes as hereinafter provided, ordain, establish, and put in execution such by-laws, ordinances, rules, and regulations, the same not being contrary to this act or the laws of the United States, as may appear to them necessary or expedient for the management of said corporation, its business and affairs, and may from time to time alter or repeal the same or any of them.

SEC. 2. *And be it further enacted*, That the said company shall have power to make insurance upon the lives and health of persons, and against accidents of any and all kinds; to issue tickets, or policies, or both, as the board of directors may determine; and to cause themselves to be insured, when deemed expedient, against risks upon which they may have made insurance.

SEC. 3. *And be it further enacted*, That the affairs of said company shall be managed by a board of directors, consisting of not less than five members or stockholders, three of whom shall constitute a quorum; said directors shall be elected by ballot from among the members and stockholders of said company, in general meeting assembled, at such times and places as said corporation in its by-laws shall appoint; of which election public notice shall be given ten days preceding such election, which shall be held under the inspection of members or stockholders, to be appointed for the purpose, for the first election, by the persons named in the first section of this act, and thereafter by members and stockholders, not being directors, to be appointed previous to every election by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the members or stockholders, or their proxies, present, allowing to each member or stockholder one vote for every fifty dollars in capital stock represented in said company. All vacancies in said board may be filled for the unexpired terms by the remaining directors, and the persons chosen to fill such vacancies shall continue in office until others shall be chosen in their places; and other elections shall be held on the first day of April of each year for the choice of new directors. The said board of directors shall elect, viva voce, a president, vice president, secretary, treasurer, and general agent, who may hold their offices for and during the term of one year, unless sooner removed by the board of directors, or until others are elected in their places.

SEC. 4. *And be it further enacted*, That the funds of this company, however derived, may be invested in or loaned on stock or real security. But the stockholders of this company shall not be liable for any loss, damage, or responsibility beyond the amount of stock subscribed by them respectively, and any profits accruing therefrom and undivided.

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SEC. 5. *And be it further enacted*, That suits at law or in equity may be maintained by said corporation against any of its stockholders for the collection of any assessment on their stock or for any other cause relating to the business of said corporation, and may be prosecuted and maintained by any member or stockholder against said corporation for losses or damages insured against, if payment is withheld more than three months after the losses are duly proved, and notified to the company, agreeably to the conditions of the policy.

SEC. 6. *And be it further enacted*, That the president, secretary, and treasurer of the company, and such other stockholders as may be added by the board, shall constitute an executive committee, and, when the board of directors are not in session, may exercise all the powers vested in the company, (except as shall be otherwise provided by the board of directors in the by-laws of the company,) a majority of whom may constitute a quorum to do business.

SEC. 7. *And be it further enacted*, That the capital stock of the company shall not be less than one hundred and fifty thousand dollars, nor more than one million dollars, in shares of fifty dollars each, which first-named amount of one hundred and fifty thousand dollars shall be paid in previous to effecting insurances.

SEC. 8. *And be it further enacted*, That the directors shall have power to declare such dividends of the profits of the company as they shall deem proper: *Provided*, That no dividend shall be declared when, in the opinion of the directors or a majority thereof, the capital stock would be impaired thereby.

SEC. 9. *And be it further enacted*, That the company shall be located at the city of Washington, in the District of Columbia, and may establish agencies elsewhere in the United States, subject to the laws of the several States.

SEC. 10. *And be it further enacted*, That it shall be the duty of the president or vice president and secretary of said company annually, on or before the first day of February, to prepare, under oath, and deposit in the office of the Secretary of the Interior, a detailed report of their transactions for the preceding year, and also cause to be published, in some daily newspaper published in the District of Columbia, for at least ten days, a statement exhibiting the total amount of profits received and the total amount of losses paid and ascertained, including expenses during the year; also, the amount of debts owing by said company, at the date of the statement, and the amount of claims against the company for losses; also, a statement of the funds of the company and the gross amount of outstanding risks thereon, together with the amount of stock subscribed and the amount actually paid in.

SEC. 11. *And be it further enacted*, That Congress may at any time alter, amend, or revoke the said incorporation.

APPROVED, March 2, 1867.

CHAP. CXCIII.—An act to Define and Punish certain Crimes therein named.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, the person so offending shall, on conviction, be punished by fine not exceeding five thousand dollars, or by imprisonment at hard labor, not less than one, nor more than ten years, or by both, at the discretion of the court.

APPROVED, March 2, 1867.

CHAP. CXCIV.—An Act to provide Ways and Means for the payment of Compound-Interest Notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of redeeming and retiring any compound-interest notes outstanding the Secretary of the Treasury is hereby authorized and directed to issue temporary loan certificates in the manner prescribed by section four of the act entitled "An act to authorize the issue of United States notes and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February twenty-fifth, eighteen hundred and sixty-two, bearing interest at a rate not exceeding three per centum. per annum, principal and interest payable in lawful money on demand; and said certificates of temporary loan may constitute and be held, by any national bank holding or owning the same, as a part of the reserve provided for in sections thirty-one and thirty-two of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June three, eighteen hundred and sixty-four: *Provided*, That not less than two fifths of the entire reserve of such bank shall consist of lawful money of the United States: *And provided further*, That the amount of such temporary certificates at any time outstanding shall not exceed fifty millions of dollars.

APPROVED, March 2, 1867.

CHAP. CXCV.—An Act to pay and discharge certain Debts and Expenditures to the Corporation of the City of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to pay to the proper authorities of the city of Washington, out of any money in the Treasury not otherwise appropriated, the sum of thirty-one thousand nine hundred and seventy-one dollars and thirty-four cents, in full for all claims which the city of Washington now has against the United States on account of moneys expended in improving the streets, avenues, alleys, public grounds, in the city of Washington, or for repairing any of the bridges crossing the Potomac river, prior to May fifth, eighteen hundred and sixty-four: *Provided*, That before paying the sum aforesaid the mayor of the city of Washington shall present to the Commissioner of Public Buildings an account embracing each item of charge which said city has against the United States for expenditures herein referred to, which account the said Commissioner shall certify to be correct and just: *Provided further*, That no money shall be paid under this act until after a full examination of all the items by the proper accounting officers of the Treasury, and proof under oath that the work was done at fair and reasonable prices: *And provided further*, That before any money shall be paid under this act the city of Washington shall file with the Treasurer of the United States a receipt to the effect that the city has received the amount to be paid by virtue of this act in full of all claims against the Government for the grading, paving, and constructing sewers in the streets of said city to the date of May twenty-third, eighteen hundred and sixty-five.

APPROVED, March 2, 1867.

CHAP. CXCVI.—An Act to amend an Act entitled "An Act for the removal of Causes in certain Cases from State Courts," approved July twenty-seven, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act for the removal of causes in certain cases from State courts," approved July twenty-seven, eighteen hundred and sixty-six, be, and the same is hereby, amended as follows: that where a suit is now pending, or may hereafter be brought, in any State court, in which there is controversy between a citizen of the State in which the suit is brought and a citizen of another State, and the matter in dispute exceeds the sum of five hundred dollars, exclusive of costs, such citizen of another State, whether he be plaintiff or defendant, if he will make and file, in such State court, an affidavit stating that he has reason to and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court, may, at any time before the final hearing or trial of the suit, file a petition in such State court for the removal of the suit into the next circuit court of the United States to be held in the district where the suit is pending, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of all process, pleadings, depositions, testimony, and other proceedings in said suit, and doing such other appropriate acts as, by the act to which this act is amendatory, are required to be done upon the removal of a suit into the United States court; and it shall be, thereupon, the duty of the State court to accept the surety and proceed no further in the suit; and the said copies being entered as aforesaid in such court of the United States, the suit shall there proceed in the same manner as if it had been brought there by original process; and all the provisions of the act to which this act is amendatory respecting any bail, attachment, injunction, or other restraining process, and respecting any bond of indemnity, or other obligation given upon the issuing or granting of any attachment, injunction, or other restraining process, shall apply with like force and effect in all respects to similar matters, process, or things in the suits for the removal of which this act provides.

APPROVED, March 2, 1867.

CHAP. CXCVII.—An Act to provide Increased Revenue from Imported Wool, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, in lieu of the duties now imposed by law on the articles mentioned and embraced in this section, there shall be levied, collected, and paid on all unmanufactured wool, hair of the alpaca, goat, and other like animals, imported from foreign countries, the duties hereinafter provided. All wools, hair of the alpaca, goat, and other like animals, as aforesaid, shall be divided, for the purpose of fixing the duties to be charged thereon, into three classes, to wit:

CLASS 1.—*Clothing Wool.*

That is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote; down clothing wools, and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes two and three.

CLASS 2.—*Combing Wools.*

That is to say, Leicester, Cotswold, Lincolnshire, down combing wools, or other like combing wools of English blood, and usually known by the terms herein used; and also all hair of the alpaca, goat, and other like animals.

CLASS 3.—*Carpet Wools, and other similar Wools.*

Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere.

For the purpose of carrying into effect the classification herein provided, a sufficient num-

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ber of distinctive samples of the various kinds of wool or hair embraced in each of the three classes above named, selected and prepared under the direction of the Secretary of the Treasury, and duly verified by him, (the standard samples being retained in the Treasury Department,) shall be deposited in the custom-houses and elsewhere, as he may direct, which samples shall be used by the proper officers of the customs to determine the classes above specified, to which all imported wools belong. And upon wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound, the duty shall be ten cents per pound, and, in addition thereto, eleven per centum ad valorem; upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound, the duty shall be twelve cents per pound, and, in addition thereto, ten per centum ad valorem. Upon wools of the second class, and upon all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound, the duty shall be ten cents per pound, and, in addition thereto, eleven per centum ad valorem; upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound, the duty shall be twelve cents per pound, and, in addition thereto, ten per centum ad valorem. Upon wools of the third class, the value whereof at the last port or place whence exported into the United States, excluding charges in such port, shall be twelve cents or less per pound, the duty shall be three cents per pound; upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed twelve cents per pound, the duty shall be six cents per pound: *Provided*, That any wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than the ordinary condition as now and heretofore practiced, or which shall be changed in its character or condition, for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt, or any other foreign substance, shall be subject to pay twice the amount of duty to which it would be otherwise subjected, anything in this act to the contrary notwithstanding: *Provided further*, That when wool of different qualities is imported in the same bale, bag, or package, it shall be appraised by the appraiser, to determine the rate of duty to which it shall be subjected, at the average aggregate value of the contents of the bale, bag, or package; and when bales of different qualities are embraced in the same invoice at the same prices whereby the average price shall be reduced more than ten per centum below the value of the bale of the best quality, the value of the whole shall be appraised according to the value of the bale of the best quality; and no bale, bag, or package shall be liable to a less rate of duty in consequence of being invoiced with wool of lower value: *And provided further*, That the duty upon wool of the first class which shall be imported washed shall be twice the amount of duty to which it would be subjected if imported unwashed, and that the duty upon wool of all classes which shall be imported scoured shall be three times the amount of the duty to which it would be subjected if imported unwashed. On sheep skins and Angora goat skins, raw or unmanufactured, imported with the wool on, washed or unwashed, the duty shall be thirty per centum ad valorem; and on woolen rags, shoddy, mungo, waste, and flocks, the duty shall be twelve cents per pound.

SEC. 2. *And be it further enacted*, That in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid on the goods, wares, and merchandise, herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say:

On woolen cloths, woolen shawls, and all manufactures of wool of every description made wholly or in part of wool, not herein otherwise provided for, fifty cents per pound, and, in addition thereto, thirty-five per cent. ad valorem.

On flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding forty cents per pound, twenty cents per pound; valued at above forty cents per pound and not exceeding sixty cents per pound, thirty cents per pound; valued at above sixty cents per pound and not exceeding eighty cents per pound, forty cents per pound; valued at above eighty cents per pound, fifty cents per pound; and, in addition thereto, upon all the above-named articles, thirty-five per centum ad valorem.

On endless belts or felts for paper or printing machines, twenty cents per pound and thirty-five per centum ad valorem.

On bunting, twenty cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

On women's and children's dress goods and real or imitation Italian cloths, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, valued at not exceeding twenty cents per square yard, six cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; valued at above twenty cents the square yard, eight cents per square yard, and, in addition thereto, forty per centum ad valorem: *Provided*, That on all goods weighing four ounces and over per square yard, the duty shall be fifty cents per pound, and, in addition thereto, thirty-five per centum ad valorem.

On clothing ready made, and wearing apparel of every description, and balmoral skirts and skirting, and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods, fifty cents per pound, and, in addition thereto, forty per centum ad valorem.

On webbings, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress trimmings, head-nets, buttons or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, or mohair, or of which wool, worsted, or mohair is a component material, unmixed with silk, fifty cents per pound, and, in addition thereto, fifty per centum ad valorem.

On Aubusson and Axminster carpets, and carpets woven whole for rooms, fifty per centum ad valorem; on Saxony, Wilton, and Tournay velvet carpets, wrought by the Jacquard machine, seventy cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; on Brussels carpets wrought by the Jacquard machine, forty-four cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; on patent velvet and tapestry velvet carpets, printed on the warp or otherwise, forty cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; on tapestry Brussels carpets printed on the warp or otherwise, twenty-eight cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; on treble ingrain, three-ply, and worsted chain Venetian carpets, seventeen cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; on yarn Venetian and two-ply ingrain carpets, twelve cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; on druggets and bockings, printed, colored, or otherwise, twenty-five cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; on hemp or jute carpeting, eight cents per square yard; on carpets and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified, forty per centum ad valorem: *Provided*, That mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpeting shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description, and that the duty on all other mats, (not exclusively of vegetable material,) screens, hassocks, and rugs, shall be forty-five per centum ad valorem.

On oil cloths for floors, stamped, painted, or printed, valued at fifty cents or less per square yard, thirty-five per centum ad valorem; valued at over fifty cents per square yard, and on all other oil cloth, (except silk oil cloth,) and on water-proof cloth, not otherwise provided for, forty-five per centum ad valorem; on oil silk cloth, sixty per centum ad valorem.

APPROVED, March 2, 1867.

RESOLUTIONS.

No. 1.—Joint Resolution to appoint two Managers for the National Asylum for Disabled Volunteer Soldiers, to fill certain Vacancies.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Erastus B. Wolcott, of the State of Wisconsin, be, and he hereby is, appointed a manager of the National Asylum for Disabled Volunteer Soldiers, to fill the vacancy occasioned by the death of George H. Walker, of the third class of said managers, for the term which expires on the twenty-first day of April, eighteen hundred and sixty-eight; and that John S. Cavender, of the State of Missouri, be, and he is hereby, appointed a manager of said corporation, to fill the vacancy occasioned by the resignation of P. Joseph Osterhaus, of the second class of said managers, for the term which expires on the twenty-first day of April, eighteen hundred and seventy.

APPROVED, December 7, 1866.

No. 3.—A Resolution to provide for the Exhibition of the Cereal Productions of the United States at the Paris Exposition in April next.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Agriculture be, and he is hereby, instructed to collect and prepare, as far as practicable, and with as little delay as possible, suitable specimens of the cereal productions of the several States of the Union, for exhibition at the Paris Exposition, and forward the same in proper order and condition for shipment to J. C. Derby, agent of the United States Government for the Paris Exposition at New York: *Provided*, That it shall require no further appropriation from the public Treasury.

APPROVED, January 11, 1867.

No. 4.—Joint Resolution authorizing certain Medals to be distributed to honorably discharged Soldiers free of Postage.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the adjutant general of the State of West Virginia is hereby authorized to distribute through the mails, free of

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postage, to the honorably discharged soldiers of West Virginia, and to the relatives and friends of those who were killed or died of wounds or disease while in service, certain medals furnished by the Legislature of that State, and in such case the envelope inclosing the same shall be franked by such adjutant general in the mode prescribed by the Postmaster General.

APPROVED, January 14, 1867.

No. 5.—Joint Resolution to procure a Site for a Building to accommodate the Post Office and U. S. Courts in New York City.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the mayor and postmaster of the city of New York, the district attorney of the United States at New York city, the president of the Chamber of Commerce of the State of New York, and Jackson S. Shultz, Charles H. Russell, Charles H. Rogers, and Moses Taylor, of New York city, be appointed a commission to purchase the site for a building to accommodate the post office and United States courts in the city of New York, in accordance with their report submitted to the Secretary of the Interior and the Postmaster General, and by them approved, viz: the lower portion of the City Hall Park, containing land equal to twenty-six city lots, (or over sixty-six thousand square feet,) and that they be authorized to purchase the same for the sum of five hundred thousand dollars: *Provided*, That the title to said property shall be approved by the Attorney General of the United States, subject to the condition that the Government of the United States shall stipulate that it shall be used for public purposes only; and that said commission procure plans and estimates for a suitable building upon said site, to be submitted to the Postmaster General and Secretary of the Interior; and should such plans and estimates meet their approval they shall communicate the same, with such additional suggestions as they may think proper, to Congress; and the Secretary of the Treasury is hereby authorized to pay such sum of money as may be necessary to carry the foregoing resolution into effect from any money in the Treasury hereafter to be appropriated.

APPROVED, January 22, 1867.

No. 6.—A Resolution appropriating Money to defray the Expenses of the Joint Select Committee on Retrenchment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifteen thousand dollars, or as much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the "Joint Committee on Retrenchment," and that sum shall be drawn from the Treasury, upon the order of the Secretary of the Senate, as the same shall be required; and any portion of the amount hereby appropriated, that shall be allowed by the said joint committee to witnesses attending before it, or persons employed in its service, for per diem, traveling, or other necessary expenses, and paid by the Secretary of the Senate, in pursuance of the orders of said joint committee, shall be accordingly credited and allowed by the accounting officers of the Treasury Department.

APPROVED, January 22, 1867.

No. 7.—Joint Resolution authorizing the Secretary of War to transfer certain Property to the National Asylum for Disabled Volunteers.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Asylum for Disabled Volunteer Soldiers, not having obtained title to land at Point Lookout, in Maryland, as contemplated in the twelfth section of the act approved March twenty-first, eighteen hundred and sixty-six, establishing that institution, the Secretary of War is hereby authorized, at his discretion, to transfer to the said National Asylum any of the property of the United States still remaining at Point Lookout, which may be considered appropriate and useful for the objects of that corporation.

APPROVED, January 29, 1867.

No. 8.—A Resolution to provide for the Removal of the Wreck of the Steamship Scotland.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause the removal of the wreck of the iron steamship Scotland, now on the bar outside of Sandy Hook, near the entrance to the harbor of New York, and the sum of one hundred thousand dollars, or so much thereof as may be necessary to complete said removal, is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated. The Secretary of War shall, after notice given in one or more newspapers in the cities of Philadelphia, New York, and Boston, receive sealed proposals for the removal of said wreck, and make contract for the same with the lowest bidder therefor. Said contract will in no case exceed in amount the sum herein appropriated.

APPROVED, January 29, 1867.

No. 11.—Joint Resolution to amend existing Laws relating to Internal Revenue.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That alcohol made or manufactured of distilled spirits upon which the taxes imposed by law shall have been paid, and burning fluid made or manufactured from alcohol or spirits of turpentine, or camphene upon which the taxes imposed by law shall have been paid, shall be, and hereby are, exempt from tax; and so much of section ninety-six of the act of June thirtieth, eighteen hundred and sixty-four, as relates to alcohol and burning fluid is hereby repealed, and all products of distillation, by whatever name known, which contain distilled spirits or alcohol on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits.

SEC. 2. *And be it further* enacted, [*resolved*,] That paragraph nineteen of section seventy-nine of the act of June thirtieth, eighteen hundred and sixty-four, as amended by the act of July thirteenth, eighteen hundred and sixty-six, entitled "An act to reduce internal taxation and to amend an act entitled 'An act to provide internal revenue to support the Government, to pay the interest on the public debt, and for other purposes,' approved June thirtieth, eighteen hundred and sixty-four, and acts amendatory thereof," be, and the same is hereby, amended by striking out the words "and distillers of burning fluid and camphene."

APPROVED, February 5, 1867.

No. 12.—A Resolution providing for the Payment of certain Kentucky Militia Forces.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to cause to be investigated the claims of the forces called out under the command of James S. Fish, in May, eighteen hundred and sixty-two, and to pay the said forces at the same rates for actual service rendered, while absent from their homes, as was allowed by law to other volunteer forces in the military service at the date specified; and in estimating the amount due said militia forces, the officers thereof shall be paid as of the grade to which the number of men would have been entitled under the mustering regulations of the Army in force at the date specified. And no allowance shall be made for any troops which did not perform actual military service in full connection and coöperation with the authorities of the United States and subject to their order.

APPROVED, February 8, 1867.

No. 14.—A Resolution to provide, in certain cases, for the Removal of Alcohol from Bonded Warehouses free from Internal Tax.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to grant permits to curators of incorporated or chartered scientific institutions to withdraw alcohol in specified quantities from bond without payment of the internal revenue tax on the same, or on the spirits from which the alcohol has been distilled for the sole and exclusive purpose of preserving specimens of anatomy, physiology, or of natural history belonging to said institutions: *Provided*, That the said curators, on applying for such permit, shall file a bond for double the amount of the tax on the alcohol to be withdrawn, with two good and sufficient sureties, who shall not be officers of the institution making application; said bond and sureties to be approved by the Commissioner of Internal Revenue; and conditioned that the whole quantity of alcohol so withdrawn from bond shall be used for the purpose above specified and for no other, and that the curators shall comply with such other requirements and regulations as the Secretary of the Treasury may prescribe. And if any alcohol so obtained shall be used by any curator or other officer of said institution for any purpose other than that above specified, then the said curators, officers, or sureties, shall pay the tax on the whole amount of alcohol withdrawn from bond, together with a like amount as a penalty in addition thereto.

APPROVED, February 18, 1867.

No. 15.—A Resolution in Relation to Ocean Mail Service between San Francisco, in California, and Portland, in Oregon.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized to employ ocean mail service between San Francisco, in California, and Portland, in Oregon, not less than three times per month, in continuation of the service from New York, via Panama, to San Francisco: *Provided*, That the cost of said service shall not exceed twenty-five thousand dollars per annum. And it is hereby made the duty of the Postmaster General, after the passage of this resolution, to advertise for bids for the performance of the service herein provided for, for at least thirty days in at least one newspaper published at San Francisco and one paper published at Portland, Oregon, and to contract therefor with the lowest responsible bidder.

APPROVED, February 18, 1867.

No. 16.—Joint Resolution in Relation to the Pensions of Widows of Revolutionary Soldiers.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the pensions of widows of revolutionary soldiers whose names are now upon the pension-rolls, and who were married to revolutionary soldiers prior to January first, eighteen hundred, be, and the same are hereby, increased to and shall be paid at the same rate as the deceased soldiers would be entitled under existing laws, if now living; such increase and payment to be made

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from the thirtieth day of September, eighteen hundred and sixty-five.

APPROVED, February 18, 1867.

No. 17.—Joint Resolution for the Purchase of David's Island, New York Harbor.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to purchase, for the Government of the United States, David's Island, in Long Island sound, at the sum of thirty-eight thousand five hundred dollars, in accordance with the terms and conditions of the lease of Simeon Leland, dated April thirteenth, eighteen hundred and sixty-two, and renewed March thirtieth, eighteen hundred and sixty-three, by which the said island was leased to the United States, and is now occupied by the same.

APPROVED, February 18, 1867.

No. 21.—Joint Resolution to extend the Time for Codifying the Laws relating to Customs, authorized by the Joint Resolution approved July twenty-sixth, eighteen hundred and sixty-six.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the joint resolution to provide for codifying the laws relating to customs, approved July twenty-sixth, eighteen hundred and sixty-six, be, and they are hereby, continued in force until the first day of January, in the year eighteen hundred and sixty-eight.

APPROVED, February 22, 1867.

No. 22.—Joint Resolution for the Restoration of Lieutenant Commander S. L. Breese, U. S. Navy, to the Active List from the Retired List.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized to nominate, and by and with the advice and consent of the Senate to appoint, Lieutenant Commander S. L. Breese to the active list of the Navy, with the rank to which he may be entitled thereon.

APPROVED, February 22, 1867.

No. 23.—Joint Resolution authorizing the Employment of a Public Vessel for the Transportation of Provisions to the People of the Southern States.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized and directed, upon the application of the contributors, to assign a public vessel for the transportation to Charleston, Savannah, and Mobile, of any supplies of food and clothing that may be contributed by the people of the United States, for the use of any portion of the people of the southern States who may be suffering from the failure of crops or other causes, under such regulations as may, by the Secretary of the Navy, be prescribed.

APPROVED, February 22, 1867.

No. 26.—A Resolution to extend Aid and Facilities to Citizens of the United States engaged in the Survey of a Route for a Ship-Canal across the Isthmus of Darien.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be authorized and requested to furnish such aid and facilities to citizens of the United States, who are undertaking an exploration and survey of the Isthmus of Darien for the purpose of discovering a favorable line for a ship-canal to connect the Atlantic and Pacific oceans, as he may be able to furnish without prejudice to the naval service, and without additional expense to the Government of the United States.

APPROVED, February 25, 1867.

No. 27.—A Resolution authorizing the Secretary of the Treasury to permit the Owner of the Yacht "Mayflower" to change the name of the same to that of "Silvie," and to issue an American Register to the Steam-Yacht "Glance."

Whereas the yacht "Mayflower" is a pleasure-boat not engaged in the transportation of passengers or freight of any kind; and whereas the steam-yacht "Glance," of about thirteen tons burden, being also a pleasure-yacht not engaged in carrying passengers or freight; Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to permit the owner of the yacht "Mayflower" to change the name of the same to that of "Silvie;" and to order a register of the steam-yacht "Glance" to be granted to William Levering, jr., the owner thereof, from the collection district of Buffalo, in the State of New York.

APPROVED, February 25, 1867.

No. 28.—A Resolution to provide for the Ascertainment and Apportionment of the proper Quota of the Direct Tax of eighteen hundred and sixty-one to the State of West Virginia, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in ascertaining the quota of the State of West Virginia of the direct tax imposed by the act of August fifth, eighteen hundred and sixty-one, the Secretary of the Treasury is authorized and directed to charge the said State with such proportion of the said tax apportioned to the State of Virginia as the value of the real estate of the counties now composing the State of West Virginia, including Berkeley and Jefferson, bears to the value of all the real estate of the then State of Virginia, as ascertained by the assessment for State taxation of the real estate of the said State of Virginia in the year eighteen hundred and sixty, giving credit to the State of West Virginia for such part of its proportion so ascertained as has been already paid.

SEC. 2. *And be it further resolved,* That the State of West Virginia is hereby made liable to all the duties in relation to said direct tax which are imposed by law upon, and is entitled to all the privileges in the same relation which are by law allowed to other loyal States: *Provided,* That no liability or burden whatsoever is hereby imposed or shall be imposed by said State, arising in any way out of said tax, upon lands included within the present limits of the counties of Berkeley and Jefferson, or upon the inhabitants as such, for the time being, within said limits, except upon terms accepted by a majority vote of legal voters resident within said limits.

SEC. 3. *And be it further resolved,* That the board of direct tax commissioners for the State of Virginia shall have and continue to have the same authority to assess and collect the before-mentioned direct tax in the counties of Berkeley and Jefferson as if those counties still formed a part of the State of Virginia.

SEC. 4. *And be it further resolved,* That the Secretary of the Treasury shall be authorized to refund to persons from whom money has been received without warrant of law, as in payment of dues under the direct tax laws, the sums so illegally collected; such refunding to be ordered on the presentation in each case of satisfactory evidence of the illegal collection.

SEC. 5. *And be it further resolved,* That the Secretary of the Treasury is hereby authorized and directed to suspend the further collection within the State of West Virginia of any part of the direct tax imposed by the act of August five, eighteen hundred and sixty-one, until the first day of June next, unless the claims of the said State against the United States are sooner adjusted.

SEC. 6. *And be it further resolved,* That section two of an act entitled "An act further to amend an act entitled 'An act for the collection of direct taxes in the insurrectionary States within the United States, and for other purposes,' approved June seven, eighteen hundred and sixty-two," approved March third, eighteen hundred and sixty-five, be, and the same is hereby, repealed, and certificates of sale shall be received in all courts and places as prima facie evidence of the regularity and validity of said sale and of the title of purchaser or purchasers under the same, as provided in section seven of an act entitled "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes," approved June seven, eighteen hundred and sixty-two.

APPROVED, February 25, 1867.

No. 30.—Joint Resolution giving Additional Compensation to certain Employés in the Civil Service of the Government at Washington.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be allowed and paid, out of any money in the Treasury not otherwise appropriated, to the following-described persons now employed in the civil service of the United States at Washington, as follows: to civil officers, temporary and all other clerks, messengers, and watchmen, including enlisted men detailed as such, to be computed upon the gross amount of the compensation received by them, and employés, male and female, in the Executive Mansion, and in any of the following named Departments, or any bureau or division thereof, to wit: State, Treasury, War, Navy, Interior, Post Office, Attorney General, Agricultural, and including civil officers, and temporary and all other clerks and employés, male and female, in the offices of the Coast Survey, Naval Observatory, navy-yard, arsenal, Paymaster General, including the division of referred claims, Commissary General of Prisoners, Bureau of Refugees, Freedmen, and Abandoned Lands, quartermasters, Capitol and Treasury extension, city post office, and Commissioner of Public Buildings, to the photographer and assistant photographer of the Treasury Department, to the superintendent of meters, and to lamplighters under the Commissioner of Public Buildings, an additional compensation of twenty per centum on their respective salaries as fixed by law, or, where no salary is fixed by law, upon their pay respectively, for one year from and after the *the* thirtieth day of June, eighteen hundred and sixty-six; but when any of said persons is or shall be only entitled to receive salary or pay for a part of said year the said twenty per centum shall be computed on the amount such person is so entitled to receive for services in any or all of said Departments or offices within said year: *Provided,* That the above-named additional compensation to the employés of the Patent Office shall be paid out of the funds of said office: *Provided further,* That this resolution shall not apply to persons whose salaries as fixed by law exceed three thousand five hundred dollars per annum.

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SEC. 2. *And be it further resolved*, That all acts or parts of acts heretofore passed authorizing the Secretary of the Treasury to apportion or distribute among the clerks of his Department any sum of money by way of additional pay or compensation are hereby repealed.

APPROVED, February 28, 1867.

No. 31.—Joint resolution to extend the Provisions of the Act in regard to Agricultural Colleges to the State of Tennessee.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of July two, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and of the "Act to amend the fifth section thereof," approved July twenty-third, eighteen hundred and sixty-six, are hereby extended and made applicable to the State of Tennessee.

APPROVED, February 28, 1867.

No. 32.—Joint Resolution to extend the Time for the Use of certain Vessels for Quarantine Purposes at the Port of New York.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority conferred by joint resolution of March twenty-fourth, eighteen hundred and sixty-six, upon the Secretary of War and the Secretary of the Navy respectively, to place, in their discretion, gratuitously, at the disposal of the commissioners of quarantine, or the proper authorities of any of the ports of the United States, to be used by them temporarily for quarantine purposes, such vessels or hulks belonging to the United States as are not required for other uses, be continued for two years after the passage of this joint resolution.

APPROVED, February 28, 1867.

No. 33.—Joint Resolution authorizing the Secretary of the Navy to grant the Use of Guns for Trial of Ridgway's Battery.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized to grant the use of two eleven-inch Dahlgren guns to John Ridgway, of Boston, for use in experimental trials of Ridgway's patent revolving battery.

APPROVED, February 28, 1867.

No. 42.—Joint Resolution authorizing the Secretary of the Interior to pay certain Claims out of the Balance of an Appropriation for the Payment of Necessary Expenditures in the Service of the United States for Indian Affairs in the Territory of Utah.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized to pay to Henry Standish, Dimick B. Huntington, Harrison Severe, and Buchanan and Company, the sums which may be found due them on the settlement of their accounts with the United States, for Indian affairs in Utah Territory, not to exceed the sums, respectively, of one hundred and ninety-three dollars and fifty cents, one hundred and seventy-four dollars and seventy-five cents, and of eighteen hundred and ninety-three dollars and sixty-six cents, seven hundred and two dollars, which shall be paid out of any of the unexpended balance of the appropriation made by the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending thirtieth of June, eighteen hundred and sixty," approved May twenty-fourth, eighteen hundred and sixty, for the payment of the late Indian agents in Utah, and an act entitled "An act to authorize a change of appropriations for the payment of necessary expenditures in the service of the United States for Indian affairs," approved February twenty-second, eighteen hundred and sixty-two.

APPROVED, March 1, 1867.

No. 44.—A Resolution for Printing Additional Copies of the Appendix to the Diplomatic Correspondence of eighteen hundred and sixty-five.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the number of copies of papers relating to foreign affairs now authorized by law, there shall be printed for distribution by the Department of State, on fine paper, with wide margin, a sufficient number of copies of the Appendix to the Diplomatic Correspondence of eighteen hundred and sixty five, to supply one copy to each Senator and each Representative of the Thirty-Ninth Congress, and to each foreign Government, and one copy to each corporation, association, or public body whose expressions of condolence or sympathy are published in said volume; one hundred of these copies to be bound in full Turkey morocco, full gilt, and the remaining copies to be bound in half Turkey morocco, marble edged.

APPROVED, March 2, 1867.

No. 45.—Joint Resolution for the Erection of an Equestrian Statue to the memory of Brevet Lieutenant General Winfield Scott.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to contract with Henry K. Brown, esq., of Newburgh, New York, at a price not exceeding twenty thousand dollars, for an equestrian statue, in bronze, of Brevet Lieutenant General Winfield Scott, to be made of the guns captured in Mexico, and to be placed on Franklin square, in the city of Washington, or such other place in the said city as the Secretary of War may designate.

APPROVED, March 2, 1867.

No. 46.—Joint Resolution prohibiting Payment by any Officer of the Government to any Person not known to have been opposed to the Rebellion and in favor of its Suppression.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until otherwise ordered it shall be unlawful for any officer of the United States Government to pay any account, claim, or demand against said Government, which accrued or existed prior to the thirteenth day of April, A. D. eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion; or in favor of any person who, during said rebellion, was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand until this resolution is modified or repealed: *Provided*, That this resolution shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to April first, eighteen hundred and sixty-one, to creditors of said contractors, loyal citizens of loyal States, in payment of debts incurred prior to March first, eighteen hundred and sixty-one.

APPROVED, March 2, 1867.

No. 47.—Joint Resolution to amend section five of an Act entitled "An Act to increase Duties on Imports, and for other purposes," approved June thirtieth, one thousand eight hundred and sixty-four.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph of section five of an act entitled "An act to increase duties on imports, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, as follows, to wit: "On lastings, mohair cloth, silk, twist, wool, or other manufactured cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, bootees, gaiters, and buttons exclusively, not combined with India-rubber, ten per cent. ad valorem," be, and the same is hereby, repealed.

SEC. 2. *And be it further resolved*, That from and after the passage of this resolution machinery for the manufacture of beet sugar, and imported for that purpose solely, shall be exempted from duty.

APPROVED, March 2, 1867.

No. 48.—A Resolution to facilitate the Settlement of Accounts of Disbursing Officers.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An act to provide for the more prompt settlement of the accounts of disbursing officers," approved July seventeen, eighteen hundred and sixty-two, as provides that "such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be rendered direct to the proper accounting officers of the Treasury," be, and the same is hereby, repealed; and all such accounts and vouchers shall hereafter be sent to the bureau to which they pertain, and after examination there shall be passed to the proper accounting officer of the Treasury for settlement.

APPROVED, March 2, 1867.

No. 49.—A Resolution in relation to National Banking Associations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a national bank has paid or may pay in excess of what may be or has been found due from said bank, on account of the duty required to be paid to the Treasurer of the United States, the bank so having paid or paying such excess of duty may state and account therefor, which, on being certified by the Treasurer of the United States, and found correct by the First Comptroller of the Treasury, shall be refunded in the ordinary manner by warrant on the Treasury.

APPROVED, March 2, 1867.

No. 50.—Joint Resolution extending the Provisions of section two of an Act entitled "An Act to extend the Jurisdiction of the Court of Claims, and to provide for the Payment of certain Demands for Quartermasters' Stores and Subsistence Supplies furnished to the Army of the United States," approved July fourth, eighteen hundred and sixty-four.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section two of the above-entitled act be, and they are hereby, extended to cover all cases where quartermasters' stores were actually furnished to the forces under the command of Major General Lewis Wallace, and duly receipted for by persons acting under his authority, and whose authority shall be proven to the satisfaction of the accounting officers, during the Morgan raid through the States of Indiana and Ohio, in the summer of eighteen hundred and sixty-three; and for the purpose of giving

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such receipts for property so applied the said persons shall be held to be proper officers of the Government.

APPROVED, March 2, 1867.

No. 51.—A Resolution concerning the Right of Way for the Survey and Construction of an Inter-oceanic Ship-Canal through the Isthmus of Darien.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and is hereby, directed to take such steps as may be necessary to obtain from the United States of Colombia the authority for the United States to make the necessary surveys at the Isthmus of Darien for a ship-canal to connect the waters of the Atlantic and those of the Pacific ocean, and the terms upon which such right of way may be obtained by this Government.

APPROVED, March 2, 1867.

No. 52.—A Resolution thanking the Chambers of Senators and Deputies of Brazil for their Resolutions of Sorrow and Sympathy on the Death of President Lincoln.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States has received with respect and gratitude the resolutions of sorrow and sympathy which the Chambers of Senators and Deputies of Brazil have adopted on the death of President Lincoln, and hereby tenders to those Chambers the thanks of the people of the United States.

SEC. 2. *And be it further resolved*, That it shall be the duty of the President of the United States to forward a copy of this resolution to the Emperor of Brazil, with a request that it be communicated to the two Chambers.

APPROVED, March 2, 1867.

No. 53.—A Resolution relative to the Post Office and Sub-Treasury of the City of Boston.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the mayor and postmaster of the city of Boston, the Assistant Treasurer for the United States at the city of Boston, the president of the Board of Trade of the city of Boston, and Alpheus Hardy, Daniel Davies, and John A. Andrew, of Boston, be appointed a commission to select a proper site for a building for a post office and for the accommodation of the sub-Treasury in the city of Boston, and that they report to the Postmaster General and the Secretary of the Treasury, at their earlies[t] convenience, the selection upon which they, or a majority of them, may agree, and the price at which such site can be purchased by the Government for the purposes contemplated in this resolution, if a new site should be selected; and that if said report shall meet the approbation of the Postmaster General and the Secretary of the Treasury they shall communicate the same, with such additional *suggestings* [suggestions] as they may think proper, to Congress.

APPROVED, March 2, 1867.

No. 54.—Joint Resolution to Enable the Secretary of War to carry out an Agreement in relation to Water-Power for the Arsenal at Rock Island.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to carry into effect the recommendations of the commissioners appointed under the acts of April nineteen, eighteen hundred and sixty-four, and June twenty-seven, eighteen hundred and sixty-six, relative to the Moline Water Company and the water-power at Rock Island, Illinois, as contained in the report of said commissioners, and to make application for that purpose of the money heretofore appropriated for securing water-power at the head of Rock Island.

APPROVED, March 2, 1867.

No. 55.—A Resolution to provide for the Exchange of certain Public Documents.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That fifty copies of all documents hereafter printed by order of either House of Congress, and fifty copies additional of all documents printed in excess of the usual number, together with fifty copies of each publication issued by any Department or bureau of the Government, be placed at the disposal of the joint Committee on the Library, who shall exchange the same, through the agency of the Smithsonian Institution, for such works published in foreign countries, and especially by foreign Governments, as may be deemed by said committee an equivalent; said works to be deposited in the Library of Congress.

APPROVED, March 2, 1867.

No. 56.—Joint Resolution for the Reduction of the Military Reservation of Fort Riley, and to grant Land for Bridge Purposes to the State of Kansas.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the southwestern boundary of the military reservation of Fort Riley, in the State of Kansas, be, and the same is hereby, declared to be hereafter the channel of the Republican river, from its mouth to the point where said river intersects the present western line of said reservation, and the land released from said reservation and lying between the Smoky Hill and Republican rivers is hereby granted to the State of Kansas to aid in the construction of a bridge over the Republican river, on the public highway leading through the present reservation; but upon the express condition that this grant shall be accepted by the State of Kansas with a guarantee given by said State, by an act of the Legislature thereof, that said bridge shall be kept up and maintained in good condition, and shall be free to the use of the Government of the United States for all transit purposes forever, without tolls or charges, and on such acceptance and guarantee being filed in the office of the Secretary of the Interior, together with the certificate of the Governor of Kansas that a good and permanent bridge has been constructed over the said Republican river, it shall be the duty of said Secretary to issue patent for the land hereby granted to the State of Kansas, or to such company as may be authorized, by act of the Legislature of said State, to construct said bridge: *Provided, however*, That nothing herein contained shall be construed to interfere with any grant of any part of said land heretofore made by the United States.

APPROVED, March 2, 1867.

No. 57.—A Resolution presenting the Thanks of Congress to Cyrus W. Field.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they hereby are, presented to Cyrus W. Field, of New York, for his foresight, courage, and determination in establishing telegraphic communication by means of the Atlantic cable, traversing mid-ocean and connecting the Old World with the New; and that the President of the United States be requested to cause a gold medal to be struck, with suitable emblems, devices, and inscription, to be presented to Mr. Field.

SEC. 2. *And be it further resolved*, That when the medal shall have been struck, the President shall cause a copy of this joint resolution to be engrossed on parchment, and shall transmit the same, together with the medal, to Mr. Field, to be presented to him in the name of the people of the United States of America.

SEC. 3. *And be it further resolved*, That a sufficient sum of money to carry this resolution into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

APPROVED, March 2, 1867.

No. 58.—Joint Resolution instructing the Secretary of the Interior to order a Survey for a Bridge or Bridges across the Potomac.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to order a survey, by a competent engineer, of the ground and river at and near the Aqueduct bridge, in this District, and report upon the practicability of constructing there a bridge across the Potomac without obstructing the navigation of the river, and the probable cost thereof, separately estimating for a common bridge, and for a bridge both for railway and common travel. Also to examine and report touching the like bridges at or near the Long bridge; and whether the same can be there built so as to avoid obstructions of the navigation thereby, and the probable cost thereof; said report to be made at the earliest day practicable.

APPROVED, March 2, 1867.

No. 59.—Joint Resolution authorizing the Secretary of State to present to Captain James G. Smith, of the British Brig "Victoria," a Gold Chronometer, in Token of Appreciation of his Services in rescuing from Death the Master, Officers, and Crew, and Passengers on board of the American Brig "E. H. Fitler."

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby, authorized and directed to cause to be procured and presented to Captain James G. Smith, master of the brig "Victoria," of Yarmouth, Nova Scotia, a gold chronometer, in token of appreciation by the Government of the United States of his humane and successful efforts in rescuing from death the master, officers, crew, and passengers on board the brig E. H. Fitler, of Philadelphia, wrecked at sea on the morning of January twenty-second, eighteen hundred and sixty-seven.

APPROVED, March 2, 1867.

No. 60.—Joint Resolution in relation to the Erection of a Jail in the District of Columbia.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no money shall be paid out of the Treasury toward the construction of the new jail for the District of Columbia under the act approved twenty-fifth July, eighteen hundred and sixty-six, unless the letting of the contract for the building of said jail shall be suspended and delayed until perfected plans for the entire work shall have been completed and approved by a board of three, composed of disinterested and competent engineers and architects, of which Quartermaster General M. C. Meigs and A. B. Mullet, architect of the Treasury Department, shall be two, nor unless the letting of such contract shall have been open to fair and equal competition, on seasonable notice printed in two leading newspapers printed and published in the city of Washington after such approval of such new and perfected plans, and that the Secretary of the Interior be also authorized and directed to select a new site for said jail under the said act.

APPROVED, March 2, 1867.

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PRIVATE ACTS OF THE THIRTY-NINTH CONGRESS

OF THE

UNITED STATES,

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the 3d day of December, A. D. 1866, and ended on Monday, the 4th day of March, A. D. 1867.

ANDREW JOHNSON, President. LA FAYETTE S. FOSTER, President of the Senate. BENJAMIN F. WADE was elected President of the Senate *pro tempore* on the 2d day of March. SCHUYLER COLFAX, Speaker of the House of Representatives.

CHAPTER I.—An Act granting a Pension to Mrs. Katharine F. Winslow.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Katharine F. Winslow, mother of Cleveland Winslow, late lieutenant colonel of the fifth New York veteran volunteer infantry, on the pension-roll, at the rate of thirty dollars per month, to commence from the seventh day of July, eighteen hundred and sixty-four, and to continue during her widowhood.

APPROVED, December 12, 1866.

CHAP. II.—An Act confirming the Title of Alexis Gardapier to a certain Tract of Land in the County of Brown and State of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of Alexis Gardapier to a certain tract of land situate in the county of Brown and State of Wisconsin, described in the report of the commissioners to examine titles and claims in the territory of Michigan as "lying on the west bank of Fox river, and more particularly known as being a vacant strip lying between a tract number one, confirmed to Jacques Porlier, on the north, and tract number two, confirmed to Louis Grignon, on the south, commencing at low-water mark, and running west eighty arpens, and in width three arpens on the aforesaid river," be, and the same is hereby, confirmed, and the Commissioner of the General Land Office is hereby authorized to cause the said tract of land to be surveyed in the same manner as other private claims to lands in Green Bay have been surveyed, and directed to issue a patent therefor, according to the provisions of the fifth section of the act of Congress approved February twenty-one, eighteen hundred and twenty-three, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," which shall be recorded in the office of the register of deeds for the county aforesaid, for the benefit of the heirs or assigns of the said Alexis Gardapier.

APPROVED, December 15, 1866.

CHAP. III.—An Act releasing to Francis S. Lyon the Interest of the United States in certain Lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any interest which the United States have in the lands described in a deed executed by Wager Swayne, assistant commissioner of the Bureau of Freedmen and Abandoned Lands, in the State of Alabama, to Francis S. Lyon, bearing date February third, eighteen hundred and sixty-six, be, and the same is hereby, released and confirmed to the said Lyon.

APPROVED, December 15, 1866.

CHAP. XIII.—An Act for the Relief of Lewis Dyer, late Surgeon of the Eighty-First Regiment Illinois Volunteers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to audit and settle the accounts of Lewis Dyer, late surgeon of the eighty-first regiment Illinois volunteers, and allow him the pay and emoluments of surgeon of volunteers, from the sixth day of April, eighteen hundred and sixty-three, to the twenty-sixth day of May following, deducting therefrom any amount which may appear to have heretofore been paid him by error.

APPROVED, January 22, 1867.

CHAP. XIV.—An Act for the Relief of James Pool.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to James Pool the sum of twelve hundred and eighty-seven dollars and ten cents, out of any money in the Treasury not otherwise appropriated: *Provided*, That four hundred and eighty-seven dollars and fifty cents of said amount shall be paid out of any annuities or moneys payable to the Senecas and Shawnee Indians, if there be any, and if none, then the whole sum to be paid out of the Treasury of the United States.

APPROVED, January 22, 1867.

CHAP. XVIII.—An Act for the Relief of Catharine Welsh.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Catharine Welsh, widow of private John Welsh, late of company E, twenty-sixth regiment of Illinois volunteer infantry, be authorized to receive the bounty, back pay, and allowances due to said John Welsh, without being required to make other or further proof of his death than that already furnished.

APPROVED, January 31, 1867.

CHAP. XIX.—An Act for the Relief of Solomon P. Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid to Solomon P. Smith, late a captain in the one hundred and fifteenth regiment of New York volunteers, out of any money in the Treasury not otherwise appropriated, the sum of two hundred and sixty dollars for his pension from the fourteenth day of January, eighteen hundred and sixty-five, when he was mustered out of the service, until the fifteenth day of February, eighteen hundred and sixty-six, the date of the filing of his application for a pension with the Commissioner of Pensions.

APPROVED, January 31, 1867.

CHAP. XX.—An Act for the Relief of Josiah O. Armes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Josiah O. Armes, out of any money in the Treasury not otherwise appropriated, the sum of nine thousand five hundred dollars, in full for damages sustained by him in consequence of the burning of his buildings and the destruction of his property at Anandale, Fairfax county, Virginia, by the United States troops.

APPROVED, January 31, 1867.

CHAP. XXI.—An Act for the Relief of Matilda Harmon, of the County of Greene, and State of Tennessee, Widow of Jacob Harmon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the

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Interior be, and he is hereby, authorized to place the name of Matilda Harmon, of the county of Greene, and State of Tennessee, widow of Jacob Harmon, on the pension-roll at the rate of eight dollars per month, to commence on the seventeenth day of December, eighteen hundred and sixty-one, and to continue during her widowhood.

APPROVED, January 31, 1867.

CHAP. XXII.—An Act for the Relief of George W. Fish.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George W. Fish, the sum of one thousand eight hundred and twenty-five dollars and four cents, out of any money in the Treasury not otherwise appropriated, in full pay for consular services as United States consul at Ningpo, China, and for exchange due him.

APPROVED, January 31, 1867.

CHAP. XXIII.—An Act for the Relief of Mrs. Mary E. Finney, Widow of First Lieutenant Solon H. Finney, late of the Sixth Regiment Michigan Cavalry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid to Mrs. Mary E. Finney, widow of Lieutenant Solon H. Finney, a lieutenant in the sixth regiment Michigan cavalry, the three months' extra pay proper, which he by law would have been entitled to receive had he been mustered out of service after April ninth, anno Domini eighteen hundred and sixty-five, he having died of wounds received in battle on said ninth day of April, anno Domini eighteen hundred and sixty-five.

APPROVED, January 31, [1]867.

CHAP. XXIV.—An Act for the Relief of Barbury Frye, Widow of Henry Frye.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place the name of Barbury Frye, widow of Henry Frye, of the county of Greene and State of Tennessee, on the pension-roll at the rate of eight dollars per month, to commence on the twenty-seventh day of November, eighteen hundred and sixty-one, and to continue during her widowhood.

APPROVED, January 31, 1867.

CHAP. XXV.—An Act for the Relief of William A. Hinshaw and Jacob M. Hinshaw, Minor Children of Jacob M. Hinshaw, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place the names of William A. Hinshaw and Jacob M. Hinshaw, of Greene county, Tennessee, minor children of Jacob M. Hinshaw, deceased, on the pension-roll, subject to the privileges and limitations of the pension laws in regard to orphan children, and to commence on the twenty-seventh day of November, eighteen hundred and sixty-one.

APPROVED, January 31, 1867.

CHAP. XXXIII.—An Act for the Relief of Captain James Starkey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to James Starkey, late captain of the St. Paul light cavalry, the amount by him paid to Richard Postel, for the loss of a horse killed in a fight with Indians, in eighteen hundred and fifty-seven.

APPROVED, February 5, 1867.

CHAP. XXXV.—An Act for the relief of E. J. Curley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, or cause to be paid, E. J. Curley, out of any money in the Treasury not otherwise appropriated, the sum of thirty-four thousand two hundred and forty-eight dollars and fifty-two cents, as compensation in full for corn purchased of him by Captain E. B. W. Reslieaux, assistant quartermaster, on the part of the Government.

APPROVED, February 8, 1867.

CHAP. XXXIX.—An Act for the Relief of Rufus C. Spalding, Paymaster in the *the* United States Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required, in adjusting the accounts of Rufus C. Spalding, as paymaster in the Navy of the United States, to cause the said Spalding to be credited with the sum of fourteen thousand five hundred and sixty-three dollars and seventy-three cents, being the sum of money stolen from the Government safe at the naval station at Mound City, Illinois, on the night of the twenty-first of December, one thousand eight hundred and sixty-five, which sum stands charged to his account as U. S. paymaster at said naval station: *Provided*, That nothing herein shall be so construed as to exempt from official or personal liability, or upon his bond, Assistant Paymaster J. S. Harvey.

APPROVED, February 15, 1867.

CHAP. XL.—An Act for the Relief of the Sureties of James T. Pollock, late Receiver at Crawfordsville, Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert C. Gregory, Henry Crawford, William Galey, and the other sureties of James T. Pollock, late receiver at Crawfordsville, Indiana, by bond to the United States, dated January thirtieth, in the year of our Lord eighteen hundred and thirty-seven, be, and they are hereby, released from their said liability arising from any defalcation, omission, or misconduct of the said James T. Pollock as such receiver, and the proper officer of the Treasury Department be, and he is hereby, authorized and directed to dismiss any and all suits that may have been instituted, and are now pending in favor of the United States, against the sureties aforesaid, growing out of the default of the said receiver, James T. Pollock.

APPROVED, February 15, 1867.

CHAP. XLIX.—An Act for the Relief of Alexander F. Pratt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay to Alexander F. Pratt three hundred dollars, in full for pursuing and capturing one Elijah K. Jauner, convicted of counterfeiting United States coin, out of any money in the Treasury not otherwise appropriated.

APPROVED, February 18, 1867.

CHAP. L.—An Act granting a Pension to Mrs. Jane Clements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Mrs. Jane Clements, of the District of Columbia, widow of Ignatius Clements, deceased, on the pension-roll, and that he pay her a pension at the rate of eight dollars per month, during her widowhood, commencing on the first day of August, eighteen hundred and sixty-four, the date of her husband's death. This act shall entitle the said Jane Clements to the benefit of the second section of the act approved July twenty-fifth, eighteen hundred and sixty-six, in regard to minor children of deceased soldiers, if it shall be established to the satisfaction of the Commissioner of Pensions that she has such minor child or children as would entitle her to the benefit of said section.

APPROVED, February 18, 1867.

CHAP. LI.—An Act granting an Additional Pension to Samuel Downing, one of the last surviving Soldiers of the Revolutionary War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll the name of Samuel Downing, one of the last surviving soldiers of the revolutionary war, for an additional pension, at the rate of five hundred dollars per annum, from the third day of September, anno Domini eighteen hundred and sixty-six, and to continue during the remainder of his life.

APPROVED, February 18, 1867.

CHAP. LII.—An Act for the Relief of Lemuel Worster.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Lemuel Worster, of Lebanon, York county, and State of Maine, upon the roll of invalid pensioners, and pay to him the sum of eight dollars per month.

APPROVED, February 18, 1867.

CHAP. LIII.—An Act for the Relief of Hiram Hedrick.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Hiram Hedrick, of Peoria, Illinois, late a private in company D, eleventh regiment Illinois cavalry, on the pension-rolls, at the rate of twenty-five dollars per month, and to pay him at this rate in lieu of the pension he is now receiving.

APPROVED, February 18, 1867.

CHAP. LIV.—An Act for the Relief of Mrs. Elizabeth Fletcher.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elizabeth Fletcher, widow of Captain L. W. Fletcher, late of company A, thirteenth regiment Tennessee cavalry, on the list of invalid pensioners, and pay or cause to be paid to her during widowhood the sum of twenty dollars per month from the date of the death of her late husband; and in the event of the death or remarriage of Elizabeth Fletcher, the Secretary of the Interior is then authorized and directed to pay to the legally appointed guardian of the orphan children of Captain L. W. Fletcher the pension awarded

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to Elizabeth Fletcher, until they shall respectively attain the age of sixteen years.
APPROVED, February 18, 1867.

CHAP. LV.—An Act for the Relief of John Morean, of Machias, N. Y.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John Morean, of Machias, N. Y., a soldier of the war of eighteen hundred and twelve, upon the pension-rolls, at the rate of eight dollars per month, and to continue during his natural life.
APPROVED, February 18, 1867.

CHAP. LXVIII.—An Act for the Relief of John Gray, a Revolutionary Soldier.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of John Gray, of Noble county, Ohio, upon the pension-roll, and that there be paid to said John Gray, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars per annum during his natural life, payable semi-annually, commencing on the first day of July, eighteen hundred and sixty-six.
APPROVED, February 22, 1867.

CHAP. LXIX.—An Act granting an Increased Pension to John J. Sohan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to allow and pay John J. Sohan, in consequence of total blindness, resulting from disease contracted in the line of his duty as a marine in the United States Navy, a pension at the rate of twenty-five dollars per month, commencing on the sixteenth day of August, eighteen hundred and sixty-six, and to continue during said disability, in lieu of the pension heretofore allowed to said Sohan by the Secretary of the Interior on the thirteenth day of October, eighteen hundred and sixty-six; to be paid out of the naval pension fund.
APPROVED, February 22, 1867.

CHAP. LXX.—An Act for the Relief of the Children of Solomon Long, under sixteen years of age.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the names of the children under sixteen years of age of Solomon Long, deceased, who was a private in company E, fifth regiment Kentucky cavalry volunteers, under the provisions of the existing laws in similar cases, to take effect from and after the passage of this act.
APPROVED, February 22, 1867.

CHAP. LXXI.—An Act for the Relief of Daniel Frederick Bakeman, a Revolutionary Soldier.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Daniel Frederick Bakeman, of Sandusky, New York, upon the pension-roll, and there be paid to said Daniel Frederick Bakeman, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars per annum during his natural life, payable semi-annually, commencing on the first day of July, eighteen hundred and sixty-six.
APPROVED, February 22, 1867.

CHAP. LXXII.—An Act for the Relief of Delia A. Jacobs, late Delia A. Fitzgerald.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Delia A. Jacobs, (late Fitzgerald,) *administrator* [administratrix] of Jesse Fitzgerald, deceased, who obtained a patent for an improved method of dressing treenails, dated twenty-eighth day of August, eighteen hundred and forty-nine, for fourteen years, which expired on the twenty-eighth August, eighteen hundred and sixty-three, be authorized to apply to the Commissioner of Patents for the extension of said patent for seven years under the rules and regulations now in force for the extension of patents, as if she had made application previous to its expiration as required by law; and the Commissioner of Patents is directed to investigate and decide the application for extension on the same evidence, and in the same manner, as other applications for extension are decided: *Provided*, That the application for extension be made within thirty days after approval of this act, and the decision of the Commissioner be rendered within ninety days from the filing of said application in the Patent Office: *And provided also*, That nothing herein shall be so construed as to hold responsible in damages any person who may have manufactured treenails or built or used machines containing the aforesaid improvement between the expiration of the patent and the approval of this act: *And provided also*, That the Commissioner shall be satisfied before granting such *extension* [extension] that it will inure entirely to the benefit of said Delia A. Jacobs.
APPROVED, February 22, 1867.

CHAP. LXXIII.—An Act for the Relief of John C. McFerran, of the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, directed to credit John C. McFerran, of the United States Army, with the sum of twelve hundred and sixty-five dollars, being the amount for which, as assistant commissary of subsistence in said Army, he erroneously receipted to Francis F. Thomas, also an assistant commissary in said Army, in excess of the amount of money actually paid over to him by the said Thomas at Santa Fé, in the Territory of New Mexico, in November, one thousand eight hundred and fifty.
APPROVED, February 22, 1867.

CHAP. LXXIV.—An Act for the Relief of James C. Cook.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James C. Cook have leave to make application to the Commissioner of Patents for an extension of his letters-patent, which were issued for the term of fourteen years from the twenty-seventh day of July, eighteen hundred and fifty-two, for an improvement in machines for forming button backs and connecting the eyes thereto, in the same manner as if he had filed his petition for an extension at least ninety days prior to the expiration of said patent, and that the Commissioner of Patents be authorized to consider and determine said application in the same manner as if it had been filed ninety days before the expiration of the patent.
APPROVED, February 22, 1867.

CHAP. LXXV.—An Act for the Relief of Catharine Mock.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, required to place upon the pension-roll the name of Catharine Mock, of the city of Baltimore, widow of William H. Mock, who was ordnance sergeant, and died, at or near Fort Mifflin, in eighteen hundred and thirty-seven; and that she be paid a pension at the rate of eight dollars per month, to commence from the first day of May, eighteen hundred and sixty-five, and continue during her natural life.
APPROVED, February 22, 1867.

CHAP. LXXXIV.—An Act for the Relief of Kennedy O'Brien.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Kennedy O'Brien, late a private in company K, fifth regiment Indiana volunteers, from eight dollars per month to twenty-five dollars per month, and to pay him such increased pension from the passage of this act.
APPROVED, February 25, 1867.

CHAP. LXXXV.—An Act granting a Pension to Charles N. Weiss.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Charles N. Weiss, of the District of Columbia, on the pension-roll, at the rate of fifteen dollars per month, to commence from the passage of this act and to continue during his natural life.
APPROVED, February 25, 1867.

CHAP. LXXXVI.—An Act granting a Pension to Olivia W. Cannon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Olivia W. Cannon, widow of Joseph S. Cannon, late a midshipman in the United States Navy, upon the pension-roll, at the rate of ten dollars per month, to commence upon the presentation of satisfactory proof of identity and widowhood, and to continue during her widowhood; said pension to be paid out of the naval pension fund.
APPROVED, February 25, 1867.

CHAP. LXXXVII.—An Act for the Benefit of Mrs. Jerusha Page.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Jerusha Page, of the State of Missouri, the widow of the late Thomas C. Page, deceased, on the pension-roll, at the rate of eight dollars per month, to commence from the passage of this act and to continue during her widowhood.
APPROVED, February 25, 1867.

CHAP. LXXXVIII.—An Act granting a Pension to Mrs. Adeline M. Gould.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Adeline M. Gould, mother of Eugene E. Gould, late a private in company F, third regiment Rhode Island cavalry volunteers, on the pension-roll, at the rate of eight dollars per month, to commence from the twenty-second day of December, eighteen hundred and sixty-four, and to continue during her widowhood.
APPROVED, February 25, 1867.

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CHAP. LXXXIX.—An Act granting a Pension to John Carter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John Carter, late a private in company H, fifth regiment United States infantry, on the pension-roll, at the rate of fifteen dollars per month, to commence from the passage of this act and to continue during his natural life.

APPROVED, February 25, 1867.

CHAP. XC.—An Act for the Relief [of] Charles Appleton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Charles Appleton, late a soldier in the United States Army, from eight dollars per month to fifteen dollars per month, and to pay him such increased pension from the passage of this act.

APPROVED, February 25, 1867.

CHAP. XCI.—An Act for the Relief of Mary A. Smith, of Johnson county, Tennessee, Widow of Alexander D. Smith, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, instructed to place the name of Mary A. Smith of Johnson county, Tennessee, on the pension-rolls, at the rate of thirty dollars per month, to commence from the fifth day of November, eighteen hundred and sixty-three, and to continue during her widowhood, upon satisfactory proof that she was and is the widow of Alexander D. Smith, late a lieutenant colonel of the thirteenth regiment Tennessee cavalry volunteers.

APPROVED, February 25, 1867.

CHAP. XCII.—An Act granting a Pension to Mrs. Ernestine Becker.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Ernestine Becker, widow of Leopold Becker, late captain of company D, twenty-fourth regiment Illinois infantry volunteers, on the pension-roll, at the rate of twenty dollars per month, to commence from the fifth day of May, eighteen hundred and sixty-five, and to continue during her widowhood.

APPROVED, February 25, 1867.

CHAP. XCIII.—An Act for the Relief of Caroline McGee, of Greene county, Tennessee, Widow of Lemuel McGee, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place the name of Mrs. Caroline McGee, of the county of Greene, and State of Tennessee, on the pension-roll, at the rate of eight dollars per month, to commence on the twenty-seventh day of November, eighteen hundred and sixty-four, and to continue during her widowhood, upon satisfactory proof that she was and is the widow of Lemuel McGee, late of Tennessee, who died while imprisoned at Belle Island, or Richmond, Virginia, during the late rebellion.

APPROVED, February 25, 1867.

CHAP. XCIV.—An Act granting a Pension to Mrs. Josephine Slocum.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Josephine Slocum, widow of Martin N. Slocum, late a second lieutenant in the sixty-fifth regiment United States colored infantry, on the pension-roll, at the rate of fifteen dollars per month, to commence from the thirtieth day of May, eighteen hundred and sixty-five, and to continue during her widowhood.

APPROVED, February 25, 1867.

CHAP. XCV.—An Act granting a Pension to Ezra B. Gordon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ezra B. Gordon, late a private in company "F," fourth regiment New Hampshire volunteers, on the pension-roll, subject to the provisions of the pension laws.

APPROVED, February 25, 1867.

CHAP. XCVI.—An Act for the Relief of Edward St. Clair Clarke.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the settlement of the accounts of Edward St. Clair Clarke, as assistant paymaster United States Navy, there shall be allowed him the sum of four thousand and twenty-two dollars on account of the loss of that amount of public funds in his hands, by theft, on the night of the ninth of May, eighteen hundred and sixty-three, the loss being without neglect or fault on the part of the said Clarke.

APPROVED, February 25, 1867.

CHAP. XCVII.—An Act granting a Pension to Patrick Meehan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Patrick Meehan, late a corporal in company I, eighty-ninth regiment Indiana volunteers, on the pension-roll, subject to the provisions of the pension laws, to commence from the sixth day of June, eighteen hundred and sixty-six.

APPROVED, February 25, 1867.

CHAP. CIV.—An Act for the Relief of Henry S. Davis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five thousand seven hundred and twenty dollars and four cents be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of Henry S. Davis, which shall be in full of the claim of said Davis against the United States for work done by him on the west wing of the Patent Office building, under his contract of November six, eighteen hundred and fifty-seven.

APPROVED, February 28, 1867.

CHAP. CV.—An Act for the Relief of Captain John J. Young, of the United States Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to audit and allow to Captain John J. Young, of the Navy of the United States, the pay of captain of the "retired list" of the Navy of the United States, from the twelfth day of August, eighteen hundred and fifty-four, the date of the commission of said John J. Young as captain aforesaid, to the tenth day of March, eighteen hundred and sixty-five, deducting therefrom all moneys which have been paid to the said Captain John J. Young by the United States between the dates above given.

APPROVED, February 28, 1867.

CHAP. CVI.—An Act for the Relief of James Tetlow.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to pay James Tetlow, contractor with the Navy Department, for building the four steam tug-boats called "Fortune," "Speedwell," "Standish," and "Mayflower," respectively, the sum of eighty-six thousand and four hundred dollars, and that the same be paid from any money heretofore appropriated for constructing vessels or machinery therefor, and not otherwise already expended.

APPROVED, February 28, 1867.

CHAP. CVII.—An Act for the Relief of William Mann and Jacob Senneff.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents be, and is hereby, authorized to hear and determine upon the application of William Mann for an extension of his letters-patent dated January eleventh, eighteen hundred and fifty-three, which expires July eleventh, eighteen hundred and sixty-six; and upon the application of Jacob Senneff for an extension of his letters-patent for wire heddles, dated January thirteenth, eighteen hundred and fifty-two, which expired January thirteenth, eighteen hundred and sixty-six, and to decide upon said applications with like effect as though the said applications had been duly filed ninety days before the expiration of said letters-patent; and the Commissioner of Patents is directed forthwith to publish the said application for the extension of said letters-patent with like effect as though said publication had been made sixty days before the expiration of said letters-patent. But no person shall be held liable for damage for using or making said heddles after the expiration of the original term of the patent and before the renewal.

APPROVED, February 28, 1867.

CHAP. CVIII.—An Act for the Relief of Henry P. Blanchard.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to Henry P. Blanchard, for his services as marshal at the port of Canton, in China, from February twenty-second, one thousand eight hundred and fifty-eight, to the first of July, one thousand eight hundred and sixty, the sum of two thousand three hundred and fifty-four dollars and twenty-four cents.

APPROVED, February 28, 1867.

CHAP. CIX.—An Act for the Relief of Hiram Paulding, Rear Admiral United States Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, directed to audit the accounts of Hiram Paulding while a captain in the United States Navy, covering his expenditures in the entertainment of foreign officers and people who visited the frigate "Saint Lawrence," under his command, at Southampton, not exceeding the sum of nine hundred and sixty-three dollars and ninety-two cents; and also his expenditures in entertaining the officers of the Governments of Bremerhaven and Stockholm,

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in the years eighteen hundred and forty-eight, eighteen hundred and forty-nine, and eighteen hundred and fifty, not exceeding the sum of two thousand six hundred and ninety dollars.

APPROVED, February 28, 1867.

CHAP. CX.—An Act granting back Pension to Margaret Boucher.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Margaret Boucher, widow of Michael Boucher, late of the twenty-sixth regiment of the District of Columbia militia, a pension at the rate of eight dollars per month, from the death of her husband to the date of her pension certificate, October eighteenth, eighteen hundred and sixty-six.

APPROVED, February 28, 1867.

CHAP. CXI.—An Act for the Relief of James Riddle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of James Riddle, a resident of the city of New York, and late of company G, eighth United States infantry, on the pension-rolls, at the rate of eight dollars per month, to commence from the twenty-ninth day of July, eighteen hundred and sixty-three.

APPROVED, February 28, 1867.

CHAP. CXII.—An Act for the Relief of J. and O. P. Cobb & Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to J. and O. P. Cobb & Co., of Aurora, Indiana, the sum of seven thousand eight hundred and ninety dollars and eighteen cents, out of any money heretofore or hereafter appropriated and applicable to the payment of claims against the quartermaster's bureau, in full discharge of all claim of the said J. and O. P. Cobb & Co. for hay taken and destroyed by order of General Boyle, on the Ohio river, in July, eighteen hundred and sixty-three.

APPROVED, February 28, 1867.

CHAP. CXIII.—An Act for the Relief of the Orphan Children of John Faris.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, or cause to be paid, to the legally-appointed guardian of the orphan children of John Faris, deceased, formerly of Paris, Henry county, Tennessee, until they severally attain the age of sixteen years, the pension awarded to the orphan children of soldiers killed in the line of duty, the same to be paid under the restrictions and limitations of the general pension laws.

APPROVED, February 28, 1867.

CHAP. CXIV.—An Act granting a Pension to Peter Fisher.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Peter Fisher, late a member of company G, thirty-seventh regiment Iowa infantry, on the pension-rolls, subject to the provisions of the pension laws, commencing on the twenty-fourth day of June, eighteen hundred and sixty-four, the date of his discharge.

APPROVED, February 28, 1867.

CHAP. CXV.—An Act for the Relief of Rufus L. Harvey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rufus L. Harvey, who enlisted in Captain Pitts' company of light artillery, in the war of eighteen hundred and twelve, on the pension-list, and pay or cause to be paid to him the sum of eight dollars per month.

APPROVED, February 28, 1867.

CHAP. CXVI.—An Act for the Relief of Thomas Glasgow.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Thomas Glasgow, who was in the service of the United States from November, eighteen hundred and fourteen, until June, eighteen hundred and fifteen, on the pension-rolls, at the rate of eight dollars per month, commencing March fourth, eighteen hundred and sixty-one, and to continue the same during his natural life.

APPROVED, February 28, 1867.

CHAP. CXVII.—An Act granting a Pension to Joseph Wrenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph Wrenn, late a private in company "M," ninth New York cavalry, on the pension-rolls, subject to the provisions of the pension laws.

APPROVED, February 28, 1867.

CHAP. CXVIII.—An Act for the Relief of Ann I. Duchman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ann I. Duchman on the pension-list, and pay, or cause to be paid to her, the pension to which she would have been entitled had her late husband, Lieutenant Colonel John N. Duchman, of the seventy-ninth Pennsylvania volunteers, been killed in battle instead of having died from disease contracted while in service; the payment of said pension to be under the restrictions and limitations of the general pension laws.

APPROVED, February 28, 1867.

CHAP. CXIX.—An Act for the Relief of Francis Barron.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Francis Barron, late of the third Iowa battery, on the pension-list, and pay, or cause to be paid to him, from the date of his discharge, the pension that he would have been allowed had a pension been granted by the Commissioner of Pensions; the pension of Francis Barron to be paid and to be continued under the restrictions and limitations of the general pension laws.

APPROVED, February 28, 1867.

CHAP. CXX.—An Act increasing the Pension of John Russell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John Russell, who was granted a pension of eight dollars per month, to commence from the seventh day of September, eighteen hundred and forty-nine, from eight dollars to twenty dollars per month.

APPROVED, February 28, 1867.

CHAP. CXXI.—An Act for the Relief of Levisa Daniel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Levisa Daniel, widow of Joseph Daniel, late of the first Tennessee volunteers, a pension, at the rate of eight dollars per month, from the ninth day of May, eighteen hundred and sixty-two, to the eleventh day of September, eighteen hundred and sixty-five.

APPROVED, February 28, 1867.

CHAP. CXXII.—An Act granting a Pension to Mary Fitzpatrick.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Fitzpatrick, widow of James W. Fitzpatrick, late an acting assistant surgeon United States Army, who died at Harwood Hospital on or about May sixth, eighteen hundred and sixty-four, on the pension-rolls, at the rate of seventeen dollars per month, commencing at the death of her husband, subject to the provisions of the pension laws.

APPROVED, February 28, 1867.

CHAP. CXXIII.—An Act granting Arrears of Pension to Lewis A. Horton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Lewis A. Horton, of Newburyport, Massachusetts, who was wounded on board the gunboat "Rhode Island," from eight dollars to twenty-five dollars per month, from the fourth day of July, eighteen hundred and sixty-four, to the sixth day of June, eighteen hundred and sixty-six, to be paid out of the naval pension fund.

APPROVED, February 28, 1867.

CHAP. CXXIV.—An Act for the Relief of Mary B. Fowler.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary B. Fowler, of Cleveland, Ohio, on the pension-rolls, at the rate of eight dollars per month, subject to the provisions of the law relative to dependent mothers of deceased soldiers.

APPROVED, February 28, 1867.

CHAP. CXXV.—An Act for the Relief of George W. Knabb.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, or cause to be paid, to the legally appointed trustee of Captain George W. Knabb, late of company A, eighty-eighth Pennsylvania volunteers, a pension at the rate of twenty dollars per month from the date of his discharge from the service of the United States to the time when he commenced receiving a pension from the Government.

APPROVED, February 28, 1867.

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CHAP. CXXVI.—An Act for the Relief of Daniel McMahon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Daniel McMahon, late a captain in the twentieth regiment New York State militia, a pension at the rate of twenty dollars per month, from June twenty-ninth, eighteen hundred and sixty-four, to February twenty-seventh, eighteen hundred and sixty-six.

APPROVED, February 28, 1867.

CHAP. CXXVII.—An Act for the Relief of William H. Hafer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William H. Hafer, late of company "E," second Pennsylvania cavalry, on the pension-list, and pay, or cause to be paid to him, the sum of fifteen dollars per month; and in the event of the death of said William H. Hafer, leaving a widow or orphan children, then the Secretary of the Interior is authorized and directed to pay the aforesaid pension to the widow or orphan children, under the limitations and restrictions as provided by the general pension laws; this act to take effect from and after its passage.

APPROVED, February 28, 1867.

CHAP. CXXVIII.—An Act increasing the Pension of Isabella Fogg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Isabella Fogg, who was granted a pension of eight dollars per month by an act of Congress approved April seventeenth, eighteen hundred and sixty-six, from eight dollars to twenty dollars per month.

APPROVED, February 28, 1867.

CHAP. CXXIX.—An Act for the Relief of Elizabeth Staley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elizabeth Staley, of Cincinnati, Ohio, mother of Theodore A. Jones, by adoption, and who died while a private of company "C," second regiment Missouri cavalry, in the service of the United States, on the pension-roll at eight dollars per month, commencing September seventeenth, eighteen hundred and sixty-four, and to continue while she remains a widow.

APPROVED, February 28, 1867.

CHAP. CXXX.—An Act granting a Pension to Mary Hosea.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior cause to be placed on the rolls of invalid pensioners the name of Mary Hosea, widow of James Hosea, late of Carbondale, Luzerne county, Pennsylvania, at the rate allowed by and subject to the general laws applicable to deputy provost-marshals, and to continue during widowhood.

APPROVED, February 28, 1867.

CHAP. CXXXI.—An Act granting a Pension to David B. Champion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of David B. Champion, late of company A, one hundred and eighty-third Pennsylvania volunteers, on the pension-rolls, at the rate of fifteen dollars per month.

APPROVED, February 28, 1867.

CHAP. CXXXII.—An Act granting a Pension to John Rogers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John Rogers, a soldier in the war of eighteen hundred and twelve, and a private in Captain James Payne's company of Virginia militia, on the pension-rolls, at the rate of eight dollars per month.

APPROVED, February 28, 1867.

CHAP. CXXXIII.—An Act for the Relief of Mary A. Cross.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid to Mary A. Cross, of Fremont, Ohio, widow of Hubbard H. Cross, late private in company F, seventy-second regiment Ohio volunteer infantry, a pension from the twelfth day of June, anno Domini eighteen hundred and sixty-two, (the date of the death of her husband,) to the date at which the pension heretofore granted to her commenced, and at the same rate.

APPROVED, February 28, 1867.

CHAP. CXXXIV.—An Act granting Arrears of Pension to Sally Allen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid to Sally Allen, widow of Isaac Allen, of Maine, twenty-five dollars and thirty-three cents, being the amount due her husband by special act of April twenty-sixth, eighteen hundred and sixty-four, at the time of his death.

APPROVED February 23, 1867.

CHAP. CXXXV.—An act granting a Pension to Effie J. Harvey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Effie J. Harvey, widow of Clinton D. Harvey, late an acting assistant paymaster in the United States Navy, on the pension-rolls, subject to the provisions of the pension laws.

APPROVED, February 28, 1867.

CHAP. CXXXVI.—An Act for the Relief of Nancy Hinton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Nancy Hinton, widow of John Hinton, late a private in Davis County Home Guard, on the pension-roll, at the rate of eight dollars per month, and continue during her widowhood; and in the event of the marriage or death of said Nancy Hinton, then to the minor children of John Hinton, subject to the limitations and restrictions of the pension laws.

APPROVED, February 28, 1867.

CHAP. CXXXVII.—An Act granting a Pension to William Gleason.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William Gleason, who enlisted on the fifth day of November, eighteen hundred and sixty, at Newport barracks, State of Kentucky, and was discharged on the fourteenth day of October, eighteen hundred and sixty-two, on the pension-rolls, at the rate of twenty-five dollars per month.

APPROVED, February 28, 1867.

CHAP. CXXXVIII.—An Act for the relief of Milton Velzy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to pay, out of any funds which may have been appropriated for the payment of pensions, to Milton Velzy, of Machias, Cattaraugus county, New York, late a private in company "C," one hundred and fourth regiment New York volunteers, the sum of two hundred and forty-nine dollars and eighty cents, it being at the rate of six dollars per month from the twenty-fourth day of December, eighteen hundred and sixty-two, to the thirteenth day of June, eighteen hundred and sixty-six.

APPROVED, February 28, 1867.

CHAP. CXXXIX.—An Act granting back Pension to Mary J. Dexter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary J. Dexter, widow of David H. Dexter, late a second lieutenant in the thirty-fourth regiment of Wisconsin volunteer infantry, on the pension-rolls, and to pay her a pension of fifteen dollars per month from the twenty-fifth day of March, eighteen hundred and sixty-three, to the tenth day of July, eighteen hundred and sixty-six.

APPROVED, February 28, 1867.

CHAP. CXL.—An Act for the Relief of Charles Valence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Charles Valence, late a private in company "E," forty-second regiment of Pennsylvania volunteers, upon the pension-roll, at the rate of eight dollars a month from the eighth day of September, eighteen hundred and sixty-two, the date of his discharge, up to the twenty-seventh day of January, eighteen hundred and sixty-four, the date of the commencement of his pension as allowed by the Pension Office.

APPROVED, February 28, 1867.

CHAP. CXLI.—An Act for the Relief of Mrs. Rachel McClelland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, or cause to be paid, to Mrs. Rachel McClelland, widow of private John F. McClelland, deceased, late of company "E," sixteenth regiment Ohio volunteers, a pension at the rate of eight dollars per month from the nineteenth day of September, eighteen hundred and sixty-two, to the sixth day of November, eighteen hundred sixty-six, at which latter date she was duly placed on the pension-roll by the said Secretary.

APPROVED, February 28, 1867.

CHAP. CXLII.—An Act increasing the Pension of Levi M. Roberts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the

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Interior be, and he is hereby, authorized and directed to place the name of Levi M. Roberts, who was granted a pension by a special act of Congress, in May, eighteen hundred and thirty, on the pension-rolls, at the rate of fifteen dollars per month, and to pay him at that rate from the sixth day of June, eighteen hundred and sixty-six, in lieu of any pension to which he may be entitled.

APPROVED, February 28, 1867.

CHAP. CXCVIII.—An Act for the Relief of Richard Chenery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to examine the claim of Richard Chenery, of California, for eight thousand dollars alleged to be due him for beef furnished to George P. Armstrong, temporary Indian agent for the tribes of Indians on Russian river and at Clear lake, and for which said Armstrong executed receipts, dated March twenty-three and May twenty-three, eighteen hundred and fifty-two, and if he shall believe, from such examination, that the property was furnished in good faith, and that the Government is justly indebted to the claimant as alleged, he shall cause the amount so found to be due to be paid to the said Chenery or his legal representatives: *Provided*, That in no event shall any greater sum than eight thousand dollars be paid: *And provided further*, That the sum paid shall be accepted in full and lasting discharge of this claim.

APPROVED, March 2, 1867.

CHAP. CXCIX.—An Act to authorize the Change of a Name.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Nathan Sargent Dustin be, and he is hereby, authorized to change his name by dropping therefrom the name of Dustin, and to bear that of Nathan Sargent, and that this act shall take effect from the first of January, eighteen hundred and sixty-seven.

APPROVED, March 2, 1867.

CHAP. CC.—An Act for the Relief of Sylvanus Sawyer and William E. Ward.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents, upon due application made to him, is authorized to extend the patents of Sylvanus Sawyer for an improvement in machinery for cutting rattan, dated June twenty-fourth, eighteen hundred and fifty-one, and which expired on the twenty-fourth day of June, eighteen hundred and sixty-five, and the patent of William E. Ward, for an improved machine for making rivets and screw blanks, dated December twenty-eighth, eighteen hundred and fifty-two, and which expired on the twenty-eighth day of December, eighteen hundred and sixty-six, upon the same evidence and principles as if applications had been made to him by said patentees respectively, in due time prior to the expiration of said patents: *Provided*, That in case the Commissioner on due inquiry shall extend such patents or either of them, that all persons who shall have made use of such inventions or machines, or either of them, between the periods of the expiration of said patents and the extension of the same by the Commissioner, shall be relieved from all liability for said use.

APPROVED, March 2, 1867.

CHAP. CCI.—An Act for the Relief of Mrs. Elizabeth F. Chipman, Widow of Major Charles Chipman, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Mrs. Elizabeth F. Chipman, widow of Major Charles Chipman, deceased, late of the twenty-ninth regiment Massachusetts volunteers, one hundred and twenty-five dollars, in payment for horse lost by her said husband in the military service on the eighteenth of August, eighteen hundred and sixty-three.

APPROVED, March 2, 1867.

CHAP. CCII.—An Act for the Relief of Ernest F. Kleinschmidt, of Cincinnati, Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ernest F. Kleinschmidt, of Cincinnati, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of twelve hundred and fifty dollars, to reimburse him for the same sum paid by him to the collector of internal revenue for the second district in Ohio for four city lots in Cincinnati, which lots were sold by said collector to the said Ernest F. Kleinschmidt for the payment of internal revenue tax, and which tax was subsequently declared by the superior court of Cincinnati to have been illegally assessed, and the sale of said lots to said Ernest F. Kleinschmidt held to have been null and void.

APPROVED, March 2, 1867.

CHAP. CCIII.—An Act for the Relief of Henry Rudd, of Henry county, Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry Rudd, of Henry county, Iowa, the sum of nine thousand one hundred and fifty dollars, out of any money in the Treasury not otherwise appropriated, in full for all losses and compensation to said Henry Rudd for horses purchased and delivered under a contract with the Government.

APPROVED, March 2, 1867.

CHAP. CCIV.—An Act for the Relief of James M. Bishop.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, directed to ascertain and allow to James M. Bishop, of Quincy, Illinois, for services in March and April, anno Domini eighteen hundred and sixty-three, to finish the work left undone on the assessment lists in the fourth district of Illinois by Mr. Sutkin, an assistant assessor, at his decease, such a sum, not exceeding two hundred and thirty-six dollars, as shall be equal to that now fixed by law to be paid assistant assessors for such service; the said sum of money, when ascertained, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, March 2, 1867.

CHAP. CCV.—An Act to authorize the Secretary of the Treasury to pay [a] certain Draft to W. W. Potter, late Acting Military Agent of the State of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid to W. W. Potter, late acting military agent of the State of New York, the sum of two hundred dollars in lieu of draft No. 7,828 on war warrant No. 9,861, dated September twenty-ninth, eighteen hundred and sixty-six, payable to the order of Andrew Smith, for the sum of two hundred dollars; the said Potter having paid to the said Smith the said sum of two hundred therefor: *Provided*, That before payment of said warrant the said W. W. Potter shall execute a bond of indemnity to the United States with sufficient sureties against the claim of the payee in said warrant.

APPROVED, March 2, 1867.

CHAP. CCVI.—An Act for the Relief of Oliver Lumphrey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Paymaster General of the United States Army be, and he is hereby, required to cause to be paid out of any money appropriated, or which may hereafter be appropriated, for the payment of the Army of the United States, to Oliver Lumphrey, late first lieutenant first New York cavalry, a sum that shall be equal to the pay of a first lieutenant of cavalry of the United States Army in active service, from the thirtieth day of March, anno Domini eighteen hundred and sixty-five, to the thirteenth day of June, anno Domini eighteen hundred and sixty-five, deducting therefrom any amount that he may have received as pay of a non-commissioned officer or private for the same period of time.

APPROVED, March 2, 1867.

CHAP. CCVII.—An Act for the Relief of Reverend Samuel M. Beatty, of Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to Samuel M. Beatty, of Ohio, out of any money in the Treasury not otherwise appropriated, the sum of four hundred and thirteen dollars and sixty cents, the pay and allowance due him as chaplain from January twelfth, eighteen hundred and sixty-three, to April twenty-fifth, eighteen hundred and sixty-three, at the United States hospital at Cleveland, Ohio.

APPROVED, March 2, 1867.

CHAP. CCVIII.—An Act for the Relief of the Heirs of John E. Bouligny.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, confirmed to Mary Elizabeth Bouligny, Corinne Bouligny, and Felice Bouligny, the widow and children of John E. Bouligny, deceased, the one sixth part of the land claim of Jean Antoine Bernard d'Autrive, in the State of Louisiana, said one sixth part amounting to seventy-five thousand eight hundred and forty acres; and that, inasmuch as the said land embraced in said claim *have* [has] been already appropriated by the United States to other purposes, certificates of new location, in eighty-acre lots, be issued to the said Mary Elizabeth Bouligny, for her own benefit and that of her said minor children, in lieu of said lands, to be located at any land office in the United States, upon any public lands subject to private entry at a price not exceeding one dollar and twenty-five cents per acre. The Commissioner of the General Land Office is hereby directed to issue said certificates of new location in accordance with existing regulations in such cases.

APPROVED, March 2, 1867.

CHAP. CCIX.—An Act for the Relief of Joshua H. Butterworth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents is hereby authorized and empowered to proceed upon, determine, and decide the application of Joshua H. Butterworth for an extension of his patent for his "improvement in safe and bank locks," the same as though the patent had not been extended once already; and the said Commissioner shall examine the said application, and decide upon the

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same on the same evidence and in the same manner as in other cases where extensions of patents are applied for, and without regard to the time when said application is made.

APPROVED, March 2, 1867.

CHAP. CCX.—An Act for the Relief of Frank Pugsley, late a Private Soldier in Company I, of the Third Regiment of New Hampshire Volunteers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the final settlement of the accounts of Frank Pugsley, as a private soldier in Company I, of the third regiment of New Hampshire volunteers, the accounting officers of the Treasury are authorized and required to regard the date of his discharge from the service of the United States as of the twenty-fourth day of October, eighteen hundred and sixty-two, and to compute his pay and allowances as such soldier to that time.

APPROVED, March 2, 1867.

CHAP. CCXI.—An Act for the Relief of William H. Webb.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to release to William H. Webb, of New York, all right, title, interest, and demand of the United States in and to the iron-clad steamship Dunderburg, built by said Webb under a contract with the Navy Department, upon payment by said Webb into the Treasury of the United States, within one year from the passage of this act, any and all sums of money paid or advanced by the Secretary, or by his order, to said Webb on account of said contract.

APPROVED, March 2, 1867.

CHAP. CCXII.—An act for the Relief of James Fulton, Paymaster United States Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Government be, and they are hereby, authorized and directed, in the settlement of the accounts of James Fulton, paymaster United States Navy, to allow a credit of seventeen thousand two hundred and thirteen dollars and ninety-five cents for clothing and small stores abstracted from the inspection building in charge of said Fulton while on duty at the navy-yard, Washington.

APPROVED, March 2, 1867.

CHAP. CCXIII.—An Act for the Relief of Captain Elias Beale, late Captain Company H, Eighth Regiment Tennessee Volunteer Infantry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Paymaster General of the United States Army be, and he is hereby, authorized and directed to settle and pay, out of any money appropriated, or hereafter to be appropriated, for the payment of the Army, the account of Elias Beale, late a captain of company H, eighth regiment Tennessee volunteer infantry, for his services and all allowances as captain in said regiment in the service of the United States, from the twenty-fifth day of July, eighteen hundred and sixty-three, to the thirtieth day of June, eighteen hundred and sixty-five, being to the time he was mustered out of said service, deducting from the same all moneys that have been paid to him as a private in said service during said time.

APPROVED, March 2, 1867.

CHAP. CCXIV.—An Act for the Relief of Thomas D. Burrall.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the letters-patent granted to Thomas D. Burrall, on the sixth day of December, one thousand eight hundred and forty-five, for improvements in corn-shellers, and which was extended by the Commissioner of Patents and afterward surrendered and reissued, which reissue bears date the tenth day of October, one thousand eight hundred and sixty-five, and which will expire on the sixth day of December, one thousand eight hundred and sixty-six, be, and the same is hereby, extended for the term of seven years, commencing on the said sixth day of December, one thousand eight hundred and sixty-six, and ending on the sixth day of December, one thousand eight hundred and seventy-three, for the benefit of the said Burrall, his heirs and legal representatives, upon the conditions hereinafter set forth. And the Commissioner of Patents is hereby directed, upon the presentation of said patent and the payment of the fees and charges provided by law, to extend said patent by making a certificate thereon, or upon a certified copy thereof, of such extension in the name of the said Thomas D. Burrall, if in his judgment upon full hearing that the same should be granted. And the said Commissioner is hereby further directed to cause said extension, if perfected, to be entered on the record of the Patent Office. And the said patent, so extended, shall have the same effect as if originally granted for the term extending to the end of the term to which it is extended by this act: *Provided, however*, That said extended patent shall be open to legal inquiry and decision in the same manner as if issued under the general law relating to patents: *And provided further*, That all persons enjoying the lawful use of the improvements secured by said patent, and the purchaser of any machine so in use, may continue to use the same as if this act had not passed.

APPROVED, March 2, 1867.

CHAP. CCXV.—An Act to extend to, and for the Benefit of, Eliza Wells, Letters-Patent, heretofore issued to Henry A. Wells, deceased.

Whereas Henry A. Wells, late of the city of New York, did obtain letters-patent of the United States for valuable "improvements in the process of and machinery for making hatbodies," which letters-patent bore date the twenty-fifth day of April, eighteen hundred and forty-six, and were granted for the term of fourteen years from said date; and whereas the said Henry A. Wells departed this life on the twenty-seventh day of March, eighteen hundred and fifty-one, leaving Eliza Wells, of the said city of New York, his widow, to whom letters of administration on the estate of said Henry A. Wells were duly granted; and whereas the said letters-patent were reissued to Charles St. John and others, assignees, in two divisions, one bearing date the thirtieth day of September, eighteen hundred and fifty-six, and numbered three hundred and ninety-six, and the other bearing date the seventh day of October, eighteen hundred and fifty-six, and numbered four hundred; and whereas the said reissued letters-patent were duly extended by the Commissioner of Patents on the twenty-fifth day of April, eighteen hundred and sixty, for the term of seven years from said last-mentioned date, for the benefit of the said Eliza Wells, administratrix as aforesaid; and whereas on the fourth day of December, eighteen hundred and sixty, said reissued and extended letters-patent were surrendered and again reissued to Henry A. Burr, assignee, in two divisions, numbered ten hundred and eighty-six and ten hundred and eighty-seven; and whereas said reissued letters-patent, numbered ten hundred and eighty-six, were surrendered and again reissued on the seventeenth day of June, eighteen hundred and sixty-two, said reissued letters-patent being numbered thirteen hundred and eighteen; and whereas said extended term will expire the twenty-fifth day of April, eighteen hundred and sixty-seven; and whereas it appears that said invention is of great value and importance to the public, and that the said Henry A. Wells, in his lifetime, and the said Eliza Wells, administratrix as aforesaid, since his decease, failed to receive from the use and sale of said invention a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said reissued letters-patent, numbered one thousand and eighty-seven, and bearing date the fourth day of December, eighteen hundred and sixty, and said reissued letters-patent, numbered one thousand three hundred and eighteen, and bearing date the seventeenth day of June, eighteen hundred and sixty-two, be, and the same are hereby, extended to and for the benefit of the said Eliza Wells, as administratrix of the estate of the said Henry A. Wells, deceased, for the further term of seven years from and after the twenty-fifth day of April, eighteen hundred and sixty-seven.

APPROVED, March 2, 1867.

CHAP. CCXVI.—An Act for the Relief of Hugh Leddy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and required to pay Hugh Leddy, out of any money in the Treasury not otherwise appropriated, the sum of six hundred and eighty-two dollars and forty cents, in full for liquors wrongfully seized, by order of the provost-marshal, on the second of September, eighteen hundred and sixty-two, and appropriated to the use of Government through the medical department.

APPROVED, March 2, 1867.

RESOLUTIONS.

No. 2.—A Resolution in Relation to the Settlement of the Accounts of William P. Wingate, Collector at the Port of Bangor, Maine.

Whereas certain goods (molasses and salt) were imported by Fisk and Dale, Josiah Towle, and Morse and Company, and held in bond at the custom-house in Bangor, Maine, on the second day of May, anno Domini eighteen hundred and sixty-four, and were on that day released and withdrawn upon payment of the duties imposed thereon prior to the enactment of the joint resolution of April twenty-nine, eighteen hundred and sixty-four, the collector not then having received official notice of such enactment; and whereas the said collector is now charged with fifty per centum additional to the amount already paid upon said goods, and claims to hold the importers to pay the same to him: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed, in the settlement of the accounts of William P. Wingate, collector at the port of Bangor, Maine, not to exact from him the payment of the additional duty of fifty per centum imposed by the joint resolution of April twenty-ninth, eighteen hundred and sixty-four, on the merchandise withdrawn for consumption by the parties aforesaid on the second day of May, eighteen hundred and sixty-four, and to order the cancellation of the several bonds given by the importers in the above cases.

APPROVED, January 5, 1867.

No. 9.—A Resolution for the Relief of Mrs. Abby Green.

Whereas it appears from the evidence of General H. C. Hobart, Colonel A. D. Streight,

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and Captain John F. Porter, jr., late of the United States Army, that Mrs. Abby Green, then of Richmond, Virginia, by her courage, patriotic devotion, and assistance, from May, eighteen hundred and sixty-three, to February, eighteen hundred and sixty-four, enabling one hundred and nine officers and soldiers of the United States to make their escape from Libby prison, in Richmond, Virginia, and from the hands of our enemies, has deserved well of the country:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one thousand five hundred dollars be paid to said Abby Green, her heirs or administrator, in compensation for her services, out of any money in the Treasury not otherwise appropriated.

APPROVED, January 29, 1867.

No. 10.—Joint Resolution for the Relief of William D. Nelson.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to William D. Nelson one thousand dollars for his services in recruiting for the Union Army in East Tennessee during the years eighteen hundred and sixty-one and eighteen hundred and sixty-two.

APPROVED, January 31, 1867.

No. 13.—Joint Resolution for the Relief of certain settlers on the Sioux Reservation, in the State of Minnesota.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That those persons who settled and made improvements upon lands now included in the Sioux reservation in Minnesota, and filed notice of their claims in the proper local land office, before the boundaries of said reservation were definitely surveyed and located, shall be, and are hereby, authorized to enter the lands thus settled upon, as in other cases of preëmption, upon the payment of one dollar and twenty-five cents per acre therefor, under such rules and regulations as may be provided by the Secretary of the Interior.

APPROVED, February 8, 1867.

No. 18.—A Resolution for the Relief of Paul S. Forbes, under his Contract with the Navy Department for building and furnishing the Steam Screw Sloop-of-War Idaho.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, instructed to accept the steam screw sloop-of-war Idaho, of the contractor, Paul S. Forbes, at the price of five hundred and fifty thousand dollars, already paid said Forbes, and which shall be in full discharge of his contract with the Navy Department on account of said steamship.

APPROVED, February 18, 1867.

No. 19.—A Resolution for the Relief of Charles Clark, Marshal of the United States for the District of Maine.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, in the settlement of the accounts of Charles Clark, marshal of the United States for the district of Maine, to allow him credit for such sum of public money as was in his charge as marshal, not to exceed three thousand and twenty-eight dollars, as he may be satisfied was burned in said marshal's office, in the custom-house building at Portland, Maine, on the fourth day of July last.

APPROVED, February 18, 1867.

No. 20.—Joint Resolution for the Relief of James Keenan.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is directed, in the settlement of the accounts of James Keenan, late consul at Hong Kong, China, to pay his legal representatives the amount of exchange to which he would have been entitled for loss had he drawn the several balances due him on the adjustment of his accounts.

APPROVED, February 18, 1867.

No. 24.—Joint Resolution for the Relief of Ober, Nanson and Company, Merchants, of New York.

Whereas Ober, Nanson and Company, of the city of New York, did, on October eighteen, eighteen hundred and sixty-five, deposit in the post office of the city of New York a sealed package, containing twelve hundred compound-interest notes of the United States, each of the denomination of fifty dollars, dated September one, eighteen hundred and sixty-five, and falling due September one, eighteen hundred and sixty-eight, amounting to sixty thousand dollars, which notes are described as follows: $5,000, letter D, numbers 272,801 to 272,900 inclusive; $5,000, letter A, numbers 276,201 to 276,300 inclusive; $5,000, letter C, numbers 270,801 to 270,900 inclusive; $5,000, letter A, numbers 268,601 to 268,700 inclusive; $5,000, letter C, numbers 268,601 to 268,700 inclusive; $5,000, letter C, numbers 268,301 to 268,400 inclusive; $5,000, letter C, numbers 275,501 to 275,600 inclusive; $5,000, letter D, numbers 270,501 to 270,600 inclusive; $5,000, letter C, numbers 275,301 to 275,400 inclusive; $5,000, letter D, numbers 276,201 to 276,300 inclusive; $5,000, letter A, numbers 275,601 to 275,700 inclusive; $5,000, letter A, numbers 275,901 to 276,000 inclusive; which package was directed to Ober, Atwater and Company, merchants of the city of New Orleans, and was registered, and receipt given by the postmaster at New York, dated October eighteen, eighteen hundred and sixty-five, and was dispatched through the United States mail, on the steamship "Republic," to its place of destination, as certified by the postmaster of New York; and whereas said steamship "Republic," with the United States mails thereon, containing said sealed package, was sunk and lost in the sea on the twenty-fifth day of October, eighteen hundred and sixty-five, at a point about one hundred and forty miles east of Savannah, Georgia, and no part of the mail on board was saved or recovered: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay said Ober, Nanson, and Company, or their assigns or legal representatives, the amount of said notes, supposed to be lost as aforesaid, with the interest thereon to the time of their maturity, at any time within sixth months after the maturity thereof: *Provided*, That there shall not appear, before such payment, evidence satisfactory to the Secretary of the Treasury that said notes have not been lost and destroyed: *Provided further*, That the Secretary of the Treasury shall require of said Ober, Nanson, and Company, their assigns or legal representatives, to execute and deliver such bond of indemnity, with adequate sureties, as he may deem necessary, before such payment is made.

APPROVED, February 22, 1867.

No. 25.—Joint Resolution for the Relief of Stephen E. Jones.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Paymaster General is hereby directed to pay to Stephen E. Jones the full pay and allowances of a first lieutenant of cavalry for the period during which he actually served as aid-de-camp on the staff of General Nelson and General George H. Thomas, prior to his muster into the United States service.

APPROVED, February 22, 1867.

No. 29.—A Resolution for the Relief of Martha McCook.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, or cause to be paid, out of any moneys appropriated for the payment of pensions, to Mrs. Martha McCook, widow of the late Major McCook, of Jefferson county, Ohio, in consideration of the services of her husband and eight sons to the country in the late war for the Union, four of whom perished of wounds received in battle when in the line of their duty, an annuity, from and after the passage of this resolution, and during her natural life, of two hundred and fifty dollars per annum, to be paid semi-annually.

APPROVED, February 25, 1867.

No. 34.—Joint Resolution to permit Captain John A. Webster, jr., of the steamer "Mahoning," to receive from the Government of Great Britain a Gold Chronometer.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That John A. Webster, jr., of the revenue-cutter service, captain of the steamer "Mahoning," be, and he is hereby, permitted to receive from the Government of Great Britain a gold chronometer, which that Government is desirous to award to him, in token of its appreciation of valuable services rendered by Captain Webster to several British vessels in distress on our coast.

APPROVED, February 28, 1867.

No. 35.—Joint Resolution authorizing the Secretary of War to adjust and settle the Claim of D. Randolph Martin, Assignee of the Washington, Alexandria, and Georgetown Railroad Company.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to adjust and settle the claim of D. Randolph Martin, assignee of the Washington, Alexandria, and Georgetown Railroad Company, for the use and occupation of the road of said company by the United States from and after the eleventh day of January, eighteen hundred and sixty-two, until August, eighteen hundred and sixty-five, and to pay said Martin such sum as may be found equitably due for such use and occupation.

APPROVED, February 28, 1867.

No. 36.—Joint Resolution for the Relief of Daniel Cole.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior Department be directed to place on the list of pensions the name of Daniel Cole, at the rate of eight dollars per month from the date of the passage of this act.

APPROVED, February 28, 1867.

No. 37.—Joint Resolution for the Relief of Virginia S. Wilson, widow of the late Captain George W. Wilson.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior cause to be paid to Virginia S. Wilson, widow of George W. Wilson, deceased, late a

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captain of company G, second Eastern Shore regiment, Maryland volunteers, the sum of two hundred and seventy-two dollars, it being the amount of the pension accruing to said George W. Wilson, between the third day of January, eighteen hundred and sixty-five, the date of his muster-out from the United States service, and the twenty first day of February, eighteen hundred and sixty-six, the date of his original application for a pension, and which he failed to obtain in his life time by reason of his application not being filed within one year from the date of his disability.

APPROVED, February 28, 1867.

No. 38.—Joint Resolution for the Relief of Walter C. Whitaker.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Walter C. Whitaker is entitled to pay and allowances as colonel of the sixth Kentucky volunteer infantry from the ninth day of September, eighteen hundred and sixty-one, to the first day of January, eighteen hundred and sixty-two, inclusive, and the Paymaster General be, and he is, directed to pay him accordingly.

APPROVED, February 28, 1867.

No. 39.—Joint Resolution for the Relief of Obadiah Aderton.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Obadiah Aderton, of the State of Maine, on the list of pensions at the rate of eight dollars per month, payment to commence with the date of the passage of this joint resolution.

APPROVED, February 28, 1867.

No. 40.—Joint Resolution for the Relief of the Mother of Charles O. Rowohl.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, or cause to be paid, to the mother of Charles O. Rowohl, deceased, late of company I, eighth regiment Kansas volunteers, eight dollars per month, from the date of the death of her son, Charles O. Rowohl, to the time when she commenced receiving a pension under the general pension laws.

APPROVED, February 28, 1867.

No. 41.—Joint Resolution for the Relief of the Orphan Children of William Whelan.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay or have paid to the legally-appointed guardian of the orphan children of William Whelan, late a soldier in company H, one hundred and sixth Pennsylvania volunteers, the same pension allowed by law to the orphan children of soldiers having died of disease contracted in the line of duty, and under the same limitations imposed by said law. This joint resolution to take effect from the death of the aforesaid William Whelan.

APPROVED, February 28, 1867.

No. 43.—Joint Resolution to audit and pay the Claim of Tuller and Fisher, of Missouri.

Whereas the horses, coaches, stage property, and means of transportation of Messrs. Owen Tuller and Ulysses E. Fisher, mail contractors on mail route number ten thousand six hundred and forty-eight, between Springfield and Rolla, in the State of Missouri, were impressed in the military service and taken possession of and used by competent military authority, by reason of which a large amount of said property was captured by the enemy and lost to said contractors: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required to have the claim of said Tuller and Fisher audited, and to pay to them, out of any money in the Treasury not otherwise appropriated, the amount that shall be found due them for such losses, not exceeding the sum of twelve thousand five hundred dollars.

APPROVED, March 1, 1867.

No. 61.—Joint Resolution to pay Lieutenant John H. Hamlin for Military Services.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Paymaster General of the United States Army be, and he is hereby, directed to pay to John H. Hamlin, of Michigan, late a first lieutenant in the seventh regiment of Michigan cavalry, the full pay and allowances of a second lieutenant of cavalry for the time from the first day of July, eighteen hundred and sixty-three, to the twenty-eighth day of March, eighteen hundred and sixty-four, when he was mustered in as a first lieutenant.

APPROVED, March 2, 1867.

No. 62.—A Resolution for the Relief of Dempsey Reece, of Indiana.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be authorized and required to receive proposals for carrying the United States mail on route No. 12068, between Newcastle and Mechanicburg, in the State of Indiana; and when such bid shall be accepted, Dempsey Reece, the present contractor, shall be discharged from any further performance of his contract.

SEC. 2. *And be it further resolved*, That this joint resolution shall take effect and be in force from and after its passage.

APPROVED, March 2, 1867.

No. 63.—Joint Resolution authorizing the Secretary of the Treasury to audit and settle the Accounts of John Sedgewick, Collector of Internal Revenue for the third Collection District of California.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to audit and settle the accounts of John Sedgewick, collector of internal revenue for the third collection district of California, for the fiscal year ending June thirty, eighteen hundred and sixty-four, as to him may appear just and equitable.

APPROVED, March 2, 1867.

No. 64.—Joint Resolution for the Relief of Almanson Eaton, Receiver of Public Money for the Land Office at Stevens's Point, Wisconsin.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior and the Secretary of the Treasury and the proper accounting officers in their Departments, in settling the accounts of Almanson Eaton, receiver of public moneys for the district of lands subject to sale at Stevens's Point, Wisconsin, shall, upon satisfactory evidence being made and filed, allow and credit to said receiver the sum of two thousand and ninety-two dollars and seventy-two cents, public money, lost and destroyed by fire in the burning of the offices, books, papers, and the public money of the register and receiver at Stevens's Point, Wisconsin, on the night of the twenty-ninth of December, A. D. eighteen hundred and sixty-five.

APPROVED, March 2, 1867.

No. 65.—Joint Resolution referring the Papers in the Case of F. A. Gibbons and F. X. Kelley to the Court of Claims.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the papers in the case of Francis A. Gibbons and F. X. Kelley be referred back to the Court of Claims, and the court shall be authorized, if of opinion that the ends of justice will be subserved thereby, to grant a rehearing of the case on an amended petition, without prejudice to the claim by reason of the former decision of said court.

APPROVED, March 2, 1867.

No. 66.—Joint Resolution authorizing the Secretary of the Treasury to audit and pay the Claim of John R. Beckley.

Whereas divers horses, the property of John R. Beckley, mail contractor on mail routes number ninety-six hundred and thirty-four and number ninety-six hundred and nineteen, in the State of Kentucky, were, during the late war, captured by the rebel forces and guerrillas, and lost to said contractor, while endeavoring to carry out his contract with the United States: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to have the claim of said John R. Beckley audited, and to pay him the amount which shall be found due for the loss of property in carrying the mail, out of any money in the Treasury not otherwise appropriated: *Provided*, That said amount shall not exceed the sum of five thousand nine hundred and fifty dollars: *And provided further*, That it shall appear that said property was lost without any fault or negligence on the part of said John R. Beckley.

APPROVED March 2, 1867.

No. 67.—Joint Resolution for the Relief of James I. Hudnall.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, in the settlement of the accounts of James I. Hudnall, collector of the sixth congressional district of the State of Kentucky, to credit him with the sum of nineteen hundred dollars, in full for money lost by him in the town of Petersburg, Boone county, in the State of Kentucky, on the *ninth* [night] of the sixteenth of August, eighteen hundred and sixty-six.

APPROVED March 2, 1867.

No. 68.—A Resolution for the Relief of Joseph R. Morris.

Whereas it appears from the records of the Patent Office of the United States, at the city of Washington, that Joseph R. Morris, of the city of Houston, in the State of Texas, on the thirteenth day of April, Anno Domini eighteen hundred and sixty-one, filed his petition, affidavit, specification, and drawing, and made application for a patent for "a new and useful improvement in furnaces," and paid the customary fee on such application; that on the fifteenth day of April aforesaid he deposited his model of said improvement according to law in the Patent Office aforesaid; that on the eighth day of June thereafter said invention was examined by the examiner, and a patent duly ordered to be issued; that on the eleventh day of June thereafter a circular was issued by said Patent Office to the effect that said patent was ordered to be issued in accordance with said application upon the payment of the final fee of twenty dollars; and whereas it appears that said Joseph R. Morris was prevented from

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obtaining his patent by the state of civil war which interdicted all communication between the State of Texas and the Patent Office at the city of Washington: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents be, and he is hereby, authorized to issue said patent to said Joseph R. Morris as of the date and with like effect as though the same had been issued on the eighth day of June, eighteen hundred and sixty-one, except that said patent may be issued to run the usual number of years from the actual time of the issuance thereof, any law to the contrary hereof notwithstanding: *Provided*, That if, at or prior to the day when said patent shall actually be issued, any person or persons shall be actually using said improvement in furnaces, such person or persons shall not be made liable in damages for such prior use, or for the continuing use of such as have already been constructed.

APPROVED, March 2, 1867.

No. 69.—A Resolution for the Relief of certain Enlisted Men of the Seventh Regiment of West Virginia Volunteers.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be directed to cause to be paid to William T. Connell, John Keplinger, and Isaac Conrad, full pay and allowances as private soldiers from August seventeenth, eighteen hundred and sixty-one, to January ninth, eighteen hundred and sixty-three, on presentation of satisfactory proof that they were duly enlisted in the seventh regiment West Virginia volunteers as such, and that their muster into service was prevented by their capture and detention as prisoners of war, from September seventh, eighteen hundred and sixty-one, to the date embraced by this resolution.

APPROVED, March 2, 1867.

No. 70.—A Resolution for the Relief of Dyer B. Pettijohn.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be directed to cause to be paid to Dyer B. Pettijohn the full pay and emoluments of a second lieutenant of infantry, of the first company of sharpshooters, Minnesota volunteers, from the thirtieth day of May, eighteen hundred and sixty-three, to the twentieth day of May, eighteen hundred and sixty-five, deducting therefrom any amount he may have received as an enlisted man during the time specified.

APPROVED, March 2, 1867.

No. 71.—Joint Resolution for the Relief of J. H. Riley.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred dollars be allowed and paid to J. H. Riley for services rendered by him as clerk to the House Committee on the Pacific Rarilroad during the first and second sessions of the present Congress.

APPROVED, March 2, 1867.

No. 72.—A Resolution authorizing Gustavus V. Fox, late Assistant Secretary of the Navy, and the Officers of the iron-clad Miantonomah and gunboat Augusta, to accept presents tendered them by the Emperor of Russia.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomah and gunboat Augusta, may accept any books or other presents which have been tendered to them by the Emperor of Russia on the occasion of their late visit to Russia. And that the presents hereby authorized to be received may be admitted into the ports of the United States free of duty.

APPROVED, March 2, 1867.

THE END.

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